

Authority: Toronto East York Community Council Report No. 7, Clause No. 12,
as adopted by City of Toronto Council on May 21, 22 and 23, 2002
Enacted by Council: May 23, 2002

CITY OF TORONTO

BY-LAW No. 431-2002

To repeal a by-law of the former City of Toronto, amend the boundaries of the Downtown Yonge Street Community Improvement Project Area and amend further the Downtown Yonge Street Community Improvement Plan.

WHEREAS the Council of the former City of Toronto has, by By-law No. 1996-0135 passed March 4, 1996 designated and adopted a Community Improvement Plan for the Downtown Yonge Street Community Improvement Project Area (the “Downtown Yonge Street Community Improvement Plan”); and

WHEREAS the Council of the former City of Toronto has, by By-law No. 1996-0420 passed September 16, 1996, expanded the Community Improvement Project Area; and

WHEREAS the Ontario Municipal Board has, by approving By-law No. 1997-0196 in an order dated November 25, 1998, enacted Amendment No. 1 to the Community Improvement Plan; and

WHEREAS the Council of the City of Toronto has, by By-law No. 363-1999 passed June 11, 1999, further expanded the Community Improvement Project Area; and

WHEREAS the Council of the City of Toronto has, by By-law No. 456-1999 passed July 29, 1999, enacted Amendment No. 2 to the Community Improvement Plan;

WHEREAS Council, at its meeting held on May 21, 22 and 23, 2002, by its adoption of Clause No. 12 of Toronto East York Community Council Report No. 7 authorized the repeal of By-law No. 363-1999; and

WHEREAS Council, at its meeting held on May 21, 22 and 23, 2002, by its adoption of Clause No. 12 of Toronto East York Community Council Report No. 7 authorized an amendment to the Downtown Yonge Street Community Improvement Project Area; and

WHEREAS Council, at its meeting held on May 21, 22 and 23, 2002, by its adoption of Clause No. 12 of Toronto East York Community Council Report No. 7 authorized an amendment to the Downtown Yonge Street Community Improvement Plan;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. By-law No. 363-1999 is hereby repealed.
2. The map attached as Schedule “A” to By-law No. 1996-0135, as amended by By-law No. 1996-0420, is deleted and replaced with the maps attached as Schedule “A” to this By-law and the area outlined by heavy lines shown on Schedule “A” attached to and forming part of this By-law is designated as a Community Improvement Project Area within the meaning of Section 28 of the *Planning Act*.

3. The Downtown Yonge Street Community Improvement Plan contained in By-law No. 1996-0135, as amended by By-law No. 1997-0196 and By-law No. 456-1999 and as amended by this By-law, is hereby deemed to be a Community Improvement Plan for the Downtown Yonge Street Community Improvement Project Area as designated by this By-law.
4. The Amendment to the Downtown Yonge Street Community Improvement Plan, as adopted by the former City of Toronto by By-law No. 1996-0135, as amended by By-law No. 1997-0196 and By-law No. 456-1999, attached hereto as Schedule "B", is hereby adopted.
5. The City Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs and Housing for approval of the aforementioned Community Improvement Plan Amendment.

ENACTED AND PASSED this 23rd day of May, A.D. 2002.

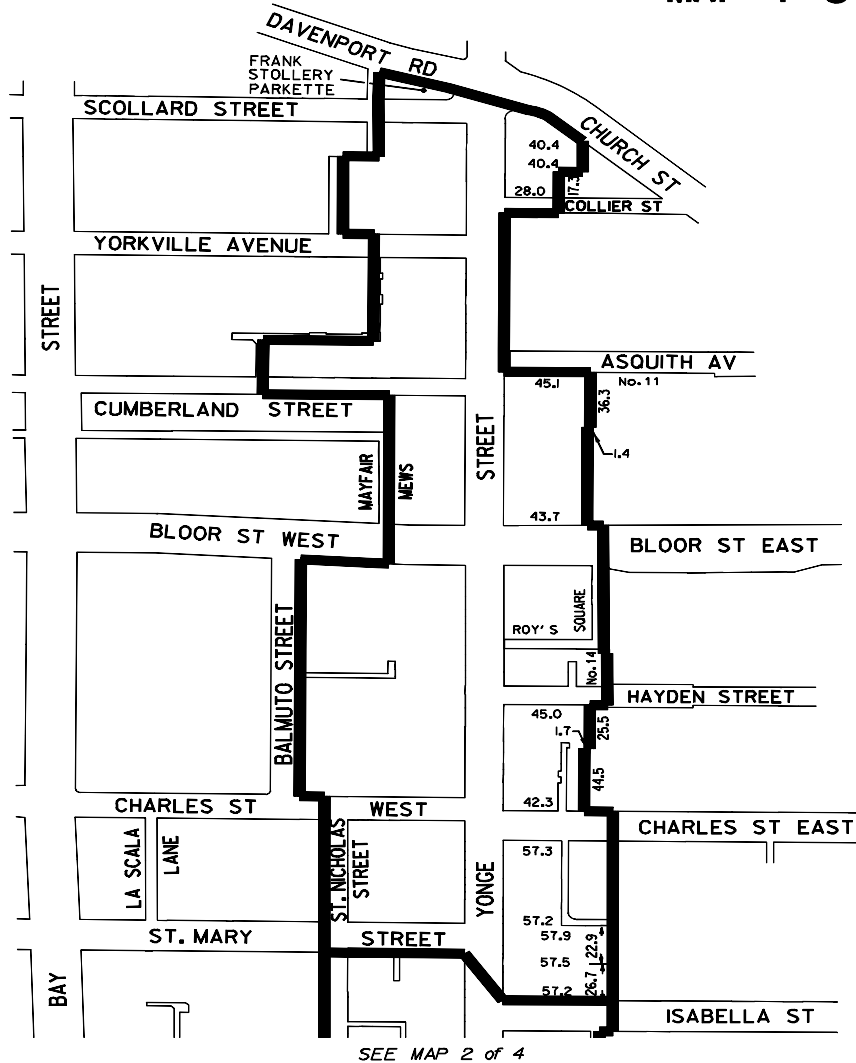
CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE "A"

MAP 1 of 4



**DOWNTOWN YONGE STREET
COMMUNITY IMPROVEMENT PROJECT AREA**

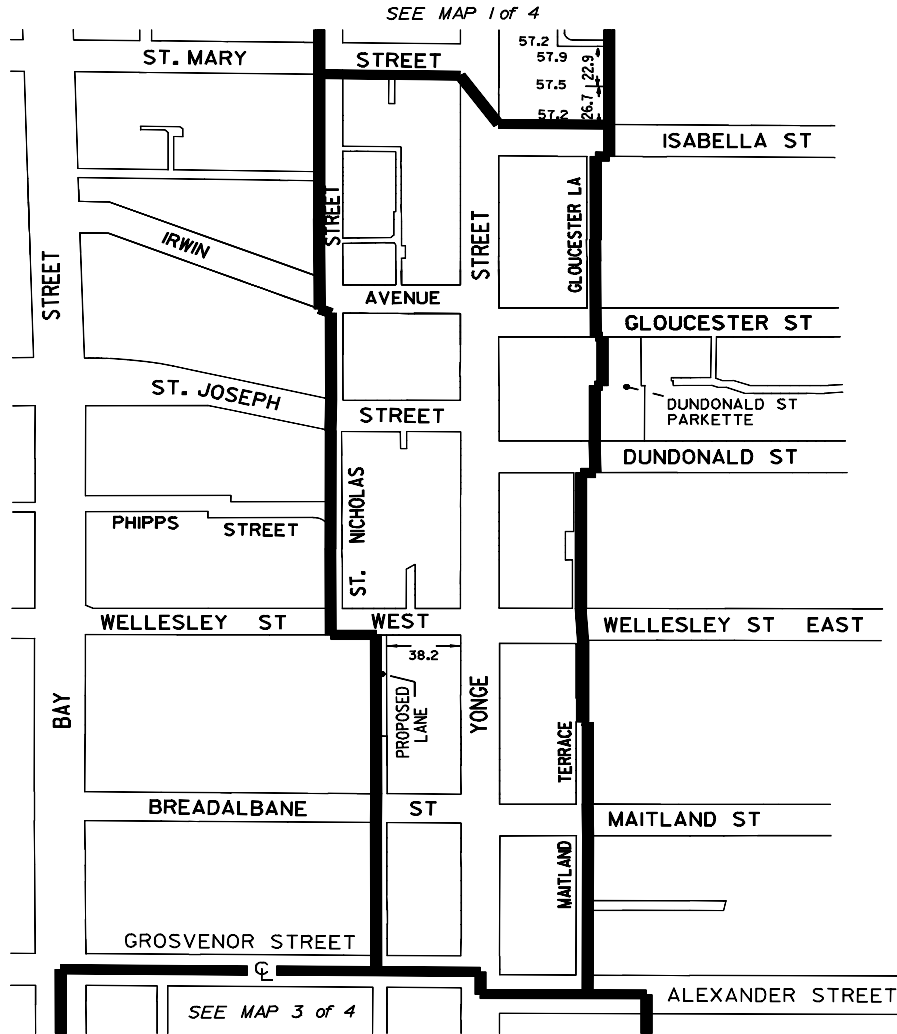
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WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO APRIL, 2002
BIA02/CIP-DTY1.DGN
FILES: Y1-CIP1, 205 DRAWN: WL
MAP Nos. 50H-23, 50J-13
51H-21, 51J-11

SCHEDULE "A"

MAP 2 of 4



 DOWNTOWN YONGE STREET
COMMUNITY IMPROVEMENT PROJECT AREA

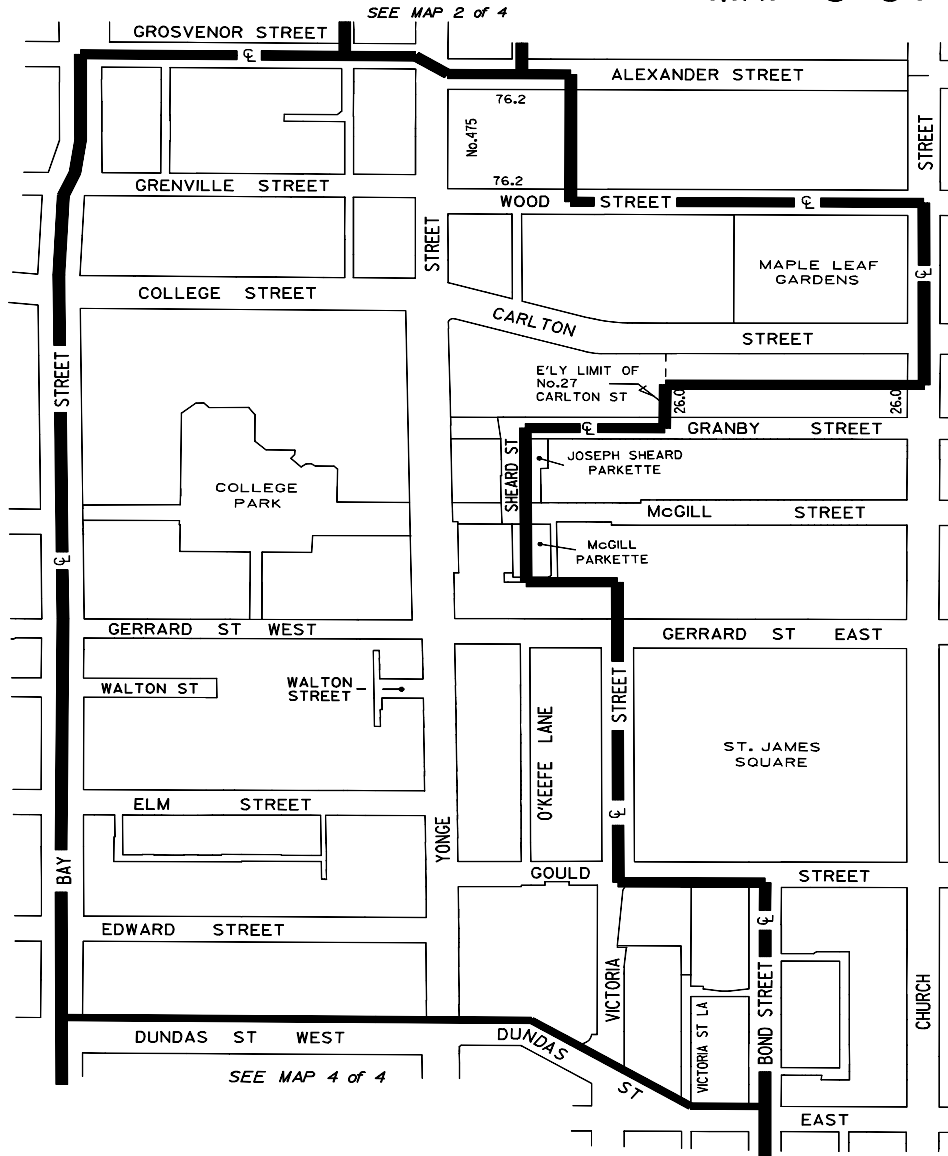
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WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO APRIL, 2002
BIA02/CIP-DTY2.DGN
FILES: Y1-CIP1, 205 DRAWN: WL
MAP Nos. 50H-23, 51H-21

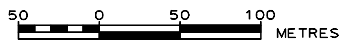
SCHEDULE "A"

MAP 3 of 4



 DOWNTOWN YONGE STREET
COMMUNITY IMPROVEMENT PROJECT AREA

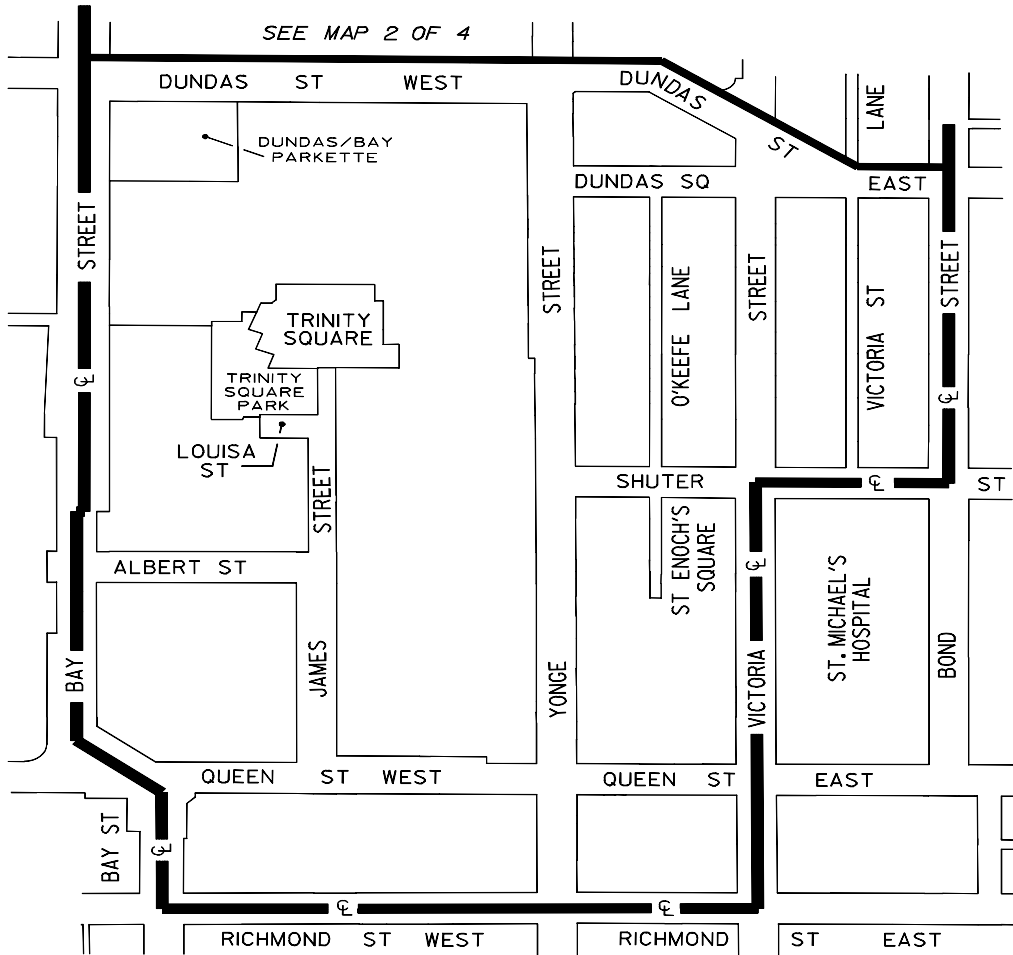
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WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO APRIL, 2002
B1A02/CIP-DTY3.DGN
FILES: Y1-CIP1_205 DRAWN: WL
MAP Nos. 50H-113, 50H-123
51H-111, 51H-121

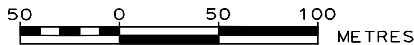
SCHEDULE "A"

MAP 4 of 4



DOWNTOWN YONGE STREET
COMMUNITY IMPROVEMENT PROJECT AREA

⊕ - CENTRE LINE



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO APRIL, 2002
BIA02/CIP-DTY4.DGN
FILES: Y1-CIP1, 205 DRAWN: WL
MAP Nos. 50H-113, 51H-111
50G-123, 51G-121

SCHEDULE “B”**Amendment to Downtown Yonge Street Community Improvement Plan**

The Downtown Yonge Street Community Improvement Plan, as adopted by the former City of Toronto by By-law No. 1996-0135, and as amended by By-law No. 1997-0196 of the former City, as enacted by the Ontario Municipal, and as amended by By-law No. 456-1999, is amended as follows:

A. Amendment to delete Downtown Yonge Street Commercial Façade Improvement Grant and Loan Program and introduce the Commercial Façade Improvement Grant Program:

- (i) Section 2 entitled “Downtown Yonge Street Commercial Façade Improvement Grant and Loan Program” of the Downtown Yonge Street Community Improvement Plan, as adopted by the former City of Toronto by By-law No. 1996-0135 is hereby deleted.
- (ii) Section 6.0 of the Downtown Yonge Street Community Improvement Plan Amendment No. 2, entitled “Nature and Implementation of the Community Improvement Plan Amendment” is deleted and replaced with the following:

“6.0 Commercial Façade Improvement Program

The City has developed a Commercial Façade Improvement Grant Program to assist commercial property owners in upgrading their commercial facades. Eligible applicants for building façade improvements can receive grants of up to 50% of eligible costs up to a maximum of \$10,000.00 per property. Corner sites would be entitled to a grant up to a maximum of \$12,500.00.

Projects under \$5,000.00 are not eligible, and the minimum amount of the grant is \$2,500.00.

The registered owners of any building within the Downtown Yonge Street Community Improvement Project Area are eligible to apply. Initial funding priority will be given to properties with frontages on Yonge Street, Elm Street between Bay Street and Yonge Street, and Victoria Street between Queen Street East and Dundas Street East. Consideration may be extended to other areas within the Downtown Yonge Street Community Improvement Project Area as funding opportunities arise. The owner must have paid in full all property taxes, water rates and other sums owing to the City when the grant is approved, and any exterior work necessary to meet the Ontario Building Code and by-laws, as may be determined by the Commissioner of Urban Development Services, must also be completed. Façade improvements required through agreements pursuant to Section 37 of the *Planning Act* are not eligible for funding. Buildings which have received approval for a grant under the Toronto Heritage Fund Restoration program would be eligible for a Façade Improvement Grant. For Façade Improvement Grants for heritage buildings, the approval of the proposed project

by Heritage Preservation Services, of the Department of Economic Development, Culture and Tourism is also required.

Grants are targeted to:

- (i) enhance dilapidated, run-down, “eye-sore” buildings which detract from the area’s architectural character and appearance;
- (ii) undo alterations that have damaged the appearance of the original building’s architectural character, e.g. painted bricks, covered or bricked in windows, unsightly signage and deteriorated cornices;
- (iii) enhance landmark buildings;
- (iv) enhance corner properties;
- (v) preserve neighbourhood characteristics; and
- (vi) restore heritage facades.

Grant details, application procedures, and façade design guidelines are included in Appendix A to this Plan”.

- (iii) A new Appendix A is added as outlined in Schedule “C” attached hereto.

**SCHEDULE “C”
APPENDIX A**

**FAÇADE IMPROVEMENT GRANT DETAILS, APPLICATION PROCEDURES AND
DESIGN GUIDELINES**

Section 6.0 of Amendment No. 2 to this Plan sets out the Commercial Façade Improvement Grant Program for Downtown Yonge Street and refers to this Appendix for further details.

(a) Project Term

The term of the Downtown Yonge Street Commercial Façade Improvement Grant Program is to be three years from the date the Ministry of Municipal Affairs and Housing approves the Community Improvement Plan, with consideration then given to a further term.

(b) Grant Details and Payment of Grant

- (i) **Amount:** Eligible applicants for building façade improvements can receive grants of up to 50% of eligible costs up to a maximum of \$10,000.00 per property. Corner sites would be entitled to a grant up to a maximum of \$12,500.00. Improvement projects costing less than \$5,000.00 will not be eligible for a grant.

Façade improvements required through agreements pursuant to Section 37 of the *Planning Act* would not be eligible.

- (ii) **Payment:** The grant will be paid out as a cheque following: (i) receipt of paid invoices for the completed work; and (ii) inspection of the completed improvements by City officials. Grant approval will lapse if the City is not notified that the work has been completed by the project completion date indicated in a “Letter of Understanding” provided by the City to the applicant confirming that a grant has been agreed to subject to conditions. Extensions may be granted by the Commissioner of Economic Development, Culture and Tourism and his/her designate, the Managing Director of Economic Development, following receipt of a written request by the applicant indicating the reasons for the extension and the new date for completing the work.

(c) Approval Process

An application review committee comprised of members of the local businesses and local residents will review applications and advise the Commissioner of Economic Development, Culture and Tourism or his/her designate as to their recommendation. Applications for buildings which are listed or designated historical will also be reviewed by Heritage Preservation Services of the Department of Economic Development, Culture and Tourism.

(d) Application Procedure

A copy of the completed application form is to be sent to the Commissioner of Economic Development, Culture and Tourism, Attention: Small Business and Local Partnerships Office. Accompanying the application should be:

- (i) the correct street address;
- (ii) the Plan Number and Lot No(s);
- (iii) the width of the building façade;
- (iv) the Assessment Roll Number;
- (v) a photograph of the existing façade;
- (vi) detailed explanation and drawing illustrating the proposed improvements;
- (vii) two independent estimates of the cost of undertaking the proposed work;
- (viii) a signed copy of the “Declaration of Non-Discrimination” policy form;
- (ix) confirmation of ownership; and
- (x) any other submissions as may be deemed necessary.

(e) Delegation of Authority to Approve Grants

The approval process is streamlined by Council’s delegation of authority of approval to the Commissioner of Economic Development, Culture and Tourism and his/her designate, the Managing Director of Economic Development, thereby not requiring each application to be approved by City Council.

The delegation of the authority to approve individual grant applications on the basis of the grant details outlined in this Appendix A is consistent with the City’s current practices for other loan and grant programs. This eliminates the staff time required to prepare and process individual reports on each grant application and shortens the approval process by approximately six weeks.

(f) Letter of Understanding

Grant recipients will be required to sign a letter of understanding which includes the terms and conditions of the grant with the City of Toronto.

(g) Terms and Conditions of the Grants

If funding is to be provided by the City of Toronto (“the City”) for the commercial façade improvements, by signing and submitting the grant application the owner acknowledges and agrees to the following terms and conditions:

1.0 Use and Purpose of Grant

1.1 This Grant must be used only for the purposes of the commercial façade improvements as described on the grant application.

1.2 The grant recipient (“Recipient”) must notify Name of Community Advisor, Small Business and Local Partnerships, Economic Development, Culture and

Tourism of any proposed material changes to the façade improvements from what is contained in the grant application. The grant can be used for such changes only with the prior written consent of the Managing Director of Economic Development.

- 1.3** The Recipient must not transfer or assign the grant or any part of it to another individual or corporation, without the prior written consent of the Managing Director of Economic Development.

2.0 Municipal Freedom of Information and Protection of Privacy Act

The information contained in the grant application is subject to the *Municipal Freedom of Information and Protection of Privacy Act*. All granting decisions are publicly available.

3.0 Anti-Racism, Access and Equity Guidelines

The Recipient must complete and file a Declaration of a Non-Discrimination Policy that indicates that the grant recipient has adopted and upholds a policy of access and non-discrimination based on the City's Human Rights Policy. The Recipient will work actively to integrate anti-racism, access and equity, throughout their operations, in accordance with the City's approved Anti-Racism, Access and Equity Policy as it relates to all grant recipients.

4.0 Grant Payments

If a grant is approved, the Recipient will be advised in writing as to the amount of the grant. The grant will be disbursed by cheque following:

- (a) completion of the façade improvements to the satisfaction of the Managing Director of Economic Development;
- (b) proof of payment of all invoices i.e. photocopies of all invoices stamped 'paid' relating to the façade improvements covered by the grant has been received by the Managing Director of Economic Development;
- (c) confirmation by the City that there are no outstanding taxes, water rates, or other sums owed to the City with respect to the property; and
- (d) submission of photographs of the building façade after the façade improvements have been completed.

5.0 Acknowledgement of Funding

The Recipient will acknowledge the support of the City of Toronto on any materials, reports, events, publicity or signage which are paid for in whole or in part with the funding.

6.0 Accounting

- 6.1** The Recipient must keep and maintain all records, invoices and other documents relating to the grant in a manner consistent with generally accepted accounting principles and clerical practices, and must maintain such records for a period of three (3) years from the date of approval of the grant.
- 6.2** The Recipient authorizes the City and its agents at all reasonable times to inspect and copy any and all records, invoices and documents in the custody or control of the Recipient which relate to the grant. The right of inspection includes the right to perform a full or partial audit of the aforementioned records, as considered appropriate by the City.

7.0 Project Completion Time

The facade improvements must be completed no later than completion date (Written out in full) unless the Managing Director of Economic Development has provided prior written approval of an extension.

Under no circumstances shall the total time for the completion of the facade improvements, including any extensions, exceed eighteen months from the date of the original Letter of Understanding. In the event that any portion of the facade improvements remain incomplete, as determined by the City, on the final completion date, neither the grant nor any portion thereof shall be payable by the City.

8.0 Consultation

- 8.1** The City may involve individuals with appropriate expertise in the grant review process, which may include a peer/citizen review mechanism.
- 8.2** The City reserves the right to consult with other funding agencies to determine the eligibility of the applicant to receive a grant.

9.0 Limitation of Liability and Indemnification

- 9.1** The City will not be liable for any damages, injury or any loss of use or profit of the Recipient arising out of, or in any way related to the grant or to the Recipient's operations.
- 9.2** The Recipient shall indemnify the City, its officers, employees and agents, against all costs, damages and expenses incurred as a result of a claim or proceeding related to the grant or to the Recipient's operations, unless such costs, damages or expenses arise from the negligence or willful act of an officer, employee or agent of the City.

10.0 Grant Repayment

10.1 The Recipient must, at the request of the Managing Director of Economic Development, repay to the City the whole or any portion of the grant, as determined by the City, if the Recipient:

- (a) ceases operating;
- (b) winds up or dissolves;
- (c) merges or amalgamates with any other party;
- (d) commences or has commenced against her, him, it any proceedings in bankruptcy or is adjusted a bankrupt;
- (e) has knowingly provided false information in its grant application;
- (f) uses grant funds for purposes not approved;
- (g) breaches any of the terms or conditions of the grant; or
- (h) breaches any of the provisions of the Ontario Human Rights Code in its operations.

10.2 The Recipient must immediately notify the Managing Director of Economic Development of the occurrence of any of the events described in section 10.1.

10.3 The City may, in its sole discretion, require the Recipient to pay interest on any amount required to be repaid pursuant to this section at the prime rate of the Royal Bank of Canada from the date for the request for repayment to the date of repayment.

11.0 Unused Funds

Any unused portion of a grant remains the property of the City. If the City has already paid an unused portion of the grant to the Recipient, the Recipient must repay it to the City on request.

12.0 Further Conditions

The City shall be entitled, at any time, to impose such additional terms and conditions on the use of the grant which, in its sole discretion, it deems appropriate.

13.0 Report

The Recipient will provide to the Managing Director of Economic Development photographs of the building façade after the improvements to it have been completed and inspected.

14.0 Status of Applicant

The Recipient must be in good standing with the City of Toronto, having met the terms and conditions of any previous grant provided by the City.

15.0 Letter of Understanding

The Recipient must execute and return to the Managing Director of Economic Development an executed copy of a Letter of Understanding if a grant is approved.