

City of Mississauga
Corporate Report



<p>Date: August 30, 2024</p> <p>To: Chair and Members of General Committee</p>	<p>Originator's files:</p>
<p>From: Raj Sheth, P.Eng, Commissioner of Corporate Services</p>	<p>Meeting date: September 18, 2024</p>

Subject

Criminal Record Check Updates to Enforcement Licensing By-laws

Recommendation

1. That the Adult Entertainment Establishment Licensing By-law 0507-2005, as amended, the Public Vehicle Licensing By-law 0420-2004, as amended, and the Transportation Network Company Licensing By-law 0109-2019 be amended to allow criminal record checks from any Canadian police service, as outlined in the corporate report from the Commissioner of Corporate Services, dated August 30, 2024 and entitled "Criminal Record Check Updates to Enforcement Licensing By-laws".
2. That Schedules 3 and 4 of the Public Vehicle Licensing By-law 0420-2004, as amended, be further amended to permit criminal record checks issued within the last 60 days, as outlined in this corporate report.
3. That the definition of Criminal Record Check be amended in the Short-Term Accommodation Licensing By-law 0289-2020, as amended and Transportation Network Company Licensing By-law 0109-2019, as outlined in this corporate report.
4. That all necessary by-laws be enacted.

Executive Summary

- Staff reviewed the City's business licensing by-laws with a criminal record check requirement with the aim of ensuring consistency.
- Staff conducted a jurisdictional scan of licensing requirements in five comparable jurisdictions and examined the current regulations for criminal record checks.
- The report identifies by-law amendments that improve accessibility for licensees and provide greater flexibility for business owners.

Background

A criminal record check (or police record check) is a search of a police database record about an individual. There are several City of Mississauga ("City") licensing by-laws which include a

requirement for a criminal record check as a licensing condition to ensure public safety. In Ontario, police record checks can be requested from a municipal police service, the Ontario Provincial Police or third-party entities that provide police record checks.

Stakeholders have identified that the requirement in the Adult Entertainment Establishment Licensing By-law 0507-2005, as amended (“Adult Entertainment By-law”) for criminal record check to be from Peel Regional Police (“PRP”) restricts them to only hiring local staff because PRP does not conduct checks for non-residents. Additionally, stakeholders have raised that there is a backlog in processing requests, which restricts their ability to hire new staff.

Staff have reviewed Enforcement’s other licensing by-laws and found the same requirements in the following by-laws:

- Public Vehicle Licensing By-law 0420-2004, as amended (“Public Vehicle By-law”);
- Short-Term Accommodation Licensing By-law 0289-2020, as amended (“Short-Term Accommodation By-law”); and,
- Transportation Network Company Licensing By-law 0209-2019 (“Transportation Network Company By-law”).

Present Status

Currently, the criminal record check requirements differ by licensing by-law (Appendix One). While the Adult Entertainment By-law provides that criminal record checks must be issued by PRP, the Transportation Network Company By-law and some licensing categories in the Public Vehicle By-law permits criminal record checks from any Ontario police service. The Short-Term Accommodation By-law, however, permits checks issued from any Canadian police service. This discrepancy creates confusion among licensees and restricts hiring decisions and employment opportunities in specific sectors.

Criminal record checks issued by third-party providers are not permitted in the City’s licensing by-laws regardless of licensing type.

Comments

Jurisdictional Scan

Criminal record checks are a common licensing requirement for adult entertainment, public vehicle, short-term accommodation licensing and transportation networking company licences. Staff examined the criminal record check requirements for adult entertainment licenses in five jurisdictions that license body rub parlor attendants (Appendix Two). Brampton, Hamilton, Markham, Toronto and Vaughan require a police record check. Toronto and Markham accept a check issued by any Canadian police service, while Vaughan accepts from any Ontario police service and Hamilton specifies that the check should be from a police service located in the applicant’s city of residence. Brampton, however, will accept checks from where the applicant resides or from an approved provider of criminal record checks in Ontario, which would include third-party providers.

Third-Party Police Record Checks

The Royal Canadian Mounted Police (RCMP) maintains the national repository of criminal record information and has established the Dissemination of Criminal Record Information policy, which allows third-party vendors to provide services for agencies completing criminal record checks. The provincial Police Record Checks Reform Act, 2015, S.O. 2015, c. 30 authorizes third-party entities to enter into agreements with provincial police agencies to also access RCMP records to conduct criminal record searches.

Proposed By-law Amendments

Record Checks from Canadian Police Forces

Staff recommend amending the Adult Entertainment By-law, Public Vehicle By-law, and Transportation Network Company By-law to allow criminal record checks from any Canadian police service. This change will make criminal record checks more accessible for licensees and allow businesses to maintain a competitive advantage by removing a barrier to hiring employees from outside of Peel.

Standard Length of Time Requirements in Public Vehicle By-law

Staff recommend standardizing the length of time from when the criminal record check is issued to the date of application in the Public Vehicle By-law to 60 days. Currently, the Public Vehicle By-law permits checks obtained within the last 30 days for Owners and Drivers of Airport Municipal Transportation Vehicle and Airport Public Transportation Vehicle Drivers and 60 days for Owners and Drivers of Limousines and Owners and Drivers of Taxicabs. This amendment will create consistency among licensing types.

Length of Time Requirement in Adult Entertainment By-law

Staff also recommend adding a length of time from when the criminal record check is issued to the date of application for the Adult Entertainment By-law since it currently is not specified. Staff recommend that it be 60 days to align with the Public Vehicle By-law and the Short-Term Accommodation By-law.

Updated Definition

“Criminal Record Check” is defined in the Short-Term Accommodation By-law to mean a criminal record check issued by a Canadian police service as approved by the Licence Manager and in the Transportation Network Company By-law to mean a criminal record check issued by an Ontario police service as approved by the Licence Manager. Staff recommend updating these definitions to a criminal record check issued by a Canadian Police Service in the location where the applicant resides as approved by the Licence Manager.

Force and Effect Date

Staff recommend that the force and effect date for By-law amendments be September 25, 2024.

Financial Impact

There are no financial impacts resulting from the Recommendations in this report.

Conclusion

Enforcement staff reviewed licensing by-laws with a criminal record check requirement with a lens of creating consistency and providing clarity and choice for licensees and business owners. In addition to standardizing the requirements, the recommended amendments will improve accessibility for licensees and provide greater flexibility for business owners to hire staff who live outside of the Region of Peel.

Attachments

Appendix 1: Current Criminal Reference Check Requirements

Appendix 2: Jurisdictional Scan



Raj Sheth, P.Eng, Commissioner of Corporate Services

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