



**STAFF REPORT
ACTION REQUIRED**

**Emery Village Business Improvement Area (BIA)
Expansion Poll Results**

Date:	March 22, 2010
To:	Economic Development Committee
From:	General Manager, Economic Development and Culture
Wards:	Ward 7 – York West
Reference Number:	P:/2010/Cluster A/EDC/ECON DEV/April/ed1004-011

SUMMARY

The purpose of this report is to recommend the expansion of the Emery Village Business Improvement Area (BIA) boundaries and to direct the BIA Board of Management to amend its Streetscape Manual for Landowners, Capital Master Plan and constitution to incorporate the expansion area.

RECOMMENDATIONS

The General Manager, Economic Development and Culture recommends that:

1. The area described by Attachment No. 1, and detailed in Attachment No. 2, be designated as the amended Emery Village 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 and detailed in Attachment No. 2 as a Business Improvement Area (BIA).
3. Schedule A of the Municipal Code Chapter 19, Business Improvement Areas (BIAs), be amended to reflect the expanded boundary of the Emery Village Business Improvement Area (BIA).
4. The Emery Village Business Improvement Area (BIA) Board of Management be directed to amend its Capital Improvement Master Plan and Streetscape Manual for Landowners to address streetscape improvements, historical identity, branding and other Humber Summit issues.

5. The Emery Village Business Improvement Area (BIA) Board of Management be directed to amend its constitution in accordance with Attachment No. 3 to reflect agreed upon changes addressing Humber Summit concerns.

Financial Impact

Capital budgets may be impacted in future years should streetscape or other capital improvements be undertaken by the expanded Emery Village Business Improvement Area (BIA). These capital improvements are cost-shared equally between the BIA and the City.

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

DECISION HISTORY

At its November 30, 2009, meeting City Council adopted report ED26.9 of the Economic Development Committee recommending that the City Clerk issue a poll to determine if there is sufficient support to expand the Emery Village BIA boundaries identified in Attachments No. 1 & 2. Council also recommended that subject to a positive poll result, the Emery Village BIA Board of Management be directed to amend its Streetscape Manual for Landowners and Capital Improvements Master Plan to address capital improvements, historical identity, branding and other Humber Summit issues, similar to other precincts within the current BIA boundaries. In addition, Council recommended that, in the event of a successful poll, staff convene meetings with representatives of the Emery Village BIA and the proposed expansion area to discuss measures that may be necessary, including constitutional amendments, to address concerns raised in the report and to report back to the Economic Development Committee on the results of these meetings at the same time as the poll results.

ISSUE BACKGROUND

Section 19-15 of the Municipal Code provides that Council may alter the boundaries of a BIA. Before passing a by-law to expand a BIA, the Municipal Code requires notice of the proposed by-law be sent by pre-paid mail to the Board of Management of the BIA, if any, and to every person who, on the last returned assessment roll, is assessed for rateable property in a prescribed business property class located within the existing BIA and proposed expansion area.

Any person who receives a notice of the proposed by-law must, within 30 days, give a copy of the notice to each 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 tenant and their share of the taxes paid.

Under section 19-9B of the Municipal Code, Council shall not pass a by-law to expand a BIA if written objections are received by the City 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 either the existing BIA or proposed expansion area. In addition, the objectors must be responsible for at least one-third of the taxes levied.

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

COMMENTS

On January 21, 2010, the City Clerk mailed 1,226 Notices of Intention to Expand the Boundary to all persons assessed with respect to rateable property within the specified Business Improvement Area (BIA), to determine whether or not to expand the boundaries of the Emery Village BIA.

Within 60 days after the notices were mailed, 104 tenant lists were returned from the owners of the existing BIA to the City Clerk. Two hundred and eighty-six commercial tenants were identified from the lists within the existing area and added to the original total of 1,181. Therefore, a total of 1,467 persons were identified to receive notice. The full amount of taxes levied on the rateable property within the existing BIA totals \$61,568,200.00.

One eligible objection to the proposed expansion of Emery Village BIA from the owners and tenants of the existing BIA was received by the City Clerk by March 22, 2010, the end of the notice period.

Within 60 days after the notices were mailed, three tenant lists were returned from the owners of the proposed expansion area to the City Clerk. Three commercial tenants within the proposed expanded area were added to the original total of 45. Therefore, a total of 48 persons were identified to receive notice. The full amount of taxes levied on the rateable property within the proposed expanded BIA totals \$590,223.00.

Two eligible objections to the proposed expansion of Emery Village BIA from the owners and tenants of the expanded area were received by the City Clerk by March 22, 2010, the end of the notice period.

The number of objecting petitions and taxes levied requirement from the existing and proposed expansion area do not meet the sufficiency benchmarks required by s. 19-9 B (2) and (3) of the *City of Toronto Municipal Code, 2006*. Therefore, the proposed Emery Village BIA expansion may proceed.

When Council adopted the report recommending that the City Clerk issue the poll, it also recommended that, subject to a positive poll result, the Emery Village BIA, staff and

representatives of the proposed expansion area meet to discuss measures that may be necessary to address Humber Summit area concerns to preserve the Humber Summit identity and ensure appropriate representation on the Board.

At meetings convened since the poll was issued there has been agreement on issues such as representation on the BIA Board of Management by Humber Summit members, the establishment of a Humber Summit Steering Committee to make recommendations concerning their area to the Board, and identification of Humber Summit as a special area of designation within the Emery Village BIA. Also discussed and agreed to were the development of Humber Summit long term plans to address area identification including, branding, historical preservation and festivals. These long term plans, once developed, will become part of the amended Emery Village BIA Streetscape Manual for Landowners and the Capital Improvement Master Plan. Amendments to the Emery Village BIA constitution that also addresses the Streetscape Manual for Landowners and the Capital Improvement Master Plan are detailed in Attachment No. 3

CONTACT

Ron Nash
Economic Partnership Advisor, BIA Office
Tel: 416 392-7354
Fax: 416 392-1380
E-mail: rnash@toronto.ca

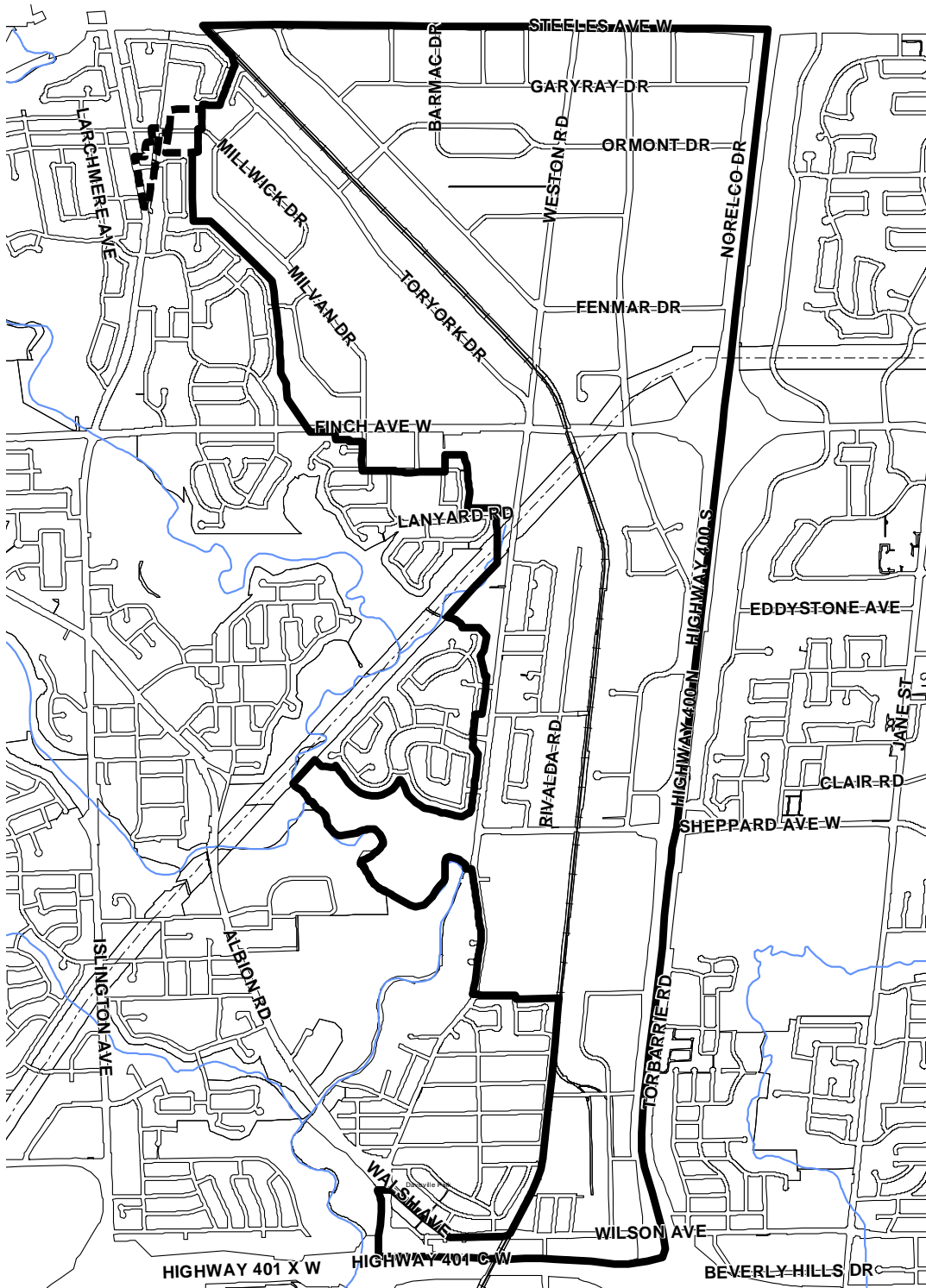
SIGNATURE


Michael H. Williams, General Manager
Economic Development and Culture

ATTACHMENT

Attachment No. 1	Proposed Emery Village BIA and Expansion Area
Attachment No. 2	Proposed Emery Village BIA Expansion Area
Attachment No. 3	Proposed Emery Village BIA Constitution Amendments

Attachment No. 1 Emery Village BIA and Proposed Expansion Area



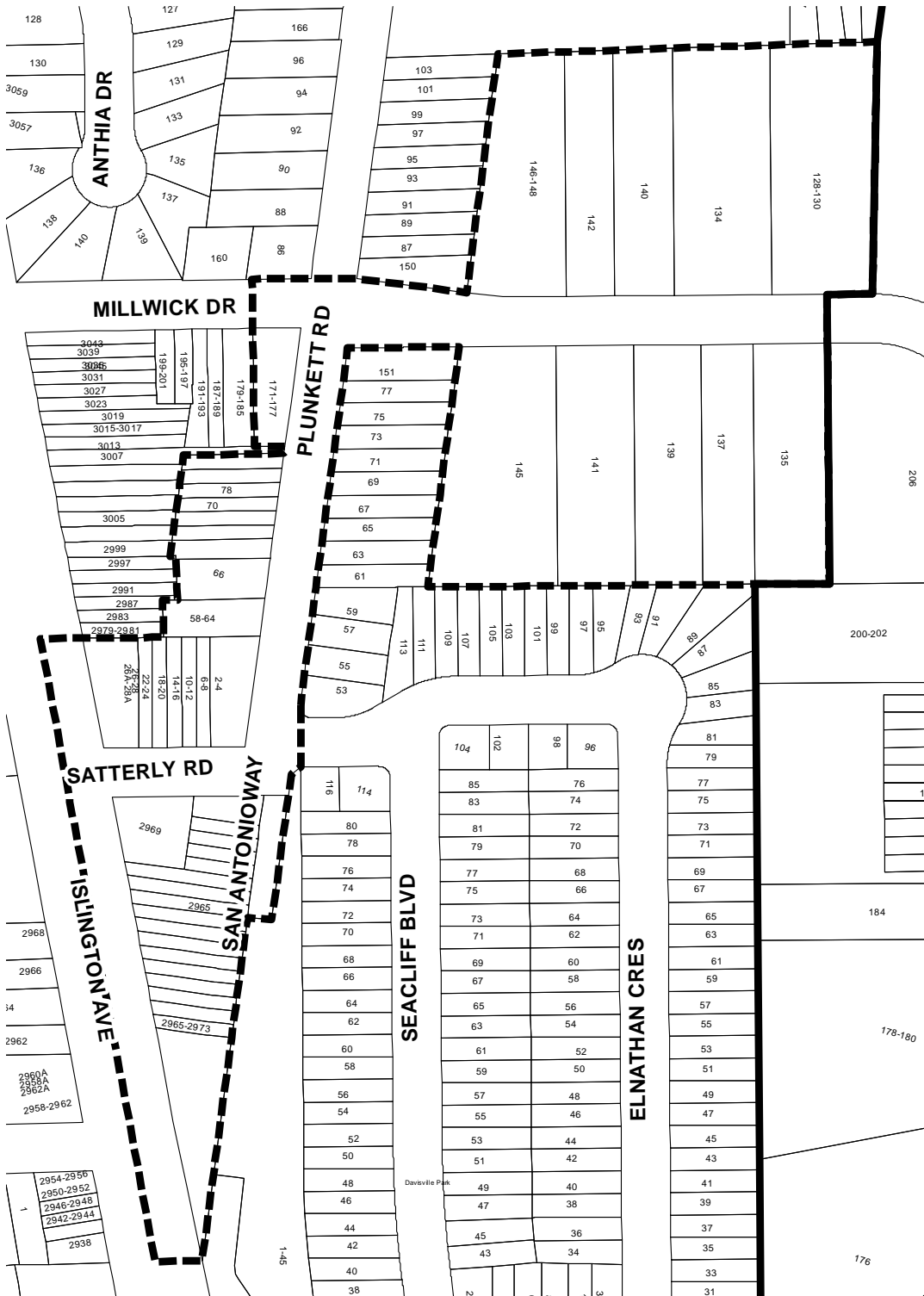
 Emery Village BIA
Proposed Expansion





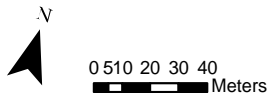
0 145 290 580 870 1,160
Meters

TECHNICAL SERVICES
SURVEY AND MAPPING SERVICES
18 Dyas Rd, 4th Floor
Toronto, ON M3V3 1V5
Tel: 416-392-7755, Fax: 416-392-0081
Map File: emery_exp2009_rpl2.mxd
Created by: W. Silva
September 2009

Attachment No. 2 Emery Village BIA Proposed Expansion Area



 Emery Village BIA
 Proposed Expansion



TECHNICAL SERVICES
 SURVEY AND MAPPING SERVICES
 18 Dyas Rd, 4th Floor
 Toronto, ON M3J3 1V5
 Tel: 416-392-7755, Fax: 416-392-0081
 Map File: emery_exp2009_rpt.mxd
 Created by: W. Silva
 September 2009

Attachment No. 3
Emery Village Business Improvement Area (BIA) Constitution Amendments

Section 2 - Rules of Procedure

(3) - (Add)

Notwithstanding, such does not apply to Special Areas of Designation.

(6) - (New)

Without limiting the generality of the foregoing, no constitutional amendment and/or motion to amend or repeal, and/or similar, may or can dissolve the rights defined and/or identified herein for special areas of designation.

Section 20 - Committees of the Board

(5) - (New)

That committees be defined by the BIA's Streetscape Manual for Landowners to include special areas of designation, as necessary

Section 20 - Special Areas of Designation Humber Summit within Emery Village BIA

(6) (New)

a) Identify the Historical Boundaries of Humber Summit, and distinguish the boundaries of the selected Humber Summit area within the Emery Village BIA, acknowledging the selected Humber Summit area, as an area of special designation.

b) That a Humber Summit Committee comprised of three (3) persons from the Humber Summit area selected through a BIA election process, with a fourth ex-officio seat for the local councillor, to represent the Humber Summit area, and that such committee report directly to the BIA Board of Management.

c) That one (1) seat be reserved on the Emery Village BIA Board of Management and that the seat be exclusively reserved for a representative from the selected Humber Summit area of the Emery Village BIA, with eligibility to sit on other BIA committees, and that the representative be nominated by the Humber Summit Standing Committee. If there is no interest among BIA members from the Humber Summit area, then the seat shall remain vacant until a nominee is appointed by the Humber Summit Committee.

d) That the Humber Summit Standing Committee develop a long-term plan for the designated Humber Summit area of the Emery Village BIA on the respective items which include, but are not limited to: branding, marketing, streetscape design, historical preservation/commemoration, and festivals.

e) That the long-term plan identified in (d) becomes a part of the Emery Village BIA Streetscape Manual for Landowners and the Capital Improvement Master Plan.

f) That Emery Village BIA Office Staff attend all meetings held by the Humber Summit Standing Committee for administrative purposes.

g) That the Humber Summit Committee ceases to function only and solely by the unanimous decision, which shall include written and signed execution of such, from said Humber Summit Standing Committee, to be officially adopted by vote at the Board of Management.

That the Emery Village BIA make all the necessary modifications to amend the Emery Village BIA constitution so as to include, incorporate, and hold all the abovementioned constitutional amendments within a reasonable time and manner, with it being understood that in all respects time shall be of the essence.