



**STAFF REPORT
ACTION REQUIRED**

**Request for an Art Mural – 3609 Dundas Street West
Exemption to Toronto Municipal Code, Chapter 485, Graffiti**

Date:	April 16, 2008
To:	Etobicoke York Community Council
From:	Curtis Sealock, District Manager, Municipal Licensing and Standards
Wards:	Ward 13, Parkdale – High Park
Reference Number:	ML&S Folder Numbers 08-118113 & 08-120693

SUMMARY

This Staff Report is in response to a request for an exemption to Chapter 485 of the Toronto Municipal Code, Graffiti, to maintain the markings on the west wall of the commercial building located at 3609 Dundas Street West, on the ground that such markings are not graffiti and exempt as an art mural. The Etobicoke York Community Council has delegated authority from City Council to make a final decision for this application.

RECOMMENDATIONS

The Municipal Licensing and Standards recommends the Etobicoke York Community Council refuse the application due to non-compliance of the Graffiti By-law.

FINANCIAL IMPACT

There are no financial implications resulting from the adoption of this report.

ISSUE BACKGROUND

A recent inspection of the 2-storey commercial building at 3609 Dundas Street West revealed that the exterior wall on the west side was covered with graffiti from grade to a height of approximately 4.2 metres over the entire length of the building (approximately 32.6 metres) (Attachment 1). As a result, a Notice of Violation was issued to the owner on March 17, 2008 under Chapter 485 of the Toronto Municipal Code, Graffiti.

In response to the Notice, the tenant, who is also a part owner of the property, submitted a request for an exemption to the Graffiti By-law (Attachment 2), alleging that the markings were a mural painted by a group of artists commissioned by the owner.

COMMENTS

Pursuant to section 485-4 of the Toronto Municipal Code, Chapter 485, Graffiti, the property owner may request the Community Council to review the Notice of Violation issued against him/her on the ground that the markings constitute an art mural instead of graffiti, and the Community Council may:

- (a) Grant the exemption, with or without conditions, and cancel the notice; or
- (b) Confirm the notice and direct that a second notice be given to have the graffiti removed.

Graffiti is defined in the By-law as one or more letters, symbols, figures, etchings, scratches, inscriptions, stains or other markings that disfigure or deface a structure but does not include an art mural.

An Art Mural is defined as a mural for a designated surface and location that has been deliberately implemented for the purpose of beautifying the specific location.

Among the different types of graffiti, the markings found at this location may be classified as Hip-Hop graffiti, and because its extensive coverage and multi-coloured design, it can further be sub-categorized as Hip Hop Pieces (Attachment 1). While they do not appear to be gang-related or associated with hate crime, Toronto Police Services have been notified and to date, no response was received.

CONTACT

Chip Au, Supervisor
Etobicoke York District
Municipal Licensing and Standards
Tel: 416-394-2533 Fax: 416-394-2904
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SIGNATURE

Curtis Sealock, District Manager
Etobicoke York District
Municipal Licensing and Standards

ATTACHMENTS

Attachment 1: Photograph showing the Graffiti-covered Exterior Wall

Attachment 2: Letter of Request for Art Mural Exemption



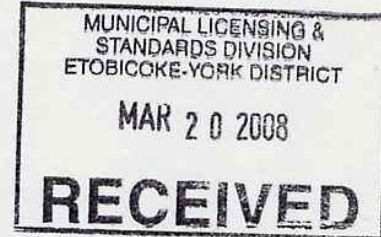
Attachment 1: Photograph of the Graffiti-covered Exterior Wall



Dynamic Iron Limited

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March 19, 2008



Municipal Licensing and Standards
Investigation Unit West District
2 Civic Centre Court 4th Floor
Toronto, Ont.
M9C 5A3

Attn: Ms. Teresa Collonna

Re: 3609 Dundas St. W.
PL878NPTLTS1617
19140823900665000000

Dear Ms. Collonna:

As per our telephone conversation of this morning, we are requesting exemption for violation Chapter 485 Section 3(B) Graffiti. As explained to you, the mural was done by artists expressing their views and with the land owners permission, therefore we are requesting that this violation be reviewed by your local Community Council.

Yours truly,

John Mrsic – Dynamic Iron Ltd.

Attachment 2: Letter of Request for Art Mural Exemption