

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. 838-2006

To designate an area that includes the existing Upper Village Business Improvement Area in the former City of Toronto as an Improvement Area.

WHEREAS subsection 209 of the *Municipal Act, 2001* (the “Act”) provides that a municipality may alter the boundaries of an improvement area; and

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

WHEREAS subsection 210(1) of the Act provides that before passing a by-law designating an improvement area, 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 210(3) provides that a by-law referred to in subsection 204(1) shall not 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), objections to the by-law that have been signed by at least one-third of the total number of persons entitled to notice under subsection 210(1) and clause 210(2)(a), and the objectors are responsible for at least one-third 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 notice of the intention to pass a by-law designating as an improvement area an area that includes all of the existing Upper Village Business Improvement Area in the former City of Toronto, as described in former City of Toronto By-law No. 810-83, has been sent as required by subsections 210(1) and (2) of the Act, and although a petition objecting to the passing of the by-law has been received by the clerk within the time frame set out in subsection 210(3) of the Act, it is not enough to prevent the passing of this by-law; and

WHEREAS Council has authorized the designation of an area that includes the existing Upper Village Business Improvement Area in the former City of Toronto as an improvement area;

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

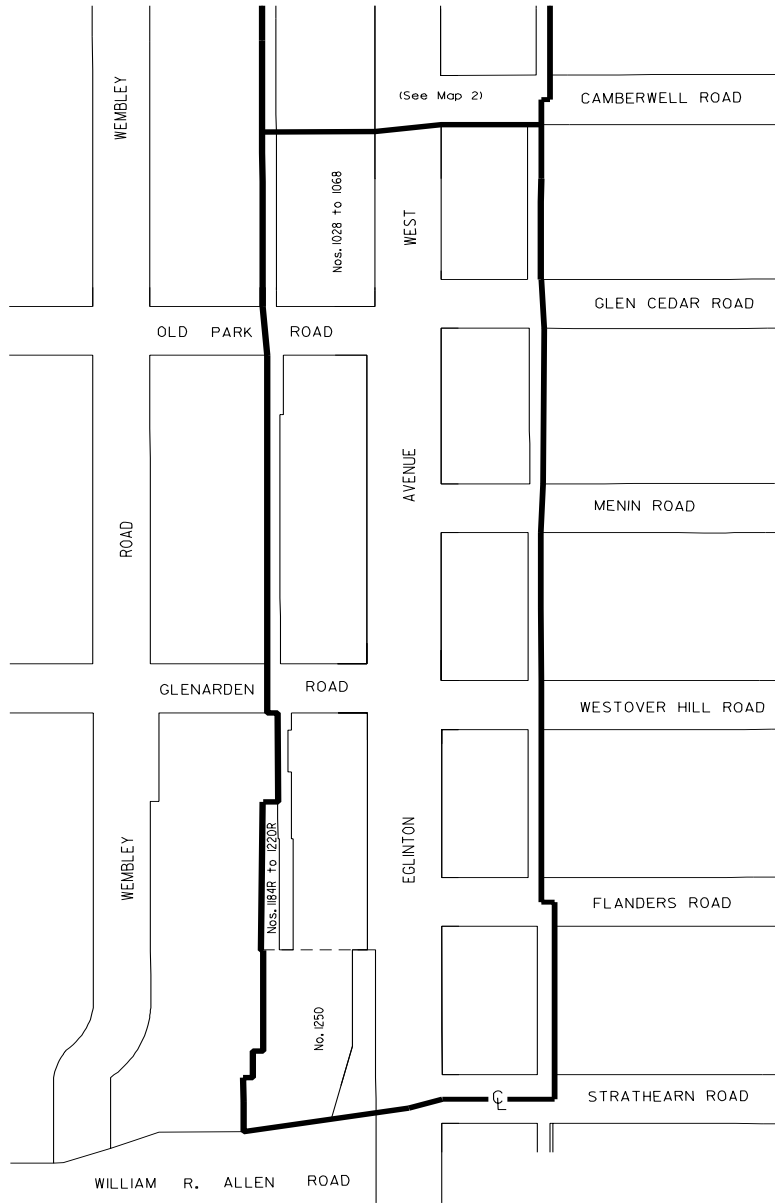
1. The area shown on the attached Maps 1 and 2 is designated as an improvement area within the meaning of section 204 of the *Municipal Act, 2001*.

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

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

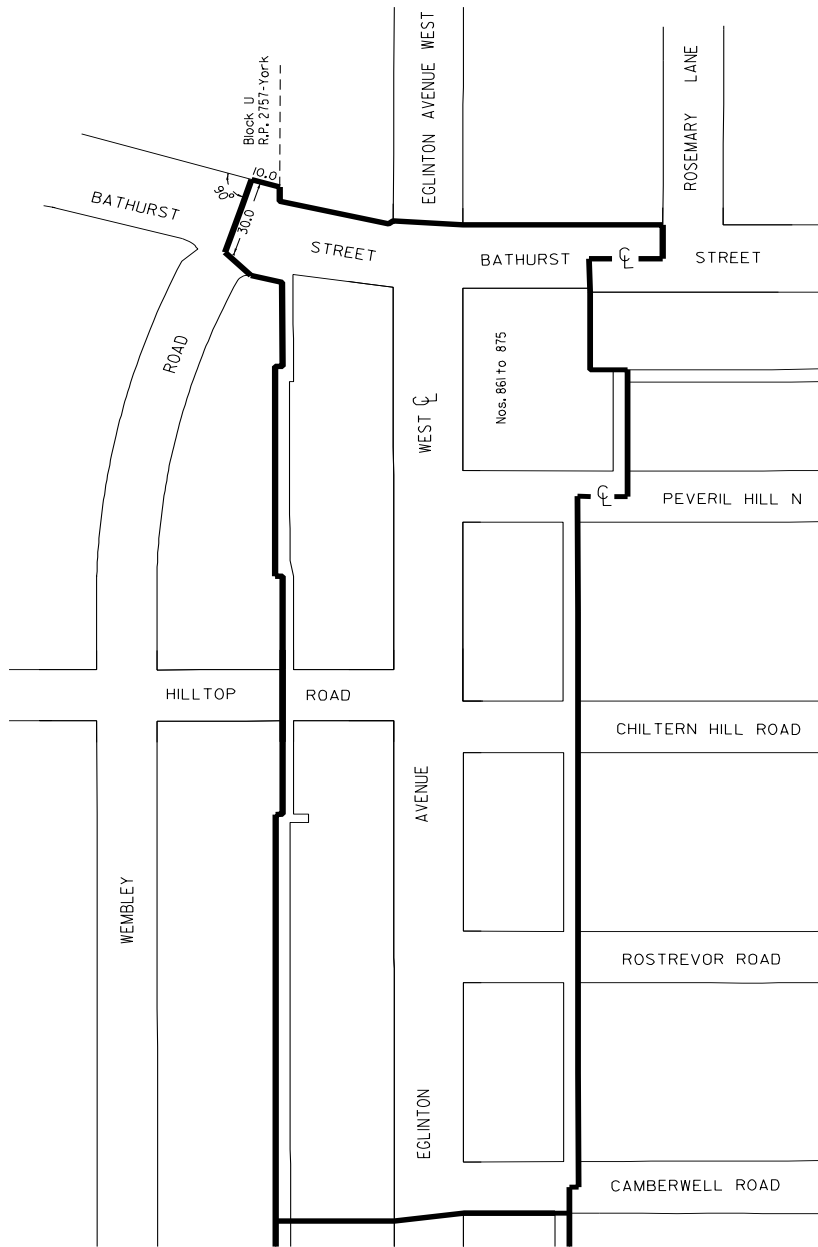
(Corporate Seal)



 UPPER VILLAGE
BUSINESS IMPROVEMENT AREA



SURVEY AND MAPPING SERVICES
TORONTO AUGUST 2006
BIA06/UPPER_BI1.DGN
FILE: E8-IMP1_205 DRAWN: WS
MAP No. 49L-12, 49L-13



 UPPER VILLAGE BUSINESS IMPROVEMENT AREA



SURVEY AND MAPPING SERVICES
TORONTO AUGUST 2006
B1A06/UPPER_BI2.DGN
FILE: EB-IMP1_205 DRAWN: WS
MAP No. 49L-12, 49L-13