
SUBJECT: Appeals Committee and proposed business licensing by-law amendments
TO: Special Meeting of Council

FROM: Development and Growth Management
By-law Compliance

Report Number: DGM-57-25

Wards Affected: All

Date to Committee: N/A

Date to Council: August 13, 2025

Recommendation

Dissolve the current Licensing Appeals Committee and approve the Appeals Committee Terms of Reference, attached as Appendix A to development and growth management report DGM-57-25, establishing the new Appeals Committee; and

Approve the amendment to Public Vehicle License By-law 20-2009, a bylaw to provide for the licensing, regulating and governing of Public Vehicles in the City of Burlington in order to change the appeals process and provide additional time for business owners to appeal decisions of the City, attached in draft form as Appendix B to development and growth management report DGM-57-25, in a form satisfactory to the Commissioner, Legal and Legislative Services/City Solicitor; and

Approve the amendment to Business License By-law 42-2008, a bylaw to provide for the licensing, regulating and governing of various businesses in the City of Burlington in order to change the appeals process and provide additional time for business owners to appeal decisions of the City, attached in draft form as Appendix C to development and growth management report DGM-57-25, in a form satisfactory to the Commissioner, Legal and Legislative Services/City Solicitor.

Approve the amendment to Adult Entertainment By-law 01-2008, a bylaw for Adult Entertainment establishments licensing in the City of Burlington in order to change the appeals process and provide additional time for business owners to appeal decisions of the City,

attached in draft form as Appendix D to Development and Growth report DGM-57-25, in a form satisfactory to the Commissioner, Legal and Legislative Services/City Solicitor; and

Amend the Committee of Adjustment Terms of Reference, removing Property Standards responsibilities, attached as Appendix E to development and growth management report DGM-57-25.

Executive Summary

Purpose of report:

- To update the appeals process related to staff decisions regarding business licences and increase time for business owners to appeal any refusal, revocation or amendment to licences as defined in the various business licensing by-laws.

Key findings:

- Current appeals process uses a Committee of Council as well as final approval by Council which is cumbersome and not consistent with other appeal processes (e.g., Committee of Adjustment or Property Standards Committee).
- Business owners only have seven (7) days to file an appeal if they are not satisfied with the City's decision regarding their licence application which can be limiting.

Recommendation Report

Analysis

Staff have the ability to revoke, refuse or place conditions on business licences if they believe there have been contraventions of the licensing by-law (or any other by-law or law) or that the business owners are not conducting themselves in a manner that ensures consumer protection. To ensure the decisions of staff are fair, consistent, and transparent, municipalities create appeal committees to review such decisions (in accordance with *Municipal Act, 2001*, Section 23.2, as amended). Details of the appeal committees and processes are embedded in the applicable by-laws.

Staff through research and a municipal scan have determined that in most situations, the appeal committee is made up of qualified citizens appointed by Council and their decision is final (similar to the Committee of Adjustment/Property Standards Committee which determines whether minor amendments to zoning by-laws or orders to comply are appropriate). Currently, the Public Vehicle, Business Licensing and Adult Entertainment By-laws require that the appeal committee consist of no less than three (3) Councillors. Further, it requires a report to Council after the appeals committee has debated so that Council can then decide whether or not to overturn the decision of the appeals committee. It provides seven (7) days for a business owner to decide whether to appeal a decision of staff.

Staff are recommending that the appeal process be changed to a citizen appointed committee and that the time to appeal is increased to 30 days for the following reasons:

- Using a citizen appointed committee is consistent with appeals processes in other city by-laws.
- There is limited opportunity for Council involvement in legal proceedings and including them in the appeals process conflicts with that notion.
- Eliminating the need to report back to Council will reduce the time it takes to finalize a decision for the business owners.
- Increasing the amount of time for business owners to appeal a decision of staff ensures they will not miss this critical deadline and allows them time to consult their own legal counsel.

In addition to amending the appeal process for licensing matters, staff recommend combining the Property Standards Committee with this appeals committee. Typically, Property Standards is a stand-alone committee but due to the low volume of appeals in Burlington, it was previously merged with the Committee of Adjustment. Combining Property Standards with the Licensing Appeals Committee will put all by-law related matters in one appeal process which allows the Committee of Adjustment to focus on planning issues. This is consistent with most municipalities.

Recommendation Details

- Establish a new appeals committee to conduct hearings for both Licensing and Property Standards matters.
 - Change the appeals committee to include appointed citizens vs. Councillors.
 - Remove the need to report back to Council for a final decision.
 - Increase the time business owners have to appeal the decision of staff to revoke, refuse or modify their licences.
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Implications

The amendments will make the appeal process more efficient (will not require final report to Council), consistent with other appeal processes and improve customer service as business owners will have more time to decide whether to appeal a decision of the City.

Strategic Alignment

- Designing and delivering complete communities
 - Providing the best services and experiences
 - Protecting and improving the natural environment and taking action on climate change
 - Driving organizational performance
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Appendices:

- A. Terms of Reference for new Property Standards Appeal Committee
- B. Amendment to Public Vehicle By-law 20-2009
- C. Amendment to Business Licensing By-law 42-2008
- D. Amendment to Adult Entertainment By-law 1-2008
- E. Committee of Adjustment Terms of Reference

Draft By-laws for Approval at Council:

- Amendment to Public Vehicle By-law 20-2009 to be approved by Council August 13, 2025
- Amendment to Business Licensing By-law 42-2008 to be approved by Council August 13, 2025
- Amendment to Adult Entertainment By-law 1-2008 to be approved by Council August 13, 2025

Report Approval:

All reports are reviewed and approved by the Commissioner, Head of Corporate Affairs, Chief Financial Officer, and Commissioner of Legal and Legislative Services/City Solicitor.