

June 2006

The new City of Toronto Act

On June 12, 2006, Ontario enacted a new *City of Toronto Act, 2006* with the approval and Royal Assent of Bill 53.

Except for certain heritage protection measures which came into force on Royal Assent, the various new powers and authorities will come into force on a date to be determined by the Ontario Cabinet. The City has asked for proclamation on December 1, 2006, in time for the new term of Council. Provision is made for the Act to be reviewed after two years and every five years thereafter.

The new Act represents a crucial milestone in Toronto's long-standing effort to secure a more enabling framework, commensurate with its responsibilities, size and significance – providing more autonomy, authority and accountability. Some of more significant changes are outlined below:

Autonomy

The new Act recognizes City Council as a responsible, accountable government with responsibility for shaping the broader social, environmental, cultural and economic conditions of the City, and for working in effective partnerships with other governments – including the federal government. The Act further endorses building a mature relationship with the province based on mutual respect, consultation and cooperation, with ongoing consultations on matters of mutual interest to be formalized through a Toronto-Ontario agreement.

Representing a fundamental overhaul in the way legislative authority is assigned, the new COTA will provide a broad and permissive approach to Council's powers and authorities. This approach will provide Council with more scope for creatively addressing City priorities and objectives. Perhaps the most notable new authority is the power to pass by-laws with respect to the economic, social and environmental well-being of the City, the health, safety and well-being of persons and the protection of persons and property, including consumer protection.

These new authorities are however subject to certain limitations - such as whether they conflict with federal or provincial legislation and regulations or frustrate the purpose of an Act, regulation or legislative instrument.

Council will have discretion on whether and how to implement many of its new authorities, using its established priority and policy identification and development processes, including public consultation.

Authority

The City's legislative authority is accompanied by a general power to provide any service or thing that the City considers necessary or desirable for the public.

In conjunction with *Planning Act* changes under Bill 51, Bill 53 provides significant new powers to shape the public domain and accommodate expected population and employment growth. These include permitting: the regulation and prohibition of residential property demolition and conversion, community improvement plan bonusing, an appeal body to hear appeals of minor variances and consents, and the imposition of zoning by-law conditions.

New power is granted to suspend a license without a hearing where there is an immediate danger to health and safety and to require administrative penalties for non-compliance with any part of the City's licensing system.

Repeating the general power to create offences, the new Act will permit the City to establish a system of fines for offences under City by-laws. Powers of entry for by-law enforcement are also enhanced.

The Act also gives City Council a broader range of financial tools to support its policy objectives and raise new revenues, subject to prescribed limits. This improved flexibility enhances the range of financial tools available to the City. Public consultation will precede any decisions on whether and how any new revenue tools will be used.

Accountability

The new Act will allow the City to establish its own governance structure, with enhanced delegation authorities. These include enhanced abilities to create and delegate certain matters to City boards and corporations.

The Bill imposes several requirements with respect to accountability and transparency. These include a code of conduct, maintaining a lobbyist registry, and appointing an Integrity Commissioner, an Auditor General and an Ombudsman. The Act strengthens the roles of all these accountability mechanisms and provides the power to impose sanctions for violations.

Next Steps

The City Manager has completed a review of governance reforms proposed by an external advisory panel last December, and has submitted a report to Council's Policy and Finance Committee for consideration on February 20, 2006.

In addition, City staff are reviewing the new Act to identify for Council's consideration any new provisions that will need to be implemented on proclamation. Staff will also continue working with provincial officials on a review of private legislation, any new Regulations under the Act and the ongoing consultation and cooperation agreement with the province.

Contact: Phillip Abrahams, Manager, Intergovernmental Relations, (416) 392-8102.

