

CITY CLERK'S OFFICE
SECRETARIAT SECTION

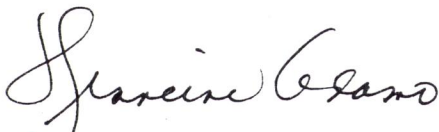
2007 OCT 15 P 3: 32

October 4, 2007

LICENSING AND STANDARDS COMMITTEE:**North York Community Council Item - NY8.60
Billboard Signs**

City Council, on September 26 and 27, 2007, referred the following Recommendations 1b, 1c, 2 and 3 of the North York Community Council to the Licensing and Standards Committee for consideration:

- “1. directed the Chief Building Official to:
 - b. review the method by which sign permits in the North York District are issued in the North York District and recommend changes that will preserve the integrity of the bylaws and the permitting system; and
 - c. report on what increases to the permit fees will be necessary to hire sufficient staff to properly process the sign applications and ensure that there is sufficient staff to do the necessary inspections to ensure compliance with the Sign By-laws.
2. directed the Chief Building Official, in consultation with the City Solicitor, to revoke all permits where there is clear evidence that signs have been erected in violation of the permit issued or where permits have been issued on the basis of false information.
3. directed that the letter (August 29, 2007) from Mr. Rami Tabeto regarding the interpretation of the City of Toronto Act, Section 110(1) with respect to advertising content, be referred to the City Solicitor for an interpretation as it relates to third party copy on first party signs.”


City Clerk

Francine Adamo /cp

ILLEGAL SIGNS CA

BILLBOARD PERMIT FRAUD UNDERSTANDING WALL SIGNS ABUSES OF BY-LAW ENFORCEMENT STREET STUDIES AD HARBOR

Tracking Toronto's
Outdoor Advertising
Industry

Wednesday, August 29, 2007

Rami Tabetlo
359 Palmerston Blvd
Toronto ON M6G 2N5
416-822-3696

info@illegalsigns.ca

Chairman Howard Moscoe
City Hall
100 Queen Street West, Suite B30
Toronto, ON M5H 2N2

Dear ^{Sir} Madam:

RE: Illegal Billboards

This letter provides a summary of the illegal billboard problem:

Illegal Permits: Buildings has issued at least 400 illegal permits for billboards, mostly for signs that do not comply with Separation of Signs requirements. Building inspectors never check for separation requirements. In the South District, where the problem is over 15 years old, Buildings does not inspect permits unless called by the applicant. Some billboards with illegal permits have gone un-inspected for 15 years, including signs along Front Street Extension lands, where expropriation values were inflated due to illegal billboard permits. *The matter of illegal permits should be investigated by the Auditor General particularly with regard to permits for roof and ground signs in Etobicoke.*

The 401 and 404: About 40 third party signs are operating under first party permits, about 15 of which obtained variances for first party use. The signs by-laws prohibit third party signs because MTO third party permits can't be obtained. The MTO doesn't want to spend the money to enforce their regulations and MTO staff is proposing to lift restrictions on third party signs and download these regulations to the City. Not only would amount to a de facto amendment to our signs by-laws by allowing third party billboards on the 400 and 401, it would download the cost of enforcement to the City. City Staff have actually told the MTO that they agree with the download. The City must be prepared for this and must restrict third party signage in our own laws months before the MTO regulations are lifted in order to prevent third party permits from being obtained. In addition, the City has improperly issued about 5 third party sign permits along the 401 and 404. These must be revoked. *The City must coordinate with the MTO. The MTO's failure to enforce the law against third party signs along the highways downloads the cost of enforcement to the City. The City should petition the Ministry to enforce its own regulations and direct staff to oppose the download..*

Our Audit of MLS's Response to TEY CC: In December 2005, Toronto and East York Community Council asked MLS to proactively investigate illegal billboards in downtown Toronto. We conducted an audit of what MLS did. MLS investigated hundreds of illegal

billboards and declared them legal because they relied upon permits that did not legalize the signs, including revoked permits and permits issued to abutting properties. *This matter should be investigated by the Auditor General.*

Section 110 (1): The industry is arguing that this Section of the City of Toronto Act allows them to operate third party signs on first party permits under a new by-law. The Section states: "A City by-law respecting advertising devices, including signs, does not apply to an advertising device that was lawfully erected or displayed on the day the by-law comes into force if the advertising device is not substantially altered, and the maintenance and repair of the advertising device or a change in the message or contents displayed is deemed not in itself to constitute a substantial alteration." The industry will argue that changing a first party sign into a third party sign amounts to a change in the message displayed. *The City Solicitor should petition the courts for clarity before a new by-law is passed, otherwise the City may unwittingly legalize all 401 and 404 billboards.*

The vast majority of illegal billboard in the City of Toronto have permits. They are generally permits that were obtained contrary to the sign code, or they are permits for a different sign. In most cases, building inspectors turn a blind eye to the erection of a different sign, such as a double-sided sign on a permit for a single sided sign, which is very common in the City of York.

Sincerely,

Rami Tabello

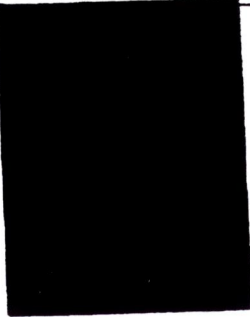
Rami Tabello






An Audit of 10 Illegal Third Party Signs On the 401 and 400, Which Obtained Variances for First Party Use Only






For: Chairman Howard Moscoe

Thursday, August 30, 2007
Rami Tabetlo, IllegalSigns.ca
359 Palmerston Boulevard
Toronto, ON
416.822.3696

Summary: Every third party sign along the 400 and 401 is illegal. There are about 40 such signs. About 35 are operating under first party permits and about 5 have no permit at all. 10 signs needed to obtain variances for first party use due to size restrictions. This audit takes a look at those signs that obtained variances. In almost every case, the signs were never used for first party use, advertising companies were behind the first party variance applications and building inspectors improperly cleared the files. It is important to note that only first party signs of a standard billboard type, which allow changeable copy can be readily operated as third party signs and that most first party sign structures can't be converted in to third party signs.



Address	Operator	Variance	Photo of Illegal Sign
50 Hallcrown Place	CBS	A variance was granted for a first party sign by North York Community Council in July 2006 (Highway 400)	
120 Norfinch	Pattison	A variance was granted for a first party sign by North York Community Council in July 2006	
1825 Wilson Ave	CBS	A variance was granted for a first party sign by North York Humber Community Council in October 1998.	
1881 Wilson Av	Pattison	A variance was granted for a first party sign by Etobicoke York Community Council in February 2006.	
32 Stoffel Drive	Astral	A variance was granted for a first party sign by Toronto West Community Council in April 2004.	

36 Stoffel Drive	CBS	A variance was granted for a first party sign by Etobicoke York Community Council in February 2005.	
2 Ronson Drive	Pattison	A variance was granted for a first party sign by Etobicoke Community Council in December 2001.	
1875 Wilson	Pattison	A variance was obtained pre-amalgamation for a first party roof sign.	
34 Greensboro	CBS	A variance was obtained from Etobicoke Community Council for a first party ground sign in October 2002.	
208 Pellatt Ave	CBS	A variance was granted for a first party sign 208 Pellatt Ave by Etobicoke York in September 2006	

North York Community Council – Item 8.60

Considered by City Council on September 26 and 27, 2007

NY8.60	AMENDED			Ward: 8, 9, 10, 15, 16, 23, 24, 25, 26, 33, 34
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Billboard Signs

City Council Decision

City Council on September 26 and 27, 2007, adopted the following motions:

1. City Council direct the Chief Building Official to investigate the specific sign locations which are located within the North York Community Council district, as provided by Mr. Rami Tabello in his letter dated August 29, 2007, and report back to the North York Community Council.
2. City Council refer to the Etobicoke York Community Council, the following recommendation only as it pertains to the balance of the sign locations which are located within the Etobicoke York Community Council district:
 - “1. direct the Chief Building Official to:
 - a. investigate the specific sign locations provided by Mr. Rami Tabello in his letter dated August 29, 2007, and report back to the [Etobicoke York] Community Council;”
3. City Council refer the following Recommendations 1b, 1c, 2 and 3 of the North York Community Council to the Licensing and Standards Committee for consideration:
 - “1. direct the Chief Building Official to:
 - b. review the method by which sign permits in the North York District are issued in the North York District and recommend changes that will preserve the integrity of the bylaws and the permitting system; and
 - c. report on what increases to the permit fees will be necessary to hire sufficient staff to properly process the sign applications and ensure that there is sufficient staff to do the necessary inspections to ensure compliance with the Sign By-laws.
 2. City Council direct the Chief Building Official, in consultation with

the City Solicitor, to revoke all permits where there is clear evidence that signs have been erected in violation of the permit issued or where permits have been issued on the basis of false information.

3. City Council direct that the letter (August 29, 2007) from Mr. Rami Tabello regarding the interpretation of the City of Toronto Act, Section 110(1) with respect to advertising content, be referred to the City Solicitor for an interpretation as it relates to third party copy on first party signs.”

(September 10, 2007) Member Motion from Councillor Moscoe

Committee Recommendations

The North York Community Council recommends that City Council:

1. direct the Chief Building Official to:
 - a. investigate the specific sign locations provided by Mr. Rami Tabello in his letter dated August 29, 2007, and report back to the North York Community Council;
 - b. review the method by which sign permits in the North York District are issued in the North York District and recommend changes that will preserve the integrity of the bylaws and the permitting system; and
 - c. report on what increases to the permit fees will be necessary to hire sufficient staff to properly process the sign applications and ensure that there is sufficient staff to do the necessary inspections to ensure compliance with the Sign Bylaws;
2. direct the Chief Building Official, in consultation with the City Solicitor, to revoke all permits where there is clear evidence that signs have been erected in violation of the permit issued or where permits have been issued on the basis of false information; and
3. direct that the letter (August 29, 2007) from Rami Tabello regarding the interpretation of the City of Toronto Act, Section 110(1) with respect to advertising content, be referred to the City Solicitor for an interpretation as it relates to third party copy on first party signs.

Background Information

Billboard Signs

(<http://www.toronto.ca/legdocs/mmis/2007/ny/bgrd/backgroundfile-6732.pdf>)

Additional Background Information (City Council)

- Communication (September 25, 2007) from the City Clerk ([NY8.60a](#))

Speakers

Rami Tabetlo, Illegal Signs.ca