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**TORONTO** STAFF REPORT

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July 20, 2004

To: The Board of Governors of Exhibition Place

From: City Solicitor

Subject: Exhibition Place Management By-law No. 25-85 – Updated Offence Provision

Purpose:

To advise the Board as to the technical changes required to former Metro By-law No. 25-85, respecting the management of Exhibition Place, in order to facilitate an application to the Ministry of the Attorney-General for set fines.

Financial Implications and Impact Statement:

This report has no financial implications.

Recommendations:

It is recommended that the Board of Governors of Exhibition Place recommend to City Council that By-law No. 25-85 of the former Municipality of Metropolitan Toronto, respecting the management of Exhibition Place, be amended to replace the current offence provision in the by-law with an updated provision satisfactory to the Ministry of the Attorney-General for Ontario as substantially set out in this report.

Background:

The former Municipality of Metropolitan Toronto Council enacted By-law No. 25-85, respecting the management of Exhibition Place on April 2, 1985. This by-law provides for the regulation of activities in Exhibition Place and requires that a number of activities within Exhibition Place (e.g. performances, sale of goods, solicitation, etc.) be undertaken only as permitted by the Board or the General Manager. In addition, the by-law prohibits activities which may damage the grounds or disrupt the operation of Exhibition Place.

The City Solicitor has been requested by the Exhibition Place Security Supervisor to make application to the Province of Ontario for the approval of set fines and short form wordings for

the various offences created by the by-law. The approval of such fines will allow the by-law to be enforced through the issuance of standard tickets with a set fine amount in the same manner as, for example, parking tickets are issued.

Comments:

While the City Solicitor has a standing authority from City Council to make such applications where required, a review of the by-law has indicated that the current offence provision in the by-law is out of date. Based on past experience, a current and up-dated offence provision is necessary before the Ministry of the Attorney-General will be willing to process the City's application to establish set fines for the by-law. The current provision reads as follows:

10. Every person who violates any provision of this by-law shall upon conviction thereof, forfeit and pay, at the discretion of the convicting court a penalty not exceeding (exclusive of costs) \$2,000 for each offence.

The standard offence provision wording recommended by Attorney-General staff in the past is as follows:

“Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act.”

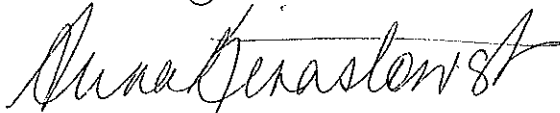
The use of this revised wording clearly establishes that a contravention of the by-law is an offence within the meaning of the *Provincial Offences Act* and would allow prosecutors to seek fines of up to \$5000 for a violation of the by-law as permitted under the *Act*.

Conclusions:

In order to establish set fines for By-law No. 25-85 respecting Exhibition Place, it is necessary that City Council be requested to amend the by-law to incorporate an offence provision satisfactory to the Ministry of the Attorney-General for Ontario.

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