



STAFF REPORT ACTION REQUIRED

Request for an Art Mural Exemption to the Toronto Municipal Code, Chapter 485-Graffiti at 468A/468 Dawes Road

Date:	June 18, 2008
To:	Toronto East York Community Council
From:	Municipal Licensing and Standards Division, Toronto East York District
Wards:	Ward 31 – Beaches-East York
Reference Number:	IBMS No. 08-147673

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's son acting on behalf of his parents who own the property and 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. The applicant is requesting 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 East York Community Council on the basis that the markings are exempt as an art mural.

RECOMMENDATIONS

Municipal Licensing & Standards 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 conditions, and cancel the notice.
3. Direct the applicant to apply for a Mural Permit required under the Sign Bylaw.

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 has been made by the son of the owner's that the wall markings are an art mural that was commissioned using three (3) local youths to paint the wall. See Attachments 1 and 2. It should be noted that the wall markings clearly identify the name of the business and represents a first party sign by definition.

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*".

The City of Toronto Municipal Code Chapter 297, Signs defines a **sign** as "*any device, fixture or structure that uses any colour, form, graphic, illumination, symbol or writing to advertise, identify, announce the purpose of or identify the purpose of a person or entity or to communicate information of any kind to the public, and may include flags, banners or pennants.*"

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. The subject graffiti for which exemption as an Art Mural has been requested consists of a large painted surface with several smaller signature type wall markings on the right hand side of the painted surface.

In addition, the subject graffiti may meet the definition of a Mural Sign, which is defined as a sign painted directly on the face of a wall. Chapter 297, 3(a) requires that "no person shall erect, display or alter a sign located within the city's boundaries unless a permit for the sign, under this chapter, has been obtained from the Commissioner".

CONTACT

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SIGNATURE

Elizabeth Glibbery, Manager
Toronto East York District

ATTACHMENTS

Attachment 1 and 2, Photographs of the wall graffiti