

COMMITTEE OF THE WHOLE - SEPTEMBER 17, 2007

SECOND HAND GOODS, TRADES RESTRICTIONS AND GUIDELINES

Recommendation

The Commissioner of Legal and Administrative Services and City Solicitor, in conjunction with the Director of Enforcement Services, and the Manager of Special Projects, Licensing & Permits, and Risk Management, recommends:

That no change be made in the current provisions of the City of Vaughan Licensing By-law 315-2005, as it pertains to the second hand goods trade.

Economic Impact

N/A

Communications Plan

N/A

Purpose

This report provides information on the requirements of By-law 315-2005 relating to the second hand goods trade.

Background - Analysis and Options

On June 25, 2007 (Item 108, Report 34) Council requested staff provide a report in response to a deputation from Mr. Jim Tyo, President/General Manager, EB Games.

Mr. Tyo was requesting that EB Games be granted an exemption to the restrictions of the City of Vaughan Licensing By-law 315-2005 relating to the second hand good trade. Mr. Tyo explained that these provisions were too onerous.

The Licensing By-law provides that when a second hand goods dealer receives goods, they must first obtain valid identification from the seller. Further, the second hand goods dealer must maintain a record of these transactions. These restrictions are in place to curtail the trafficking of stolen property and to provide investigative information to the police. Mr. Tyo suggested that "traded" merchandise should be exempt.

Staff from several municipalities have had discussions with the Regional Police in regards to the request. They advise that they do not support the request as video games are often stolen in residential break and enters, and the restrictions in the By-law help to slow the laundering of stolen property. Exempting "trades" creates a loophole for avoiding a record of transaction.

The provisions of the By-law do not stop or impede EB Games or any other second hand goods dealer from receiving or selling used goods, it is an information gathering requirement only.

In a recent Ontario Court of Appeal case, a second hand goods dealer attempted to overturn the City of Oshawa's reporting requirements in their Licensing By-law. While the Court ruled that the City could not require the dealer to electronically report directly to the police, second hand goods dealers can be required to maintain a record and the information still needs to be collected. This ruling is relevant to the City of Vaughan as the requirements contained within the City of Oshawa Bylaw are same as those in the Vaughan Licensing Bylaw. Therefore, with the recent ruling, the recording of the required information is supported and should be continued.

Relationship to Vaughan Vision 2007

This report is consistent with Vaughan Vision in that it speaks to community safety.

Regional Implications

N/A

Conclusion

The requirements for information by second hand goods dealers are in place to deter crime and do not impact the company's ability to conduct business. No changes to these requirements should be made.

Attachments

N/A

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Respectfully submitted,

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