



**STAFF REPORT  
ACTION REQUIRED**

**Art Mural Exemption Request  
1125 Sheppard Avenue East**

<b>Date:</b>	January 14, 2009
<b>To:</b>	North York Community Council
<b>From:</b>	District Manager, Municipal Licensing and Standards, North York District
<b>Wards:</b>	Ward 24 - Willowdale
<b>Reference Number:</b>	IBMS 08 217817

**SUMMARY**

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This staff report is about a matter that the Community Council has delegated authority to make a final decision, provided that it is not amended so that it varies with City policy or by-laws.

The purpose of this report is to consider a request by the owner(s) of 1125 Sheppard Avenue East, for a review by the North York Community Council to determine whether the graffiti should be exempted as an art mural in accordance with Chapter 485 – Graffiti, section 485-4E.

**RECOMMENDATIONS**

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1. Municipal Licensing and Standards recommends that the North York Community Council confirm the notice and direct that a second notice be issued.

**Financial Impact**

There is no financial impact anticipated in this report.

**DECISION HISTORY**

This matter arose as a result of a public complaint. A subsequent review request was made by the owner(s).

## **ISSUE/BACKGROUND**

Chapter 485 provides prohibitions against graffiti in the City of Toronto. Under 485-4-E1, a property owner, upon receiving a notice to remove graffiti, may request a review of the notice by the Community Council on the basis that the markings are an art mural and exempt from the provisions of the Chapter.

The chapter defines an art mural as “a mural for a designated surface and location that has been deliberately implemented for the purpose of beautifying the specific location”. Graffiti is defined as “one or more letters, symbols, figures, etchings, scratches, inscriptions, stains or other markings that disfigure or deface a structure or thing, howsoever made or otherwise affixed on the structure or thing, but for greater certainty, does not include an art mural”.

## **COMMENT**

This matter arose as a result of a complaint received. An inspection resulted in the issuance of a Notice to Comply under Chapter 485. The owner(s) subsequently filed an application for a review by the North York Community Council with the request that the graffiti be designated as an art mural.

The markings in question are on the side of a retaining wall located on the north side of the subject property. The markings consist of a number of stylized letters which have been placed over faded partially removed graffiti. The area in question also contains a number of markings commonly referred to as tags which may or may not be gang related.

The letter from the owner(s) applying for an exemption does not indicate any theme intended in connection with the request for designation nor is there any indication as to the artist connected with the drawings and markings. For comparison purposes however, the railway underpass directly east of the subject property has been treated with a mural.

## **CONTACT**

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## **SIGNATURE**

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Bryan Byng  
North District Manager  
Municipal Licensing and Standards

## ATTACHMENTS

1. Subject of Art Mural Request
2. Railway Underpass Mural
3. Overview of Site

### ATTACHMENT 1 – SUBJECT OF ART MURAL REQUEST



ATTACHMENT 2 – RAILWAY UNDERPASS MURAL



ATTACHMENT 3 - OVERVIEW OF SITE

