

## Executive Committee – Item 8.10

*Considered by City Council on June 11, 2007*

EX8.10	AMENDED		Policy	Ward: All
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### **New Municipal Code Chapter 19 - Business Improvement Areas**

#### **City Council Decision – June 11, 2007**

City Council on June 11, 2007, adopted the following motions:

1. Council adopt a new City of Toronto Municipal Code, Chapter 19, “Business Improvement Areas” generally in accordance with Attachment No. 1, subject to:
  - i. amending Section 19-3 “Designation of a Business Improvement Area”, by:
    - a. amending Section D to read as follows:

“D. to offer graffiti removal and poster removal services respecting building façades visible from the street, to all member property owners who provide written consent, upon approval of the program by the general membership of the business improvement area; and”;
    - b. adding a new section F to read as follows:

“F. to undertake strategic planning necessary to address business improvement area issues”;
  - ii. amending Section 19-4, entitled “Limitations”; by deleting Clause F; and
  - iii. Clause 19-4G of the proposed Municipal Code Chapter 19, Business Improvement Areas, remaining as presented in the report dated March 19, 2007, from the General Manager of Economic Development, Culture and Tourism.
2. Council dissolve all existing Business Improvement Area Boards, as listed in Attachment No. 2, and re-establish them as City boards under Section 141 of the Act.
3. Council delegate to the appropriate Community Councils the authority to establish new BIA Boards following the designation of the BIA, unless the BIA is located within the boundaries of more than one Community Council, in which case new BIA Boards shall continue to be established by Council.

4. Municipal Code Chapter 27, Council Procedures, be amended to delegate to the Community Councils the authority to establish new BIA Boards unless the BIA is located within the boundaries of more than one Community Council.
5. Authority be granted to the City Solicitor to submit any bills required to enact the new Municipal Code Chapter 19 and to amend Municipal Code Chapter 27, generally in accordance with the report recommendations and Attachment No. 1 of this report, subject to any necessary refinements, including stylistic, format and organization, as may be identified by the City Solicitor and City Clerk, and any other bills required to give effect to these recommendations.
6. The matter of advocacy by the BIA Boards of Management be included in the report relating to limitations on BIAs to be submitted by the General Manager, Economic Development, Culture and Tourism.
7. The General Manager, Economic Development, Culture and Tourism, in consultation with the Chief Planner and Executive Director, City Planning, and the General Manager, Transportation Services, report to the Economic Development Committee on the implementation of the Emery Village Master Plan, such report to address how to implement the beautification plan under the existing by-law.
8. The following motion be referred to the Economic Development Committee, and the General Manager, Economic Development, Culture and Tourism, be requested to report on this motion, for consideration by Committee at its July 5, 2007 meeting and submission to City Council:

Moved by Councillor Moscoe:

“That:

1. In a manner similar to the graffiti provision enacted by City Council on February 16, 2005, ‘Municipal Code Chapter 485’, Council hereby declares that repairs that are ordered by the City through work orders issued by the City to the exterior of commercial properties are or could become or cause a public nuisance.

The benefit to the City of resisting the deterioration of a strip plaza far outweighs the benefit that any property owner might derive from the execution of a work order which being a public nuisance can adversely affect property values, business opportunities and the enjoyment of life.

The deterioration of the exterior elements of commercial and industrial properties has been shown to lead to ‘urban blight’ degrading the community and often resulting in an increase in crime.

2. Consistent with Sections 329 and 331 of The City of Toronto Act, 2006, (COTA) and Regulation 594/06, if approved by the general membership of the Business Improvement Area (BIA), execution of work orders to the exterior of BIA properties that are the collective responsibility of the BIA shall be treated in the same manner as graffiti removal.
3. The General Manager, Economic Development, Culture and Tourism, in consultation with the Chief Planner and Executive Director, City Planning, and the City Solicitor, be requested to report to the Licensing and Standards Committee on the feasibility of utilizing Sections 28 and 29 of the Planning Act for the rehabilitation of strip plazas and industrial corridors.
4. Section 19-4C of the new City of Toronto Municipal Code Chapter 19, 'Business Improvement Areas', be amended by adding the words 'unless specifically authorized by Council', so that the Section now reads as follows:

'A board shall not...

C. borrow or lend money unless specifically authorized by Council;'
5. Section 19-4G of the new City of Toronto Municipal Code Chapter 19, 'Business Improvement Areas' be amended by adding the words 'unless specifically authorized by Council', so that the Section now reads as follows:

'A board shall not...

G. make or fund improvements to private property, with the exception of graffiti and postering removal initiatives as per Section 19-3D, unless specifically authorized by Council.'
6. A copy of Item EX8.10 be forwarded to the Community Councils for information."

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**City Council Decision – May 23, 24 and 25, 2007**

City Council on May 23, 24 and 25, 2007, deferred consideration of this Item to its special meeting on June 11, 2007.

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(April 11, 2007) letter from the Economic Development Committee

### **Committee Recommendations**

The Executive Committee recommends that:

1. Council adopt a new City of Toronto Municipal Code, Chapter 19, "Business Improvement Areas" generally in accordance with Attachment No. 1, subject to:
  - i. amending Section 19-3 "Designation of a Business Improvement Area", by:
    - a. amending Section 3. C to read as follows:

"3. C. to advocate and promote the business improvement area as a business, employment, tourist or shopping area"; and
    - b. adding a new section F to read as follows:

"F. to undertake strategic planning necessary to address business improvement area issues"; and
  - ii. amending Section 19-4, entitled "Limitations"; by deleting Clause F;
2. Council dissolve all existing Business Improvement Area Boards, as listed in Attachment No. 2, and re-establish them as City boards under Section 141 of the Act;
3. Council delegate to the appropriate community councils the authority to establish new BIA Boards following the designation of the BIA, unless the BIA is located within the boundaries of more than one community council, in which case new BIA Boards shall continue to be established by Council;
4. Municipal Code Chapter 27, Council Procedures, be amended to delegate to the community councils the authority to establish new BIA Boards unless the BIA is located within the boundaries of more than one community council; and
5. authority be granted to the City Solicitor to submit any bills required to enact the new Municipal Code Chapter 19 and to amend Municipal Code Chapter 27, generally in accordance with the report recommendations and Attachment No. 1 of this report, subject to any necessary refinements, including stylistic, format and organization, as may be identified by the City Solicitor and City Clerk, and any other bills required to give effect to these recommendations.

### **Financial Impact**

These recommendations will have no financial impact on the City.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the Financial Impact and information.

## **Summary**

This report recommends the adoption of a new City of Toronto Municipal Code, Chapter 19 (“Chapter 19”) – “Business Improvement Areas” (“BIAs”), made necessary by the enactment of the City of Toronto Act, 2006 (the “Act”).

The new Chapter 19 will provide within one document a clear set of guidelines governing the establishment of BIAs and BIA activities, and will help ensure improved BIA administration, financial management, and accountability.

The new Chapter 19 contains many of the BIA-related provisions of the Municipal Act, 2001, as well as new provisions related to financial management, the activities that BIAs are allowed to undertake, and clarifications and refinements with respect to procedures for establishing or amending the boundaries of a BIA.

It is intended that the new Code Chapter 19 shall apply to new BIAs to be created after the enactment of the Act, and to all existing BIAs previously established under the Municipal Act, 2001. To this end, it is recommended that Council dissolve all existing Boards of Management (“Boards”) and re-establish them as City Boards.

This report also recommends that Council delegate to the community councils the authority to establish new BIA Boards in order to streamline the appointment procedure for BIA Board members.

## **Background Information**

New Municipal Code Chapter 19 - Business Improvement Areas - March 19, 2007 report  
(<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3207.pdf>)

New Municipal Code Chapter 19 - Business Improvement Areas  
(<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3200.pdf>)

Report (May 15, 2007) from the City Solicitor and the General Manager, Economic Development, Culture and Tourism ([EX8.10a](#)).

## **Communications**

(April 26, 2007) e-mail from Mr. Larry Perlman

(April 30, 2007) e-mail from Mr. James L. Robinson, Executive Director, Downtown Yonge BIA

## **Speakers**

James Robinson, Executive Director, Downtown Yonge Business Improvement Area, and filed a written submission with respect thereto; and

Mr. John Kiru, Toronto Association of Business Improvement Areas.

### **Decision Advice and Other Information**

The Executive Committee:

1. referred Clause F, contained in Section 4, of the Toronto Municipal Code, entitled "Limitations", to the General Manager, Economic Development, Culture and Tourism for a report, in consultation with the City Manager's Office and the City Solicitor, such report to be submitted to the Economic Development Committee; and
2. requested the General Manager of Economic Development, Culture and Tourism and the City Solicitor to consult with Councillor Mammoliti respecting Toronto Municipal Code, Chapter 19-4 G., as it relates to cost sharing programmes with Emery Village BIA, and also how it relates to the façade program, and submit a report thereon directly to Council for consideration at its meeting scheduled to be held on May 23, 2007.

The Executive Committee held a public meeting on April 30, 2007, in accordance with the City of Toronto Act, 2006, and notice of the proposed amendments to the Toronto Municipal Code, Chapter 19, Business Improvement Areas, and Toronto Municipal Code, Chapter 27, Council Procedures, was posted on the City's web site for a minimum of 5 days.