

A by-law to amend the Business Licensing By-law 0001-2006, as amended, to increase fines

**WHEREAS** sections 8, 9 and 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the "*Municipal Act, 2001*") authorize The Corporation of the City of Mississauga to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6, 8 of subsection 11(2) and paragraph 7 of subsection 11(2) authorize by-laws respecting the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons, and the protection of persons and property, including consumer protection;

**AND WHEREAS** section 11(3) of the *Municipal Act, 2001* grants authority to lower tier municipalities to pass by-laws respecting business licensing;

**AND WHEREAS** section 151 of the *Municipal Act, 2001* provides that without limiting sections 9, 10, and 11 of the *Municipal Act, 2001*, a municipality may provide for a system of licenses with respect to a business;

**AND WHEREAS** the Council of The Corporation of the City of Mississauga enacted Business Licensing By-law 0001-2006 on January 18, 2006 (the "Business Licensing By-law");

**AND WHEREAS** the Business Licensing By-law currently provides for a maximum fine of \$25,000 for persons and \$50,000 for corporations, upon conviction;

**AND WHEREAS** Council of The Corporation of the City of Mississauga wishes to amend the Business Licensing By-law to introduce a minimum fine of \$500 and to increase the maximum fine to \$100,000 upon conviction for by-law offences where charges are laid under Part III of the *Provincial Offences Act*, in accordance with the *Municipal Act, 2001*;


**NOW THEREFORE**, the Council of The Corporation of the City of Mississauga **ENACTS** as follows:

1. That section 23 of the Business Licensing By-law 0001-2006, as amended, be deleted in its entirety and replaced with the following new sections 23(1), 23(2), 23(3) and 23(4):
  - 23(1) Notwithstanding section 23.1, every Person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in such contravention by the corporation, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, and the *Municipal Act, 2001*, S.O. 2001, c. 25, as both may be amended from time to time.
  - 23(2) All contraventions of any provision of this By-law are designated as continuing offences.
  - 23(3) In addition to sections 23 (1) and 23(2), any Person who is charged with an offence under this By-law by the laying of an information under Part III of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33 and is found guilty of the offence is liable, pursuant to the *Municipal Act, 2001*, S.O. 2001, c. 25, to the following fines:
    - (a) a minimum fine of \$500 and a maximum fine not exceeding \$100,000; and
    - (b) in the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine of \$500, and a maximum fine not exceeding \$10,000, and the total of all daily fines for the offence is not limited to \$100,000.

23(4) Every Person who is convicted of an offence under this By-law may be liable, in addition to the fines established under subsection 23(3)(a), to a special fine, which may exceed \$100,000, designed to eliminate or reduce any economic advantage or gain from contravening this By-law.

2. That section 23.2 of the Business Licensing By-law 0001-2006, as amended, be deleted in its entirety.

**ENACTED** and **PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Approved by Legal Services <b>City Solicitor</b> City of Mississauga

Nupur Kotecha
Date: December 7, 2023
File: BL.01-23.27

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**MAYOR**

\_\_\_\_\_  
**CLERK**