

Subject: Minor amendments of various by-laws

File Number: ACS-2023-EPS-PPD-0003

**Report to Emergency Preparedness and Protective Services Committee on
19 October 2023**

and Council 25 October 2023

**Submitted on October 2, 2023 by Valérie Bietlot, Manager, Public Policy
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Ward: Citywide

REPORT RECOMMENDATION(S)

That the Emergency Preparedness and Protective Services Committee recommend that Council approve the minor amendments to various by-laws described in this report and set out in Document 1.

EXECUTIVE SUMMARY

This report recommends minor amendments to update and correct issues of a minor or administrative nature in several by-laws under the purview of Emergency and Protective Services. These amendments will update definitions and terms such as position titles, department, organization or other names, and legislative or regulations references that have changed over time, and as well as correct typos or missing or incorrect words in by-laws. Staff also recommend minor amendments to update and harmonize the use of inclusive language across several by-laws. These minor amendments will ensure that the by-laws are up-to-date and can be easily interpreted and enforced.

The use of minor amendment reports was formally approved in the 2019 By-law Review Framework as a way to address any issues arising in regulatory by-laws that do not require a full by-law review but do require correction and/or updating. This process applies only to issues that do not require any public consultation, do not alter the intent of the by-law, and have no new budget impacts.

Given the administrative nature of the minor amendments that are recommended, no public engagement was required for this report. Each City department is responsible for bringing forward minor amendments as required to the appropriate Standing Committee of Council.

RÉSUMÉ

Version française - send Executive Summary for translation through Broca

BACKGROUND

On April 24, 2019, Council approved the By-law Review Framework ([ACS2019-EPS-GEN-0003](#)) to establish the key components and requirements that guide the periodic review of the City's regulatory by-laws. A Minor Amendments Report is included as a component of this framework to address any issues which do not require a full by-law review and are of a minor administrative nature, but that still require a by-law amendment. Each department having regulatory by-laws is responsible for bringing forward any required minor amendments to the appropriate Standing Committee of Council for consideration.

As set out in the By-law Review Framework, minor amendments do not require any public consultation, do not alter the intent or nature of the by-law, and must not have new budget impacts. Minor amendments can include:

- Housekeeping amendments for items and provisions that need to be “cleaned up” or updated in a by-law, such as changing department names and position titles, fixing incorrectly cited references or words, and updating legislative or regulatory references.
- Amendments to address gaps in a by-law, such as those created by changing technology, resources or other advances, minor enforcement issues, or unforeseen occurrences. These amendments could also address identified gaps or improvements to practices or processes that are minor in nature.
- Technical and process amendments, such as those resulting from legislative changes at other levels of government and modifications to internal or external processes affecting the by-law.

DISCUSSION

Staff recommend minor amendments to various regulatory by-laws within the purview of

the Emergency and Protective Services department. These minor amendments will ensure that the by-laws are as up-to-date and accurate as possible, reflect current administrative structures and positions, and can be clearly interpreted and enforced effectively.

The recommended amendments are described in detail in Document 1 and can be summarized as follows:

Updates to ward names, position titles, and department names

Several schedules of the Licensing By-law (By-law 2002-189, as amended) require amendments to reflect the current names of Ward 19 “Orleans South – Navan” and Ward 21 “Rideau – Jock”, as described in Document 1. Staff also recommend housekeeping amendments to various by-laws to correct or update several position titles and departmental names. In particular, updates to the following position titles are required:

- the Director of By-law and Regulatory Services and the Chief License Inspector
- the Chief Property Standards Officer
- the City Solicitor
- the General Manager of Planning, Real Estate and Economic Development.

These amendments are required for specific provisions in the Animal Care and Control By-law (By-law 2003-77, as amended), the Board-Up By-law (By-law 2010-211, as amended), the Heat By-law (By-law 2010-210, as amended), the Licensing By-law, the Noise By-law (By-law 2017-255, as amended), the Property Standards By-law (By-law 2013-416, as amended), the Right of Entry By-law (By-law 2005-326, as amended), the Temporary Signs on Private Property By-law (By-law 2004-239, as amended), and the Vehicle-For-Hire By-law (By-law 2016-272). The amendments will reflect the current administrative structure and do not result in a change of policy for the by-laws in question.

Changes to legislation and by-law titles and references

Amendments to the Licensing By-law are required to update the titles of the *Smoke Free Ontario Act, 2017* and the *Municipal Act, 2001*, as well as references to regulations and requirements found under the *Highway Traffic Act* which have changed over time, as set out in Document 1. Amendments are also required to update the names,

numbers, and references of other by-laws of the City which have been amended over time and which are cited within the Licensing By-law. Examples include updating references to the Smoking and Vaping By-law (By-law 2019-241, as amended) and the Traffic and Parking By-law (By-law 2017-301, as amended) where they are cited throughout the licensing regulations.

Modernization of interpretation clause and gendered language

Minor amendments are recommended to update the gender interpretation clause in the Interpretation section of the Board-Up By-law, the Heat By-law, the Short-Term Rental By-law (By-law 2021-104, as amended), the Vacant Property By-law (By-law 2022-177), and the Vehicle-For-Hire By-law. The Interpretation section of a by-law is an administrative section that provides the reader with information on how the regulations in the by-law should be interpreted. The specific gender interpretation clauses in these by-laws are outdated and assume a binary gender. In these cases, staff recommend that the following clause be used instead:

Wherever this by-law is gender-neutral or refers to a person with reference to gender, the intention is to read the by-law with the gender applicable in the circumstances.

This recommended clause has already been approved by Council in the past for the Special Events By-law, is more gender-inclusive, and aligns with the City's Women and Gender Equity Strategy. Similarly, staff recommend replacing gendered pronouns in one instance in the Vacant Property By-law where gender is irrelevant and replacing them with a non-gendered reference, as set out in Document 1.

Staff from Public Policy Development Services have consulted with the City's Gender and Race Equity, Indigenous Relations, Diversity and Inclusion Branch on the above-noted amendments. Throughout the Term of Council, the Public Policy Development Service will continue to seek out opportunities to use inclusive language in by-laws on a case-by-case basis and to ensure consultation both internally with the City's Gender and Race Equity, Indigenous Relations, Diversity and Inclusion Branch as well as externally with affected community and interest groups on these issues.

Updates related to names of accrediting bodies

Amendments are required to the Animal Care and Control By-law, as set out in

Document 1, to correctly reference the names of several accrediting bodies cited in the by-law, namely Canada's Accredited Zoos and Aquariums (CAZA) and the Association of Zoos and Aquariums (AZA).

Correction of mistakes

Staff recommend several minor amendments, as noted in Document 1, to:

- Fix headings or other by-law language that were not previously updated based on past amendments
- Correct misspelled or misplaced words or expressions
- Remove duplicated words or expressions.

Of particular note is a required correction to Schedule 4 of the Licensing By-law, pertaining to Snow Plow Contractors. Prior amendments made to insert the Council-approved regulations for driveway markers to that Schedule were incorrectly set out and harmonized within the existing Schedule by the amending By-law 2018-10. Staff therefore recommend that Schedule 4 be replaced by an up-to-date version that accurately sets out all approved sections in the correct order, as set out in Document 1.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this report.

LEGAL IMPLICATIONS

There are no legal impediments to approving the recommendations in this report.

CONSULTATION

No consultation was required as this report is administrative in nature.

ACCESSIBILITY IMPACTS

The minor amendments recommended in this report are of a minor, administrative nature, and therefore do not create any change in policy regarding accessibility and do not have an impact on people with disabilities. All material related to this report is available in accessible formats.

DELEGATION OF AUTHORITY IMPLICATIONS

Upon approval of the minor amendments set out in this report and Document 1, the

Manager, Public Policy Development Services, will prepare the required amending by-laws in consultation with Legal Services and will proceed to have them enacted by Council.

GENDER AND EQUITY IMPLICATIONS

Staff recommend minor amendments to incorporate inclusive language in several by-laws, as more specifically detailed in Document 1. The effect of these amendments is to improve upon existing language that assumes binary gender or that uses gendered pronouns in instances where gender is irrelevant. These amendments will reflect a more inclusive approach to Council's by-laws and align with Council's Women and Gender Equity Strategy.

Staff from Public Policy Development Services have consulted with the City's Gender and Race Equity, Indigenous Relations, Diversity and Inclusion Branch on the above-noted amendments. Throughout the Term of Council, Public Policy Development Services will continue to seek out opportunities to use inclusive language in by-law as part of various by-law review projects. Staff will consult and engage on these issues where possible both internally with the City's Gender and Race Equity, Indigenous Relations, Diversity and Inclusion Branch, as well as externally with affected community and interest groups.

RISK MANAGEMENT IMPLICATIONS

The minor amendments proposed in this report will reduce risk by ensuring that Council's by-laws are up-to-date and accurate and can be effectively interpreted and enforced.

RURAL IMPLICATIONS

There are no rural implications associated with this report as the recommended minor amendments are City-wide.

Council Strategic Priorities

This report supports Council's Strategic Priority of "A City with a diversified and prosperous economy" by ensuring that the Licensing By-law and other by-laws are up-to-date and accurate, thereby assisting with interpretation by residents and staff as well as facilitating the application and enforcement of the regulations.

SUPPORTING DOCUMENTATION

This report includes Document 1 – Recommended Minor Amendments.

DISPOSITION

Upon approval, Public Policy Development Services, together with Legal Services, will prepare the required amending by-laws for enactment by Council.