



**STAFF REPORT  
ACTION REQUIRED**

**Emery Village Business Improvement Area (BIA) -  
Poll Results on Boundary Expansion**

<b>Date:</b>	August 24, 2007
<b>To:</b>	Economic Development Committee
<b>From:</b>	Acting Director, Small Business and Local Partnerships
<b>Wards:</b>	Ward 7
<b>Reference Number:</b>	

**SUMMARY**

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The purpose of this report is to recommend that the Emery Village Business Improvement Area (BIA) boundaries be expanded. Upon approval, the appropriate staff shall prepare the necessary by-laws and bill to give effect thereto.

In accordance with Chapter 19 of the City of Toronto Municipal Code, the City Clerk conducted a poll to determine if there is sufficient support to expand the BIA. The number of objecting petitions regarding the proposed Emery Village BIA expansion does not meet the sufficiency benchmark set out in Chapter 19-9B of the Municipal Code. Accordingly, City Council may expand the boundaries. Based upon the results, it is recommended that Council pass a by-law to designate the area described by Attachment No. 1 (Maps 1-4), as an expanded Emery Village Business Improvement Area.

**RECOMMENDATIONS**

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**The Acting Director of Small Business and Local Partnerships recommends that:**

1. Council pass a by-law to designate the area described by Attachment No. 1 (Maps 1-4), as an expanded Business Improvement Area, under section 19-15 of the Municipal Code, based upon the results of the poll respecting the intention to expand the Emery Village BIA;
2. Leave be granted for the introduction of the necessary bill in Council to give effect thereto; and

Emery Village BIA Boundary Expansion Poll Results

3. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

### **Financial Impact**

Capital budgets may be impacted in future years should streetscape or other capital improvements be undertaken by the expanded Emery Village BIA. These capital improvements are cost-shared equally between the BIA and the City.

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

### **DECISION HISTORY**

At its July 25, 26 and 27, 2006, meeting Council adopted Clause 12, Report 5, of the Economic Development and Parks Committee authorizing the City Clerk to carry out the formal polling required to expand the boundaries of the Emery Village BIA upon notification from the General Manager of Economic Development, Culture and Tourism. This notification was subject to the BIA following the procedures for expanding a BIA, as set out in Chapter 19 of the City of Toronto Municipal Code, and confirmation there is general support from affected members to expand the BIA. The BIA conducted two public meetings where existing and proposed members endorsed the boundary expansion.

### **ISSUE BACKGROUND**

Section 19-15 of the Municipal Code provides that Council may alter the boundaries of a BIA. Before passing a by-law to expand a BIA, the Municipal Code requires notice of the proposed by-law be sent by pre-paid mail to the Board of Management of the BIA, if any, and to every person who, on the last returned assessment roll, is assessed for rateable property in a prescribed business property class located within the existing BIA and proposed expansion area.

Any person who receives a notice of the proposed by-law must, within 30 days, give a copy of the notice to each tenant of the property to which the notice relates who is required to pay all or part of the taxes on the property. The owner must also give the City Clerk a list of every tenant and their share of the taxes paid.

Under section 19-9B of the Municipal Code, Council shall not pass a by-law to expand a BIA if written objections are received by the City Clerk within 60 days after the mailing of the notices and the objections have been signed by at least one-third of the total number of persons entitled to notice in either the existing BIA or proposed expansion area. In addition, the objectors must be responsible for at least one-third of the taxes levied.

The City Clerk shall determine whether all conditions have been met and, if they are, shall issue a certificate affirming that fact.

## **COMMENTS**

On June 18, 2007, the City Clerk mailed 1,176 Notices of Intention to Expand the Boundaries of the Emery Village BIA to all persons assessed for rateable property within the Emery Village BIA and the area of the proposed expansion, to determine if there is sufficient support to expand the BIA.

A total of 1,076 notices were mailed to owners within the existing BIA. One-hundred and six (106) tenant lists were returned from the landlords identifying 250 rateable tenants, thereby increasing the total to 1,326 persons within the existing BIA entitled to receive notice. The full amount of taxes levied on the rateable property within the existing BIA totals \$52,545,338. By the end of the notice period, 13 petitions of objection to the proposed expansion were received by the City Clerk from owners and tenants of the existing Emery Village BIA, representing \$263,609 in taxes levied. The number of objecting petitions do not meet the sufficiency benchmarks of 442 persons and \$17,515,129.34 taxes levied required under the Municipal Code.

A total of 100 notices were mailed to owners within the proposed expansion area. Eighteen (18) tenant lists were returned from the landlords identifying 35 rateable tenants, thereby increasing the total to 135 persons within the proposed expansion area entitled to receive notice. The full amount of taxes levied on the rateable property within the proposed expansion area totals \$8,077,103. By the end of the notice period, 6 petitions of objection to the proposed expansion were received by the City Clerk from owners and tenants within the proposed expansion area, representing \$63,339 in taxes levied. The number of objecting petitions do not meet the sufficiency benchmarks of 45 persons and \$2,692,367 taxes levied required under the Municipal Code.

Objections received in relation to the proposed expansion of the Emery Village BIA do not meet the sufficiency benchmark required by Section 19-9B of the Municipal Code. Based on the results, it is recommended that Council pass a by-law to designate the area described by Attachment No. 1 (Maps 1-4), as an expanded Emery Village Business Improvement Area.

## **CONTACT**

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## **SIGNATURE**

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Mike Major  
Acting Director, Small Business and Local Partnerships

## **ATTACHMENTS**

Attachment No. 1 – Maps (1-4) Proposed Emery Village BIA

Emery Village BIA Boundary Expansion Poll Results