

Summary of Proposed Business Licence Bylaw Amendments

1. Personal Information Requirements for Adult Services

Action	Proposed Bylaw Amendment
Amend operating requirements for adult services businesses.	<p>Current: Body Rub Centres, Escort Agencies and Exotic Entertainment Agencies and Venues are required to maintain an employee list that includes each worker’s full name, date of birth, licence number, pseudonyms or aliases, telephone number and current business licence number.</p> <p>Proposed: Remove the requirement to include each worker’s full name, date of birth and telephone number on the employee list.</p> <p>Rationale: Addresses privacy and safety concerns raised by workers in the adult services industry. Changes are supported by public engagement.</p>

2. Business Licence Categories

Action	Proposed Bylaw Amendment
Amend the Commercial School business category description.	<p>Current: The Commercial School category applies to businesses that provide training or instruction in a trade, skill, service, or body of knowledge. Examination and skills assessment services are excluded, and are currently licensed under General Business.</p> <p>Proposed: Add examination and skills assessment services to the category description.</p> <p>Rationale: Examination and skills assessment are closely aligned with providing training or instruction, and in some cases both activities may be provided by the same business. General Business is intended for unique types of businesses that do not align closely with another more descriptive category.</p>

Action	Proposed Bylaw Amendment
<p>Amend the Vehicle Repair, Maintenance, and Modification business category description.</p>	<p>Current: The Vehicle Repair, Maintenance, and Modification category applies to businesses that repair, rebuild, restore, maintain, clean, modify, or customize vehicles. Administration interprets this category to apply to vehicle inspection services; however, the category description does not explicitly include inspection.</p> <p>Proposed: Add inspection services to the category description.</p> <p>Rationale: Clarifies how vehicle inspection services are to be licensed and ensures consistency. The current interpretation is justified since the provincial licensing requirement for inspection services is facilitated by the Vehicle Repair, Maintenance, and Modification category; however, without additional clarity there is always a small risk of judicial review.</p>
<p>Amend the Tobacco and Vaping Product Sales business category description and application requirements to align with changes to provincial requirements.</p>	<p>Current: The Tobacco and Vaping Product Sales category does not exclude sales from a mobile location, and does not require Alberta Health Services (AHS) to be notified of new applications under this category.</p> <p>Proposed: Update the category description to exclude the sale of tobacco and vaping products from a mobile location. Add notification to AHS as an application requirement for new licences under this category.</p> <p>Rationale: Aligns with the new <i>Tobacco, Smoking and Vaping Reduction Act (Alberta)</i> that prohibits tobacco and vaping product sales from a mobile unit effective September 2021. AHS has requested to be notified of new business licence applications so they can follow up with businesses to ensure compliance with the Act.</p>

3. Operating Requirements for Second Hand Dealers

Action	Proposed Bylaw Amendment
<p>Amend the discretionary power to waive operating requirements for Second Hand Dealers</p>	<p>Current: Administration has the authority to waive Second Hand Dealers from the requirements to obtain seller identification, record transactions, and hold goods for a minimum period of time based on the type of goods received. All three requirements must either be waived together or not at all - Administration does not have the authority to waive each requirement individually.</p> <p>Proposed: Amend the discretionary power to allow Administration to waive any, or all of the operating requirements.</p> <p>Rationale: Empowers Administration to apply regulations to different types of Second Hand Dealers in a fair and equitable manner. For example, the requirement to hold second hand goods for 45 days before they may be sold does not align with goods sold on consignment, since the business never assumes ownership of these goods.</p>

4. Compliance Tools

Action	Proposed Bylaw Amendment
<p>Amend the criteria for automatic suspension of a business licence.</p>	<p>Current: Bylaw 20002 has no specific provisions for addressing business licence payments that are not honoured by the bank - for example, a returned or 'non-sufficient funds' (NSF) cheque or a credit card chargeback.</p> <p>Proposed: Add dishonoured payments to the criteria under which an automatic suspension may be applied. Suspension may be lifted upon receiving verified payment of the outstanding business licence fee and any additional fees incurred by the City.</p> <p>Rationale: Empowers Administration to resolve dishonoured payments efficiently and effectively by applying an incentive to resolve payment issues. Improves fiscal accountability by ensuring licences are not issued to those who have not paid for the service.</p>

Action	Proposed Bylaw Amendment
<p>Clarify the delivery standards for business licence review notices.</p>	<p>Current: The Bylaw considers a licence review decision notice to be delivered seven (7) days after being sent by regular mail. Although not expressly stated in the bylaw, this same delivery standard also applies to a notice of proposal to review a business licence.</p> <p>Proposed: Amend the language to clarify that both a notice of proposal and a decision notice are deemed to be delivered seven (7) days after being sent by regular mail.</p> <p>Rationale: Since the decision notice is the most substantive licence review document, the corresponding delivery standard also applies to the notice of proposal. However, explicit timelines for both notices will improve clarity of the business licence review process for stakeholders, licensees and the Community Standards and Licence Appeal Committee.</p>
<p>Amend the grounds for a licence review.</p>	<p>Current: If a business licence is issued in error (i.e., before a required permit or approval has been obtained, or if the application contained an error), Administration does not have a clear path under the Business Licence Bylaw to bring the business into compliance.</p> <p>Proposed: Update the grounds for a business licence review to include circumstances where a business licence has been issued with an error or under erroneous grounds.</p> <p>Rationale: Provides options through the Business Licence Bylaw to address non-compliance with the outstanding requirement - including possible licence suspension, cancellation or conditions, while still providing a procedurally fair process to correct or address the error.</p>

Action	Proposed Bylaw Amendment
<p>Extend business licence review provisions to individual business licence categories.</p>	<p>Current: The delegated authority to refuse, cancel, suspend, or impose conditions on a licence is not easily applied to individual business categories on a licence. The current language is best suited for an ‘all-or-nothing’ approach whereby a decision affects the entire licence.</p> <p>Proposed: Update the delegated authority to include the option of applying a decision to individual categories on a licence. Bring the corresponding fine for operating with a suspended or cancelled business category in line with the current fine for operating with a suspended or cancelled business licence (\$5,000).</p> <p>Rationale: In many cases, concerns with a particular business are specific to one business category on a licence (i.e., one business activity). Administration would have the flexibility to address these concerns while ensuring the impact on the business is proportionate to the concern - for example, if one category is suspended or cancelled, the business could still be allowed to maintain other licensed activities that are not of concern.</p>
<p>Extend the fine for operating with a suspended or cancelled business licence to refusal of a licence application.</p>	<p>Current: Businesses that continue to operate after their application for a licence has been refused are subject to a fine of \$500. By comparison, businesses that operate when their licence has been suspended or cancelled are subject to a \$5,000 fine.</p> <p>Proposed: Bring the fine for operating a business after a licence has been refused in line with the current fine for operating with a suspended or cancelled business licence (\$5,000).</p> <p>Rationale: Improves consistency of enforcement action across all serious licence review outcomes. A decision to cancel, suspend, or refuse a business licence is not taken lightly - and operating a business despite these outcomes can have significant public interest implications.</p>

Action	Proposed Bylaw Amendment
<p>Amend the process by which conditions are removed from a business licence.</p>	<p>Current: When conditions are imposed on a licence by Administration, the licensee may apply to have the conditions removed prior to expiry of the time period specified in the decision to impose conditions.</p> <p>Proposed: Amend the language to provide an option for Administration to apply conditions for any reasonable period of time with a specified date at which the conditions may be reassessed.</p> <p>Rationale: The current legal interpretation is not consistent with Administration’s intent or the explanation that was provided to City Council when Bylaw 20002 was passed. The proposed language rectifies this oversight and outlines a fair and impartial process by which the removal of conditions can be considered. Administration will reassess conditions that are applied for longer terms and during this process, the onus will be on the licensee to demonstrate that they can maintain safe and responsible business operations without mandatory conditions.</p>

5. Additional Administrative Amendments

Action	Proposed Bylaw Amendment
<p>Correct an omission in the application requirements for the Bingo/Casino and Adult Service business categories.</p>	<p>Current: The schedule of application requirements does not include the proof of age requirement that corresponds with a requirement for licensees under both of these categories to be 18 years of age or older.</p> <p>Proposed: Add the proof of age requirement to the schedule of application requirements for both categories.</p> <p>Rationale: Improves clarity and ensures consistency with the corresponding bylaw sections.</p>

Attachment 2

Action	Proposed Bylaw Amendment
Correct an error in the language on the bylaw violation description for Escort Agencies with respect to verifying the age of a customer.	<p>Current: Fail to verify the age of any customer who appears to be 25 years of age.</p> <p>Proposed: Fail to verify the age of any customer who appears to be under 25 years of age.</p> <p>Rationale: Improves clarity and ensures consistency with the corresponding bylaw sections.</p>