

CORPORATE POLICY



Policy Title: **Existing Licensed Business Transition Policy**
Policy Category: **Municipal Services**
Policy No.: M-006
Department: Community Services
Approval Date: November 24, 2014
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Author: Shamir Mehta
Attachments: N/A
Related Documents/Legislation: Business Licensing Review COM2014-021, COM2014-031

Key Word(s): business licence, transition, fees, recognized

POLICY STATEMENT:

The Municipal Enforcement Division at the City of Waterloo promotes health, safety and consumer protection through its licensing policies. To continue to promote these values, considering the needs of residents and businesses, Municipal Enforcement will transition recognized business licence holders into the comprehensive business licensing program as effectively and efficiently as possible. Recognized licensees will not be charged initial or renewal application fees.

PURPOSE:

The aim of this policy is to formalize the process in which the City will transition recognized business licensees into the new business licensing program.

DEFINITIONS:

“Recognized” means a business licence issued pursuant to by-law 2014-085, issued to a licensee who previously held a valid licence under by-law 02-185 and meets the criteria set out in this policy. Application fees for initial application or renewal of a recognized business licensee will not be charged provided the licensee continues to meet the requirements and regulations of by-law 2014-085 and this policy.

Mandatory Policy, <i>Municipal Act</i>:	No
Policy Administration Team, Review Date:	November 5, 2014
Corporate Management Team:	Oct 22, 2014

“Valid licence” means a licence issued under by-law 02-185 which does not have an expiry date, and meets all of the criteria as set out in the policy section of this policy (original use, original ownership, original location and original business name)

SCOPE:

This policy applies to businesses that held a valid licence under by-law 02-185 on August 11, 2014 without an expiry date.

POLICY COMMUNICATION:

This policy will be communicated by means of:

- Posting on the City website and Jostle
- Staff will direct stakeholders to the website for policy and process information
- Providing a copy to members of the Corporate Management Team and Operational Leadership Team.

POLICY:

For a licensee to be recognized and to be transitioned into the new program at no cost, the licensee must have held a valid licence on August 11, 2014, which did not have an expiry date on the licence or in City records. Additionally, the business that is operating must meet the following criteria to be recognized:

Original and Continuous Use

The licensee must provide the same product or service as when the initial business licence application was made. For example, when the business was first licenced if it was licenced for a dry cleaning operation it needs to still be operating as a dry cleaning operation to be considered in compliance with the definition of original use.

Original Ownership

The licensee must not have changed ownership from when the licence was issued. For example, if the owners who applied for the original licence have not sold or changed ownership to include or remove a listed owner as indicated on the original business licence application then the original ownership definition would be met.

Original Location

The licensee must not have changed their address of operation from the issuance of the licence.

Original Name

The licensee must not have changed the business name from the business name that was used to obtain the business licence.

Eligibility

If all four criteria mentioned above (original use, original ownership, original location, and original name) are met then the licensee is eligible to be recognized and can apply for a new business licence, at no fee, pursuant to by-law 2014-085

Deadline

For a “valid” business license holder to be transited into the new program at no cost, the licensee must submit an application no later than December 31, 2016.

Limitation

When a recognized business license is transitioned into the new business licensing program the licensee must ensure that all applicable requirements set out in by-law 2014-085 are complied with. Furthermore, the new license is non-transferable i.e. from owner to owner, business name to business name, or location to location.

Fees

Initial and renewal application fees will not be charged to recognized business licensees, provided that there is no transfer of license, change of use, change of location or change of business name and the requirements of by-law 2014-085 are complied with. Businesses with multiple locations will still be required to obtain licences for each location and any location that is not recognized will be required to pay the applicable fees.

COMPLIANCE:

Enforcement of this policy will be governed by the following three principles:

- Voluntary Compliance
- Complaint and risk based investigation
- Reasonable, transparent and proportionate enforcement