

Authority: Economic Development and Parks Committee Report 6, Clause 9,
as adopted by City of Toronto Council on September 25, 26 and 27, 2006
Enacted by Council: September 27, 2006

CITY OF TORONTO

BY-LAW No. 837-2006

To repeal By-law Nos. 3298-96 and 3370-96 of the former City of York, being by-laws to designate the Upper Village (York) Business Improvement Area.

WHEREAS section 211 of the *Municipal Act, 2001* (the “Act”) provides that a municipality shall give notice in accordance with subsection 210(1) of a proposed by-law to repeal a by-law to designate an area as an improvement area under subsection 204(1), if the municipality has received a resolution from the board of management requesting the repeal; and

WHEREAS subsection 211(10) provides that a municipality may repeal a by-law under subsection 204(1) on its own initiative without the requirement to send notice under sections 210 or 211 of the Act; and

WHEREAS the *City of Toronto Act, 1997* provides that the City of Toronto is a local municipality for all purposes; and

WHEREAS the municipality received a signed resolution from the board of management of the Upper Village (York) Business Improvement Area requesting the repeal of the designation By-law Nos. 3298-96 and 3370-96, provided the boundaries of the Upper Village Business Improvement Area in the former City of Toronto are expanded to include the Upper Village (York) Business Improvement Area; and

WHEREAS subsection 210(1) of the Act provides that notice of the intention to pass the by-law shall be sent by prepaid mail to every person who, on the last returned assessment roll, is assessed with respect to rateable property in the proposed improvement area that is in a prescribed business property class; and

WHEREAS for the purposes of subsection 210(1) of the Act, O.Reg. 406/98, as amended, prescribes the commercial classes and the industrial classes, as defined in subsection 308(1) of the Act, as the business property classes; and

WHEREAS subsection 210(2) provides that if a person who receives notice under subsection 210(1) has leased any of their rateable property in the area that is in a prescribed business property class, the person shall, within 30 days after the notice was mailed, give a copy of the notice to each tenant of such property who, under the tenant’s lease, is required to pay all or part of the taxes on the property, and such person shall also give the clerk of the municipality a list of every tenant to whom notice was given and the share of the taxes on the property that each tenant is required to pay; and

WHEREAS subsection 211(4) provides that a by-law referred to in subsection 211(1) shall be passed if the clerk of the municipality receives, within 60 days after the last day of mailing of the notices referred to in subsection 210(1), requests for the repeal that have been signed by at least one-half of the total number of persons entitled to notice under subsection 210(1) and clause 210(2)(a), and those who have signed the requests are responsible for at least one-half of the

taxes levied for purposes of the general local municipality levy on rateable property in all prescribed business property classes in the improvement area; and

WHEREAS the municipality may pass the by-law to dissolve the improvement area even without the support of one half of the persons entitled to notice as set out in subsection 211(4); and

WHEREAS notice of the municipality's intention to pass a by-law to repeal By-law Nos. 3298-96 and 3370-96 of the former City of York, and to expand the boundaries of the Upper Village Business Improvement area in the former City of Toronto to include the Upper Village (York) Business Improvement Area, has been sent, and only one objection received; and

WHEREAS Council has authorized the repeal of By-law Nos. 3298-96 and 3370-96 of the former City of York;

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

1. By-law Nos. 3298-96 and 3370-96 of the former City of York are hereby repealed and the board of management of the Upper Village (York) Business Improvement Area is hereby dissolved.

ENACTED AND PASSED this 27th day of September, A.D. 2006.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)