

Chapter 162

NOTICE, PUBLIC

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[HISTORY: Adopted by the Council of the City of Toronto 2002-11-29 by By-law No. 1096-2002.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Council procedures — See Ch. 27.

ARTICLE I General

§ 162-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CITY'S WEB SITE — The official City of Toronto Internet Web site.

COMMITTEE — A committee of Council.

MUNICIPAL ACT — The *Municipal Act, 2001*, S.O. 2001, c.25.

¹ Editor's Note: This by-law was passed under the authority of section 251 of the *Municipal Act, 2001*, S.O. 2001, c.25. This by-law came into force on 2003-01-01.

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NEWSPAPER — The same meaning as in subsection 29(1) of the *Interpretation Act*.²

NOTICE TO THE PUBLIC or PUBLIC NOTICE — Notice given to the public generally, but does not include notice given only to specified persons.

NOTICES PAGE — The subdirectory on the City's Web site where notices are posted.

WORKING DAY — A day when City offices are open during its regular hours of business, other than a Saturday or a Sunday or other holiday. **[Added 2006-02-02 by By-law No. 149-2006]**

§ 162-2. Application.

- A. Where the City is required to give notice to the public under a provision of the *Municipal Act*,³ the notice shall be given in a form and manner and at the times indicated in this chapter, unless:
- (1) The *Municipal Act*,⁴ another Act or a regulation prescribes otherwise for the notice to the public;
 - (2) The requirements for notice to the public are prescribed in another chapter; or
 - (3) Council directs that other public notice is to be given that Council considers adequate to give reasonable notice under the provision.
- B. This chapter does not apply to notices that are otherwise provided for in Chapter 27, Council Procedures, including a notice of motion that deals with the giving of public notice.

§ 162-3. Notice to the public.

- A. The following are the general requirements for giving notice to the public by the City:
- (1) The notice shall be posted on the notices page of the City's Web site for at least the minimum notice period immediately preceding the City committee meeting at which the matter will be considered and an opportunity is provided for members of the public to speak to the matter. **[Amended 2003-05-23 by By-law No. 459-2003⁵; 2003-07-24 by By-law No. 711-2003]**

² Editor's Note: See R.S.O. 1990, c. I.11.

³ Editor's Note: See S.O. 2001, c.25.

⁴ Editor's Note: See S.O. 2001, c.25.

⁵ Editor's Note: This by-law also repealed former § 162-3A(2), which immediately followed this subsection, thereby eliminating the requirement of publishing a notice in the newspaper.

- (2) For the purposes of Subsection A(1), the minimum notice period is five working days before the City committee meeting. **[Added 2003-07-24 by By-law No. 711-2003; amended 2006-02-02 by By-law No. 149-2006⁶]**
- (3) A notice given under Subsection A(1) is sufficient even if there are times during the minimum notice period when the City's Web site is not accessible or City offices are temporarily closed during its regular hours of business. **[Amended 2003-05-23 by By-law No. 459-2003; 2003-07-24 by By-law No. 711-2003; 2006-02-02 by By-law No. 149-2006⁷]**
- (4) A notice given under Subsection A(1) shall contain the following information: **[Amended 2003-05-23 by By-law No. 459-2003]**
 - (a) A general description of the matter.
 - (b) Where the matter relates to a defined location, sufficient particulars of the location, such as reference to a municipal address or street intersection, or to a legal description or plan.
 - (c) The date at which the matter will be considered at a City committee meeting.
 - (d) Instructions on obtaining additional information, submitting comments, or attending the City committee meeting.
- (5) If the matter is deferred at the City committee meeting, no additional notice is required, except where the *Municipal Act*⁸ provides otherwise.
- (6) If the matter is considered at a subsequent City committee meeting or Council meeting, no additional notice is required, except where the *Municipal Act*⁹ provides otherwise.
- (7) The requirements in Subsection A(1) to (6) are minimum requirements, and the City Clerk is authorized to give notice to the public in an extended manner if, in the opinion of the City Clerk and the General Manager, Executive Director or other City official concerned with the matter, the extended manner is reasonable and necessary in the circumstances. **[Amended 2005-05-19 by By-law No. 441-2005]**

⁶ Editor's Note: This by-law stated that it comes into force on 2006-02-02; however, if, before 2006-02-02, public notice of a matter listed in § 162-4 or 162-5 has been given or commenced as prescribed under § 162-3A(2), as it read immediately before its amendment, that notice is considered to be adequate to give reasonable notice for purposes of the public notice required under the *Municipal Act, 2001* (S.O. 2001, c.25).

⁷ Editor's Note: This by-law stated that it comes into force on 2006-02-02; however, if, before 2006-02-02, public notice of a matter listed in § 162-4 or 162-5 has been given or commenced as prescribed under § 162-3A(2), as it read immediately before its amendment, that notice is considered to be adequate to give reasonable notice for purposes of the public notice required under the *Municipal Act, 2001* (S.O. 2001, c.25).

⁸ Editor's Note: See S.O. 2001, c.25.

⁹ Editor's Note: See S.O. 2001, c.25.

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- B. At least once a year, the City Clerk shall cause a notice to be published in a newspaper of general circulation setting out information on how to access the City's Web site to locate public notices and the related City documents; for example, a report or by-law.
- C. The schedule of meetings as adopted by Council from time to time shall be posted on the City's Web site, and the posted schedule may be revised by the City Clerk to include additional information on the meetings and any other public meetings of the City.

ARTICLE II
Specific Notice Requirements

§ 162-4. Notice under general requirements.

Notice to the public generally for the following matters shall be given in accordance with the requirements in § 162-3A:

- A. A notice of intention to pass a by-law, as required under the *Municipal Act*¹⁰ provisions noted in brackets:
 - (1) For permanently closing a highway [subsection 34(1)].
 - (2) For permanently altering a highway, if the alteration is likely to deprive any person of the sole means of motor vehicle access to and from the person's land over any highway [subsection 34(2)].
 - (3) Designating a highway as a controlled-access highway and prohibiting the construction or use of a private road, entrance, gate or other structure as a means of access to the highway [subsection 36(3)].
 - (4) Naming a highway or changing the name of a highway, a municipality shall give public notice of its intention to pass the by-law [section 47].
 - (5) To name or change the name of a private road [section 48].
 - (6) Respecting advertising devices, including signs [section 99].
 - (7) Changing the City's name [subsection 187(2)].
 - (8) To change the composition of Council [subsection 217(2)].
 - (9) To divide or redivide the municipality into wards or dissolve the existing wards [subsection 222(2)].
 - (10) A procedure by-law [section 238].

¹⁰ Editor's Note: See S.O. 2001, c.25.

- B. A notice of a public meeting, as required under the *Municipal Act*¹¹ provisions noted in brackets, respecting:
- (1) A proposed licensing by-law [subsection 150(4)].
 - (2) A licensing by-law [subsection 150(5)].
 - (3) A proposed business registry by-law [subsection 157(3)].
 - (4) A business registry by-law [subsection 157(4)].
 - (5) A restructuring proposal [subsection 173(3)].
- C. Notice of the passing of a by-law to divide or redivide the municipality into wards or dissolve the existing wards, as required under subsection 222(3) of the *Municipal Act*.¹²
- D. Notice of improvements in service, as required under subsection 300(1) of the *Municipal Act*, unless the Minister of Municipal Affairs and Housing has designated otherwise under subsection 300(2) of the *Municipal Act*.¹³
- E. Notice of any other matter under the *Municipal Act*,¹⁴ unless an exception in § 162-2 applies.

§ 162-4.1. Notice requirements under the *Ontario Heritage Act*.

[Added 2007-04-24 by By-law No. 395-2007]

- A. Any notice required under the *Ontario Heritage Act*¹⁵ to be published in a newspaper having general circulation in the municipality shall be given by the posting of notice on the City's Web site as soon as possible following Council's decision for a period of 30 days.
- B. The notice shall comply in all other respects with the requirements of the *Ontario Heritage Act*.
- C. This by-law¹⁶ shall come into effect on May 1, 2007.

¹¹ Editor's Note: See S.O. 2001, c.25.

¹² Editor's Note: See S.O. 2001, c.25.

¹³ Editor's Note: See S.O. 2001, c.25.

¹⁴ Editor's Note: See S.O. 2001, c.25.

¹⁵ Editor's Note: See R.S.O. 1990, c. O.18.

¹⁶ Editor's Note: "This by-law" is a reference to § 162-4.1.

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§ 162-5. Notice of budget changes.

The following rules apply to public notice of Council's intention to adopt or amend a budget, as required under section 291 of the *Municipal Act*:¹⁷

- A. Notice of intention to adopt a budget shall be given in accordance with the requirements in § 162-3A, except that notice is to be given of the Council meeting at which the matter will be considered instead of the City committee meeting described in § 162-3A(1), and the other requirements in § 162-3A apply with necessary changes.
- B. If a proposed amendment to a budget will result in a change to the total tax-supported net levy or a change to any property tax rate, notice to the public shall be given in accordance with the requirements in § 162-3A, except that notice is to be given of the Council meeting at which the matter will be considered instead of the City committee meeting described in § 162-3A(1), and the other requirements in § 162-3A apply with necessary changes.
- C. If a proposed amendment to a budget does not affect the tax-supported net levy or property tax rates, adequate notice is given to the public by the schedule of Council meetings as posted on the City's Web site and other Council agenda information provided to the public.

§ 162-6. Transition.

Despite § 162-4, if before January 1, 2003, public notice of a matter listed in § 162-4 has been given or commenced as prescribed under the *Municipal Act*, R.S.O. 1990, c. M.45, as it read immediately before its repeal, that notice is considered to be adequate to give reasonable notice for purposes of the public notice required under the *Municipal Act*.¹⁸

¹⁷ Editor's Note: See S.O. 2001, c.25.

¹⁸ Editor's Note: See S.O. 2001, c.25.