



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 50-2008

A By-law to amend Licensing By-law 1-2002, as amended, to allow appeals to the Brampton Appeal Tribunal, and to make housekeeping amendments to the Licensing By-law, and to Repeal By-law 87-2005

---

**WHEREAS** Council has created the Brampton Appeal Tribunal, which is to be composed of citizens of Brampton;

**AND WHEREAS** the present Licensing By-law 1-2002, as amended, needs to be further amended to allow appeals to the tribunal.

**AND WHEREAS** amendments to the new *Municipal Act* (Bill 130) permit greater discretion to the License Issuer in the administration of the licensing process and amendments are required to implement those in the Licensing By-law 1-2002;

**AND WHEREAS** Licensing By-law 1-2002, as amended, contains a number of minor errors and duplications which may be conveniently corrected at this time without substantially changing the regulatory controls on business licensees;

**NOW THEREFORE the Council of The Corporation of the City of Brampton ENACTS AS FOLLOWS:**

1. The words "licence" and "licencing" wherever they appear in By-law 1-2002 are replaced with "license" and "licensing".
2. The words "Schedule A to By-law 275-2006" on the cover page of By-law 1-2002 are deleted.
3. The index to By-law 1-2002 will take the following general form and the City Clerk is authorized to make editorial changes from time to time.

## INDEX

SECTION #	SECTION NAME	PAGE
1	Definitions.....	
2	Who must be licensed	
3	Work permission and English language	
4	Application Forms.....	
5	Insurance.....	
8	Notification of Change of Information.....	
9	Incomplete Application.....	
10	Posting of License.....	

11 Produce License on Demand .....

12 Grounds for Refusal of a License .....

13 Mobile Licenses .....

14 Mobile Business Driver's License .....

15 Drivers' and Operators' Responsibilities .....

19 Vehicle Inspections .....

24 Plate Owners' Responsibilities .....

28 Administration and Enforcement .....

31 Cancellations and Administrative Suspensions .....

40 Plate Removal .....

42 Statutory Suspensions .....

43 Recommendation for Refusal .....

61-63 Inspection .....

64-68 General Prohibitions .....

73-75 Penalty .....

76-79 Interpretation .....

Schedule M-1..... Driving Schools .....

Schedule M-2..... Refreshment Vehicles .....

Schedule M-3..... Tow Trucks .....

Schedule M-4..... Limousines .....

Schedule M-5..... Taxicabs .....

Schedule S-1 ..... Plumbing & Heating Contractors .....

Schedule S-2 ..... repealed (Plumbing Contractors) .....

Schedule S-3 ..... repealed (Heating Contractors) .....

Schedule S-4 ..... Food handlers .....

Schedule S-5 ..... Place of Public Assembly and Amusement .....

Schedule S-6 ..... Circuses and Traveling Exhibitions .....

Schedule S-7 ..... Second hand goods .....

Schedule S-8 ..... Pawnbrokers .....

Schedule S-9 ..... Animals and Pets Kept for Sale .....

Schedule S-10 ..... Vehicle Facility .....

Schedule S-11 ..... Salvage Yard and Salvage Shop .....

Schedule S-12 ..... Building Renovators .....

Schedule S-13 ..... Adult Entertainment Parlours .....

Schedule S-14 ..... Adult Video Stores .....

Schedule S-15 ..... Tobacco .....

Schedule S-16 ..... Special Occasion Vendors .....

Schedule S-17 ..... Flea Markets .....

Schedule S-18 ..... Fireworks .....

Schedule S-19 ..... Lotteries .....

Schedule S-20 ..... Driveway Contractors .....

Schedule S-21 ..... Newspaper Boxes .....

Schedule S-22 ..... Pool Installation Contractors .....

Schedule S-22 ..... Horse Riding Establishments .....

Schedule S-24 ..... repealed (Day Nurseries) .....

Schedule S-25 ..... Sign Distributors .....

Schedule S 26 ..... Body-Rub Establishments .....

Schedule S 27 ..... Personal Aesthetic Procedures .....

Schedule S 28 ..... Supportive Lodging Houses .....

Appendices

Appendix A ..... Fee Schedule .....

Appendix B ..... Taxicab Tariff .....

Appendix C ..... Certificate of Insurance (General Liability) .....

Appendix D ..... Certificate of Insurance (Mobile) .....

Appendix E ..... Plate Removal .....

Appendix F..... Driving Schools (Restricted Areas) .....

Appendix G ..... Threshold Policy .....

Appendix H ..... Brampton Downtown Business Area..... “

4. The definition of "applicant" in Section 1 of By-law 1-2002 is deleted and replaced with:

"applicant" includes an applicant for a license or renewal of a license, a holder of a license, and in the case of a partnership, a partner of the partnership applying for or holding the license, and in the case of a corporation, an officer or director of the corporation applying for or holding the license;"

5. The definitions of "commissioner" and "committee" in Section 1 of By-law 1-2002 are deleted.
6. The definition of "day nursery" in Section 1 of By-law 1-2002 is deleted.
7. The following definition is inserted into Section 1 of By-law 1-2002:

"Fire Chief" includes his or her designate;"

8. The following definitions are inserted into Section 1 of By-law 1-2002:

"group home type 1" has the same meaning as in the Zoning By-law 270-2004, namely a supportive housing facility located within a dwelling unit that is occupied by four to six persons, exclusive of staff or receiving family, who live as a unit under responsible supervision consistent with the requirements of its residents and which is licensed or approved pursuant to Provincial Statute within the jurisdiction of the Ontario Ministry of Community and Social Services or the Ministry of Health.

A Group Home Type 1 may provide accommodation, supervision and treatment for:

- the developmentally disabled pursuant to the *Developmental Services Act*;
- individuals over sixty years of age in a satellite residence under the *Homes for the Aged and Rest Homes Act*;
- children under the *Child and Family Services Act*; and
- persons under the *Mental Hospitals Act* and *Homes for Special Care Act*.

No supervision or treatment shall be provided to any persons not residing in the group home.

"group home type 2" has the same meaning as in the Zoning By-law 270-2004, namely a supportive housing facility occupied by four to ten persons, exclusive of staff, located within a single detached dwelling or dwelling unit within a commercial building which shall be operated primarily for:

- persons who have been placed on probation under the *Ministry of Correctional Services Act*, the *Criminal Code* or any Act passed to replace the foregoing Acts;
- persons who have been released under the provisions of the *Ministry of Correctional Services Act*, *Corrections and Conditional Release Act* or any Act passed to replace the foregoing Acts;
- persons who have been charged under the *Youth Criminal Justice Act*, but who have been placed in open or secure custody;
- persons who require temporary care, and transient or homeless persons;
- persons requiring treatment and rehabilitation for addiction to drugs or alcohol; or

- persons housed in a group home that satisfies all of the requirements of a Group Home Type 1 except that it accommodates in excess of six residents.

A group home type 2 shall not include a residence defined as a group home type 1, supportive lodging house, lodging house, foster home, or a supportive housing facility."

9. The definition of "license issuer" in Section 1 of By-law 1-2002 is deleted and replaced with:

""license issuer" means the persons appointed under Section 29 to administer this by-law and includes his or her designates;"

10. The definition of "limousine" in Section 1 of By-law 1-2002 is deleted and replaced with:

""limousine" includes a luxury passenger vehicle, with four or more doors, which is not a station wagon, panel truck, bus or van;"

11. The following definition is inserted in Section 1 of By-law 1-2002:

""special occasion vendor" means a person who sells or offers to sell items to the public by exposing the items on:

- (a) lands that are not the site of the person's fixed place of business;
- (b) lands that are not contiguous to the person's fixed place of business; or
- (c) in the case where the person has no fixed place of business, any lands

and shall include the person under whose provincial vendor's permit the person operates, but shall not include any person whose items constitute refreshments within the meaning of this by-law;"

12. The following definition is inserted into Section 1 of By-law 1-2002:

""supportive housing facility" has the same meaning as in the Zoning By-law 270-2004, namely, a place for the accommodation of persons, who by reason of their emotional, mental, social or physical condition or legal status require a supervised group living arrangement for their well being, but excludes a foster home as defined in the *Child and Family Services Act* or successor legislation;"

13. The definition of "supportive lodging house" in Section 1 of By-law 1-2002 is deleted and replaced with the following:

""supportive lodging house" has the same meaning as in the Zoning By-law 270-2004, namely a supportive housing facility located within a single detached dwelling, which accommodates no less than three (3) and no more than six (6) lodgers exclusive of staff and is subject to one or more of the following conditions:

- the operator or employees of the supportive lodging house are effectively paid to give guidance and assistance in the activities of daily living;
- the operator makes it known to the public or to persons such as hospital discharge planners, that care to residents is proved by the operator; and/or

- care is regularly provided to residents by the operator or an adult person employed by the operator to furnish guidance and assistance to the lodgers in the activities of daily living.

A supportive lodging house shall not include a lodging house, a group home type 1, a group home type 2, a foster home, an auxiliary group home or a supportive housing facility;"

14. The following definition is inserted into Section 1 of By-law 1-2002:

“Tribunal” means the Brampton Appeal Tribunal;”

15. The definition of “vendor” in Section 2 of By-law 1-2002 is deleted.

16. Section 2 of By-law 1-2002 is deleted and replaced with the following:

**“LICENSES**

2. A license shall be taken out by:

- (1) every person who carries on the business of teaching persons to operate motor vehicles and every driving instructor employed in such business (M-1);
- (2) every person who operates and every person who drives a vehicle from which refreshments are sold for consumption by the public (M-2);
- (3) every owner and every driver of a tow truck (M-3);
- (4) every person who owns or operates or drives a limousine (M-4);
- (5) every person who owns a taxicab or an accessible taxicab; every person who owns or operates a taxi brokerage; and every person who drives a taxicab or an accessible taxicab (M-5);
- (6) every plumbing contractor, plumber, drain contractor, heating contractor, steam or hot water heating installer, or warm air heating installer (S-1);
- (7) every foodhandler as defined in Schedule S-4;
- (8) every person who owns or keeps a place of public assembly and amusement (S-5);
- (9) every owner or keeper of a circus or traveling exhibition (S-6);
- (10) every person who, for hire or gain, deals in second hand goods, including precious metals, electronics, sporting goods and jewellery (S-7);
- (11) every person who exercises the trade of a pawnbroker (S-8);
- (12) every keeper of a shop or place where animals or birds for use as pets are sold or kept for sale (S-9);
- (13) every person who owns or operates a vehicle facility (S-10);
- (14) every person who owns or operates a salvage shop or salvage yard (S-11);

- (15) every person engaged in the business of building renovator other than persons whose principal business is the construction of buildings or structures (S-12);
- (16) every owner and every operator of an adult entertainment parlour (S-13);
- (17) every person who offers for sale or offers for rent adult videos (S-14);
- (18) every person who sells or offers for sale tobacco products to the public (S-15);
- (19) every special occasion vendor (S-16);
- (20) every person who owns or operates a flea market (S-17);
- (21) every person who sells or offers for sale fireworks (S-18);
- (22) every person operating a bingo lottery, raffle lottery, or lottery scheme as defined in Schedule S-19;
- (23) driveway paving contractor (S-20);
- (24) every person who distributes or causes the distribution of newspapers in a newspaper box; (S-21);
- (25) every pool installation contractor (S-22);
- (26) every owner or operator of a horse riding establishment(S-23);
- (27) every sign distributor (S-25);
- (28) every person who owns or operates a body-rub parlour and every person who performs, offers, or solicits a body-rub at a body-rub parlour in the pursuance of a trade, calling, business or occupation (S-26);
- (29) every person who owns or operates a business which offers personal aesthetic procedures (S-27);
- (30) every person who owns or operates a lodging house or supportive lodging house (S-28)."

17. Section 3(2) of By-law 1-2002 is deleted and replaced with the following:

"3. (2) Applicants for a license for the following businesses shall have a working knowledge of English:

accessible taxicab drivers (Schedule M-5); and  
taxicab drivers (Schedule M-5)."

18. The old Section 4 of By-law 1-2002 is renumbered Section 6.

19. The old Section 5 of By-law 1-2002 is renumbered Section 7.

20. New Section 4 of By-law 1-2002 is inserted:

**"APPLICATION FORM**

4. (1) To apply for a license the applicant shall complete an application, in the form approved by the License Issuer,

together with any further information the License Issuer may require, and pay the fee.

- (2) The License Issuer may require any of the following as part of the application:

registration of a business name, (whether the applicant is a corporation, partnership or carries on as a sole proprietor);  
 a police criminal record search;  
 an up to date photograph;  
 a medical certificate;  
 proof of citizenship, immigration status or other work authorization; or  
 statement from the applicant as to whether charges against the applicant are pending under the *Criminal Code*, the *Controlled Drugs and Substances Act Offences Act*, the *Building Code Act*, the *Fire Code*, the *Highway Traffic Act*, Licensing By-law 1-2002 or the Brampton Zoning By-law 270-2004, or subsequent zoning by-laws.

- (3) Every corporate applicant shall file a copy of the incorporating documents, business name registration, any amending documents, and the most recent annual filing, in a form satisfactory to the License Issuer.

- (4) Every partnership shall file the list of partners, relevant personal information of the partners, business name and other information, in a form satisfactory to the License Issuer.

- (5) A license issued to a partnership may be issued in the name of one partner.

- (6) Where the applicant applies for a license and is the holder of the same type of license but for the previous license period, and the application is incomplete or fee unpaid fee 60 days after the expiry date, the License Issuer may, in his or her sole discretion, deem the application to be a new application or exercise the power set out in Section 9.

- (7) Notwithstanding that a license has been issued, the License Issuer may require that the applicant file further information or require further documentation in respect of a fact which the applicant has already attested to or previously supplied documentation."

21. The old Section 8 of By-law 1-2002 (Insurance) is renumbered as Section 5.
22. The old Sections 6 and 7 of By-law 1-2002 are deleted.
23. The old Section 10 of By-law 1-2002 (Notification of Change of Information) is renumbered as Section 8.
24. The old Section 9 of By-law 1-2002 is deleted and replaced with the following:

**"INCOMPLETE APPLICATION**

9. (1) The License Issuer may require any fee or document, including proof that any requirement of any law or by-law has been met, before a license is issued. If the License Issuer has made reasonable efforts to obtain the required information but the application remains incomplete, the

License Issuer may issue a Notice of Incomplete Application and close the file.

- (2) A closed application file is subject to a \$50 administration fee.
- (3) The issuance of a Notice of Incomplete Application is not a statutory power of decision and is not subject to appeal to the Tribunal."

25. New Section 10 of By-law 1-2002 is inserted:

**"POSTING OF LICENSES**

10. Any license issued under this by-law shall be posted in a conspicuous place clearly visible to the public."

26. Section 11 of By-law 1-2002 is deleted and replaced with the following:

**"PRODUCE LICENSE ON DEMAND**

11. Every person listed below shall keep the license on his or her person, and upon request of the License Issuer or the Police, produce the license and any other required documents.

- Schedule M-1: Driving school instructor
- Schedule M-2: Refreshment vehicle Class A – Coffee truck operator  
Refreshment vehicle Class B – Ice cream bike operator  
Refreshment vehicle Class C – Hot dog/Chip operator  
Refreshment vehicle Class D – Ice cream truck operator
- Schedule M-3: Tow truck operator  
Tow truck driver
- Schedule M-4: Limousine driver
- Schedule M-5: Accessible taxicab driver  
Taxi driver
- Schedule S-1: Electrical, plumbing and heating contractors
- Schedule S-4: Food handler
- Schedule S-7: Second hand goods dealer
- Schedule S-8: Pawnbroker
- Schedule S-11: Keeper of salvage shop
- Schedule S-12: Building renovator
- Schedule S-13: Adult entertainment parlour operator
- Schedule S-16: Special Occasion Vendor
- Schedule S-17: Person operating market as defined in S-17
- Schedule S-18: Persons selling fireworks
- Schedule S-19: Persons operating a bingo lottery, raffle lottery or lottery scheme
- Schedule S-20: Driveway paving contractor
- Schedule S-22: Pool installation contractor
- Schedule S-26: Body Rub establishment operator  
Body Rub establishment attendant"

27. Section 12 of By-law 1-2002 is deleted and replaced with the following:

**"GROUNDS FOR REFUSAL OF LICENSE**

12. An applicant whose application or license holder whose license meets all the requirements of this By-law and its Schedules is entitled to a license except if the License Issuer is of the opinion



that any of the following occurs, and in coming to this opinion the License Issuer may be guided by the policy set out in Appendix G:

- (1) the issuance or the holding of a license would be contrary to the public interest in respect of:
  - (a) The health and safety of any person;
  - (b) A nuisance affecting any land or person in Brampton or Canada; or
  - (c) The protection of any consumer;
- (2) the business which is the subject of the license or license application will not be carried on in accordance with the law and with integrity and honesty ;
- (3) any application or other document provided to the License Issuer by or on behalf of the applicant contains a false statement, or provides false information;
- (4) the financial position of the applicant demonstrates that the business will or has not been carried on in a financially responsible manner;
- (5) the applicant does not meet
  - (a) all the requirements of this By-law; or
  - (b) any other City By-law
- (6) the business of the applicant is carried on or intended to be carried on in an area where it is prohibited. Where the reason for refusal is based solely on the location of the business, Section 153(3) of the *Municipal Act* applies to prevent a refusal in cases where the business was lawfully being carried on at that location at some point prior to the application so long as it has lawfully continued to be used for that business to the time of application;
- (7) the business for which the license has been issued has not been carried on for a continuous period of sixty days or more;
- (8) the applicant has failed to pay a fine or fines imposed by a court for convictions for breach of a City by-law;
- (9) the building, premises or place or part thereof in which the business is carried on or intended to be carried on does not comply with the provisions of this By-law, or with any other law, or by-law, including any applicable zoning or building requirements, or is dangerous or unsafe;
- (10) the equipment, vehicles and other personal property used or kept for hire in connection with the carrying on of or engaging in the business licensed hereunder is dangerous, or unsafe or contains information or labeling that is misleading to consumers;
- (11) the fee payable for the license or license application has not been paid;
- (12) any additional fee imposed on a licensee remains unpaid after the due date as indicated in a Notice of Additional Fee sent to the licensee."

28. Section 14(9) of By-law 1-2002 is deleted and replaced with the following:

"14. (9) Despite Section 14(7), the License Issuer may in his or her discretion accept applications for a mobile business driver's license prior to 30 days before the expiry of the license."

29. Section 19 of By-law 1-2002 is deleted and replaced with the following:

**"VEHICLE INSPECTIONS**

19. (1) In this section, "unlicensed vehicle" means a vehicle that is not licensed by the City of Brampton.
- (2) No person holding a business license shall operate or permit to be operated any unlicensed vehicle.
- (3) If the License Issuer suspects that a vehicle is or may cause a danger to the health or safety of any person or property, the License Issuer shall advise the owner or person in control of the vehicle and he or she shall immediately submit the vehicle for inspection to the License Issuer.
- (4) A vehicle that the License Issuer has requested be inspected or is submitted to the License Issuer under Section 19(3) shall not be operated or permitted to be operated until it has passed the inspection.
- (5) The License Issuer may immediately suspend the license of a person who fails to comply with Sections 19(2), 19(3) or 19(4)."

30. Section 23 of By-law 1-2002 is deleted and replaced with the following:

"23. It is the responsibility of every owner and driver of any vehicle licensed under this by-law to ensure that the vehicle is:

- (1) clean;
- (2) in good repair as to its interior and exterior portions;
- (3) free from exterior body damage and has a well maintained exterior paint finish and trim; and
- (4) in possession of all wheel covers."

31. Section 25 of By-law 1-2002 is deleted and replaced with the following:

"25. No person shall:

- (1) use a cancelled plate; or
- (2) operate a vehicle without a plate or with an illegible plate."

32. Section 29 of By-law 1-2002 is deleted and replaced with the following:

- "29 (1) Council shall appoint a License Issuer and such other officers as may be necessary to carry out the administrative duties associated with the licensing function for the City of Brampton.
- (2) The City Clerk and Director, Council & Administrative Services is appointed License Issuer for stationary licenses and the Director of Enforcement and By-law Services, Legal Services is appointed License Issuer for mobile licenses."

- 33. Sections 37, 38 and 39 of By-law 1-2002 are deleted.
- 34. Section 42 of By-law 1-2002 is deleted and replaced with the following:

**“STATUTORY SUSPENSIONS**

- 42. Notwithstanding any other section of this by-law, a License Issuer may suspend a license pursuant to subsections 151(2) or 151(3) of the Municipal Act.”
- 35. The heading preceding the old Section 42 of By-law 1-2002 (“REFUSALS AND HEARING PROCEDURES”) is deleted.
- 36. Section 43 of By-law 1-2002 is deleted and replaced with the following:

“43. Based on the grounds set out in Section 12 of this By-law, where the License Issuer is of the opinion that:

- (1) an application for a license should be refused,
- (2) a reinstatement should not be made,
- (3) a license should be revoked,
- (4) a license should be suspended, or
- (5) a term or condition of a license should be altered

he or she shall make that decision and give the applicant written notice, with reasons for the decision.”

- 37. Sections 44 to 50 of By-law 1-2002 are deleted and replaced with the following:

**“NOTICE SHALL ADVISE OF RIGHT OF APPEAL**

- 44. The written notice in Section 43 shall also advise that the applicant may appeal to the Tribunal by filing written notice and reasons in support to the City Clerk, accompanied by the appeal fee as set out in the City’s User Fee By-law, and the notice shall specify the final date for the sending of the written notice.

**SERVICE OF NOTICE OF DECISION**

- 45. Any written notice required to be given by the License Issuer to any person shall be deemed to be received on the “receipt date”, which is:
  - (1) in the case of mailed documents, four days following the mailing, as determined from the postmark;
  - (2) in the case of an emailed or faxed document, the day of emailing or faxing;
  - (3) in the case of a document that is delivered in person, the date of delivery.

Where more than one method of delivery is used, the operative receipt date for the calculation of the time for an appeal is the latest of the possible receipt dates.

- 46. Where a notice is mailed, it is sufficient to use the applicant’s last known address.

**RIGHT TO APPEAL**

47. The applicant may appeal the License Issuer's decision to the Tribunal by filing written notice, with reasons in support, to the City Clerk, accompanied by the appeal fee as set out in the City's User Fee By-law, within fifteen (15) days following the receipt date of the decision.
48. On receipt of a written request for a hearing from the applicant, the City Clerk shall schedule a hearing and shall give the applicant and the License Issuer reasonable written notice of the date, time and place of the hearing in accordance with the Brampton Appeal Tribunal By-law.
49. If the City Clerk does not receive an appeal by the fifteenth (15th) day following the receipt date of the decision, the decision is final.

#### **APPEAL DOES NOT SUSPEND DECISION**

50. The filing of an appeal does not operate to suspend the License Issuer's decision."
38. Sections 51 to 54 of By-law 1-2002 are deleted.
39. The phrase "Committee of Council (Licensing)" in Section 55 of By-law 1-2002 is replaced with the word "Tribunal", and the phrase "its staff" is replaced with "Council or employees of the City".
40. The phrase "eighteen (18)" in Section 57 of By-law 1-2002 is replaced with the phrase "twelve (12)".
41. Section 58 of By-law 1-2002 is deleted and replaced with the following:
- "58. Notwithstanding that the Tribunal has ordered a license to be:
- granted;  
reinstated;  
ended a suspension; or  
changed a condition to a license
- the applicant is still required to fulfill the requirements of Sections 4, 5, 6, 7, and 8 of this By-law, including the paying of any fee, unless otherwise ordered by the Tribunal."
42. The phrase "endorsed upon his or license" Section 60 of By-law 1-2002 is replaced with the phrase "endorsed upon the license".
43. The following is inserted as Section 61.1 of By-law 1-2002:
- "61.1. Every licensed premises shall be kept in a clean, neat and sanitary condition."
44. Section 70 of By-law 1-2002 is deleted and replaced with the following:
- "70. No person licensed under this by-law shall, in respect of any person being guided or assisted by a service animal:
- (1) refuse to serve such person;
- (2) refuse to permit such person to enter with the animal into or upon any place, premises, vehicle or thing to which the license relates; or

- (3) refuse to permit such person and such animal to remain in or upon such place, premises, vehicle or thing , by reason only of the presence of the said animal."
45. The phrase "physically challenged person" in Section 71 of By-law 1-2002 is replaced with the phrase "disabled person".
46. The phrase "physical handicap" in Section 71(3) of By-law 1-2002 is replaced with the word "disability".
47. The word "Council" in Section 2 of Scheduled M-1 of By-law 1-2002 is replaced with the words "The License Issuer".
48. Section 3 of Schedule M-1 of By-law 1-2002 is deleted.
49. The phrase "the area identified as the Brampton Downtown Business Area as indicated on Appendix 1 to Schedule M-2" in Section 22 of Schedule M-2 of By-law 1-2002 is deleted and replaced with "the area identified as the Brampton Downtown Business Area as indicated on Appendix H to By-law 1-2002".
50. The following is added as Section 24 to Schedule M-2 to By-law 1-2002.
- "24. Every refreshment vehicle and all parts and equipment for use in the dispensing of refreshments shall be kept in a clean and sanitary condition and in good repair."
51. The words "SCHEDULE 1 TO BY-LAW 142-2002" and "Appendix 1 to Schedule M-2 to By-law 1-2002" are deleted from Appendix 1 to Schedule M-2 of By-law 1-2002 and this Appendix is renamed "Appendix H to By-law 1-2002" and relocated appropriately in By-law 1-2002.
52. Section 2 of Schedule M-4 of By-law 1-2002 is deleted and replaced with:
- "2. Every applicant for a limousine plate owner's license must be an Ontario or Canada corporation."
53. Section 4(1) of Schedule M-4 of By-law 1-2002 is deleted and replaced with the following:
- "4. (1) For requirements to show the license to authorities, please see Section 11 of the main body of By-law 1-2002;"
54. Section 4(4) of Schedule M-4 of By-law 1-2002 is deleted and replaced with the following:
- "4. (4) identify himself or herself to any passenger upon request by producing the limousine driver's business license and any other identification required;"
55. The phrase "all the information in his possession" in Section 4(6) of Schedule M-4 of By-law 1-2002 is replaced with the phrase "all the information in the driver's possession".
56. The phrase "accessible driver" in Section 1 and Section 6(3) of Schedule M-5 of By-law 1-2002 is replaced with the phrase "accessible taxicab driver".
57. The definition for "accessible owner" in Section 1 of Schedule M-5 of By-law 1-2002 is deleted.
58. Section 15 of Schedule M-5 of By-law 1-2002 is deleted.

59. Sections 20(1)(i) and 20(1)(j) of Schedule M-5 of By-law 1-2002 are deleted and replaced with the following:
- “20. (1) . . . .
- (i) no smoking signs;
  - (j) an in-car surveillance camera that is maintained and operating at all times that the vehicle is used; and
  - (k) an emergency light system that can be activated by a driver in emergency situations.”
60. The phrase “his plate” in Section 28(1) of Schedule M-5 of By-law 1-2002 is replaced with the phrase “the taxi plate”.
61. Section 35(1) of Schedule M-5 of By-law 1-2002 is deleted and replaced with the following:
- “35 (1) In order to remain on the priority list, a person must pay the appropriate fee and the License Issuer may require at any time:
- (a) a statement in writing signed by every person by whom the applicant was employed or to whom the applicant provided service as a taxicab driver, taxi dispatcher or taxi brokerage office manager, that the applicant worked as such, for at least twenty-four (24) hours per week for forty (40) weeks during the preceding twelve (12) months;
  - (b) a copy of the applicant's relevant T4 Slips and Income Tax Return for the preceding year in the form in which it was submitted to the Federal Government; or
  - (c) a copy of trip records for the preceding year.”
62. The phrase “his employer” in Section 42(2) of Schedule M-5 of By-law 1-2002 is replaced with the phrase “the driver’s employer”.
63. The phrase “his driver’s photograph card” in Section 42(8) of Schedule M-5 of By-law 1-2002 is replaced with the phrase “the driver’s photograph card”.
64. The phrase “to engage his taxicab” in Section 43(6) of Schedule M-5 of By-law 1-2002 is replaced with the phrase “to engage the taxicab”.
65. The phrase “by advancing his taxi” in Section 44(8) of Schedule M-5 of By-law 1-2002 is replaced with the phrase “by advancing his or her taxi”.
66. Section 46 of Schedule M-5 of By-law 1-2002 is deleted.
67. The subtitle to Schedule S-1 of By-law 1-2002 is deleted and replaced with “Relating to Plumbing and Heating Contractors”.
68. Section 1 of Schedule S-1 of By-law 1-2002 is deleted and replaced with the following:
- “1. Every plumber, plumbing contractor, drain contractor, heating contractor, steam or hot water heating installer and warm air heating installer shall file with the License Issuer a copy of his or her Provincial trade certification.”

69. Section 6 of Schedule S-5 of By-law 1-2002 is deleted.
70. Section 3 of Schedule S-6 of By-law 1-2002 is deleted and replaced with the following:
- "3. (1) In this Section, "equipment" includes a tent, shelter, cage, pole, stand platform, seating accommodation, machinery, platform, apparatus, mechanical device, ride, or any other structure or erection.
  - (2) No licensee under this Schedule shall erect any equipment until the licensee has complied with Section 2 of this Schedule.
  - (3) No licensee under Schedule 5 (Place of Public Assembly and Amusement) shall permit the erection, assembly or placement of any equipment until the owner of the equipment has complied with Section 2 of this Schedule."
71. The phrase "shall file with his application" in Section 1 of Schedule S-8 of By-law 1-2002 is deleted and replaced with the phrase "shall file with the application".
72. The phrase "shall carry on his business" in Section 2 of Schedule S-8 of By-law 1-2002 is deleted and replaced with the phrase "shall carry on the business".
73. Section 2 of Schedule S-9 of By-law 1-2002 is deleted and replaced with the following:
- "2. (1) A separate license shall be taken out for each pet shop.
  - (2) A store whose product line includes animals, and of which the only type of animal for sale is live fish, is exempted from the requirement to obtain a license under Schedule S-9."
74. The phrase "his license application" in Section 4 of Schedule S-9 of By-law 1-2002 is deleted and replaced with the phrase "the license application".
75. The phrase "kept by him" in Section 5 of Schedule S-9 of By-law 1-2002 is deleted.
76. The phrase "his stock of animals" in Section 7 of Schedule S-9 of By-law 1-2002 is replaced with the word "animals".
77. Section 14 of Schedule S-9 of By-law 1-2002 is deleted.
78. Section 15 of Schedule S-9 of By-law 1-2002 is deleted and replaced with the following:
- "15. Without limiting the effect of Section 3, no owner of a pet shop shall sell or permit the sale of any chick, duckling, live poultry or other livestock."
79. The phrase "his salvage yard or salvage shop" in Section 3 of Schedule S-11 of By-law 1-2002 is replaced with the phrase "the salvage yard or salvage shop".
80. Section 1 of Schedule S-12 of By-law 1-2002 is deleted and replaced with the following:
- "1. Every person who conducts business or offers any services for which a license is required under this Schedule under a sole

proprietorship business name or a corporate business name shall register it with the Ministry of Consumer and Commercial Relations”

81. Section 4 of Schedule S-13 of By-law 1-2002 is deleted and replaced with the following:

- “4. (1) In addition to obeying the requirements of the Sign By-law, no person shall display, or cause to be erected or displayed, a sign or advertising device used for the purpose of promoting an adult video store, where such sign or advertising device
- (a) conveys a message through the use of pictures, graphics or any means other than by the use of words;
  - (b) has any animation;
  - (c) has flashing lights; or
  - (d) is designed to revolve on an axis.
- (2) For the purpose of this section, "animation" shall mean any motion of a display or part thereof, whether by mechanical action or the flashing on and off of its lights.”

82. The misspelling of “video” in Section 1(3) of Schedule S-14 of By-law 1-2002 is corrected.

83. Section 9 of Schedule S-14 of By-law 1-2002 is deleted and replaced with the following:

- “9. (1) In addition to obeying the requirements of the Sign By-law, no person shall display, or cause to be erected or displayed, a sign or advertising device used for the purpose of promoting an adult video store, where such sign or advertising device
- (a) conveys a message through the use of pictures, graphics or any means other than by the use of words;
  - (b) has any animation;
  - (c) has flashing lights; or
  - (d) is designed to revolve on an axis.
- (2) For the purpose of this section, "animation" shall mean any motion of a display or part thereof, whether by mechanical action or the flashing on and off of its lights.”

84. The subtitle to Schedule S-16 of By-law 1-2002 is replaced with “Relating to Special Occasion Vendors”.

85. Section 1 of Schedule S-16 of By-law 1-2002 is deleted.

86. Section 2 of Schedule S-16 of By-law 1-2002 is deleted and replaced with the following:

- “2. Every special occasion vendor shall file with the License Issuer the following:
- (1) a description of the goods or items being sold;
  - (2) identification satisfactory to the License Issuer;
  - (3) Goods and Services Tax registration;
  - (4) Provincial Sales Tax Registration;
  - (5) certificate of Insurance;
  - (6) written permission of the property owner of the land from which the special occasion vendor intends to sell the products;
  - (7) a dimensioned drawing identifying the location where the special occasion vendor will set up; and



- (8) Zoning Department approval.”
87. The phrase “the Brampton Downtown Business Area as identified on Appendix to Schedule M-2 of By-law 1-2002” in Section 4(5) of Schedule S-16 of By-law 1-2002 is replaced with the phrase “the Brampton Downtown Business Area as identified on Appendix H to By-law 1-2002”.
88. The word “vendor” in Sections 3 and 5(2) of Schedule S-16 of By-law 1-2002 is replaced with “special occasion vendor”, and the phrase “vendor’s license” in Sections 4, and 5 is replaced with “special occasion vendor’s license”.
89. The phrase “Relating to persons maintaining and operating markets” in the title of Schedule S-17 of By-law 1-2002 are replaced with the following phrase: “Relating to persons maintaining and operating flea markets”.
90. Section 1(1) of Schedule S-17 of By-law 1-2002 is deleted and replaced with the following:
- “1. (1) “flea market” means that area, whether enclosed by a building or not, in which individual stalls are rented to vendors other than the person who owns the premises, for the purpose of individually exposing new or used goods and wares for sale and the period of rental is not continuous throughout the year.”
91. The phrase “owner of a market” in Section 2 of Schedule S-17 of By-law 1-2002 is replaced with the phrase “owner of a flea market”.
92. The word “he ” in Section 34 of Schedule S-19 of By-law 1-2002 is replaced with “he or she”.
93. The word “he ” in Section 9 of Schedule S-23 of By-law 1-2002 is replaced with “he or she”.
94. The phrase “owner’s/operator’s license or the renewal thereof” in Section 2(1) of Schedule S-26 of By-law 1-2002 is replaced with the phrase “owner’s or operator’s license”.
95. The word “his” in Sections 2(3), 5(6), 6, 7 and 11 of Schedule S-26 of By-law 1-2002 is replaced with the phrase “his or her”.
96. Section 2(6) of Schedule S-26 of By-law 1-2002 is deleted and replace with the following:
- “2. (6) Every application for renewal of a Body Rub Establishment license which is not made within 60 days following the expiry date shall be deemed to be a new application and subject to Section 19 of this Schedule.”
97. The words “in size” in Section 9 of Schedule S-26 of By-law 1-2002 are deleted.
98. The phrase “the Building Code as amended from time to time issued pursuant to the Building Code Act, 1992, S.O. 1992 c.23” in Section 11(1) of Schedule S-26 of By-law 1-2002 is replaced with the phrase “Ontario Building Code”.
99. Sections 11(6) and 11(7) of Schedule S-26 of By-law 1-2002 are deleted.
100. The word “he ” in Section 13 of Schedule S-26 of By-law 1-2002 is replaced with “he or she”.

- 101. Section 20(c) of Schedule S-26 of By-law 1-2002 is deleted.
- 102. Sections 21, 22, 23 and 24 of Schedule S-26 of By-law 1-2002 are deleted.
- 103. The section immediately following Section 13 in Schedule S-26 of By-law 1-2002 is renumbered as Section "14".
- 104. Schedule S-27 of By-law 1-2002, relating to lodging houses, is renumbered as "Schedule S-28".
- 105. Sections 4, 5, 6 and 7 of the new Schedule S-28 of By-law 1-2002 are renumbered using the format 1(1)(a)(i) etc.
- 106. The new Sections 6(2) and 6(3) of the new Schedule S-28 of By-law 1-2002 relating to lodging houses are deleted and replaced with the following:
  - "6. (2) Smoke detectors or smoke alarms be installed in the following areas:
    - (a) each sleeping unit;
    - (b) corridors;
    - (c) the top of stairwells;
    - (d) basement; and
    - (e) storage rooms.
  - (3) Every smoke detector and smoke alarm shall be:
    - (a) of the single station alarm type; or
    - (b) equipped with visual indication and connected by the building's electrical supply without a disconnect wall switch or be independently (battery) powered and maintained in good working order, or electrically connected to other smoke alarms accordance with Article 9.3.4.1 of the Ontario Fire Code, or
    - (c) installed in accordance with Subsection 9.5.4 of the Ontario Fire Code, where existing as a component of a fire alarm system;"
- 107. The row "Day Nursery" is deleted from the Table of Stationary License Fees in Appendix A of By-law 1-2002. The row for "Vendor" is renamed "Special Occasion Vendor" and relocated below the row for "Second Hand Goods".
- 108. Appendix E of By-law 1-2002 is deleted and replaced with the following:

**APPENDIX E TO BY-LAW 1-2002**

**By-law 1-2002**

- Section 2 (fail to obtain license)
- Section 4 (fail to supply proper information on application form)
- Section 5 (insurance)
- Section 6 (fail to supply up to date photo )
- Section 7 (fail to report HTA suspension)
- Section 8 (fail to notify of change of information)
- Section 9 (incomplete application)
- Section 10 (fail to post license in public)
- Section 11 (fail to produce license to authority)
- Section 12 (grounds for refusal)

- Section 14 (fail to provide documentation for mobile business driver's license)
- Section 15 (vehicle not in good mechanical condition)
- Section 16 (fail to keep plate license in vehicle)
- Section 17 (allow driver to drive more than 12 hours a day)
- Section 19 (operate unlicensed vehicle)
- Section 20 (fail to submit vehicle for inspection)
- Section 21 (fail to provide documentation for plate)
- Section 23 (vehicle not in good condition)
- Section 24 (fail plate owner's responsibilities)
- Section 25 (plate cancelled or illegible)
- Section 56 (fail to return plates when license is suspended)
- Section 63 (fail to obey License Issuer's order)
- Section 64 (modify or alter license)
- Section 67 (hinder License Issuer in execution of duties)

**SCHEDULE M-1 TO BY-LAW 1-2002**

(Relating to persons who carry on the business of teaching persons to operate motor vehicles, including truck driving schools and driving instructors employed in such business)

- Section 2 (loss of license associated with business)
- Section 4 (various mechanical or plate offences)
- Section 5 (unapproved vehicle)
- Section 6(2) (fail to show books)

**SCHEDULE M-2 TO BY-LAW 1-2002**

(Relating to owners, operators and drivers of vehicles from which refreshments are sold for consumption by the public)

- Section 3 (unlicensed driver)
- Section 4 (improper display of information)
- Section 5 (sell in prohibited zone)
- Section 6 (sell on highway)
- Section 7 (sell in residential zone)
- Section 8 (locate on private property without consent)
- Section 9 (unwholesome food)
- Section 11 (no refuse container)
- Section 12 (audible back-up signal)
- Section 13 (fail to comply with schedule)
- Section 14 (vehicle not in good condition)
- Section 15 (improperly packaged foods)
- Sections 16,17,18 (no approval of MOH)
- Section 19 (meat not cooked)
- Section 20 (improperly stored foods)
- Section 21 (noise making devices)
- Section 22 (sales in downtown Brampton)
- Section 23 (special event requirements)
- Section 24 (unsanitary vehicle)

**SCHEDULE M-3 TO BY-LAW 1-2002**

(Relating to owners, operators and drivers of tow trucks)

- Section 3 (incomplete information)
- Section 5 (fail to return plate)
- Section 6 (no plate)
- Section 7 (improper plate)
- Section 8 (malfunctioning vehicle or equipment)
- Section 14 (revise rates without notice)
- Section 20 (unauthorized passenger)
- Section 21 (fail to return plate)

- Section 22 (improper equipment)
- Section 23 (improper signage)
- Section 24 (fail to file rates)
- Section 30 (no log)
- Section 31 (logs not maintained for 1 year)
- Section 32 (fail to keep license with driver)
- Section 34 (weight restriction)
- Section 35 (no wrecker body)
- Section 36 (equipment)

**SCHEDULE M-4 TO BY-LAW 1-2002**

(Relating to limousines, limousine drivers and owners)

- Section 3 (limousine maintenance, etc)
- Section 4 (produce license, etc)
- Section 5 (1) (operate without license)
- Section 5 (2) (no vehicle examination)
- Section 5 (3) (limousine operated as taxi cab)
- Section 5 (5) (number of passengers exceeds capacity)
- Section 5 (6) (driver's view obstructed)
- Section 5 (7) (no radio, etc)
- Section 5 (8) (advertising prohibited)
- Section 6 (fail to furnish documents)
- Section 7 (fail to file rates)

**SCHEDULE M-5 TO BY-LAW 1-2002**

(Relating to taxicabs, brokers, owners and drivers)

- Section 4 (fail to return plate)
- Section 6 (accessible taxi driver requirements)
- Section 8 (no wheel chair tie downs)
- Section 9 (broker records, etc)
- Section 12 (unauthorized transfer of plate)
- Section 13 (maintain run sheets)
- Section 17 (no driver's license)
- Section 18 (log of driver)
- Section 19 (unauthorized private transport)
- Section 20 (vehicle markings and equipment)
- Section 21 (unauthorized emblems, etc)
- Section 22 (deceptive operation)
- Section 23 (no tariff card)
- Section 24 (fail to keep trip record)
- Section 25 (unauthorized plate transfer)

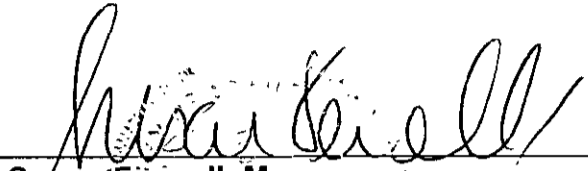
**SCHEDULE M-5 TO BY-LAW 1-2002**

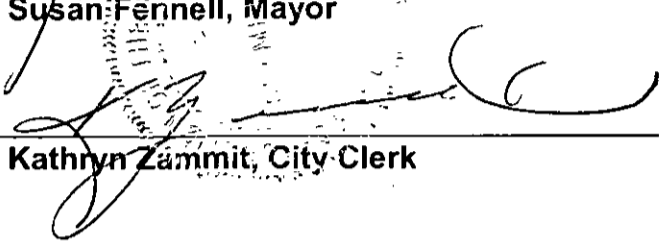
- Section 26 (plate transfer requirements)
- Section 27 (plate transfer to unauthorized person)
- Section 28 (plate lease requirements)
- Section 38 (improperly designated agent)
- Section 39 (deceptive markings)
- Section 40 (broker requirements)
- Section 42 (3) (fail to carry drivers license)
- Section 42 (8) (fail to display photograph)
- Section 43 (1) (number of passengers exceeds capacity)
- Section 43 (3) (alcoholic beverages)
- Section 43 (7) (use unauthorized tariff)

109. The words "Appendix 1" in the second line of Appendix F of By-law 1-2002 are deleted.


- 110. Appendix G (Threshold Policy) of this by-law is inserted as Appendix G to By-law 1-2002.
- 111. By-law 87-2005 is repealed.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS <sup>27<sup>th</sup></sup>~~13<sup>th</sup>~~ DAY OF FEBRUARY, 2008

  
\_\_\_\_\_  
Susan Fennell, Mayor

  
\_\_\_\_\_  
Kathryn Zammit, City Clerk

Approved as to Form and Content

  
T. Yao  
Legal Counsel

## APPENDIX G TO BY-LAW 1-2002

THRESHOLD POLICY**POLICY STATEMENT:**

This policy deals with persons licensed to carry on business in Brampton who must submit a police check as part of their license application. When a police check reveals a prior conviction for a serious offence, the License Issuer must conclude that it is not in the public interest for the person to be licensed and refuse or suspend the license.

When a license is refused or suspended, the License Issuer will advise the person in writing, setting out the specific conviction that forms the basis of the decision, and tell the person of the right to appeal to the Brampton Appeal Tribunal and the deadline for appealing. Any appeal letter must contain reasons in support and be accompanied with payment of a \$75 fee. The Tribunal makes the final decision and there is no further right to appeal to City Council.

In the course of an application, the License Issuer may also inquire into pending court cases and issue a license good until the date of the expected court date. Withholding the fact of a pending court date from the License Issuer is itself a ground for suspension of the license.

**SCOPE:**

The thresholds will apply to licenses issued by the City of Brampton pursuant to the following Schedules under Licensing By-law 1-2002:

M-1	Driving Schools	M-2	Refreshment Vehicles
M-3	Tow Trucks	M-4	Limousines
M-5	Taxicabs	S-19	Lotteries
S-26	Body-Rub Parlours	S-13	Adult Entertainment Parlours
S-14	Adult Video Stores		

**PROCEDURE:****Group 1.****Driving Schools, Refreshment Vehicles, Tow Trucks, Limousines, Taxicabs.****1-A** If an applicant has:

- (1) any code 01 conviction;
- (2) any code 02 conviction within the last ten years;
- (3) any code 03 conviction within the last five years;
- (4) two or more code 03 convictions within the last ten years;
- (5) any code 04 conviction within the last three years;
- (6) two or more code 04 convictions within the last five years;
- (7) any code 05 or 07 conviction within the last year;
- (8) any code 06 conviction within the last three years;
- (9) three or more code 08 convictions within the last year;
- (10) nine or more demerit points, as defined in the *Highway Traffic Act*, on the driver's abstract provided to the Licensing Department;
- (11) six or more by-law related\* convictions within the last year concerning the licensed business or individual, or any other of the individual's businesses that are licensed or are required to be licensed, or any of the individual's prior businesses that were

licensed or were required to be licensed; four or more by-law and related\* convictions within the twelve-months immediately preceding the date of issuance;

- (12) any code 09 event within the last year; or
- (13) overdue by-law fines, unless the applicant or licensee provides proof that such fines have been subsequently paid;

despite the application being complete and all fees paid, the License Issuer shall refuse to issue or renew the license. In the case of an existing license, the License Issuer shall suspend the license.

**1-B** The Licensing Issuer shall issue, renew or reinstate a license, if at the time of the application for a license or renewal, the conviction or event has reached the age set out below.

- (1) The code 02 conviction is more than ten years old;
- (2) If the license was not issued because of a single code 03 conviction, when that conviction becomes more than five years old,
- (3) If the license was not issued because of two or more code 03 convictions, when at least two of those convictions become more than ten years old;
- (4) If the license was not issued because of a single code 04 conviction, when that conviction is more than three years old;
- (5) If the license was not issued because of two or more code 04 convictions, when at least two of those convictions are more than five years old;
- (6) If the license was not issued because of a single code 05 or code 07 conviction, when that conviction is more than a year old;
- (7) If the license was not issued because of a single code 06 conviction, when that conviction is more than three years old;
- (8) If the license was not issued because of two or more code 06 convictions, when at least two of those convictions are more than five years old;
- (9) If the license was not issued because of a single code 07 conviction, when that conviction is more than one year old;
- (10) If the license was not issued because of nine (9) or more demerit points, as defined in the *Highway Traffic Act*, on the driver's abstract provided to the Licensing Department; when the driver's abstract falls below nine (9) demerit points;
- (11) If the license was not issued because of three or more code 08 convictions, when three of those convictions are more than one year old;
- (12) If the license was not issued because of a code 09 event, when that code 09 event is more than a year old; and
- (13) If the license was not issued because overdue by-law fines, when those fines have been paid.

These thresholds shall be applied threshold for threshold. For example if the applicant's license was not granted by reason of a recent code 02 conviction, the license shall be reinstated or issued when the code 02 conviction is more than 10 years old, provided there are no other applicable thresholds.

**1-C** The License Issuer may place conditions and issue a warning letter on a license if an investigation of a licensee reveals circumstances that may in the future cause the licensee to be in contravention of any of the business licensing thresholds listed.

**1-D** The License Issuer may issue a warning letter to be placed in an applicant's file if, at the time of an application for a license or renewal, the applicant has:

- (1) four or more by-law and related\* convictions concerning the licensed business or individual, or any other of the individual's businesses that are licensed or are required to be licensed, or any of the individual's prior businesses that were licensed or required to be licensed, within the twelve months immediately preceding the date of issuance or renewal.

The warning letter must advise the applicant about the specific applicable threshold.

\* Related legislation may include, but is not limited to, City of Brampton Licensing By-law 1-2002.

## Group 2.

### Adult Entertainment Parlours, Adult Video, Body-Rub Parlours

#### 2-A if an applicant has:

- (1) any code 01 conviction;
- (2) any code 02 conviction within the last ten years;
- (3) any code 03 conviction within the last five years;
- (4) two or more code 03 convictions within the last five years;
- (5) two or more code 03 convictions within the last ten years;
- (6) any code 04 conviction within the last three years;
- (7) two or more code 04 convictions within the last five years;
- (8) any code 05 conviction within the last year;
- (9) three or more code 08 convictions within the last year;
- (10) six or more by-law related\* convictions within the last year concerning the licensed business or individual, or any other of the individual's businesses that are licensed or are required to be licensed, or any of the individual's prior businesses that were licensed or were required to be licensed;
- (11) four or more by-law and related\* convictions within the twelve-months immediately preceding the date of issuance; or
- (12) overdue by-law fines, unless the applicant or licensee provides proof that such fines have been subsequently paid

despite the application being complete and all fees paid, the License Issuer shall refuse to issue or renew a license. In the case of an existing license, the License Issuer shall suspend the license.

#### 2-B The Licensing Issuer shall issue, renew or reinstate a license, if at the time of the application for a license or renewal, if the conviction or event has reached the age set out below.

- (1) The code 01 conviction is more than ten years old;
- (2) If the license was not issued because of a single code 02 conviction, when that conviction becomes more than five years old;
- (3) If the license was not issued because a single code 03 conviction, when that conviction becomes more than five years old;
- (4) If the license was not issued because of two or more code 03 convictions, when two of those convictions become more than ten years old;
- (5) If the license was not issued because of a single code 04 conviction, when that conviction is more than three years old;
- (6) If the license was not issued because of two or more code 04 convictions, when at least two of those convictions are more than five years old;
- (7) If the license was not issued because of a single code 05 conviction, when that conviction is more than a year old;



- (8) If the license was not issued because of a three or more code 08 convictions, when three of those convictions is more than one year old;
- (9) If the license was not issued because of six or more by-law related\* convictions under Sentence 2A x, when six of those convictions are more than a year old;
- (10) If the license was not issued because of four or more by-law related\* convictions under Sentence 2A xi, when four of those convictions are more than a year old; and
- (11) If the license was not issued because overdue by-law fines, when those fines have been paid.

These thresholds shall be applied threshold for threshold as set out in 1-B.

**2-C** The License Issuer may place conditions and issue a warning letter on a license if an investigation of a licensee reveals circumstances that may in the future cause the licensee to be in contravention of any of the business licensing thresholds listed.

**2-D** The License Issuer may issue a warning letter to be placed in an applicant's file if, at the time of an application for a license or renewal, the applicant has:

- (1) four or more by-law and related\* convictions concerning the licensed business or individual, or any other of the individual's businesses that are licensed or are required to be licensed, or any of the individual's prior businesses that were licensed or required to be licensed, within the twelve months immediately proceeding the date of issuance or renewal.

The warning letter must advise the applicant about the specific applicable threshold.

\* Related legislation may include, but is not limited to, City of Brampton Licensing By-law 1-2002.

### Group 3.

#### Lotteries

**3-A** If an applicant has:

- (1) any criminal offence conviction involving minors;
- (2) any code 01 conviction within the last ten (10) years;
- (3) any code 02 conviction within the last ten (10) years;
- (4) two or more code 02 convictions within the last five (5) years;
- (5) one or more of any code 03, 04 or 05 convictions within the last five (5) years;
- (6) five or more by-law related\* convictions within the last year concerning the licensed business or individual, or any other of the individual's businesses that are licensed or are required to be licensed, or any of the individual's prior businesses that were licensed or were required to be licensed; or
- (7) overdue by-law fines, unless the applicant or licensee provides proof that such fines have been subsequently paid;

despite the application being complete and all fees paid, the License Issuer shall refuse to issue or renew a license. In the case of an existing license, the License Issuer shall suspend the license.

**3-B** The Licensing Issuer shall issue, renew or reinstate the license, if at the time of the application for a license or renewal:

- (1) The code 01 conviction is more than ten years old;
- (2) If the license was not issued because of a single code 02 conviction, when that conviction becomes more than five years old,
- (3) If the license was not issued because a single or multiple code 03, 04 or 05 convictions, when all those convictions are more than five years old;
- (4) If the license was not issued because of five or more by-law related\* convictions under Sentence 3A vi, when five of those convictions are more than a year old; and
- (5) If the license was not issued because overdue by-law fines, when those fines have been paid.

These thresholds shall be applied threshold for threshold as set out in 1-B.

**3-C** The License Issuer may place conditions and issue a warning letter on a license if an investigation of a licensee reveals circumstances that may in the future cause the licensee to be in contravention of any of the business licensing thresholds listed. The warning letter must advise the applicant about the specific applicable threshold.

**Offences and Corresponding Codes**

<b>Criminal Code Offences</b>	<b>Description</b>	<b>Code</b>
Sexual Offences (minors)	Interference, invitation, exploitation, procuring sexual activity (parent or guardian), permitting sexual activity (householder) corrupting children, luring a child, exposure, incest (with minor)	01
Terrorism	Providing, collecting property; using, possessing property; providing, making available property	02
Homicide	Homicide, manslaughter, infanticide, murder, attempt to commit, accessory	02
Major assault and sexual assault offences	Sexual assault with weapon, causing bodily harm, aggravated, assault with weapon, causing bodily harm	02
Sexual offences (against person other than minor)	Exploitation of persons with a disability, incest, indecent act, sexual assault	03
Confinement	Kidnapping, hostage taking, abduction	03
Hate propaganda	Advocating genocide, public incitement of hatred	03
Robbery, extortion	All offences	03
Criminal organization	Participating in activities of	03
Criminal Negligence	Criminal negligence, causing death, causing bodily harm	04
Assault	Assault, of a peace officer	04
Noxious thing, poison	Administering to harm	04
Harassment, threats	Criminal harassment, uttering threats	04
Explosives	Using, possession	04
Weapons	Possession, carrying, trafficking	04
Firearms	Using in commission of offence, careless use, pointing, possession, acquisition without certificate, causing bodily harm with intent (firearm, air gun, or pistol)	04
Theft offences	All offences	04
Forgery offences	All offences	04
Traps	Setting	05
Break and enter	Break and enter	04
Crime-possession of property	Possession of property obtained by crime	04

Fraud	Fraud offences, falsifying documents	04
Arson	All offences	04
Counterfeit money	Uttering, advertising, dealing	04
Proceeds of crime	Laundering	04
Noxious thing, poison	Administering to annoy, to aggrieve	05
Mischief	Mischief	05
Conspiracy	Conspiracy to commit an indictable offence	05
Prostitution	Offences related to	05
Bawdy houses	Keeping, transporting person to, procuring	05
Operation of motor vehicle, vessels, or aircraft	Dangerous operation, failing to stop for police, failure to stop at scene of accident, operation while impaired, operation with more than 80 milligrams of alcohol in blood, driving while disqualified	06
Other	All other Criminal Code Convictions	07

Controlled Drugs and Substances Act Offences	Description	Code
Possession	Possession	05
Trafficking	Of Schedule I or II substance	03
	Of Schedule III substance	04
	Of Schedule IV substance	05
Importing, exporting	Of Schedule I or II substance	03
	Of Schedule III substance	04
	Of Schedule IV substance	05
Production	Of Schedule I or II substance (except marijuana)	03
	Of Marijuana	04
	Of Schedule III substance	04
	Of Schedule IV substance	05

Highway Traffic Act	Description	Code
36	Driving while license suspended	07
43(1)	Driving while license suspended	06
Speeding	Exceeding speed by 50 km/hr	06
Careless	Careless driving	06
Fail to remain	Fail to remain at the scene of an accident	06
Fail to stop	Fail to stop when signalled or requested by a police officer	06
Racing	Racing	06
Fail to stop	Fail to stop for a school bus	06

By-Law 1-2002	Description	Code
Sec. 69	Discriminate against a member of the public	08
Sec. 70(1)	Refuse to serve a person assisted or guided by a service animal	08
Sec. 70(2)	Refuse entry to a person assisted or guided by a service animal	08
Sec. 70(3)	Refuse to allow a person assisted or guided by a service animal to remain	08
Sec. 71(1)	Refuse to serve a disabled person	08
Sec. 71(2)	Refuse entry to a disabled person	08
Sec. 71(3)	Refuse to allow a disabled person to remain	08

<b>By-Law 1-2002</b>	<b>Description</b>	<b>Code</b>
Schedule S-13	All offences – Adult Entertainment Parlours	08
Schedule S-14	All offences – Adult Video	08
Schedule S-26	All offences – Body-Rub Parlours	08
Appendix E	Any instance of plate removal	09

**ACCOUNTABILITY:**

License Issuer(s)

**ADMINISTRATION:**

Supervisor, Licensing

Manager, Administrative Services &amp; Elections

City Clerk's Office, Management &amp; Administrative Services Department