

CITY OF HAMILTON

BY-LAW NO. 18-

To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses

WHEREAS Council enacted a by-law to license and regulate various businesses being City of Hamilton By-law No. 07-170;

AND WHEREAS section 154.1 of the Municipal Act, 2001 authorizes the City of Hamilton to define the location and limit the number of payday loan establishments;

AND WHEREAS this By-law deletes and replaces Schedule 11 – Payday Loan Businesses;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 11 of By-law No. 07-170 is repealed and replaced with Appendix “A” attached hereto.
2. Despite the repeal of Schedule 2 under section 1:
 - a. the Schedule shall continue to apply to proceedings in respect of offences that occurred before its repeal; and,
 - b. all licences issued under the Schedule that are in effect at the time of the repeal shall be deemed to be licences as issued under this Schedule, with all necessary modifications, and all the rules, requirements and regulations of this Schedule shall apply.
3. This By-law comes into force on the day it is passed.

PASSED this 28th day of February, 2018.

F. Eisenberger
Mayor

R. Caterini
City Clerk

APPENDIX “A” TO CITY OF HAMILTON BY-LAW NO. 18-042

SCHEDULE 11

PAYDAY LOAN BUSINESSES

DEFINITIONS

1. In this Schedule:

“chartered bank annual consumer loan rate” means the most recent chartered bank – consumer loan rate set out in Table 176-0043 of the Bank of Canada Financial Market Statistics; and

“payday loan business” means a person or entity licensed as a lender or a loan broker under the *Payday Loans Act, 2008*.

LICENSING

General

2. Every payday loan business shall hold the applicable current and valid licence under this Schedule.
3. Before a licence may be issued, every applicant for a licence, in addition to complying with the General Provisions of this By-law, shall submit, for approval of the Issuer of Licences:
 - (a) Proof of a current and valid licence as a lender or a loan broker under the *Payday Loans Act, 2008*;
 - (b) accurate, scale representations of the posters that will be displayed in accordance with sections 8 and 9; and
 - (c) the credit counselling information that will be given in accordance with section 10.
4. No new payday loan business shall be issued a licence for a location listed in section 7.

5. No payday loan business shall be located and no payday loan business licence shall be issued except for in areas as permitted by sections 6 and 7.

- (a) No more than 15 payday loan business licenses shall be issued; and

- (b) No more than 1 payday loan business licence shall be issued per ward.

6. Council may consider a request to substitute a new location for an existing payday loan business location provided that any requested new location shall be restricted by ward and no more than one location per ward shall be permitted.

7. Despite section 6, the premises at the following municipal addresses licensed and in actual use as payday loans businesses in the City on January 1, 2018, are deemed to be a location where a payday loans business is permitted to operate and eligible to be licensed only for so long as the premises continues to be used for such purposes, the business owner maintains their licence, and the business carried on therein is in compliance with this By-law:

- (a) 736 Queenston Road;
 - (b) 970 Upper James Street;
 - (c) 152 Hwy 8, Unit 158 (Stoney Creek);
 - (d) 61 King Street East;
 - (e) 1392 Main Street East;
 - (f) 460 Main Street West;
 - (g) 483 Hwy 8 (Stoney Creek);
 - (h) 1 Wilson Street;
 - (i) 836 Upper James Street;
 - (j) 1655 Main Street West;
 - (k) 1056 Barton Street East;
 - (l) 314 Queenston Road, Unit F;
 - (m) 58 Centennial Parkway North;

- (n) 309 Grays Road (Stoney Creek);
- (o) 1120 Fennell Avenue East;
- (p) 529 Concession Street;
- (q) 732 Queenston Road;
- (r) 219 King Street East;
- (s) 1299 Barton Street East, Building K;
- (t) 147 Locke Street South;
- (u) 534 Concession Street;
- (v) 127 King Street East;
- (w) 13 King Street East, Suite 1;
- (x) 858 Upper James Street;
- (y) 478 King Street East, Unit 2;
- (z) 1116 Barton Street East, Unit 1;
- (aa) 77 James Street North, Unit 223;
- (bb) 695 Queenston Road;
- (cc) 833 Upper James Street;
- (dd) 1062 Barton Street East'

Poster for Rates

8. Every payday loan business shall display a poster at each of the offices authorized by its *Payday Loans Act, 2008* licence that:
 - (a) has been approved in advance by the Issuer of Licences;
 - (b) is in English;
 - (c) is visible to any person immediately upon entering the office;
 - (d) is of a minimum size of 61 centimetres in width by 91 centimeters in length; and

- (e) consists of:
 - (i) in 144 point font, a heading setting out the words “Our Annual Interest Rate” and the amount of the payday loan business’s annual interest rate, which may be shown on a replaceable card attached to the face of the poster or by any other similar means, immediately below the heading;
 - (ii) in 144 point font, a heading setting out the words “Chartered Bank – Annual Consumer Loan Rate” and the chartered bank annual consumer loan rate, which may be shown on a replaceable card attached to the face of the poster, immediately below the heading; and
 - (iii) in 34 point font and below 4(e)(i) and 4(e)(ii) the words “This poster is required under Schedule 11 of the City of Hamilton’s Business Licensing By-law No. 07-170.”

Poster for Credit Counselling

- 9. Every payday loan business shall display a poster at each of the offices authorized by its *Payday Loans Act, 2008* licence that:
 - (a) has been approved in advance by the Issuer of Licences;
 - (b) is in English;
 - (c) is visible to any person immediately upon entering the office;
 - (d) is of a minimum size of 61 centimetres in width by 91 centimeters in length; and
 - (e) consists of:
 - (i) in 144 point font, a heading setting out the words “Credit Counselling”;
 - (ii) in 144 point font, a heading setting out the word “Contact” followed by one or more of the following credit counselling agencies:

- (1) Credit Counselling Canada,
- (2) Canadian Association of Credit Counselling Services,
- (3) Ontario Association of Credit Counselling Services,
- (4) Canadian Association of Independent Credit Counselling Agencies,

together with their respective telephone number and email address; and

- (iii) in 34 point font and below 5(e)(i) and 5(e)(ii) the words “This poster is required under Schedule 11 of the City of Hamilton’s Business Licensing By-law No. 07-170.”

Credit Counselling Information

- 10. Every payday loan business shall ensure that each person who attends at its offices is given, immediately upon him or her expressing an interest in a loan, credit counselling information that has been approved in advance by the Issuer of Licences.