

## **Proposal by Tribute Homes to Affix Advertising Signage on a Construction Trailer in the Gunns Road Allowance**

*(City Council on November 23, 24 and 25, 1999, adopted this Clause, without amendment.)*

**The Policy and Finance Committee recommends that the motion embodied in the following communication (October 6, 1999) from the City Clerk be received:**

City Council, at its meeting held on September 28 and 29, 1999, had before it the following Motion:

Moved by: Councillor Disero

Seconded by: Councillor Fotinos

“Whereas City Council, at its meeting held on July 6, 7 and 8, 1999, by its adoption, as amended, of Clause No. 47 of Report No. 9 of The Toronto Community Council, headed “Proposal by Tribute Homes to Affix Advertising Signage on a Construction Trailer in the Gunns Road Allowance”, approved the installation of advertising signage by Tribute Homes on a construction trailer within the public right-of-way on Gunns Road, for the purposes of promoting their new subdivision; and

Whereas the installation of this advertising signage is subject to certain conditions, including, but not limited to, Tribute Homes paying a monthly fee in the amount of \$2,500.00, to the City of Toronto; and

Whereas this monthly fee, in addition to the new development charges recently approved by Council, will result in Tribute Homes incurring exorbitant costs associated with this subdivision;

Now Therefore Be It Resolved That, in accordance with Section 46 of the Council Procedural By-law, Clause No. 47 of Report No. 9 of The Toronto Community Council, headed ‘Proposal by Tribute Homes to Affix Advertising Signage on a Construction Trailer in the Gunns Road Allowance’, be re-opened for further consideration, only insofar as it pertains to the monthly fee of \$2,500.00, payable by Tribute Homes;

And Be It Further Resolved That this monthly fee be rescinded, and that Tribute Homes be required to pay a one-time fee of \$2,500.00 to the City of Toronto for the installation of advertising signage on a construction trailer within the public right-of-way on Gunns Road, for the purposes of promoting their new subdivision.”

Council re-opened consideration of Clause No. 47 of Report No. 9 of The Toronto Community Council, headed “Proposal by Tribute Homes to Affix Advertising Signage on a Construction Trailer in the Gunns Road Allowance”, for further consideration, only insofar as it pertains to the

monthly fee of \$2,500.00, payable by Tribute Homes, and referred the balance of the Motion to the Policy and Finance Committee for further consideration.

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(Clause No. 47 of Report No. 9 of the Toronto Community Council headed, "Proposal by Tribute Homes to Affix Advertising Signage on a Construction Trailer in the Gunns Road Allowance (Davenport)")

(City Council on July 6, 7 and 8, 1999, amended this Clause, by adding thereto the following:

"It is further recommended that the report dated July 2, 1999, from the Commissioner of Works and Emergency Services, embodying the following recommendation, be adopted:

'It is recommended that, should City Council approve the installation of advertising signage, as recommended by the Toronto Community Council, on the construction trailer within the public right-of-way on the Gunns Road flank of 2078 St. Clair Avenue West, approval should be subject to the applicant:

- (a) indemnifying the City from and against all actions, suits, claims or demands and from all loss, costs, damages, charges and expenses that may result from such permission granted;
- (b) providing a certificate of comprehensive general liability insurance in the amount of two million dollars, with the City of Toronto named as additional insured and containing a cross liability clause, in a form satisfactory to the Chief Financial Officer and Treasurer;
- (c) ensuring that any lighting or illumination of the advertising signage does not negatively impact residents, businesses or vehicular traffic;
- (d) maintaining the construction trailer and advertising signage in good and proper repair and a condition satisfactory to the Commissioner of Works and Emergency Services;
- (e) removing the construction trailer and advertising signage upon receiving notice from the City so to do;
- (f) paying a monthly fee in the amount of \$2,500.00 for the placement of the signage within the public right of way; and

- (g) accepting such additional conditions as the City Solicitor or the Commissioner of Works and Emergency Services may deem necessary in the interest of the City.' ”)

**The Toronto Community Council recommends that a proposal by Tribute Homes to affix advertising signage on a construction trailer located in the Gunns Road allowance be approved, subject to the owner indemnifying the City, providing insurance and other terms that may be deemed necessary by the Commissioner of Works and Emergency Services and the City Solicitor.**

The Toronto Community Council reports, for the information of Council, having requested the Commissioner of Works and Emergency Services to report directly to Council on the above recommendation.

The Toronto Community Council submits the following communication (June 21, 1999) from Councillor Disero:

Recommendation: That a proposal by Tribute Homes to affix advertising signage on a construction trailer located in the Gunns Road allowance be approved subject to the owner indemnifying the City, providing insurance and other terms that may be deemed necessary by the Commissioner of Works and Emergency Services and the City Solicitor.

(City Council on July 6, 7 and 8, 1999, had before it, during consideration of the foregoing Clause, the following report (July 2, 1999) from the Commissioner of Works and Emergency Services:

Purpose:

To report directly to City Council as directed by the Toronto Community Council on a request to install advertising signage on a construction trailer within the public right of way on the Gunns Road flank of 2078 St. Clair Avenue West.

Funding Sources, Financial Implications and Impact Statement:

Not applicable.

Recommendations:

Should City Council approve the installation of advertising signage, as recommended by the Toronto Community Council, on the construction trailer within the public right of way on the Gunns Road flank of 2078 St. Clair Avenue West, approval should be subject to the applicant:

- (a) indemnifying the City from and against all actions, suits, claims or demands and from all loss, costs, damages, charges and expenses that may result from such permission granted;

- (b) providing a certificate of comprehensive general liability insurance in the amount of two million dollars, with the City of Toronto named as additional insured and containing a cross liability clause, in a form satisfactory to the Chief Financial Officer and Treasurer;
- (c) ensuring that any lighting or illumination of the advertising signage does not negatively impact residents, businesses or vehicular traffic;
- (d) maintaining the construction trailer and advertising signage in good and proper repair and a condition satisfactory to the Commissioner of Works and Emergency Services;
- (e) removing the construction trailer and advertising signage upon receiving notice from the City so to do;
- (f) paying a monthly fee in the amount of \$2,500 for the placement of the signage within the public right of way; and
- (g) accepting such additional conditions as the City Solicitor or the Commissioner of Works and Emergency Services may deem necessary in the interest of the City.

Background:

The Toronto Community Council, at its meeting of June 22, 1999, considered a motion by Councillor Betty Disero, "That a proposal by Tribute Homes to affix advertising signage on a construction trailer located in the Gunns Road road allowance be approved subject to the owner indemnifying the City, providing insurance and other terms that may be deemed necessary by the Commissioner of Works and Emergency Services and the City Solicitor". The Toronto Community Council recommended approval of the signage and requested the Commissioner of Works and Emergency Services to report on this matter directly to City Council at its meeting of July 6, 1999 (Clause 47 in Report No. 9 of Toronto Community Council).

Comments:

Tribute Homes previously received permission to place a construction trailer within the public right of way at the south dead end of Gunns Road, flanking 2078 St. Clair Avenue West, pursuant to Chapter 313 of the (former) Toronto Municipal Code.

The applicant is now requesting permission to affix large scale advertising signage on the trailer to promote the subdivision. The signage will be placed on two sides of the trailer and will display a conceptual image of a pair of semi-detached homes with landscaping and will advertise the opening and selling price of the homes and the name of the builder, Tribute Homes. The signage will have overall dimensions of 21.4 m x 9.1 m, essentially comprising a large, double-sided billboard.

While the proposed advertising can physically be accommodated within the public right of way, the policy of Council in the former City of Toronto is that commercial advertising programs involving the use of public right of way beyond the current transit shelter advertising program

not be considered. Accordingly, every effort is made to have such signage located on private property, however, the developer has cited remediation of the property as precluding this.

The existing transit shelter program and more recently, the pilot for advertising on garbage receptacles, provide a valuable public service as well as additional significant revenue to the City, whereas this proposal is entirely related to the promotion and sale of new homes by the Builder/Developer. If this proposal is approved, it is conceivable that the City would receive similar applications for other development sites.

Another issue that Council may wish to consider is charging an appropriate fee for the use of the street allowance in this manner in the event it decides to allow this encroachment. As noted, since the Municipal Code does not contemplate this use, there is no set fee specified. However, based on a cursory canvass of outdoor advertising rates, an amount of \$2,500 is recommended.

Conclusion:

While this proposal is feasible from a physical criteria standpoint, there are no provisions in Chapter 313 of the former City of Toronto Municipal Code to permit this type of installation within the public right of way without specific Council approval. It was also the policy of the former City of Toronto to not permit advertising signage within the public right of way. Should Council grant approval for this proposal, it should be subject to the recommendations noted above and subject to this proposal being considered a stand alone initiative.

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