



**STAFF REPORT  
ACTION REQUIRED**

**Poll Results for the Proposed Oakwood Village  
Business Improvement Area**

<b>Date:</b>	October 2, 2008
<b>To:</b>	Economic Development Committee
<b>From:</b>	Director Business Services
<b>Wards:</b>	15 and 17
<b>Reference Number:</b>	P:/2008/Cluster A/EDCT/ECON DEV/ed0810-042 (AFS # 8221)

**SUMMARY**

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The purpose of this report is to make recommendations regarding the poll results for the proposed Oakwood Village Business Improvement Area fronting on Oakwood Avenue between Bude Street and the lands just south of Earlsdale Avenue at 317 Oakwood Avenue, and the lands between 616 and 637 Vaughan Road as a Business Improvement Area (BIA).

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 designate the proposed Oakwood Village BIA. The number of objecting petitions regarding the Oakwood Village BIA do not meet the sufficiency benchmark set out in Chapter 19-9A of the Municipal Code. Accordingly, it is recommended that Council pass a by-law to designate the area described by Attachment No. 1 as the Oakwood Village BIA.

## **RECOMMENDATIONS**

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### **The Director, Business Services recommends that:**

1. Based on the poll results respecting the intention to designate the Oakwood Village BIA, the area described by Attachment No. 1 be designated as a Business Improvement Area (BIA), under Chapter 19 of the Toronto Municipal Code; and
2. The City Solicitor be directed to submit a by-law to designate the area described in Attachment No. 1 as a business improvement area.

### **Financial Impact**

Capital budgets may be impacted in future years should streetscape and other capital improvements be undertaken by the new BIA. Capital improvements are shared 50/50 between the City and the BIA. The City's 50% share of the capital costs will be funded in the Economic Development, Culture and Tourism capital budget.

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

### **DECISION HISTORY**

At its meeting of June 23 and 24, 2008, City Council adopted, Report 22 Clause ED14.12 of the Economic Development Committee, headed "Intention to Designate the Area along Oakwood Avenue between Bude Street and the lands just south of Earlsdale Avenue at 317 Oakwood Avenue, and the lands between 616 and 637 Vaughan Road as a Business Improvement Area (BIA)". The staff report recommended the establishment of a BIA, subject to a favourable poll result.

<http://www.toronto.ca/legdocs/mmis/2008/ed/bgrd/backgroundfile-13592.pdf>

### **BACKGROUND**

Chapter 19 of the Municipal Code provides that Council may establish a BIA. Before passing a by-law to establish a BIA, the Municipal Code requires that notice of the proposed by-law be sent by pre-paid mail to every person who, on the last returned assessment roll, is assessed for rateable property in a prescribed business property class which is located in the proposed Business Improvement 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 Chapter 19-9A of the Municipal Code, Council shall not pass a by-law to create a new BIA if written objections are received by the 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 addition the objectors must be responsible for at least one-third of the commercial taxes levied within the proposed BIA.

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

## **COMMENTS**

On July 18, 2008, the City Clerk mailed 113 Notices of Intention to Designate to all persons assessed with respect to rateable property within the specified proposed Oakwood Village Business Improvement Area, to determine whether or not this area could become a BIA.

Within 60 days after the notices were mailed, 16 tenant lists were returned to the City Clerk by the owners. Seventeen commercial tenants were identified from the lists and added to the original total of 113 persons. Therefore, a total of 130 persons were identified to receive notice. The full amount of taxes levied on the rateable property in the prescribed business property class in the specified Oakwood Village Business Improvement Area totals \$866,318.00.

Twenty-two petitions of objection to the proposed designation of Oakwood Avenue between Bude Street and the lands just south of Earlsdale Avenue at 317 Oakwood Avenue, and the lands between 616 and 637 Vaughan Road as a Business Improvement Area were received by the City Clerk by September 16, 2008, the end of the notice period. The number of objecting petitions does not meet the sufficiency benchmarks required by Chapter 19-9A of the City of Toronto Act, 2006.

Based on the results, it is recommended that Council pass a by-law to designate the area described by Attachment No. 1, as the Oakwood Village Business Improvement Area.

## **CONTACT**

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## **SIGNATURE**

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Eva Pyatt  
Director Business Services

## **ATTACHMENT**

Attachment No. 1 – Map of proposed BIA