

Poll Result for the Proposed Kensington Market Business Improvement Area

Date:	October 21, 2009
To:	Economic Development Committee
From:	General Manager, Economic Development, Culture and Tourism
Ward:	20
Reference Number:	P:/2009/Cluster A/EDCT/ECON DEV/November/ed0911-036

SUMMARY

The purpose of this report is to make recommendations regarding the poll results for the proposed Kensington Market Business Improvement Area.

In accordance with Chapter 19 of the City of Toronto Municipal Code, the City Clerk conducted a poll to determine if there is sufficient support to designate the proposed Kensington Market BIA. The number of objecting petitions regarding the Kensington Market BIA do not meet the sufficiency benchmark set out in Chapter 19-9A of the Municipal Code. Accordingly, it is recommended that Council pass a by-law to designate the area described by Attachment No. 1 as the Kensington Market BIA.

RECOMMENDATIONS

The General Manager, Economic Development, Culture and Tourism recommends that:

1. Based on the poll results respecting the intention to designate the Kensington Market BIA, the area described by Attachment No. 1 be designated as a Business Improvement Area (BIA), under Chapter 19 of the Toronto Municipal Code.
2. The City Solicitor be directed to submit a by-law to designate the area described in Attachment No. 1 as a business improvement area.

Financial Impact

Capital budgets may be impacted in future years should streetscape and other capital improvements be undertaken by the new BIA. Capital improvements are shared 50/50 between the City and the BIA. The City's 50% share of the capital costs will be funded in the Economic Development, Culture and Tourism capital budget.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

At its meeting of August 5 and 6, 2009, City Council adopted, Report 38 Clause ED23.13, of the Economic Development Committee, headed "Intention to Designate Kensington Market as a Business Improvement Area". City Council adopted the following:

1. City Council designate the area described by Attachment 2 (Maps 1 to 3) as the Kensington Market Business Improvement Area (BIA), under Chapter 19 of the City of Toronto Municipal Code.
2. City Council authorize and direct the City Clerk to send out a notice of Council's intention to pass a by-law designating the area described by Attachment 2 (Maps 1 to 3) as a Business Improvement Area (BIA), in accordance with Chapter 19 of the City of Toronto Municipal Code.
3. City Council request the Executive Director of Technical Services to prepare designation by-law maps of the area, as described by Attachment 1 (Maps 1 to 3), and submit them to the City Solicitor.

BACKGROUND

Chapter 19 of the Municipal Code provides that Council may establish a BIA. Before passing a by-law to establish a BIA, the Municipal Code requires that notice of the proposed by-law be sent by pre-paid mail to every person who, on the last returned assessment roll, is assessed for rateable property in a prescribed business property class which is located in the proposed Business Improvement Area.

Any person who receives a notice of the proposed by-law must, within 30 days, give a copy of the notice to each commercial tenant of the property to which the notice relates who is required to pay all or part of the taxes on the property. The owner must also give the City Clerk a list of every commercial tenant and their share of the taxes paid.

Under Chapter 19-9A of the Municipal Code, Council shall not pass a by-law to create a new BIA if written objections are received by the Clerk within 60 days after the mailing of the notices and the objections have been signed by at least one-third of the total number of persons entitled to notice. In addition the objectors must be responsible for at least one-third of the commercial taxes levied within the proposed BIA.

The City Clerk shall determine whether all conditions have been met and, if they are, shall issue a certificate affirming the fact.

COMMENTS

On August 21, 2009, the City Clerk mailed 207 Notices of Intention to designate to all persons assessed with respect to rateable property within the specified proposed Kensington Market Business Improvement Area, to determine whether or not this area could become a BIA.

Within 60 days after the notices were mailed, 39 tenant lists were returned to the City Clerk by the owners. Forty-one commercial tenants were identified from the lists and added to the original total of 207 persons. Therefore, a total of 248 persons were identified to receive notice. The full amount of taxes levied on the rateable property in the prescribed business property class in the specified Kensington Market Business Improvement Area totals \$2,231,434.00.

No eligible objections to the proposed designation of Kensington Market as a Business Improvement Area were received by the City Clerk by October 20, 2009, the end of the notice period.

Based on the results, it is recommended that Council pass a by-law to designate the area described by Attachment No. 1, as the Kensington Market Business Improvement Area.

CONTACT

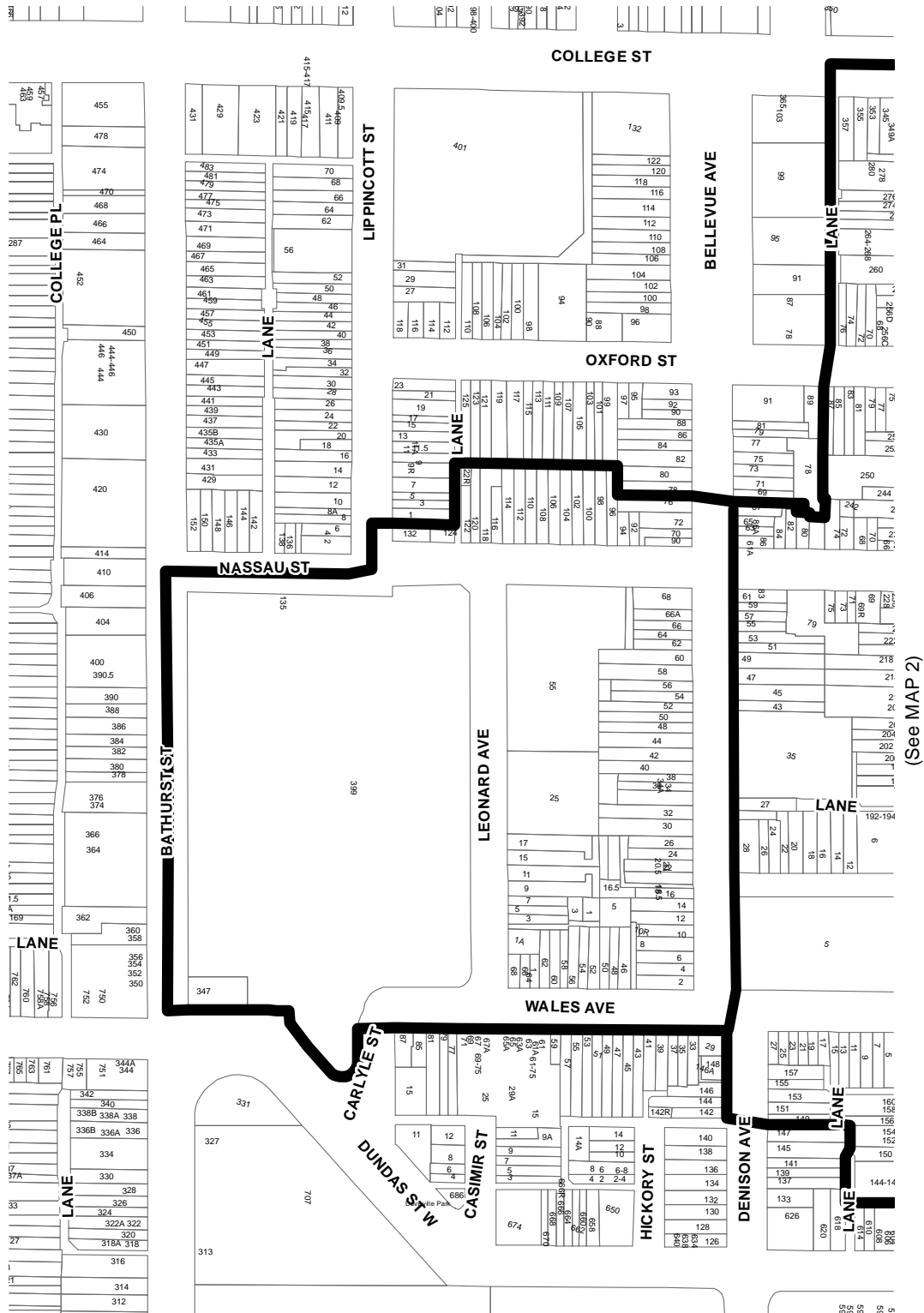
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SIGNATURE

Michael H. Williams
General Manager
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ATTACHMENT

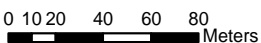
Attachment No. 1 - Kensington Market Business Improvement Area Map



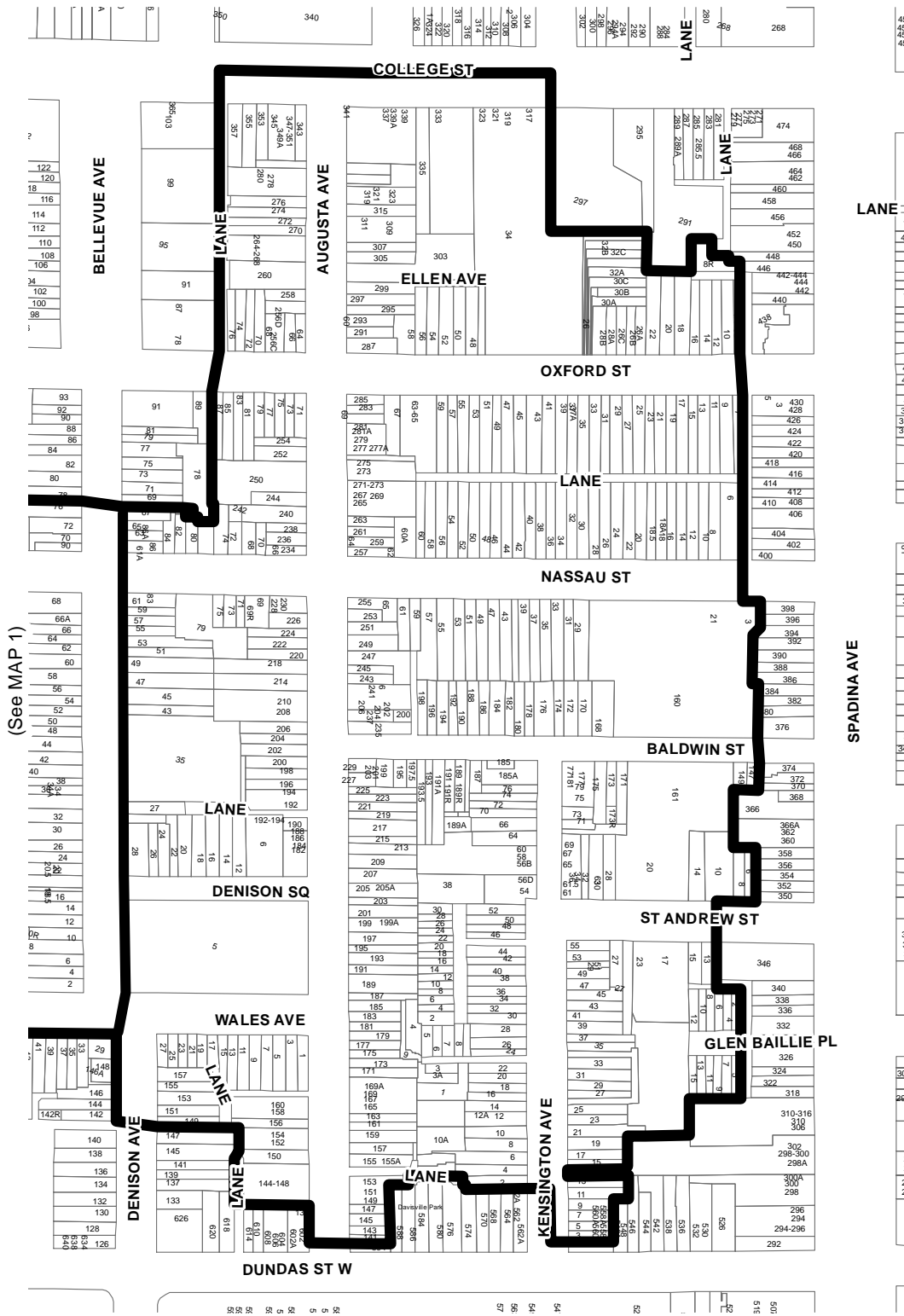
(See MAP 2)




Proposed Kensington Market Business Improvement Area

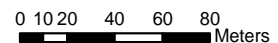


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Map File: kensington_ip.Lmxd
Created by: W. Silva
October 2009



(See MAP 1)

 Proposed Kensington Market Business Improvement Area



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Created by: W. Silva
October 2, 2008