

Court File No. No. CV-23-00707839-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N :

KEB HANA BANK as trustee of IGIS GLOBAL PRIVATE PLACEMENT REAL ESTATE
FUND NO. 301 and as trustee of IGIS GLOBAL PRIVATE PLACEMENT
REAL ESTATE FUND NO. 434

Applicant

- and -

MIZRAHI COMMERCIAL (THE ONE) LP, MIZRAHI DEVELOPMENT GROUP
(THE ONE) INC., and MIZRAHI COMMERCIAL (THE ONE) GP INC.

Respondents

**MOTION RECORD OF THE DEFENDANT,
CITY OF TORONTO**

January 2, 2025

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ONTARIO
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REAL ESTATE FUND NO. 434

Applicant

- and -

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Respondents

AFFIDAVIT of Alison Barclay
(Affirmed December 5, 2024)

I, **Alison Barclay**, of the City of Toronto, in the Province of Ontario, **SOLEMNLY AFFIRM
AND SAY AS FOLLOWS:**

1. I am a lawyer employed in the City Solicitor's Office for the City of Toronto, and as such I have knowledge of the matters to which I hereinafter depose. My knowledge is derived from my review of the relevant records. Where my evidence is based on information and belief, including the review of the relevant records, I verily believe that evidence to be true.
2. Attached as Exhibit "A" is Toronto Municipal Code, Chapter 27, Council Procedures.
3. Attached as Exhibit "B" is Toronto Municipal Code, Chapter 743, Streets and Sidewalks, Use Of.
4. Attached as Exhibit "C" are extracts of a document entitled "2018 City of Toronto Road Classification of Streets List".

5. Attached as Exhibit "D" is an Indemnity Agreement between the City of Toronto and Mizrahi Development Group (The One) Inc.

6. Attached as Exhibit "E" is Royal Bank of Canada Irrevocable Standby Letter of Credit No.: SLC2561064T.

SOLEMNLY AFFIRMED before me,)
by videoconference, at the City of)
Toronto, in the Province of Ontario,)
on December 5, 2024, in accordance)
with O. Reg. 431/20, *Administering*)
Oath or Declaration Remotely.)



_____)
Nicholas Rolfe (LSO No. 66063O))
A Commissioner for taking oaths, etc.)



_____)
Alison Barclay

This is Exhibit "A" referred to in
the Affidavit of Alison Barclay,
sworn on December 5, 2024.



NICHOLAS ROLFE
A Commissioner, etc.

TORONTO MUNICIPAL CODE
CHAPTER 27, COUNCIL PROCEDURES



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John D. Elvidge, City Clerk

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Chapter 27

COUNCIL PROCEDURES

2024-08-01

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[History: Adopted by the Council of the City of Toronto December 5, 2018 by By-law 3-2019¹. Amendments noted where applicable.]

General References

City of Toronto Act, 2006 - See S.O. 2006, c. 11. Sched. A.
 Health Protection and Promotion Act - See R.S.O. 1990, c. H.7.
 Municipal Conflict of Interest Act - See R.S.O. 1990, c. M.50
 Municipal Elections Act, 1996 - See S.O. 1996, c. 32.
 Municipal Freedom of Information and Protection of Privacy Act - See R.S.O. 1990, c. M.56
 Planning Act - See R.S.O. 1990, c. P.13

¹ Editor's Note: By-law 3-2019 replaced Chapter 27, Council Procedures, in its entirety.

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Article 1
Interpretation

§ 27-1.1. Definitions.

ACT - The City of Toronto Act, 2006.

ADJOURN - End a meeting.

ADMINISTRATIVE INQUIRY - A Member's inquiry seeking information relating to City business.

AGENCY - An agency, board, commission, or corporation of the City (including administrative, and quasi-judicial bodies), which have a legislative basis in a provincial statute or a municipal by-law.

BILL - A draft or proposed form of by-law.

BOARD OF HEALTH - An agency established under the Health Protection and Promotion Act.

CALL A MEMBER TO ORDER - Identifying a member by name, and requesting that member to refrain from the current behaviour and to behave in accordance with the procedures by-law.

CHAIR - The person presiding at a meeting.

CHIEF FINANCIAL OFFICER AND TREASURER - The Chief Financial Officer and TREASURER.²

CHIEF PLANNER - The Chief Planner and Executive Director of City Planning.

CITY OFFICIAL -

- A. The City Manager, a Deputy City Manager, the Chief Financial Officer and Treasurer, and the Controller;
- B. The Auditor General, the Clerk, the City Solicitor, and the Medical Officer of Health; and
- C. Any general manager, director, or executive director reporting to any of the positions in Subsection A.

CLERK - The Clerk of the City of Toronto.

CLOSED MEETING - A meeting, or part of a meeting, that is closed to the public under conditions described in the Act and the procedures by-law.

COMMITTEE - An advisory or other committee, subcommittee or similar group of which at least 50 per cent of the committee members are also Members or members of local boards, other than the Police Services Board or the Toronto Public Library Board.

² Editor's Note: By-law 17-2019 deleted all references to the title "Chief Financial Officer" in this chapter and replaced them with the title "Chief Financial Officer and Treasurer". This by-law also replaced all references to the title "Treasurer" with the title "Controller". By-law 17-2019 is deemed to have come into force on October 23, 2018.

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COMMITTEE MEMBER - A member of a committee.

COMMITTEE OF THE WHOLE - A quorum of the Members present sitting as a committee of the whole Council.

COMMUNITY COUNCIL - A Council Committee whose members represent the wards from a particular geographical area. The Community Councils are set out in Appendix B-3.

CONFIRMATORY BILL - A bill that when passed gives general effect to a previous Council decision or Council proceedings.

CONTINUED MEETING - A Council meeting held the day after a Council meeting's last scheduled day to consider unfinished business from that meeting. A continued meeting is part of the Council meeting it is continuing.

COUNCIL CHAIR - The person presiding at a Council meeting, or the Mayor when no Council meeting is in session.

COUNCIL COMMITTEE - A committee of Members that Council establishes and that reports directly or indirectly to Council. The Executive Committee, Standing Committees, Community Councils, Special Committees, and subcommittees are all examples of Council Committees.

MEMBER - An elected or appointed member of Council.

DELEGATED MATTER - A matter for which Council has delegated the final decision making to a Council Committee under Article 18.

DEPUTY MAYOR - Any Member the Mayor appoints as Deputy Mayor to assist the Mayor , including one individual appointed by the Mayor as First Deputy Mayor to act as Mayor when the Mayor is absent from the City or due to illness or when the office of Mayor is vacant. Any reference to Deputy Mayor in a City by-law other than this definition is a reference to the First Deputy Mayor.

EMERGENCY - A situation, or the threat of a situation, adversely affecting property, health, safety or welfare, which by its nature and seriousness requires an immediate, co-ordinated, and controlled response.

EXECUTIVE COMMITTEE - The Council Committee as set out in Appendix B-1.

FIRST MEETING - The first Council meeting after a regular election.

INFORMATION REPORT - A City official's report that advises and informs without recommending.

MAYOR - The head of Council.

MAYOR'S KEY MATTERS - Matters the Mayor identifies for priority debate under § 27-7.7C.

MEETING - Any regular, special, or other meeting of Council, a committee, or an agency.

MEMBER - A Member or a committee member.

MOTION - A member's formal proposal that Council or a committee take certain action.

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MOTION TO AMEND - A motion to vary the main motion before Council or a committee.

MOTION TO DEFER - A motion to delay a decision on a matter by postponing consideration of the matter:

- A. Indefinitely;
- B. Until, or within, some specified time or time period;
- C. Until a specified event happens; or
- D. Until a report or communication is presented.

MOTION TO END DEBATE - A motion to stop all debate on a matter, and to vote on the matter immediately.

MOTION TO EXTEND DEBATE - A motion to extend debate on a matter by extending the number of times a member may speak on the matter, or by extending the time allotted to each member to speak on the matter.

MOTION TO LIMIT DEBATE - A motion to restrict debate on a matter by reducing the time for the debate on the matter, or by reducing the time allotted to each member to speak on the matter.

MOTION TO RECEIVE FOR INFORMATION - A motion to acknowledge a matter or part of a matter including the main motion or amendment, to take no current action on the matter, and to place the matter in the Clerk's records for future reference.

MOTION TO REFER - A motion to send a matter, including a main motion or amendment, to a committee, agency or person for more information or recommendation.

MOTION WITHOUT NOTICE - A motion to introduce new business for which no notice has been given.

NON-STATUTORY HEARING - A public hearing on a matter for which no statute requires that a hearing be held.

NOTICE OF MOTION - A motion to introduce new business for which notice is considered to have been given.

ORDER PAPER - An agenda, program, or order of business adopted by Council under § 27-7.3.

POINT OF ORDER - Bringing to the attention of the Chair and Members that a person has broken a rule or made an error in procedures and asking that the Council meeting follow the rules or that the error in procedure be corrected.

POINT OF PRIVILEGE - A request to the Chair and to Council to immediately consider and take action to remedy a situation negatively affecting the rights or privileges of Members or of Council as a whole, despite other pending business currently before Council.

PROCEDURES BY-LAW - This Council procedures by-law as set out in this chapter.

PUBLIC ADVISORY BODY - Any advisory body, roundtable or other body Council establishes to advise on specific areas of interest, with members of the public making up more than 50 per cent of the membership and Members or other elected officials making up the rest. Agencies are

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not public advisory bodies. Public advisory bodies follow Council's Simplified Rules of Procedures.

PUBLIC PETITION - A communication from more than one member of the public which complies with § 27-4.12B.

PUBLIC PRESENTATION - An appearance before a Committee by any member of the public to speak to a matter before the Committee in accordance with the procedures by-law.

QUORUM - The number of members to be present at a meeting to legally conduct business at the meeting.

RECESS - A temporary break in a meeting.

RECONVENED MEETING - A Council meeting held before the next Council meeting to consider unfinished business from the last meeting.

RECORDED VOTE - A vote for which the Clerk records all members present and how they voted.

REGULAR ELECTION - Regular election held under the Municipal Elections Act, 1996.

REPORT - A City official's report that makes recommendations to a committee or to Council.

ROBERT'S RULES OF ORDER - The most current edition of "Robert's Rules of Order, Newly Revised".

RULING - The Chair's interpretation of the procedures by-law to settle a procedural matter. Such an interpretation is more than a simple restatement of the relevant by-law provisions and explains how the rule applies to the matter.

SERGEANT-AT-ARMS - The City's Chief of Security, or the designate.

SPEAKER - A Member that Council elects, with the consent of the Mayor, to preside at Council meetings as set out in § 27-6.4A.

SPECIAL COMMITTEE - The Council Committees set out in Appendix B-2.

SPECIAL MEETING - A Council or committee meeting other than a regular meeting, a continued meeting, or a reconvened meeting, called in accordance with the rules of the procedures by-law.

STANDING COMMITTEE - The Council Committees set out in § 27-16.2B.

STATUTORY HEARING - A public hearing on a matter for which a statute requires that a public hearing be held.

SUBCOMMITTEE - A committee established by a Council Committee or the Board of Health, composed only of some of the members of the establishing committee, that is given a specific task and required to report on that specific task.

TAKE NOTE AND FILE - A decision by a Council Committee to not make recommendations to Council on a matter until a later time because the Council Committee needs more time to consider the matter.

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URGENT MATTER - A matter that relates to a significant emergency health or safety matter, or relates to a significant financial, legal, or contractual deadline before the next Council meeting.

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Article 2
Principles and Purpose

§ 27-2.1. Purpose.

The procedures by-law establishes:

- A. The rules for all Council and committee meetings; and
- B. The Council Committees.

§ 27-2.2. Principles of the procedures by-law.

A. The following members' rights are the principles upon which the procedures by-law is based:

- (1) The majority of members have the right to decide;
- (2) The minority of members have the right to be heard;
- (3) All members have the right to information to help make decisions, unless otherwise prevented by law;
- (4) Members have a right to an efficient meeting;
- (5) All members have the right to be treated with respect and courtesy; and
- (6) All members have equal rights, privileges and obligations.

B. The procedures by-law is interpreted in accordance with the principles set out in Subsection A.

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Article 3
Application and Interpretation

§ 27-3.1. What rules have priority in by-law conflicts.

In the case of a conflict, the procedures by-law has a higher priority than any other City by-law or Municipal Code Chapter, and will apply to the extent of any conflict.

§ 27-3.2. Interpreting the procedures by-law.

A specific statement or rule has greater authority than a general one. Headings are only for reference purposes.

§ 27-3.3. Parliamentary authority.

A. Chair to rule on conflicting rules and when there is no rule.

If there is a conflict between two or more rules in this procedures by-law, or if there is no specific rule on a matter, the Chair will rule.

B. Chair's use of Robert's Rules of Order.

The Chair, consulting with the Clerk, may use Robert's Rules of Order as an aid in ruling under Subsection A.

C. Chair may use practices and precedents.

The Chair may use Council's practices and former decisions, including previous rulings, in applying these rules and in making rulings.

§ 27-3.4. Criteria for suspending rules and substituting special rules.

A. Subject to Subsection C, Council may suspend any rule in the procedures by-law and may replace it with a special rule if:

- (1) It has given notice at a previous Council meeting or has given notice and considered it at a Council Committee meeting; and
- (2) The suspension is only for a defined period.

B. Any special rules adopted under Subsection A are considered part of the procedures by-law.

C. Council cannot suspend the following rules:

- (1) Amending the procedures by-law, § 27-3.6;
- (2) Quorum necessary for Council and committee meetings, § 27-5.12;
- (3) Meetings open to the public, § 27-5.14;
- (4) Closed meetings, § 27-5.15;

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- (5) Rules for speaking, § 27-11.4;
- (6) Delegation of authority, § 27-18.1; and
- (7) Reopening and reconsidering decisions, § 27-18.2.

§ 27-3.5. Waiver of rules.

A. Two-thirds vote required to waive rules.

Subject to Subsection B, a motion to waive one of the procedures by-law's rules on a one time basis will pass if two-thirds of the Members present vote for it.

B. Rules that cannot be waived.

Council cannot waive the following:

- (1) Waiver of rules, two-thirds vote required to waive rules, Subsection A;
- (2) Amending the procedures by-law, § 27-3.6;
- (3) First meeting, no new business, § 27-5.1C;
- (4) No new business in special meetings, § 27-5.8;
- (5) Quorum necessary for Council and committee meetings, § 27-5.12;
- (6) Meetings open to the public, § 27-5.14;
- (7) Closed meetings, § 27-5.15;
- (8) Notices of motion, § 27-8.3;
- (9) Motions without notice, § 27-8.4;
- (10) Questioning, time for question and answers to committee or agency Chairs, and to City or agency officials, § 27-11.1D;
- (11) Questioning, timing and time limits for questions to the Mayor, § 27-11.1E;
- (12) Questioning, time for questions and answers of previous Speaker, § 27-11.1H;
- (13) Subject to §§ 27-9.12B(1)(b), 27-9.12B(1)(c) and 27-9.13B(1)(b) Rules for speaking, § 27-11.4;
- (14) Delegation of authority, § 27-18.1; and
- (15) Reopening and reconsidering decisions, § 27-18.2.

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§ 27-3.6. Amending the procedures by-law.

A. Two-thirds vote required.

To pass a motion to amend or repeal the procedures by-law requires a two-thirds vote of the Members present.

B. Notice to be given at a previous Council meeting or by Council Committee consideration.

Council will only consider amendments or repeal of the procedures by-law at a Council meeting if:

- (1) A previous Council meeting received notice of the proposed amendment or repeal; or
- (2) A Council Committee had already considered the amendment or repeal.

§ 27-3.7. Majority vote required is default.

Unless the procedures by-law specifies otherwise, a matter passes when a majority of members present vote for it.

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Article 4
Public Participation

§ 27-4.1. Principles of public participation.

The public has the right to participate in the decision-making process by writing to Council or committee, by submitting a public petition, or by making a public presentation, as the procedures by-law describes.

§ 27-4.2. Public presentations to committees.

- A. The public may make a public presentation to committee meetings, including meetings of committee of the whole, as described in the procedures by-law.
- B. The public may not make public presentations to a Council meeting, unless required by legislation.
- C. Unless a committee decides otherwise, the public may make a public presentation only to the one committee with a mandate related to the public presentation.

§ 27-4.3. Invited and other public presentations to a committee.

- A. A committee may invite specific persons, experts, organizations or groups to make a public presentation to it on any matter within its mandate.
- B. Subject to § 27-4.4, § 27-4.5 and § 27-4.13, any person may:
 - (1) Attend any committee meeting open to the public;
 - (2) Make a public presentation on a matter on that committee meeting's agenda; and
 - (3) In presenting as described in Subsection B(2), represent themselves, an organization or a group.

§ 27-4.4. Restrictions on public presentations on information reports.

The public may only make public presentations on information reports if, at a previous committee meeting, a committee has given notice of its intention to hear public presentations on that information report.

§ 27-4.5. General rules for public presentations to a committee.

A. Presenters to register notice of intention to present.

The procedures for a person, organization or group wishing to make a public presentation about a committee agenda matter is to:

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- (1) Register a notice of their intention to make a public presentation with the Clerk by regular mail, e-mail, fax, telephone or in person; and
- (2) Do so by 12:00 p.m. of the business day immediately before the committee meeting day.

B. Language and procedures for public presentations.

Public presenters to committees must:

- (1) Not speak disrespectfully about anyone;
- (2) Not use offensive language;
- (3) Speak only about the subject on which the committee invited them to make a public presentation; and
- (4) Obey the procedures by-law and any Chair's ruling.

C. Time allotted for public presentations.

Unless the committee decides otherwise, a public presentation has a five-minute limit.

D. Use of translators not counted in public presenters' time limits.

A person making a public presentation may use a translator, and the translation time does not count towards the five-minute limit.

E. Members' right to question presenters.

Members who are not members of the committee may question any person making a public presentation.

F. Public presenters permitted to participate electronically.

[Added 2023-04-03 by By-law 274-2023]

Public presenters are permitted to participate electronically in a manner as determined by the City Clerk at a meeting held in accordance with § 27-5.16.

§ 27-4.6. Rules for motion to defer if persons intend to present.

If a committee member intends to make a motion to defer a matter, and if persons who have given notice of their intention to make public presentations about the matter are present, then:

- A. The committee member makes the motion to defer as soon as possible; and
- B. The committee votes on the motion immediately after.

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§ 27-4.7. Procedures for non-statutory hearings.

The following procedures apply to non-statutory hearings:

A. Introduction of subject matter.

The Chair introduces the matter before the committee.

B. Presentation by public who register notice of intention to present.

The committee hears public presentations from everyone who has registered a notice of intention to make a public presentation on the matter before the committee.

C. Five minutes for a member's questions to a public presenter.

After the public presentation, a committee member and any other Member present at the committee meeting may ask the presenter any relevant questions for up to five minutes.

D. Chair asks if others wish to speak.

After the committee has heard all presenters who had registered a notice of intention to make a public presentation on a matter, the Chair asks if there are other persons who wish to make a public presentation on the matter.

E. Committee to decide whether non-registered public presenters may speak.

Despite § 27-4.5A, if other persons present wish to make a public presentation, the committee may hear from them.

F. Member questions to City officials.

After the committee hears all public presentations related to the matter, a committee member and any other Member present at the committee meeting may ask City officials questions on the matter, subject to § 27-11.1D.

G. Committee options on considering the matter.

After hearing all public presentations on the matter and asking any related questions, the committee may immediately consider the matter or defer considering it to a future committee meeting.

H. Committee members speak last.

Members who are not members of the committee speak first on the matter.

I. After debate, the committee votes.

After the committee debates the matter, the committee Chair puts the matter to a vote.

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§ 27-4.8. Committee's right to change the rules for public presentations on non-statutory hearings.

Despite § 27-4.7, for non-statutory hearings, the committee may decide to:

- A. Request the presenter to file with the Clerk an outline of the public presentation after the presenter has made the public presentation;
- B. Alter the order of hearing public presentations;
- C. Subject to § 27-4.6, defer hearing a public presentation to a future committee meeting;
- D. Hear together all public presentations from one person or from one group on all matters that person or group intends to present on;
- E. Hear public presentations from only one person representing a group or one side of an issue; or
- F. Any combination of the decisions in Subsections A to E.

§ 27-4.9. Statutory hearings.

A. Delegating a statutory hearing.

Council may delegate to a committee the power to conduct a statutory hearing, if legislation allows Council to do so.

B. Rules for statutory hearings.

- (1) The procedures set out in § 27-4.7 apply to statutory hearings, with the exception of § 27-4.7E.
- (2) If other persons present wish to make a public presentation at a statutory hearing, the committee must hear from them.

§ 27-4.10. Chair may end public presentations.

A. Reasons for ending public presentations are disorder or not following rules.

The Chair may end a public presentation if there is disorder or a failure to follow these rules.

B. Consequences of Chair's decision to end a presentation.

If the Chair ends a public presentation under Subsection A:

- (1) The person making the public presentation must leave; and
- (2) All questioning of the person making the public presentation ends.

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§ 27-4.11. Communications.

A. Communications given to the Clerk becomes public.

- (1) All communications about a matter on a meeting agenda that the Clerk receives becomes part of the public record.
- (2) All communications are available to members and to the public before the meeting or, if necessary, distributed directly to members and the public during the meeting.

B. Requirements for communications given to Council, a committee, or the Clerk.

All communications must:

- (1) Be delivered in person or sent by regular mail, e-mail, or fax;
- (2) Be addressed to Council, a committee, or to the Clerk;
- (3) Be legible;
- (4) Include the name and the mailing address or the telephone number of the author;
- (5) Be in reproducible format; and
- (6) Not be defamatory or contain offensive language.

C. Communications part of public record.

Personal information and opinions in communications are part of the public record, unless the author of the communication requests the removal of the author's personal information when submitting it, or the Clerk determines the personal information contravenes the Municipal Freedom of Information and Protection of Privacy Act.

D. A City official may consider any communications.

If the Chair or Clerk thinks that a City official should consider any communication before the meeting:

- (1) The Clerk forwards a copy to the appropriate City official; and
- (2) The City official may then submit a report directly to Council or the committee in response to the communication.

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§ 27-4.12. Public Petitions.

A. How to submit a public petition.

An organizer of a public petition may deliver the petition in person or send it by mail, fax, or e-mail to:

- (1) A Member, if the public petition does not relate to a matter on the agenda; or
- (2) The Clerk, if the public petition relates to a matter on the agenda.

B. Rules for a public petition.

A public petition must:

- (1) Be in legible handwriting, in printed form, or in printable form;
- (2) Contain a telephone number of the organizer for confirmation;
- (3) Contain the signature, unless delivered by e-mail, and the printed name and address of at least one signatory and, if possible, the printed name and address of all signatories;
- (4) Contain the fax number of the sender, if the petition is sent by fax;
- (5) Contain the e-mail address of the sender and have attached only the petition document in a printable form, if the petition is sent by e-mail;
- (6) Contains an explanation of the petitioners' cause or position;
- (7) Not contain any improper matter; and
- (8) Be appropriate, respectful and temperate in its language.

C. Public petitions relating to matters on the agenda.

- (1) If a public petition relates to a matter on the agenda of a meeting, the member will give it to the Clerk.
- (2) A public petition under Subsection C(1) is considered to be a communication related to the matter on the agenda, and the Clerk will add it to the agenda in accordance with § 27-4.11.

D. Introducing new business public petitions.

- (1) If a public petition does not relate to a matter on the agenda of a meeting, the member may introduce the public petition at a meeting without written notice or permission.
- (2) Prior to introducing a public petition under Subsection D(1), the member must examine the public petition to ensure that it complies with Subsection B.

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E. Council's or committee's actions on a public petition.

After a member has introduced a public petition under Subsection D, Council or committee may, without debate:

- (1) Receive the public petition; or
- (2) Refer the public petition to the appropriate Council Committee, agency, or City official.

§ 27-4.13. Public attendance and conduct.

- A. The only people allowed in the members' seating area during a meeting are the members, the Clerk, Mayor's office staff, the Sergeant-at-arms, and anyone the Clerk, the Chair, Council, or committee authorizes to be in the member's seating area.
- B. No one may display signs or placards, applaud debating participants, or engage in conversation or other behaviour that may disrupt a meeting.
- C. No person, other than a member, may speak to a committee, except by invitation of the Chair.
- D. Unless authorized by the Clerk, the Chair, Council, or committee:
 - (1) No one except a member may place any material on members' desks; and
 - (2) No one may distribute any material to members during a meeting.
- E. No one may use a cellular telephone during a meeting, and anyone who brings one to a meeting must turn off the ringer.

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Article 5
Meetings of Council and Committees

§ 27-5.1. First meeting.

A. First Wednesday of November after election.

Subject to the Act and any other applicable legislation, Council holds its first meeting on the first Wednesday after the commencement of the Term of Council. [Amended 2022-07-22 by By-law 954-2022]

B. Clerk prepares agenda.

The Clerk, consulting with the Mayor-elect, prepares the agenda for the first meeting.

C. No new business in first meeting.

Council only considers the business on the agenda, and no other business at the first meeting.

D. Members who took their declaration of office may attend.

Only Members who have taken their declaration of office as required by the Act may take their seats at the first meeting.

E. Mayor's option to arrange a guest Speaker.

The Mayor may ask a guest to make a special address at the first meeting.

§ 27-5.2. Schedule of meetings.

A. Annual schedule of meetings published.

(1) Subject to Subsections B, C and D, the Clerk recommends an annual schedule of the time and dates of regular Council meetings and regular meetings of Council Committees to the Striking Committee.

(2) The Clerk publishes the annual schedule after Council adopts it.

B. Schedule respects cultural and religious days and times.

The annual schedule of meetings complies with all relevant Council policies on respecting days and times of cultural or religious significance.

C. Minimum ten Council meetings and twenty meeting days.

Council meets at least ten times and for at least twenty meeting days in a calendar year.

D. Scheduling avoids overlapping of committee meetings.

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Whenever possible, Council schedules its committee meetings so that no two Council Committee meetings are at the same time.

E. Two-thirds vote required to extend scheduled time.

A two-thirds vote of the Members present is required for Council to extend the meeting times set out in the approved schedule of meetings.

§ 27-5.3. Notice of meeting.

A. Chapter 162 of the Municipal Code, Notice, Public.

Written notice of all meetings, and of cancelled meetings, must follow Chapter 162, Notice, Public.

B. 24-hour notice.

Members must be notified at least 24 hours before the scheduled beginning of the meeting.

C. Meeting details.

The notice must include the time, date and location of the meeting.

D. Purpose.

The notice must state the purpose of the meeting.

E. Delivery modes.

The notice must be delivered either in person or sent by e-mail to each member.

F. Council policy requirements.

The notice must include any additional information that Council policy requires.

§ 27-5.4. Continued and reconvened meetings.

A. Continued meeting if unfinished business remains.

Subject to Subsection B, if unfinished business remains on the agenda for a Council meeting at the end of the last scheduled meeting day, the Council meeting will continue on the following business day as a continued meeting.

B. Reconvened meeting is an alternative to continued meeting.

- (1) Council may fix a time to hold a reconvened meeting before the next regular Council meeting, if unfinished business remains on the agenda at the end of the last scheduled meeting day.
- (2) If Council fixes a time to hold a reconvened meeting under Subsection B(1), Council must, at the end of the regular Council meeting, defer the remaining unfinished business on the agenda to the reconvened meeting.

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§ 27-5.5. Special Council meetings the Mayor calls.

The Mayor may at any time call a special Council meeting on 24 hours' notice in accordance with § 27-5.3.

§ 27-5.6. Special emergency meetings of Council.

Despite § 27-5.5, if there is an emergency, the Mayor may call an emergency special Council meeting without giving notice as required under § 27-5.3, if:

- A. All Members are notified of the special Council meeting either personally, by electronic mail, or by any other means necessary, and
- B. A majority of Members agree to the Council meeting by giving written consent to the Clerk personally before the beginning of the Council meeting.

§ 27-5.7. Members' petitions for special Council meetings.

A. Clerk calls petitioned special Council meetings.

- (1) If the Clerk receives a petition that the majority of Members signed requesting a special Council meeting, the Clerk calls a special Council meeting for the purpose, date, and time the petition requests.
- (2) The Clerk gives notice of a special Council meeting called under Subsection A(1) as required by § 27-5.3.

B. Petition requirements.

A petition under Subsection A must contain:

- (1) Original Members' signatures;
- (2) A clear statement of the meeting's purpose; and
- (3) A time and date for the meeting that must be within 48 hours from the time the petition is given to the Clerk.

C. Adding to or removing petition names forbidden.

Once a petition under Subsection A is given to the Clerk, no Member may add or remove their name from the petition.

§ 27-5.8. No new business in special meetings.

Council only considers the business on the agenda, and no other business at a Special meeting.

§ 27-5.9. Special committee meetings.

The Chair may call a Special committee meeting at any time in accordance with § 27-5.3.

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§ 27-5.10. Members' petition for Special committee meetings.

A. Clerk calls petitioned Special committee meetings.

- (1) If the Clerk receives a petition that the majority of committee members signed requesting a special committee meeting, the Clerk calls a special committee meeting for the purpose, date and time the petition requests.
- (2) The Clerk gives notice of a special committee meeting called under Subsection A(1) as required by § 27-5.3.

B. Petition requirements.

A petition under Subsection A must contain:

- (1) Original Committee members' signatures;
- (2) A clear statement of the meeting's purpose; and
- (3) The time and date for the meeting, which must be held within 48 hours of the time the petition is given to the Clerk.

C. Adding or removing petition names forbidden.

Once a petition under Subsection A is given to the Clerk, no committee member may add or remove their name from the petition.

§ 27-5.11. Cancelling and rescheduling Council or committee meetings.

A. Chair's authority to cancel meetings.

The Chair may cancel any Council meeting or any committee meeting, other than a meeting called by the Clerk on a petition under § 27-5.7 or § 27-5.10, in accordance with § 27-5.3.

B. Chair's authority to reschedule meetings.

The Chair may reschedule a cancelled Council or committee meeting in accordance with § 27-5.3, to any time before the next regular meeting, but not to a time that Council has already scheduled a Council meeting.

§ 27-5.12. Quorum necessary for Council and committee meetings.

A. Quorum requires a majority.

Subject to Subsection B, a majority of members sitting in their assigned seats constitutes a quorum for Council and a committee.

B. When conflict of interest reduces quorum numbers.

Certain provisions in the Municipal Conflict of Interest Act may disqualify a number of members from participating in a meeting, and if the result is:

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- (1) Too few members for a quorum, then two or more members may be considered a quorum; or
- (2) Only one or no members for a quorum, then the Municipal Conflict of Interest Act describes what steps to take.

C. Chair starts the meeting.

As soon as a quorum is present after the time set for the beginning of the meeting, the Chair starts the meeting.

D. Chair's responsibility to oversee quorum for votes.

The Chair ensures that a quorum is present whenever a vote is taken.

§ 27-5.13. Absence of quorum.

A. Ringing of bells or calling for quorum.

- (1) If no quorum is present at the meeting time, or at the time for continuing a meeting after a recess, the Clerk rings the bells or calls for a quorum every three minutes.
- (2) The Clerk continues to ring the bells or call for a quorum under Subsection A(1) for 30 minutes or until a quorum is present, whichever is sooner. **[Amended 2023-04-03 by By-law 274-2023]**

B. Steps when a quorum is lost during a meeting.

If a member or the Clerk alerts the Chair to a lack of quorum during a meeting, and if the Chair determines that no quorum is present, the Chair requests the Clerk to ring the bells or to call for a quorum every three minutes for up to 30 minutes or until a quorum is present, whichever is sooner. **[Amended 2023-04-03 by By-law 274-2023]**

C. Roll-call if no quorum after bells or calling.

If there is still no quorum present after taking the steps set out in Subsection A or Subsection B, the Clerk calls the roll and records the names of the members present.

D. Meetings postponed to other times if no quorum.

If there is still no quorum present when the Clerk has completed calling the roll under Subsection C, the meeting is adjourned to the earliest of the following times that a quorum is present:

- (1) After the lunch recess on the same day; or
- (2) The next day scheduled for the meeting.

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E. If meeting not rescheduled, unfinished business carried forward.

If the meeting cannot be convened under Subsection D because there is no quorum, all unfinished business carries forward to the next regular meeting or to any special meeting called for that purpose before the next regular meeting.

§ 27-5.14. Meetings open to the public.

Except for meetings as described in § 27-5.15, all meetings are open to the public, and no person is excluded from a meeting except for improper conduct under §§ 27-4.10 and 27-6.10.

§ 27-5.15. Closed meetings.

A. Subjects for closed meetings. [Amended 2022-07-22 by By-law 954-2022]

- (1) Council or a committee may close a meeting to the public to discuss the following:
 - (a) Security of the City's or a local board's property;
 - (b) Personal matters about an identifiable individual, including City or local board employees;
 - (c) A proposed or pending land acquisition for City or agency purposes;
 - (d) Labour relations or employee negotiations;
 - (e) Litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board;
 - (f) Receiving advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - (g) Information explicitly supplied in confidence to the City or local board by Canada, a province or territory or a Crown agency of any of them;
 - (h) A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the City or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
 - (i) A trade secret or scientific, technical, commercial or financial information that belongs to the City or local board and has monetary value or potential monetary value;

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- (j) A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City or local board;
 - (k) Educating or training the members, provided that no member discusses or otherwise deals with any matter that materially advances the business or decision-making of the City, local board or committee; or
 - (l) A matter for which Council, a board, a committee or other body has authorized a meeting to be closed under another Act.
- (2) Council or a committee shall close a meeting to the public to discuss the following:
- (a) A request under the Municipal Freedom of Information and Protection of Privacy Act; or,
 - (b) An ongoing investigation respecting the City, a local board or a city-controlled corporation by:
 - (i) the Ombudsman appointed under the Ombudsman Act,
 - (ii) the City's Ombudsman; or
 - (iii) the City's Open Meeting investigator.

B. Meeting's beginning and end always public.

A meeting begins and ends in public.

C. Motion details for closed meeting.

- (1) Before holding a closed meeting, Council or a committee passes a motion to hold a closed meeting.
- (2) The motion states:
 - (a) That the meeting is a closed meeting;
 - (b) The general nature of the matter Council or committee is considering at the closed meeting; and
 - (c) The reasons the matter requires a closed meeting under Subsection A.

D. Closed meetings of Council are meetings of committee of the whole.

When Council considers a matter in a closed meeting, it does so in committee of the whole.

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E. When a closed meeting becomes public.

- (1) If the matter Council or committee is considering at a closed meeting no longer falls into one of the categories set out in Subsection A, the meeting is no longer a closed meeting and continues in public.
- (2) Council or committee in a closed meeting do not vote or keep minutes except for:
 - (a) A procedural matter; or
 - (b) Giving directions or instructions to City officials or agents, agencies, or persons retained by, or under a contract with, the City or a local board.

§ 27-5.16. Electronic Participation in Meetings

[Added 2020-04-30 by By-law 340-2020; amended 2020-07-29 by By-law 649-2020; amended 2023-04-03 by By-law 274-2023]

- A. Despite any other provision of this Chapter, Council and Committees may hold a meeting where some or all of the members participate electronically; and
- B. Where a meeting is being held in accordance with this section:
 - (a) any member participating in the meeting electronically to be deemed present for the purposes of determining whether a quorum is present under § 27-5.12A, and for the purposes of voting on any matter put to a vote under § 27 12.2A, and for all other purposes;
 - (b) any member participating in the meeting electronically to be entitled to participate in any portion of the meeting closed to the public in accordance with § 27-5.15; and
 - (c) this Chapter shall apply with any other minor modifications as may be required.

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Article 6
Roles and Conduct

§ 27-6.1. Mayor's responsibilities.

The Mayor is responsible for:

- A. Acting as the Chief Executive Officer of the City;
- B. When the Speaker or Deputy Speaker are not doing so, presiding over Council meetings so that City business can be carried out efficiently and effectively;
- C. Providing leadership to Council;
- D. Representing the City and Council at official functions; and
- E. Carrying out duties as head of Council under the Act and under any other legislation.

§ 27-6.2. Mayor appoints the Deputy Mayor, and Standing Committee Chairs.

- A. The Mayor appoints and removes the following:
 - (1) The Deputy Mayor; and
 - (2) The Chairs of Standing Committees.
- B. The Mayor gives written notice to the Clerk of the appointments and of any removals made under Subsection A.

§ 27-6.3. Deputy Mayor.

The Deputy Mayor has, and may exercise, all the rights, powers, and authority of the Mayor, except the by-right-of-office powers of the Mayor as a member of a Community Council.

§ 27-6.4. Council Chair.

A. Speaker and Deputy Speaker elected from Council.

With the consent of the Mayor, Council elects a Speaker and a Deputy Speaker from the Members.

B. Mayor's written consent for Speaker.

To consent under Subsection A, the Mayor gives written consent to the Clerk before the first meeting.

C. Mayor can chair Council at any time.

Even though there is a Speaker and a Deputy Speaker, the Mayor can assume the role of Council Chair when the Mayor wishes.

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D. Speaker's term.

Subject to Subsection E, the Speaker's and the Deputy Speaker's appointment is for the Council term.

E. Two-thirds vote to remove Speaker or Deputy Speaker.

Council may remove the Speaker or the Deputy Speaker with a two-thirds vote of all Members³.

F. Speaker assumes role when Mayor not Chairing.

When the Mayor is not chairing, the Speaker assumes the role of Council Chair.

G. Deputy Speaker assumes Chair's roles.

When the Speaker is absent and the Mayor is not chairing, the Deputy Speaker assumes the role of Council Chair.

H. Speaker not to Chair Standing Committee certain agencies.

The Speaker cannot serve as a Standing Committee Chair, Community Council Chair, or as the Chair of the Toronto Transit Commission or the Police Services Board.

§ 27-6.5. Chair's Responsibilities.

The Chair is responsible for:

A. Objective chairing.

Objectively presiding over the meeting as described in the procedures by-law.

B. Enforcing rules.

Enforcing the procedures by-law's rules.

C. Overseeing order and behaviour.

Enforcing the order and good behaviour of members at all times.

D. Announcing business and its order.

Announcing the business before Council or the committee and the order in which it is to be considered.

E. Accepting motions from members.

Receiving, stating, and framing all motions presented to clarify their intent as moved.

F. Ruling on motions.

³ Editor's Note: Two-thirds of all Members is 18 Members.

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Ruling on whether a motion is in order.

G. Managing interruptive motions.

Protecting Council or a committee from motions that are obviously frivolous or tending to cause delay, by refusing to acknowledge them.

H. Keeping members informed.

Providing information to members on any matter related to the business of the City.

I. Decisions on acknowledging members' points of order or privilege.

Deciding whether to acknowledge a member on a point of order or a point of privilege.

J. Ruling on points of order or privilege.

Ruling on whether a point of order or a point of privilege is in order.

K. Giving reasons for rulings on points of order or privilege.

If a point of order or a point of privilege is in order, ruling on the point of order or the point of privilege and giving the facts, circumstances and reasons for the ruling.

L. Recessing to consult on rulings.

If necessary, recessing a meeting for a brief specified time to consult the Clerk or other City officials, or to consult Robert's Rules of Order in accordance with § 27-3.3B for guidance in ruling.

M. Recessing for emergencies.

If there is a threat or imminent threat to the health or safety of any person, or if there is the possibility of public disorder, recessing the meeting for a specified time.

N. Ensuring speaking rights.

Ensuring that all members who wish to speak on a motion have spoken.

O. Reading motions.

Reading, as necessary, all motions before any vote, to ensure all members understand the motions before voting.

P. Conducting votes.

Putting all motions to a vote and announcing the results.

Q. Voting even though the person is in the Chair.

Voting on all matters, unless the Municipal Conflict of Interest Act prohibits it.

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R. Regulating unacceptable motions.

Declining to put to a vote any motion contrary to the procedures by-law's rules.

S. Disciplining members.

Calling a member to order.

T. Removing members or others from a meeting.

Ordering a member, or any other person, from a meeting, in accordance with the rules of the procedures by-law.

U. Keeping public informed.

Ensuring the public knows the status of the business of the meeting throughout the meeting.

V. Adjourning meetings.

Adjourning the meeting when its business is finished.

W. Permitting statements by City official when integrity questioned.

When the Chair, or a member, considers that a member has either indirectly or directly, questioned the integrity of a City official, permitting the City official to make a statement to Council or committee.

§ 27-6.6. Council Chair must not participate from Chair.

The Council Chair must not speak, ask questions, or make motions about a matter under debate while in the Chair.

§ 27-6.7. Results of committee Chair's failure to carry out responsibilities.

By notice of motion, a committee member, with the consent of a majority of the committee members present, may request that Council censure a committee Chair who fails to perform their responsibilities in accordance with the procedures by-law.

§ 27-6.8. Members' responsibilities during a meeting.

Members are responsible for:

A. Attending meetings.

Attending scheduled meetings.

B. Considering business and making decisions.

Carefully considering and making decisions about meeting business.

C. Voting.

Voting on motions put to a vote.

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- D. **Respecting the procedures by-law.**
Respecting the rules of the procedures by-law.
- E. **Speaking respectfully.**
Speaking respectfully at all times.
- F. **Listening and participating in the meeting.**
Listening attentively, participating in a meeting, and not interrupting the proceedings.
- G. **Sitting and being silent during a vote.**
Remaining silent in their seats while Council or a committee votes and until the Chair announces the result of the vote.
- H. **Using appropriate language.**
Refraining from using any offensive, disrespectful or unparliamentary language about any member, any City officials or other City employee, or the Council as a whole.
- I. **Abiding by Council's decisions.**
Respecting and following Council's decisions.
- J. **Speaking only to the matter under debate.**
Speaking only on the matter under debate or related motions during debate.
- K. **Wearing inappropriate clothing or buttons.**
Not wearing political or biased slogans on clothing or buttons during a meeting.
- L. **Respecting confidentiality.**
Respecting the confidentiality of matters discussed in closed meetings and not disclosing the subject or substance of these discussions, unless authorized to do so.
- M. **Obeying rulings and decisions.**
Obeying the Chair's rulings and Council's decisions.
- N. **Obeying Councillor's Code of Conduct.**
Obeying the Councillor's Code of Conduct.

§ 27-6.9. Verbal warning before publicly disciplining a member.

If a member disobeys a rule in the procedures by-law or a Chair's ruling, the Chair:

- A. After the first time, gives a formal verbal warning to the member; and

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- B. After the second time, calls the member to order.

§ 27-6.10. Removing and reinstating a disciplined member.

- A. **Chair's ordering of a member to leave or Sergeant-at-arms removes member.**

- (1) If the Chair takes action under both §§ 27-6.9A and 27-6.9B, and the member continues to disobey the procedures by-law or the Chair's rulings, the Chair immediately orders the member to leave for the rest of the meeting; and
- (2) If the member refuses to do so, the Chair may request that the Sergeant-at-arms remove the member.

- B. **How to appeal the Chair's removal of a member.**

Any member other than the member ordered to leave the meeting may appeal the Chair's ruling, and Council or a committee may overturn the Chair's ruling.

- C. **Member's apology and Council may reinstate.**

- (1) If the member ordered to leave the meeting informs the Clerk that the member wishes to apologize, the Clerk tells the Chair of the member's request;
- (2) The Chair allows the member to return to the meeting solely to apologize to Council or committee; and
- (3) After an apology, Council or a committee may, consent to allow the member to return to the meeting.

§ 27-6.11. Clerk's Responsibilities.

- A. The Clerk is the meeting manager of Council and of all committees, and may assign any of the Clerk's duties to an employee in the Clerk's office.

- B. The Clerk is responsible for:

- (1) **Managing agenda deadlines.**

Establishing and enforcing deadlines for agenda business.

- (2) **Managing agenda and meeting notices.**

Preparing, publishing, and distributing an agenda for each meeting, and providing appropriate notice.

- (3) **Standing in for Chair.**

In the absence of the Chair or any other member designated to Chair in the Chair's absence, calling the meeting to order and presiding until Council or committee immediately elects a meeting Chair.

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- (4) **Giving members advice.**

Providing procedural advice to members on agenda business and on preparing motions.
- (5) **Managing agenda additions or removals.**

Informing the Chair and Council or committee when items need to be added to or removed from the agenda.
- (6) **Advising on parliamentary procedures.**

Serving as the parliamentary expert to Council and committees by advising the Chair on the meeting rules and on matters of parliamentary procedures.
- (7) **Advising on errors in procedures.**

Calling to the attention of the Chair any error in proceedings that may affect the rights of any member, Council, or committee.
- (8) **Advising Council on rules.**

Advising Council, committee, or members on matters of procedure subject to the duty of the Chair to make the final ruling.
- (9) **Advising on closed meeting rules.**

Informing the Chair, if, in the Clerk's opinion, an issue that Council or a committee is discussing in a closed meeting is not procedurally appropriate under the Act or the procedures by-law.
- (10) **Recording all Council and committee business.**

Taking minutes and keeping a record of all the proceedings, including the votes, of Council and committees.
- (11) **Certifying copies.**

Certifying copies of by-laws.
- (12) **Maintaining all documents.**

Maintaining records of the by-laws, special rules of order, standing rules, and minutes, including any amendments to these documents.
- (13) **Recording all members' appointments.**

Maintaining a record of Council's appointments of persons to committees, public advisory bodies, agencies and other bodies.
- (14) **Allowing access to records.**

Making the minutes and records of Council meetings and committee meetings available to members and the public on request, in accordance

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with any applicable law and subject to receiving payment of any fee Council has approved.

(15) **Council-assigned duties.**

Performing other duties that Council assigns.

§ 27-6.12. Sergeant-at-arms.

A. When Sergeant-at-arms present.

The Sergeant-at-arms is present at all times during Council meetings, and is present, as required, during committee meetings.

B. Threat or imminent threat to health or safety.

- (1) If there is a threat or imminent threat to the health or safety of anyone in a meeting, the Sergeant-at-arms immediately notifies the Chair, who decides whether to:
 - (a) Recess the meeting; and
 - (b) Order everyone to leave immediately.
- (2) If the Chair makes an order under Subsection B(1), the Sergeant-at-arms immediately escorts everyone out of the meeting place.

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Article 7
Council Meeting's Agenda

§ 27-7.1. Agenda.

- A. The Clerk prepares an agenda for all Council meetings.
- B. The agenda orders the business for a Council meeting as set out in Appendix A-1.
- C. Despite the order of business, when the same or related matters are in more than one place on the agenda, Council may deal with:
 - (1) All related matters together; or
 - (2) The matters in the agenda's order.

§ 27-7.2. Notice given by publishing the agenda.

The published agenda for the meeting is notice of all business included in that agenda, subject to other notice provisions of the procedures by-law, Chapter 162, Notice, Public and of any applicable legislation.

§ 27-7.3. Order paper.

- A. The Clerk prepares the order paper for each day of a Council meeting.
- B. On each meeting day, Council adopts the order paper as prepared by the Clerk, and as amended by Council, if needed, and considers its business in the order listed on the adopted order paper.
- C. After Council has adopted the order paper, it may only alter it with a two-thirds vote of the Members present.
- D. No changes to the order paper may delete any part of the agenda business.

§ 27-7.4. Agenda deadline for committee reports.

- A. A committee report may only be presented to a Council meeting if it meets the agenda deadline for the Council meeting and is on the agenda.
- B. Reports that do not meet the agenda deadline are presented at the next regular Council meeting.
- C. Despite Subsections A and B, an additional report on a matter related to another matter already on the meeting agenda is added to the agenda.

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§ 27-7.5. Introduction of committee report by committee Chair.

A. Chair's motion to introduce and speak about a committee report.

A committee Chair or, if the committee Chair is absent, the committee Vice Chair, makes a motion to introduce the report from the Chair's committee, and may speak for up to five minutes on this motion.

B. Rules on motion to introduce reports.

A motion to introduce a report:

- (1) Is not debatable;
- (2) Is not subject to questions; and
- (3) Cannot be amended.

§ 27-7.6. Holding matters.

A. Timing for requests to hold matters.

Member may submit to the Clerk a written list of the matters on the Council meeting agenda that they wish to hold for debate or questions:

- (1) After the Council meeting agenda has been distributed to Members; and
- (2) Before 4:30 p.m. of the last business day before a Council meeting.

B. Clerk lists matters that Members request to hold.

When preparing the order paper, the Clerk lists the matters that Members have asked to have held for debate or questions under Subsection A.

C. First Member requesting to hold a matter named on order paper.

Only the first Member to submit to the Clerk a request to hold a matter under Subsection A is the Member holding the matter and is named on the order paper as holding the matter.

D. Order of speakers on matters held.

- (1) When the Chair calls the matter for debate, the member who held the matter, if present, will be the first speaker after the committee Chair or the Mayor as described in §§ 27-11.2A and B.
- (2) If the member who held the matter is not present, Council will continue to debate and consider the matter.
- (3) Despite Subsections D(1) and D(2), Council may consent to allow the hold to continue before the matter is called for debate or questions if the member who held the matter has stated the reason for continuing the hold.

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E. Times for releasing a matter held.

A Member may release a matter that the member held at any of the following times on the orders paper:

- (1) The start of the meeting day;
- (2) Immediately after the lunch recess;
- (3) Before the scheduled recess at the end of the meeting day; or
- (4) When the matter is called for debate and questioning;
- (5) After all other business has been completed.

F. Another member may request holding a released matter.

Subject to Subsection G, after a member has released a matter that the member had held, with the consent of Council another member may request that the matter be held after stating a reason for requesting the hold.

G. Releasing a matter held does not mean giving up the right to speak.

A member who releases a matter that the member had held does not give up their right to speak on the matter.

H. Status of holds at future meetings.

- (1) Deferred business from a previous Council meeting is not held from the previous meeting, and a member may hold the matter again at the next Council meeting by following the requirements set out in Subsection A.
- (2) Business brought forward from a meeting to a continued meeting continues to be held.
- (3) Business brought forward to a reconvened meeting is not held from the previous meeting, but a member may hold the matter again at the reconvened meeting by following the requirements set out in Subsection A.

§ 27-7.7. Matters considered at a specific time.

A. Request for a matter to be considered at a specific time.

- (1) A City official, member, or Council Committee may request Council to consider a matter at a specific time during the Council meeting.
- (2) A request made under Subsection A(1) must:
 - (a) Be in writing;
 - (b) Be submitted to the Clerk two business days before the meeting;
 - (c) Relate to an urgent matter; and

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(d) State the reason the matter is an urgent matter.

B. When Council approved requests for considering a matter at a specific time.

Council may approve requests for a specific time to consider an urgent matter:

- (1) Immediately after it decides which agenda items to hold for debate; and
- (2) Before adopting the order paper.

C. Mayor's key matters.

- (1) The Mayor may identify up to two key policy matters, from the Council meeting agenda that become the Mayor's key matters.
- (2) The Mayor's key matters are noted on the order paper for the specific times that the Mayor has identified.

§ 27-7.8. List of matters for priority consideration.

The Clerk submits for Council's adoption, as part of the order paper, a list of recommended urgent matters, based on the Chair's recommendations, for priority consideration at the meeting.

§ 27-7.9. Routine matters.

On each meeting day, Council will have up to 30 minutes, as set out in the order paper, to consider routine matters that members bring forward, including:

- A. Condolence motions, printed on the order paper that the Chair may refer to before the moment of reflection;
- B. Declarations of interest;
- C. Introducing motions without notice;
- D. Announcements and recognitions;
- E. Petitions and administrative inquiries;
- F. Bills; and
- G. Confirming the order paper.

§ 27-7.10. Rules on motion to remove a matter from a committee.

A. How Council removes a matter from a committee.

- (1) Subject to Subsection B, members may make a motion to remove a matter from a committee and bring the matter forward to Council.

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- (2) A motion under Subsection A(1) requires a vote of two-thirds of the members present to pass.

B. No motion to remove a matter if committee has final decision on it.

Members cannot make a motion to remove a matter from a committee if Council delegated final decision-making power on that matter to a committee.

C. Motion to remove debatable and amendable.

Council may debate, amend, or both, a motion to remove a matter from a committee.

§ 27-7.11. Administrative inquiries and answers.

A. How a Member makes an administrative inquiry.

- (1) A member who wants information about the affairs of the City must:
- (a) make an administrative inquiry in writing; and
 - (b) deliver it to the Clerk at least seven business days before the Council meeting.
- (2) The relevant City official answers the administrative inquiry in writing and delivers the answer to the Clerk at least one hour before the Council meeting.
- (3) The Clerk distributes the answer to members before the start of the Council meeting or reads the answer to Council.
- (4) Despite Subsection A(2), a City official may decide that the answer to an administrative inquiry requires work that exceeds the normal duties of their staff.
- (5) If Subsection A(4) applies, the City official informs Council of that decision in a written letter to the Clerk at least one hour before the meeting and the Clerk distributes the letter to members before the Council meeting starts.

B. How Council responds to an administrative inquiry.

- (1) If, in response to an administrative inquiry, a City official has told Council that the work of answering the inquiry exceeds normal duties, Council, without debate, may vote on whether the City official should answer the administrative inquiry.
- (2) Council receives, or refers to the appropriate Council Committee, all administrative inquiries and answers, without debate.

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Article 8
Adding New Business to Council Meetings

§ 27-8.1. New business reports from City officials and from the Mayor.

A. City officials who can add new business to Council agendas.

Subject to Subsection B, C and E, the following City officials may add new business to a Council meeting agenda without first submitting the matter to the relevant Council Committee if the City official has met the regular agenda deadlines:

- (1) The City Manager;
- (2) The Chief Financial Officer and Treasurer;
- (3) The City Solicitor;
- (4) The City Clerk;
- (5) The Integrity Commissioner;
- (6) The Ombudsman;
- (7) The Auditor-General;
- (8) The Lobbyist Registrar; and
- (9) The Chief Planner, in order to make recommendations on decisions under the Ontario Heritage Act or recommendations for a refusal of an Official Plan Amendment and/or Zoning By-law Amendment application made under the Planning Act. **[Added 2021-07-16 by By-law 669-2021; amended 2023-12-15 by By-law 1307-2023]**

B. New business added relates only to urgent business or statutory duties.

Any new business a City official adds to a Council meeting agenda directly under Subsection A must relate:

- (1) To an urgent matter that cannot first be considered by the relevant Council Committee; or
- (2) To a statutory duty of the City official who is adding the matter to the agenda.

C. Rules for new business on urgent matters.

Any new business which relates to an urgent matter must:

- (1) Be identified as relating to an urgent matter; and
- (2) Clearly state the reason the matter is urgent and the reason the relevant Council Committee cannot first consider it.

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D. Mayor's authority to add new business.

The Mayor may add new business to the agenda of a Council meeting without first submitting the matter to the relevant Council Committee if the Mayor has met the regular agenda deadlines.

E. Accountability officers' reports.

Despite Subsection B, the following reports shall be submitted directly to Council:

- (1) Annual reports submitted by the Integrity Commissioner, Lobbyist Registrar and Ombudsman on the activities of their offices and the discharge of their duties; and
- (2) Reports submitted by the Auditor General, Integrity Commissioner, Lobbyist Registrar and Ombudsman respecting investigations or inquiries conducted by them.

§ 27-8.2. New business reports that Council requests.

Any report on new business that Council requests be submitted to a future Council meeting is added to the agenda if the agenda deadline is met.

§ 27-8.3. Notices of motion.

A. Requirements for notices of motion.

A member may make a notice of motion introducing new business if the notice of motion is in a form the Clerk approves and is signed by member who moves it and the member who seconds it.

B. Deadline for submitting notices of motion.

The member moving the notice of motion submits the notice of motion to the Clerk in its final form by 4:30 p.m. on the day of the agenda deadline.

C. Rules for notices of motion on urgent matters.

Notices of motion on urgent matters must:

- (1) Be identified as relating to an urgent matter; and
- (2) Clearly state the reason the matter is urgent and the reason the relevant Council Committee or agency cannot first consider it.

D. Agenda lists notices of motion and relevant committees and agencies.

The agenda lists all notices of motion received by the deadline and, next to the notices of motion, the relevant Council Committees or agency to which Council should refer them.

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- E. Referring notices of motion to committees and agencies.**
- (1) Subject to Subsection E(2) Council refers all notices of motion to the Council Committee or agency named next to the notice of motion on the agenda under Subsection D.
 - (2) Council may decide not to refer a notice of motion to the relevant Council Committee or agency by a vote of two-thirds of the members present.
- § 27-8.4. Motions without notice.**
- A. Requirements for motions without notice.**
- All motions without notice must:
- (1) Be in writing in a form the Clerk approves and be signed by the member moving the motion without notice and the member seconding the motion without notice; and
 - (2) Relate to an urgent matter and clearly state the reason why the matter is an urgent matter.
- B. Timing for submitting motions without notice.**
- Subject to Subsections D and E, the member moving the motion without notice submits it in writing to the Clerk by noon of the business day preceding the Council meeting.
- C. How motions without notice are treated.**
- (1) The Clerk, consulting with the Chair, reviews all motions without notice before the Council meeting to ensure the matter addressed by the motion without notice complies with the definition of urgent matter.
 - (2) If the Clerk agrees that the motion without notice deals with an urgent matter:
 - (a) The Clerk lists the motion without notice on the agenda;
 - (b) The Clerk adds the name of the relevant Council Committee, or agency for referral next to the motion without notice on the agenda; and
 - (c) Council refers the motion without notice to the Council Committee or agency named next to it on the agenda, or decides not to refer it to the relevant Council Committee or agency on a vote of two-thirds of the members present.
 - (3) If the Clerk does not agree that the motion without notice deals with an urgent matter, the Clerk:
 - (a) Refers the motion without notice to the relevant Council Committee or agency; and

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- (b) Presents a list of these motions without notice to Council for information only.

D. Making a motion without notice during a Council meeting.

- (1) A member may make a motion without notice during a Council meeting if:
 - (a) It complies with Subsection A;
 - (b) The Chair reviews it in advance;
 - (c) The Chair agrees that the matter is an urgent matter;
 - (d) The Chair allows the member to ask for Council's permission to introduce the motion without notice; and
 - (e) Two-thirds of all members vote in favour of its introduction⁴.
- (2) A motion without notice made under Subsection D(1) is added to the order paper, and is not referred to a Council Committee or agency.

E. Motions without notice on interim control by-laws.

- (1) Despite Subsection D and E and on the Chief Planner's advice, motions without notice about passing or extending an interim control by-law under the Planning Act may be introduced any time by a vote of a majority of members present.
- (2) Council does not refer a motion without notice introduced under Subsection E(1) to a Council Committee or agency.

F. When motions without notice are forbidden.

Members may not submit motions without notice to the first meeting, or to a special Council meeting.

§ 27-8.5. Financial and policy implications relating to notices of motion and motions without notice.

A. Chief Financial Officer and Treasurer's duty to advise of financial implications.

The Chief Financial Officer and Treasurer:

- (1) Reviews all notices of motion and motions without notice before they are considered; and
- (2) Advises Council of any financial implications associated with, and not explicitly identified in, the notices of motion and motions without notice.

⁴ Editor's Note: Two-thirds of all Members is 18 Members.

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B. Report on financial and policy implications to committee.

The appropriate City official submits a report on any policy and financial implications of a notice of motion or motion without notice referred to a Council Committee or agency under the procedures by-law.

§ 27-8.6. Reopening matters previously considered.

A. Notices of motion and motions without notice disallowed on matters already decided within past twelve months.

Subject to Subsection B, and § 27-9.18, once Council or a committee decides a matter, no member may make a notice of motion or a motion without notice that would change the decision within the twelve-month period following the decision, unless a regular election occurred since the matter was originally decided.

B. Notice of motion or motion without notice to reopen a matter.

A member who voted with the prevailing side on a matter may make a notice of motion or a motion without notice in accordance with the procedures by-law to reopen the matter:

- (1) With the consent of two-thirds of all members present if the member makes the notice of motion or motion without notice:
 - (a) Less than twelve months after Council or a committee decided the matter; and
 - (b) If no regular election has occurred since the decision.
- (2) Despite Subsection B(1), if the member wishes to reopen a matter decided at the same meeting at which it is to be reopened, § 27-9.18 applies.

C. Purposes of a notice of motion or motion without notice to reopen.

A notice of motion or a motion without notice to reopen a matter, unless it specifies otherwise, reopens the entire matter, and either:

- (1) Amends the previous decision; or
- (2) Cancels the entire previous decision.

D. Decisions on matter remain in force if reopening passes.

If a notice of motion or a motion without notice to reopen a matter passes, all previous decisions on the matter remain in force, unless Council decides otherwise.

E. Applicability to Council Committees on delegated matters.

This section applies to any decision made by a Council Committee on a delegated matter, with the following necessary modifications:

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- (1) "Notice of motion" is replaced by "motion"; and
- (2) "Motion without notice" is replaced by "motion".

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Article 9
Motions

§ 27-9.1. General rules on making motions.

A. Purpose of motions.

A member may make a motion that:

- (1) Affects the meeting's procedures, as set out in the procedures by-law; or
- (2) Takes action on the matter that is currently before Council for debate.

B. When members may make motions.

- (1) A member may make procedural motions defined in Subsection G at any time when the member has the floor.
- (2) Subject to Subsection B(1), when Council is considering a matter, a member may only make motions to adopt, amend, receive, defer, or refer the matter, and may only do so when the member has the floor.

C. Criteria for motions.

A member may make a motion, other than a procedural motion defined in Subsection G, if it is:

- (1) In writing and in a form acceptable to the Clerk; and
- (2) Signed by the member making the motion.

D. Content of motions.

Motions must be concise and unambiguous.

E. Reading of a motion.

A member makes the motion by reading it before:

- (1) Any member speaks about the motion;
- (2) The motion is debated; or
- (3) The motion is put to a vote.

F. Chair's right to refuse a motion.

The Chair may refuse to recognize any member who wishes to make a motion that does not meet the requirements in Subsections A, B, C, D or E.

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G. Procedural motions and their order.

Council will consider the following procedural motions in the following order:

- (1) Motion to amend the order paper;
- (2) Motion to adjourn;
- (3) Motion to recess;
- (4) Motion to end debate;
- (5) Motion to extend debate;
- (6) Motion to limit debate;
- (7) Motion to fix a time for a reconvened meeting;
- (8) Motion to reopen;
- (9) Motion to resolve into committee of the whole;
- (10) Motion to refer; and
- (11) Motion to defer.

§ 27-9.2. Admissibility of motions.

A. Motions that are not in order.

The following motions are not in order:

- (1) A motion that breaks the rules of the procedures by-law; and
- (2) A motion on a matter beyond Council's authority.

B. Chair decides what is in order or out of order.

The Chair rules on whether motions are in order.

§ 27-9.3. Main motions for Council to consider.

A committee's recommendations in their report to Council are the main motions for Council to debate and:

- A. Must be introduced in accordance with § 27-7.5;
- B. Are considered moved when they are announced; and
- C. Are considered adopted without amendment by consent, unless Council decides otherwise.

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§ 27-9.4. Seconding.

Only notices of motion and motions without notice require seconding. No other motions require seconding.

§ 27-9.5. Withdrawing motions.

After a member has made a motion, the member may only withdraw it with the consent of Council or a committee.

§ 27-9.6. Motion to amend.

A. Effect of a motion to amend.

A motion to amend has the effect of varying the main motion.

B. The content of an amendment.

An amendment must relate to the main motion, and cannot propose:

- (1) A contrary action to the motion it is proposing to amend; or
- (2) A new or changed City policy unless the subject of the proposed policy is the main motion's subject.

C. Boundaries on the relationship of an amendment to its motion.

- (1) An amendment may propose that a different or additional action be taken on the subject matter of the main motion provided it is directly relevant to the main motion.
- (2) An amendment is out of order if it is a substantive motion on other business beyond the subject matter of the main motion.

D. What members can debate about an amendment.

On an amendment, members may only debate the merits of the amendment, not the merits of the motion the amendment proposes to amend.

§ 27-9.7. Amending an amendment.

A. Relating amendments to amendments.

An amendment to an amendment must relate to the amendment.

B. Only one amendment to an amendment.

An amendment may only be amended once.

C. Order of voting on amendments.

- (1) An amendment to an amendment is put to a vote before the amendment.

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- (2) Despite Subsection C(1), when the amendment changes numbers, the numbers are put to a vote in ascending order dealing with the smallest number first.

§ 27-9.8. Amendment requesting report.

A. Deadlines for information or reports requested in amendments.

- (1) Unless the motion specifies otherwise, an amendment requesting information or a report from a City official, an agency, a committee, or a public advisory body requires that the clerk receive the report or information no later than three months from the date of the request.
- (2) The Clerk will place the report on the agenda of the appropriate Council or committee meeting.

B. Clerk reports if report or information late.

If the requested additional information or report is not prepared by the date required by Subsection A, the Clerk reports to the requesting committee, or Council on the status of the request.

C. No reports for meetings if agenda deadline passed.

A member may not request a report on new business to a meeting for which the established agenda deadline has already passed.

§ 27-9.9. Motion to receive for information and take no action.

A. Effect of a motion to receive for information.

A motion to receive for information has the effect of Council or committee taking no action on a matter, or part of a matter, and placing it in the Clerk's records for future reference.

B. When a motion to receive for information may be made.

A motion to receive for information may be made at any time during debate.

C. Rules for motion to receive for information.

A motion to receive for information:

- (1) Is debatable; and
- (2) Cannot be amended.

§ 27-9.10. Motion to defer.

A. Effect of a motion to defer.

A motion to defer has the effect of postponing consideration of a matter.

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B. Rules for a motion to defer.

- (1) A member may make a motion to defer any time during debate.
- (2) A motion to defer is a procedural motion and takes precedence over any non-procedural motion or amendment.
- (3) A motion to defer is put to a vote immediately after it is debated.

C. The content of motion to defer.

A motion to defer includes:

- (1) The time to which the matter is deferred, or a description of circumstances that cause the motion to be brought back; and
- (2) An explanation of the motion's purpose.

D. What is debatable about a motion to defer.

On a motion to defer, members may only debate:

- (1) The merits of deferring the matter; and
- (2) The merits of the time or circumstances to which the matter is to be deferred under Subsection C(1).

E. Time limits for motion to defer.

Members may speak about a motion to defer or question the mover about a motion to defer for up to two minutes.

F. Amending a motion to defer only relates to deferral time and circumstances.

The only allowable amendments to a motion to defer are changing the time or circumstances to which the matter is deferred.

G. Questioning of member moving amendments to motion to defer.

A member may question a member amending a motion to defer for up to two minutes.

H. Entire question deferred by motion to defer.

A motion to defer applies to the all motions that have been made to that point in time, including all motions that Council has not yet debated.

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I. Dealing with a motion to defer before the main motion.

The motion to defer must be disposed of before debate on the main motion may resume.

J. Changing the deferral time.

A matter that Council or a committee has deferred may only be brought back for debate before the time of circumstances to which it was deferred with an affirmative two-thirds vote of members present.

K. Motion to defer matter includes a motion to refer.

A motion to defer a matter includes a motion to refer that matter, so there will be only one debate for each matter before Council.

§ 27-9.11. Motion to refer.

A. Effect of a motion to refer.

A motion to refer has the effect of requesting a committee, agency, City official or the Mayor to investigate the matter and report back on the matter.

B. Rules for a motion to refer.

- (1) A member may make a motion to refer any time during debate.
- (2) A motion to refer is a procedural motion and takes precedence over any non-procedural motion or amendment.
- (3) A motion to refer is put to a vote immediately after it is debated.

C. To whom matters are referred.

A motion to refer may refer a matter for investigation to either:

- (1) The committee or agency with a mandate relevant to the matter; or
- (2) The appropriate City official; or
- (3) The Mayor.

D. The content for a motion to refer.

A motion to refer includes:

- (1) The name of the committee, agency or person to whom the matter is referred;
- (2) The subject matter or question to be investigated;
- (3) The time period within which the matter will be reported back to Council, committee or agency, which is three months if no time period is specified; and

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(4) Any additional instructions.

E. What is debatable about a motion to refer.

On a motion to refer, members may only debate:

- (1) The merits of referring the matter;
- (2) To whom the matter should be referred; and
- (3) The time period within which the matter is to be reported back.

F. Time limits for a motion to refer.

Members may speak about a motion to refer or question about a motion to refer for up to two minutes.

G. Amendments to a motion to refer.

The only allowable amendments to a motion to refer are changing:

- (1) The committee, agency or person to whom the matter is referred;
- (2) The time period within which the matter is to be reported back to Council;
or
- (3) The referral instructions.

H. Questioning of member moving amendments to motion to refer.

A member may question a member amending a motion to refer for up to two minutes.

I. Motion to refer may refer entire matter or part of the matter.

A motion to refer may apply to:

- (1) The entire matter, including all motions that have been made to that point in time; or
- (2) Part of the matter, including specific motions to amend that have been made to that point in time.

J. A motion to refer may not have the effect of defeating the motion.

A motion to refer that has the effect of defeating the motion is out of order.

K. Dealing with a motion to refer comes before the main motion.

The motion to refer under Subsection I(1), must be disposed of before debate on the main motion resumes.

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L. Motion to refer matter includes motion to defer.

A motion to refer a matter includes a motion to defer the matter, so that there will be only one debate for each matter before Council.

§ 27-9.12. Motion to extend debate.

A. Member who has the floor may move to extend debate.

A member who has the floor may make a motion to extend debate beyond the time allotted for the matter currently under debate at any time during debate.

B. The content of a motion to extend debate.

(1) A motion to extend debate proposes to extend debate by:

- (a) Adding extra time to the debate;
- (b) Despite Subsection 27-11.4A, increasing the number of times a member may speak; or
- (c) Despite Subsection 27-11.4B, increasing the time allotted to each member to speak.

(2) A motion to extend debate must allow all members the same right to participate.

C. Rules for motion to extend debate.

A motion to extend debate:

- (1) Is debatable; and
- (2) May be amended, but only by changing:
 - (a) The extra time added to the debate;
 - (b) The number of times a member may speak; and
 - (c) The time allotted to each member to speak.

D. Vote requirement to pass a motion to extend debate.

A motion to extend debate is passed by a two-thirds vote of the members present.

E. Procedural motion.

A motion to extend debate is a procedural motion.

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§ 27-9.13. Motion to limit debate.

A. Member who has the floor may move to limit debate.

A member who has the floor may make a motion to limit debate on the matter currently under debate any time during the debate.

B. The content of a motion to limit debate.

- (1) A motion to limit debate proposes to limit the debate by:
 - (a) Reducing the time for the debate; or
 - (b) Despite § 27-11.4B, decreasing the time limit allotted to each member to speak.
- (2) A motion to limit debate must allow all members the same right to participate.

C. Rules for motion to limit debate.

A motion to limit debate:

- (1) Is debatable; and
- (2) May be amended, but only by changing:
 - (a) The time by which the debate is being reduced; and
 - (b) The time limit allotted to each member to speak.

D. Vote requirement to pass a motion to limit debate.

A motion to limit debate passes with a two-thirds vote of the members present.

E. Procedural motion.

A motion to limit debate is a procedural motion.

§ 27-9.14. Motion to end debate.

A. Member on the floor may move to end debate.

A member who has the floor may make a motion to end debate on the matter currently under debate any time during debate.

B. Rules for motion to end debate.

A motion to end debate:

- (1) Is not debatable;
- (2) Cannot be amended; and
- (3) Is carried by a two-thirds vote of members present.

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C. Immediate vote on motion.

A motion to end debate is put to a vote immediately.

D. When motion passes.

If a motion to end debate passes, the matter before Council, including the main motion and any amendments, will immediately be put to a vote.

E. When motion fails.

If a motion to end debate fails to pass, the member who made the motion to end debate cannot speak again on the matter.

F. Procedural motion.

A motion to end debate is a procedural motion.

§ 27-9.15. Motion to recess.

A. Rules for motion to recess.

A member who has the floor may make a motion to recess any time.

B. Content of motion to recess.

A motion to recess states a specific period of time for the meeting to recess.

C. Rules for a motion to recess.

A motion to recess is:

- (1) Not debatable; and
- (2) May be amended, but only by changing the length of the recess, and an amendment is not debatable.

D. Business continues after recess.

After a recess, the Council meeting's business will continue in accordance with the order paper.

E. Procedural motion.

A motion to recess is a procedural motion.

§ 27-9.16. Motion to adjourn.

A. Member on the floor make motion to adjourn.

A member who has the floor may make a motion to adjourn any time during a meeting except when another member has indicated to the Chair their desire to speak on the matter before Council or a committee.

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B. Rules for motion to adjourn.

A motion to adjourn:

- (1) Is not debatable; and
- (2) Cannot be amended.

C. Immediate vote on motion.

A motion to adjourn will be put to a vote immediately.

D. Procedural motion.

A motion to adjourn is a procedural motion.

§ 27-9.17. Motion to fix a time to reconvene.

A. Use of motion to complete unfinished business.

A member may make a motion to fix a time for a reconvened meeting before the next scheduled Council meeting to complete unfinished business.

B. Rules for a motion to fix a time to reconvene.

A motion to fix a time to reconvene is:

- (1) Debatable; and
- (2) May be amended, but only by changing the proposed date or time of the reconvened meeting.

C. Procedural motion.

A motion to fix a time to reconvene is a procedural motion.

§ 27-9.18. Reconsideration of matters previously considered at the same meeting.

A. Motions disallowed on matters already decided within past twelve months.

Subject to Subsection B, and § 27-8.6, once Council or Committee decides a matter, no member may make a motion that would change the decision within the twelve-month period following the decision, unless a regular election has occurred following the decision.

B. Requirements for motion to reconsider the matter.

- (1) A member who voted with the prevailing side on a matter may make a motion to reconsider the matter originally decided at the same meeting at which the matter is to be reconsidered.
- (2) A motion to reconsider made under Subsection B(1) requires the consent of Council on a two-thirds vote of the members present to pass.

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C. Rules on a motion to reconsider a matter.

A motion to reconsider a matter is:

- (1) Not debatable; and
- (2) May not be amended.

D. Purposes of a motion to reconsider a matter.

A motion to reconsider a matter, unless it specifies otherwise, opens the entire matter, and either:

- (1) Amends the previous decision, or
- (2) Cancels the entire previous decision.

E. Decisions on matter remain in force if motion passes.

If a motion to reconsider a matter passes, all previous decisions on the matter remain in force, unless Council decides otherwise.

F. Procedural motion.

A motion to reconsider a matter is a procedural motion.

G. Applicability to Council Committees on delegated matters.

This section applies to any decision made by a Council Committee on a delegated matter.

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Article 10
Points of Order and Privilege and Chair's Rulings

§ 27-10.1. Point of order.

- A. If the Chair agrees, a member may present a point of order at any time and must sit back down in their seat after doing so.
- B. Council or a committee cannot debate or amend a point of order.
- C. The Chair immediately rules on the point of order and gives reasons for the ruling.

§ 27-10.2. Point of privilege.

- A. If the Chair agrees, a member may present a point of privilege at any time and must sit back down in their seat after doing so.
- B. Council or a committee cannot debate or amend a point of privilege.
- C. The Chair will immediately rule on the point of privilege and give reasons for the ruling.

§ 27-10.3. Motion to appeal the Chair's ruling.

- A. **Times a member may appeal the Chair's ruling.**
Immediately following a Chair's ruling, a member may make a motion to appeal that ruling, despite another member having the floor.
- B. **No debating or amending a motion to appeal.**
Members cannot debate or amend a motion to appeal.
- C. **Steps the Chair takes after a motion to appeal.**
When a member makes a motion to appeal, the Chair:
 - (1) Asks the members, "Is the ruling of the Chair upheld?"; and
 - (2) Immediately puts the motion to appeal to a vote.
- D. **When the Chair's ruling is final.**
A Chair's ruling that is not appealed, or is supported on appeal, is final.
- E. **When Council's or committee's decision is final.**
When the Chair's ruling is not supported on appeal, Council's decision or the committee's decision is final.

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F. **Chair's statement of authoritative rules is final.**

If the Chair states or reads a rule from the procedures by-law, legislation, or another document of authority, the Chair has not made a ruling and no member may make a motion to appeal.

G. **Procedural motion.**

A motion to appeal the Chair's ruling is a procedural motion.

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Article 11
Rules of Debate for Council

§ 27-11.1. Questioning.

A. Chair maintains a list of member requests to question.

The Chair maintains a list of members who have indicated they wish to ask questions on a matter.

B. Questions to committee or agency Chairs on recommendations to Council.

Members may question a committee Chair or an agency Chair who is a Council member on any matter on which the committee or agency is making recommendations to Council.

C. Questions on any matter to City or agency Officials.

With the consent of Council, members may question any City official or agency official on any matter.

D. Time for questions and answers to Chairs and to Officials.

A member's questions asked under Subsections B and C, and their answers, may not exceed a total of five minutes on any matter.

E. Timing and time limits for questions to the Mayor.

(1) Members may only question the Mayor after the Mayor:

- (a) Has presented a Mayor's key matter; or
- (b) Has spoken about a matter.

(2) A member's questions and the Mayor's answers to them may not exceed a total of five minutes on any matter.

F. Type of questions restricted under Subsections B, C, and E.

A member may ask questions under Subsections B, C, and E only:

- (1) To clarify the main motion; and
- (2) Obtain facts related to the main motion.

G. Conditions for questioning the previous speaker.

A member may ask questions of the previous speaker only:

- (1) If the previous speaker made a motion; and
- (2) To clarify the motion made by the previous speaker.

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H. Time for questions and answers of previous speaker.

A member's questions asked under Subsection G, and the answers to them, may not exceed a total of three minutes.

I. Questions under Subsection B, C, E or G.

When a Chair, a member, a City official, an agency official, or the Mayor, is on the floor to answer questions under Subsections B, C, E or G, any member may ask them questions.

J. Member may question under Subsection B, C, E, and G only once.

Members may ask questions on a matter only once under each of Subsections B, C, E and G.

K. Style of questions.

Questions must be clear and concise and may not be used to make statements or assertions.

L. Questions with the same form and content may be out of order.

The Chair may rule a question out of order if a member has already asked substantially the same question in the same form.

M. Questions completed before debate.

All questioning on a matter is finished before debate on the matter begins except for questions of the Mayor under Subsection E(1)(b) and questions of the previous speaker under Subsection G.

§ 27-11.2. Order of speakers.

A. Chair or Vice Chair may choose to be first or last to speak.

Subject to Subsection B, the committee Chair may choose to be either the first or last speaker during debate of a matter on which the Chair's committee made recommendations.

B. Mayor's choice to speak first or last takes precedence.

Despite Subsection A, if the Mayor wishes to speak about a matter, the Mayor may choose to be either the first or last speaker on a matter during the debate. If the Mayor so chooses, the committee Chair will not have a choice under Subsection A, but may only speak in the position the Mayor did not choose.

C. Member holding a matter is the second speaker.

A member who the Clerk noted as requesting that a matter be held will be the second speaker on the matter during debate of the matter.

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D. Chair keeps a list of speakers and decides order.

The Chair:

- (1) Keeps a list of members who have asked to speak on a matter; and
- (2) During debate, calls them to speak in the order of the list.

§ 27-11.3. Standing to address the Chair.

Unless prevented by physical disability, a member stands to address the Chair when questioning or speaking.

§ 27-11.4. Rules for speaking.

A. Member may speak once on a matter.

Members may speak only once on a matter during debate of the matter.

B. Five-minute time limit for speakers and possible extension.

A member may speak on a matter for up to five minutes, but Council may consent to extend that time for up to two more minutes for the Chair of the committee that submitted the matter to Council and for the ward councillor on a matter pertaining to a particular ward as opposed to a city-wide matter.

§ 27-11.5. No interruption while a member is speaking.

Unless acknowledged by the Chair to raise a point of privilege or a point of order, a member cannot:

- A. Pass between a member who is speaking and the Chair; or
- B. Interrupt a member who is speaking.

§ 27-11.6. Chair must step down as Chair to participate in debate.

A. Chair's objective role means the Chair does not participate in debate.

The Chair may not speak on a matter, question City officials or other members, or make any motions while in the chair.

B. Who takes over as Chair.

- (1) If the Council Chair leaves the chair for any reason, the Chair designates the following to preside at a Council Meeting:
 - (a) The Speaker, Deputy Speaker, or the Mayor; or
 - (b) If the Speaker, Deputy Speaker, and the Mayor are all either absent or leaving the Chair, another member.

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- (2) If a committee Chair leaves the chair for any reason, the Chair designates the following to preside at a committee meeting:
 - (a) The committee Vice Chair; or
 - (b) If the committee Vice Chair is absent, another committee member.

§ 27-11.7. Opportunity to be heard.

Every member has an opportunity to speak on a motion before it is put to a vote, unless a motion to end debate or a motion to adjourn has passed.

§ 27-11.8. Request to have motion read.

A member may request that a motion be read or re-read any time during debate of the motion, as long as the request does not interrupt a member speaking.

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Article 12
Voting

§ 27-12.1. Chair reads a motion.

When necessary, the Chair reads each motion before putting it to a vote.

§ 27-12.2. Present members' duty to vote but not voting is a negative vote.

A. Every member at a meeting must vote.

Every member present at a meeting must vote on every matter put to a vote, except any member who declares a conflict of interest and leaves for the vote.

B. Not voting is a negative vote.

The Clerk records as voting in the negative any member present at a meeting who does not vote, except a member who has declared a conflict of interest.

§ 27-12.3. Requirements for passing motions and the effect of tied votes.

A. Majority vote required for motion to pass.

Unless the procedures by-law specifies otherwise, a motion passes when a majority of members present vote for it.

B. Motion fails with tied votes.

A motion does not pass if the same number of members vote for it as against it.

C. Two-thirds vote for accountability officer's appointment.

A two-thirds vote of all members is required for the appointment of an accountability officer and related matters, as set out in § 3-3A of Chapter 3, Accountability Officers⁵.

§ 27-12.4. Order of motions for voting.

A. Unless decided otherwise by Council, and subject to Subsection B, the Chair, in consultation with the Clerk, lists all motions on a matter for voting in the following order:

- (1) Motion to refer;
- (2) Motion to defer;
- (3) Motion to receive;

⁵ Editor's Note: Two-thirds of all Members is 18 Members.

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- (4) Motion to amend, dealing with an amendment to an amendment immediately before the amendment it proposes to amend;
 - (5) Main motion, or the main motion as amended, if any amendments have carried; and
 - (6) Separating the vote on the "main motion, as amended" into more than one part, which may only be done to comply with the Municipal Conflict of Interest Act.
- B. Despite Subsection A(4), when an amendment changes numbers, the amendments are put to a vote in ascending order dealing with the smallest number first.

§ 27-12.5. Dividing motions into parts.

A. Member's request to divide the parts of a motion.

If a matter under consideration contains distinct propositions, a member may request that members vote on each proposition separately.

B. Chair rules on the request.

If the Chair agrees that the matter contains distinct propositions, the Chair will rule that members vote on each proposition separately.

§ 27-12.6. Voting procedures.

A. Requirements for members to vote.

Members must:

- (1) Be in their designated seats when the motion is put to a vote; and
- (2) Be silent and remain in their designated seats until the Chair announces the results of the vote.

B. Chair reads motion when necessary.

When necessary, the Chair reads the motion.

C. No motions or further debate when motion is put to a vote.

When the motion is put to a vote, a member may not speak on, or make a motion on, the matter.

D. Members vote by a show of hands.

Subject to § 27-12.7D, members vote by a show of hands.

E. Declaration of the result of the vote.

The Chair or the City Clerk declares the result of the vote.

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§ 27-12.7. Recorded vote.

A. When a member may request a recorded vote.

A member may request a recorded vote on any matter and must make the request immediately before or after the vote is taken.

B. If request for recorded vote is made after first vote the first vote is nullified.

If the request for a recorded vote is made immediately after the vote is taken, the first vote is nullified and a second, recorded vote must be held.

C. Clerk records name and vote of members.

When a member requests a recorded vote the Clerk records the name and vote of every member on the matter.

D. Electronic voting for records.

When a recorded vote is requested, members will use the electronic voting system, or another method as determined by the Clerk, to vote.

§ 27-12.8. Balloting rules.

Electing the Speaker, Deputy Speaker, committee Chairs except as appointed under § 27-6.2A, and committee Vice Chairs, is done by ballot in accordance with Appendix A-2.

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Article 13
Rules for Committee of the Whole

§ 27-13.1. Motion to go into committee of the whole.

- A. A motion to resolve into a committee of the whole:
 - (1) May be made at any time, for the purposes set out in Subsection B;
 - (2) Is not debatable; and
 - (3) Cannot be amended.
- B. Council resolves itself into a committee of the whole to:
 - (1) Consider a matter which may be considered in a closed meeting under § 27-5.15A; and
 - (2) Hear public presentations and consider matters before it after Council having decided to do so at a previous meeting.

§ 27-13.2. Chair of committee of the whole.

- A. **Chair for meeting to hear public presentations.**
 - (1) The Mayor presides over a meeting of the committee of the whole to hear public presentations;
 - (2) If the Mayor is absent, the Deputy Mayor presides;
 - (3) If both the Mayor and the Deputy Mayor are absent, the Speaker presides; and
 - (4) If the Speaker is absent, the Deputy Speaker presides.
- B. **Chair for closed meetings.**

The person presiding over the Council meeting immediately before the meeting becomes a closed meeting presides over a meeting of the committee of the whole to consider a matter in a closed meeting.

§ 27-13.3. Hearing public presentations.

If the committee of the whole decides to hear public presentations, the rules for public presentations to committees apply to those presentations.

§ 27-13.4. Rules of procedures for committee of the whole.

The rules of procedures set out in the procedures by-law apply to meetings of committee of the whole, except that:

- A. The Chair may participate in debate from the Chair;

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- B. Subject to Subsection C, members may speak or ask questions again on any matter;
- C. Members may speak or ask questions only once each until every member who wishes to speak has done so; and
- D. A majority vote decides any matter the committee of the whole debates.

§ 27-13.5. Motion to rise and report and motion to rise without reporting.

- A. A motion to rise and report:
 - (1) May be made by a member at any time;
 - (2) Is not debatable; and
 - (3) Cannot be amended.
- B. A motion to rise without reporting:
 - (1) May be made by a member at any time;
 - (2) Is not debatable; and
 - (3) Cannot be amended.
- C. When a motion to rise without reporting passes, any matter that the committee of the whole has not decided loses.

§ 27-13.6. Adoption of reports.

A report that the committee of the whole adopts must be put to Council for adoption, and is subject to amendment by council.

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Article 14
Minutes

§ 27-14.1. Preparing the minutes.

- A. The Clerk prepares the minutes for all Council and Council Committee meetings.
- B. The minutes include:
 - (1) All decisions and other proceedings;
 - (2) The names of all member attending and absent;
 - (3) For recorded votes, a record of the way each member present voted for every motion; and
 - (4) A record of members, if any, who declared a conflict of interest and the reason for the conflict of interest.

§ 27-14.2. Adopting the minutes.

- A. **Clerk submits minutes to the next regular meeting at which Council or Council Committee adopts them.**
 Unless Council or a Council Committee decides otherwise, the Clerk submits each meeting's minutes to the next regular meeting, or as soon as possible afterwards, for members to either adopt or amend.
- B. **Clerk circulates minutes before the meeting that adopts or amends them.**
 The Clerk circulates the minutes before the meeting that the minutes are submitted to for adoption or amendment.
- C. **Members may request reading of minutes.**
 If any member requests, the Clerk reads the minutes or any requested portion of the minutes, before the minutes are adopted or amended.
- D. **Amendments before adopting minutes.**
 Council or the Council Committee passes a motion to amend the minutes to correct any errors or omissions and then adopts the amended minutes.
- E. **Minutes adopted as prepared if no errors.**
 If there are no errors or omissions in the minutes, Council or the Council Committee adopts the minutes as prepared.
- F. **Signatures required after adopting minutes.**
 After Council or a Council Committee adopts the minutes, the Mayor and the Clerk sign them.

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Article 15
Bills

§ 27-15.1. Bills.

A. Interpretation.

Despite the definition of meeting in § 27-1.1, as used in this article, the term has the following meaning:

MEETING - Any regular, special, or other meeting of Council, or of a Council Committee to which legislative authority has been delegated under Article 18.

B. Solicitor prepares bills.

For each meeting, the City Solicitor prepares any bills to be introduced at the meeting.

C. Clerk submits bills.

The Clerk ensures each bill is in the approved format and submits the bill to Council, or in the case of delegated matters, to the Council Committee.

D. Content of bills.

All bills, except confirmatory bills, must:

- (1) Have a concise title;
- (2) Be numbered;
- (3) Refer to the decision on the bill's subject matter; and
- (4) Give the date of the meeting at which the bill is to be introduced.

§ 27-15.2. Listing of bills on agenda and bill index.

A. The meeting agenda includes the bill's number and title;

B. The Clerk:

- (1) Prepares a bills index to distribute to members with the agenda or during the meeting; and
- (2) Provides a copy of a bill to a member, if the member requests it.

§ 27-15.3. Subject matter of bills approved.

A. Only bills implementing matters Council has approved may be presented to Council.

B. Only bills implementing delegated matters a Council Committee has approved may be presented to the Council Committee.

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§ 27-15.4. Rules about introducing and passing bills.

- A. A bill is valid even if introduced and passed at a meeting on a date other than that shown on the bill.
- B. A number of bills may be introduced and passed together in one motion and referred to only by number.
- C. Despite Subsection B, Council, or in the case of a delegated matter, the Council Committee, must, at the request of any member, deal separately with any bill.
- D. Except for a bill to amend the procedures by-law under § 27-3.6B(1), a bill may be introduced and passed the same day as the bill's subject matter is approved.

§ 27-15.5. Council may refer bills to Council Committee.

Council may refer a bill to the appropriate Council Committee to report back to Council on the bill to ensure that the bill correctly implements the Council decision that it is intended to implement.

§ 27-15.6. Rules on motions to introduce and pass bills.

A. A motion to introduce and pass a bill, other than a confirmatory bill.

A motion to introduce and pass a bill, is always in order and a member may make the motion at any time.

B. Contents of the motion.

A motion to introduce and pass a bill other than a confirmatory bill, must specify the title or number of the bill.

C. Form of the motion.

A motion to introduce and pass a bill, other than a confirmatory bill, must be in the following form:

"That (Council or the relevant Council Committee) pass and declare as a by-law bill number _____, prepared for the (date) meeting (of Council or the relevant Council Committee)."

D. Limitations on debating the motion.

- (1) A motion to introduce and pass a bill, other than a confirmatory bill, is debatable and may be amended, but only as to:
 - (a) Form; and
 - (b) To ensure that it correctly implements the decision that it is intended to implement.

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- (2) The debate on a motion to introduce and pass a bill may not reopen or consider the substance of the decision or part of the decision, except in accordance with § 27-8.6 or 27-9.18.

§ 27-15.7. Confirmatory bills non-debatable.

A. Member makes motion to introduce and pass confirmatory bill.

When the business of the day is complete, or immediately before the meeting is adjourned, or at any other time determined by the Chair, a member may put the following motion to introduce and pass a confirmatory bill:

"That (Council or the relevant Council Committee) pass and declare as a by-law a confirmatory bill to confirm the (In the case of a Council meeting, proceedings of the Council meeting or part of it as specified; in the case of a Council Committee meeting, legislative proceedings of the relevant Council Committee acting under delegated authority at the meeting, or part of a meeting, as specified)."

B. Motion on confirmatory bill not debatable.

- (1) A motion to introduce and pass a confirmatory bill, or any part of one, is not debatable and cannot be amended.
- (2) A motion to introduce and pass a confirmatory bill is voted on immediately.
- (3) Despite Subsection B(2), on an affirmative vote of two-thirds of the members present, Council, or in the case of delegated matters, the Council Committee, may defer to its next meeting the vote on a motion to introduce and pass any part of a confirmatory bill.

§ 27-15.8. What happens when members request a separate vote on a matter.

A. The bill is considered automatically amended to exclude the matter.

When a member requests a separate vote on a particular matter covered by a confirmatory bill, the bill will be considered to be automatically amended to exclude the matter in question.

B. Presentation of another bill.

After Council, or in the case of delegated matters, the Council Committee, votes on the confirmatory bill under Subsection A, a member will present another bill to confirm the proceedings on the other matter in question and the confirmatory bill is presented as if it had been included in the motion to introduce and pass the original bill.

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§ 27-15.9. Steps after bill is passed and Clerk's authority to make minor changes.

A. Steps after a bill is passed.

A bill becomes a duly enacted by-law after:

- (1) Council, or in the case of delegated matters, the Council Committee, passes the bill;
- (2) The bill is printed in the form of a by-law;
- (3) The Mayor or Chair of the meeting at which the bill was passed, and the Clerk, sign it; and
- (4) The Clerk affixes the seal of the City and the by-law number on it.

B. Effective date of the by-law.

A by-law is effective on the day it is enacted, unless the by-law specifies otherwise.

C. Clerk authority to make minor changes.

- (1) The Clerk may make minor deletions, additions, or other changes in form to any bill before the bill is signed, sealed, numbered and enacted as a by-law.
- (2) Any changes made under Subsection C(1) are for the purpose of ensuring correct and complete implementation of the actions that form the subject matter of the bill in accordance with the procedures by-law.

§ 27-15.10. Amending a by-law and changes to a bill.

- A. All changes made to a bill to reflect changes to the decision on the matter that the bill implements, are considered part of the bill.
- B. Once enacted, a by-law may only be amended or repealed by another by-law, unless the by-law or legislation specifies otherwise.

§ 27-15.11. Security of by-laws.

The Clerk deposits every by-law enacted in a safe and convenient place connected with the Clerk's office.

§ 27-15.12. Indexed volume of by-laws.

All by-laws are printed in an indexed volume separated according to the year in which they are enacted.

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Article 16
Committees of Council

§ 27-16.1. Executive Committee.

Appendix B-1 sets out the terms of reference for the Executive Committee.

§ 27-16.2. Standing Committees.

A. Duties of the Standing Committees.

The Standing Committees are responsible for:

- (1) Providing direction, setting priorities, and ensuring co-ordination between related policies, programs, and services;
- (2) Providing forums for public participation and detailed discussions of the City's decision-making;
- (3) Providing forums for substantial policy debate within their respective mandates;
- (4) Making policy recommendations to Council and recommending priorities within the committee's budget;
- (5) Considering reports from City officials on implementing program and policy decisions within the committee's mandate; and
- (6) Promoting accountability and interaction with Council on behalf of agencies.

B. Standing Committee Mandates.

(1) Economic and Community Development Committee

The Economic and Community Development Committee's primary focus is on social cohesion and the economy, with a mandate to monitor and make recommendations on strengthening communities, neighbourhoods and the economy.

(2) General Government and Licensing Committee

The General Government and Licensing Committee's primary focus is on City government assets and resources and business licensing, with a mandate to monitor and make recommendations on the administrative operations of the City and the licensing of businesses.

(3) Infrastructure and Environment Committee

The Infrastructure and Environment Committee's primary focus is on infrastructure and the natural environment, with a mandate to monitor and

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make recommendations on Toronto's infrastructure needs and services, parks and forestry and the sustainable use of Toronto's environment.

(4) Planning and Housing Committee

The Planning and Housing Committee's primary focus is on urban form and housing development, with a mandate to monitor and make recommendations on planning, property standards, growth and housing development.

C. Delegated Duties of Standing Committees.

(1) Planning and Housing Committee.

The Planning and Housing Committee holds any statutory hearing required under the Planning Act for the following matters, in accordance with § 27-16.5D:

- (a) Proposed official plans and zoning by-laws and their proposed amendments; and
- (b) Applications for approval of subdivision plans.

(2) General Government and Licensing Committee.

- (a) The General Government and Licensing Committee is delegated the power and authority to hold meetings at which applicants may make representations to the Committee and to make final decisions, in regard to all property-tax related applications made under sections 300, 322, 323(1)(a), (b), (c), (d), (f), (g) and (h), 325, 326 and 327 of the Act, and these matters delegated by Council to the Committee cannot be exercised by Council.
- (b) The General Government and Licensing Committee is delegated the power and authority to hold any hearing required by Chapter 760, Taxation, Municipal Land Transfer Tax, in respect of appeals under that chapter.
- (c) General Government and Licensing Committee is delegated the power and authority to hold any hearing required by Chapter 765, Taxation, Personal Vehicle Tax, in respect of appeals under that chapter.
- (d) The General Government and Licensing Committee is delegated the power and authority to hold hearings required by Chapter 771, Taxation, Third Party Sign Tax, in respect of appeals under that chapter.
- (e) The General Government and Licensing Committee is delegated the power and authority to hold hearings required by Chapter 758, Taxation, Municipal Accommodation Tax, in respect of appeals under that chapter.

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(3) **Executive Committee.**

[Added 2019-10-03 by By-law 1412-2019]

The Executive Committee is delegated the power and authority to hold any hearing required under section 20 of the Development Charges Act in respect of a development charge complaint and under section 257.85 of the Education Act in respect of an education development charge complaint.

D. Composition of Standing Committees.

- (1) Every Standing Committee is composed of six members and the Mayor by-right-of-office.
- (2) Every Member is a member of at least one of the Standing Committees or of the Executive Committee.

E. Meeting support for Standing Committees.

The Clerk provides meeting support to the Standing Committees.

F. Mayor appoints Standing Committee Chairs.

The Mayor appoints the Chairs of each Standing Committee and informs the City Clerk in writing of the appointments.

G. Committee selects Vice Chair.

Each Standing Committee elects a Vice Chair from its members.

H. Chair's absence.

When the Chair is absent, the Vice Chair chairs the Standing Committee meeting.

§ 27-16.3. Board of Health.

The Board of Health reports to Council, as required.

§ 27-16.4. Special Committees.

Appendix B-2 sets out the terms of reference for the Special Committees of Council.

§ 27-16.5. Community Councils.

A. Composition of the Community Councils.

- (1) Appendix B-3 describes the Community Councils.
- (2) The membership of the Community Councils consists of the members elected for the electoral wards that the Community Councils represent.

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B. Chairs and Vice Chairs of Community Councils.

Each Community Council elect its Chair and Vice Chair from its members.

C. Community Council may hold public meetings on certain subjects.

The Community Councils hold any statutory hearing required under the Planning Act, for the following matters within the urban area the Community Council represents, unless the subject matter is of City-wide interest or is within an area represented by more than one Community Council:

- (1) Proposed official plans and zoning by-laws and their proposed amendments; and
- (2) Applications for approval of subdivision plans.

D. When Council delegates the subjects in Subsection C to the Planning and Housing Committee.⁶

Despite Subsection E, the Planning and Housing Committee holds the statutory hearing if the matter is:

- (1) Of City-wide interest; or
- (2) Is within an area represented by more than one Community Council.

E. Duties of Community Councils.

In the urban areas they represent, Community Councils are responsible for the matters set out in Appendix B-4.

§ 27-16.6. Other committees and public advisory bodies.

A. Council may establish committees and public advisory bodies.

Council may establish other committees, or public advisory bodies consisting of Council members or a combination of Council members and the public.

B. Terms of reference.

- (1) Council must adopt terms of reference for any new committees or public advisory body it establishes.
- (2) The terms of reference that Council adopts under Subsection B(1) for any new committee, or public advisory body that it establishes must include:
 - (a) The matters the committee or public advisory body deals with;

⁶ Editor's Note: Section 27-16.5D is suspended until November 14, 2022, in respect of statutory hearing required under the Planning Act for proposed official plan amendments respecting official policies related to parkland dedication and related by-laws under section 42 of the Planning Act, and the following special rules are substituted: The Executive Committee hold any statutory hearing required under the Planning Act for proposed official plan amendments respecting official policies related to parkland dedication and related by-laws under section 42 of the Planning Act. This suspension was enacted and passed on May 12, 2022 by By-law 433-2022.

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- (b) The committee's or public advisory body's composition;
- (c) The Standing Committee or Executive Committee to which the committee or public advisory body reports;
- (d) The date the committee or public advisory body reports and the date that it ends, unless Council approves an extension or continuation;
- (e) The reason an existing committee or public advisory body cannot do the work; and
- (f) A Clerk's impact statement identifying the staff and other resources the committee or public advisory body needs for support and a statement that such resources are available.

§ 27-16.7. Subcommittees.

A. Establishing subcommittees.

The Executive Committee, a Standing Committee, a Special Committee, the Board of Health, and a Community Council can establish subcommittees.

B. Members of the committee who create the subcommittee can be members.

Only members of the committee creating the subcommittee may be subcommittee members.

C. Community Councils Subcommittees' terms of reference.

All subcommittees must have terms of reference in accordance with § 27-16.6B.

D. Community Councils subcommittees report to Council on public hearings or public presentations.

A Community Council subcommittee reports directly to Council on any public hearing it conducts or any public presentations it hears.

E. Limited approvals for further subgroups or sub-subcommittees.

A committee other than those permitted to create subcommittees by Subsection A, a subcommittee, and a public advisory body cannot establish a subcommittee without:

- (1) In the case of a subcommittee creating a subcommittee, the approval of the Executive Committee or the appropriate Standing Committee or Community Council; or
- (2) In all other cases, the approval of Council.

§ 27-16.8. Term of office for member appointments.

A. Period certain committee members are appointed to serve.

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Unless Council decides otherwise or legislation provides otherwise, the members of the following committees are appointed until the end of the second full year of the Council term, or until their successors are appointed:

- (1) The Executive Committee's member(s)-at-large;
- (2) The Standing Committee members;
- (3) Special committee and sub-committee members;
- (4) Any members appointed to agencies and other external bodies;
- (5) Members who are members of any other committee or public advisory body;
- (6) The Chairs and Vice Chairs of Community Councils; and
- (7) The Vice Chairs of Standing Committees.

B. Terms of office for members who are citizens.

Council appoints citizens to agencies, committees, or public advisory bodies for:

- (1) The same term of office as Council's term, or until their successors are appointed;
- (2) The term set out in such appointments or by Council policy, or until their successors are appointed; or
- (3) The term otherwise provided by law.

§ 27-16.9. Mayor's role means being a member of all Council Committees.

A. Mayor is a member of Council Committee member or be a member by being Mayor.

The Mayor is a member of all Council Committees by virtue of office.

B. Mayor has all committee rights and privileges and is counted in a quorum.

If present at a committee meeting, the Mayor is counted in assessing whether a quorum is present, and the Mayor has all the rights and privileges of the other committee members.

§ 27-16.10. Joint meetings.

A. Committee Chairs may call joint meetings.

- (1) Committee Chairs may call a joint meeting of one or more Standing Committees, the Executive Committee, or Special Committees whenever the chairs think it necessary for their respective committees to jointly consider and report on matters within their respective mandate.

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- (2) The Executive Committee decides whether a matter is within the mandate of more than one Council Committee.

B. Quorum for joint meetings.

(1) **Majority quorum.**

A quorum for a joint meeting is a majority of the combined memberships of both committees, unless Council decides otherwise.

(2) **Members on both committees counted once.**

Anyone who is a member of both committees is only counted once for quorum purposes.

C. Chair of joint meeting.

The members present at a joint meeting elect the Chair of one of the committees to Chair the joint meeting and, when both Chairs are absent, elect another member of one of the committees to Chair the joint meeting.

D. Joint committee voting.

Votes put to a joint meeting are conducted as if both committees were a single committee and the vote results are treated as coming from both committees.

E. Conducting business in joint meetings.

The procedures by-law's rules on conducting business in committee meetings apply, with necessary changes, to conducting business at a joint meeting.

§ 27-16.11. Filling vacancies in agencies.

Council may appoint members to fill vacancies in agencies in accordance with any legislation or rules applicable to the agency.

§ 27-16.12. Notifying about vacancies and questioning appointees.

A. Clerk tells members about vacancies.

Before Council recommends appointing any member to fill a committee or agency vacancy during the Council term, the Clerk informs all members of the vacancy and allows them to submit names for consideration.

B. Members' right to question potential member appointees to agencies.

During Council's consideration of a member's potential appointment to an agency, a member may ask questions of any member standing for the appointment, if:

- (1) The questions are governed by § 27-11.1K; and

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- (2) The total time for questioning a member under this section, including answers, is not longer than ten minutes.

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Article 17
Rules for Committees

§ 27-17.1. Deadlines and content for committee agendas.

- A. The Clerk prepares the agenda for all Council Committee meetings.
- B. The Clerk establishes agenda deadlines for all Council Committees meetings.
- C. If the Clerk receives the following matters by the agenda deadline and the matters are within the Council Committee's mandate, the Clerk places them on the agenda for the next regular Council Committee meeting:
 - (1) Communications from Council to a Council Committee;
 - (2) Communications from another Council Committee or a public advisory body;
 - (3) Reports from City officials;
 - (4) Reports and communications from an agency;
 - (5) Communications from members; and
 - (6) Communications from the public related to a matter on the agenda.

§ 27-17.2. Supplementary agendas for Council Committees.

- A. **Clerk prepares a supplementary agenda for supplementary business.**
If necessary, the Clerk prepares a supplementary agenda for reports and other communications supplementing business on the regular Council Committee agenda.
- B. **Adding late supplementary reports or communications.**
The Clerk adds any report or communication arriving after the regular agenda deadline to the supplementary agenda if the Clerk decides that either supplements the regular agenda business.

§ 27-17.3. Late new business reports and communications.

- A. **Late items added to next Council Committee meeting's agenda.**
Subject to Subsection B, if, after the regular agenda deadline for the Council Committee meeting, the Clerk receives any of the following, the Clerk adds them to the agenda for the next Council Committee meeting:
 - (1) New business reports from City officials or agencies; and
 - (2) New business communications from Council, a Council Committee, an agency, or a member.

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- B. With the consent of the Council Committee, the Clerk may add to the agenda new business reports or communications the Clerk receives after the agenda deadline for the Council Committee meeting.

§ 27-17.4. Notice given by publishing the agenda.

The published agenda for a committee meeting is notice of all business included in that agenda, subject to other notice provisions of the procedures by-law, of Chapter 162, Notice, Public and of any applicable legislation.

§ 27-17.5. Members' options for presenting communications.

- A. Members may present communications to a committee about:
- (1) Any matter on the meeting agenda; or
 - (2) Matters not on the meeting agenda but within the committee's mandate.
- B. In submitting communications, under Subsection A(2), members must comply with any applicable notice requirement and must meet agenda deadlines.

§ 27-17.6. Referral from Council.

- A. A referral of a matter from Council to a committee meeting, received after the agenda deadline for the committee meeting, cannot be presented at that committee meeting and will be presented at the next regular committee meeting.
- B. A matter referred to in Subsection A related to another matter already on the meeting agenda is added to the agenda.

§ 27-17.7. Information reports.

Unless Council has previously authorized it, a committee only takes action on an information report, other than receiving the matter for information, and only hears public presentations on an information report if notice was given at a previous committee meeting.

§ 27-17.8. Limitations on reconsidering committee matters.

A committee may not reconsider:

- A. Any question Council decided within the past 12 months of the current term of Council; or
- B. Any matter that could result in a decision that is inconsistent with a Council decision.

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§ 27-17.9. Committee rules of procedures.

A. Committee rules that are exceptions to other rules of the procedures by-law.

The rules of procedure the procedures by-law sets out for Council meetings apply to committee meetings, when relevant, with the following exceptions:

(1) Chair debates.

The Chair may participate in debate from the Chair.

(2) No limit on speaking or questioning.

Subject to Subsection A(3), a committee member may speak or ask questions again.

(3) Every committee member has a chance to speak or question before a second round.

A committee member may speak or ask questions only once until every member who wishes to speak or question has done so.

(4) Majority vote for decisions.

Despite any other section of the procedures by-law, a majority vote decides any matter before the committee with the following exceptions:

(a) A reopening of a delegated matter under § 27-8.6; and

(b) A reconsideration of a delegated matter under § 27-9.18.

(5) Other committee rules possible.

The committee may set other rules for its meetings, as long as they are consistent with parliamentary principles and are not in direct conflict with the rules of the procedures by-law.

B. No waiving of rules.

A committee cannot waive the rules of the procedures by-law.

§ 27-17.10. Committee reports to Council.

A. Council decides on recommendations that a committee has no final authority to decide.

A committee must report to Council for Council's final decision, all its recommendations on matters within the committee's mandate, on which it does not have authority to make a final decision.

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B. When a committee decides to take no action.

If a committee takes any of the following actions it is considered to have taken action and must report the action taken to Council for Council's action:

- (1) It decides only to receive a report or a communication that contains recommendations for action;
- (2) Fails to make a decision on a matter; or
- (3) Decides against a matter on a tie vote.

C. When a committee is not ready to report.

A committee that is not ready to report its recommendations on a matter to Council may take note and file the matter until it is ready to make recommendations on the matter. A Committee must report to Council for Council's information that it has taken note and filed a matter.

§ 27-17.11. Outstanding committee business.

A. Contents of Clerk's report on outstanding report requests.

The Clerk regularly reports to Council Committees all outstanding report requests the committee made during Council's current term including:

- (1) The subject matter of the report requests;
- (2) The committee meeting at which the report request was made;
- (3) The City official or agency from whom the report was requested; and
- (4) The date the committee asked for the report and the date the City official or agency expects to report to committee.

B. Outstanding report requests not carried forward.

Outstanding report requests do not carry forward to Council's next term.

§ 27-17.12. Rights of members who are not members of a committee.

- A. All Members may attend all committee meetings, including committee meetings in a closed session, may question staff and the public, and may speak on a matter before the committee.
- B. Only committee members may make motions and vote on a matter before the committee.

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Article 18
Delegation to Council Committees

§ 27-18.1. Delegation of authority.

A. Council may delegate.

Council may delegate any legislative, quasi-judicial, or other authority to a Council Committee by amending this article.

B. Legislative Delegation includes power to pass necessary by-laws.

The delegation by Council of any legislative authority includes the power to pass any necessary by-laws respecting the delegated matters, and a by-law passed by a Council Committee under the delegation of legislative power has the same force and effect as a by-law passed by Council.

C. Matters fully delegated.

Subject to Subsection D, when Council delegates any authority to a Council Committee:

- (1) The Council Committee may exercise the delegated authority; and
- (2) Council cannot exercise the authority.

D. Revocation of delegation.

Council can revoke a delegation made under this article at any time, by amending the procedures by-law in accordance with the rules of the procedures by-law.

§ 27-18.2. Reopening or reconsidering decisions on delegated matters.

A. Sections 27-8.6 and 27-9.18 apply to Council Committees.

Sections 27-8.6 and 27-9.18 apply to any decisions made by a Council Committee on a delegated matter.

B. Council cannot re-open a delegated decision.

Subject to Subsection C, Council cannot re-open a decision made by a Council Committee on a delegated matter.

C. Council can re-open a delegated decision after revoking the delegation.

In accordance with § 27-8.6, Council can re-open a Council Committee decision on a delegated matter if Council has revoked the delegation in accordance with § 27-18.1D after the Council Committee made the decision.

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§ 27-18.3. Article prevails in the event of conflict.

- A. To the extent of a conflict between this article and any chapter of the City of Toronto Municipal Code, any other City by-law, or any by-law of any of the former municipalities, this by-law prevails over the provisions of the other by-law or chapter to the extent of the conflict.
- B. Despite Subsection A, to the extent of a conflict between the exercise of authority delegated under this article and the exercise of authority delegated to the Mayor under Chapter 59, Emergency Management, the delegation and the exercise of authority delegated to the Mayor under Chapter 59 prevails.

§ 27-18.4. Delegation to Community Councils.

The authority to make final decisions with respect to the following matters, to the extent that the authority has not already been delegated to staff, is delegated to the Community Councils, with the exception of matters affecting more than one Community Council, and matters that, in the opinion of the City Manager, have City-wide significance.

A. Exemptions to City by-laws.

- (1) Fence by-law exemptions issued under Chapter 447, Fences.
- (2) Reserved.⁷
- (3) Noise by-law exemptions issued under § 591-10H of Chapter 591, Noise.

B. Regulatory by-laws.

- (1) Street Food Vending
 - (a) The authority to designate areas of the road as Mobile Vending Zones or Restricted Zones in accordance with Chapter 740, Street Vending.
 - (b) The authority to designate, at the request of the local ward Councillor, a particular street vending location for entrepreneurs introducing new products, or variations of products, as identified by the General Manager, Economic Development and Culture.
- (2) On-street parking, standing and stopping.
 - (a) Subject to Subsection B(2)(b), on-street parking, standing and stopping regulation proposals, including but not limited to the following:
 - [1] On-street parking, standing or stopping;

⁷ Editor's Note: By-law 662-2021 deleted former Section 27-18.4A(2) respecting natural garden exemptions. By-law 662-2021 came into force on January 1, 2022.

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- [2] Side and time restrictions;
 - [3] Drop-off and pick-up zones;
 - [4] Accessible parking for persons with a disability, meter parking;
 - [5] On-street loading zones; and
 - [6] Taxi-cab stands.
- (b) The authority to deal with the matters set out in Subsection B(2)(a) only applies on the portions of highways with the following classification that do not have an established TTC route: **[Amended 2021-04-08 by By-law 260-2021]**
- [1] Public lanes or public alleys;
 - [2] Local roads;
 - [3] Collector roads;
 - [4] Minor arterial roads; and
 - [5] Major arterial roads on which the proposal complies with all relevant City by-laws and policies.
- (3) On-street permit parking.
- (a) Subject to Subsection B(3)(b), on-street permit parking proposals including but not limited to the following:
- [1] Installation of permit parking; and
 - [2] Removal of permit parking.
- (b) The authority to deal with the matters set out in Subsection B(3)(a) only applies on the portions of highways with the following classification that do not have an established TTC route: **[Amended 2021-04-08 by By-law 260-2021]**
- [1] Public lanes or public alleys;
 - [2] Local roads;
 - [3] Collector roads;
 - [4] Minor arterial roads; and
 - [5] Major arterial roads on which the proposal complies with all relevant City by-laws and policies.
- (4) On-street traffic regulation.
- (a) Subject to Subsection B(4)(b), on-street traffic regulation proposals including but not limited to the following:

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- [1] Turn lane restrictions and entry prohibitions;
 - [2] Traffic signal installation;
 - [3] Pedestrian crossover installation or relocation; and
 - [4] Heavy truck prohibitions.
- (b) The authority to deal with the matters set out in Subsection B(4)(a) only applies on the portions of highways with the following classification that do not have an established TTC route: **[Amended 2021-04-08 by By-law 260-2021]**
- [1] Public lanes or public alleys;
 - [2] Local roads;
 - [3] Collector roads;
 - [4] Minor arterial roads; and
 - [5] Major arterial roads on which the proposal complies with all relevant City by-laws and policies.
- (5) Road alterations.
- (a) Subject to Subsection B(5)(b), road alterations, including but not limited to the following:
- [1] Road narrowing and widening;
 - [2] Installing medians; and
 - [3] Intersection re-alignments.
- (b) The authority to deal with the matters set out in Subsection B(5)(a) only applies on the portions of highways with the following classification that do not have an established TTC route: **[Amended 2021-04-08 by By-law 260-2021]**
- [1] Public lanes or public alleys;
 - [2] Local roads;
 - [3] Collector roads;
 - [4] Minor arterial roads; and
 - [5] Major arterial roads on which the proposal complies with all relevant City by-laws and policies.
- (6) (a) Subject to Subsection B(6)(b), temporary road closures on the following roads: **[Amended 2021-04-08 by By-law 260-2021]**
- [1] Public lanes or public alleys;

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- [2] Local roads;
 - [3] Collector roads; and
 - [4] Minor arterial roads.
- (b) The authority to deal with the matters set out in Subsection B(6)(a) only applies where the authority to temporarily close has not been delegated to the General Manager of Transportation Services pursuant to Sections 937-3.2, 937-3.8, 937-3.9, 937-3.13, 937 3.15, 937-3.16, 937-3.17, 937-3.18, 937-3.20, 937-3.21 or 937-3.33 of Chapter 937, Temporary Closing of Highways. **[Amended 2019-06-19 by By-law 899-2019⁸; 2020-01-29 by By-law 116-2020; 2021-02-05 by By-law 43-2021; 2021-04-08 by By-law 217-2021; 2022-05-12 by By-law 474-2022; 2022-06-16 by By-law 590-2022; 2023-05-23 by By-law 451-2023]**
- (7) Reserved.⁹
- (8) Signs. **[Amended 2023-10-12 by By-law 977-2023¹⁰]**
- (a) Neighbourhood and Business Area Identification Sign applications referred to Community Council by the General Manager, Transportation Services in accordance with Article 6 of Chapter 693, Signs, Election and Temporary.
 - (b) Sign appeals under § 693-4.1 of Chapter 693, Signs, Election and Temporary.
- (9) Traffic calming.
- (a) Subject to Subsection B(9)(b), traffic calming proposals including but not limited to the following:
 - [1] Speed humps;
 - [2] Speed bumps; and
 - [3] Speed cushions. **[Amended 2023-11-09 by By-law 1131-2023]**
 - (b) The authority to deal with the matters set out in Subsection B(9)(a) only applies on the portions of highways with the following classification: **[Amended 2021-04-08 by By-law 260-2021; 2023-11-09 by By-law 1131-2023]**
 - [1] Public lanes or public alleys;
 - [2] Local roads; and

⁸ Editor's Note: By-law 899-2019 added the reference "937-3.13" to this subsection came into force on September 1, 2019.

⁹ Editor's Note: Subsection 27-18.4B(7), which previously delegated sidewalk proposals was deleted July 18, 2019 by By-law 1101-2019.

¹⁰ Editor's Note: By-law 977-2023 came into force on June 3, 2024.

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[3] Collector roads.

(c) Reserved.¹¹

C. Permit appeals.

- (1) Boulevard café permit appeals except appeals in relation to the location, design and safety of parklet cafés and public parklets; and/or pedestrian clearway requirements under Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays. [**Amended 2019-06-19 by By-law 899-2019¹²**]
- (2) Boulevard marketing permit appeals except appeals in relation to pedestrian clearway requirements under Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays. [**Amended 2019-06-19 by By-law 899-2019¹³**]
- (3) Buskers and street entertainers and artists permit appeals.
- (4) Residential front-yard parking permit appeals, including appeals related to boulevard parking permits, front yard parking permits, and driveway widening permits, except where regulated only by zoning by-law.
- (5) Street vending permit appeals.
- (6) Tree removal and tree injury permit appeals. [**Added 2022-05-12 by By-law 480-2022**]

D. Citizen appointments.

- (1) Citizen appointments to business improvement area boards of management.
- (2) Citizen appointments to arena boards of management for the following arenas, in compliance with City policies:
 - (a) George Bell Arena;
 - (b) Larry Grossman Forest Hill Memorial Arena;
 - (c) Leaside Memorial Arena;
 - (d) McCormick Playground Arena;
 - (e) Moss Park Arena;
 - (f) North Toronto Memorial Arena;

¹¹ Editor's Note: Section 27-18.4B(9)(c), respecting the authority to waive petition and polling requirements under the City's Traffic Calming Policy for traffic calming proposals, was deleted November 9, 2023 by By-law 1131-2023.

¹² Editor's Note: By-law 899-2019 which introduces exceptions to the delegation of boulevard café permit appeals came into force on September 1, 2019.

¹³ Editor's Note: By-law 899-2019 which introduces an exception to boulevard marketing permit appeals came into force on September 1, 2019.

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- (g) Ted Reeve Community Arena; and
 - (h) William H. Bolton Arena.
- (3) Citizen appointments to boards of management for the following community centres, in compliance with City policies:
- (a) 519 Church Street Community Centre;
 - (b) Applegrove Community Complex;
 - (c) Cecil Street Community Centre;
 - (d) Central Eglinton Community Centre;
 - (e) Community Centre 55;
 - (f) Eastview Neighbourhood Community Centre;
 - (g) Waterfront Neighbourhood Centre;
 - (h) Ralph Thornton Community Centre;
 - (i) Scadding Court Community Centre; and
 - (j) Swansea Town Hall.
- (4) Citizen appointments to Museum Advisory Boards for the following museums:
- (a) Gibson House;
 - (b) Montgomery's Inn;
 - (c) Scarborough Historical Museum;
 - (d) Todmorden Mills Heritage Museum; and
 - (e) York Museum.
- (5) Citizen appointments to the Board of Management of the Balmy Beach Park.

E. Miscellaneous matters. [Amended 2023-10-12 by By-law 977-2023¹⁴]

- (1) Acceptance of donations of art valued at or above \$50,000 and at or below \$200,000 for use as art in public spaces, with the exception of donations related to zoning by-laws or any other planning-related matters.
- (2) Approval of encroachment agreements related to road allowances, parks, ravines and properties owned or managed by the City, in a form acceptable to the City Solicitor, with the exception of exemptions related to waiving of necessary survey, registration or annual administrative fees.

¹⁴ Editor's Note: By-law 977-2023 came into force on June 3, 2024.

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This Subsection shall also not include the approval of any encroachment agreement related to the approval of vehicular destination signage or neighbourhood and/or business area identification signage entered into by the General Manager, Transportation Services, in accordance with Article 6 of Chapter 693, Signs, Elections and Temporary.

- (3) Issuing or refusing permits for demolition of residential properties with less than six dwelling units, with the following exceptions:
 - (a) Properties with heritage designations; and
 - (b) Properties located in a heritage conservation district.
- (4) Naming of City properties in compliance with the Honourific and Street Naming Policy as adopted by Council.
- (5) Establishment of business improvement area boards of management after Council enacts a by-law to designate the business improvement area.
- (6) The imposition of temporary or permanent alternative hours of operation on boulevard café permit holders, except for special events. **[Added 2019-06-19 by By-law 899-2019¹⁵]**
- (7) Cancellation or suspension of a boulevard café permit or boulevard marketing permit, except a temporary seasonal suspension, which the Executive Director, Municipal Licensing and Standards, has authority for. **[Added 2019-06-19 by By-law 899-2019¹⁶]**

F. Matters under the authority of legislation other than the Act.¹⁷

- (1) Designation of fire routes on private roads under § 880-6A, and appeals of fire route designations on private roads under § 880-5 of Chapter 880, Fire Routes.
- (2) Proposals for stop sign installation on the following roads:
 - (a) Local roads;
 - (b) Collector roads; and
 - (c) Minor arterial roads.

¹⁵ Editor's Note: By-law 899-2019 comes into force on September 1, 2019.

¹⁶ Editor's Note: By-law 899-2019 comes into force on September 1, 2019.

¹⁷ Editor's Note: Subsection 27-18.4F(3), the power to do the following has not been delegated as the powers under subsection 128(5) and 128(6) of the Highway Traffic Act were not included in the Regulation as powers that could be delegated by Council:

- (a) speed restrictions in a designated school zone restricting speed only on days on which school is regularly held; and
- (b) speed restrictions on a designated portion of a highway with a grade of 6 percent or higher restricting speed for only certain classes of vehicles when traveling down grade.

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- (3) Proposals for speed changes, restrictions, and reductions on the following roads: **[Amended 2021-04-08 by By-law 260-2021]**
 - (a) Public lanes or public alleys;
 - (b) Local roads;
 - (c) Collector roads; and
 - (d) Minor arterial roads.
- (4) Designation of events of municipal significance for the issuance of special occasion permits.
- (5) Establishment of designated areas pursuant to subsection 128(2.1) of the Highway Traffic Act. **[Added 2021-04-08 by By-law 260-2021]**

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Appendix A – Order of Business and Balloting

1 – Order of Business

1. Call to Order
2. National Anthem
3. Moment of Silence
4. Confirmation of Minutes
5. Introduction of Reports of Council Committees and other Committees
6. Declarations of Interests
7. Routine Matters
8. Consideration of Committee Reports
9. New Business from the Mayor, and City officials
10. Business Previously Requested
11. New Business Notices of Motion from Members
12. New Business Motions Without Notice from Members
13. General Bills
14. Confirmatory Bills
15. Adjournment

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2 – Balloting Procedures

The procedures for balloting are:

A. Clerk chairs if there is no Chair.

The Clerk, or the Clerk's designate, takes the chair if there is no Chair for the Meeting until after the election of a Chair by ballot.

B. Call for nominations.

The Chair calls for nominations.

C. Nominations and no seconding.

Members may nominate candidates, including themselves, and nominations do not require seconding.

D. Clerk calls three times, closes, and announces nominees.

The Chair calls three times for further nominations and, if no further nominations are made, the Chair declares nominations closed and announces the nominees.

E. Time limit and order for nominees to speak.

Each nominee, in alphabetical order by surname, may speak for up to five minutes.

F. More than one nominee requires ballots.

If there is more than one nominee, the Chair issues ballots to all members.

G. Members vote for one nominee and sign ballot.

Using the ballot, a member votes for only one nominee, signs the ballot and prints their name on the ballot.

H. Balloting results public.

All ballot results are public.

I. Announcing ballot results and members' votes.

The Chair announces the results of the ballot, and if requested, announces the individual ballot results and the name of the member casting the ballot.

J. When most votes do not make a majority.

If the nominee with the most votes does not receive the votes of a majority of the members present, Council conducts another ballot in accordance with Subsections G, H, I and K.

K. Steps to exclude nominees with few or no votes or tie votes.

The next ballot excludes the nominees with the fewest votes and any nominee with no votes. If two or more nominees are tied with the fewest votes, the Chair selects the nominee or nominees who advance to the next ballot by the following method:

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- A. The names of the tied nominees are placed on sheets of paper of equal size, and the paper are folded in half and placed in a box; and
- B. The Chair pulls one or more pages with the name or names of the nominee or nominees who advance to the next ballot from the box.

L. Votes to find a candidate with the most votes and then a majority vote.

Balloting continues in accordance with Subsections G., H, I and K until one nominee receives both the most votes and a majority of votes.

M. Steps for when remaining nominees are tied.

If after the steps set out in Subsection L only two nominees remain and the votes for the two remaining nominees are tied, the Chair selects the winner by the following method:

- A. The names of each of the two remaining nominees are placed on two sheets of paper of equal size, and the papers are folded in half and placed in a box; and
- B. The Chair pulls the name of one nominee from the box, and that nominee is declared the winner.

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Appendix B – Committees

1 – Executive Committee

1. Mandate.

The Executive Committee's mandate is to monitor and make recommendations on the priorities, plans, international and intergovernmental relations, and the financial integrity of the City.

2. Duties.

The responsibilities of the Executive Committee include:

A. To make recommendations on:

- (1) Council's strategic policy and priorities in setting the agenda;
- (2) Governance policy and structure;
- (3) Financial planning and budgeting;
- (4) Fiscal policy including revenue and tax policies;
- (5) Intergovernmental and international relations;
- (6) Council and its operations; and
- (7) Labour Relations, including providing strategic policy direction and providing direction to staff in negotiating collective agreements relating to the City, but not as an alternative to established employee and union dispute-resolution mechanisms.

B. To make recommendations or refer to another committee any matter not within the Standing Committee's mandate or that relates to more than one Standing Committee.

3. Composition.

A. Subject to B, the Executive Committee consists of:

- (1) The Mayor;
- (2) The Deputy Mayor;
- (3) The Chairs of all Standing Committees;
- (4) the Chair of the Budget Committee, to be appointed by the Mayor; and
- (5) One member-at-large who is a member of Council, and is appointed by Council.

B. If the Mayor appoints the First Deputy Mayor as the Chair of a Standing Committee, City Council will appoint another Member of Council as an at-large member.

C. The Mayor is the Chair of the Executive Committee.

D. The Deputy Mayor is the Vice Chair of the Executive Committee.

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4. Reporting.

The Executive Committee reports directly to Council.

5. Meeting Support.

The Clerk provides meeting support to the Executive Committee.

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2 – Special Committees

1. Audit Committee.

The Audit Committee is a Special Committee of City Council established until City Council decides otherwise.

A. Responsibilities.

The responsibilities of the Audit committee include:

- (1) Recommending the appointment of the City's external auditor;
- (2) Recommending the appointment of an external auditor to conduct the annual audit of the Auditor General's office;
- (3) Considering the annual external audit of the financial statements of the City and its agencies, boards and commissions;
- (4) Considering the external audit of the Auditor General's office;
- (5) Considering the Auditor General's reports and audit plan;
- (6) Conducting an annual review of the Auditor General's accomplishments;
- (7) Making recommendations to Council on reports the Audit Committee considers; and
- (8) Considering performance audits and other reports of the Auditor General concerning City agencies and City corporations.

B. Composition.

- (1) The Audit Committee consists of five Members.
- (2) The Audit Committee selects the Chair from their members.

C. Reporting.

The Audit Committee reports directly to Council.

D. Meeting Support.

The Clerk provides meeting support to the Audit Committee.

2. Budget Committee.

The Budget Committee is a Special Committee of City Council established until City Council decides otherwise.

A. Responsibilities.

The responsibilities of the Budget Committee include, but are not limited to:

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- (1) Co-ordinating the preparation of the capital and operating estimates while the annual capital and operating budgets are being developed;
- (2) Making recommendations on the capital and operating budgets; and
- (3) Reviewing other matters that may have a significant impact on a future budget, upon request from the Executive Committee.

B. Composition.

The Budget Committee consists of six members, including a Chair appointed by the Mayor.

C. Reporting.

The Budget Committee reports to the Executive Committee.

D. Meeting Support.

The Clerk provides meeting support to the Budget Committee.

3. Civic Appointments Committee.

The Civic Appointments Committee is a Special Committee of City Council established until City Council decides otherwise.

A. Responsibilities.

The responsibilities of the Civic Appointments Committee include considering and recommending to Council the names of citizens to appoint to agencies.

B. Composition.

The Civic Appointments Committee consists of five members of Council, including the Mayor or the Mayor's designate as Chair appointed by the Mayor.

C. Reporting.

The Civic Appointments Committee reports directly to Council.

D. Meeting Support.

The Clerk provides meeting support to the Civic Appointments Committee.

4. Striking Committee.

The Striking Committee is a Special Committee of City Council established until City Council decides otherwise.

A. Responsibilities.

The responsibilities of the Striking Committee include:

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- (1) Making recommendations to Council on Member appointments to fill the positions of the at-large members of the Executive Committee, the members of the Standing Committees, the members of the Budget Committee, the members of the Audit Committee, and the members of the Civic Appointment Committee;
 - (2) Making recommendations to Council on Member appointments to fill the positions of representatives on agencies and public advisory committees; and
 - (3) Making recommendations to Council on the meeting schedule for City Council and Council Committees.
- B. Composition.**
- (1) The Striking Committee consists of five members of Council, including the Mayor as Chair, or the Deputy Mayor if the Mayor so assigns.
 - (2) The remaining four members of the Striking Committee are appointed by Council upon the Mayor's recommendation.
- C. Reporting.**
- The Striking Committee reports directly to Council.
- D. Meeting Support.**
- The Clerk provides meeting support to the Striking Committee.

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3 – Community Councils

1. Etobicoke York Community Council.

The Etobicoke York Community Council is drawn from the urban area that includes the following electoral wards:

- A. Ward 1 - Etobicoke North
- B. Ward 2 - Etobicoke Centre
- C. Ward 3 - Etobicoke-Lakeshore
- D. Ward 5 - York South-Weston
- E. Ward 7 - Humber River-Black Creek

2. North York Community Council.

The North York Community Council is drawn from the urban area that includes the following electoral wards:

- A. Ward 6 - York Centre
- B. Ward 8 - Eglinton-Lawrence
- C. Ward 15 - Don Valley West
- D. Ward 16 - Don Valley East
- E. Ward 17 - Don Valley North
- F. Ward 18 - Willowdale

3. Scarborough Community Council.

The Scarborough Community Council is drawn from the urban area that includes the following electoral wards:

- A. Ward 20 - Scarborough Southwest
- B. Ward 21 - Scarborough Centre
- C. Ward 22 - Scarborough-Agincourt
- D. Ward 23 - Scarborough North
- E. Ward 24 - Scarborough-Guildwood
- F. Ward 25 - Scarborough-Rouge Park

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4. Toronto and East York Community Council.

The Toronto and East York Community Council is drawn from the urban area that includes the following electoral wards:

- A. Ward 4 - Parkdale-High Park
- B. Ward 9 - Davenport
- C. Ward 10 - Spadina-Fort York
- D. Ward 11 - University-Rosedale
- E. Ward 12 - Toronto-St. Paul's
- F. Ward 13 - Toronto Centre
- G. Ward 14 - Toronto-Danforth
- H. Ward 19 - Beaches-East York

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4 – Duties of Community Councils

The responsibilities of the Community Councils include:

1. Making final decisions on delegated matters.

Making final decisions on delegated matters under § 27-18.4.

2. Public presentations and recommendations on neighbourhood matters.

Hearing public presentations and making recommendations to Council on neighbourhood matters requiring a municipal by-law or commitment of unbudgeted City funds, including:

- A. Requests for exemptions to ravine and tree by-laws;
- B. Business improvement area streetscape improvement plans;
- C. Applications for approval of a condominium description that involves converting rental housing to a condominium; and
- D. Any matter referred to in § 27-18.4 which affects more than one Community Council.

3. Public presentations on construction, street cleaning, encroachments, grass cutting, and tree removals.

Hearing public presentation on City official's decisions about:

- A. Construction-related permits;
- B. Billings related to snow removal, cleaning and clearing of debris, and cutting of weeds and long grass;
- C. Encroachments on municipal property;
- D. Requests to remove trees and repair damage caused by trees on municipal property.

4. Citizen participation on neighbourhood issues.

Involving citizens in neighbourhood issues to:

- A. Identify recreational needs and safety concerns;
- B. Monitor the well-being of local neighbourhoods; and
- C. Report to Council on how well community needs are being met.

5. Nominating community members for local boards and panels.

Nominating citizens as members of:

- A. Community panels of the committee of adjustment; and
- B. Local recreational facility boards of management.

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6. Recommendations on policy and research about local matters.

Making recommendations to Council on City planning policy and research matters that are not of City-wide interest.

7. Recommendations about planning applications of City-wide interest. [Amended 2019-02-26 by By-law 368-2019¹⁸]

Considering and making recommendations to the Planning and Housing Committee on reports of the Chief Planner about planning applications of City-wide interest.

8. Community information meetings on planning applications with City-wide interest.

When appropriate, convening community meetings to inform the public of planning applications of City-wide interest and hear public presentations.

9. Recommendations to Council on City's official plan and zoning by-law amendments with a local focus.

Making recommendations to Council on City-initiated official plan amendment and zoning by-law amendment proposals that are not of City-wide interest.

10. Recommendations to Council on local planning applications.

Making recommendations to Council on other planning applications that are not of City-wide interest.

11. Recommendations about acquiring and selling local real property up to \$500,000. [Amended 2019-02-26 by By-law 368-2019¹⁹]

Making recommendations to Council on acquiring or selling real property. However, the City Manager, the Deputy City Manager, Corporate Services, and at least one of the members representing the ward where the real property is located must all agree that:

- (a) The proposed transaction is of local interest only and are not of City-wide interest; or
- (b) The property is worth \$500,000 or less, unless the \$500,000 maximum value is for acquisitions related to affordable housing for which the Planning and Housing Committee is responsible.

¹⁸ Editor's Note: This By-law is deemed to have come into effect on December 13, 2018.

¹⁹ Editor's Note: This By-law is deemed to have come into effect on December 13, 2018.

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12. Hearing Ward Councillor appeals of Sign Variance Committee decisions to grant variances to Chapter 694.

Hearing Ward Councillor appeals of Sign Variance Committee decisions to grant variances to Chapter 694, Signs, General and making recommendations to Council for final decision on the appeals.

This is Exhibit "B" referred to in
the Affidavit of Alison Barclay,
sworn on December 5, 2024.



NICHOLAS ROLFE
A Commissioner, etc.

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CHAPTER 743, STREETS AND SIDEWALKS, USE OF



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John D. Elvidge, City Clerk

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2023-08-22

Chapter 743

STREETS AND SIDEWALKS, USE OF

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Appendix A

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Appendix C: Construction Hubs

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[History: Adopted by the Council of the City of Toronto September 24, 2003 by By-law 960-2003.¹ Amendments noted where applicable.]

General References

Fences - See Ch. 447.
 Filming - See Ch. 459.
 Idling of vehicles - See Ch. 517.
 Signs - See Ch. 693.
 Sidewalk Cafés, Parklets and Marketing Displays – See Ch. 742.
 Trees - See Ch. 813.
 Waste collection from commercial properties - See Ch. 841.
 Waste collection from residential properties - See Ch. 844.
 Parking machines and meters - See Ch. 910.
 Permit parking - See Ch. 925.
 Temporary closing of highways - See Ch. 937.
 City of Toronto Act, 2006 – See S.O. 2006, c.11.
 Highway Traffic Act - See R.S.O. 1990, c. H.8.
 Planning Act - See R.S.O. 1990, c. P.13.
 Weed Control Act - R.S.O. 1990, c. W.5.

**ARTICLE I
Terminology**

§ 743-1. Definitions.

[Amended 2005-12-07 by By-law 1070-2005; 2006-05-25 by By-law 462-2006; 2009-10-01 by By-law 954-2009, 2010-06-09 by By-law 621-2010², 2012-03-07 by By-law 375-2012³; 2012-07-13 by By-law 1004-2012; 2015-07-09 by By-law 813-2015⁴]

A. As used in this chapter, the following terms shall have the meanings indicated:

ADMINISTRATIVE PENALTY - As defined in Chapter 610, Penalties, Administration of.
[Added 2017-07-07 by By-law 800-2017⁵]

AGREEMENT - An agreement that contains one or more provisions for the granting of consent to a person to use, excavate in, encumber or obstruct a street during the construction, alteration, repair or demolition of a building or structure upon compliance by such person with all other applicable municipal requirements.

APPLICANT - A person applying for a permit or other consent.

¹ Editor's Note: This by-law was passed under the authority of paragraph 1 of subsection 11(1) and section 128 of the Municipal Act, 2001, S.O. 2001, c. 25.

² Editor's Note: By-law 621-2010 came into force 30 days from the date that this by-law was enacted by City Council.

³ Editor's Note: By-law 375-2012, enacted March 7, 2012 has received set fine approval and came into effect June 28, 2012. By-law 375-2012, as amended by By-law 668-2012, repealed a number of previous by-laws and policies. See Section 2 of By-law 375-2012 for a full list of the by-laws, policies and Municipal Code Chapters that were repealed.

⁴ Editor's Note: By-law 813-2015 came into force October 1, 2015.

⁵ Editor's Note: By-law 800-2017 came into effect August 28, 2017.

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AREA AA - means the area bounded by, and including all frontages on, the streets listed under the Subheadings of Area AA as contained in Appendix B.

AREA A - means the area bounded by, and including all frontages on, the streets listed under the Subheading of Area A as contained in Appendix B.

AREA B - means the area bounded by, and including all frontages on, the streets listed under the Subheading of Area B as contained in Appendix B.

AREA C - means the area bounded by, and including all frontages on, the streets listed under the Subheading of Area C as contained in Appendix B.

AREA D - means the area bounded by, and including all frontages on, the streets listed under the Subheading of Area D as contained in Appendix B.

ARTERIAL ROAD - Any street that is designated as a minor or major arterial street in the City's road classification system, as amended from time to time.

BIA - A Board of Management for a Business Improvement Area established according to Chapter 19, Business Improvement Areas.

BOULEVARD - That part of a public street that is not used, or intended to be used, for vehicle travel by the general public, and is situated between the travelled portion of the road and the adjoining property line.

BUSINESS IMPROVEMENT AREA - An area designated as an improvement area by a by-law passed under the City of Toronto Act, 2006, or a predecessor legislation.

CONSTRUCTION HUB – means an area of the City with existing residential, school and/or business uses that is experiencing a dense concentration of construction activity in the right-of-way due to planned and/or ongoing capital construction projects (such as utility, water and road works), major transit expansion projects, and/or private development, such areas as described in Appendix C to this chapter. Where any portion of a permit area or location falls within a Construction Hub, applicable permit fees will be calculated as if the entire permit area or location is within a Construction Hub. **[Added 2023-02-15 by By-law 172-2023]**

COSTS OWING - The difference between the cost of restoring the street to its pre-construction condition and the amount of the municipal road damage deposit where the cost of restoration exceeds the amount of the municipal road damage deposit.

DAMAGE - Harm or injury to the street, including without limitation, harm, injury, disturbance, cracking, gouging or displacement of or to the pavement, curb, boulevard, boulevard landscaping or sidewalk resulting from use of the street to access the work such that, in the sole opinion of the General Manager, the street is not in its pre-construction condition.

DIVISION - The Transportation Services Division.

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DEVELOPMENT APPLICATION - A project as defined by the Planning Act, which is the subject of review and approval through the site plan review process, prior to reaching the building permit stage.

ENFORCEMENT OFFICER - For the purposes of enforcing §§ 743-8D(4) or 743-29I(5), an enforcement officer as defined in Chapter 610, Penalties, Administration of. **[Added 2017-07-07 by By-law 800-2017⁶]**

EXECUTIVE DIRECTOR - The Executive Director of Engineering and Construction Services for the City of Toronto and his or her designate or successor. **[Amended 2017-03-29 by By-law 296-2017]**

FASTRACK BUILDING PERMIT APPLICATION PROCESS - A special over the counter service provided by the City to facilitate the building application process for certain types of residential or commercial/industrial projects.

GENERAL MANAGER - The General Manager of Transportation Services for the City of Toronto and his or her designate or successor.

INFORMATION FLYER - Printed paper material, but does not include a free sample of an item, or forms in the nature of an application, entry form or ballot which are completed and returned at the time of distribution.

LOCAL ROAD - Any street that is not designated as a major arterial, minor arterial or collector street in the City's road classification system, as amended from time to time.

LOCATION CERTIFICATE - A sketch, as-built drawing or similar representation that:

- (1) Is certified correct by a member of the Association of Ontario Land Surveyors, the Association of Professional Engineers of Ontario, the Association of Professional Geoscientists of Ontario or the Ontario Association of Certified Engineering Technicians and Technologists; and
- (2) Accurately indicates the as-built location, including depth of coverage and horizontal and vertical alignment of peripheral elements, of the completed equipment, plant or structure by reference to:
 - (a) The Central Meridian, 79 degrees 30 minutes West Longitude, in Zone 10 of the Ontario Coordinate System, North American Datum of 1927 (1974 adjustment); and
 - (b) Elevations derived from the Canadian Geodetic Vertical Datum of 1928, which is based on the mean sea level of tidal gauges.

MUNICIPAL ROAD DAMAGE DEPOSITS - The deposits referred to in § 743-4C.

⁶ Editor's Note: By-law 800-2017 came into effect August 28, 2017.

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OWNER - The owner of the property immediately adjacent to the street where the proposed work will occur.

PENALTY NOTICE - As defined in Chapter 610, Penalties, Administration of. **[Added 2017-07-07 by By-law 800-2017⁷]**

PERMIT - A permit issued under this chapter.

PRE-CONSTRUCTION CONDITION - The condition of the street as it existed before construction, alteration, repair or demolition of the building or structure adjacent to the street.

STREET - A highway as defined in the City of Toronto Act, 2006.

STREET PROMOTIONS - The use or occupation of a street for the purposes of promoting goods, products, services or brands, including, without limitation, the distribution of free items or free samples, the distribution of free food or beverages, advertising, surveys, events, games, contests or other activities.

VEHICLE OWNER - As defined in Chapter 610, Penalties, Administration of. **[Added 2017-07-07 by By-law 800-2017⁸]**

WORK - The construction, alteration, repair or demolition of a building or structure adjacent to the street.

- B. As used in § 743-3 of this chapter, the following terms shall have the meanings indicated: **[Amended 2012-03-07 by By-law 375-2012⁹]**

AGREEMENT - An agreement setting out the requirements of this section and such other terms and conditions as required by the General Manager and the City Solicitor for the granting of consent to a person to place, install and maintain publication dispensing boxes, units or kiosks on, along or within a street, subject to compliance with all other applicable municipal requirements.

INSTALLATION - A publication dispensing box, unit or kiosk.

LOCATION - The portion of the street on which one or more publication dispensing boxes or units are placed, and shall include each corner of a street intersection on which one or more of these structures are placed.

PUBLICATION - A newspaper or other similar printed document which is published at regular intervals.

⁷ Editor's Note: By-law 800-2017 came into effect August 28, 2017.

⁸ Editor's Note: By-law 800-2017 came into effect August 28, 2017.

⁹ Editor's Note: By-law 375-2012, enacted March 7, 2012 has received set fine approval and came into effect June 28, 2012. By-law 375-2012, as amended by By-law 668-2012, repealed a number of previous by-laws and policies. See Section 2 of By-law 375-2012 for a full list of the by-laws, policies and Municipal Code Chapters that were repealed.

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PUBLICATION DISPENSING BOX - A container installed, used and maintained for the dispensing of a single publication to the general public, either for financial consideration or free of charge.

PUBLICATION DISPENSING KIOSK - An enclosure or pavilion where person(s) dispense publications, to the general public either for financial consideration or free of charge.

PUBLICATION DISPENSING UNIT - A single container installed, used and maintained for the dispensing of two or more publications of the same or different publishers to the general public, either for financial consideration or free of charge.

C. As used in § 743-7 of this chapter: **[Added 2010-05-12 by By-law 482-2010¹⁰; amended 2012-03-07 by By-law 375-2012¹¹, 2012-07-13 by By-law 1004-2012]**

(1) The following terms shall have the meanings indicated:

ADVANCE NOTIFICATION SIGN - A sign which notifies the public of an upcoming closure for a street event and which is installed a minimum of 14 days in advance of the closure.

AGENT - A person authorized in writing to act on behalf of a person, Business Improvement Area, corporation, company or organization where the person, Business Improvement Area, corporation, company or organization is responsible for meeting the conditions of § 743-7.

BOULEVARD - That part of a public street that is not used, or intended to be used, for vehicular travel by the general public, and is situated between the travelled roadway and the adjoining property line.

CLOSURE - A temporary full or partial closing of a street for a period of no more than four consecutive days.

COLLECTOR ROAD - Any roadway that is designated as a collector road in the City's road classification system, as amended from time to time.

EXPRESSWAY - The F.G. Gardiner Expressway, the Don Valley Parkway, the W.R. Allen Road, Black Creek Drive, Highway 2A or Highway 27, or any other roadway designated as an expressway in the City's road classification system, as amended from time to time.

FEES - Fees and charges as set out in Chapter 441, Fees and Charges.

¹⁰ Editor's Note: By-law 482-2010 came into force 30 days after the date of approval of set fines by the Regional Senior Justice. Set fine approval was received January 18, 2011.

¹¹ Editor's Note: By-law 375-2012, enacted March 7, 2012 has received set fine approval and came into effect June 28, 2012. By-law 375-2012, as amended by By-law 668-2012, repealed a number of previous by-laws and policies. See Section 2 of By-law 375-2012 for a full list of the by-laws, policies and Municipal Code Chapters that were repealed.

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GENERAL MANAGER - The General Manager of Transportation Services for the City of Toronto and his or her designate or successor.

INSTALLATION - A traffic control device, article or thing temporarily installed for a street event.

LONGSTANDING MAJOR EVENT - A street event that has occurred for at least five consecutive years on a major arterial road at that traditional location and traditional time.

MAJOR ARTERIAL ROAD - A roadway upon which traffic movement is a primary function, is subject to access controls, upon which greater than 20,000 vehicles per day travel, upon which greater than 5,000 bus passengers per day travel, with speed limits of 50 to 60 km/hr, and which is deemed by the City as high priority for winter maintenance.

NOTIFICATION LETTER - A letter from the General Manager to the organizers of a longstanding major event advising the organizers that an application has been made for a street event permit for the traditional location(s) and traditional time(s) historically occupied by the longstanding major event and advising the organizers of the longstanding major event that, if the organizers of the longstanding major event wish to preserve their priority for a street event at their traditional location(s) and traditional time(s), the organizers must submit an application for a street event permit within 10 business days of the date of the notification letter.

OBJECTION - A written notice of opposition to an application for a street event.

ROAD - Includes an arterial road, collector road and a local road.

STREET CONVERSION - The temporary conversion of vehicular traffic direction on a road.

STREET EVENT - A temporary full or partial closing of a street to accommodate admission-free, or admission-restricted, races, runs, walks, and festivals.

STREET EVENT GUIDELINES - Policies and procedures for street events, as may be amended from time to time by the General Manager.

STREET EVENT NOTICE - Written notification to inform residents and businesses of a street event application.

TRADITIONAL LOCATION - Within that same ward(s).

TRADITIONAL TIME - Within that same calendar month.

TRAFFIC CONTROL AND PUBLIC SAFETY PLAN - A safety plan for a full or partial closure of a street, as set out in the "Temporary Conditions" in the Ontario Traffic Manual Book 7 and in the street event Guidelines.

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TRAFFIC CONTROL DEVICES - Any sign, signal, marking, or other device placed upon, over or adjacent to a street by a public authority or official having jurisdiction for the purpose of regulating, warning, guiding or informing road users as set out in the Ontario Traffic Manual or other device authorized by the General Manager.

WARD - A City ward as continued, created or amended pursuant to the authority of the City of Toronto Act, 2006.

WASTE MANAGEMENT PLAN - A plan for collecting, recycling, removing and storing garbage, litter and debris.

- (2) A term not defined in § 743-1C(1) of this chapter shall have the same meaning as the term has in the Highway Traffic Act.

- D. As used in § 743-9 to § 743-19 of Article II, Article III, Article IV, Article V, Article VI, Article VII, Article VIII, Article IX and Article X of this chapter, the following terms shall have the meanings indicated: [Added 2012-03-07 by By-law 375-2012¹²]

ALIGNMENT - A location specified or approved by the City for locating equipment on, over, along, across, under, or in a street.

ARBOUR - A shelter made of wood, masonry or metal, usually covered with vines or branches or of latticework covered with climbing shrubs or vines.

AREAWAY - Tunnels, parking garages, elevated or below-grade walkways and other similar non-habitable structures that are situated above or beneath public lanes, public alleys and local roads.

AWNING - A removable or retractable unenclosed temporary structure, affixed to the adjacent building, that is made of light material having a light metal or reasonably equivalent frame covered by canvas or similar sail goods, that is installed over a permitted café or marketing area.

BANNER SIGN - A temporary sign that is suspended on, across or along a street, or a flag of non-rigid material that is suspended from a rigid arm fixed to a pole or utility pole, that:

- A. identifies or promotes charitable, community, philanthropic or other public events;
- B. identifies or promotes a BIA and any charitable, community, philanthropic or other public event that occurs within a BIA; and
- C. identifies or promotes public events, activities or locations that:

¹² Editor's Note: By-law 375-2012, enacted March 7, 2012 has received set fine approval and came into effect June 28, 2012. By-law 375-2012, as amended by By-law 668-2012, repealed a number of previous by-laws and policies. See Section 2 of By-law 375-2012 for a full list of the by-laws, policies and Municipal Code Chapters that were repealed.

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- (1) are unique to the City of Toronto;
- (2) are government owned or sponsored;
- (3) form a major destination and attraction for visitors to the City of Toronto;
and
- (4) has a minimum annual attendance of at least 40,000 people.

BICYCLE - Includes a tricycle and unicycle but does not include a motor assisted bicycle.

BICYCLE TRAIL - That part of a boulevard that is improved for use by cyclists.

BOLLARD - Any of a series of short posts installed at intervals to delimit an area or to exclude vehicles.

BRIDGE - A bridge as defined in the City of Toronto Act, 2006.

BUILDING PROJECTIONS - Any structure, article or thing extending from an existing, or proposed, building or structure into a street, including but not limited to arbours, basement entrances, bay windows, building entrances, building walls, chimneys, cold storage rooms, columns, cornices, decorative walls, decorative lighting, doors, eavestroughs, exhaust ducts, fire escapes, flag poles, fuel fill pipes and connections for measuring and delivering public and private utilities, ornamental walls, pedestrian access ramps, pergolas, porches, railings, refacing walls, siamese connections, signs, stairs, storage sheds, utility vaults, ventilation shafts, verandas, walkways more than 1.5 metres in width, and window wells.

CANOPY - A fixed overhang built over the entrance to a building, or along the frontage of a building, that protects pedestrians from inclement weather.

CHIEF FINANCIAL OFFICER AND TREASURER - The Chief Financial Officer and Treasurer for the City, and his or her designate or successors. [**Amended 2018-07-27 by By-law 1206-2018; 2018-12-13 by By-law 17-2019¹³**]

COLLECTOR STREET - Any street that is designated as such in the City's road classification system, as amended from time to time.

CONDUIT - A pipe or tube for protecting electric and telecommunication wires, or for conveying liquids or steam.

DRIVEWAY - That portion of the boulevard improved for the purpose of providing vehicle access to an adjacent property.

¹³ Editor's Note: By-law 17-2019 deleted all references to the title "Chief Financial Officer" and replaced the title with "Chief Financial Officer and Treasurer". By-law 17-2019 is deemed to have come into force on October 23, 2018.

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EMERGENCY WORK - Work within a street that must be completed immediately due to health or safety concerns, or where the interruption or potential interruption of essential services is imminent.

ENCROACHMENT - Any device, equipment, object, structure or vegetation that is located on, over, along, across, under or in a street, or any portion thereof, but excluding any vegetation planted or any device, equipment, object, or structure installed and maintained by the City.

EQUIPMENT - Includes any machinery, vehicles, construction materials, poles, cables, pipes, conduits, ducts, pedestals, antennas, towers, wires, amplifiers, vaults, maintenance holes, hand holes, support structures or other appurtenances or ancillary facilities, structures or devices.

EXCAVATING - The breaking, digging up, tearing up, tunneling, boring, coring, cutting into or removing of any portion of the surface or subsurface of a street, including pavement, sidewalk, curbs, gutter or landscaping.

FEES - The fees set out in Chapter 441, Fees and Charges, other by-laws, or the corresponding fees set out in an agreement with the City.

FENCE - A barrier, including one for noise attenuation, or any structure, except a structural part of a building, that wholly or partially screens from view, encloses or divides a yard or other land, or marks or substantially marks the boundary between adjoining land.

FIRE CHIEF - as defined in Chapter 79, Fire Services.

FIREWORKS - A combustible or explosive device producing a loud noise or display of lights.

FULL STREAM APPLICATION - An application for a street work permit that conforms to the requirements of full stream work as specified by the General Manager.

GRAFFITI - drawing or writing scratched, scribed or painted on a wall, sidewalk, walkway or bicycle trail that is not public art as approved by the General Manager.

INTERSECTION - The area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of two or more streets or private driveways that join one another at an angle, whether or not one street or private driveway crosses the other.

LANDSCAPING - Trees, shrubs, grass, flowers and other vegetation, including maintained natural gardens, but excluding noxious weeds and local weeds designated under the provisions of the Weed Control Act, decorative stonework, walkways or other horticultural or landscape-architectural elements or any combination of these that are situated in a street to improve its appearance or environmental quality, but excludes

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driveways or parking areas and any material that allows, or that can be made to allow, vehicle parking or driveway access.

MAINTAINED NATURAL GARDEN - soft landscaping consisting of wildflowers, shrubs, perennials, grasses or combination thereof, whether native or non-native, but excluding noxious weeds and local weeds designated under the provisions of the Weed Control Act that is planted to produce a ground cover consistent with a managed and natural landscape other than regularly mown grass.

MEDIAN - The portion of a highway so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by a physical barrier or a raised or depressed paved or unpaved separation area that is not intended to allow crossing vehicular movement.

MOTOR VEHICLE - An automobile, motorcycle, motor assisted bicycle unless otherwise indicated in the Highway Traffic Act, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car, other motor vehicles running only upon rails, a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the Highway Traffic Act.

NATURAL FORCES - Includes natural precipitation, snow melt, and water discharged from hoses or other mechanical or human action.

OFFICER - Any employee, by-law officer, enforcement officer or agent designated by the General Manager. **[Amended 2017-07-07 by By-law 800-2017¹⁴]**

PACK ANIMAL - Any four-legged animal that is used to transport people, goods or materials.

PERGOLA - A structure consisting of parallel colonnades supporting an open or partially covered roof of girders and cross-rafter.

PERMANENT MEMORIAL - Various kinds of tribute such as plaques, stone monuments, trees, benches and similar articles of a durable nature that are intended to remain in place for a long period of time and that are placed within a street to memorialize persons who have died in a motor vehicle crash or other tragic event.

PERMIT FEES - The fees set out in Chapter 441, Fees and Charges, and other City by-laws or the corresponding fees and other consideration charged for the issuance of a permit or consent.

POSTER - Any device, structure or medium that uses any colour, form, graphic, illumination, symbol or writing to convey information of any kind to the public, including but not limited to an advertisement, bill, handbill, leaflet, flyer or placard.

¹⁴ Editor's Note: By-law 800-2017 came into effect August 28, 2017.

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PUBLIC ART - Temporary or permanent art designed by, or in collaboration with, artists recognized in a process approved by the General Manager that is displayed in a street and which includes, without limitation:

- A. Sculptured art;
- B. Frescos, art murals or graffiti art as defined by Chapter 485, graffiti, mosaics, paintings and other works of visual or graphic art;
- C. Memorials or monuments;
- D. Fountains or water features;
- E. Lighting and street furniture;
- F. Hard and soft landscaping; and
- G. Special engineering or architectural features of existing capital projects that contributes aesthetically to their surroundings.

PUBLIC LANE OR PUBLIC ALLEY - A public highway improved for vehicle travel that is not designated as either an expressway, major arterial, minor arterial, collector or Local Road in the City's road classification system, as amended from time to time.

RETAINING WALL - A structure constructed for the purpose of holding back sliding earth.

ROAD - The portion of the street designed, improved and ordinarily used for vehicle traffic.

SECURITY - Financial security paid or pledged to the City as a condition of a permit or other consent granted under this chapter, including: [**Amended 2018-12-13 by By-law 17-2019¹⁵**]

- A. Cash;
- B. An unconditional and irrevocable letter of credit;
- C. Cheque or certified cheque payable to the "Controller, City of Toronto";
- D. Securities paid by credit or debit card; and
- E. Any other form of financial security as approved by the City from time to time.

¹⁵ Editor's Note: By-law 17-2019 deleted all references to the title "Treasurer" and replaced the title with "Controller". By-law 17-2019 is deemed to have come into force on October 23, 2018.

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SHORT STREAM APPLICATION - An application for a street work permit that conforms to the requirements of short stream work as specified by the General Manager.

SOFT LANDSCAPING - Shrubs, hedges, grass, flowers, maintained natural gardens, fruit and vegetable gardens or other vegetation, excluding trees, noxious weeds and local weeds designated under the provisions of the Weed Control Act.

STOP WORK ORDER - A notice to cease any street work or temporary street occupation.

STREET LINE - The line dividing a street and a property.

STREET TREE - A tree planted and maintained by the City in a street.

STREET WORK - Includes any excavating in streets, and installing, repairing, replacing, extending or operating and maintaining any equipment, structure or device located in, on, over, along, across, or under a street.

TEMPORARY MEMORIAL - Various kinds of tribute such as decorations, flowers and other and similar articles that are neither durable nor intended to remain in place for a long period of time, that are placed within a street to memorialize persons who have died in a motor vehicle crash or other tragic event.

TEMPORARY STREET OCCUPATION - The occupation of any portion of a street for the placing of any barricade, covered pedestrian walkway, construction site fencing, hoarding, machinery, materials or other objects, hoisting, tower crane, or transporting excess loads, or carrying out any street work that does not require excavating in a street.

TORONTO PUBLIC UTILITIES COORDINATING COMMITTEE (TPUCC) - The organization, or any successor organization, comprised of member utility companies and the City who own and operate equipment in City streets.

UTILITY POLE - A utility pole, street lamp pole, traffic control signal pole, as well as any pole of the Toronto Transit Commission that is located within a street.

VEHICLE - A vehicle as defined by the Highway Traffic Act.

WALKWAY - That part of private property that is improved for the exclusive use of pedestrians, extending from private property into a street.

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ARTICLE II
Prohibited or Regulated Activities

§ 743-2. Sale of event tickets.

[Amended 2004-04-16 by By-law 274-2004]

No person shall use or occupy a street for the purposes of the sale, or offering for sale, of event tickets.

§ 743-3. Publication dispensing boxes.

[Added 2005-12-07 by By-law 1070-2005¹⁶]

- A. No person shall place, install or maintain an installation on, along or in a City street unless the person has:
- (1) Complied with the requirements of this section;
 - (2) Obtained all applicable permits required by the City;
 - (3) Paid all applicable fees as required by the City;
 - (4) Submitted applicable evidence of required insurance; and
 - (5) Entered into and is in compliance with an agreement.
- B. All previous agreements pertaining to the placement, installation and maintenance of installations entered into prior to the date that this section is enacted are deemed to be null and void effective October 1, 2006, and all persons holding a permit for an installation shall enter into a new agreement as required under this section by that date. All installations shall be brought into compliance with this section by October 1, 2006, unless otherwise specified in this section.
- C. Application for a permit.
- (1) Any owner of a publication or the authorized agent of an owner of a publication who wishes to place, install or maintain publication dispensing boxes, units or kiosks on, along or in a City street shall submit an application to the General Manager on the prescribed form at least eight weeks prior to the proposed date for the placement of the installation, including the following:

¹⁶ Editor's Note: Section 2 of this by-law provided for the repeal of the following by-laws: By-law 1-87, as amended, To permit newspaper boxes on untravelled portions of the street (East York); Section 3A of By-law 3343-79, as amended, Respecting streets in the borough of York (York); By-law 11683, as amended, With respect to newspaper boxes in the Township of Scarborough (Scarborough); By-law 31680, as amended, Respecting the leasing and licensing of municipal boulevards for the purposes of the location of newspaper vending boxes (North York); Municipal Code Chapter 171, Newspapers (Etobicoke); and Section 313-44 of Municipal Code Chapter 313, Streets and Sidewalks (Toronto). Section 3 of this by-law stated that, despite Section 2 above and consistent with § 743-31(1), the annual fee requirements contained in the by-laws listed in Section 2 shall continue in force until December 31, 2005.

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- (a) Name, address and telephone number of the applicant and any other person who may control the installation;
 - (b) Location where each installation is to be placed, which shall be in compliance with the requirements set out in § 743-3G;
 - (c) The name of the publication(s) to be offered for distribution;
 - (d) Two coloured drawings or photographs of the proposed installation, clearly showing height, width and depth dimensions;
 - (e) Description of the material from which the installation is constructed and the door closure mechanism; and
 - (f) Certification of the recycled fibre content of the publication to be dispensed.
- (2) All installations shall be constructed of durable material satisfactory to the General Manager.
 - (3) No person shall sell or dispense, or permit the sale or dispensing of, any item from a publication dispensing kiosk other than one or more publications.
 - (4) No application will be accepted after September 8, 2004, for a permit for the placing or installation of new installation, provided that this will not apply to prevent the placing or installation of these structures by or on behalf of the City under a consolidated street furniture program.
 - (5) The moratorium on the acceptance of applications under Subsection C(4) for the placing or installation of new publication dispensing boxes under Subsection G(4) shall continue until October 1, 2006.
 - (6) Every applicant shall provide and maintain public liability and property damage insurance with an insurer satisfactory to the General Manager naming the City as an additional insured, in an amount not less than \$2,000,000, in a form approved by the Chief Financial Officer and Treasurer, and shall file a certificate of insurance with the application evidencing the form and amount of coverage, a cross-liability/severability of interests clause; a provision that the insurance is primary before the insurance of the City and that the insurer shall provide the City with 30 days' notice of any intention to cancel or not renew the policy. **[Amended 2018-07-27 by By-law 1206-2018]**
 - (7) Any application which does not include all of the information, insurance and the applicable fees as required under this § 743-3 at the time that the application is made shall be deemed to be incomplete and shall not be processed until such time as all required information is provided and the fees are paid.
 - (8) Prior to issuance of the permit and commencement of placement or installation of the publication dispensing box, unit or kiosk, the applicant shall agree, in a form

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satisfactory to the City Solicitor, to indemnify and save the City, its elected officials, officers, employees and agents, harmless with respect to any action, cost, claim, loss, injury or damage whatsoever arising from the placement or installation and occupation of the street by the installation.

- (9) Any information submitted as part of an application for a permit which the applicant identifies as proprietary and confidential shall be treated as confidential and, except where required by law, shall not be revealed to any person without the consent in writing of the applicant, until the permit is issued pursuant to § 743-3D or the applicant appeals the decision of the General Manager pursuant to § 743-3F.

D. Issuance of permit.

- (1) Where an application meets the requirements of this section and all applicable fees have been paid, the General Manager shall issue the required permit.
- (2) Subject to Subsections D(4), D(5) and H, a permit issued under this § 743-3 shall be for a term of one year, and shall renew automatically on January 1 of each year provided that the permit holder has paid the fees as required under this section and is not in violation of this section or the agreement.
- (3) A permit issued for an installation shall not be transferred or assigned in any manner whatsoever by the permit holder without the consent of the General Manager. For the purposes of this subsection, "assignment" or "transfer" shall not include a transfer to an affiliate, subsidiary or holding corporation of a corporate permit holder or a change in control of ownership in a corporate permit holder. No assignment shall be permitted under this section, with or without consent, unless the permit holder is in compliance with this section and the agreement and proposed the assignee has first entered into an agreement with the City as required under this section.
- (4) Any permit for an installation may, provided that the permit holder is first given an opportunity to be heard, be suspended or revoked at any time by Council for failure to comply with the provisions of this section or an agreement.
- (5) Despite Subsection D(4), the General Manager may, at the sole expense of the permit holder, require the temporary relocation of an installation or order the temporary suspension or revocation of a permit in the following circumstances:
- (a) Where required in the interests of pedestrian, vehicular or public safety;
 - (b) Where required to accommodate a special event; or
 - (c) Where required to accommodate the installation, construction, maintenance or repair of a street, transit facilities or a public utility or service.
- (6) Neither the City, the Toronto Transit Commission or a public utility shall be responsible for any claim for loss or damage as a result of a relocation, suspension or revocation under Subsection D(4) or (5).

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E. Rejection of permit application.

- (1) The General Manager shall reject an application for a permit where the application for the permit does not comply with the requirements of this § 743-3.
- (2) The General Manager shall provide an applicant whose application for a permit has been refused with written reasons for the refusal at the time that the applicant is advised of the refusal.

F. Appeals. [**Amended 2019-01-31 by By-law 255-2019**¹⁷]

- (1) Any applicant whose application for a permit has been refused may appeal the decision of the General Manager and request to be heard by community council or, where the locations requested fall within more than one community council area, the Infrastructure and Environment Committee, by filing with the General Manager, within 30 days of the General Manager's written decision, a notice of appeal requesting the right to be heard and including the applicant's contact information, grounds for the appeal and any related submissions.
- (2) Upon receipt of an appeal notice as set out in Subsection F(1), the General Manager shall prepare and forward a report to community council or Infrastructure and Environment Committee that shall include:
 - (a) The application;
 - (b) The General Manager's decision and reasons for the refusal to issue the permit; and
 - (c) The notice of appeal.
- (3) Following receipt of the report prepared by the General Manager, the community council or Infrastructure and Environment Committee shall provide the applicant with the opportunity to be heard, after which time the community council or Infrastructure and Environment Committee shall recommend that Council either:
 - (a) Confirm the original decision made by the General Manager;
 - (b) Refer the matter back to the General Manager and direct the General Manager to reconsider the matter having regard to such considerations or directions as the Committee, community council or Council may recommend; or
 - (c) Direct the General Manager to issue a permit on such terms and conditions as Council may determine.

G. Requirements.

¹⁷ Editor's Note: By-law 255-2019 is deemed to have come into effect on December 13, 2018.

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- (1) No person shall place, install or maintain an installation on any street except in compliance with the provisions of this § 743-3 and the agreement.
- (2) No installation shall be placed, installed or maintained:
 - (a) Within an area comprised of the corner radius of any intersection and an additional two metres measured from the radius along each curb or roadway edge;
 - (b) In any curb cut designed to facilitate access by disabled persons or within one metre of the curb cut;
 - (c) Within any driveway or 0.6 of a metre of any driveway;
 - (d) Within two metres of a fire hydrant or other fire service connection;
 - (e) Within one metre of a traffic signal or other utility pole to which pedestrian activation buttons are attached, decorative street light pole, tree or bicycle ring;
 - (f) Within any bus or streetcar stop, crosswalk or pedestrian cross-over, or in a manner as to interfere with boarding, disembarking, or queuing by transit passengers, or pedestrian movement;
 - (g) On, over or within any part of the travelled surface of the portion of the street, including any curb;
 - (h) Unless a minimum of 2.1 metres of sidewalk width immediately adjacent to the installation is maintained clear of all obstructions and available for uninhibited pedestrian passage;
 - (i) Despite Subsection G(2)(h), where the sidewalk is 1.5 metres or less in width, unless the installation is located on a paved portion of the boulevard and set back a minimum of 0.6 of a metre from the edge of sidewalk so as to create at least 2.1 metres of space clear of all obstructions for uninhabited passage;
 - (j) In a manner that obstructs driver, or pedestrian sight lines, or otherwise compromises public safety;
 - (k) Within 2.1 metres of any entrance to the Toronto Transit Commission subway system so that an unobstructed access to or from the subway system entrance is maintained; **[Amended 2016-05-05 by By-law 441-2016]**
 - (l) On top of, or in a manner that interferes with access to, use of, or causes damage to any utility maintenance hole, vault, pole or other equipment or permitted encroachment;
 - (m) Where placed adjacent to a curb or edge of roadway, any closer than 0.5 metre from the curb face, or any closer than three metres from the edge of roadway on

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streets without curbs, measured from the side of the box, unit or kiosk closest to the curb or edge of the roadway;

- (n) On any unpaved surface, lawn, shrub, tree or other landscaping within a boulevard or in a manner so that the placement or use of the installation may damage the boulevard;
 - (o) In a manner such that it is bolted to a sidewalk or other hard-surfaced portion of the boulevard, or chained to a decorative streetlight or utility pole, transit stop poles, or other City street furniture, unless expressly designated for such purpose, or attached with the consent of the owner of the pole or other structure;
 - (p) In a manner that obstructs the sightlines of an advertising or information panel on a transit shelter or other City street furniture element within a minimum distance of 25 metres;
 - (q) Within 3.6 metres of the curb on Yonge Street, from Queen Street to Bloor Street; and
 - (r) On any local road. This does not preclude the placement of the installation at the intersection of a local road and collector, minor arterial or arterial road as set out in the City's road classification system. **[Amended 2012-03-07 by By-law 375-2012¹⁸]**
- (3) Each licensed installation must have affixed to it and readily visible and legible at all times effective June 1, 2006, the contact name, address, e-mail address (if applicable) and telephone number of the owner, circulation department of the publication owner or person in control of such structure.
 - (4) An installation shall remain situated at the location as approved by the General Manager, and no person shall relocate an installation unless the relocation has been authorized in advance by the General Manager.
 - (5) No more than one installation per publication shall be placed at any one location, and no location shall be positioned less than 40 metres from any other location for the same publication, except that this shall not apply to prevent locations at two corners of the same intersection.
 - (6) Where multiple publication dispensing boxes are placed at a location, they must be arranged in a single linear pattern, satisfactory to the General Manager and, where a "T-bar" or similar railing device is provided for the express purpose of securing publication dispensing boxes, no box will be permitted at the location unless it is so attached.

¹⁸Editor's Note: By-law 375-2012, enacted March 7, 2012 has received set fine approval and came into effect June 28, 2012. By-law 375-2012, as amended by By-law 668-2012, repealed a number of previous by-laws and policies. See Section 2 of By-law 375-2012 for a full list of the by-laws, policies and Municipal Code Chapters that were repealed.

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- (7) Reserved¹⁹.
- (8) The maximum dimensions of any publication dispensing box or unit inclusive of any ballast shall be as follows:
 - (a) A height of 1.3 metres from grade;
 - (b) A width of 0.6 of a metre; and
 - (c) A depth of 0.6 of a metre.
- (9) The dimensions set out in Subsection G(8) shall apply to all applications received under this § 743-3, and shall come into effect on January 1, 2009, with respect to any box or unit for which a permit has been issued as of the date that this § 743-3 comes into force.
- (10) Subsection G(8) shall not apply to any publication dispensing unit that may be developed and deployed by or on behalf of the City under a consolidated street furniture program.
- (11) In the event that a publication dispensing unit is deployed by or on behalf of the City under a consolidated street furniture program, no individual publication dispensing box or unit shall be permitted at the same location(s).
- (12) Every person who owns or controls a publication dispensing box, unit or kiosk shall:
 - (a) Place or install each installation in a manner that will ensure it cannot be tipped over;
 - (b) Provide each installation with a secure self-closing door in good working order at all times to prevent the entry of snow, wind and rain, and to deter litter generation and use of the installation as a garbage receptacle;
 - (c) Maintain each installation in a neat, clean and rust-free condition at all times, including the removal of all graffiti, posters and third party advertising however affixed to the installation, within 24 hours of becoming aware of the condition; and
 - (d) Remove any garbage or litter accumulation in and around the installation within 24 hours of becoming aware of the condition.
- (13) Every person who owns or controls an installation shall regularly monitor the condition and arrange for the pick-up and removal of surplus or stale-dated publications and any associated packaging. No person shall cause or permit these

¹⁹ Editor's Note: Subsection G(7) was deleted May 5, 2016 by By-law 441-2016.

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- materials to be left in or near the installation, at the curbside or deposited into City litter or recycling receptacles.
- (14) No person who owns or controls an installation permitted under this § 743-3 shall allow the installation to go unstocked with current publications for a period of more than seven consecutive days unless the door of the installation is secured.
 - (15) Where an installation is left unstocked for a period greater than 21 consecutive days, the General Manager may require that the permit holder remove the installation at no cost to the City.
 - (16) Any installation that has been damaged or vandalised shall be repaired, replaced or removed by the owner or person in control within 48 hours of becoming aware of the condition, provided that where the damage or vandalism causes a danger to the public or property, the owner or person in control shall, upon notice from the General Manager, take immediate action to remedy the unsafe condition.
 - (17) No electrical connection shall be permitted to any installation, except where the unit is a component of a City consolidated street furniture program.
 - (18) No advertising, notices or signs shall be permitted on an installation other than the name of the publication, price or features contained within or sponsored by the publications, or advertising promotions sponsored by the publication which shall be displayed only on one side of the installation, provided that the restriction of advertising the name of the publication, price or features contained within the publication to one side of the installation shall take effect on January 1, 2009, with respect to any installation for which a permit has been issued as of the date that this § 743-3 comes into force. Despite anything else in this paragraph, third party advertising is expressly prohibited, except where a unit is a component of a City consolidated street furniture program.
 - (19) All paper material used in publications dispensed by means of the installations permitted under this § 743-3 shall contain at least 40 percent recycled fibre calculated based on the aggregate weight of recycled fibre content used in the total production of the publication distributed from the installation in City street, provided that this requirement shall not come into effect until June 1, 2006, for those areas of the City not subject to this regulation at the time that this section comes into force.
 - (20) A publication dispensing box which otherwise complies with the criteria of this Subsection G shall be located in a position satisfactory to the General Manager, having regard to such matters as the position of any existing installation at the location, the volume of pedestrian traffic at the location, snow removal, sidewalk cleaning and maintenance, vehicular traffic and safety, sight distances and any other public uses of the street in the vicinity of the location.

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- (21) The City or any utility may enter the area occupied by an installation for the purpose of doing any work within the street, including the installation or maintenance of utility equipment.
- (22) On or before December 15 of each year, every person who has a permit with the City for the placement, installation and maintenance of one or more installations shall provide, on the prescribed form, to the General Manager:
 - (a) A detailed, accurate, up-to-date inventory of all such structures located on, along and within the City's streets; and
 - (b) Subject to Subsection G(19), written verification of the amount of recycled fibre content comprising the publications placed in the structures for the previous twelve-month period, including confirmation by the paper supplier.

H. Seizure and disposal.

- (1) Any installation that has been placed or maintained contrary to § 743-3 or contrary to any permit or agreement shall be removed by the owner or authorized agent within 48 hours of notification, failing which the General Manager or any person authorized by the General Manager may seize and remove from the street the installation which has been placed or maintained contrary to this § 743-3, or contrary to any permit or agreement, and the General Manager shall store any installation so seized, and shall return any installation to the owner upon the owner paying to the City the costs of removal and storage of the installation, plus administration costs as set out in § 743-3I(4) below. Despite any other provision of this § 743-3, no prior notice shall be required in the event that the installation, in the opinion of the General Manager, poses a risk to public safety.
- (2) The General Manager may dispose of any installation so seized at the expiry of 60 days from the later of the date of seizure of the installation and the date notice of the seizure is given to the owner of the installation. **[Amended 2016-05-05 by By-law 441-2016]**

I. Fees.

- (1) Effective January 1, 2006, the fees (2006) to be paid for the placement and on-going maintenance of a publication dispensing box or unit on a street of the City shall be:
 - (a) \$25, plus GST annually, for the first 100 publication dispensing boxes or units placed and maintained by a licensee; and
 - (b) \$100, plus GST annually, for each additional publication dispensing box or unit placed and maintained by a licensee.
- (2) Where an application is made to the General Manager for an installation under this section, the applicant shall be charged a non-refundable administration, survey and inspection fee (2005) in the amount of \$62.59 per box or unit plus GST.

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- (3) The fees (2005) to be paid for the placement and on-going maintenance of a publication dispensing kiosk on a street of the City shall be:
 - (a) The greater of \$280 or \$280 per square metre of street occupied, plus GST annually;
 - (b) Where an application is made to the General Manager for a publication dispensing kiosk under this section, the applicant shall be charged a non-refundable administration, survey and inspection fee in the amount of \$68.27 plus GST per kiosk.
- (4) The fee (2005) to be paid in the event of removal, storage and release by the City of an installation under § 743-3H shall be \$300, plus any applicable taxes, per installation or structure, and must be paid prior to the release of the installation or structure.
- (5) All fees specified in § 743-3I(1), (2), (3) and (4) shall automatically increase on the first day of January in each year by the percentage increase in the All Items Index of the Consumer Price Index (not seasonally adjusted) for the Toronto Census Metropolitan Area, published by Statistics Canada, during the twelve-month period ending October 1 in the year immediately preceding the rate increase date.
- (6) All fees specified in § 743-3I are non-refundable. **[Added 2016-05-05 by By-law 441-2016]**
- (7) The fees specified in §§ 743-3I(1) and 743-3I(3)(a) apply to annual terms which constitute the entirety of a calendar year. These fees shall nonetheless be paid in full for the entirety of the calendar year term for any calendar year or part thereof which the publication dispensing box, unit or kiosk is placed and maintained on a street of the City. **[Added 2016-05-05 by By-law 441-2016]**

§ 743-4. Municipal road damage deposits.

[Added 2006-05-25 by By-law 462-2006]

- A. No person shall undertake any work unless the person has:
 - (1) Obtained all applicable consents and permits required by the City, Province or other regulating body;
 - (2) Paid or agreed to pay all applicable fees or deposits, including a municipal road damage deposit as required by the City; and
 - (3) Entered into an agreement where required by the City upon terms and conditions and in a form satisfactory to the General Manager.
- B. Every person who wishes to undertake work shall submit an application to the General Manager on the form prescribed by the General Manager from time to time for

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authorization to use the City's infrastructure including but not limited to roads, curbs, boulevards and sidewalks in order to access the work, which application shall include the following:

- (1) Name, address, and telephone number of the applicant;
 - (2) Name, address, and telephone number of the owner;
 - (3) Type of work to be performed;
 - (4) Project location, including the address, building permit application number, lot and plan number.
- C. Upon any application being made pursuant to § 743-4B, the applicant shall pay to the General Manager a municipal road damage deposit in the amount specified below:
- (1) Where the work is related to a residential property: \$2,000 per unit; and
 - (2) Where the work is related to a commercial or industrial property: \$5,000 per property.
- D. Permits under § 743-4 and the payment of municipal road damage deposits are not required for work on the following properties:
- (1) Single-family dwellings and commercial/industrial properties where a building permit is requested pursuant to the City's "FASTRACK" program; and
 - (2) Properties where financial securities for street restoration have been secured as part of an authorized development application as defined in this chapter, or other similar agreement with the City.
- E. The amount of the municipal road damage deposits shall automatically increase on the first day of January in each subsequent year by the percentage increase in the All Items Index of the Consumer Price Index (not seasonally adjusted) for the Toronto Census Metropolitan Area, published by Statistics Canada, during the twelve-month period ending on October 1 in the year immediately preceding the fee increase date.
- F. Every person who undertakes work shall ensure that the street is at all times maintained in a condition that allows the safe passage of vehicle and pedestrian traffic.
- G. Every person who undertakes work shall fully restore the street, at no cost to the City, to its pre-construction condition, including boulevard landscaping, within the earlier of:
- (1) Thirty days after the completion of the work; or
 - (2) Two years from the date of deposit of the municipal road damage deposit.
- H. Where the applicant fails to repair the street to its original pre-construction condition within the timelines prescribed by § 743-4G:

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- (1) The General Manager is authorized to fully restore the street;
 - (2) The applicant shall be responsible for any cost of repair or clean-up of the street;
 - (3) The General Manager shall deduct the cost of the repair or clean-up from the municipal road damage deposit; and
 - (4) Where the cost of the repair or clean-up exceeds the amount of the municipal road damage deposit, the applicant shall pay the costs owing to the General Manager within 90 days of notification from the General Manager.
- I. If the applicant declines or fails to pay the costs owing within 90 days of notification from the General Manager as provided by § 743-4H, the General Manager is authorized to recover the costs owing by adding them to the tax roll and collecting them in the same manner as taxes.
- J. The General Manager will refund any municipal road damage deposit after completion of the work to which it pertains subject to the following conditions:
- (1) The applicant who paid the municipal road damage deposit or his or her authorized agent must make an application in writing to the General Manager requesting the refund;
 - (2) The application in writing requesting the refund of the municipal road damage deposit must be submitted to the General Manager within two years from the date on which the municipal road damage deposit was made; and
 - (3) The sum refunded will be equal to the municipal road damage deposit less any costs incurred by the City for any required repair pursuant to § 743-4H.
- K. Despite § 743-4G(2), if the completion of the work takes longer than two years from the date that a municipal road damage deposit was deposited with the City, the applicant may request a one-time extension of two years after the initial two-year time limit.
- L. Municipal road damage deposits will be forfeited to the City of Toronto where an application for the return of the municipal road damage deposit has not been submitted to the General Manager:
- (1) Within two years from the date on which the municipal road damage deposit was initially made; or
 - (2) In the case of where an extension has been granted pursuant to § 743-4K, within four years from the date on which the municipal road damage deposit was initially made.
- M. Municipal road damage deposits that have been forfeited will be placed in a Transportation Services Division account related to street maintenance and reconstruction.

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- N. The General Manager is not obligated to refund deposits that were taken as a result of applications made using false or misleading information.
- O. Interest will not be paid on any municipal road damage deposits.
- P. Subsections 743-4A through to 743-4O apply to all municipal road damage deposits deposited and held by the City after January 1, 2003.

§ 743-5. Provision of location certificate.

[Added 2009-10-01 by By-law 954-2009]

- A. Any person applying to the City for a permit for the performance of work within a City street, including a sidewalk, boulevard or roadway, for the purposes of constructing or installing underground equipment, plant or structures, shall agree as a condition of receiving the permit to provide to the Executive Director and/or the General Manager, within 60 days of the completion of the work, a location certificate accurately indicating the as-built location, including depth of coverage, of the equipment, plant or structure, in such form and to such standards as may be required by the Executive Director and/or the General Manager.
- B. In the event that an applicant fails to provide the as-built drawings or location certificates as required under Subsection A, the Executive Director and/or the General Manager may, on 30 days' written notice to the applicant, perform (or cause to be performed) the work required to accurately determine the location of the equipment, plant or structure and prepare the location certificate as required under Subsection A, and the City may recover the cost of doing so from the applicant by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.
- C. Where an applicant is in default of their obligations under Subsection A, the applicant shall not, except where, in the opinion of the General Manager, there is an emergency or the permit is required to perform work required by the City, be issued any further permit for the performance of work within the City street in respect of the particular equipment, plant or structure for which the location certificate is outstanding, including a sidewalk, boulevard or roadway, until such time as the location certificate as required under this § 743-5 has been provided by the applicant, or until the applicant has paid the City's costs as required under Subsection B.
- D. The provisions of this § 743-5 shall not apply to the extent that they conflict with the provisions of any agreement between the applicant and the City respecting the performance of work within a City street.

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§ 743-6. Utility cut permit conditions.

[Added 2010-04-01 by By-law 359-2010]

In addition to the requirements under any other City by-law or permit issued under a City by-law, the following shall apply to any application for a permit to excavate or dig in a City street or install, replace, construct, maintain or repair equipment, plant or structures within a City street:

- A. The applicant shall pay all applicable fees as required under Chapter 441, Fees and Charges, including the utility cut billing fee, pavement degradation fee and full stream utility cut application fee.
- B. A permit under the full stream application process shall not be issued for an excavation longer than one kilometre.
- C. All temporary restoration and repair work required as a condition of a permit referred to in this section shall be done to the standards as required by the General Manager and, in the event that a failure to properly undertake such work results in the City being forced to repair the work on an emergency basis, the City may itself or by third party contractor undertake the necessary work to restore the pavement structure, and the City may recover the cost of doing so from the person responsible by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.
- D. The applicant shall, prior to and during the performance of the work, provide the following methods of notification and information to the public in such manner as directed by the General Manager in the permit: **[Amended 2019-12-18 by By-law 1778-2019]**
 - (1) The applicant shall issue a printed public notice to the occupants of property impacted by the work which shall provide information on the type of work to be undertaken, details on the type of road repairs, the expected duration of the work, the expected timing for permanent repair of the street, and an orthophoto clearly identifying the subject property, location of work and property line;".
 - (2) The applicant shall equip all vehicles with magnetic vehicle identification signs indicating the type of field work crew on site and identifying (including the display of corporate logo) the party for whom the work is being done;
 - (3) The applicant shall ensure that signs are erected at the location of the work which include the contract number, type of work to be done and the duration of the work for short-term projects and identifying (including the display of corporate logo) the party for whom the work is being done; and
 - (4) The applicant shall, upon completion of any temporary repair to the street pavement, stamp or stencil the location of the temporary repair in a manner satisfactory to the General Manager to identify the party responsible for the inspection and maintenance of the temporary repair.

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§ 743-7. Street events.

[Added 2010-05-12 by By-law 482-2010²⁰]

A. Issuance of permits.

The General Manager is appointed as the officer of the City to issue permits on behalf of the City for street events under this chapter.

B. Municipal consent.

No person shall temporarily close or place an installation upon, over, in, across or adjacent to a street for a street event unless the person has, to the satisfaction of the General Manager:

- (1) Complied with the requirements of § 743-7;
- (2) Obtained all applicable permits required by the City;
- (3) Paid all applicable fees and charges as required by the City; and
- (4) Submitted applicable evidence of required insurance to the General Manager.

C. Application for permits.

- (1) Any person who is applying for a closure for a street event and for permission to place an installation upon, over, in, across or adjacent to a street for a street event must submit an application on a prescribed form to the General Manager:
 - (a) At least eight weeks prior to the first day of the proposed closure on any boulevard and on any local road;
 - (b) At least 12 weeks prior to the first day of the proposed closure on a collector road;
 - (c) At least 16 weeks prior to the first day of the proposed closure on an arterial road; and
 - (d) At least 52 weeks prior to the first day of the proposed closure on an expressway.
- (2) Any application must include the following:
 - (a) Name, mailing and email address, phone and fax number of the applicant;

²⁰ Editor's Note: By-law 482-2010 came into force 30 days after the date of approval of the set fines by the Regional Senior Justice. Set fine approval was received on January 18, 2011.

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- (b) Proposed location of the street event;
 - (c) Type of street event;
 - (d) Number of persons expected to attend the street event;
 - (e) Date(s) and time(s) of the street event, street closure/reopening times and proposed program;
 - (f) Site plan with measurements of the location where each installation is to be placed; and
 - (g) Must comply with the application portion of the Street Event Guidelines.
- (3) Prior to the issuance of a permit under § 743-7, the applicant shall meet the following conditions to the satisfaction of the General Manager:
- (a) Where an application includes the service of alcohol within the street event, the General Manager shall require prior written confirmation of approval by City Council and the Licensing and Registration Department of the Alcohol and Gaming Commission of Ontario;
 - (b) Where an application includes a full or partial closure of an expressway or a full or partial closure for a motor vehicle race on any road, the application requires approval by City Council;
 - (c) The applicant shall submit to the General Manager a Traffic Control and Public Safety Plan that conforms to the Street Event Guidelines;
 - (d) Where an application includes a closure of an expressway, expressway access/exit and diversions, the applicant shall pay to the City the cost or estimated cost to install and remove any and all installation(s);
 - (e) Where an application includes a full closure of a roadway for more than 24 hours or where otherwise determined by the General Manager, the applicant shall be required to pay to the City the City's cost or estimated cost to manufacture, install and remove the advance notification signs, or the applicant shall, at its own expense, arrange for the manufacture, installation and removal of advance notification signs, all to the satisfaction of the General Manager;
 - (f) The applicant shall pay to the City the City's cost or estimated cost to manufacture, install and remove street conversion signs;
 - (g) The applicant shall confirm to the General Manager that they have made arrangements with a private contractor, acceptable to the General Manager, to install and remove traffic control devices according to the approved Traffic Control and Public Safety Plan;

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- (h) The applicant shall confirm to the General Manager that they have obtained any other permits or approvals that may be required by the City;
- (i) The applicant shall submit to the General Manager a street event notice advertising the proposed street event, such street event notice to be acceptable to the General Manager, and submit to the General Manager proof of posting of the approved street event notice;
- (j) The applicant shall submit a Waste Management Plan satisfactory to the General Manager of Solid Waste Management Services of the City and undertake to comply with and implement this Waste Management Plan;
- (k) The applicant, at its own expense, shall obtain and maintain a minimum of \$2,000,000 per occurrence limit of third party bodily injury and property damage liability insurance, or as directed by the General Manager or Chief City Official of the City. The policy will be written with an insurer that is licensed in the Province of Ontario and will include the City as an additional insured; a cross-liability/severability of interest clause; and a clause which states that the insurer shall provide the City with 30 days' notice in the event that the policy is cancelled or materially changed to affect the coverage provided to the City. The policy of insurance will act as primary to any other insurance available to the City. The applicant shall file a certificate of insurance in a form acceptable to the General Manager with the application evidencing the coverage; and
- (l) Any other conditions considered appropriate by the General Manager and the City Solicitor.

D. Issuance of permits.

Subject to § 743-7E, where an application meets the requirements of § 743-7C and all applicable fees and charges have been paid, the General Manager shall issue the required permit.

E. Refusal of applications.

- (1) Where an application is submitted by an applicant [the "initial applicant" in § 743-7E(1)] to the General Manager for a street event in a traditional location(s) and at a traditional time(s) historically occupied by a longstanding major event, that initial applicant being someone other than the organizers of the longstanding major event:
 - (a) The General Manager shall:
 - [1] Pend the processing of the application by the initial applicant for 30 days; and send a notification letter.
 - (b) Where the organizers of a longstanding major event submit an application for a street event permit within 10 business days of the date of the notification letter and meet the requirements of § 743-7C and pay all applicable fees and charges,

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that longstanding major event will continue to have the privilege of occupying its traditional location(s) and traditional time(s) and the General Manager shall:

- [1] Issue the required street event permit to the organizers of the longstanding major event; and
 - [2] Refuse to issue a permit to the initial applicant for a street event permit.
- (c) Where the organizers of a longstanding major event do not submit an application for a street event permit within 10 business days of the date of the notification letter, the General Manager shall continue processing the application by the initial applicant.
- (2) With the exception of a situation outlined in § 743-7E(1)(b), the General Manager shall refuse an application for a street event permit where a prior street event permit has been applied for or issued for a full road closure on the same local, collector or arterial road within the same ward and in the same calendar month, unless the General Manager receives written approval from each City Councillor in whose ward the road closure is requested;
 - (3) The General Manager shall refuse an application for a permit where the applicant requesting the permit has outstanding fees or charges to the City;
 - (4) The General Manager shall refuse an application for a permit where the application does not comply with the requirements of § 743-7C; and
 - (5) The General Manager shall refuse an application for a permit where the General Manager is in receipt of a written objection to the application and where, in the opinion of the General Manager, the objection is valid and irresolvable.

F. Reasons for refusal.

The General Manager shall provide an applicant whose application has been refused with written reasons for the refusal at the time that the applicant is advised of the refusal.

G. Appeals. [**Amended 2019-01-31 by By-law 255-2019²¹**]

- (1) Any applicant whose application for a permit has been refused may appeal the decision of the General Manager to and request to be heard by the applicable community council or, where the proposed street event is held within more than one community council, to be heard by the Infrastructure and Environment Committee, by filing with the General Manager, within seven days of the date of the General Manager's written decision, a notice of appeal requesting the right to be heard and including the applicant's contact information, grounds for the appeal, any related submissions and appeal fee;

²¹ Editor's Note: By-law 255-2019 is deemed to have come into effect on December 13, 2018.

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- (2) Upon receipt of an appeal notice as set out in § 743-7G(1), the General Manager shall prepare and forward a report to the applicable community council or the Infrastructure and Environment Committee, or its successor, that shall include the information regarding:
 - (a) The application;
 - (b) The General Manager's decision and reasons for the refusal to issue the permit; and
 - (c) A letter from the applicant requesting an appeal.

H. Requirements.

No person shall temporarily close a City street or place an installation upon, over, in, across or adjacent to a City street unless such installation complies with the Street Event Guidelines or any other requirements considered appropriate by the General Manager.

I. Revocation/cancellation.

- (1) Any permit may be suspended or revoked at any time by the General Manager or his/her designate for failing to comply with the provisions of § 743-7, in the interests of pedestrian, vehicular or public safety, or when the permit was obtained through the submission of false, misleading or fraudulent information;
- (2) Any one or more of the City, the Toronto Police Service, the Toronto Transit Commission and/or a public utility shall not be responsible for any claim for loss or damage as a result of a suspension or revocation under this subsection; and
- (3) The General Manager is not responsible for refunding any fees for any permit that was obtained through the submission of false, misleading or fraudulent information.

J. Removal, seizure, disposal and damage.

- (1) Any installation that has been placed or maintained contrary to § 743-7 or contrary to any permit shall be removed by the owner immediately on notification by the General Manager, failing which the General Manager may seize and remove from the road the installation which has been placed contrary to this § 743-7 or contrary to any permit, and the General Manager shall store any installation so seized and shall return any installation to the owner upon the owner paying to the City the costs of removal and storage of the installation;
- (2) Notwithstanding § 743-7J(1), the General Manager may dispose of any installation so seized at the expiry of 60 days from the date of notification by the City to the applicant or the owner of the installation that the installation has been seized;
- (3) Any recycling, garbage, litter and debris that is not removed from the street by the applicant contrary to the Waste Management Plan required by § 743-7C(3)(j) may be

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removed by the General Manager and the applicant shall pay to the City the City's costs for removal and administration; and

- (4) The applicant shall pay to the City the cost of repair, restoration or replacement and administration of any street or street furniture arising from any damage to street or street furniture caused by any street event installation.

K. Fees.

- (1) The applicant shall pay a permit fee and charges as set out in Chapter 441, Fees and Charges;
 - (1.1) Despite § 743-7K(1), applicants for a permit for the use of the public right-of-way for the purpose of staging a park-based farmers market event are exempt from the daily event fee as set out in Chapter 441, Fees and Charges, but must pay annually the farmers' market one-time fee as set out in Chapter 441, Fees and Charges; **[Added 2011-05-19 by By-law 617-2011]**
- (2) The applicant shall pay to the City all costs associated with regulatory traffic changes, including expressway closures, as determined by the General Manager; and
- (3) The applicant shall pay any additional costs required for closing of the street to hold the street event, as determined by the General Manager.

§ 743-8. Street promotions adjacent to Yonge Dundas Square.

[Added 2010-06-09 by By-law 621-2010²²]

- A. This section applies to those streets or portions of streets adjacent to Yonge Dundas Square as follows:
 - (1) Yonge Street, east side, between Dundas Square and Dundas Street East;
 - (2) Dundas Street East, south side, between Yonge Street and Victoria Street;
 - (3) Victoria Street, west side, between Dundas Street East and Dundas Square; and
 - (4) Dundas Square, north side, between Victoria Street and Yonge Street.
- B. No person shall at any time in, over or upon any street or portion of a street listed in Subsection A engage in any street promotions activity except as permitted under this section.

²² Editor's Note: By-law 621-2010 came into force 30 days from the date that this by-law was enacted by City Council.

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- C. For the purposes of this section, Subsection B shall not apply to activities consisting only of the distribution of information flyers, provided that the person is otherwise in compliance with applicable City by-laws and the requirements of Subsection D.
- D. No person shall, while undertaking activities permitted under Subsection C on a street or portion of a street listed in Subsection A:

[Amended 2017-07-07 by By-law 800-2017²³]

- (1) Stop, park, place, store, stand or leave any object or thing on a street;
 - (2) Obstruct, harass or intimidate persons on a street;
 - (3) Be located so as to obstruct the entrance to any building, park, square or other property adjacent to a street; or
 - (4) Stop, park or stand any vehicle on a street.
- E. For certainty, this section shall not apply so as to prohibit or restrict activities otherwise authorized by, and undertaken in compliance with, a licence, permit or other permission granted by the City.
- F. Any object, vehicle or thing which is stopped, parked, placed, stored or left on a street or a portion of a street listed in Subsection A in contravention of the provisions of this section may be immediately removed and impounded by the City and the following shall apply:
- (1) Where an object, vehicle or thing has been removed and impounded, it may be returned to the legal owner upon the payment of the City's costs of removal and storage, plus administration costs, as set out in Subsection F(4) below.
 - (2) Any perishable object or refreshment in the removed cart, vehicle or other object shall become the property of the City upon removal and may be destroyed or given to a charitable institution.
 - (3) If the object, vehicle or thing is not claimed by the owner within 60 days after its removal, it shall become the property of the City and may be destroyed or given to a charitable institution.
 - (4) The fees to be paid in the event of removal, storage and release by the City of an object, vehicle or thing under this section shall be as set out in Chapter 441, Fees and Charges, plus any applicable taxes, per item, and must be paid prior to the release of the item.

²³ Editor's Note: By-law 800-2017 came into effect August 28, 2017.

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§ 743-9. Fouling and obstruction streets.²⁴

Unless specifically authorized by this Chapter:

- A. No person shall obstruct, encumber, damage, foul, or cause or permit the obstructing, encumbering, damaging or fouling of any street, or interfere with the clearing of snow, or install or place any unauthorized encroachment, object, article or thing, on, over, along, across, under, or in a street except as permitted under this chapter or any other City by-law.
- B. No person shall place any obstruction in, obstruct or cause to be obstructed, any ditch, culvert, drain or watercourse on any street.
- C. No person shall store, place or dispose of material, including fallen leaves, in such a way that it may enter onto a street by any means, including wind or water.
- D. No person shall cut, saw, break, split, place or pile firewood, lumber, blocks, rocks, stones, debris or other material, article or thing, or do any other act upon a street that may obstruct or impede vehicle or pedestrian traffic, or interfere with the maintenance of a street.
- E. No person shall damage the surface of a street, or cause an obstruction, nuisance, or dangerous condition.
- F. No person shall convey through the streets any solid or liquid waste except in a properly covered and secured vehicle or metal container that prevents the contents from falling on the street, and that protects the contents from vermin and controls, as far as possible, the escape of offensive odours.
- G. No person shall cause or permit a vehicle to leak or discharge engine or transmission fluids, or fluids of any type, so as to foul or damage a street.
- H. No person shall place or leave on or across any street, a pole, wire, cord or cable that may interfere with the safe passage of vehicles or pedestrians, or that is capable of transmitting electrical energy into a street from public or private property.
- I. With the exception of the police or the military, or during events authorized by the General Manager, no person shall ride a pack animal, or vehicle drawn by a pack animal, on any street.
- J. No person shall pull down, destroy, deface, place posters on, or in any way interfere with any post, surveyor's mark, benchmark, traffic control sign, street name sign, signboard,

²⁴ Editor's Note: Sections 743-9 through 743-19 were added March 7, 2012 by By-law 375-2012. By-law 375-2012 has received set fine approval and came into effect June 28, 2012. By-law 375-2012, as amended by By-law 668-2012, repealed a number of previous by-laws and policies. See Section 2 of By-law 375-2012 for a full list of the by-laws, policies and Municipal Code Chapters that were repealed.

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- traffic control signal, traffic cone, or any other traffic control device that is placed in a street.
- K. No person shall climb on or over a railing, bridge or fence located along or across any street, or climb on any tree located in a street, or on any post, pole or structure installed on any street.
- L. No person shall, without the approval of the General Manager, ignite or discharge fireworks on, over or across a street.
- M. No person shall, without the approval of the General Manager, deface or damage any wall, fence, railing, sign, monument, post, pole or other property in any street by cutting, breaking or placing graffiti on it.
- N. No person shall, without prior authorization from the General Manager, move, or cause or permit to be moved, or assist in moving, any building, boat, machine or other article or thing in, along or across any street if such building, boat machine or other article or thing, while being moved, exceeds any of the height, width or weight restrictions specified under the Highway Traffic Act.
- O. No person shall mix concrete, mortar or other substance of a similar nature upon any street.
- P. No person shall, without prior authorization from the General Manager, chain, lock or otherwise attach any article or thing to a waste receptacle, streetlight, parking meter, utility pole, transit shelter, fence, tree or any other municipal property or authorized encroachment that is located in a street, and any article or thing that remains attached for more than 24 consecutive hours may be removed by the General Manager and disposed of pursuant to Article VIII.
- Q. No person shall, without the approval of the General Manager, camp, dwell or lodge on a street, subject to application of the City's Interdepartmental Protocol for Homeless People Camping in Public Spaces.
- R. Subsection 743-9P shall not prohibit the chaining, locking or attaching of a bicycle that, in the General Manager's opinion, is in good operating condition and is not chained, locked or attached so as to damage or interfere with the use of municipal property or an authorized encroachment. **[Added 2012-07-13 by By-law 1031-2012]**

§ 743-10. Street cleaning and repair.

- A. The cleaning and repair of a street by any person, where required under this chapter, shall be performed to the satisfaction of the General Manager.
- B. No person hauling earth, sand, stone or other materials in a street shall load or operate their vehicle so as to permit or cause the contents thereof to fall, spill or be deposited on a street.

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- C. No person in charge of a vehicle shall bring that vehicle, or permit it to be brought, upon a street unless there has been removed from the wheels, tires, tracks or treads of that vehicle, any excess mud, clay, lime, and similar material, or any fertilizer or manure that is likely, if not removed, to damage the surface of a street, or be deposited on a street so as to cause an obstruction, nuisance, or dangerous condition.
- D. The General Manager may remove any mud, clay or other material deposited on a street contrary to the provisions of this Section and may recover the clean-up costs pursuant to Article VIII.
- E. This section does not apply to sand, gravel, salt or City-approved de-icing materials or liquids placed on sections of a street to minimize the hazards resulting from slippery conditions.

§ 743-11. Fires on streets.

- A. No person shall, without authorization from the General Manager:
 - (1) Carry or use fire on a street; or
 - (2) Set fire to any shavings, papers, straw, leaves or any combustible matter, on a street.
- B. This section shall not apply to fires made by tinsmiths, plumbers, and other trades people engaged in a trade that requires using fire for melting lead or solder, or for boiling tar, pitch, or oil to be used in constructing or repairing a building, structure, or utility located on or under any street, but all such fires shall be under the control of a competent person, and shall, to the satisfaction of the General Manager and the Fire Chief, be made in a suitable furnace, burner or container of a portable nature protected in such a manner that no sparks or embers shall be emitted to endanger persons or adjacent property.

§ 743-12. Vegetation overhanging streets.

- A. No owner or occupier of land shall allow any part of a tree or other vegetation growing on their property to extend over, into or upon any street in a manner that obstructs fire hydrants, driver and pedestrian sight lines, or that interferes, impedes, or endangers persons and vehicles using the street.
- B. When considered necessary for the convenient and safe use of a street, the General Manager shall, after providing a minimum of 48 hours notice, trim any tree or other vegetation that extends into the street from the adjoining property, pursuant to Article VIII.
- C. Where such tree or vegetation interferes with a traffic control signal, STOP or YIELD sign, the General Manager is not required to provide notice to the adjoining owner or occupier of the land before removing any portion of the tree or other vegetation that extends into the street from the adjoining property, provided that the City shall be financially responsible for the costs associated with this work.

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§ 743-13. Water on streets from buildings or structures.

- A. No person shall, without approval from the General Manager, permit or cause water from any land, building or structure located on land abutting a street to drain or discharge across any street in a manner that, in the General Manager's opinion, creates a hazard or nuisance to the public.
- B. Where any person causes or permits water to drain or discharge from any land, building or structure contrary to § 743-13A, the General Manager shall notify the owner or occupant of the property advising them of the contravention of § 743-13A, and require them to do any work that is necessary to prevent water from draining or discharging across the street, such work to be completed within 24 hours.
- C. Where a notice given under § 743-13B has not been complied with, the General Manager may perform the required work pursuant to Article VIII.
- D. No person operating a public garage, parking station, parking lot, used car lot or automobile service station shall, without authorization from the General Manager, permit or allow water used for the washing or cleaning of motor vehicles on the premises to drain or discharge upon, over, or across a street.

§ 743-14. Canopies and awnings.

- A. No person shall, without authorization from the General Manager and the Chief Building Official, install a canopy or awning on or over a street.
- B. Every person who proposes to install a canopy or awning on or over a street shall submit an application that includes the following information:
 - (1) Name, address and telephone number of the applicant;
 - (2) The address where the canopy or awning will be installed, and the exact location of the proposed installation;
 - (3) If requested by the General Manager and the Chief Building Official, a drawing or drawings in an appropriate metric scale showing:
 - (a) The physical dimensions, appearance, height, weight and construction of the proposed installation; and
 - (b) The method and means of installing, securing, and removing the canopy or awning.
 - (4) Any additional information considered appropriate by the General Manager, Chief Building Official or the City Solicitor; and
 - (5) The applicant pays the required fee as specified by Chapter 441, Fees and Charges.

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C. Where the owner possessing or the occupant occupying the ground floor of:

- (1) property abutting a boulevard lawfully used for industrial or commercial purposes; or
- (2) a residential building containing more than ten dwelling units on property abutting a boulevard,

has entered into an agreement with the City on the terms and conditions described in § 743-14D, the owner or occupant may use any portion of the boulevard adjoining the property that extends to a point located 0.50 metres from the edge of the sidewalk closest to the street line and parallel with the sidewalk, for the purpose of installing, constructing and maintaining a canopy or awning in compliance with the agreement.

D. The agreement shall specify the following terms and conditions:

- (1) If approved by the General Manager and the Chief Building Official, the owner or occupant shall install the canopy or awning to the satisfaction of the General Manager and the Chief Building Official;
- (2) Unless authorized by the General Manager and the Chief Building Official, canopies and awnings shall not be physically attached to the surface of a street;
- (3) No part of the framework of the canopy or awning, with the exception of the supporting poles or guy-wires, shall be less than 2.5 metres above-grade, and provided that no portion of a curtain shall be situated less than two metres above-grade;
- (4) No part of a canopy or awning shall interfere with the healthy and vigorous growth of any street tree;
- (5) That the canopy or awning shall be fireproof;
- (6) That the canopy or awning shall not display any graphics other than as required to identify the business to which the canopy is attached;
- (7) The owner or occupant shall pay in advance an annual fee in the amount specified in Chapter 441, Fees and Charges;
- (8) The owner or occupant shall indemnify and save harmless the City from any action, claim, damage or loss whatsoever arising from the use of the boulevard, or anything undertaken or neglected to be done in connection with its use;
- (9) The owner or occupant agrees to permit the General Manager or any public utility to enter any portion of the boulevard proposed to be used for the purpose of the installation, maintenance and repairs of pipes, cables, wires, poles and other installations;

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- (10) The owner or occupant shall maintain the canopy or awning in a state of good repair satisfactory to the General Manager, and shall immediately remove all graffiti and posters; and
- (11) Any other conditions considered appropriate by the General Manager, Chief Building Official or the City Solicitor.
- E. The General Manager may request the removal of a canopy or awning for any reason and the owner or occupant shall, at his or her own cost and expense, remove the canopy or awning and all associated equipment from the boulevard within 30 days of receiving written notice from the General Manager requesting its removal.
- F. If the owner or occupant does not remove the canopy or awning and all associated equipment within 30 days, then the General Manager may remove the canopy or awning and all associated equipment and restore the street to a safe and proper condition pursuant to Article VIII.
- G. In the case of an emergency as described in Article VIII, the General Manager may, at the City's expense, remove the canopy or awning and all associated equipment without notice, and the General Manager is not obligated to restore the canopy and all associated equipment removed as a result of the emergency.
- H. The provisions of § 743-14A to § 743-14F shall not apply to canopies or awnings approved before the date that this by-law comes into force, provided that such installation complies with the terms and conditions of the original approval and agreement but any replacement or alteration of the canopy or awning shall be subject to the requirements of this chapter.
- I. The provisions of Subsections A to F shall not apply to persons proposing to install canopies or awnings on or over a permit area as defined in Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays, provided that such persons comply with Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays. **[Added 2019-06-19 by By-law 899-2019²⁵]**

§ 743-15. Commercial and industrial boulevard parking.

- A. Every person who proposes to introduce industrial or commercial boulevard parking shall submit an application that includes the following information:
- (1) Name, address and telephone number of the applicant/agent and property owner;
 - (2) If the applicant is not the owner, the applicant shall provide the General Manager with a letter signed by the owner indicating that the owner does not object to installing boulevard parking adjoining their property, and that the owner recognizes that they are responsible for the cost of complying with the boulevard

²⁵ Editor's Note: By-law 899-2019 comes into force on September 1, 2019.

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parking agreement in the event of default on the part of the person occupying the property;

- (3) Detailed plans drawn in either 1:200, 1:250 or 1:500 metric scale, illustrating the design and location of the proposed boulevard parking stalls as well as all surface features surrounding the boulevard parking area, including structures, utilities, curbs, trees, driveways and landscaping;
 - (4) A detailed streetscape improvement and landscape plan provided to the satisfaction of the General Manager;
 - (5) Any additional information considered appropriate by the General Manager or the City Solicitor; and
 - (6) The applicant shall pay the required processing fee as specified by Chapter 441, Fees and Charges.
- B. The applicant shall enter into an agreement with the City that contains the following terms and conditions:
- (1) The owner or occupant shall construct and individually sign the boulevard parking stalls at their expense and to the satisfaction of the General Manager, and shall pay the annual license fee specified in Chapter 441, Fees and Charges;
 - (2) The owner or occupant shall permit the General Manager, or any public utility, to enter the portion of the street occupied by the boulevard parking stalls for the purpose of installing, maintaining, and removing or repairing pipes, cables, wires, poles and other authorized encroachments;
 - (3) The owner or occupant shall comply with the requirements of § 743-23;
 - (4) The owner or occupant shall maintain, at their expense, the boulevard parking stalls in a state of good repair, free of litter, snow and ice;
 - (5) The owner or occupant shall not move, or permit to be moved, snow or ice from the boulevard parking stalls onto a sidewalk, bicycle trail or road;
 - (6) The owner or occupant shall, upon termination of the agreement by either the City or the owner/occupant and at no expense to the City, restore the boulevard to the satisfaction of the General Manager;
 - (7) Boulevard parking stalls are for the exclusive use of the owner's or occupant's employees and customers, and shall not be leased, sold, rented or transferred;
 - (8) If considered appropriate, the General Manager may require that the applicant register on-title to the property, at no expense to the City and to the satisfaction of the City Solicitor, any commercial boulevard parking agreement required pursuant to this article;

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- (9) Boulevard parking agreements are not transferable to a new owner or occupant without the approval of the General Manager; and
 - (10) Any other conditions considered appropriate by the General Manager and the City Solicitor.
- C. Where the owner or the occupant of industrial or commercial property located adjacent to a street enters into an agreement with the City on the terms and conditions specified in § 743-15B, the owner or occupant may use a portion of the boulevard adjoining the property for the purpose of installing, constructing, and maintaining vehicle parking stalls.
- D. The General Manager shall not issue a permit to construct parking stalls within the boulevard until the owner or occupant signs an agreement with the City and pays the fees specified by Chapter 441, Fees and Charges.
- E. Boulevard parking stalls shall:
- (1) Be designed and located in compliance with any existing zoning by-laws and regulations;
 - (2) Not take individual vehicle access to a major or minor arterial road, and whenever practical, shall be located parallel to the road;
 - (3) Be designed to a minimum of 2.2 metres in width and 5.3 metres in length, or the minimum parking stall dimensions specified in any applicable zoning by-laws; and
 - (4) Be located not less than 0.90 metres from any sidewalk for a parallel parking configuration, and not less than 0.30 metres from any sidewalk for an angled or perpendicular parking configuration.
- F. Before approving an application for boulevard parking at a location that abuts a residential area, the General Manager shall provide the Ward Councillor with 30 days notice that the application has been received, and shall advise the Ward Councillor if the application complies with the requirements of this section.
- G. Notwithstanding § 743-15F, for those applications abutting residential areas the Ward Councillor may request that the General Manager conduct a poll to determine neighbourhood support for the application, such polling to comply with Chapter 190, Polling and Notification.
- H. The General Manager shall not approve any location where boulevard parking stalls will interfere with the healthy and vigorous growth of existing street trees, obstruct existing or proposed sidewalks and bicycle trails, restrict driver and pedestrian sight lines, or interfere with the safe operation of the adjoining street.

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- I. Should the owner or occupant fail to comply with the terms of the agreement, then the General Manager may terminate the agreement after providing 30 days written notice, and may either physically block access to the parking stalls or restore the street and recover the costs from the owner or occupant pursuant to Article VIII.
- J. In the case of an emergency as described in Article VIII, the boulevard parking stalls may be removed without notice, and the General Manager is not obligated to restore the boulevard parking stalls removed as a result of the emergency.
- K. The provisions of § 743-15A to § 743-15J shall not apply to boulevard parking stalls approved before the date that this by-law comes into force, provided that such boulevard parking continues to comply with the terms and conditions of their original approval and agreement provided that such approval and agreement shall be considered null and void when the property is subject to an application for plan of subdivision, rezoning, official plan amendment, site plan approval, minor variance or consent.

§ 743-16. Banners.

- A. No person shall, without a permit from the General Manager, install a banner on, over, along or across a street.
- B. Any person who wishes to install a banner shall submit an application to the General Manager at least eight weeks before installing the banner.
- C. The application shall include the following information:
 - (1) Name, address and telephone number of the applicant;
 - (2) Name of any street where any banner is to be installed, and the exact location of the proposed installations;
 - (3) Dates and times for which the permit is required, and the date of removal;
 - (4) Name, address and telephone number of the installation company;
 - (5) If requested by the General Manager, a drawing or drawings in an appropriate metric scale showing:
 - (a) The subject matter of the banner sign, including the text and any symbols/pictures;
 - (b) The names and identifying symbols of the sponsor(s);
 - (c) An exact description of any wire cable or brackets and other supports and fastening devices;
 - (d) The type of fabric of which the banner will be made;

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- (e) The method and means of installing, securing and removing the banner;
 - (6) Any additional information considered appropriate by the General Manager or the City Solicitor; and
 - (7) The applicant shall pay the required fees specified by Chapter 441, Fees and Charges.
- D. No permit shall be issued to install a banner until the applicant satisfies the following terms and conditions:
- (1) The applicant shall comply with the insurance and indemnity requirements of § 743-23, as well as any conditions to approval specified by any public or private utility whose existing equipment or utility poles will be used for the purpose of installing a banner;
 - (2) The applicant shall ensure that any corporate recognition on any banner does not exceed 20 per cent of the total surface area of each side of the banner;
 - (3) The applicant obtains written authorization from any public or private utility whose equipment or utility poles will be used for the purpose of installing a banner;
 - (4) The applicant shall ensure that the banner is not more than one metre wide, and does not interfere with pedestrian or vehicle traffic;
 - (5) The applicant shall install any banner only at the locations approved by the General Manager, and shall ensure that such signs do not obscure or interfere with regulatory traffic signage, pedestrian crossovers, or traffic control signals;
 - (6) The applicant shall provide no electrical display of any kind that is attached to a banner;
 - (7) The applicant shall construct, install, and secure every banner according to the requirements of the General Manager;
 - (8) The applicant shall maintain any banner in a state of good repair satisfactory to the General Manager, including the immediate removal of all damaged, soiled or faded banners;
 - (9) The applicant shall remove any banner made from non-rigid material that is suspended on, across or along a street within 14 days of the installation date specified on the applicant's permit;
 - (10) The applicant shall remove any banner made of non-rigid material that is suspended from a rigid arm fixed to a pole or utility pole within 60 days of the installation date specified on the applicant's permit;

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- (11) Any banner installed in a BIA shall be removed by the applicant following expiry of the time period specified in a permit issued by the General Manager, but in no case shall any banner installed in a BIA remain in place longer than one year;
 - (12) Following removal of any banner, the applicant at their expense shall restore the street to the satisfaction of the General Manager;
 - (13) If the applicant fails to remove a banner, the General Manager may do so and the City may recover its costs pursuant to Article VIII; and
 - (14) Any other terms and conditions required by the General Manager and the City Solicitor.
- E. The applicant shall pay the permit fee specified in Chapter 441, Fees and Charges.
 - F. The General Manager may request the removal of a banner for any reason at anytime, and the owner or occupant shall, at his or her own cost and expense, remove all installations from the street within 48 hours of receiving written notice from the General Manager requesting its removal.
 - G. In the case of an emergency as described in Article VIII, the General Manager may, at the City's cost, remove the banner without notice, and the General Manager is not obligated to return or restore the banner removed as a result of the emergency.

§ 743-17. Temporary decorative lighting and decorations.

- A. No person shall, without a permit from the General Manager, install lighting, decorations and related equipment over, along or across any street for the purpose of temporarily decorating a street.
- B. Any person who wishes to install temporary decorative lighting or decorations shall submit an application to the General Manager at least eight weeks before the requested installation date.
- C. Every application to install temporary decorative lighting or decorations shall provide the following information:
 - (1) Name, address and telephone number of the applicant;
 - (2) Name of any street where the temporary decorative lighting or decorations will be installed, and the exact location of the proposed installation;
 - (3) Dates and times for which a permit is required, and the date of removal;
 - (4) If requested by the General Manager, a drawing or drawings in an appropriate metric scale showing:

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- (a) The design of the proposed temporary decorative lighting or decorations, including any text or symbols and pictures;
 - (b) The names and identifying symbols of any sponsors;
 - (c) An exact description of any wire cable or brackets and other supports and fastening devices;
 - (d) The method and means of installing and securing the temporary decorative lighting or decorations;
 - (e) The means by which the temporary decorative lighting or decorations will be removed;
- (5) Any additional information considered appropriate by the General Manager or the City Solicitor; and
- (6) The applicant shall pay the required processing fee as specified by Chapter 441, Fees and Charges.
- D. The General Manager shall not issue a permit until the applicant satisfies the following terms and conditions:
- (1) Any conditions specified by any public or private utility whose existing equipment or utility poles will be used for the purpose of installing temporary decorative lighting or decorations;
 - (2) The General Manager approves the installation and location of the proposed temporary decorative lighting or decorations;
 - (3) The applicant shall install any temporary decorative lighting or decorations only at the locations approved by the General Manager, and shall ensure that such lighting does not obscure or interfere with regulatory traffic signage, pedestrian crossovers, or traffic control signals;
 - (4) The applicant shall comply with the insurance and indemnity requirements of § 743-23;
 - (5) The applicant pays the permit fee as specified in Chapter 441, Fees and Charges; and
 - (6) Any other conditions considered appropriate by the General Manager or the City Solicitor.
- E. Temporary decorative lighting, decorations and related equipment shall be removed at no cost to the City by the date specified in the permit.

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- F. The General Manager may request the removal of the temporary decorative lighting or decorations for any reason at any time, and the owner or occupant shall, at his or her own cost and expense, remove all installations from the boulevard within 30 days of receiving written notice from the General Manager requesting its removal.
- G. If it is necessary for the General Manager to remove the temporary decorative lighting or decorations, then the City may recover its costs to remove the lighting and restore the street pursuant to Article VIII.
- H. In the case of an emergency as described in Article VIII, the General Manager may, at the City's cost, remove the temporary decorative lighting and decorations without notice, and the General Manager is not obligated to return or restore the decorative street lighting or decorations removed as a result of the emergency.

§ 743-18. Temporary street occupations.

- A. Every person who wishes to temporarily occupy a street for purposes that do not involve either street work, or a street event as described in Article II, shall submit an application to the General Manager requesting permission to temporarily occupy a street, and this request shall be made on the prescribed form and shall include the following information:
 - (1) The applicant's name, address, and telephone number;
 - (2) The date and time period for which the permit is requested;
 - (3) Plans of the proposed temporary street occupation illustrating the geographic limits of the area and the reason for the temporary street occupation, including if required the transportation of excess loads and oversize vehicles, and such plans shall include any technical specifications required by the General Manager; and
 - (4) Any additional information that the General Manager or the City Solicitor may require.
- B. A permit may be issued under this section when it is required on behalf of an owner of lands abutting on the street, or portion thereof that will be occupied temporarily by equipment or material that has been used, or that is intended to be used, for constructing, repairing, or demolishing a building or structure situated on the lands, or that will be otherwise temporarily occupied in connection with the applicant's use of the lands.
- C. A permit issued under this Section shall not authorize the temporary occupation of any portion of the street beyond the limits of the subject property's frontage on the street, unless the adjoining property owner consents, in writing, to the General Manager issuing a permit for the temporary occupation of the street adjoining their property and the adjoining property owner waives all claims against the City for any losses and damages that may arise or result directly or indirectly from this temporary occupation.

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- D. Every person requesting a permit for a temporary street occupation shall comply with the requirements of § 743-20, § 743-23, § 743-24 to § 743-27, § 743-28 and § 743-29 of Article III.
- E. The General Manager may, at the expense of the person named on the permit, restore any portion of a street pursuant to Article VIII where, in the General Manager's opinion, a temporary street occupation has occurred that does not comply with the General Manager's requirements.
- F. A temporary street occupation undertaken for the purpose of constructing, installing and maintaining encroachments shall comply with the requirements of Article IV of this chapter.

§ 743-19. Memorials in streets.

- A. With the exception of street trees, no person shall install a permanent memorial on any street.
- B. No person shall install a temporary memorial:
 - (1) On any street that is designated as an expressway in the City's road classification system, as amended from time to time;
 - (2) On any access ramp to or from an expressway;
 - (3) On medians, divisional or channelizing islands; or
 - (4) On any bridge, overpass, street tree, fence, utility pole or traffic control device.
- C. No person shall install a temporary memorial without receiving prior approval for the installation from the General Manager, and each installation shall comply with the following requirements:
 - (1) The temporary memorial shall commemorate a fatal traffic crash or other tragic event that occurred at an identified location within the past 30 days, and the memorial shall be located as close as practical to the site;
 - (2) The temporary memorial:
 - (a) Shall be located within the boulevard, and shall be situated at least 0.60 metres from the travelled portion of the adjoining road;
 - (b) Shall conform to the size and weight limitations of the City's solid waste by-laws;
 - (c) Shall be self-supporting and shall not use wooden or metal stakes, metal struts or any other structural or supporting element that requires penetration into the surface of a street;

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- (d) Shall maintain a minimum unobstructed sidewalk width of 1.5 metres;
 - (e) Shall not extend past the street line without written permission from the adjoining property owner;
 - (f) Shall not obstruct ditches, culverts, bridges, or any other infrastructure requiring maintenance access, or make use of flares, candles, fire or flames;
 - (g) Shall maintain a minimum unobstructed clearance of one metre around fire hydrants;
 - (h) Shall be placed so that objects comprising the memorial do not, in the opinion of the General Manager, present a hazard to vehicle or pedestrian traffic, interfere with sight distances or traffic control devices;
 - (i) Shall be located behind the guardrail, if a guardrail is present, but may be mounted to a guardrail post using lightweight string, wire or tape that can be removed easily if placing the temporary memorial behind the guardrail is not practical;
 - (j) Shall be removed following expiry of 30 consecutive days from the installation date;
 - (k) Will be removed without further notice and disposed of pursuant to Article VIII if the General Manager has, without success following expiry of the 30 day period, used all reasonable efforts to contact either the family of the deceased or the person who installed the temporary memorial to request its removal; and
 - (l) Will be removed immediately, without notice and disposed of pursuant to Article VIII, if the temporary memorial does not comply with the requirements of this Section, is a hazard to public safety, interferes with street maintenance or access to public and private utilities, or is the subject of complaints from neighbouring properties.
- (3) The City is not financially responsible for any temporary memorial that is lost, stolen or vandalised while installed in a street.

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ARTICLE III
Street Work

[Adopted 2012-03-07 by By-law 375-2012²⁶]

§ 743-20. Municipal consent required before performing street work.

- A. No person shall commence or undertake any street work or temporary street occupation unless the person:
- (1) Obtains all consent and permits as required by the General Manager or City Council;
 - (2) Pays all fees as required by Chapter 441, Fees and Charges;
 - (3) Submits financial securities and provides evidence of insurance, as required by and to the satisfaction of the General Manager;
 - (4) Enters into and remains in compliance with an agreement where required by the General Manager or City Council on terms and conditions satisfactory to the General Manager and the City Solicitor; and
 - (5) Complies with the terms and conditions of all consents and permits.

§ 743-21. Street work that does not require municipal consent.

- A. The provisions of this Chapter requiring municipal consent for street work shall not apply to street work undertaken by the General Manager to maintain, repair, restore or construct City streets, or to street work in the boulevard section of a street that is required to allow owners and occupiers of land adjoining a street to plant and maintain soft landscaping.

§ 743-22. Requesting permission for street work.

- A. Every person requesting permission to perform street work shall provide all of the information required for a permit, shall pay the applicable fees at the time that the application is made and as set out in Chapter 441, Fees and Charges, or in any agreement with the City.
- B. Before issuing a permit under this Section, and where, in the General Manager's opinion, a separate agreement with an applicant may be required that specifies additional terms and conditions, the General Manager shall prepare a report to City Council or a Standing Committee of Council requesting authority to enter into the agreement, and in the event of conflict between this chapter and an agreement, the agreement provisions will govern.

²⁶ Editor's Note: By-law 375-2012 renumbered the previous Art. III, "Administration and Enforcement" as Art. XI. By-law 375-2012 has received set fine approval and came into effect June 28, 2012. By-law 375-2012, as amended by By-law 668-2012, repealed a number of previous by-laws and policies. See Section 2 of By-law 375-2012 for a full list of the by-laws, policies and Municipal Code Chapters that were repealed.

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- C. Every person who obtains a permit to perform street work shall comply with the terms and conditions of that permit, including, without limitation, terms and conditions restricting work to the alignments, location or other portion of the street for which authorization is granted in the permit.
- D. The General Manager may cancel any permit issued under the provisions of this Article at anytime without notice where, in the opinion of the General Manager, the permit holder has violated the terms and conditions of the permit, and the General Manager shall not return any fees collected as a result of issuing the permit.
- E. The General Manager may cancel any permit issued under the provisions of this Article at anytime without notice where, in the opinion of the General Manager, the applicant used false or misleading information in their request for street work, and the General Manager shall not return any fees collected as a result of issuing the permit.
- F. Every person who intends to perform street work shall submit an application to the General Manager requesting permission for street work, and the applications shall be made on the prescribed form and shall include the following information:
- (1) The applicant's name, address, and telephone number;
 - (2) The date and time period for which the permit is requested;
 - (3) The purpose for which the permit is requested;
 - (4) Plans of the proposed street work, drawn to an appropriate metric scale, showing the locations and depth of existing or proposed street work, summarizing the extent of the work and specifying the streets where the street work will occur;
 - (5) The technical specifications of any proposed work, equipment or encroachment;
 - (6) The General Manager may require that the applicant provide appropriate locate information for the private utilities, services, or facilities located close to the proposed street work, including:
 - (a) Private utilities, services or facilities located within the street that are presently used, or proposed to be used, to install the requested equipment, including any poles, towers, pipes, ducts and conduits or equipment that may be affected by the work;
 - (b) Details of the location and depth of any private utilities, services or facilities located within a street that are presently used or proposed to be used for the installation of the street work including any poles, towers, pipes, ducts and conduits, or that may be affected by the street work;

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- (c) The written consent and agreement, where applicable, of the person owning the private utility, service or facility that may be affected or used by the applicant in performing the street work; and
 - (7) Any other information that the General Manager or the City Solicitor considers appropriate.
- G. A permit issued under this Section shall not authorize street work beyond the limits of the subject property's street frontage unless the applicant provides written notice to the adjoining property owners advising them of the dates and times when the street work will occur.
- H. With respect to a full stream application for installing equipment:
 - (1) Before the General Manager issues a permit to install equipment, the applicant shall certify to the General Manager and the Executive Director of Engineering and Construction Services Division and his or her designate or successors, that it has explored all other options for installing its proposed equipment that will avoid excavating in a street, including but not limited to, using the existing facilities of private parties or, in the case of telecommunications equipment, using the decommissioned high pressure water main system in the downtown core area of the former City of Toronto; **[Amended 2017-03-29 by By-law 296-2017]**
 - (2) Before submitting an application for a street work permit to the General Manager, the applicant shall circulate their application to the members of the Toronto Public Utilities Coordinating Committee for the purpose of receiving comments and determining if a joint installation with another person is feasible;
 - (3) In addition to the requirements specified in § 743-22A, the applicant shall provide the General Manager and the Executive Director of Engineering and Construction Services Division and his or her designate or successors, with the results of the circulation to Toronto Public Utilities Coordinating Committee members and any other agency, commission or person that may be impacted by the street work; and **[Amended 2017-03-29 by By-law 296-2017]**
 - (4) The applicant shall provide any other information that the General Manager, the Executive Director of Engineering and Construction Services Division and his or her designate or successors, or the City Solicitor consider appropriate. **[Amended 2017-03-29 by By-law 296-2017]**
- I. In the case of emergency work that must occur before a permit can be obtained, the person who or on whose behalf the emergency work is done shall report the emergency work to the General Manager within 24 hours of commencing it, and shall apply for an appropriate permit as provided for in this Article, and in any case such emergency work shall, in all other respects, be subject to the conditions described in this Article.

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- J. The General Manager may, at the expense of the person named on the permit, restore any portion of a street pursuant to Article VIII where, in the General Manager's opinion, street work has occurred that does not comply with the General Manager's requirements.
- K. Street work undertaken for the purpose of constructing, installing and maintaining encroachments shall also comply with the requirements of Article IV of this chapter.

§ 743-23. Insurance and liability.

- A. Every person who performs street work, maintains encroachments or temporarily occupies a street shall provide and maintain public liability and property damage insurance with an insurer satisfactory to the General Manager in an amount and form acceptable to the General Manager and the Chief Financial Officer and Treasurer, and shall, if required by the General Manager and the Chief Financial Officer and Treasurer, file a certificate of insurance with the application evidencing the form and amount of coverage, a cross-liability/severability of interest clause, a provision that the insurance is primary before the insurance of the City, and that the insurer shall provide the City with 30 days notice of any intent to cancel or not renew the policy.
- B. Before issuing any permit to commence street work or to temporarily occupy a street, the applicant shall agree to assume full liability for any action, cost, claim, loss, expense (including legal fees), injury or damage arising from the street work or temporary street occupation, and the existence of any equipment or encroachment, and shall indemnify and save the City harmless as set out in the terms and conditions contained in Appendix A of this chapter.

§ 743-24. Financial securities.

Subject to any agreement made pursuant to this chapter, and excluding municipal road damage deposits collected pursuant to § 743-4, or any financial security collected pursuant to an agreement with the City as described in § 743-20A(4):

- A. To secure the proper performance by the applicant of the street work or temporary street occupation authorized by the permit and the proper compliance by the permit holder with the conditions of permit approval, including restoring the street to a condition that is satisfactory to the General Manager, every applicant for a permit involving street work or temporary street occupation shall provide financial security in an amount acceptable to the General Manager.
- B. The payment of securities under this Section is not required where financial security for street work or temporary street occupation has already been secured as part of a development application as defined in this chapter, or other similar agreement with the City.
- C. The General Manager will refund any financial security after completion of the street work or temporary street occupation to which it pertains, subject to the following conditions:

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- (1) The applicant who paid the financial security, or his or her authorized agent, shall make an application in writing to the General Manager requesting the refund, and where the application for the refund is made by the applicant's authorized agent, the authorized agent shall provide a letter signed by the applicant authorizing the refund to the authorized agent;
 - (2) The application, in writing, requesting refund of the financial security shall be submitted to the General Manager within the earlier of:
 - (a) Thirty days after completing the street work or temporary street occupation; or
 - (b) Two years from the date that the security was paid, whichever is earlier.
 - (3) The sum refunded will be equal to the financial security less the payment of fees and any costs incurred by the City for the permanent restoration and any additional required repairs;
 - (4) Where the amount payable to the City exceeds the amount of the financial security, the applicant shall pay the costs owing to the General Manager within 90 days of notification from the General Manager; and
 - (5) If the applicant declines or fails to pay the costs owing within 90 days of notification from the General Manager, the General Manager is authorized to recover the costs owing by adding them to the tax roll and collecting them in the same manner as taxes.
- D. The General Manager will refund any financial security held as a condition to a development application as defined in this chapter, or other similar agreement with the City, subject to the following conditions:
- (1) The applicant who paid the financial security, or his or her authorized agent, shall make an application in writing to the General Manager requesting the refund, and where the application for the refund is made by the applicant's authorized agent, the authorized agent shall provide a letter signed by the applicant authorizing the refund to the authorized agent;
 - (2) For street work limited to the boulevard only, one hundred per cent of the financial security shall be refunded following expiry of a one year warranty period, this warranty period to commence following the General Manager's acceptance of the street work;
 - (3) For street work in both the road and boulevard, eighty per cent of the financial security shall be refunded following the General Manager's acceptance of the completed street work, with the remaining security refunded following a two year

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warranty period during which the applicant shall be financially responsible for correcting, to the satisfaction of the General Manager, any defect in construction or restoration;

- (4) Where the applicant does not correct any defect in construction or restoration within the warranty period or according to the terms and conditions described in a development agreement as defined by this chapter or other similar agreement with the City, or where the cost of these repairs exceeds the amount of the financial security, the General Manager may complete the work and the applicant shall pay any costs owing to the General Manager within 90 days of receiving notice from the General Manager; and
 - (5) If the applicant declines or fails to pay the costs owing within 90 days of notification from the General Manager, the General Manager is authorized to recover the costs owing by adding them to the tax roll and collecting them in the same manner as taxes.
- E. If completing the street work takes longer than two years from the date that the security was paid, the applicant may request extensions, and each extension shall not exceed a maximum of two years.
 - F. Financial security held under this Article will be forfeit to the City of Toronto where an application to return the financial security is not submitted to the General Manager within two years from the date on which the financial security was originally paid, and in the case of where an extension is granted pursuant to § 743-24E, on or before expiry of the extension period.
 - G. Any financial security that is forfeit to the City shall be placed in a Transportation Services Division account related to street maintenance and reconstruction.
 - H. The City will not pay interest on any monies held as security or deposit.

§ 743-25. Application dates.

An application shall be submitted in writing to the General Manager prior to the date for which the permit is requested, as follows:

- A. For temporary street occupation for purposes not involving excavation or occupation for social, recreational, community or athletic purposes, and requests for transporting excess loads, a minimum of four working days;
- B. For short stream applications, a minimum of seven working days;
- C. For full stream applications, a minimum of 20 working days; and
- D. For all other applications, a minimum of eight weeks.

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§ 743-26. Issuing permits.

- A. Once the information as required under this Article has been provided to the satisfaction of the General Manager, including the payment of all applicable fees, the General Manager shall issue the requested permit specifying the portion of the street and time period when the street work or temporary street occupation will occur, subject to such terms and conditions as the General Manager and the City Solicitor considers appropriate.
- B. Unless specified otherwise under the provisions of this chapter or otherwise inconsistent with a prior agreement between the applicant and the City pertaining to the street work, the terms and conditions contained in Appendix A to this chapter shall apply to every permit.
- C. The permit may provide that the street work and temporary street occupation shall be for a portion of the day only and only for the time period that the permit is in force.
- D. The permit shall become void if the street work or temporary street occupation authorized by the permit is not commenced within six months of the date of issue or within the specified time period requested by the applicant.
- E. The General Manager may, upon written request by the applicant, renew the permit for up to one additional six month period provided that the applicant requests this extension, in writing, within the initial six month period.
- F. The General Manager shall, as a condition to issuing a permit and in addition to any other required fees, require that any person who performs street work for the purpose of installing, maintaining, repairing or replacing underground equipment, services or structures, satisfy the utility cut permit conditions specified by § 743-6.
- G. The General Manager may issue permits for the use of a street by a vehicle, or combination of vehicles, that exceed the dimensional or weight limits set out in the Highway Traffic Act.

§ 743-27. Refusing applications.

The General Manager shall provide an applicant whose application is refused with the reason, in writing, for refusing it. The General Manager may refuse an application for a permit for street work or temporary street occupation where:

- A. The application is incomplete or has been submitted using false or misleading information;
- B. The applicant has not paid the required fees and securities;
- C. There has been non-payment of fees or other monies by the applicant to the City under a permit or agreement previously issued to the applicant under this Article;

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- D. There has been violations of any condition of a permit or agreement previously issued to the applicant, or any provisions of this Article applicable to a previously issued permit or agreement, including the provision of location certificates as required by § 743-5;
- E. The applicant has not obtained consent from the City as required by § 743-20;

§ 743-28. Moratoriums.

- A. No street work shall be allowed:
 - (1) Within three years from the date of:
 - (a) Maintenance or repair work undertaken on roads, curbs, sidewalks and boulevards; and
 - (b) Construction, reconstruction, maintenance, or repair of embankments, handrails of bridges and culverts.
 - (2) Within five years from the date of:
 - (a) Construction or reconstruction of roads, curbs, sidewalks and boulevards;
 - (b) Full resurfacing of roads including base repairs;
 - (c) Construction, reconstruction, maintenance or repair of abutment walls, piers, unwaterproofed bridge approaches, slope protection on bridges; and
 - (d) Construction, reconstruction, maintenance, or repair of culverts.
 - (3) Within ten years from the date of:
 - (a) Construction, reconstruction, maintenance or repair of bridge decks, sidewalks, parapet walls, asphalt wearing surface, deck waterproofing, superstructure, bearings, expansion joints, ballast walls and foundations of bridges; and
 - (b) Construction, reconstruction, maintenance, or repair of decks, parapet walls, superstructure, bearings, expansion joints, ballast walls, and foundations of any bridge located on, over, along, or across a railway.
- B. These moratoriums do not apply to:
 - (1) Emergency street work;
 - (2) Street work authorized by the General Manager;

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- (3) Street work in the soft landscaped portion of a boulevard; and
 - (4) Street work specified in a development application as defined in § 743-1A of this chapter.
- C. Before the City undertakes reconstruction or overlay improvements to a street, members of the Toronto Public Utilities Coordinating Committee shall:
- (1) Examine their equipment in the affected location;
 - (2) Survey adjacent residents and businesses to determine the need for new or replacement services;
 - (3) Coordinate such installation, repairs, or improvements with the General Manager before the reconstruction or overlay occurs; and
 - (4) Give notice to all known adjacent residents and businesses.
- D. Where a permit is issued under any of the circumstances specified in § 743-28B, the applicant shall be responsible for any special provisions, the cost of restoring the street as determined by the General Manager, and paying the applicable fees as specified in Chapter 441, Fees and Charges.

§ 743-29. Commencing and conducting street work and temporary street occupations.

- A. No person shall perform street work without first confirming the location of public and private utilities, services, equipment, or facilities located in the street where the street work will occur.
- B. Every person who obtains a permit shall notify the General Manager, and any BIA situated within the area where the street work or temporary street occupation will occur, at least 48 hours before starting any street work or temporary street occupation, and shall comply with any further public notice requirements that the General Manager may specify.
- C. A copy of the permit and the approved plan(s) describing the measures that will be used to provide for the safe movement of vehicles and pedestrians shall be kept at the location of the street work or temporary street occupation during the times and dates that the permit is in effect and the permit must be shown when requested by any employee of the City of Toronto or any officer of the Toronto Police Service.
- D. When the street work or temporary street occupation will exceed 24 hours in duration, and where such activity will affect access to a property, then the permit holder shall deliver a notice to affected residents and businesses, in a form as determined by the General Manager, at least three working days before starting the street work or temporary street occupation advising them of the nature, location, expected duration and phone number of the permit holder.

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- E. When street work or a temporary street occupation will continue for more than 24 hours and will obstruct a portion of the street, including a sidewalk or bicycle trail, or will close a portion of an arterial or collector road during any peak operating period as determined by the General Manager, then the permit holder shall install traffic control and advisory signage at all approaches to the site that comply with the specifications required by the General Manager.
- F. To warn the public of any obstruction in a street and to maintain pedestrian and vehicle safety, every permit holder shall provide and maintain, to the satisfaction of the General Manager and the Toronto Police Service, signage stating the permit holder's name, twenty-four hour contact phone number and the name of the person who is working on their behalf.
- G. Every permit holder shall, to the satisfaction of the General Manager, provide adequate lighting at the work site, keep the work site clean and safe, and all signage, construction site fencing, barricades, hoarding or covered pedestrian walkways shall be painted, maintained in a state of good repair, and kept free of litter, mud, snow, dust, graffiti, unauthorized signage and posters.
- H. No permit shall authorize or is deemed to authorize the placing of any materials or doing of anything that will obstruct the free passage of water in ditches, drains, gutters, culverts or watercourses on any street.
- I. The permit holder shall ensure that:
- [Amended 2017-07-07 by By-law 800-2017²⁷]**
- (1) All excavated material is removed from the site or stockpiled and secured against wind at designated areas within the site;
 - (2) All construction materials shall be stored on-site in such a manner that sight restrictions for drivers and pedestrians are eliminated and obstruction to the public is minimized;
 - (3) Best efforts are used to ensure that dust and dirt generated by work occurring on-site is contained within the site;
 - (4) No private vehicles not actively engaged in the work or temporary street occupation shall be stored on-site; and
 - (5) No private vehicles not actively engaged in the work or temporary street occupation shall be parked on-site.

²⁷ Editor's Note: By-law 800-2017 came into effect August 28, 2017.

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- J. All temporary repairs to the street shall be made by the permit holder at no expense to the City and according to the specifications and standards required by the General Manager.
- K. All permanent repairs shall be done by the Transportation Services Division at the permit holder's expense, unless otherwise agreed to by the General Manager.
- L. The street work or temporary street occupation shall not continue for a longer period of time and shall not occupy or otherwise disrupt or result in the excavation or occupation of any larger portion of the street than is absolutely necessary in the opinion of the General Manager, having due regard to both the nature of the street work that the permit holder undertakes and the convenience of the public.

§ 743-30. Completing street work or temporary street occupations.

- A. Immediately after completing any street work, temporary street occupation, or following cancellation of a permit, the applicant or permit holder shall at its expense and without further notice from the General Manager, remove from the street all signage, construction site fencing, barricade, hoarding, covered pedestrian walkway, machinery or material associated with these activities, and shall clean the site, remove any debris, and restore the street to its original condition as it existed before the work started.
- B. If the applicant or permit holder fails to repair or restore the street, or, if appropriate, commence a diligent and continuous course of action to complete the restoration to the satisfaction of the General Manager within 48 hours of being notified by the City, then the applicant or permit holder shall be liable to the penalties provided by this chapter.
- C. The City may, at the expense of the applicant or permit holder, effect such cleanup, repairs, restoration, or removal of materials, and shall charge all costs associated with this work to the applicant or permit holder, and any expenses incurred by the City may be recovered pursuant to Article VIII.
- D. The permit holder shall notify the General Manager within seven days of completing temporary repairs to an excavation, in a form satisfactory to the General Manager, and unless otherwise agreed to, the General Manager shall make arrangements to permanently restore the street and shall charge all costs to the applicant, public or private utility pursuant to Article VIII.

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ARTICLE IV
Encroachments in Streets

[Adopted 2012-03-07 by By-law 375-2012²⁸]

§ 743-31. Permitted encroachments.

- A. Owners and occupiers of land adjoining the street are permitted under this Article to maintain encroachments on a boulevard that consist of soft landscaping, precast concrete curb stones and driveway curbs, stairs, walkways less than 1.5 metres wide, fences and retaining walls measuring less than 0.90 metres in height above the traveled surface of the adjoining road, provided that the General Manager is satisfied that the encroachment conforms to the following criteria:
- (1) It does not obstruct pedestrian and vehicle sight lines;
 - (2) It does not obstruct driveways, impede or pose a hazard or potential hazard to pedestrian or vehicle traffic;
 - (3) It does not interfere with the City's ability to maintain the street in a state of good repair or to keep it free of litter, snow and ice;
 - (4) It does not interfere with traffic control devices or the existing and future location and maintenance of sidewalks, bicycle trails or utilities;
 - (5) It does not extend into the boulevard area fronting any neighbouring property when the common lot line is projected perpendicular to the road; and
 - (6) Any other criteria considered appropriate by the General Manager.
- B. Owners and occupiers of land to which the encroachments described in § 743-31A are appurtenant shall not be required to pay any permit or encroachment fee, but shall, at their expense, pursuant to Article V and to the satisfaction of the General Manager, maintain vegetation in a healthy and vigorous state of growth and maintain fences, retaining walls, stairs, walkways, concrete curb stones and driveway curbs in a state of good repair.
- C. A property owner or the occupier of land adjoining a boulevard may add soft landscaping in a boulevard provided that such landscaping complies with the requirements of Article V.

²⁸ Editor's Note: By-law 375-2012, enacted March 7, 2012 has received set fine approval and came into effect June 28, 2012. By-law 375-2012, as amended by By-law 668-2012, repealed a number of previous by-laws and policies. See Section 2 of By-law 375-2012 for a full list of the by-laws, policies and Municipal Code Chapters that were repealed.

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- D. No person shall install a permitted encroachment without first obtaining appropriate locate information for the public and private utilities, services, equipment or facilities situated in the street where the encroachment will be installed.
- E. Unless otherwise specified in this chapter, no encroachments other than soft landscaping are permitted:
- (1) Within 0.50 metres of the curb line of any road with a speed limit of 60 kilometres per hour or less;
 - (2) Within 0.50 metres of the edge of sidewalk located closest to the street line;
 - (3) Within three metres of the traveled portion of any road without curbs that has a posted speed limit of 60 kilometres per hour or less; and
 - (4) Within nine metres of the traveled portion of any road without curbs that has a posted speed limit greater than 60 kilometres per hour.
- E.1 Where the General Manager determines that compliance with Subsection E(1) when placing a new or replacement hydro pole would create accessibility issues by creating a pedestrian pinch point, Toronto Hydro-Electric System Limited, Toronto Energy Services Inc. and Toronto Hydro Corporation are exempt from Subsection E(1) when placing the new or replacement hydro pole. **[Added 2014-08-28 by By-law 973-2014]**
- F. All encroachments not specifically permitted under Article II, III, IV or V of Chapter 693, Signs, Chapter 694, Signs, General, Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays, Chapter 918, Parking on Residential Front Yards and Boulevards, or § 743-3, § 743-7, § 743-14, § 743-15, § 743-16, § 743-17, § 743-18, § 743-19, § 743-31A and § 743-32A of this chapter, are prohibited except under an agreement with the City or as described in this Article. **[Amended 2017-01-31 by By-law 101-2017; 2019-06-19 by By-law 899-2019²⁹]**
- G. The City is not responsible for repairing or replacing any encroachment damaged as a result of clearing and removing litter, graffiti, posters, snow or ice, or as a result of street repairs or reconstruction, and the General Manager may remove or modify, at the property owner's expense, any encroachment situated within a street pursuant to Article V and Article VIII.
- H. The temporary placing of portable basketball or hockey nets during the playing of hockey or basketball on a street are permitted encroachments and shall not require an agreement or the payment of any permit or encroachment fee, provided that they are maintained pursuant to Article V at the expense of the owner or occupier of land to which the encroachments are appurtenant and comply with the following conditions: **[Added 2016-07-15 by By-law 775-2016]**

²⁹ Editor's Note: By-law 899-2019, which adds the phrase "Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays" to this subsection, comes into force on September 1, 2019.

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- (1) They do not obstruct pedestrian and vehicle sight lines;
 - (2) They do not obstruct driveways, impede or pose a hazard or potential hazard to pedestrian or vehicle traffic;
 - (3) They do not interfere with the City's ability to maintain the street in a state of good repair or to keep it free of litter, snow and ice;
 - (4) They do not interfere with traffic control devices or the existing and future location and maintenance of sidewalks, bicycle trails or utilities;
 - (5) They do not extend into the boulevard area fronting any neighbouring property when the common lot line is projected perpendicular to the road;
 - (6) They are immediately removed upon completion of the playing of hockey or basketball on a street; and
 - (7) Any other criteria considered appropriate by the General Manager.
- I. Despite Subsection E, the placing of portable basketball or hockey nets shall be permitted on the boulevard within three metres of the travelled portion of any road without curbs that has a posted speed limit of 40 kilometres per hour or less, and shall not require an agreement or the payment of any permit or encroachment fee, provided that the net encroachments are maintained in accordance with Article V at the expense of the owner or occupier of land to which the encroachments are appurtenant and are subject to compliance with the conditions as set out in Subsection H. **[Added 2016-07-15 by By-law 775-2016; amended 2016-10-07 by By-law 964-2016]**
- J. Encroachments permitted under Subsections H and I shall be exempt from the requirement of Subsection D. **[Added 2016-07-15 by By-law 775-2016]**
- K. Despite § 743-31A, no owner and/or occupier of land adjoining the street shall be permitted to install any permitted encroachment authorized under § 743-31A, other than retaining walls measuring less than 0.90 metres in height above the traveled surface of the adjoining road, on the portion of a boulevard where a front yard parking pad has been installed in accordance with Chapter 918, Parking on Residential Front Yards and Boulevards. **[Added 2018-05-24 by By-law 655-2018]**

§ 743-32. Permitted encroachments in BIA areas.

- A. Street furniture, planter boxes, historical markers, public art, landscaping, and permanent decorative lighting and decorations that are installed by, or on behalf of, a BIA shall be permitted by the General Manager provided that consent to construct and install the encroachments is obtained pursuant to Article III and that the encroachments comply with the requirements of the General Manager and this chapter. **[Amended 2017-01-31 by By-law 101-2017]**

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- B. The BIA shall not be required to pay any permit or encroachment fee for the permitted encroachments specified in § 743-32A, but shall maintain these encroachments, at no cost to the City, in a state of good repair, free of graffiti, posters, litter, snow, and ice, and in the case of vegetation, in a state of healthy and vigorous growth.
- C. The City is not financially responsible for repairing or replacing any encroachment in a BIA area, including encroachments that are damaged as a result of clearing and removing litter, graffiti, posters, snow or ice, or as a result of street repairs or reconstruction, and the City may remove or modify, at the BIA's expense, any encroachment situated within a street pursuant to Article V and Article VIII.

§ 743-33. Delegated authority for approving encroachments.

- A. The General Manager is hereby authorized to issue permits and enter into agreements allowing encroachments upon, along, across, under or in a street or any portion thereof, for the purposes of:
- (1) Installing public art;
 - (2) Installing fences, ornamental walls and retaining walls higher than 0.90 metres above the traveled surface of the adjoining road;
 - (3) Installing railings, bollards, building projections, air conditioning units, arbours and pergolas, piling and shoring;
 - (4) Planting trees and installing street furniture including, but not limited to, benches, bicycle stands and planter boxes;
 - (5) Installing electronic equipment and associated signage for the purpose of counting vehicles and pedestrians in BIA areas; and
 - (6) Installing fountains, ornaments, statues, weigh scales, areaways, conduit, fuel tanks, snow melting systems, vegetation sprinkler systems, and vents providing access to public transit systems.

§ 743-34. Conditions to authorizing encroachments.

- A. Permission from the General Manager authorizing an encroachment pursuant to § 743-33 is subject to the provisions of § 743-34B, Article IV, the payment of fees as specified in Chapter 441, Fees and Charges, and this section, including the following conditions:
- (1) When refacing walls encroaching in streets:
 - (a) The owner or occupant shall submit a plan, certified by an Ontario Land Surveyor, illustrating the location of the building, the extent of the

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encroachments and the limits of the property on which the building is situate, including the streets adjoining the property; and

- (b) The owner or occupant shall, if required, obtain a building permit for the refacing of the building.
- (2) When installing fences/ornamental and retaining walls higher than 0.90 metres above the traveled surface of the adjoining road, railings, bollards, arbours and pergolas:
- (a) A fence located within a street can be built to a maximum height of 1.20 metres for that portion of the fence fronting the property, and 1.80 metres for any fence located in the flankage of the property, provided that to ensure unobstructed driver and pedestrian sight lines:
 - [1] No solid screen fence, privacy fence, railing, bollard, arbour, pergola, ornamental or retaining wall located within 70 metres of the intersection of any two or more streets shall exceed a height of one metre, with the height measured from the surface of the intersecting road; and
 - [2] No solid screen fence, privacy fence, railing, bollard, arbour, pergola, ornamental or retaining wall located within three metres of a driveway that is adjacent a sidewalk, or the travelled surface of any road without curbs, shall exceed a height of one metre, measured from the grade of the adjoining driveway.
 - (b) The footings for the fence, railing, bollard, arbour, pergola, ornamental or retaining wall that are located within the street shall not exceed a depth of 1.20 metres measured from the surface of the adjoining boulevard;
- (3) When installing doors, bay windows, air conditioning units, exhaust ducts, verandas and cornices:
- (a) To provide for the safe passage of pedestrians, a minimum of 2.50 metres of clear sidewalk or boulevard width shall be available adjacent the proposed installation;
 - (b) In the case of doors and bay windows, applications shall be considered for existing buildings only where the existing building constraints preclude confining the doors or bay windows to private property;
 - (c) In the case of air conditioning units or exhaust ducts, the proposed installation shall comply with municipal noise regulations and provide a minimum vertical clearance of 2.50 metres; and

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- (d) in the case of cornices, a vertical clearance of not less than three metres to the underside of the cornice must be provided.
- (4) When constructing verandas, balconies, building entrances, porches, access ramps for persons with physical disabilities and fire escapes, or any other means of pedestrian entrance to a building;
- (a) Footings within the street shall not have a depth greater than 1.20 metres measured from the surface of the adjoining boulevard, and shall not include the use of reinforcing steel or wire mesh; and
 - (b) Fire escapes shall comply with any applicable zoning by-law and the Ontario Building Code, and shall maintain a minimum vertical clearance of at least 4.5 metres measured from the traveled surface of the adjoining road.
- (5) When installing snow melting and vegetation sprinkler systems:
- (a) Sprinkler systems shall be oriented to direct water away from a road or sidewalk and shall be installed at a depth less than 0.60 metres below the surface of the boulevard;
 - (b) No snow melting system shall be permitted beneath a sidewalk; and
 - (c) The water service to all vegetation sprinkler systems shall be shut off annually no later than November 1st and shall remain shut off until April 1 of the following year.
- (6) When planting trees and installing street furniture including, but not limited to, benches, planter boxes or bicycle stands:
- (a) No advertising is allowed on any street furniture, planter box or bicycle stand, with the exception of the donor names on park benches, or as authorized by Council;
 - (b) The dimensions of each article of street furniture, planter box, tree or bicycle stand shall comply with the requirements of the General Manager;
 - (c) Trees shall be of a species approved by the City's General Manager of Parks, Forestry and Recreation Services, and the property owner shall agree to maintain the trees in a healthy and vigorous state of growth for a two year period, at which time the City will assume ownership and responsibility for the trees; and
 - (d) The provisions of § 743-34A(6) shall not apply to street furniture installed or street trees planted by the City or in an agreement with the City.

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- (7) When installing ornaments, permanent decorative lighting, decorations and public art statues, memorials and monuments:
- (a) Footings proposed to be constructed within the street shall not exceed a depth of 1.20 metres measured from the surface of the adjoining boulevard; and
 - (b) Bollards with attached decorative lighting shall not exceed a height of one metre, measured from the curb lane of the adjoining road.
- (8) When installing areaways:
- (a) The areaway shall be located a minimum of 1.20 metres below the surface of the road or boulevard and shall not conflict with any existing utilities or structures, but where such a conflict is identified, all required mitigation measures shall be undertaken by the permit holder at no cost to the City; and
 - (b) The areaway must be designed and constructed to the satisfaction of the General Manager.
- B. Before approving the encroachment, the General Manager shall be satisfied that it conforms with the criteria specified in § 743-31A(1) to § 743-31A(6), and § 743-31E.
- C. No encroachment approved under the authority of the General Manager shall be used for the purpose of habitation.
- D. No permit shall be issued under this article until the applicant enters into an encroachment agreement with the City in a form and content satisfactory to the General Manager and the City Solicitor, and including the following conditions:
- (1) The applicant shall construct the encroachment to the satisfaction of the General Manager and shall maintain the encroachment in a state of good repair, at no expense to the City;
 - (2) The City shall not be responsible for repairing or replacing any encroachment damaged as a result of clearing or removing litter, graffiti, posters, snow or ice, or as a result of street repairs or reconstruction;
 - (3) The applicant shall comply with the insurance and indemnity requirements of § 743-23;
 - (4) The City shall maintain the right to place pipes, cables, wires, poles and other infrastructure within the encroachment;
 - (5) The applicant shall, if required by the General Manager, remove the encroachment and restore the street pursuant to Article VIII;

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- (6) The applicant shall pay the fees specified in Chapter 441, Fees and Charges;
 - (7) The applicant shall pay all costs associated with preparing the agreement; and
 - (8) Any other conditions considered appropriate by the General Manager or the City Solicitor.
- E. Before starting construction on any encroachment described in § 743-31, § 743-32, § 743-33 and § 743-34, the applicant shall obtain municipal consent pursuant to Article III.
- F. If considered appropriate, the City may require that the property owner register on-title to the property, at the expense of the applicant and to the satisfaction of the City Solicitor, any encroachment agreement required pursuant to this article.

§ 743-35. Grandparenting.

- A. The provisions of Article IV do not apply to encroachments approved before the date that this by-law comes into force, provided that such encroachments shall continue to comply with the terms and conditions of their original approvals and agreements, and that such approvals and agreements shall be considered null and void when the property is subject to an application for plan of subdivision, rezoning, official plan amendment, site plan approval, minor variance or consent.

**ARTICLE V
Maintaining Boulevards**

[Adopted 2012-03-07 by By-law 375-2012³⁰]

§ 743-36. Property owner responsibilities.

The owner or occupier of land adjoining the street shall maintain the boulevard at their expense, as follows:

- A. Sustain all vegetation planted in the boulevard in a state of healthy and vigorous growth, and maintain the grassed portion of the boulevard at a height not exceeding 20 centimetres.
- B. Maintain any permitted encroachments described in Article IV.
- C. Maintain in a state of good and proper repair and free of graffiti and posters all encroachments, including fences, retaining walls, stairs and noise attenuation walls that they, or former owners or occupants of the property, constructed on the boulevard appurtenant to the property.

³⁰ Editor's Note: By-law 375-2012, enacted March 7, 2012 has received set fine approval and came into effect June 28, 2012. By-law 375-2012, as amended by By-law 668-2012, repealed a number of previous by-laws and policies. See Section 2 of By-law 375-2012 for a full list of the by-laws, policies and Municipal Code Chapters that were repealed.

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- D. Maintain all driveways, parking areas and walkways in a state of good and proper repair.
- E. Maintain the boulevard free of litter, rubbish, brush, leaves, lawn trimmings, tree trimmings and noxious weeds as defined by the Noxious Weed Act.
- F. Prune and trim hedges, trees, shrubs and soft landscaping to provide a minimum vertical clearance of 2.5 metres above a sidewalk, and 5.0 metres above a road.
- G. Ensure that driver and pedestrian sight lines at intersections, driveways, sidewalks, walkways, and visibility to all traffic control devices is not restricted by vegetation or other modifications to the boulevard that the property owner or occupant may undertake.
- H. Maintain an unobstructed two metre radius around fire hydrants or fire hydrant valves.
- I. Ensure adequate intersection turning sight distances by maintaining soft landscaping and other vegetation located in a boulevard at a height of not more than 0.85 metres measured from the traveled portion of the adjoining road.
- J. The General Manager may, if deemed necessary, revise the required height specified in § 743-36I to account for changes in road grade and horizontal alignment.

§ 743-37. Municipal responsibilities.

The responsibility of the owner or occupier of land adjoining the street to maintain the boulevard as described in § 743-36 does not apply to:

- A. Medians and traffic islands located in streets;
- B. The construction, repair and replacement of sidewalks, retaining walls, culverts, fences and noise attenuation walls constructed by the City;
- C. Public transit stops and transit shelters;
- D. Street trees, hedges, shrubs and maintained natural gardens planted by the City;
- E. Where, in the opinion of the General Manager, damage to a boulevard resulted from a motor vehicle crash; and
- F. Where, in the opinion of the General Manager, the property owner or occupier of the adjoining land cannot maintain the boulevard due to steep grades, walls, fences, or other constraints.

§ 743-38. Authority of the General Manager.

The General Manager may by giving notice to the owner or the occupier of land adjoining a boulevard pursuant to Article VIII require them to:

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- A. Accommodate work that the City is undertaking by removing or modifying any encroachment, parking area, driveway, vegetation or landscaping located in a boulevard for which the owner or the occupier of land is responsible;
- B. Remove or modify any additions to the boulevard that have been made by the adjoining property owner or the occupier of the adjoining land;
- C. Remove or modify any encroachment, driveway or parking area located on the boulevard or trim any vegetation growing or standing on the boulevard where, in the General Manager's opinion, the safety or convenience of the public so requires, or where any such street work or vegetation may damage the street or interfere with existing or future utility locations and boulevard improvements; and
- D. Where the owner or occupier fails to undertake the work as required under this section, the General Manager may undertake it and restore or repair the boulevard and recover the costs owing as set out under Article VIII.

§ 743-39. Using boulevards for municipal purposes.

Nothing in this chapter shall prevent the General Manager from altering, opening or otherwise using any boulevard for municipal purposes.

**ARTICLE VI
Sidewalks**

[Adopted 2012-03-07 by By-law 375-2012³¹]

§ 743-40. Pack animals prohibited on sidewalks.

- A. No person shall ride, drive, lead, or back any pack animal across, over or along any sidewalk.

§ 743-41. Clearing sidewalks and walkways.

- A. Every occupant and, where there is no occupant, the owner of every house, shop, building, lot or parcel of land, and every person having charge or care of any church, school or other public building fronting or abutting on any street where public or private sidewalks and walkways are present, shall sweep and keep the sidewalks and walkways surrounding the premises free from obstruction by vegetation, dirt, dust, litter and other encumbrances that may interfere with the safe and convenient passage of pedestrians.
- B. Every owner or occupier of land upon which there is located a building that is used, or intended to be used, for institutional or commercial purposes shall keep in a state of good

³¹ Editor's Note: By-law 375-2012, enacted March 7, 2012 has received set fine approval and came into effect June 28, 2012. By-law 375-2012, as amended by By-law 668-2012, repealed a number of previous by-laws and policies. See Section 2 of By-law 375-2012 for a full list of the by-laws, policies and Municipal Code Chapters that were repealed.

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repair any portion of the land lying between the building and the street line that is used by the public as a sidewalk or walkway.

- C. Where the owner or occupier of land fails to undertake the work required by this section, the General Manager may undertake it and clear, restore or repair any sidewalk or walkway and recover the costs from the owner or occupier pursuant to Article VIII.

ARTICLE VII
Constructing Walkways and Driveways

[Adopted 2012-03-07 by By-law 375-2012³²]

§ 743-42. Municipal consent required to construct or alter walkways and driveways.

The General Manager may permit a person to construct, reconstruct or alter walkways and driveways or widen or relocate existing walkways and driveways, and walkways wider than 1.5 metres, that cross the adjoining boulevard, provided that:

- A. The property owner obtains a permit from the General Manager pursuant to Article III before starting the work.
- B. Constructing or altering a private driveway shall be permitted only for the purpose of providing vehicle access to an authorized vehicle parking area, internal driveway system or boulevard parking stall approved by the City, and in no case shall the width of a driveway or walkway exceed the requirements of any applicable by-law.
- C. Concurrent with constructing or altering a walkway or driveway, the owner shall remove any existing walkway or driveway that, in the opinion of the General Manager, is redundant as a result of constructing or widening a walkway or driveway, and shall restore that portion of the street previously occupied by the redundant walkway or driveway to the satisfaction of the General Manager.
- D. Unless authorized by the General Manager, walkways and driveways shall not contain heating devices installed over a public utility.
- E. The location and design of the walkway or driveway shall be to the satisfaction of the General Manager, including, if required by the General Manager and at no cost to the City, the installation of bioswales or culverts along streets with ditches.
- F. Walkways and driveways shall be constructed and maintained to prevent surface drainage, dirt, dust, and debris from the walkway or driveway entering the street from private property in an amount that, in the opinion of the General Manager, constitutes a hazard or nuisance.

³² Editor's Note: By-law 375-2012, enacted March 7, 2012 has received set fine approval and came into effect June 28, 2012. By-law 375-2012, as amended by By-law 668-2012, repealed a number of previous by-laws and policies. See Section 2 of By-law 375-2012 for a full list of the by-laws, policies and Municipal Code Chapters that were repealed.

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- G. The person named on the permit shall pay the fees described in Chapter 441, Fees and Charges, including any additional financial securities required by the General Manager to ensure that the work described in the permit is completed to his or her satisfaction.
- H. The General Manager shall not require securities from any person where, in the opinion of the General Manager, payment of sufficient securities for this purpose has already been made as a condition of approval in a development or site plan agreement with the City.
- I. The person constructs the walkway or driveway to the satisfaction of the General Manager, subject to inspection by the General Manager, if required.
- J. Every person who closes or removes a walkway or driveway shall restore the boulevard, sidewalk and road, at their expense, to a standard equal to or better than that of the existing boulevard, sidewalk and road, and to the satisfaction of the General Manager.
- K. If the person does not complete the driveway or walkway and any associated street work to the satisfaction of the General Manager, then the security deposit shall not be returned, and the General Manager may use the securities to construct the walkway or driveway to the General Manager's satisfaction.
- L. Should this security deposit prove insufficient to cover the costs of construction or repair of said works, then the General Manager may recover the outstanding costs from the owner pursuant to Article VIII.

§ 743-43. Approving walkways and driveways.

- A. All vehicle access driveways shall be designed and located to minimize the driveway's impact on pedestrian and vehicle traffic, and will provide the stopping and turning sight distances required by the General Manager.
- B. Despite § 743-43A, the General Manager may approve a driveway with substandard sight distance where there is no other means of access to the property, and in such cases the General Manager may issue a permit subject to such special conditions as the General Manager considers appropriate.
- C. At driveway locations where there are limiting circumstances such as horizontal or vertical curves and auxiliary turning and storage lanes, the General Manager shall refuse access or approve access subject to such special conditions as the General Manager considers appropriate.
- D. The General Manager shall not allow any depressed driveway or loading dock to extend into a street, and any portion of the driveway or loading dock located in the street shall maintain a positive slope when measured between the street line and the travelled portion of the adjoining road.
- E. The General Manager shall not approve any loading dock or loading area that requires delivery vehicles to back into the loading dock or loading area directly from a major

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arterial or minor arterial road, or that requires the delivery vehicle to exit the loading dock or loading area by backing directly into a major arterial or a minor arterial road.

- F. No portion of any driveway shall be constructed within the corner radii of two intersecting streets.
- G. Except with the written consent of the adjoining property owner, no portion of any driveway shall be constructed so that the driveway, driveway corner radii or driveway flaring extends into the boulevard area fronting the adjoining property when the common lot line is projected perpendicular to the road.
- H. No person shall, without written authorization from the General Manager of Parks, Forestry and Recreation Services, or his or her designate or successor, remove a tree to construct a walkway or driveway, and no walkway or driveway will be authorized by the General Manager until the General Manager of Parks, Forestry and Recreation Services, or his or her designate or successor, is satisfied that the walkway or driveway can be constructed without damaging an adjoining tree.
- I. The General Manager shall not approve any new driveway to a controlled access highway.
- J. Sections 743-43D, § 743-43E, § 743-43F, § 743-43G, § 743-43I do not apply to driveways, walkways and loading docks approved by the City before the date that this by-law comes into force, provided that such driveways and loading docks comply with the regulations in effect at the time the driveway or loading dock was originally approved, and that such previous approvals shall be considered null and void when the property is subject to an application for plan of subdivision, rezoning, official plan amendment, site plan approval, minor variance or consent to sever.

**ARTICLE VIII
Municipal Remedial Action**

[Adopted 2012-03-07 by By-law 375-2012³³]

§ 743-44. Notification and cost recovery.

- A. An officer who is satisfied that a person or property is in contravention of this chapter shall, unless specified otherwise in this chapter, give written notice to the person, property owner, or occupier of the land requiring them to comply with this chapter, at no cost to the City, within 14 days of the date indicated on the notice:

³³ Editor's Note: By-law 375-2012, enacted March 7, 2012 has received set fine approval and came into effect June 28, 2012. By-law 375-2012, as amended by By-law 668-2012, repealed a number of previous by-laws and policies. See Section 2 of By-law 375-2012 for a full list of the by-laws, policies and Municipal Code Chapters that were repealed.

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- (1) The person, property owner, or occupier of the land shall, to the satisfaction of the General Manager, pay the survey and inspection fee as prescribed by Chapter 441, Fees and Charges; and
 - (2) The fee in § 743-44A(1) shall apply when the person, property owner, or occupier of the land does not comply with the initial notice to comply, and an officer is required to issue a second or subsequent notice, with the fee applying to each inspection made after a second or subsequent notice is issued.
- B. If a person, including an owner or occupier of the land, fails to comply with a notice issued under § 743-44A, then the General Manager may:
- (1) Direct municipal staff, or any person acting under the General Manager's direction, to undertake any remedial work, including any removal, restoration, repair, renovation or modification to a street that is required to ensure compliance with this chapter; and
 - (2) Invoice the person for the costs owing, including any outstanding survey and inspection fees.
- C. Where a person does not reimburse the City within 14 days of receiving an invoice from the City requesting payment of the outstanding amount, the City may recover the costs owing by action, or by adding the costs owing to the tax roll and collecting them in the same manner as municipal taxes.
- D. The General Manager shall not be required to provide notice to remove any fouling, obstruction or encumbrance, object, article, vehicle, or thing from a street that, in the opinion of the General Manager, substantially interferes with drainage, vehicle and pedestrian traffic or is an emergency that presents a danger to public health or safety, and the City may undertake any remedial work required to ensure compliance with this chapter and recover the costs owing from the person responsible in the manner set out in § 743-44B and C.
- E. The City shall not be liable to any person, property owner, or occupier of the land for compensation on account of any remedial work, including the removal, restoration, repair, renovation, or modification to a street required to be undertaken by the City pursuant to this chapter.

§ 743-45. Impounding objects and vehicles on streets.

Unless specified otherwise in this chapter, the General Manager may, without notice, remove, impound, restrain or immobilize any object, article, vehicle or thing that is placed, stopped, standing or parking on, in or near a street contrary to the provisions of this chapter.

§ 743-46. Disposing of seized articles.

- A. Unless specified otherwise in this chapter and despite § 743-3H, the General Manager shall store any object, article, vehicle or thing that is impounded pursuant to this Article,

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and shall return the object, article, vehicle or thing to its lawful owner upon the owner paying to the City the costs of removing and storing the object, article, vehicle or thing.

- B. Unless specified otherwise in this chapter and despite § 743-45A, the General Manager shall dispose of any object, article, vehicle, or thing that remains unclaimed at the expiry of 60 days from the date of seizure, and no person shall be entitled to make any claim in respect of any object, article, vehicle or thing so disposed of.

§ 743-47. Powers and authority of the General Manager.

A. Inspection

- (1) An officer of the City may enter on land adjoining a street, or portion of the property adjoining a street, excluding a dwelling house, at any reasonable time for the purpose of carrying out an inspection to either determine compliance with this chapter or an order or direction of the City or General Manager or an Order issued according to this Article.
- (2) For the purposes of any inspection, the officer may:
 - (a) Require that the owner or occupier of the property produce for inspection any document, articles or things relevant to the inspection;
 - (b) Inspect and remove any document, articles or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) Require information from any person concerning a matter related to the inspection; and
 - (d) Alone or in conjunction with a person possessing special or expert knowledge, make examination or take tests, measurements, samples or photographs necessary for the purposes of the inspection.

B. Power of Entry

- (1) Where a person is directed or required to do a matter or thing under this by-law, in default of it being done by the person directed or required to do it, the General Manager may, if considered necessary to implement the provisions of this chapter, enter upon a property adjoining a street for the purpose of doing the matter or thing and the City may recover the cost of doing the matter or thing, and may add the cost to the tax roll and collect the costs in the same manner as property taxes.
- (2) The powers of entry of the General Manager may be exercised by an officer of the Transportation Services Division.

C. Obstruction

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- (1) No person shall represent or cause to be represented that he or she is an owner or occupier of a property if he or she is not; and
- (2) No person shall prevent, hinder, obstruct or interfere, or attempt to prevent, hinder, obstruct or interfere, in any manner, with the officer's exercise of an activity, power or performance of a duty under this chapter or in the administration or enforcement of this chapter.

D. Limitations on Power of Entry

- (1) The powers of entry under this chapter are subject to sections 375 to 379, inclusive, of the City of Toronto Act, 2006.

ARTICLE IX
Appeals

[Adopted 2012-03-07 by By-law 375-2012³⁴]

§ 743-48. Appeal process for applications refused by the General Manager.

- A. Unless specified otherwise in the chapter, any applicant whose request for a permit or other authorization required under this chapter has been refused may appeal the decision of the General Manager to the applicable Standing Committee or Community Council by filing with the General Manager, within fifteen days of the General Manager's written decision, a notice of appeal containing the applicant's contact information and the grounds for requesting an appeal.
- B. Before accepting an appeal, the applicant shall pay a non-refundable appeal fee as set out in Chapter 441, Fees and Charges.
- C. The General Manager shall prepare and forward a report to the Standing Committee or Community Council describing the reasons for refusing the permit.
- D. Following receipt of the report prepared by the General Manager, the Standing Committee or Community Council shall, at its earliest convenience, review the General Manager's report and provide the applicant with the opportunity to be heard, after which the Standing Committee or Community Council may either:
 - (1) Recommend confirmation of the original decision made by the General Manager;
 - (2) Refer the matter back to the General Manager, directing the General Manager to reconsider the matter having regard to such considerations or directions as the Standing Committee or Community Council may provide; or

³⁴Editor's Note: By-law 375-2012, enacted March 7, 2012 has received set fine approval and came into effect June 28, 2012. By-law 375-2012, as amended by By-law 668-2012, repealed a number of previous by-laws and policies. See Section 2 of By-law 375-2012 for a full list of the by-laws, policies and Municipal Code Chapters that were repealed.

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- (3) Direct that the General Manager issue a permit on such terms and conditions as may be required.
- E. Where an application has been considered and refused, the applicant shall not be entitled to make a further application for the same address or location for a period of two years after the date of the previous application.

ARTICLE X
Fees

[Adopted 2012-03-07 by By-law 375-2012³⁵]

§ 743-49. Fees for encroachments, street work and temporary street occupations.

- A. With the exception of permitted encroachments as described in Article X, and unless otherwise stipulated in an applicable agreement or statute, every person whose equipment or encroachment is situated in, on, under, over, along, or across a street shall pay all applicable fees and charges relating to the encroachment, street work or temporary street occupation as described in Chapter 441, Fees and Charges.
- B. Revenues collected by the General Manager pursuant to this chapter shall be applied to the costs associated with managing and maintaining the City's streets.
- C. The parameters of the area for the fees set out in reference numbers 38.1, 38.2, 38.3, 38.4, 38.5 and 38.6 of Appendix C - Schedule 2, Transportation Services, of Chapter 441, Fees and Charges, shall be in accordance with the definition for the respective area as found in § 743-1A. **[Added 2015-07-09 by By-law 813-2015³⁶]**

§ 743-50. Fees for property information requests.

- A. Where a request is received for information on the status of a property with respect to development agreement compliance, local improvements, encroachments, permits and other matters under the jurisdiction of the General Manager, a non-refundable property information fee as specified in Chapter 441, Fees and Charges, shall be charged, and payment of this fee shall be required prior to providing the requested information.

³⁵ Editor's Note: By-law 375-2012, enacted March 7, 2012 has received set fine approval and came into effect June 28, 2012. By-law 375-2012, as amended by By-law 668-2012, repealed a number of previous by-laws and policies. See Section 2 of By-law 375-2012 for a full list of the by-laws, policies and Municipal Code Chapters that were repealed.

³⁶ Editor's Note: By-law 813-2015 came into force October 1, 2015.

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ARTICLE XI³⁷
Administration and Enforcement

§ 743-51. Offences and administrative penalties.

[Amended 2012-05-09 by By-law 639-2012; 2012-07-13 by By-law 1012-2012³⁸; 2017-03-29 by By-law 310-2017³⁹; 2017-07-07 by By-law 800-2017⁴⁰]

- A. Any person who contravenes any provision of this chapter is guilty of an offence or is liable to an administrative penalty.
- B. Unless at the time of the contravention the vehicle was in the possession of another person without the vehicle owner's consent, if a vehicle has been left parked, standing or stopped in contravention of §§ 743-8D(4) or 743-29I(5), the vehicle owner shall, upon issuance of a penalty notice, be liable to an administrative penalty.
- C. Every person convicted of an offence under this chapter, other than an administrative penalty under §§ 743-8D(4) or 743-29I(5), is liable to a fine as provided for in the Provincial Offences Act.

§ 743-52. Conflicting provisions.

[Amended 2006-05-25 by By-law 462-2006; 2010-05-12 by By-law 482-2010⁴¹; 2012-03-07 by By-law 375-2012⁴²]

In the case of any conflict between this chapter and any by-law of the former Borough of East York, the former Cities of Etobicoke, North York, Toronto, Scarborough or York, or the former Municipality of Metropolitan Toronto, this chapter shall prevail.

³⁷ Editor's Note: By-law 375-2012 renumbered the previous Art. III, "Administration and Enforcement" to Art. XI. By-law 375-2012 has received set fine approval and came into effect June 28, 2012. By-law 375-2012, as amended by By-law 668-2012, repealed a number of previous by-laws and policies. See Section 2 of By-law 375-2012 for a full list of the by-laws, policies and Municipal Code Chapters that were repealed.

³⁸ Editor's Note: By-law 639-2012, as amended by By-law 1012-2012, has received set fine approval and comes into force January 23, 2014.

³⁹ Editor's Note: By-law 310-2017 removed the fixed fine system for all parking ticket offences and came into effect April 10, 2017.

⁴⁰ Editor's Note: By-law 800-2017 came into effect August 28, 2017.

⁴¹ Editor's Note: This by-law came into force 30 days after the date of approval of the set fines by the Regional Senior Justice. Set fine approval was received on January 18, 2011.

⁴² Editor's Note: By-law 375-2012, enacted March 7, 2012 has received set fine approval and came into effect June 28, 2012. By-law 375-2012, as amended by By-law 668-2012, repealed a number of previous by-laws and policies. See Section 2 of By-law 375-2012 for a full list of the by-laws, policies and Municipal Code Chapters that were repealed.

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CHAPTER 743, STREETS AND SIDEWALKS, USE OF

Appendix A

[Added 2012-03-07 by By-law 375-2012⁴³]

1. These standard terms and conditions apply to all work conducted by or on behalf of the applicant.
2. Unless otherwise specifically provided in these standard terms and conditions, the terms specified herein have the same meaning given to them in Chapter 743, Streets and Sidewalks, Use of.
3. All street work shall conform to all applicable federal, provincial and municipal statutes, laws and by-laws and other applicable legal requirements.
4. All street work shall conform to City of Toronto construction standards and specifications, and shall be conducted and completed to the satisfaction of the General Manager.
5. All street work shall be performed in a manner that safeguards and protects all other equipment, facilities and improvements of any kind ("improvements") present in, on, over, under, across, or along the street and the environment.
6. The applicant shall take whatever steps are necessary to ensure the protection of the public.
7. The applicant shall not unduly interfere with the use of the street for free passage by the public.
8. The applicant shall make all necessary arrangements with traffic, police and fire authorities for the placing of barricades, notices, warning lights and signs and that all such barricades, notices, warning lights and signs shall conform with applicable law.
9. No street work shall block or impair the entrance to any premises abutting the work location unless the applicant has obtained and filed with the application for the permit the consent in writing of the owner and occupant of such premises.
10. All street work shall be conducted in a manner so as to maintain access for emergency vehicles.
11. The street work shall be completed without delay.
12. The permit shall not authorize occupying a larger portion of the street or extend for a longer period of time than may be necessary in the opinion of the General Manager, having due regard to the applicant's needs and the safety and convenience of the public.

⁴³ Editor's Note: By-law 375-2012, enacted March 7, 2012 has received set fine approval and came into effect June 28, 2012. By-law 375-2012, as amended by By-law 668-2012, repealed a number of previous by-laws and policies. See Section 2 of By-law 375-2012 for a full list of the by-laws, policies and Municipal Code Chapters that were repealed.

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13. After completing any street work, the applicant shall restore and/or leave the street in substantially the same condition in which it was before such street work was undertaken by the applicant, free from nuisance and to the satisfaction of the General Manager. If the applicant fails to repair and restore any street to the satisfaction of the General Manager within 48 hours of being notified by the City, the City may undertake such repairs and charge all costs owing to the applicant, and may draw on any financial security or deposits submitted by the applicant.
14. The applicant shall maintain the equipment in good and proper repair and in a condition satisfactory to the General Manager.
15. Should the General Manager deem it necessary for the equipment to be removed or altered in an emergency, including repairs or maintenance to equipment owned or operated by the City or any agency, board or commission of the City, the General Manager, without notice to the applicant, may alter or remove, or cause to be altered or removed, the equipment and, subject to the requirements of any applicable law or existing agreement, the cost of such alteration or removal of the equipment shall be borne by the applicant.
16. Should the General Manager deem it necessary for the equipment to be removed or altered for any municipal purpose, including installation or alteration of new or existing plant by any agency, board or commission, the General Manager may upon three months notice in writing to the applicant, alter or remove, or cause to be altered or removed, the equipment or such portions of same not already altered or removed by the applicant, and subject to the requirements of any applicable law or existing agreement, the cost of such alteration or removal of the equipment shall be borne by the applicant.
17. If the City requires that any street work be stopped, the applicant shall cease such street work following notice to the applicant provided by the General Manager.
18. The applicant shall be at all times responsible for all aspects of the street work, including the cost of such street work.
19. The applicant shall notify the City promptly of any damage caused by the applicant in connection with its street work.
20. The City has made no representations or warranties as to the state of repair of the streets or the suitability of the streets for any business, activity or purpose whatsoever, and the applicant hereby agrees to take the streets on an "as is" basis for the purpose of the carrying out of the applicant's street work and the City is not responsible, either directly or indirectly, for any damage to property or injury to a person, including death, arising from the escape, discharge or release of any hazardous substance from its streets.
21. The applicant shall conform and shall be responsible for the conformance by its officers, employees, agents, contractors and invitees to all health and safety laws including any regulations requiring installation of safety devices or appliances, and any applicable traffic laws or regulations (collectively "safety rules"). If in the opinion of the City the

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- likelihood of harm to persons or property appears imminent, the City may suspend street work performed by or on behalf of the applicant where there appears to be a lack of compliance with the safety rules, or because conditions of danger exist that would likely result in injury to any person or property. Such suspension shall continue until the lack of compliance or danger is eliminated.
22. For the purpose of this provision, "hazardous substance" means any hazardous substance and includes, but is not limited to, radioactive substances, petroleum products and byproducts, industrial wastes, contaminants, pollutants, dangerous substances, and toxic substances, as defined in or pursuant to any law, ordinance, rule, regulation, by-law or code, whether federal, provincial or municipal. The applicant agrees to assume all environmental liability relating to its work in, on, over, under, across, or along the streets, including but not limited to any liability for clean-up of any hazardous substance in, on, under, along, across and around streets that result from:
- (a) The operations of the applicant in, on, over, under, along, across or around the streets; or
 - (b) Any products or goods brought in, on, over, under, along, across or around the streets by the applicant, or by any other person with the express or implied consent of the applicant.
23. The applicant shall in writing, prior to any permit being granted by the General Manager, indemnify and save harmless the City, its elected and appointed officials, officers, employees, directors and agents from and against all actions, claims, executions, demands, damages, liabilities, liens, costs, expenses direct or indirect (including reasonable legal fees and disbursements), and losses whatsoever incurred by the City, its elected and appointed officials, officers, employees, directors and agents in connection with the issuing of the permit, the conduct of the applicant's street work or the use of applicant's equipment, including claims in respect of property damage or personal injury, including death, and will pay to the City and to each such official, servant or agent on demand any loss, costs, damages and expenses, including legal fees and disbursements, that may be sustained, incurred or paid by the City or by any of its officers, servants and agents in consequence of any such action, claim, lien, execution or demand, including any monies paid or payable by the City or any of its officials, officers, servants or agents in settlement or discharge or on account thereof, provided that on default of such payment all loss, costs, damages and expenses and all such monies so paid or payable may be deducted from any security held by the City on account of the permit of the street work.
24. The City shall not be liable in any way for indirect or consequential losses or damages, or damages for pure economic loss, howsoever caused or contributed to, in connection with the applicant's street work.
25. The applicant shall, at their own expense and to the satisfaction of the General Manager, procure and carry, or cause to be procured and carried and paid for, full workers

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compensation coverage for itself and all workers, employees, and others engaged in or upon any street work.

26. The applicant shall deliver, when required by the General Manager, a performance bond or letter of credit in a form satisfactory to the Controller and in an amount which is satisfactory to the General Manager to ensure proper compliance with this Chapter.
27. The applicant shall at all times during the term of the permit and subsequent to the completion of the street work provide an accurate and timely in-house "locate" service or be a member of a "locate" service, in which case the applicant shall advise the General Manager of its membership in such a service. Should the applicant fail to comply with this provision, the City shall not be required to make any special effort to determine or confirm the location of the equipment. The applicant shall, at the request of the City or any third party, provide or cause to be provided accurate on-site locates within 14 consecutive days of receiving a request for such information.
28. The applicant shall respond within 14 consecutive days to any request from the City for a mark-up of municipal infrastructure design drawings showing the location of any portion of the equipment located in, on, under, over, across, or along the streets shown on the plans, and shall provide such accurate and detailed information as may be required by the General Manager.
29. The applicant will, at its sole cost and expense, maintain the equipment according to the drawings or subsequent "as built" drawings and in a state of good order, condition and repair, to the full satisfaction of the General Manager, acting reasonably.

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Appendix B

[Added 2015-07-09 by By-law 813-2015⁴⁴]

Area AA

The area bounded by, and including all frontages on:

- University Avenue, from Front Street to Wellington Street West
- Wellington Street West, from University Avenue to Blue Jays Way
- Peter Street/Blue Jays Way, from Wellington Street W to Richmond Street West
- Richmond Street West, from Peter Street to University Avenue
- University Avenue, from Richmond Street West to Elm Street
- Elm Street, from University Avenue to Yonge Street
- Yonge Street, from Elm Street to Dundas Street East
- Dundas Street East, from Yonge Street to Bond Street
- Bond Street, from Dundas Street E to Queen Street East
- Queen Street East, from Bond Street to Berti Street
- Berti Street, from Queen Street East to Richmond Street East
- Richmond Street East, from Bond Street to Church Street
- Church Street, from Richmond Street East to King Street East
- King Street East, from Church Street to Yonge Street
- Yonge Street, from King Street East to Front Street
- Front Street West, from Yonge Street to University Avenue

Area A

The area bounded by, and including all frontages on, but excluding Area AA:

- Front Street, from Yonge Street to Spadina Avenue
- Spadina Avenue, from Front Street West to Phoebe Street
- Phoebe Street, from Spadina Avenue to Beverley Street
- Beverley Street, from Phoebe Street to Stephanie Street
- Stephanie Street, from Beverley Street to McCaul Street
- McCaul Street, from Stephanie Street to College Street
- College Street, from McCaul Street to Spadina Avenue
- Spadina Avenue, from College Street to Bloor Street West
- Bloor Street West, from Spadina Avenue to Loretto Lane
- Bloor Street West, from Loretto Lane to Avenue Road
- Avenue Road, from Bloor Street West to Yorkville Avenue
- Yorkville Avenue, from Avenue Road to Hazelton Avenue
- Hazelton Avenue, from Yorkville Avenue to Scollard Street
- Scollard Street, from Hazelton Avenue to Bay Street
- Bay Street, from Scollard Street to Bloor Street West
- Bloor Street, from Bay Street to Church Street

⁴⁴Editor's Note: By-law 813-2015 came into force October 1, 2015.

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- Church Street, from Bloor Street to Gerrard Street East
- Gerrard Street East, from Church Street to Mutual Street
- Mutual Street, from Gerrard Street East to Queen Street East
- Queen Street East, from Mutual Street to Jarvis Street
- Jarvis Street, from Queen Street East to The Esplanade
- The Esplanade, from Jarvis Street to Yonge Street
- Yonge Street, from The Esplanade to Front Street East
- St. Clair Avenue West, from Yonge Street to Avenue Road
- Yonge Street, from Hillside Avenue to Helendale Avenue
- Eglinton Avenue, from Duplex Avenue to Dunfield Avenue
- Yonge Street, from Sheppard Avenue to Church Avenue
- Sheppard Avenue, from Doris Avenue to Beecroft Road
- Spadina Avenue from Phoebe Street to College Street

Area B

The area bounded by, and including all frontages on, but excluding Areas AA and A:

- Strachan Avenue, from Fleet Street to King Street West
- King Street West, from Strachan Avenue to Dovercourt Road
- King Street West, from Dovercourt Road to Shaw Street
- Shaw Street, from King Street West to College Street
- College Street, from Shaw Street to Ossington Avenue
- College Street, from Ossington Avenue to Bathurst Street
- Bathurst Street, from College Street to Bloor Street West
- Bloor Street West, from Bathurst Street to Christie Street
- Bloor Street West, from Christie Street to Markham Street
- Markham Street, from Bloor Street West to Follis Avenue
- Follis Avenue, from Markham Street to Bathurst Street
- Bathurst Street, from Follis Avenue to Dupont Street
- Dupont Street, from Bathurst Street to Avenue Road
- Avenue Road, from Dupont Street to Macpherson Avenue
- Macpherson Avenue, from Dupont Street to Marlborough Avenue
- Marlborough Avenue, from Macpherson Avenue to Yonge Street
- Yonge Street, from Marlborough Avenue to St. Clair Avenue
- Yonge Street, from St. Clair Avenue to Aylmer Avenue
- Aylmer Avenue, from Yonge Street to Rosedale Valley Road
- Rosedale Valley Road, from Aylmer Avenue to Mount Pleasant Road
- Mount Pleasant Road, from Rosedale Valley Road to Bloor Street East
- Bloor Street East, from Mount Pleasant Road to Sherbourne Street
- Sherbourne Street, from Bloor Street East to Wellesley Street East
- Wellesley Street East, from Sherbourne Street to Parliament Street
- Parliament Street, from Wellesley Street East to Gerrard Street East
- Gerrard Street East, from Parliament Street to Sherbourne Street
- Sherbourne Street, from Gerrard Street East to Richmond Street East
- Richmond Street East, from Sherbourne Street to Parliament Street
- Parliament Street, from Richmond Street East to Front Street East

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- Front Street East, from Parliament Street to Cherry Street
- Cherry Street, from Front Street East to Lake Shore Boulevard East
- Lake Shore Boulevard, from Cherry Street to Strachan Avenue
- King Street West, from Atlantic Avenue to Dufferin Street
- Dufferin Street, from Thorburn Avenue to Melbourne Avenue
- Bloor Street West, from Ellis Park Road to South Kingsway
- Bloor Street West, from Prince Edward Drive to Islington Avenue
- St. Clair Avenue West, from Lauder Avenue to Harvie Avenue
- Spadina Road, from St. Clair Avenue West to Coulson Avenue
- Eglinton Avenue West, from Duplex Avenue to Marlee Avenue
- Yonge Street, from Merton Street to Hillsdale Avenue
- Davisville Avenue, from Yonge Street to Mount Pleasant Road
- Mount Pleasant Road, from Merton Street to Eglinton Avenue East
- Eglinton Avenue East, from Mount Pleasant Road to Dunfield Avenue
- Yonge Street, from Helendale Avenue to Deloraine Avenue
- Bayview Avenue, from Davisville Avenue to Eglinton Avenue
- Avenue Road, from Lawrence Avenue West to Bombay Avenue
- Yonge Street, from Franklin Avenue to Sheppard Avenue
- Sheppard Avenue East, from Doris Avenue to Calvin Avenue
- Beecroft Road, from Sheppard Avenue East to Hendon Avenue
- Yonge Street, from Church Avenue to Bishop Avenue
- Danforth Avenue, from Broadview Avenue to Donlands Avenue
- Gerrard Street East, from Broadview Avenue to Pape Avenue
- Carlaw Avenue, from Colgate Avenue to Gerrard Street East
- Queen Street East, from Coxwell Avenue to Victoria Park Avenue

Area C

The area bounded by, and including all frontages on, but excluding Areas AA, A, and B:

- Reserved - No part of the City is defined as Area C.

Area D

The area bounded by, and including all frontages on, but excluding Areas AA, A, B and C:

- Lake Shore Boulevard West, from Bathurst Street to Parkside Drive
- Parkside Drive, from Lake Shore Boulevard West to Keele Street
- Keele Street, from Parkside Drive to Dundas Street West
- Dundas Street West, from Keele Street to Runnymede Road
- Runnymede Road, from Dundas Street West to St. Clair Avenue West
- St. Clair Avenue West, from Runnymede to Jane Street
- St. Clair Avenue West, from Jane Street to Atlas Avenue
- Atlas Avenue, from St. Clair Avenue West to Eglinton Avenue West
- Eglinton Avenue West, from Atlas Avenue to Bicknell Avenue
- Eglinton Avenue West, from Bicknell Avenue to Allen Road
- W.R. Allen Road, from Eglinton Avenue West to Wilson Avenue

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- Wilson Avenue, from W. R. Allen Road to Bathurst Street
- Bathurst Street, from Wilson Avenue to Drewry Avenue
- Drewry Avenue, from Bathurst Street to Yonge Street
- Cummer Avenue, from Yonge Street to Bayview Avenue
- Bayview Avenue, from Cummer Avenue to Finch Avenue East
- Finch Avenue East, from Bayview Avenue to Don Mills Road
- Don Mills Road, from Finch Avenue East to O'Connor Drive
- O'Connor Drive, from Don Mills Road to Amsterdam Avenue
- Amsterdam Avenue, from O'Connor Drive to Victoria Park Avenue
- Victoria Park Avenue, from Amsterdam Avenue to St. Clair Avenue East
- St. Clair Avenue East, from Victoria Park Avenue to Warden Avenue
- Warden Avenue, from St. Clair Avenue East to Kingston Road
- Kingston Road, from Warden Avenue to Victoria Park Avenue
- Victoria Park Avenue, from Kingston Road to Queen Street East
- Queen Street East, from Victoria Park Avenue to Woodbine Avenue
- Woodbine Avenue, from Queen Street East to Lake Shore Boulevard East
- Lake Shore Boulevard East, from Woodbine Avenue to Parliament Street
- Parliament Street, from Lake Shore Boulevard East to Queens Quay East
- Queens Quay, from Parliament Street to Bathurst Street
- Bathurst Street, from Queens Quay West to Lake Shore Boulevard West

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Appendix C: Construction Hubs

[Added 2023-02-15 by By-law 172-2023]

Downtown Construction Hub

The area bounded by, and including all frontages on*:

- Bloor Street West, from Queens Park to Ted Rogers Way
- Ted Rogers Way, from Bloor Street West to Charles Street East
- Jarvis Street, from Charles Street East to King Street East
- King Street East, from Jarvis Street to Yonge Street
- King Street East, from Yonge Street to University Avenue
- University Avenue, from King Street West to College Street
- Queens Park Circle West, from College Street to Queens Park
- Queens Park, from Queens Park Crescent West to Bloor Street West

*Where any portion of a permit area or location falls within a Construction Hub, applicable permit fees will be calculated as if the entire permit area or location is within a Construction Hub.

East Harbour Construction Hub

The area bounded by and including all frontages on*:

- Eastern Avenue, from Cherry Street to Carlaw Avenue
- Carlaw Avenue, from Eastern Avenue to Commissioners Street
- Commissioners Street, from Carlaw Avenue to the eastern edge of the Turning Basin
- The eastern edge of the Turning Basin, from Commissioners Street to Unwin Avenue
- Unwin Avenue, from the eastern edge of the Turning Basin to Lake Ontario
- Lake Ontario, from Unwin Avenue to the Keating Channel
- Cherry Street, from the Eastern Avenue to the Keating Channel

*Where any portion of a permit area or location falls within a Construction Hub, applicable permit fees will be calculated as if the entire permit area or location is within a Construction Hub.

Lake Shore East Construction Hub

The area bounded by, and including all frontages on*:

- King Street West, from York Street to Yonge Street
- King Street East, from Yonge Street to Sumach Street
- Sumach Street, from King Street East to Eastern Avenue
- Cherry Street, from Eastern Avenue to the Keating Channel
- Lake Ontario from the Keating Channel to Harbour Square Park West
- York Street, from King Street West to Lake Ontario

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*Where any portion of a permit area or location falls within a Construction Hub, applicable permit fees will be calculated as if the entire permit area or location is within a Construction Hub.

Lake Shore West Construction Hub

The area bounded by, and including all frontages on*:

- Dundas Street West, from Bathurst Street to University Avenue
- University Avenue, from Dundas Street West to King Street West
- King Street West, from University Avenue to York Street
- York Street, from King Street West to Lake Ontario
- Lake Ontario, from Harbour Square Park West to Bathurst Quay
- Bathurst Street, from Dundas Street West to Lake Ontario

* Where any portion of a permit area or location falls within a Construction Hub, applicable permit fees will be calculated as if the entire permit area or location is within a Construction Hub.

Liberty Village Construction Hub

The area bounded by, and including all frontages on*:

- Dundas Street West, from Dufferin Street to Bathurst Street
- Bathurst Street, from Dundas Street West to Lake Shore Boulevard West
- Lake Shore Boulevard West, from Bathurst Street to Jameson Avenue
- Jameson Avenue, from Queen Street West to Lake Shore Boulevard West
- Queen Street West, from Jameson Avenue to Dufferin Street
- Dufferin Street, from Dundas Street West to Queen Street West

* Where any portion of a permit area or location falls within a Construction Hub, applicable permit fees will be calculated as if the entire permit area or location is within a Construction Hub.

Yonge-Eglinton Construction Hub

The area bounded by, and including all frontages on*:

- Roselawn Avenue, from Duplex Avenue to Yonge Street
- Erskine Avenue, from Yonge Street to Mount Pleasant Road
- Mount Pleasant Road, from Erskine Avenue to Soudan Avenue
- Soudan Avenue, from Mount Pleasant Road to Yonge Street
- Berwick Avenue, from Yonge Street to Duplex Avenue
- Duplex Avenue, from Roselawn Avenue to Berwick Avenue

* Where any portion of a permit area or location falls within a Construction Hub, applicable permit fees will be calculated as if the entire permit area or location is within a Construction Hub.

This is Exhibit "C" referred to in
the Affidavit of Alison Barclay,
sworn on December 5, 2024.



NICHOLAS ROLFE
A Commissioner, etc.

2018

City of Toronto Road Classification of Streets List

City of Toronto Road Classification of Streets List

Quick Reference Document

Recently updated by City Council on April 24, 25, 26 and 27, 2018

City of Toronto
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CONTACT INFORMATION

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The document may be modified, revised or further developed under the authority of the City of Toronto as additional information becomes available.

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1.0 INTRODUCTION

City Council, at its meeting of February 29 and March 1 and 2, 2000, adopted a Road Classification System to consolidate and replace the various road classification systems inherited from Toronto's seven former municipalities. Transportation Services Division, in consultation with internal staff, Councillors and the public developed the City of Toronto Road Classification System (RCS).

This document contains a listing of all City-owned streets and their respective road classification. Included, are the most recent updates adopted by City Council on April 24, 25, 26 and 27, 2018. The listing contains streets that are classified as expressway, major arterial, minor arterial or collector. Local streets, streets owned privately or by other levels of government, expressways and road ramps, public and private laneways and roads pending classification are not included.

The streets are sorted alphabetically on a City-wide bases. For a complete list of abbreviations for street 'type' and 'direction', see Section 2 of the document.

2.0 ABBREVIATIONS

Street Type	Full Name	Street Type	Full Name
Ave	Avenue	Sq	Square
Bdge	Bridge	St	Street
Bldv	Boulevard	Ter	Terrace
Crcl	Circle	Trl	Trail
Crct	Circuit	View	View
Cres	Crescent	Walk	Walk
Crt	Court	Way	Way
Cs	Close	Wds	Woods
Dr	Drive	Wood	Wood
Gdns	Gardens		
Grn	Green		
Grv	Grove		
Gt	Gate		
Hill	Hill		
Hts	Heights		
Lane	Lane		
Line	Line	Street Direction	Full Name
Lwn	Lawn	N	North
Mews	Mews	S	South
Path	Path	W	West
Pk	Park	E	East
Pkwy	Parkway		
Pl	Place		
Ramp	Ramp		
Rd	Road		
Rdwy	Roadway		

Street	From	To	Road Classification
Ashtonbee Rd	Pharmacy Ave	Birchmount Rd	Collector
Aspen Ave	Parkview Hill Cres	Parkview Hill Cres	Collector
Asquith Ave	Church St	Park Rd	Collector
Atlantic Ave	Liberty St	King St W	Collector
Atomic Ave	The Queensway	North Queen St	Collector
Attwell Dr	Dixon Rd	Disco Rd	Collector
Auburn Ave	Dufferin St	Via Italia	Collector
Augusta Ave	Dundas St W	College St	Collector
Augusta Ave	Grange Ave	Richmond St W	Collector
Aukland Rd	Bloor St W	Dundas St W	Minor Arterial
Aukland Rd	Dundas St W	St Albans Rd	Collector
Austin Ter	Spadina Rd	Walmer Rd	Minor Arterial
Avenue Rd	Oxton Ave	Bombay Ave	Major Arterial
Avenue Rd	Bloor St W	Lonsdale Rd	Major Arterial
Avenue Rd	Kilbarry Rd	Oxton Ave	Minor Arterial
Avoca Ave	Rosehill Ave	St Clair Ave E	Collector
Avondale Ave	Yonge St	Burnwell St	Collector
Aylmer Ave	Belmont St	Rosedale Valley Rd	Minor Arterial
Baby Point Rd	Humbercrest Blvd	Jane St	Collector
Bakersfield St	Sheppard Ave W	St Regis Cres N	Collector
Baldoon Rd	Crow Trl	Finch Ave E	Collector
Balmuto St	Charles St W	Bloor St W	Collector
Bamburgh Crcl	All, S of Steeles Ave E @ Warden Ave		Collector
Banbury Rd	Beaver Hall Dr	York Mills Rd	Collector
Bankwell Ave	Brimorton Dr	Scarborough Golf Club Rd	Collector
Bannatyne Dr	Woodsworth Rd	Leslie St	Collector
Barbados Blvd	South End	Eglinton Ave E	Collector
Barber Greene Rd	Don Mills Rd	Overland Dr	Collector
Barkdene Hills	Brimley Rd S	Brooklawn Ave	Collector
Barmac Dr	Ormont Dr	Steeles Ave W	Collector
Barrington Ave	Doncaster Ave	Secord Ave	Collector
Barrymore Rd	Danforth Rd	Lawrence Ave E	Collector
Bartley Dr	Cranborne Ave	West End	Collector
Barton Ave	Bathurst St	Shaw St	Collector
Bartor Rd	Huxley Rd	Arrow Rd	Minor Arterial
Bascule Bdge	All, S of Lake Shore Blvd @ Cherry St		Collector

This is Exhibit "D" referred to in
the Affidavit of Alison Barclay,
sworn on December 5, 2024.



NICHOLAS ROLFE
A Commissioner, etc.

INDEMNITY AGREEMENT

This Indemnity Agreement (the "Agreement") with effect from the 2nd day of April, 2024.

BETWEEN:

CITY OF TORONTO

(the "City")

AND:

MIZRAHI DEVELOPMENT GROUP (THE ONE) INC.

(the "Owner")

(collectively, the "Parties")

WHEREAS:

- (a) Mizrahi Development Group (The One) Inc. is constructing a mixed-use development building at 1 Bloor Street West, Toronto, Ontario (the "Project");
- (b) City Council, at its meeting on October 2, 3 and 4, 2017 adopted item TE26.69 entitled "Construction Staging Area (Phase 1) – Yonge Street and Bloor Street West (1 Bloor Street West)" and, in so doing, among other things, authorized the closure of the sidewalk and a portion of the southbound lane on Yonge Street and the closure of the sidewalk and a portion of the eastbound lane on Bloor Street West, from October 9, 2017 to October 31, 2019.
- (c) At its meeting on November 26, 2019, pursuant to item TE10.27, City Council, among other things, authorized the extension of construction staging operations for the Project within the right-of-way on the south side of Bloor Street West and on the west side of Yonge Street;
- (d) The Owner (or its former Contractor – Clark Construction Management Inc.) received a temporary street occupation permit from the City for a portion of Balmuto Street in the City of Toronto, to accommodate the staging operations and to facilitate construction of the Project. The Owner occupied this area and also provided concrete for the Project from the area to the site, which is located at 1 Bloor Street West, bounded by Bloor Street to the north, Yonge Street to the east, and existing commercial uses to the south and west, via an underground pipe buried within the 1st laneway south of Bloor Street West and east of Balmuto Street. The Owner (or its former Contractor Clark Construction Management Inc.) also received a cut permit from the City;
- (e) The General Manager of Transportation Services closed a portion of Balmuto Street to accommodate the temporary street occupation permit to the Owner and a number of parking or traffic regulations were implemented as well;
- (f) Toronto and East York Community Council, at its meeting on July 16, 2020, had before it as item TE16.37 the report dated June 12, 2020 from the Acting Director, Traffic

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- Management, Transportation Services, requesting, among other things, authorization to close a portion of the northbound curb lane/sidewalk on Balmuto Street from a point 29 metres south of Bloor Street West to a point 12 metres further south for 24 months (i.e. from July 17, 2020 to June 30, 2022) in order to facilitate the construction of the Project;
- (g) At its July 16, 2020 meeting, the Toronto and East York Community Council deferred consideration of the item until its September 15, 2020 meeting and requested Transportation Services to continue to provide temporary permits and consult with adjacent properties before further temporary permits are issued;
 - (h) Toronto and East York Community Council, at its meeting on September 16, 2020, had before it item TE18.49, titled "Construction Staging Area (Phase 2) – 1 Bloor Street West (Balmuto Street)". The Toronto and East York Community Council deferred consideration of the item until its October 15, 2020 meeting;
 - (i) Toronto and East York Community Council, at its meeting on October 15, 2020, had before it item TE19.29, titled "Construction Staging Area (Phase 2) – 1 Bloor Street West (Balmuto Street), which item was referred back by Toronto and East York Community Council to the Acting Director, Traffic Management, Transportation Services, for further consideration.
 - (j) Toronto and East York Community Council, at its meeting on November 10, 2020, had before it item TE20.29, titled "Construction Staging Area – 1 Bloor Street West (Balmuto Street)". The Toronto and East York Community Council adopted this item. This item was considered by City Council on November 25 and 26, 2020 where City Council adopted the item as amended authorizing, among other things, the issuance of a temporary street occupation permit and a closure of a portion of Balmuto St. from November 30, 2020 to November 30, 2022.
 - (k) Toronto and East York Community Council, at its meeting on November 30, 2022, had before it item TE1.11, titled "1 Bloor Street West (Yonge Street, Bloor Street and Balmuto Street) - Construction Staging Area Time Extension". The Toronto and East York Community Council adopted this item as amended. This item was considered by City Council on December 14 and 15, 2022 where City Council adopted the item authorizing, among other things, the issuance of a temporary street occupation permit and a closure of a portion of Balmuto St. from December 14, 2022 to March 31, 2023, inclusive.
 - (l) Toronto and East York Community Council, at its meeting on February 23, 2023, had before it item TE3.23, titled "1 Bloor Street West (Yonge Street and Balmuto Street) - Construction Staging Area Time Extension". The Toronto and East York Community Council adopted this item as amended. This item was considered by City Council on March 29, 30, and 31, 2023 where City Council adopted the item authorizing, among other things, the issuance of a temporary street occupation permit and a closure of a portion of Balmuto St. from April 1, 2023 to April 1, 2024, inclusive.
 - (m) On October 18, 2023, pursuant to the Order (Appointing Receiver) (the "Receivership Order") of the Ontario Superior Court of Justice (Commercial List) (the "Court"), Alvarez & Marsal Canada Inc. was appointed as receiver and manager (the "Receiver"), without security, of all of the assets, undertakings and properties of Mizrahi Commercial (The One) LP, Mizrahi Development Group (The One) Inc. and Mizrahi Commercial (The One) GP Inc. (collectively, the "Debtors") acquired for, or used in

relation to, a business carried on by the Debtors, including in connection with the Project.

- (n) Pursuant to the Receivership Order, the Receiver is authorized to sell, convey, transfer, lease or assign the Project or any part or parts thereof out of the ordinary course of business, provided that Court approval be obtained for certain transactions, and to, among other things, manage, operate and carry on the business of the Debtors, including the powers to enter into any agreements in respect of same, and apply for any permits, licences, approvals or permissions and any renewals thereof for and on behalf of and, if thought desirable by the Receiver, in the name of the Debtors.
- (o) Toronto and East York Community Council, at its meeting on February 21, 2024, had before it item TE11.36, titled "Construction Staging Area Time Extension - 1 Bloor Street West (Balmuto Street)". The Toronto and East York Community Council forwarded this item without recommendations. This item was considered by City Council on March 20, 2024 where City Council adopted the item authorizing, among other things, the issuance of a temporary street occupation permit and a closure of a portion of Balmuto St. from April 2, 2024 to July 31, 2024, inclusive.

NOW THEREFORE, in consideration of the provisions of this Agreement and good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. RECITALS AND DEFINITIONS

The parties agree that the recitals are true and correct, and form part of this Agreement.

The terms defined herein shall have, for all purposes of this Agreement, the following meanings:

"Claim" or "Claims" includes, but is not limited to, all manner of actions, suits, claims, executions, demands, and any proceeding commenced under the *Expropriations Act*, R.S.O. 1990 c.E.26 by reason of, or on account of, or in consequence of the closure, occupation of, or work on any portion of Balmuto Street and/or Bloor Street, at any time and for all periods, including any period of time prior to the execution of this agreement, or any period of time prior to the issuance of any permit by the City, for the purposes of facilitating the construction of the Project;

"City" means the City of Toronto, and its respective officers, representatives, agents, elected officials and employees, or any of them, and all respective successors, assigns, heirs and administrators;

"Owner" means Mizrahi Development Group (The One) Inc., and includes, as necessary, each of its successors and assigns, but does not include the Receiver.

2. INDEMNITY

- 2.1 In addition to any other indemnities between the Owner and the City, the Owner shall well and truly save, defend, and keep harmless and fully indemnify the City from and against any and all Claims, including any damages, liabilities, liens, costs, expenses, direct or indirect (including reasonable legal fees and disbursements), and losses whatsoever incurred by the City in connection with a Claim and will pay to the City on demand, any damages, liabilities, liens, costs, expenses direct or indirect (including reasonable legal fees and disbursements), and losses whatsoever incurred or paid by

- 4 -

the City in consequence of a Claim, including any monies paid by the City in settlement or discharge of any Claim. This indemnity shall survive the expiration of any street occupation permit issued by the City to the Owner and the expiration of this Agreement.

- 2.2 In the event that any Claim is commenced against or imposed upon the City, the City shall within a reasonable time give notice to the Owner of such Claim. Upon the receipt of such notice from the City, the Owner, at their own expense (but only to the extent that such matter is covered by this Agreement), shall defend, contest, appeal, or settle such Claim on behalf of the City, and provide updates on the progress of the litigation upon request. The City reserves the right, upon giving further notice at any time, to conduct its own defence, contestation, appeal or settlement negotiations at its own expense after giving notice to the Owner. If the Owner is not diligently contesting or defending such legal document, process or claim, then the City reserves the right to elect to conduct its own appeal, contestation, defence or settlement negotiations at the Owner's expense, provided that the costs relating thereto are reasonable, after giving notice of same to the Owner.
- 2.3 Subject to obtaining approval of the Court, which the Receiver covenants to diligently seek, the Receiver, on behalf of the Owner, shall obtain a letter of credit in favour of the City and in a form agreeable to the City, acting reasonably, in the amount of \$1,000,000 for the purposes of guaranteeing the Owner's obligations pursuant the indemnity given hereunder (the "**Financial Assurance**"). The Parties covenant and agree to meet in good faith on an annual basis to discuss reducing the amount of Financial Assurance, provided that in the event of a settlement or other resolution of the Mappro Realty Inc. litigation involving the Owner and the City, the Parties shall meet promptly following such settlement or resolution to discuss reducing the amount of Financial Assurance.

3. NO PERSONAL LIABILITY OF RECEIVER

- 3.1 The Receiver is executing this Agreement on behalf of the Owner solely in its capacity as Receiver and not in its personal or corporate capacity. The City agrees and acknowledges that this Agreement (including, without limitation, the indemnity given hereunder by the Owner), and any other agreement or instrument entered into by the Receiver in connection with this Agreement, are entirely non-recourse to Alvarez & Marsal Canada Inc. and any of its affiliates and any of their respective shareholders, directors, officers or employees. For greater certainty, the Receiver shall have no personal liability under or in connection with this Agreement, and it expressly disclaims any such liability.

4. MISCELLANEOUS

- 4.1 Any notice or other communication (a "Notice") to be given under or in connection with this Agreement shall be in writing and shall be personally delivered (including by means of commercial messenger service) or sent by electronic mail or facsimile, return receipt requested:

City:**City of Toronto**

55 John Street, Metro Hall, 26th Floor
Toronto, Ontario, M5V 3C6
Email: gadi.katz@toronto.ca

Attention: Legal Services Office (Attn: Gadi Katz, Municipal Law Group)

Owner:**Mizrahi Development Group (The One) Inc.**

c/o Alvarez & Marsal Canada Inc., in its capacity as
receiver and manager of all of the assets, undertakings
and properties of Mizrahi Development Group (The One) Inc., et al.
Royal Bank Plaza, South Tower
200 Bay Street, Suite 3501
Toronto ON M5J 2J1
Telephone: 1-855-499-1480
E-mail: sferguson@alvarezandmarsal.com
jnevsky@alvarezandmarsal.com

Attention: Stephen Ferguson, Senior Vice-President
Josh Nevsky, Senior Vice-President

- 4.2 Notice of change of address shall be given in the manner detailed herein. Notice sent by personal delivery, electronic mail or facsimile shall be deemed received on the date of delivery or transmission, as the case may be, if within usual business hours on a business day or otherwise on the next business day.
- 4.3 If any provision of this Agreement shall be held to be invalid, illegal or unenforceable, the validity, legality or enforceability of the remaining provisions of this Agreement shall not in any way be affected or impaired thereby.
- 4.4 This Agreement constitutes the entire agreement between the City and the Owner with respect to the matters set out herein and may not be modified except by subsequent agreement in writing executed by the City and the Owner.
- 4.5 This Agreement shall enure to the benefit of and be binding upon the Parties hereto and their respective successors and assigns. This Agreement may not be assigned by a party unless the Agreement is assigned in its entirety and unless the other party's consent in writing, which consent shall not be unreasonably withheld or delayed, is obtained.
- 4.6 The Owner shall not transfer any interest in the Project without requiring the proposed transferee to enter into an assumption agreement with the City, satisfactory in form and content to the City Solicitor, wherein the proposed transferee agrees to assume the covenants and obligations of any permit issued by the City for the purposes of facilitating the construction of the Project, to provide in a form agreeable to the City, acting reasonably, a letter of credit or equivalent financial assurance of \$1 million or such other amount as the City may reasonably require and to be bound by all terms of this Agreement. Should Court approval be required to effect same, the Owner undertakes to diligently seek such Court approval. For clarity, the Parties agree that subject to the proposed transferee having entered into the aforementioned assumption

agreement, the Financial Assurance shall be cancelled upon closing of any sale of the Project.

- 4.7 Nothing in this Agreement shall be construed to limit the scope of any indemnities previously granted by the Owner to the City, including without limitation those in the Indemnity Agreements dated December 16, 2020, December 14, 2022, and March 31, 2023 (collectively, the "**Prior Indemnities**"), provided that the City acknowledges and agrees that the Receiver has not affirmed the Prior Indemnities.
- 4.8 This Agreement and the rights and obligations and relations of the Parties shall be governed by and construed in accordance with the laws of the Province of Ontario and the federal laws of Canada applicable therein. Should any provision or provisions of this Agreement be illegal or unenforceable in law, it or they shall be considered separate and severable from the Agreement and its remaining provisions shall remain in force and be binding upon the Parties hereto as though the said provision or provisions had never been included.
- 4.9 This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. This Agreement may be executed by electronic signature so long as the use of an electronic signature complies with the *Electronic Commerce Act, 2000, S.O. 2000, c.17*. Alternatively, the Parties may each sign this Agreement by means of a scanned original signature that is received by the other party in a file format acceptable to that other party. Such scanned original signature shall be deemed to be an original signature for the purposes of this Agreement with the same legal effect as an original signature. The Agreement may be transmitted by electronic mail, facsimile, or such similar device. The production of signatures in electronic mail, facsimile, or such similar device, will be treated as binding as if originals. Each Party undertakes to provide the other party with a copy of the Agreement bearing original signatures upon demand.

REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF the City and the Owner have executed this Agreement with effect from the date first above written.

CITY OF TORONTO

DocuSigned by:
Barbara Gray
5C5030DB65D8425...

Per: _____
Barbara Gray
Transportation Services

I have the authority to bind the City.

MIZRAHI DEVELOPMENT GROUP (THE ONE) INC., by Alvarez & Marsal Canada Inc., solely in its capacity as receiver and manager of all of the assets, undertakings and properties of Mizrahi Commercial (The One) LP, Mizrahi Development Group (The One) Inc., and Mizrahi Commercial (The One) GP Inc., and not in its personal or corporate capacity

Per: _____
Name: Stephen Ferguson
Title: Senior Vice-President

I have the authority to bind the Owner.

IN WITNESS WHEREOF the City and the Owner have executed this Agreement with effect from the date first above written.

CITY OF TORONTO

Per: _____

Barbara Gray
Transportation Services

I have the authority to bind the City.

MIZRAHI DEVELOPMENT GROUP (THE ONE) INC., by Alvarez & Marsal Canada Inc., solely in its capacity as receiver and manager of all of the assets, undertakings and properties of Mizrahi Commercial (The One) LP, Mizrahi Development Group (The One) Inc., and Mizrahi Commercial (The One) GP Inc., and not in its personal or corporate capacity

Per:  _____

Name: Stephen Ferguson
Title: Senior Vice-President

I have the authority to bind the Receiver.

This is Exhibit "E" referred to in
the Affidavit of Alison Barclay,
sworn on December 5, 2024.



NICHOLAS ROLFE
A Commissioner, etc.



Royal Bank
Banque Royale

International Trade Centre-Ontario
180 Wellington Street W., 4th Floor
Toronto, ON M5J 1J1
Tel: 1-800-757-4525
Fax: 1-800-450-7774
SWIFT: ROYCCAT2XXX

**Irrevocable
Standby Letter of Credit No.:
SLC2561064T**

Beneficiary:

City of Toronto
Corporate Finance Division
Capital Markets, City Hall
(name/address continued below) .

Applicant:

Alvarez and Marsal Canada Inc.
200 Bay Street - Suite 3501
Toronto, ON M5J 2J1 Canada

Date of Issue:

July 12, 2024

Date and Place of Expiry:

July 11, 2025 Toronto, Ontario

Amount:

CAD 1,000,000.00 One Million Canadian Dollars

Beneficiary's Name/Address Continued:

7th Floor, East Tower
100 Queen Street West
Toronto, Ontario, M5H 2N2
Canada

Irrevocable Standby Letter of Credit No. SLC2561064T

We hereby authorize you, the City of Toronto, to draw on Royal Bank of Canada, International Trade Centre-Ontario, 180 Wellington Street West, 4th Floor, Toronto, Ontario M5J 1J1, (the "Bank"), for the account of Alvarez and Marsal Canada Inc. 200 Bay Street - Suite 3501, Toronto, ON M5J 2J1, (the "Customer"), up to an aggregate amount of CAD 1,000,000.00 (One Million Canadian Dollars) (the "Credit Amount"), available on demand up to July 11, 2025 (the "Initial Expiry Date"), or a subsequent anniversary date, and is hereby given to you pursuant to an Indemnity Agreement between the City of Toronto and Alvarez and Marsal Canada Inc. dated April 2, 2024 (the "Agreement").



Pursuant to the request of the Customer, the Bank hereby establishes in your favour and gives to you an Irrevocable Standby Letter of Credit in the Credit Amount on which you may draw, in whole or in part, at any time and from time to time, subject to the terms herein.

Any drawings under this Letter of Credit shall be made by you presenting to Royal Bank of Canada, International Trade Centre-Ontario, 180 Wellington Street West, 4th Floor, Toronto, Ontario M5J 1J1, a demand in writing authorized by the City Treasurer or Delegate.

Partial drawings are permitted.

Upon receipt of said demand, the Bank shall pay to you the amount stated in the demand, to be payable to you without inquiring whether you have a right as between yourself and the Customer to make such demand, and without recognizing any claim of the Customer or objection by the Customer to payment by the Bank.

This Letter of Credit will continue up to the Initial Expiry Date but shall be subject to the condition that it shall be deemed to be automatically extended, without amendment, for one (1) year from the present or any future expiration date hereof, unless sixty (60) days prior to any such expiration date, the Bank notifies you by notice in writing delivered to the City of Toronto at the above mentioned address, by registered mail or courier, that it shall not extend this Letter of Credit for any such additional period. Upon receipt by you of such notice, you may draw hereunder, for the available balance of this Letter of Credit by presenting a written demand together with confirmation that the amounts drawn will be retained and used by you to meet obligations incurred or to be incurred in connection with the Agreement. The demand must be authorized by the City Treasurer or Delegate.

 Shanjida Popy

Authorized Signature

 DHANUSHKA DHARMASIRI

Authorized Signature

Court File No. No. CV-23-00707839-00CL

B E T W E E N :

KEB HANA BANK as trustee of IGIS GLOBAL PRIVATE

and

MIZRAHI COMMERCIAL (THE ONE) LP, et al

PLACEMENT REAL ESTATE FUND NO. 301, et al

(Short Title of Proceeding)

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at Toronto

AFFIDAVIT OF ALISON BARCLAY
(Affirmed December 5, 2024)

CITY SOLICITOR'S OFFICE

City of Toronto, Legal Services
Station 1260, Metro Hall, 26th Floor
55 John Street
Toronto, ON M5V 3C6

Nicholas Rolfe

LSO No. 660630

Tel: 416-392-7246

Email: nicholas.rolfe@toronto.ca

Lawyers for the Defendant, City of Toronto,
in the Mappro Action

B E T W E E N :

KEB HANA BANK as trustee of IGIS GLOBAL PRIVATE

and

MIZRAHI COMMERCIAL (THE ONE) LP, et al

PLACEMENT REAL ESTATE FUND NO. 301, et al

(Short Title of Proceeding)

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at Toronto

**MOTION RECORD OF THE DEFENDANT,
CITY OF TORONTO**

CITY SOLICITOR'S OFFICE

City of Toronto, Legal Services
Station 1260, Metro Hall, 26th Floor
55 John Street
Toronto, ON M5V 3C6

Nicholas Rolfe

LSO No. 66063O

Tel: 416-392-7246

Email: nicholas.rolfe@toronto.ca

Lawyers for the Defendant, City of Toronto,
in the Mappro Action