



STAFF REPORT ACTION REQUIRED

Request for an Art Mural Exemption to the Toronto Municipal Code, Chapter 485-Graffiti at 1386 Danforth Road

Date:	October 20, 2009
To:	Toronto and East York Community Council
From:	Municipal Licensing and Standards Division, Toronto and East York District
Wards:	Ward 29 – Toronto – Danforth
Reference Number:	IBMS No. 08-216326

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 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 and East York Community Council on the basis that the markings are exempt as an art mural.

RECOMMENDATIONS

The Municipal Licensing and Standards Division recommends that the Toronto and East York Community Council confirm the notice addressed to the owners of 1386 Danforth Avenue and direct that a second notice be issued.

Financial Impact

There is no financial impact anticipated in this report.

DECISION HISTORY

The Municipal Licensing and Standard Division received a written request for an art exemption from the Graffiti by-law to permit the review of a graffiti notice issued. Representation has been made by the owner that the wall markings are an art mural that was commissioned in 2006. See Attachments 1 and 2.

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 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 on the rear and side wall with a scrawl above the rear wall painted surface and several smaller signature type wall markings on the right hand side and upper left corner of the painted surface on the side wall.

CONTACT

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SIGNATURE

Elizabeth Glibbery, Manager
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ATTACHMENTS

Attachment 1 and 2, rear and side wall