

City of Mississauga  
**Corporate Report**



<p>Date: February 18, 2025</p> <p>To: Mayor and Members of Council</p>	<p>Originator's files:</p>
<p>From: Raj Sheth, P.Eng, Commissioner of Corporate Services</p>	<p>Meeting date: February 26, 2025</p>

## Subject

**Proposed Amendments to the Nuisance Gathering By-law 0211-2023**

## Recommendation

1. That the Nuisance Gathering By-law 0211-2023 be amended, as outlined in the report from the Commissioner of Corporate Services, dated February 18, 2025, and entitled "Proposed Amendments to the Nuisance Gathering By-law 0211-2023."
2. That Schedule A (General Fees and Charges) of the User Fees and Charges By-law 0221-2024 be amended to add an administrative fee of \$372.00 and to expand the types of fees and charges the City may impose in responding to a Nuisance Gathering, as outlined in this report.
3. That all necessary by-laws be enacted.

## Executive Summary

- Staff from the City's Enforcement Division have responded to increased complaints regarding nuisance gatherings in Mississauga over the past few years.
- In response, Council enacted the Nuisance Gathering By-law 0211-2023 on December 13, 2023.
- Since the Nuisance Gathering By-law 0211-2023 has been enacted, the City has laid 4 charges, which are currently before the courts.
- The City has incurred significant costs in responding to Nuisance Gatherings.
- The City's Enforcement Division, in consultation with Legal Services, has identified amendments to the By-law that will strengthen enforcement and increase the City's ability to recover costs when responding to Nuisance Gatherings.
- Staff also recommend adding an administrative fee of \$372.00 to the User Fees and Charges By-law 0221-2024 to enable the recovery of the City's administrative costs when responding to Nuisance Gatherings as well as adding language to expand the City's authority to recover costs related to administration and enforcement, as set out in

the Municipal Act, 2001.

## Background

Staff from the City's Enforcement Division have responded to increased complaints regarding nuisance gatherings in Mississauga over the past few years. On December 13, 2023, Council for the City of Mississauga (the "City") enacted the Nuisance Gathering By-law 0211-2023 (the "By-law"), which prohibits Nuisance Gatherings (as defined in the By-law) on public and private property in Mississauga.

Enforcement has continued to work in close collaboration with the City's Fire and Emergency Services Division, Peel Public Health as well as Peel Regional Police ("PRP"). Enforcement also attends regular Enforcement Collaboration Table meetings (the "Collaboration Table") with community partners to discuss calendar events where the City and its community partners may need to deploy resources in responding to Nuisance Gatherings. At the moment, the Collaboration Table has identified at least 8 possible days on the calendar where enhanced enforcement initiatives will have to take place.

The By-law provides the City's Enforcement staff with an additional enforcement tool to address the negative impacts of Nuisance Gatherings, which may include public disorderly conduct, deposit of refuse, unreasonable noise, unlawful open burning or fireworks, public disturbances and traffic issues. The City's response to Nuisance Gatherings has led to substantial enforcement and administrative costs.

## Present Status

Since the enactment of the By-law, the City has laid four (4) charges under Part III of the *Provincial Offences Act*, which are currently before the courts. The fines for Part III offences under the By-law, upon conviction, are a minimum of \$500 and a maximum of \$100,000. The By-law also allows for special fines and fines for continuing offences, which upon conviction, may exceed \$100,000.

As the By-law has been in effect for over one year, Enforcement staff in consultation with Legal Services, have undertaken a review to identify areas in the By-law that can be improved or clarified to strengthen enforcement and increase cost recovery.

## Comments

### Overview of Proposed By-law Amendments

Enforcement, in consultation with Legal Services, recommends several amendments to the By-law to allow for greater enforcement and cost recovery. A copy of the proposed amendments to the By-law is attached to this report as Appendix A.

### Addition of Car Rallies to the Definition of Nuisance Gathering

Loud and disruptive car rallies may create unreasonable noise, block/impede the flow of vehicular traffic and may also at times contribute to speeding and stunt driving. In 2024, the City of Vaughan amended its Noise By-law 121-2021 and Special Events By-law 045-2018 to prohibit participation in any unauthorized car rallies.

The City has added “Car Rally” to the list of activities considered to be a “Nuisance Gathering” in the By-law. The City has defined “Car Rally” in the By-law using aspects of the City of Vaughan’s definition. It is defined in the City of Mississauga’s By-law as “any formal or informal event or exhibition consisting of the gathering of Motor Vehicles.”

It should be noted that not all car rallies taking place in Mississauga would be considered a “Nuisance Gathering” under the By-law. Only those car rallies where the conduct of persons in attendance demonstrate any of the listed Nuisance Gathering activities (i.e., unreasonable noise, pedestrian/vehicular traffic or illegal parking that obstructs the free flow of traffic or could interfere with the ability to provide emergency services) would be prohibited. Lawful car rallies would not be affected by this By-law amendment.

### Updated Definition of “Person”

The definition of “Person” in the By-law currently includes “any individual person, a corporation, including its directors and officers, a partnership, any other form of business or legal association or entity, and the heirs, executors and administrators or other legal representatives of a Person, including their respective successors and assigns.”

Condominium corporations do fall within the above definition, however, for the purposes of greater clarity, Legal staff recommend adding a specific reference to “condominium corporations” in the definition of “Person” to highlight the City’s authority to enforce the By-law against condominiums.

### Temporarily Restricting or Prohibiting Access on Highways

The By-law currently outlines the authority of the Commissioner of Corporate Services and Chief of Police or their designates to temporarily close highways where a Nuisance Gathering is occurring. These sections of the By-law have been updated to clarify that access to highways may be *temporarily restricted or prohibited* rather than saying highways be temporarily closed. In other words, there is no need to legally close a highway in the context of a Nuisance Gathering.

### Recovery Through the Municipal Tax Roll

The By-law currently outlines the City’s authority under the *Municipal Act, 2001* to add the City’s expenses incurred during a Nuisance Gathering to the property owner’s tax roll and collecting them in the same manner as property taxes. This wording has been improved and a separate

section has been added to clearly outline the City's authority to add costs/fees to the property tax roll.

The By-law has been further strengthened by adding a new section that provides that where a Person liable to pay the costs and expenses operates as a registered condominium corporation, the aggregate costs and expenses to be added to the tax roll of each unit owner shall be in the same proportions as specified in the condominium declaration for sharing the common interests.

This new addition to the By-law will expressly authorize the City to add fees/costs to the tax roll of each unit owner within a condominium according to their proportionate share in the common interests. This will provide the City with an additional tool to recover its fees/costs from condominium unit owners when responding to Nuisance Gatherings.

#### Proposed Amendments to the User Fees and Charges By-law 0221-2024

The City is authorized to recover its costs pursuant to section 391 of the *Municipal Act, 2001*, which allows a municipality to impose fees or charges on persons for services provided by the municipality, including costs related to administration and enforcement, whether or not it is mandatory for the municipality to provide that service.

The User Fees and Charges By-law currently includes the City's ability to recover its costs of municipal law enforcement officer response (\$93.00 per officer/hour; minimum charge of two officers at two hours per officer) and PRP officer response (\$175.00 per officer/hour; minimum charge of three hours per officer).

City staff also recommend that the City's authority to impose fees and charges for the actual amount of the costs of enforcement and all other related costs incurred by the City in responding to and addressing the Nuisance Gathering be included in Schedule A of the User Fees and Charges By-law. This would improve the City's authority to recover its costs for responding to a Nuisance Gathering (such as any signage or special equipment that may be required).

As noted above, the *Municipal Act, 2001* authorizes the City to impose fees and charges, including costs related to administration. Significant City staff time and resources are required to respond to Nuisance Gatherings. As such, staff recommend that a new administrative fee of \$372.00 be added to the User Fees and Charges By-law (\$93 per hour x 4 hours = \$372). This administrative fee would be imposed on a Person when the City is required to respond to a Nuisance Gathering and is inclusive of all associated administrative functions.

## **Financial Impact**

There are no current financial impacts arising from the implementation of the recommendations contained in this report.

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## Conclusion

Enforcement, in consultation with Legal Services, has undertaken a review of the By-law to identify areas that can be improved or clarified to strengthen enforcement and increase cost recovery in relation to Nuisance Gatherings. The addition of an administrative fee in the User Fees and Charges By-law will enable the City to recover its administrative costs when responding to a Nuisance Gathering.

## Attachments

Appendix A - Proposed Amendments to the Nuisance Gathering By-law 0211-2023



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Raj Sheth, P. Eng., Commissioner of Corporate Services

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