

Authority: Public Works and Infrastructure Committee Item PW24.3, adopted as amended, by City of Toronto Council on December 5, 6, 7 and 8, 2017

CITY OF TORONTO

BY-LAW 603-2018

To amend City of Toronto Municipal Code Chapter 19, Business Improvement Areas, to make various changes relating to ownership and maintenance of underground infrastructure and debts owed to the City.

Whereas under section 7 and paragraph 5 of subsection 8(2) of the City of Toronto Act, 2006 (the "Act"), the City may designate business improvement areas as part of its authority to pass by-laws respecting the economic, social and environmental well-being of the City; and

Whereas under sections 7 and 8 of the Act and the specific power in section 141, the City may establish city boards for those purposes; and

Whereas Municipal Code Chapter 19, Business Improvement Areas, governs the designation of new business improvement areas, and the operation of all business improvement area boards of management established by the City; and

Whereas Council has authorized changes to Chapter 19 to allow the City to impose a special charge in relation to any unpaid debts owing to the City by business improvement area boards of management, and to clarify ownership and maintenance responsibilities relating to underground infrastructure;

The Council of the City of Toronto enacts:

1. Chapter 19, Business Improvement Areas, of the City of Toronto Municipal Code is amended as follows:
 - A. The following is added after Section 19-5.5. Exclusion:

§ 19-5.6. Debts to city.

If a board fails to pay to the City any amounts owing under Article 7 of this chapter, a cost sharing program, a loan agreement or other agreement, or any other circumstance where the City has agreed to provide a service to a board or undertake any statutory obligations of a board on a cost recovery basis, or where Council has directed that a board reimburse the City for any costs incurred by the City, and such amounts remain unpaid for a period of 60 days following the mailing of an invoice, or where the City incurs legal liability as a result of any act or omission of the board, the City may impose a special charge upon rateable property in the business improvement area that is in a business property class.

B. The following is added after Section 19-6.2 Priority Lien Status:

ARTICLE 7
City Infrastructure

§ 19-7.1. Ownership of assets.

The City is deemed to be the owner of all underground infrastructure installed by or on behalf of a board.

§ 19-7.2. Maintenance of assets.

A board is responsible for maintaining all underground infrastructure installed by or on behalf of the board.

§ 19-7.3. Utility locate services.

The City as owner of the underground infrastructure shall be responsible for providing utility locate services and complying with all applicable legislation.

2. This by-law is deemed to have come into force on March 12, 2018.

Enacted and passed on May 24, 2018.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)