



STAFF REPORT ACTION REQUIRED

Request for an Art Mural Exemption to the Toronto Municipal Code, Chapter 485-Graffiti at 955 Bloor Street West

Date:	June 18, 2008
To:	Toronto East York Community Council
From:	Municipal Licensing and Standards Division, Toronto East York District
Wards:	Ward 19 – Trinity Spadina
Reference Number:	IBMS No. 07-283234

SUMMARY

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 is the property owner who has requested a review of a Notice of Violation 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(1) that an owner upon receipt of a Notice of Violation under this section, request that the issuance of the Notice be reviewed by the Community Council on the basis that the markings are exempt as an art mural.

RECOMMENDATIONS

Municipal Licensing and Standards Division recommends that the Toronto 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 Standards Division received a written request for exemption from the Graffiti By-law to permit the review of a graffiti notice issued against the property. Written correspondence was received by the owner of the property requesting that the wall markings be considered as an art mural that was commissioned as a community art project that both expresses and promotes the pride of several artists involved in the Bloorcourt Village neighbourhood.

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 Council of the City of Toronto 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 of Violation 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.

The subject graffiti for which an exemption as an Art Mural has been requested consists of a large painted surface with several smaller type wall markings along the southern and eastern elevations of the building. See Attachments 1 and 2 respectively.

CONTACT

Joe Magalhaes, Supervisor, Municipal Licensing and Standards Division
Toronto East York District, tel.(416)392-0874, fax.(416)392-0384, jmagalh@toronto.ca

SIGNATURE

Elizabeth Glibbery, Manager, Municipal Licensing and Standards Division
Toronto East York District

ATTACHMENTS

Attachment 1, South Elevation
Attachment 2, East Elevation