

TORONTO BILL RIPPED APART IN COMMITTEE

Revisions Eliminate Proposals to Impose New Licensing Fees

2 SECTIONS INTACT

Toronto legislation, concentrated in an act to amend the Municipal Act, yesterday morning passed through the fire of the Legislature Municipal Laws Committee and emerged with but two of ten sections and one subsection intact.

The chief weight of criticism, in which several of the Toronto members joined, was levelled at sections which, in the committee's opinion, sought to put excessive restrictive powers in the hands of the Council.

As approved, the decimated bill will recommend to the House sections which give an advance poll to bus and transport drivers, in a similar manner as railway employees and commercial travellers; the right of a council to license places where goods to be subjected to dry-cleaning processes are distributed and stored and the right of councils to permit a two-inch encroachment on highways on buildings which are to be refaced.

The Rejections.

Rejected were sections designed to give a municipality right of action to recover medical or hospital expenses in event a police officer is injured while on duty; to charge a fee to cover expenses upon an application for enactment of a by-law involving the use of land; to ban the storage of trucks in backyards or in the open; to levy a municipal license on persons using trucks to sell produce to retail dealers; to license coal dealers according to classification of the type of business and to apply for an injunction where land is used in contravention of a by-law.

Hon. Eric Cross, Minister of Municipal Affairs, led opposition to the clause relating to right of action in event of injuries to a policeman, claiming: "We shouldn't amend the general law by an amendment to the Municipal Act." The principle might well extend up to all employees of a municipality, to employees of the Dominion Government itself, he said.

On the fee question, he feared that it might in effect penalize the citizen who was seeking relief from, for example, building restrictions. "The citizen should have some rights in a municipality and should not be penalized by council right and left," he said.

G. C. Elgie (Cons. Woodbine) believed a fee imposition would have the effect of stopping speculators from attempting to amend building restrictions. "It's another stumbling block by-law, stopping progress in Toronto," William Duckworth (Cons. Dovercourt) charged in disagreement. It has got now that one can't move in Toronto without first securing a by-law.

Alderman D. Innes spoke in favor of the section, claiming: "Taxpayers should not be penalized because some person wants to lift some restrictions. Taxpayers should not have to bear the cost of polling a district."

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"Too Far in By-Laws."

On truck storage, Mr. Duckworth, who attacked the measure in second reading before the House, said: "We are going too far in by-laws of this kind and I want to commend this Government for doing away with a lot of these vicious by-laws which restrict a man from doing business. Do you know that businessmen of this city are so governed by by-laws they don't know what to do? It is a prohibitory bill which prohibits people from doing what they have a right to do."

In opposing the coal licensing provision, Mr. Cross said: "This has come back to the position that Mr. Duckworth complains of, that is of placing control of trade and commerce in the hands of councils. It is coming to the point where we will need trade agreements between municipalities—for example—a most favored nation treaty as between Toronto and Hamilton."

C. M. Colquhoun, city solicitor, argued that present licensing provisions over the coal trade, did not take into account that the trade was divided into retailers, wholesalers and dock operators. Different conditions prevailed in each, he said, and the present licensing right "don't make sense." Mr. Cross said he was opposed to making any change without first hearing representations from the trade.

The final clause, asking for permission to apply for an injunction where land is used in contravention of a by-law, was aimed, city representatives admitted, at the case of D. J. Bennett, who operated a used car lot on the west side of Roncesvalles Avenue, which is designated as a restricted section. Mr. Bennett, said Mr. Colquhoun, was operating without a license, and frequent police court actions had not stopped him from maintaining the business. He evaded the by-law technically, he said, by completing terms of sale on the east side of the street, which was not restricted.

Mr. Bennett said he had been given a license from 1934 to 1938. "In 1939," he said, "there was a change of Aldermen in the ward and my license was refused. They found they could not get me out of there through the residential by-law so they are taking this method to get me out," he said.

"I think you should have your license," commented Allan Lamport (Lib., St. David), and the section was rejected.

Another Seat For G. S. Henry

Speaker Jim Clark sent a note to George S. Henry in the Legislature last night, and a few minutes later there was a new Speaker in the House. He was Mr. Henry.

The note read something like this:

"Dear George:

"You have occupied just about every seat in the House in your time. How would you like to fill mine for a while?"

And so the veteran member for East York and one-time Prime Minister moved from the Opposition side of the House and sat in the seat of Honorable the Speaker of the Legislative Assembly. Speaker Clark, recuperating from a severe illness, found the day and night sessions a strain, and retired temporarily. His choice of a deputy was generally approved.

Seeks to Hold Drivers Liable

An owner or driver of an automobile would be liable for injury to a passenger where it is caused by the gross negligence of such owner or driver, under an amendment to the Highways Traffic Act introduced before the Legislature yesterday by G. C. Elgie (Cons., Woodbine).

Highways Department officials recalled last night that a similar provision was struck from the act in 1935. At that time, it was claimed in support of its deletion, that other jurisdictions had eliminated the liability clause and that there had been numerous occasions of collusion between a driver and a passenger, in the collection of damages on insurance policies.