

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Parking and By-law Services Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: CITY WIDE
COMMITTEE DATE: January 15, 2012	
SUBJECT/REPORT NO: Recovery of Costs Associated with Licensing Tribunal and Property Standards Committee Decisions (PED13015) (City Wide)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Marty Hazell (905) 546-2424 Ext. 4588
SIGNATURE:	

RECOMMENDATIONS

- (a) That, where the Licensing Tribunal makes a decision which refuses, revokes, suspends or imposes conditions on a business licence and the decision causes the City to incur costs, the applicant for the licence or license holder shall pay any and all such costs incurred by the City, including but not limited to the costs for City staff;
- (b) That, where the Property Standards Committee makes a decision which modifies a property standards order, and the decision causes the City to incur costs, the property owner shall pay any and all such costs incurred by the City, including but not limited to the costs for City staff;
- (c) That the City's User Fee and Charges By-Law be amended accordingly to reflect the related costs for the Licensing Tribunal and Property Standards Committee decisions, as outlined in recommendations (a) and (b) of Report PED13015.

EXECUTIVE SUMMARY

Decisions of the City's Licensing Tribunal and Property Standards Committee can require the City to incur costs or expend staff time in fulfilling those conditions. While these situations do not occur regularly, staff recommends amending the User Fee and Charges By-Law to allow full cost recovery for those situations, rather than to continue having the costs absorbed by the general levy.

Alternatives for Consideration – N/A

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial/Staffing/Legal: N/A

HISTORICAL BACKGROUND (Chronology of events)

Members of the City's Licensing Tribunal have expressed concern that, from time to time, the City incurs costs and/or expends staff time as a result of conditions imposed on a business licence by the Tribunal.

POLICY IMPLICATIONS

N/A

RELEVANT CONSULTATION

Legal Services

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

Decisions of the City's Licensing Tribunal and Property Standards Committee can require the City to incur costs. Recent examples include:

- a) a condition that residents be temporarily relocated while a Residential Care Facility operator corrected deficiencies which required staff time and associated costs to:
 - locate suitable alternate accommodations for residents and make arrangements with the alternate care facility;

SUBJECT: Recovery of Costs Associated with Licensing Tribunal and Property Standards Committee Decisions (PED13015) (City Wide) - Page 3 of 3

- attend meetings to inform residents why it is necessary to temporarily move them, and in some cases meet with social workers and case workers;
 - assist residents during the relocation and return to the home facility including arranging and paying for transportation;
 - make follow-up visits and meetings with residents and others;
- b) a revocation of a Pawnbroker business licence requiring staff attend to supervise the return of goods to their owners;
- c) a decision modifying a property standards order which, in extending the time to comply with the order, required staff to meet with the property owner before repairs commenced to review the order.

ALTERNATIVES FOR CONSIDERATION

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

N/A

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Financial Sustainability – Delivery of municipal services in a cost effective manner

APPENDICES / SCHEDULES

MH/dt