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Regulatory Review for 2018-2022 Term of Council Staff Report to Council

Report Number: 2019-51

Department(s): Legislative Services

Author(s): Kiran Saini, Deputy Town Clerk

Meeting Date: May 21, 2019

Recommendations

1. That the report entitled Regulatory Review for 2018-2022 Term of Council dated May 21, 2019 be received; and,
2. That Council repeal schedules 3, 5, 6, 8, 13 and 14 of Licensing By-law 2002-151; and,
3. That Staff be directed to implement the timelines for the review or development of by-laws and frameworks as set out within this report; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

The purpose of this report is to seek Council approval for a timeline for regulatory and licensing by-laws to be reviewed or updated, and for frameworks to be developed for new by-laws during the 2018-2022 Term of Council.

Background

In September 2018 staff issued [Information Report 2018-17](#) which presented a number of by-laws that were updated between 2016 and 2018 and also identified by-laws that required substantial review. At that time, staff also indicated that a workshop with the new Term of Council was required to seek approval for prioritization of by-law review

and development of frameworks for areas that are not currently regulated by the Town. Accordingly, on March 25, 2019 a Regulatory Review Council Workshop was held and staff sought Council feedback on a proposed schedule. This report seeks Council approval for the timeline established during that Workshop.

Additionally, this report seeks Council approval to amend Licensing By-law 2002-151 by repealing schedules 3, 5, 6, 8, 13 and 14. Additional details regarding the schedules are provided within the Discussion section of this report.

Discussion

Guiding Principles for Regulatory Review

Given that the Municipal Act provides broad authority to municipalities to develop by-laws unique to each municipality, there are a number of principles which guide staff in the regulatory area and serve the purpose of providing an overall framework for the same. Staff are expected to act in good faith and in the public’s interest when drafting and presenting by-laws to council for their consideration. By-laws that meet the legislative requirements is only part of the process. Individual needs of communities and consultation with those communities is also an important part of by-law development. Community consultation assists staff with developing municipal standards that are easy to understand.

Well-crafted by-laws should have the following inherent principles:

- The by-law is developed for certainty, predictability, democratic transparency and accountability.
- The by-law is understandable, enforceable and accomplishes council's desired goal.

In addition to the consumer protection and standards licensing regimes create, these regulations can have a positive impact on the tax base through cost recovery. Administrative and licence fees help to offset the administrative and enforcement costs associated with licensing regimes.

Proposed Timeline

The below table represents a timeline for when by-laws will be presented to Council for consideration.

By-law to be presented to Council for consideration in:	Regulatory Area:
Q2 2019	<ul style="list-style-type: none"> • Smoking (tobacco and cannabis) • Animal Control (including options related to enforcement for pet stores)
Q3 2019	<ul style="list-style-type: none"> • Parking Control

By-law to be presented to Council for consideration in:	Regulatory Area:
Q4 2019	<ul style="list-style-type: none"> Vehicles for Hire (e.g., review to include taxis, Uber, Lyft, etc.)
Q1 2020	<ul style="list-style-type: none"> Pet Store Licensing (subject to Council discussion on Animal Control provisions in Q2 2019)
Q2 2020	<ul style="list-style-type: none"> Personal Service Establishments Body Rub Parlours Elections Signs
Q3 2020	<ul style="list-style-type: none"> Short Term Accommodations and Rentals (e.g., AirBnB, HomeAway, etc.)
Q4 2020	<ul style="list-style-type: none"> Hawker & Peddlers (including a review of the name) Tow Trucks
Q1 2021	<ul style="list-style-type: none"> Retail stores selling tobacco
Q2 2021	<ul style="list-style-type: none"> Clothing Donation Bins

Short Term Accommodations and Rentals

Town staff are currently participating in a York Region wide working group on short term accommodations and rentals. This group started meeting in April 2019, and will be meeting on a monthly basis. The intent of this group is to share best practices, and to learn about what regimes are being developed by other municipalities in York Region. Town staff will share information with Council as it becomes available. Based on initial conversations with City of Vaughan, which has been working on regulations for this industry, there was a fairly lengthy period of consultation and regulation development (i.e., a year) before a draft framework being presented to Council.

Licensing Reform

As indicated during the Council Workshop, there are a number of licences that now need to be repealed because of changes to the industry. The following schedules are recommended for repeal as these businesses either no longer exist in Newmarket, or because they have changed. In 2018, the Town issued one licence for a place of amusement, an auctioneer's licence, a billiards licence, and a bowling licence. No licences were issued for horse riding establishments or loud speakers. This decline in licensing for these businesses have been on the decline and therefore staff believe it is appropriate repeal the licensing framework for the same.

Schedules to Licensing By-law recommended for repeal (Attachment 1)

- Schedule 3 - Place of Amusement
- Schedule 5 - Auctioneers
- Schedule 6 - Billiards
- Schedule 8 - Bowling
- Schedule 13 - Horse Riding Establishments
- Schedule 14 - Loud Speakers

Community Consultation

As indicated in the guiding principles section of this report, community consultation and stakeholder input is an important part of regulatory development. As such, there will be both internal and external consultations that will occur prior to frameworks being presented to Council. It is the Town's practice to avoid consultation over the summer months due to the public's limited availability. Municipal partners, for example, York Regional Police, York Regional Public Health, and Committees of Council may be consulted as part of this process.

Conclusion

Upon receiving Council approval of the proposed timeline, staff will work towards conducting the research, analysis and consultation required to inform a regulatory framework for Council.

Business Plan and Strategic Plan Linkages

The initiative relates to the Well-equipped and managed link of the Town's Community Vision – implementing policy and processes that reflect sound and accountable governance.

Consultation

Staff will undertake internal and external consultation using the avenues available to the Town, such as HeyNewmarket, Public Information Centres, focus groups, etc.

Human Resource Considerations

None.

Budget Impact

None.

Attachments

Attachment 1 - Repeal Schedules 3, 5, 6, 8, 13 and 14 of Licensing By-law 2002-151

Approval

Lisa Lyons
Director of Legislative Services/Town Clerk

Contact

For more information please contact Kiran Saini at ksaini@newmarket.ca.