



## STAFF REPORT ACTION REQUIRED

### Request for an Art Mural Exemption to the Toronto Municipal Code, Chapter 485-Graffiti at 1130 Dupont Street

<b>Date:</b>	August 21, 2008
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Municipal Licensing and Standards Division, Toronto and East York District
<b>Wards:</b>	Ward 18 – Davenport
<b>Reference Number:</b>	IBMS No. 08-173905

#### **SUMMARY**

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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 wall markings being classified 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**

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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 wall markings be considered as an art mural. In the fall of 2007, the property owners in partnership with the Crime Stoppers Program and local youth started to paint a mural on the east wall of the building. It is the intention of the property owners that the remainder of the wall be used for the purpose of extending the existing mural.

## **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 a large painted surface with several smaller type wall markings along the southern and eastern elevations of the building.

## **CONTACT**

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## **SIGNATURE**

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Elizabeth Glibbery, Manager

## **ATTACHMENTS**

1. Photograph east wall, not yet complete
2. Photograph east facing wall, mural complete
3. Photograph east facing wall, mural complete