



SUBJECT: Licensing By-law update and workplan

TO: Committee of the Whole

FROM: By-Law Compliance Department

Report Number: BL-02-24

Wards Affected: All

Date to Committee: February 5, 2024

Date to Council: February 13, 2024

Recommendation:

Receive and file by-law compliance department report BL-02-24 outlining the workplan for updating licensing by-laws in the City of Burlington.

PURPOSE:

To provide an overview of the steps and timeline required to overhaul business licensing in the City of Burlington.

Vision to Focus Alignment:

- Building more citizen engagement, community health and culture
- Deliver customer centric services with a focus on efficiency and technology transformation

Background and Discussion:

The By-law Compliance Department will be commencing a comprehensive review of existing business licensing by-laws in the City of Burlington. Existing licensing by-laws are approximately 15 years old (implemented in 2008-2009) so a review is warranted to ensure regulations match market conditions. There are two main goals for the review and update:

1. Ensure the licensing by-law is clear and concise, matches current business operations and regulates only what is necessary to ensure the health and safety of the community.
2. Investigate and make recommendations regarding the addition of key items currently missing as noted in outstanding Council Directions including taxi/rideshare (BB-12-21) pet boarding (SD-27-23) and short-term housing rentals (SD-20-21,22,23,24-23).

From an administrative perspective, there are several items that need to be addressed:

- **Consolidation of by-laws** – Currently, there are three separate by-laws related to licensing – Business Licensing By-law 42-2008, Public Vehicles By-law 20-2009, and Adult Entertainment By-law 1-2008. There is some overlap between the by-laws which can cause confusion and affect the ability to enforce (e.g., sale of adult magazines included in Business Licensing but also part of Adult Entertainment). The intention is to merge all categories into one comprehensive by-law.
- **Enforcement/Power of Inspection** – Each licensing by-law has differing powers in terms of enforcement and inspection which can make it difficult when dealing with businesses that may fall into multiple categories. They also lack the legal wording which would allow for inclusion in an administrative penalty system which will likely be implemented in the next year.
- **Format/Definitions** – The current format of the licensing by-laws require renumbering of all sections when certain portions are updated. This increases the risk of introducing errors that undermine the effectiveness and enforceability of the by-law. There are many definitions included with the intention of aiding users which conflict with the legal requirements of the by-law. These should be removed. Clarification can always be given through a companion guideline document.
- **Special Event Conflicts** – There are several licensing categories that regularly apply to events (e.g., carnival, refreshment vehicles, transient trader). Since the City only approves events on public property, there is a category in the licensing by-law that relates to ‘festivals on private property’. Unfortunately, the definition of ‘festival’ or ‘event’ is not consistent which results in confusion and duplication. Staff will be working with the Recreation Community & Culture Section as they review their special event policies and update the licensing by-laws to ensure efficiency without compromising health and safety.

- **Appeal Process** – Business Licensing By-law 42-2008 requires a Committee of Council to review any licensing enforcement appeals. As the City of Burlington intends to implement an Administrative Penalty System within the next year, there will be other option available. These will be reviewed as part of the by-law update.

As each business category will require public consultation and notification, the by-law categories will be reviewed and replaced on an iterative basis. Otherwise, it could take up to two years before new regulations are implemented. Staff need time to present proposed changes, elicit feedback and modify their proposal for each category. There are 18 existing categories in Business Licensing By-law 42-2008 in addition to the regulations in Public Vehicle and Adult Entertainment By-law.

The focus in 2024 will be on addressing outstanding Council Directions. The proposed 2024 workplan is as follows:

COMMITTEE OF THE WHOLE DATE	LICENSING ITEM
May 2024	Initial update to format of Business Licensing By-law 42-2008 to allow for an iterative review and update process. Update definitions, reformat layout so each category is a separate schedule, clarify powers of inspection and enforcement, recommend appeal process.
June 2024	Pet Boarding Recommendations
October 2024	Public Vehicle (i.e., Taxi/Rideshare) Recommendations
November 2024	Short-Term Rental Recommendations

All other categories will be reviewed as time permits with the goal of having a final comprehensive, consolidated document in 2025.

Financial Matters:

Total Financial Impact

Not applicable. Additional revenue is expected as categories are added but the impacts will be discussed when the recommended by-law changes are presented to Committee/Council. In addition to reviewing the regulations, the fees associated with the categories will be reviewed.

Other Resource Impacts

The proposed by-law additions were anticipated as part of the By-law Compliance Department recommendation so additional staff beyond what has already been recommend is not expected. Staff will review the renewal timeline for each business category. If possible, longer renewal dates (e.g., 2-year vs. 1-year licences) will be recommended to minimize the impact on staff. The focus will be on revamping processes related to proactive renewals to reduce the need for enforcement.

Climate Implications:

Not applicable.

Engagement Matters:

Staff will be conducting municipal scans, reviewing historical files, and developing potential regulations which will then be presented to the public for review and comment prior to recommendations being made to Council. Depending on the extent of the changes, this may include public meetings, open houses, or industry specific meetings.

Conclusion:

The proposed workplan will ensure that key licensing issues currently outstanding in the City of Burlington can be addressed in 2024.

Respectfully submitted,

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Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer, and the Executive Director of Legal Services & Corporation Counsel.