

1992

c Pr25 Toronto (City of) Act, 1992 (No. 2)

Ontario

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CHAPTER Pr25

An Act respecting the
City of Toronto*Assented to June 25th, 1992*

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| Preamble | <p>The Corporation of the City of Toronto has applied for special legislation in respect of the matters set out in this Act.</p> <p>It is appropriate to grant the application.</p> <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>(a) the inspector has been denied entry or access to a place of business;</p> <p>(b) the inspector has been instructed or directed to leave a place of business;</p> <p>(c) the inspector has been obstructed in the carrying out of the enforcement of a by-law passed under this Act; or</p> | |
| Definition | <p>1. In this Act, “ozone depleting substance” means a chlorofluorocarbon, a halon, or any other substance that has the potential to destroy ozone in the stratosphere.</p> | <p>(d) a person has refused to comply with a request for the production of any thing, the production of which is requested for the purpose of an examination, investigation, inquiry or testing.</p> | |
| By-laws | <p>2. The council of The Corporation of the City of Toronto may pass by-laws for regulating the disposal of ozone depleting substances, and for the testing, servicing and repair of products, material and equipment containing or manufactured using ozone depleting substances.</p> | <p>7.—(1) The justice of the peace may issue a warrant authorizing an inspector to enter the place of business specified in the warrant, by force if necessary, together with such police officers as may be called upon to assist the inspector if the justice of the peace is satisfied on evidence under oath,</p> | <p>Issuance of warrant</p> |
| Inspectors | <p>3. The council of the Corporation may appoint inspectors for the enforcement of a by-law passed under this Act.</p> | <p>(a) that there is reasonable and probable ground for believing that it is necessary to enter any place of business or to make examinations, investigations and inquiries or take tests for the enforcement of any by-law passed under this Act; and</p> | |
| Entry | <p>4.—(1) An inspector may, upon producing proper identification, enter any place of business during normal business hours and may make examinations, investigations, inquiries and take tests and may remove samples or objects for testing.</p> | <p>(b) that the inspector,</p> <p>(i) has been denied entry to the place of business,</p> <p>(ii) has been instructed or directed to leave the place of business,</p> <p>(iii) has been obstructed, or</p> <p>(iv) has been refused production of any thing related to an examination, investigation, inquiry or test.</p> | |
| Experts | <p>(2) The inspector may be accompanied by such technical experts as he or she considers necessary in exercising the power of entry under subsection (1).</p> | <p>(2) If the place of business specified in the warrant is also a dwelling, no warrant shall be issued under subsection (1) unless the requirements of subsection 158 (1) of the <i>Provincial Offences Act</i> are met.</p> | <p>Dwellings</p> |
| Removal | <p>(3) An inspector who has removed a sample or object for testing shall provide a receipt for it and return it to the person from whom it was taken as soon as possible after the tests have been completed.</p> | | |
| Dwellings | <p>(4) No inspector may enter a place of business that is also a dwelling without the consent of the occupant or without first obtaining and producing a warrant.</p> | | |
| Obstruction | <p>5. No person shall hinder or obstruct an inspector lawfully carrying out the enforcement of any by-law passed under this Act.</p> | | |
| Application for warrant | <p>6. An inspector may apply to a justice of the peace for a warrant if,</p> | | |

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| Execution | 8. A warrant issued under this Act shall be executed between 6 a.m. and 9 p.m. unless otherwise specified in the warrant. | 12. Where a corporation is convicted of an offence under any by-law passed under this Act, the corporation is liable to a fine not exceeding \$50,000 and every director or officer of the corporation who knowingly concurred in the contravention of the by-law is guilty of an offence and on conviction is liable to a fine not exceeding \$10,000 or to imprisonment for a term of not more than one year or to both. | Penalty, corporation |
| Date of expiry | 9. A warrant issued under this Act shall state the date upon which it expires, which shall be a date not later than fifteen days after the warrant is issued. | | |
| No notice | 10. A justice of the peace may receive and consider an application for a warrant under this Act without notice to and in the absence of the employer or owner or occupier of the place of business. | 13. This Act comes into force on the day it receives Royal Assent. | Commence- ment |
| Penalty | 11. Subject to section 12, every person who contravenes a by-law passed under this Act is guilty of an offence and on conviction is liable to a fine not exceeding \$5,000. | 14. The short title of this Act is the <i>City of Toronto Act, 1992 (No. 2)</i> . | Short title |