



Report to: General Committee

Date of Meeting: September 28, 2006

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**SUBJECT:** By-law to License and Regulate Property Maintenance Contractors  
**PREPARED BY:** Darlene Barker Ext 2128

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**RECOMMENDATION:**

That a new by-law be enacted to licence and regulate Property Maintenance Contractors being those conducting the business of driveway paving, landscaping, lawn maintenance, and snow removal on private property.

**EXECUTIVE SUMMARY:**

Not applicable

**FINANCIAL CONSIDERATIONS:**

The proposed fee for the license under consideration is \$200. Initial estimate of 50 businesses licensed this year will see a total increase of \$10,000 for 2006.

**PURPOSE:**

The recommended by-law will increase the level of consumer protection to property owners hiring services of a property maintenance business, and prevent a potential public nuisance by licensing and regulating contractors to provide customers with written contracts for services, identify themselves by stationary and vehicles used to conduct business, obtain insurance, and requiring them to comply with all Town by-laws in conducting their business.

**BACKGROUND:**

Markham does not currently license or regulate property maintenance contractors, those conducting the business of driveway paving, landscaping, lawn maintenance, and snow removal from properties.

The Ontario Municipal Act, section 150 authorizes a Municipality to license, regulate and govern any business carried on within the municipality; even if the business is being carried on from a location outside the municipality, for one or more of the following purposes; health and safety, nuisance control and consumer protection.

On June 27, 2006, Council passed a by-law regulating extended driveways in residential zones. The initiative and activities leading to the passing of this by-law were extensive and included a Working Group comprised of staff and members of the public involved in several community meetings and results of a Town-wide survey. In addition to passing the by-law Council voted unanimously on the action that staff report to Council recommending the licensing of all contractors who provide paving/interlocking services in the Town.

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**OPTIONS/ DISCUSSION:**

The by-law will define the business of property maintenance as providing services of driveway paving, including the laying of interlocking brick, landscaping, lawn maintenance, and snow removal from private driveways. This will ensure that all business providing services to private property on behalf of owners of that property are consistent in the manner in which they conduct business.

The proposed bylaw will require the persons carrying on business as property maintenance contractors to

- Obtain and maintain a licence
- Obtain and provide proof of liability insurance in the amount of \$2,000,000
- Ensure that all materials or substances used by the contractor are contained on the property for which the contract applies
- Obtain written permission for the placement of materials on property other than that for which the contract applies
- Comply with all by-laws of the Town
- Obtain any necessary permits or authorization prior to the commencement of work
- Identify and register all vehicles used in the business
- Provide printed stationary including the contractor's name, address and telephone number
- Obtain a written contract for services signed by the licensee and the person for whom the work is being done

The regulations imposed on contractors will provide consumer protection to the public and residents of the Town of Markham by the requirement of the contractor to identify themselves and enter into a written agreement for services. The requirements of the contractor to comply with all by-laws and obtain permits and authorizations prior to the commencement of work will help to protect the owner from liability of work being done on their property not in compliance with the laws.

Examples of by-laws that are applicable to a property owner and may be associated to a contractor providing services are;

- By-law 140-91; regulating the filing up, draining and cleaning of any grounds, yards and vacant lots, and prohibits the dumping and debris on private or public property;
- By-law 2006-97; regulating and prohibiting the removal of topsoil, placing or dumping of fill and the alteration of the grade of land;
- By-law 191-89; prohibiting the fouling of highways by building and landscaping materials and placement of snow removed from private driveways, and regulating vehicles servicing building lots;

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- By-law 68-92; authorizing and regulating the planting, trimming and removal of trees on the boulevards of the Town; and
  - By-law 2006-96; regulating the driveways and parking pads on residential properties for ground oriented dwellings with direct vehicle access from a public street.

Other municipalities that have by-laws to regulate and licence the businesses similar to the subject of this report are, Oakville, Ottawa, Brampton, Mississauga and Barrie. The regulations contained within their by-laws are consistent with what is proposed here.

Initial enforcement, including identification of business required to be licensed may be assisted by the additional enforcement officer(s) dedicated to enforcement of the zoning by-law amendment pertaining to driveways and parking pads.

The proposed fee for a license and renewal of a licence is \$200. This fee is consistent with the recent study conducted by the Finance Department based on the estimated time and cost of enforcement and administration of these businesses, as similar types of currently licensed businesses.

#### Notification

Affected by the licensing provision recommended in the by-law, is any person who conducts the business of a property maintenance contractor in the Municipality. On estimation, there are approximately fifty (50) businesses based in Markham that may be regulated and licensed by this proposed by-law.

Pursuant to the Ontario Municipal Act, section 150(4), before passing a licensing by-law, Council shall, except in the case of an emergency, hold at least one public meeting at which a person who attends has the opportunity to make representation with respect to the matter. Notification of this meeting has been posted in the Community Page of the local newspaper, the Town website and written notices have been sent to known contractors via mail. It is intended that a by-law will be presented for consideration at the next meeting of Council on September 12, 2006.

Upon passing of the by-law, notice will be circulated specifically for property maintenance contractors of the by-laws applicable to the services they provide, and the by-law which licenses and regulates their business. In addition, notification of the by-law to residents will be posted on the Website and in the Community Page of the local newspapers.

#### **FINANCIAL TEMPLATE:**

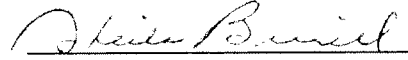
Not applicable.

**BUSINESS UNITS CONSULTED AND AFFECTED:**


N/A

**RECOMMENDED**

**BY:**



Sheila Birrell  
Town Clerk



Andy Taylor  
Commissioner of Corporate  
Services

**ATTACHMENTS:**

N/A