CITY OF HAMILTON
BY-LAW NO. 16-053

To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses

WHEREAS Council enacted a by-law to license and regulate various businesses being City of Hamilton By-law No. 07-170;

AND WHEREAS this By-law provides for the addition of Schedule 11 to licence payday loan businesses;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Subsection 5(6) of the General Provisions of By-law No. 07-170 is amended by added the words “a Payday Loan Business licence under Schedule 11 or” after “a person issued”.

2. Subparagraph 6(1)(e)(i) of the General Provisions of By-law No. 07-170 is amended by deleting the words “Schedule 11 Reserved”.

3. Section 30 of the General Provisions of By-law No. 07-170 is amended by deleting “(Reserved)” after “Schedule 11” and replacing it with “Payday Loan Businesses”.

4. By-law No. 07-170 is amended by adding the new Schedule 11, entitled “Payday Loan Businesses”, attached as Appendix A to this By-law.

5. This By-law comes into force on the date it is passed.

PASSED this 24th day of February, 2016.

F. Eisenberger
Mayor

R. Caterini
City Clerk
APPENDIX A

SCHEDULE 11

PAYDAY LOAN BUSINESSES

DEFINITIONS

1. In this Schedule:

   “chartered bank annual consumer loan rate” means the most recent chartered bank – consumer loan rate shown at:

   http://www5.statcan.gc.ca/cansim/a26?lang=eng&id=1760043; and

   “payday loan business” means a person or entity licensed as a lender or a loan broker under the Payday Loans Act, 2008.

LICENSING

General

2. Every payday loan business shall hold the applicable current and valid licence under this Schedule.

3. Before a licence may be issued, every applicant for a licence, in addition to complying with the General Provisions of this By-law, shall submit, for approval of the Issuer of Licences:

   (a) Proof of a current and valid licence as a lender or a loan broker under the Payday Loans Act, 2008;

   (b) accurate, scale representations of the posters that will be displayed in accordance with sections 4 and 5; and

   (c) the credit counselling information that will be given in accordance with section 6.
Poster for Rates

4. Every payday loan business shall display a poster at each of the offices authorized by its Payday Loans Act, 2008 licence that:

(a) has been approved in advance by the Issuer of Licences;

(b) is in English;

(c) is visible to any person immediately upon entering the office;

(d) is of a minimum size of 61 centimetres in width by 91 centimeters in length; and

(e) consists of:

   (i) in 144 point font, a heading setting out the words “Our Annual Interest Rate” and the amount of the payday loan business’s annual interest rate, which may be shown on a replaceable card attached to the face of the poster or by any other similar means, immediately below the heading;

   (ii) in 144 point font, a heading setting out the words “Chartered Bank – Annual Consumer Loan Rate” and the chartered bank annual consumer loan rate, which may be shown on a replaceable card attached to the face of the poster, immediately below the heading; and

   (iii) in 34 point font and below 4(e)(i) and 4(e)(ii) the words “This poster is required under Schedule 11 of the City of Hamilton’s Business Licensing By-law No. 07-170.”

Poster for Credit Counselling

5. Every payday loan business shall display a poster at each of the offices authorized by its Payday Loans Act, 2008 licence that:

(a) has been approved in advance by the Issuer of Licences;
(b) is in English;

(c) is visible to any person immediately upon entering the office;

(d) is of a minimum size of 61 centimetres in width by 91 centimeters in length; and

(e) consists of:

(i) in 144 point font, a heading setting out the words “Credit Counselling”;

(ii) in 144 point font, a heading setting out the word “Contact” followed by one or more of the following credit counselling agencies:

   Credit Counselling Canada,
   Canadian Association of Credit Counselling Services,
   Ontario Association of Credit Counselling Services,
   Canadian Association of Independent Credit Counselling Agencies,

   together with their respective telephone number and email address; and

(iii) in 34 point font and below 5(e)(i) and 5(e)(ii) the words “This poster is required under Schedule 11 of the City of Hamilton’s Business Licensing By-law No. 07-170.”

Credit Counselling Information

6. Every payday loan business shall ensure that each person who attends at its offices is given, immediately upon him or her expressing an interest in a loan, credit counselling information that has been approved in advance by the Issuer of Licences.