



**STAFF REPORT
ACTION REQUIRED**

**Request for an Art Mural Exemption to the Toronto
Municipal Code, Chapter 485-Graffiti at 280 Parliament
Street**

Date:	August 21, 2008
To:	Toronto and East York Community Council
From:	Municipal Licensing and Standards Division, Toronto and East York District
Wards:	Ward 28 Toronto Centre-Rosedale
Reference Number:	IBMS No. 08 184395

SUMMARY

This staff report is about a matter for which the Toronto and East York 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 given for graffiti in accordance with the provisions of the City of Toronto Municipal Code, Chapter 485 Graffiti to give consideration to the fence markings being classed as an Art Mural.

The Graffiti By-law provides in Section 4E(1) that an owner upon receipt of a notice 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 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 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 fence markings be considered as an art mural that was commissioned as a community art project that both expresses and promotes the pride of the Sound Times Art Collective and to discourage graffiti and postering.

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 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 two large painted surfaces with several distinguishing markings along the east face fence fronting Parliament Street and west face fence fronting Poulette Street, hoarding the property.

CONTACT

Fiona Skurjat, Supervisor, Municipal Licensing and Standards Division
Toronto East York District, tel. (416)392-6950, fax (416)392-0386, fskurja@toronto.ca

SIGNATURE

Elizabeth Glibbery, Manager

ATTACHMENTS

Photographs 1&2