



## STAFF REPORT ACTION REQUIRED

### Request for an Art Mural exemption to the Toronto Municipal Code, Chapter 485, Graffiti at 921 Kingston Road

<b>Date:</b>	April 17, 2008
<b>To:</b>	Toronto East York Community Council
<b>From:</b>	Municipal Licensing and Standards Division, Toronto East York District
<b>Wards:</b>	Ward 32, Beaches East York
<b>Reference Number:</b>	IBMS No. 07-272816

#### **SUMMARY**

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This staff report is about a matter for which the Community Council has delegated authority from City Council to make a final decision. The applicant, being an Officer of the Corporation that owns the property has requested a review of a notice given for graffiti in accordance with the provisions of the City of Toronto Municipal Code, Chapter 485 Graffiti to give consideration to the wall markings being classed as an Art Mural.

The Graffiti by-law provides in Section 4E that an owner on whom a notice has been issued may request that the issuance of the notice be reviewed by the Toronto and East York Community Council on the basis that the markings are exempt as an art mural.

#### **RECOMMENDATIONS**

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Municipal Licensing & Standards recommends that the Toronto and East York Community Council:

1. Confirm the notice and direct that a second notice be issued.
2. Grant the exemption, with or without conditions, and cancel the notice.

#### **Financial Impact**

There is no financial impact anticipated in this report.

## **DECISION HISTORY**

The Municipal Licensing and Standard Division received a written request for exemption from the Graffiti by-law to permit the review of a graffiti notice issued. Representation by the owner is that the wall markings are an art mural that was commissioned by him with the actual painting undertaken by local youths. See Attachments 1, 2 and 3.

## **ISSUE BACKGROUND**

The City of Toronto Municipal Code Chapter 485, Graffiti defines graffiti as “*one or more letters, symbols, figures, etchings, scratches, inscriptions, stains or other markings that disfigure or deface a structure or thing, howsoever affixed on the structure or thing, but for greater certainty, does not include an art mural*”.

The City of Toronto Municipal Code Chapter 485, Graffiti defines art mural as “*a mural for a designated surface and location that has been deliberately implemented for the purpose of beautifying the specific location*”.

## **COMMENTS**

The City of Toronto Council enacted the amalgamated By-Law 123-2005 on February 16, 2005 to provide a means to deal with issues of graffiti and further to permit the review of a notice issued to remove graffiti on the basis that it be exempted as an art mural. This By-Law and the amendments are now found in the Toronto Municipal Code, Chapter 485 - Graffiti.

## **CONTACT**

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## **SIGNATURE**

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Elizabeth Glibbery, Manager

## **ATTACHMENTS**

1, 2 and 3 - pictures of wall markings