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Bill Pr90

An Act respecting the City of York

Mr. Colle

Private Bill

1st Reading September 22, 1997
2nd Reading
3rd Reading
Royal Assent

Printed by the Legislative Assembly of Ontario



EXPLANATORY NOTE

The purpose of the Bill is set out in the Preamble.

**An Act respecting the
City of York**

Preamble	<p>The Corporation of the City of York, referred to in this Act as the Corporation, has applied for special legislation to enable its council to pass by-laws requiring premises licensed or subject to a permit under the <i>Liquor Licence Act</i> to be locked and cleared of all patrons between specified hours daily.</p>	<p>terms of the holder’s licence or permit, to remove all evidence of liquor that has been served and consumed on the premises.</p>	
	<p>It is appropriate to grant the application.</p>	<p>(3) Under no circumstances shall the time specified in a by-law under clause (1) (a) be earlier than the time described in clause (2) (b).</p>	Same
	<p>Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:</p>	<p>(4) If the time specified in a by-law under clause (1) (a) is calculated as described in clause (2) (b), different premises may be required to be locked and cleared of persons under the by-law at different times, depending on the requirements of the <i>Liquor Licence Act</i> or its regulations or the terms of the licence or permit for the premises.</p>	Application of by-law to different premises
Definitions	<p>1. In this Act, “contractor” means a person who provides services to the owner of a licensed premises for remuneration; “licensed premises” means premises from which liquor may be sold or served under the authority of a licence or permit issued under the <i>Liquor Licence Act</i>; “owner” includes an operator or manager of a licensed premises.</p>	<p>(5) A by-law under subsection (1) may provide that it applies only in the part or parts of the City of York designated in the by-law.</p>	Application to designated areas
	<p>2. (1) The council of the Corporation may pass by-laws, (a) requiring owners of licensed premises to lock all means of access to the licensed premises and to clear the premises of all persons, other than themselves and their employees and contractors, at the time specified in the by-law; (b) requiring owners of licensed premises to ensure that the premises remain locked until 6:00 a.m. or such earlier hour as is specified in the by-law and that all persons, other than themselves and their employees and contractors, are excluded from the premises until that time; (c) appointing inspectors to enforce the by-law.</p>	<p>3. (1) For the enforcement of any by-law passed under this Act, an inspector or a police officer, upon producing proper identification, may, (a) enter at any time any licensed premises; (b) enter at any time any building or structure in which a licensed premises is situated for the purpose of gaining access to the licensed premises; and (c) make examinations and inquiries within the licensed premises for the purpose of ascertaining whether any persons found on the licensed premises are persons other than the owners of the licensed premises, their employees or their contractors. (2) No inspector or police officer may enter a place that is also a dwelling without the consent of the occupant or without first obtaining and producing a warrant.</p>	Inspectors’ powers
By-laws re hours of closing for licensed premises	<p>(2) The time specified in a by-law under clause (1) (a) may be, (a) expressed as a specific hour; or (b) calculated by reference to the time by which a licence or permit holder under the <i>Liquor Licence Act</i> is required, by that Act or its regulations or by the</p>	<p>(3) No person shall hinder or obstruct an inspector or police officer lawfully carrying out the enforcement of a by-law passed under this Act.</p>	Entry to dwellings
Time of closing		<p>4. (1) A provincial judge or justice of the peace may at any time issue a warrant authorizing an inspector, police officer or person named in the warrant to exercise the powers</p>	Obstruction
			Warrant

under subsection 3 (1) in respect of the licensed premises or building or structure specified in the warrant, by force if necessary, if the judge or justice of the peace is satisfied on evidence under oath,

- (a) that there is reasonable ground for believing that it is necessary,
 - (i) to enter and have access to any licensed premises or any building in which a licensed premises is situate for the purpose of enforcing a by-law passed under this Act, or
 - (ii) to make examinations and inquiries for the purpose of enforcing a by-law passed under this Act; and
- (b) that an inspector or police officer,
 - (i) has been denied entry or will be denied entry to the licensed premises or to any building or structure in which a licensed premises is situate,
 - (ii) has been instructed or directed to leave the licensed premises or any building or structure in which the licensed premises is situate, or
 - (iii) has been hindered or obstructed in enforcing the by-law.

Expiry

(2) The warrant shall state the date upon which it expires, which shall be a date not later than 15 days after it is issued.

Notice not required

(3) A provincial judge or justice of the peace may receive and consider an application for a warrant under this section without notice to and in the absence of the owner of the licensed

premises or of the building or structure in which the licensed premises is situate.

5. (1) Every person who contravenes subsection 3 (3) or a by-law passed under this Act and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, is guilty of an offence and on conviction is liable to a fine of not more than \$25,000. Offence

(2) Where a corporation is convicted under subsection (1), the maximum penalty that may be imposed is a fine of not more than \$50,000 and not as provided in subsection (1). Same

(3) Where a conviction is entered under subsection (1), in addition to any other remedy or any penalty provided by law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted. Prohibition order

6. If an offence has been committed under this Act or under a by-law passed under this Act, and a proceeding in respect of the offence is undertaken by the Corporation and a conviction has been entered, the proceeds of any fine in relation to the offence shall be paid to the treasurer of the Corporation and section 2 of the *Administration of Justice Act* and section 4 of the *Fines and Forfeitures Act* do not apply in respect of the fine. Proceeds of fines

7. This Act comes into force on the day it receives Royal Assent. Commencement

8. The short title of this Act is the *City of York Act, 1997.* Short title

