

## REPORT

### Council

**Meeting Date: January 26, 2026**

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**FROM:** Municipal Enforcement Services Department

**DATE:** January 13, 2026

**SUBJECT:** **Business Licensing By-law**

**LOCATION:** Town-wide

**WARD:** Town-wide

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#### **RECOMMENDATION:**

1. That By-law 2026-012, a by-law to provide for the licensing and regulation of various businesses in the Town of Oakville and to repeal By-law 2015-075, as amended, attached as Appendix A to the report from Municipal Enforcement Services dated January 13, 2026, be passed.
2. That By-law 2026-013, a by-law to amend Municipal Powers and Duties By-law 2023-021, as amended, attached as Appendix B to the report from Municipal Enforcement Services dated January 13, 2026, be passed.

#### **KEY FACTS:**

- This report references three versions of the business licensing by-law: (1) the current by-law, which is presently in force; (2) the June 17, 2024 draft by-law previously presented to Council; and (3) the proposed by-law included as Appendix A to this report.
- Licensees were invited to provide feedback on the 2024 draft by-law, and their input has been considered throughout this report.
- Municipal Enforcement Services (MES) has revised sections of the 2024 draft by-law in response to feedback from Council and business licensees, in addition to a focus on reducing red-tape and streamlining processes.
- The proposed by-law is scheduled to come into effect one year after its approval. This implementation period will allow MES to update the online business licensing portal (AMANDA), revise the website, prepare

enforcement documentation, train staff, and complete other operational requirements. It also provides time to test the portal to ensure full functionality before the by-law is enacted.

- The proposed by-law contains provisions granting the Director of MES (also referred to as the Licensing Commissioner) delegated authority to extend business licences in the event of an emergency. A by-law to amend Municipal Powers and Duties By-law 2023-021 to provide for this is included as Appendix B to this report.

## BACKGROUND:

### Timeline to Date

- The review of Business Licensing By-law 2015-075 commenced in 2020 with several key milestones that have contributed to the current proposed by-law.
- In February 2020, public open house sessions were held with local businesses and residents to gather feedback and input. Later, in December 2020, MES partnered with the BIAs and the Oakville Chamber of Commerce to develop and distribute a questionnaire, providing an additional opportunity for stakeholders to share their views. Over 350 responses were received.
- On January 31, 2022, a business licensing update report ([Business Licensing By-law Review Update](#)) was presented to Council. This report provided Council with the opportunity to review the draft by-law and allow MES to continue by-law preparations in accordance with the direction set out within the report.
- In November 2022, MES hosted virtual meetings with companies providing private parking enforcement services and reached out to existing payday loan businesses to advise them of the proposed licensing requirements for these business classes. These engagements clarified licensing regulations and offered businesses an opportunity to share feedback.
- On June 17 2024, a report ([Business Licensing By-law Review – Draft By-law](#)) and draft by-law ([Draft Licensing By-law.docx](#)) was presented to Council for review and comment. Feedback on the draft by-law was solicited from licensees and new businesses to be licensed.

### Improvements Previously Reported to Council

The proposed by-law incorporates enhancements to the licensing program that were previously presented to Council for consideration.

- **Licensing thresholds:** Identifies offences under various federal and provincial legislation and the frequency with which an applicant may be convicted of the specified offences. When an applicant has convictions, a licence application will

be denied, or a licence will not be renewed. In these cases, the applicant or licensee may appeal the Licensing Commissioner's decision to the Appeals Committee

- **Endorsements:** To reduce overlap with licensing requirements, certain classes of businesses will be able to apply for an "endorsement" which will allow them to carry on a related business activity which would otherwise require a separate licence.
- **Vehicle age:** Model year restrictions for driving instruction vehicles, limousines, and taxicabs will be removed. However, once these vehicles reach ten years of age, licensees will be required to submit a Safety Standards Certificate six months into the licence term.
- **Contractors:** Grouping all classes of contractors into one schedule.

During the COVID-19 emergency, Council delegated authority to the Director of Municipal Enforcement Services (MES) to extend business licences until 30 days after the emergency was declared over. To streamline licensing in the event of future emergencies, similar provisions have been incorporated into the proposed by-law. These provisions grant the Director of MES (also referred to as the Licensing Commissioner) delegated authority to extend business licences for an initial 30-day period, with the option to renew in additional 30-day increments if necessary. A by-law to amend the Municipal Powers and Duties By-law 2023-021 to enable this authority is attached as Appendix B to this report.

#### New Business Classes Previously Reported to Council

The following new business classes requiring licensing were previously reported to Council:

- Mobile Motor Vehicle Service
- Mobile Personal Services
- Private Parking Enforcement Company and Private Parking Enforcement Officers
- Payday Loan Establishments

#### **COMMENT/OPTIONS:**

This report references three versions of the licensing by-law: (1) the current by-law, which is presently in force; (2) the June 17, 2024, draft by-law previously presented to Council and (3) the proposed by-law included as Appendix A to this report.

Licensees were invited to provide feedback on the 2024 draft by-law, and their input is discussed throughout this report. A comprehensive summary of comments is provided in Appendix C.

MES has amended some sections of the 2024 draft by-law considering the feedback received from Council and the licensees, and also with a focus on reducing red-tape and streamlining processes.

The following section summarizes key feedback from licensees, capturing a range of perspectives and highlighting the areas where concerns and comments were most frequently raised.

#### 1. Public Liability Insurance

In the current by-law, applicants for a new licence or renewal of a licence must carry at least two-million-dollars in public liability insurance coverage. The proposed by-law increases this coverage to five-million-dollars.

The proposed increase in public liability insurance is intended to ensure sufficient financial protection for the public, businesses, and the Town in the event of accidents, injuries, property damage, or other claims arising from business activities. This coverage helps ensure that sufficient resources are available to address legal costs or settlements, should a claim occur. Accordingly, MES must ensure that valid insurance is maintained throughout the licence term.

Raising the coverage requirement also aligns business licensing with the Town's broader insurance standards, including those applied to special event permits and procurement processes. These standards are set out in the town's [Insurance Requirements Procedure](#).

Feedback received on the proposed insurance increase was mixed with some noting that the five-million-dollar insurance requirement appears consistent with industry standards, while some others raised concerns that the increased coverage amount is excessive and may lead to higher costs for businesses.

Additional feedback questioned the fairness of several related provisions, including:

- Imposing a late fee for failing to provide an updated insurance certificate.
- Using the absence of an updated certificate as grounds to deny or not renew a licence.
- Requiring a copy of the updated certificate at the time of licence renewal.
- The open-ended requirement that licensees must submit an updated certificate "immediately".

To support compliance, MES uses AMANDA (its licensing and enforcement platform), to send automated reminders to all licenced businesses:

- 30 days before the policy expiry date: "Insurance for (business name) is set to expire."
- 1 day after policy expiry date: "Insurance for (business name) has expired."

Despite these reminders, staff continue to spend considerable time following up with licensees. To encourage timely compliance, the Licensing Commissioner may impose late fees or deny licence issuance or renewal if updated insurance documentation is not provided.

Comments were received regarding insurance requirements for food vendors at events. Under the proposed by-law, attraction and farmers market organizers must carry a minimum of \$5 million in public liability insurance. If this coverage does not extend to vendors, organizers are responsible for setting vendor insurance requirements. Temporary food vendors attending the event must provide an insurance certificate as outlined in Schedule 30 of the proposed by-law.

## 2. Business Licence Renewals

The current by-law sets out specific dates for business licence renewals for each business class. For example, all Food Shop licences expire January 31<sup>st</sup> of each year. The proposed by-law removes these specific renewal dates and aligns the renewal to the anniversary of the date the licence was first issued. This change will particularly benefit applicants who have obtained a licence partway through the year and then must renew the licence a few months later. Licensees will still receive automatic email renewal reminders from AMANDA prior to the date the licence must be renewed.

To support a smooth transition during the first year of implementation, MES will temporarily extend endorsements when businesses renew ahead of the primary business licence, ensuring alignment and continuity in licensing.

For example, under the current by-law, a licensee may hold a Motor Vehicle Facility (MVF) licence that renews on August 31, and a separate Tobacco Retailer Licence that renews on January 31. In this case, the MVF is the licensee's primary business. Under the proposed by-law, the licensee could obtain a tobacco retailer endorsement linked to their MVF licence. Since the endorsement's renewal date would precede the MVF licence renewal, the existing Tobacco Retailer Licence would be extended to align with the MVF renewal date of August 31. Moving forward, both the MVF licence and the tobacco retailer endorsement would renew on August 31, streamlining the renewal process for the licensee.

This adjustment would only apply during the first year of implementation and would not affect new businesses applying for an initial licence.

## 3. Criminal Record Checks/Criminal Record and Judicial Matters Checks

Under the current by-law, many licensees are required to submit a Criminal Record Check or a Criminal Record and Judicial Matters Check ("criminal record check") both at the time of initial licence application and annually upon renewal. These checks are mandated for consumer protection purposes.

MES has received feedback that obtaining a criminal record check can be time-consuming. To help address this concern, the proposed by-law includes the following changes:

- **Acceptance of Third-Party Providers:** In addition to those issued by accredited police services, criminal record checks issued by approved third-party providers will now be accepted. To ensure accuracy and authenticity, the third-party provider must be approved by the Licensing Commissioner and must obtain criminal record information directly from the Royal Canadian Mounted Police (RCMP) National Repository of Criminal Records.
- **Extended Validity Period:** The current requirement that a criminal record check be no more than 30 days old at the time of application or renewal has been extended to 90 days, providing applicants and licensees with more flexibility.

MES also received feedback questioning the need for annual criminal record checks. In response, the proposed by-law introduces a three-year cycle for the submission of new criminal record checks for the following business classes:

- Adult Entertainment Video Store
- Arborist Consulting Company, Arboriculture Company, Tree Company
- Landscaping Contractor; Lawn Care Contractor; Pool Installation Contractor
- Kennel
- Limousine Owner
- Nightclub
- Payday Loan Establishment
- Pet Shop
- Private Parking Enforcement Officer
- Refreshment Vehicle, Catering Truck, Self-Propelled Refreshment Vehicle
- Salvage Yard
- Second-Hand Goods Shop/Temporary Sale of Second-Hand Goods and
- Taxicab Owner

For these business classes, the applicant will:

- **Year 1:** Submit a criminal record check when applying for a licence or at licence renewal.
- **Years 2 and 3:** Licensees must provide a self-declaration to confirm that they have no convictions under the Criminal Code of Canada, the Controlled Drugs and Substances Act, and, where applicable, the Highway Traffic Act that meet the thresholds set out in Schedule 1 of the proposed by-law. If a licensee incurs convictions in Year 2 or Year 3, they will be required to provide an updated criminal record check.
- **Year 4:** Licensees must submit a new criminal record check at the time of licence renewal, restarting the cycle.

**Appendix D** of this report outlines the business classes that require a criminal record check and indicates whether each is subject to the proposed three-year submission cycle. Licensees whose business class is not included in the three-year cycle will continue to be required to submit a new criminal record check annually at the time of licence renewal.

### 3.1 Driving Instructor – Criminal Record Check Exemption

To reduce duplication and streamline the licensing process for driving instructors, the proposed by-law removes the requirement to submit a criminal record check. Driving instructors are already licensed by the Province. To obtain a provincial licence, applicants must meet the eligibility requirements set out in Ontario Regulation 473/07 under the Highway Traffic Act, including restrictions related to convictions under the Criminal Code and the Highway Traffic Act.

Under the proposed by-law:

- **Initial Application:** Applicants must submit a copy of their valid provincial driving instructor licence when applying for a business licence.
- **Ongoing Requirements:** The provincial licence is valid for three years. In the intervening years between the initial business licence application and the expiry of the provincial licence, licensees must submit a self-declaration confirming continued compliance with the restrictions related to convictions set out in O. Reg. 473/07.
- **Licence Renewal:** If the provincial driving instructor licence expires during the term of the business licence, the licensee must immediately submit a copy of the renewed provincial licence to the Licensing Commissioner.

As the provincial licence also covers driving offences under the Highway Traffic Act, applicants will no longer be required to submit a driver record at the time of application for a licence or at licence renewal. This approach ensures continued oversight while minimizing redundancy for provincially regulated professionals.

### 3.2 Private Parking Enforcement Officers – Criminal Record Check Alternative

Provision has also been made for private parking enforcement officer applicants and licensees to submit a current and valid security guard/private investigator licence issued by the Province in place of a criminal record check.

To obtain this provincial licence, individuals must have a clean criminal record and cannot have been convicted of any of the offences set out in Ontario Regulation 37/08 under the Private Security and Investigative Services Act, 2005. The licence is valid for two years.

In the intervening years between the initial business licence application and the expiry of the provincial licence, licensees will follow a process like that outlined for driving instructors.

#### 4. Employee Lists, Criminal Record Checks, Proof of Qualifications

The Town does not license individual employees of businesses who are required to enter dwellings to provide services, such as building renovators or mobile personal service providers, nor does it license employees who must hold certifications or qualifications to perform their duties, such as those in arborist classes. As these employees are not individually licensed by the Town, they are not required to submit criminal record checks or proof of qualifications to the Licensing Commissioner.

The 2024 draft by-law proposed a streamlined process for businesses whose employees provide services directly to the public. The proposed by-law carries these processes forward for employees of building renovators and mobile personal service businesses. At the time of initial licence application and licence renewal, the applicant or licensee must:

- Provide a list of employees who will be delivering services.
- Submit a self-declaration confirming that criminal record checks have been obtained for employees that are providing the service.
- Confirm that employees providing the service do not have any convictions outlined in Schedule 1 of the proposed by-law, specifically regarding convictions under the Criminal Code of Canada and the Controlled Drugs and Substances Act, insofar as the conviction directly affects the employee's ability to competently and responsibly perform their duties.

For employees hired during the term of the licence, the licensee must:

- Obtain a criminal record check where required.
- Ensure the employee has no Schedule 1 convictions.

Importantly, the proposed by-law does not require that an employee's criminal record check be submitted to the Licensing Commissioner or an Officer. In addition, the proposed by-law requires that applicants or licensees of the arborist classes:

- Submit an employee list for employees who will be performing the duties of an arborist, certified tree worker climber specialist, utility arborist or certified chainsaw operator at the time of initial application and licence renewal and obtain and retain proof of qualifications for these employees where such qualifications are required.
- Licensees obtain and retain proof of qualifications for employees where such qualifications are required.
- Licensees also obtain employee consent to share this proof of qualifications with the Licensing Commissioner or an Officer, upon request, for administration and enforcement purposes.
- This information must also be collected for any new employees hired during the licence term.

MES received feedback that employees would need a criminal record check before being assigned work. As these checks are required for consumer protection, licensees must ensure employees meet the by-law's standards. The proposed by-law accepts third-party criminal record checks which should make this process faster and more accessible.

Feedback was also received regarding updating employee lists. The proposed by-law clarifies that licensees must provide an updated list of new hires during the licence term only if requested by the Licensing Commissioner or an Officer. Licensees are not required to update their online services account (portal) each time a new employee is hired.

#### 5. Schedule 9 - Contractors

Council requested clarification on how contractors engaged for emergency services such as roofing, window, or door installations are treated under the 2024 draft by-law. These contractors are typically categorized as building renovators and, as such, are required to hold a valid licence to operate within the Town of Oakville.

In the event of a complaint regarding an unlicensed contractor, MES would initiate an investigation. If the contractor is found to be operating without the required licence, MES may issue an order to obtain a licence or impose an administrative penalty, depending on the circumstances. To support transparency and compliance, a list of currently licensed contractors is publicly available on Oakville.ca.

Additionally, the definition of "building renovator" in the proposed by-law has been updated to explicitly include the installation of windows, doors, and garage doors, ensuring these services are clearly covered under the licensing framework.

#### 6. Schedule 21- Payday Loan Establishments

The 2024 draft by-law introduced a limit for payday loan establishment licences to one per Ward. At Council's direction, MES conducted a review to improve how licences are distributed across Oakville. The updated proposal now sets a town-wide cap of four licences, divided between two geographic areas:

- **Area 1:** Wards 1, 2, 4, and 7 – maximum of two licences collectively.
- **Area 2:** Wards 3, 5, and 6 – maximum of two licences collectively.

To help prevent clustering and reduce potential community impacts, the proposed by-law also introduces a minimum separation distance of 150 metres:

- Between payday loan establishments,
- Between a payday loan establishment and any public or private school,
- Between a payday loan establishment and any gaming venue, such as those with electronic gaming machines.

The proposed by-law includes grandfathering provisions for existing payday loan businesses that are provincially licensed and operating at the time the by-law comes into effect. These businesses must obtain a municipal licence and may continue operating at their current location, provided they remain licensed by both the Province and the Town.

No new licences will be issued in Wards with grandfathered businesses until the number of establishments falls below the limits set for Area 1 or Area 2. Once a licence becomes available, it will be issued on a first-come, first-served basis within the applicable Area.

As of the date of this report, there are four provincially licensed payday loan establishments operating in Oakville: three located in Ward 2 (Area 1) and one in Ward 3 (Area 2). If these businesses remain licensed and operational when the proposed by-law takes effect, no new licences will be issued in Area 1 until two of the existing establishments in Ward 2 either cease operations or lose their provincial licence.

In Area 2, where only one payday loan business is currently operating, an additional licence is available. However, if two or more businesses are operating in Area 2 at the time the by-law comes into effect, they will be grandfathered under the new regulations. In that case, no new licences will be issued in Area 2 until the number of establishments falls below the permitted threshold.

The *Payday Loans Act* provides for an appeal to the Province's Licence Appeal Tribunal if the provincial licence is suspended or revoked. If the person appeals this decision to the Tribunal, the suspension or revocation of their provincial licence is stayed. The proposed by-law has been amended to align the suspension of a payday loan business licence to the length of the stay. If the person does not file an appeal to the Tribunal, their business licence will be suspended or revoked by the Licensing Commissioner and an appeal of this decision to the Appeals Committee will not be permitted as the person will no longer be licensed by the Province.

#### 7. Schedule 24 - Private Parking Enforcement Company, Private Parking Enforcement Officer

Currently, private parking enforcement companies and private parking enforcement officers (referred to as Municipal Law Enforcement Officers (MLEOs)) do not require a business licence. MLEOs are appointed specifically to enforce parking by-laws on private property. To be appointed, individuals must submit an application form, proof of insurance, and a criminal record check. There is no fee associated with the appointment, nor is there a requirement for annual renewal.

The by-law is proposing to include private parking enforcement companies and officers as licensed business classes. This change would:

- Ensure only qualified companies and individuals participate in the program.
- Streamline the approval and oversight process.

- Establish enforceable standards for private property parking enforcement.
- Set clear expectations for officer conduct.
- Enable cost recovery for administrative efforts.
- Simplify program management for Town staff.

MES received feedback from several private parking enforcement companies regarding the proposed licensing fees. These companies questioned the appropriateness of charging a fee, noting that fines collected from penalty notices issued by private parking enforcement officers are retained by MES.

MES clarified that the licensing program is intended to operate on a cost-recovery basis. Fees collected are designed to cover the administrative and enforcement costs required to manage the program, ensuring its sustainability and effectiveness.

#### 8. Schedule 28 - Second-Hand Goods Shop/Temporary Sale of Second-Hand Goods

MES received feedback regarding “pop-up” sale events that involve the buying and selling of items such as jewelry, records, and sports collectibles. Some comments noted that these temporary events compete with brick-and-mortar businesses offering similar merchandise. It’s important to note that retail businesses selling new merchandise are not required to obtain a business licence.

The proposed by-law introduces a new licensing class, Temporary Sale of Second-Hand Goods. This licence will regulate short-term buying and selling of second-hand items, including sales at flea markets. These activities were previously covered under the transient merchant and special sales provisions in the 2024 draft by-law.

To obtain a Temporary Sale of Second-Hand Goods licence, applicants must submit:

- A criminal record check.
- A list of items to be sold.
- The date(s) and location(s) of the sale.

To ensure these sales remain temporary and do not evolve into permanent operations that would trigger zoning requirements, the by-law limits each location to a maximum of four sales in the term of the licence, each lasting up to four consecutive days. Licensees may apply for an extension if they wish to operate more than four times from the same location. The licence also permits operation up to four times per year from a different location.

MES is also proposing to remove the licensing requirement for day sales of items such as flags and flowers, which are typically held on private property and have not generated any licensing investigations or complaints in the past five years.

The Town and the Region of Halton prohibits the sale of merchandise:

- On municipal rights-of-way under Municipal Right of Way By-law 2024-002;
- In Town parking lots under Municipal Parking Lot Maintenance, Use and Protection By-law 2025-072; and
- On regional roads under Halton Region By-law 109-00.

9. BIA Permission to Operate

To help mitigate competition with businesses located within a Business Improvement Area (BIA), the proposed by-law requires operators to obtain permission from the BIA's Executive Director before conducting certain activities. These include attractions, refreshment vehicles, catering trucks, farmers' markets, temporary second-hand sales, and promotional food sales events within a BIA.

Once permission is granted, the Executive Director of the BIA must notify the Licensing Commissioner to confirm their approval.

10. Attractions and Farmers Markets

The current by-law regulating exhibitions and outdoor markets has occasionally led to confusion among applicants regarding which licence applies to their event. To address this and improve clarity, the proposed by-law introduces updated regulations that replace the existing schedules with two distinct categories, Attractions and Farmers Markets.

Attractions refer to events held on private property that are open to the public. These include:

- Community gatherings
- Social events
- Cultural celebrations
- Festivals
- Arts and craft shows
- Carnivals

Farmers Markets are temporary markets located on private property where vendors sell agricultural products such as produce, flowers, and baked goods.

Under the proposed by-law:

- Attraction organizers must obtain a licence for each event. This licence is valid for up to four consecutive days.
- Farmers market organizers must obtain an annual licence, which permits operation up to three days per week for a maximum of six months.

### 10.1 Licensing of Food Vendors Operating at an Attraction

MES received feedback that licensing food vendors at temporary events can be challenging, particularly when vendors do not hold a valid refreshment vehicle or food shop/restaurant licence issued by the Town.

To help address this issue, the proposed by-law will permit attraction organizers to submit, on behalf of participating food vendors, a valid and equivalent refreshment vehicle or food shop/restaurant licence issued by another municipality in Ontario.

If a food vendor does not possess a licence from Oakville or an equivalent licence from another Ontario municipality, they may apply for a temporary food vendor licence specific to the event. This new licensing category is introduced in the proposed by-law and is detailed in Section 11 of this report.

### 10.2 Required Documentation from Attraction Organizers

Under the proposed by-law, attraction organizers must submit the following documentation at least 60 calendar days prior to the scheduled date of the attraction:

- Proof of insurance with a minimum coverage of five million dollars.
- Detailed description of the attraction, including date(s), time(s), and location.
- List of food vendors, including the items each vendor will offer. Organizers may update this list up to seven days before the event. No changes will be accepted after this deadline. This list supports vendor licensing verification (by the Town or another Ontario municipality), by-law enforcement, and ensures the attraction operates in accordance with its licence.
- Copies of food vendor licences, as outlined in Section 10.1.
- Written authorization from the property owner or management company.
- TSSA licences/permits, if the attraction includes amusement rides.
- Proof of building permit, if applicable (e.g., for temporary structures such as tents).

To support the surrounding community, organizers must also:

- Provide a site map showing the attraction's layout in relation to nearby properties and vendor locations.
- Submit a parking management plan. Sample plans will be available online to assist applicants.
- Obtain a noise exemption permit, if required under the Noise By-law or as directed by MES. This may be necessary for attractions using amplified sound near residential areas. MES recognizes that this requirement can be stressful for

organizers, but it is intended to balance event needs with minimizing noise impacts on residents.

- Advertise appropriate parking locations and ensure that municipal rights-of-way remain unobstructed, including by queues forming to enter the attraction.

For public health and safety, organizers must also:

- Coordinate with the Health and Fire Departments for any required inspections.
- Notify the Halton Regional Police of the event.
- Inform the Humane Society of Oakville, Milton & Halton if animals will be present at the attraction.

### 10.3 Attraction Licensing Exemptions

An attraction licence is not required for the following:

- Attractions organized by the Town.
- Attractions held on Town property under a valid Town-issued permit or with Council approval.
- Private functions held on private property that are not open to the public, such as weddings, company picnics, and birthday parties.

To support public health and safety, the following types of attractions do require a licence, however the licence fee will be reduced by 50%:

- Attractions hosted by registered charities.
- Attractions organized by educational institutions for the purpose of education or fundraising, provided the institution is directly sponsored by a school board or the Ministry of Education.
- Attractions held by religious institutions on their own premises.

### 10.4 Required Documentation from Farmers Market Organizers

Under the proposed by-law, organizers of farmers markets must submit the following documentation at least 60 calendar days prior to the scheduled market date:

- Insurance certificate with a minimum coverage of five-million-dollars.
- Details of the market, including date(s), time(s), and location.
- Written authorization from the property owner or property management company.

- Proof of building permit, if applicable (e.g., for temporary structures such as tents).
- Copy of communication with the Health Department, if relevant.
- Parking management plan. Sample plans will be available online to assist applicants.

#### 10.5 Farmers Market Licensing Exemptions

A farmers market licence is not required for markets that are:

- Organized by the Town; or
- Held on Town property under a valid Town-issued permit or with Council approval.

Farmers markets hosted by registered charities are still required to obtain a licence; however, the licence fee will be reduced by 50%.

#### 11. Temporary Food Vendors

The Temporary Food Vendor Licence is a new licensing category designed for individuals who wish to operate at:

- An attraction; or
- An event held on Town property under a valid Town permit,

and who do not hold either of the following:

- A valid Oakville licence for a refreshment vehicle, self-propelled refreshment vehicle, or food shop/restaurant; or
- A valid equivalent licence issued by another Ontario municipality.

A temporary food vendor licence is not required to sell low risk pre-packaged food such as dry goods, bottles of pop or water, bags of chips or packaged candy. If the food or beverages require refrigeration or other forms of temperature control (e.g. dairy and meat products), a temporary food vendor licence would be required.

This licence is also available to individuals who wish to operate at a temporary event held on private property, where the vendor is invited by a business, organization, or property owner to sell food or beverages to the public for the purpose of marketing, promotion, or customer engagement, referred to as a promotional food sales event.

For promotional food sales events, equivalent licences from other Ontario municipalities will not be accepted. Unlike attractions, which have a designated organizer responsible for submitting licensing documentation, promotional food sales events typically lack a central organizer. As a result, verifying individual licences would fall to Town staff.

The licensing requirements for a Temporary Food Vendor Licence are like those for refreshment vehicles, self-propelled refreshment vehicles, and food shops/restaurants. These requirements ensure that appropriate insurance coverage and health and safety checks are in place.

## 12. Refreshment Vehicles

The current by-law defines four classes of refreshment vehicles:

- Class A – Motorized or non-motorized vehicles (e.g., chip trucks, food trucks, ice cream trucks).
- Class B – Non-motorized vehicles (e.g., hot dog carts).
- Class C – Vehicles propelled by hand or bicycle.
- Special Event Refreshment Vehicle – Any Class A, B, or C vehicle operating at an event.

Classes A, B, and C are issued as annual licences, while the Special Event Refreshment Vehicle licence is issued per event.

The proposed by-law modernizes and simplifies these categories into three new classes:

- Catering Truck – A truck providing pre-packaged refreshments to construction sites.
- Self-Propelled Refreshment Vehicle – A bicycle or pushcart.
- Refreshment Vehicle – A motorized vehicle or one that can be easily towed (e.g., food trucks, ice cream trucks, trailers).

To streamline licensing, the proposed by-law introduces the following changes:

- Criminal record checks must be submitted by the applicant/licensee on a three-year cycle, as previously described.
- Municipal plates will no longer be issued for self-propelled refreshment vehicles. Instead, applicants must declare the number of vehicles in their fleet at the time of application or renewal. The licence will cover all vehicles in the fleet.
- A refreshment vehicle or self-propelled refreshment vehicle does not require a licence when operating at a private function closed to the public, such as a wedding or birthday party.
- The Special Event Refreshment Vehicle licence has been removed. Operators at attractions may instead rely on an equivalent licence from another Ontario municipality or obtain a Temporary Food Vendor Licence.

To ensure refreshment vehicle operations remain temporary and do not evolve into permanent setups that would trigger zoning requirements, the proposed by-law limits operation to:

- A maximum of four times in the term of the licence from the same location, each for up to four consecutive days.
- Up to four times in the term of the licence from a different location.

Licensees may apply for an extension if they wish to exceed these limits.

Refreshment vehicles equipped with propane or other fuel-fired cooking facilities for food preparation and sales may be subject to inspection by the Town's Fire Department. To ensure compliance with TSSA and fire safety requirements, applicants using such equipment are to provide the following with each new or renewal application:

- A current and valid propane certificate at the time of initial licence application.
- A current and valid annual inspection certificate from a TSSA-certified technician at the time of initial application and upon licence renewal. (Annual inspections are mandated under the Technical Standards and Safety Act.)
- Photographic evidence of the following at initial application and renewal:
  - The inspection tag affixed to the suppression system.
  - The sticker attached to the exhaust hood, as required by the Fire Code and NFPA 96.
  - The tag on the on-board fire extinguisher with a K rating.

Permanent, stationary refreshment vehicles permitted by zoning or granted zoning relief (e.g., chip trucks) would now be included under the Food Shop schedule and will require a food stand licence, as outlined in Section 13.

### 12.1 Inquiries Regarding Refreshment Vehicle Licensing

MES has received inquiries regarding the licensing requirements for refreshment vehicles at fundraising events. Under the proposed by-law, a refreshment vehicle licence is required for fundraising events that are open to the public. This requirement ensures compliance with food safety, public health, and fire safety standards—protecting attendees, maintaining consistency across licensees, and reinforcing public confidence in the safety of food offered for sale.

Council also raised the following questions:

- Reducing Insurance Requirements for Food Trucks: As outlined earlier in this report, all licensees are required to carry insurance to protect both their business and the Town from financial risk. The proposed increase in insurance coverage from two million to five million dollars aligns with the Town's standard insurance requirements. MES does not recommend lowering the insurance minimum for

any business class, as maintaining a consistent five-million-dollar threshold ensures fairness, adequate protection, and alignment with municipal standards.

- Extending the Licensing Term (e.g., to three years): The current annual licence for refreshment vehicles requires applicants to submit updated documentation each year, including:
  - Approval from the Health Department.
  - A valid vehicle safety standards certificate and vehicle insurance, if applicable.
  - Confirmation of TSSA, fire safety and suppression system inspections, if applicable.

Given that public health, safety, and consumer protection are core objectives of business licensing, MES does not recommend extending the licence term beyond one year.

- Implementing Proposed Changes Under the Current By-law- The proposed by-law will take effect one year after Council approval. This transition period allows MES to:
  - Update the online licensing portal and AMANDA system.
  - Prepare enforcement documentation.
  - Complete other necessary operational updates.

Therefore, it will not be possible to incorporate the proposed changes into the current by-law.

### 13. Food Shops

The current by-law includes three classes of food shop licences:

- Food Shop/Restaurant
- Food Shop Ancillary
- Special Event Food Shop

The Food Shop/Restaurant and Food Shop Ancillary licences are issued annually, while the Special Event Food Shop licence is issued per event.

The proposed by-law introduces several updates to streamline and modernize food shop licensing:

- The term “Food Shop Ancillary” has been updated to “Food Shop Convenience” to better reflect the nature of the business class.
- A new licensing category, “Food Stand,” has been introduced for stationary vehicles (e.g., chip trucks) that have zoning approval to operate permanently on private property and sell refreshments. Previously, these vehicles were classified

under Food Shop/Restaurant. Establishing a distinct Food Stand category streamlines the licensing process and makes it easier for applicants to identify the correct documentation.

- Food stands equipped with propane or other fuel-fired cooking facilities for food preparation and sales may be subject to the same requirements outlined for Refreshment Vehicles in Section 12 of this report.
- Endorsements are proposed for Food Shop/Restaurant or Food Stand licensees who wish to operate a refreshment vehicle or self-propelled refreshment vehicle at an attraction or event held on Town property under a Town permit.
- The Special Event Food Shop licence has been removed. Individuals operating at an attraction who do not hold an annual Food Shop/Restaurant licence may instead rely on an equivalent licence from another Ontario municipality or obtain a Temporary Food Vendor Licence.

#### 14. Other Proposed Amendments to the June 17, 2024 Draft By-law

MES has continued to refine the 2024 draft licensing by-law. Below are key amendments included in the updated proposal. Minor revisions are detailed in **Appendix E** of this report.

##### 14.1 Appeals Committee

The proposed by-law updates the regulations governing appeals of the Licensing Commissioner's decisions to the Appeals Committee. Notably, it removes the restrictions in the 2024 draft by-law that limited appeals for certain business classes. The by-law also references the Appeals Committee's Rules of Practice and Procedure, ensuring consistency and transparency in the appeals process.

##### 14.2 Operating Hours

To reduce noise-related disturbances from construction, landscaping, and similar activities, the proposed by-law introduces limits on operating hours for the following business types:

- Building renovators
- Pool installation contractors
- Landscaping contractors
- Lawn care contractors
- Mobile motor vehicle service providers

These limits were developed in consideration of the Noise By-law 2024-079, and definitions for "construction equipment" and "domestic tool" are provided in Schedule 9 of the proposed by-law.

A comparison of operating hours between the current and proposed by-laws is included below for reference.

14.2.a. Building Renovators and Pool Installation Contractors

| <b>Current By-law</b>                                                                                                                                                                                                                                                                                                                                                            | <b>Proposed By-law</b>                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| <p>No operation of any construction equipment:</p> <ul style="list-style-type: none"> <li>• between the hours of 7:00 p.m. and 7:00 a.m. of the following day or on Sundays or holidays, that is clearly audible at a point of reception, without first obtaining a Noise Exemption permit, other than emergency work required to address an immediate safety concern</li> </ul> | <p>No change to the current by-law requirements</p> |

14.2.b. Landscaping Contractors

Under the proposed by-law, the operating restrictions for domestic tools used by landscaping contractors remain largely unchanged. However, a new provision prohibits the use of leaf blowers, both gas-powered and electric, on Sundays and holidays.

This amendment is intended to address ongoing concerns from residents regarding excessive noise and emissions associated with leaf blower use.

Additionally, the proposed by-law removes the reference to obtaining a Noise Exemption Permit for the operation of construction equipment by landscaping contractors. This change reflects the fact that landscaping work does not qualify for such permits under the Town’s noise regulations.

| <b>Current By-law</b>                                                                                                                                                                                                                                                                                                               | <b>Proposed By-law</b>                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>No operation of any domestic tool:</p> <ul style="list-style-type: none"> <li>• between the hours of 9:00 p.m. and 7:00 a.m. of the following day (9:00 a.m. on Sundays), that is clearly audible at a point of reception; other than snow removal or emergency work required to address an immediate safety concern.</li> </ul> | <p>No operation of any domestic tool (e.g. lawn mowers, leaf blowers, line trimmers and hedge trimmers):</p> <ul style="list-style-type: none"> <li>• between the hours of 9:00 p.m. and 7:00 a.m. of the following day (9:00 a.m. on Sundays), that is clearly audible at a point of reception; other than snow removal or emergency work required to address an immediate safety concern</li> </ul> |

|                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>No operation of any construction equipment:</p> <ul style="list-style-type: none"> <li>• between the hours of 7:00 p.m. and 7:00 a.m. of the following day or on Sundays or holidays, that is clearly audible at a point of reception, without first obtaining a Noise Exemption permit, other than emergency work required to address an immediate safety concern.</li> </ul> | <ul style="list-style-type: none"> <li>• despite bullet 1, no leaf blowers shall be operated on Sundays or holidays</li> </ul> <p>No operation of any construction equipment:</p> <ul style="list-style-type: none"> <li>• between the hours of 7:00 p.m. and 7:00 a.m. of the following day, or on Sundays or holidays, that is clearly audible at a point of reception, other than emergency work required to address an immediate safety concern.</li> </ul> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

11.2.c. Lawn Care Contractors

In the current by-law, landscaping contractors and lawn care contractors are subject to the same operating hour restrictions. However, the proposed by-law introduces distinct requirements for each, recognizing the differences in their work.

For lawn care contractors, the proposed by-law:

- Maintains existing restrictions on the use of domestic tools (e.g., lawn mowers, leaf blowers, line trimmers), including:
- No operation between 9:00 p.m. and 7:00 a.m. (or 9:00 a.m. on Sundays) if clearly audible at a point of reception.
- Exemptions apply for snow removal and emergency work addressing immediate safety concerns.
- Prohibits the use of leaf blowers, both gas-powered and electric, on Sundays and holidays, in response to ongoing concerns about noise and emissions.
- Removes references to construction equipment, as lawn care contractors are not permitted to use such equipment under the proposed by-law. Their operations are limited to domestic tools only.

| <b>Current By-law</b>                                                                                                                                                                                                                                                         | <b>Proposed By-law</b>                                                                                                                                                                                                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>No operation of any domestic tool:</p> <ul style="list-style-type: none"> <li>• between the hours of 9:00 p.m. and 7:00 a.m. of the following day (9:00 a.m. on Sundays), that is clearly audible at a point of reception; other than snow removal or emergency</li> </ul> | <p>No operation of any domestic tool (e.g. lawn mowers, leaf blowers, line trimmers):</p> <ul style="list-style-type: none"> <li>• between the hours of 9:00 p.m. and 7:00 a.m. of the following day (9:00 a.m. on Sundays), that is clearly audible at a point of reception other</li> </ul> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>work required to address an immediate safety concern.</p> <p>No operation of any construction equipment:</p> <ul style="list-style-type: none"> <li>• between the hours of 7:00 p.m. and 7:00 a.m. of the following day or on Sundays or holidays, that is clearly audible at a point of reception, without first obtaining a Noise Exemption permit, other than emergency work required to address an immediate safety concern.</li> </ul> | <p>than snow removal or emergency work required to address an immediate safety concern.</p> <ul style="list-style-type: none"> <li>• despite bullet 1, no leaf blowers shall be operated on Sundays or holidays.</li> </ul> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

14.2.d. Mobile Motor Vehicle Service

Equipment such as vacuums, compressors and pressure washers generate significant noise which can disturb nearby residents. To help minimize these disturbances, the proposed by-law prohibits mobile motor vehicle services from being provided on Sundays and holidays.

| <b>Current By-law</b> | <b>Proposed By-law</b>                                                                                                                                                |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Not applicable        | No licensee shall provide mobile motor vehicle services at any location between the hours of 7:00 p.m. and 7:00 a.m. of the following day, or on Sundays or holidays. |

15. Mobile Motor Vehicle Service

There is a growing demand for convenient, on-site motor vehicle services such as seasonal tire changes, oil changes, battery replacement, and detailing, delivered at a customer’s home or workplace. The current by-law does not regulate mobile businesses offering these services unless they operate from a licensed brick-and-mortar facility.

The proposed by-law introduces licensing requirements for mobile motor vehicle service providers who do not hold a valid motor vehicle facility licence.

In addition to the operating hours described above, the following has been made in the proposed by-law:

- A new definition for “light maintenance services” has been added.

- The definition of “mobile motor vehicle service” has been amended to clarify that only light maintenance services may be performed at a customer’s location. These include:
  - Oil changes
  - Tire changes
  - Battery replacement
  - Detailing

Prohibited services include:

- Heavy repairs
- Bodywork or painting
- Engine or transmission replacement
- Welding
- Any activity involving excessive noise, fumes, environmental hazards, or heavy equipment

To ensure that mobile motor vehicle services are delivered as intended and only to legitimate customers, the proposed by-law includes the following conditions for a vehicle being serviced:

- The vehicle must display a valid licence plate
- The vehicle must be registered to a person who:
  - Resides at the property where the service is performed, or
  - Is employed at the location where the service is performed

In residential areas, the vehicle must not be:

- Dealer-plated
- A rental vehicle
- Owned by a motor vehicle sales business

If the vehicle is owned by a corporation, a person residing or employed at the service location must be an officer or employee of the corporation and must be able to demonstrate this to the satisfaction of the Licensing Commissioner or an Officer.

## 16. Taxicabs

It has been common practice for some taxicab owners to temporarily remove their vehicles from service and cancel their insurance for various reasons. Under the current by-law, reinstating a vehicle to active service is a cumbersome process.

To address this, the proposed by-law introduces a streamlined process for temporarily removing and reinstating a taxicab.

If a taxicab will be out of service for one month or more, the owner must:

- Notify the Licensing Commissioner
- Return the municipal plate
- Pay the applicable fee
- Remove all equipment that identifies the vehicle as a taxi

When the owner wishes to reinstate the vehicle, they must:

- Notify the Licensing Commissioner
- Submit a current and valid vehicle insurance certificate
- Pay any outstanding licence renewal fees

Once these steps are completed, the municipal plate will be reissued to the owner.

#### 17. Tobacco Retailer

MES is proposing to remove Section 5 of the 2024 draft by-law, which outlines the progressive suspension of a tobacco retailer licence following convictions under the Smoke-Free Ontario Act (SFOA).

Under the 2024 draft, the Licensing Commissioner would issue:

- A warning for a first conviction under the SFOA.
- A progressive suspension of the licence for subsequent convictions.

The proposed by-law replaces this approach with general language stating that a tobacco retailer licence may be suspended for the duration of an Automatic Prohibition issued under the SFOA. This change aligns the Town's licensing framework with provincial enforcement mechanisms and simplifies the process.

Licensees will retain the right to appeal any suspension to the Appeals Committee.

#### 18. Vape Shop

MES is proposing to remove Section 5 of the 2024 draft by-law, which outlines the process for the progressive suspensions of a vape shop licence following convictions under the Smoke-Free Ontario Act (SFOA).

Under the 2024 draft, a first conviction would result in a warning from the Licensing Commissioner, with subsequent convictions leading to progressive licence suspension.

The proposed by-law replaces this approach with stricter provisions:

- A vape shop licence may not be issued or renewed if the applicant or licensee has been convicted of a vapour product sales offence under the SFOA.
- If a licensee—or their agent, employee, or contractor—is convicted of such an offence during the term of the licence, the licence will be revoked.
- The Licensing Commissioner may also impose terms or conditions on a vape shop licence.

Applicants and licensees retain the right to appeal:

- The failure to issue or renew a licence
- The imposition of conditions
- The revocation of a licence

Appeals may be submitted to the Appeals Committee, as outlined in the proposed by-law.

### **Effective Date**

The effective date of the proposed by-law will be one year following its date of approval by Council. This will give MES time to update the online licensing portal, AMANDA and the website, prepare enforcement documentation, train staff and complete other operational components. It will also allow MES to test the online portal to ensure that it is fully functional before the by-law takes effect.

### **CONSIDERATIONS:**

#### **(A) PUBLIC**

- Current licensees, proposed new businesses requiring licensing, BIAs and the Chamber of Commerce were provided with a link to this report and the proposed by-law, as well as information on how to address Council
- Notice of the report and date of the Council meeting was posted on the Town of Oakville website and through social media channels.

MES will work with Communications staff to prepare a communication plan for the launch of the new by-law in 2027 if the by-law is approved by Council.

#### **(B) FINANCIAL**

MES is working with Finance on a comprehensive review of licensing and administration fees based on a full cost recovery model. As the final licensing by-law will not come into effect until one year after its approval, licensing and administration fees will be included in the 2027 rates and fees schedule as part of the budget process following the by-law's approval. The proposed by-law includes administrative penalties, which will encourage compliance and assist with cost recovery.

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

Municipal Enforcement Services, Legal, Risk Management, Fire, Zoning, Transportation & Engineering, the Special Events Team, the Halton Health Department and the Humane Society of Oakville, Milton & Halton have been involved in the review process for the proposed by-law.

**(D) COUNCIL STRATEGIC PRIORITIES**

This report supports the strategic priority of accountable government.

**(E) CLIMATE CHANGE/ACTION**

Enforcement Services considered environmental impacts with the development of licensing regulations.

**APPENDICES:**

Appendix A – By-law 2026-012, a by-law to provide for the licensing and regulation of various businesses in the Town of Oakville and to repeal By-law 2015-075, as amended

Appendix B – By-law 2026-013, a by-law to amend Municipal Powers and Duties By-law 2023-021, as amended

Appendix C – Comments received from licensees

Appendix D – Criminal Record Checks

Appendix E – Table of Changes

Prepared by:

Steven Rosati

Manager – Strategy, Licensing &  
Business Services

Municipal Enforcement Services

Submitted by:

Selena Campbell

Director

Municipal Enforcement Services