



STAFF REPORT ACTION REQUIRED

Filming at Fraternity Houses in Residential Areas

Date:	September 7, 2010
To:	The Toronto Film Board
From:	Film Commissioner
Wards:	All

SUMMARY

This report recommends that the Film Commissioner and the Toronto Film and Television Office (TFTO) resume the issuance of Location Filming Permits for all fraternity houses in accordance with the provisions of Chapter 495 of the Toronto Municipal Code (TMC) and the Council approved "Guidelines for Filming" in close communication with Municipal Licensing and Standards (MLS) relating to their administration of the Rooming House By-law.

RECOMMENDATIONS

The Film Commissioner recommends that:

1. A moratorium on film permits for all fraternity houses in residential areas not be implemented since City Council at its meeting of August 25, 26 and 27 met the conditions of Councillor Vaughan's motion;
2. Location film permitting be resumed, for the specified fraternity houses on which a temporary moratorium was placed, in accordance with the provisions of the Filming By-law, Chapter 459 of the Toronto Municipal Code (TMC), and the supporting City Council approved Guidelines for Filming; and
3. The Toronto Film and Television Office (TFTO) and Municipal Licensing and Standards communicate regularly and closely monitor the situation relating to fraternity and sorority houses.

Financial Impact

There are no direct financial impacts resulting from the adoption of this report.

DECISION HISTORY

City Council at its meeting of June 8 and 9, 2010, considered Motion MM50.10 (Attachment 1) from Ward 20 Councillor Adam Vaughan which recommended that: "City Council direct the Film Commissioner to immediately place a moratorium on film permits for all fraternity houses in residential areas until the harmonized zoning by-law and new licensing regime is dealt with by Council". City Council did not adopt the Motion but referred the matter to the Toronto Film Board for consideration at its September 30, 2010 meeting.

At the following meeting of City Council held August 25, 26, and 27, 2010, the new City-wide Zoning By-law was adopted. The new By-law eliminated the exemption previously in place for fraternity houses. These properties are now subject to the provisions of the Rooming House By-law.

ISSUE BACKGROUND

The TFTO issues all Location Filming Permits in the City of Toronto in accordance with the provisions of both Chapter 459 TMC and the supporting Council approved "Guidelines for Filming" to ensure a transparent and equitable administration of the permit system serving this industry, the residents and stakeholders of the City of Toronto. These documents, being available on-line as part of the City of Toronto and TFTO web-sites, are accessible to members of the public and the industry both here and abroad.

In order for the City of Toronto to remain an attractive destination for film and television production, the Film Commissioner and the staff of the TFTO must be free to administer the existing by-law and supporting guidelines as they appear in the public domain so as not to create uncertainty or instability in this jurisdiction, within the industry and the local economy as a whole. This said, it is a long-standing practice that the Film Commissioner works with local Councillors to apply Council Policy and Guidelines to balance competing demands of the industry, local business and residents in specific areas and under specific circumstances. Short term moratoriums have been applied in the past.

COMMENTS

In his motion to City Council, Councillor Vaughan cited complaints about garbage, noise, and property standards violations as well as illegal and abhorrent behaviour at fraternity houses, making them 'bad neighbours' in their failure to respect community safety and standards.

Subsequent to the submission of the Motion to Council and Council's decision to refer the matter to the Film Board for deliberation, Councillor Vaughan identified seven addresses as the most problematic properties and it was agreed that filming permits would not be issued for these homes until the matter of the City-wide Zoning By-law and rooming house provisions had been dealt with by City Council. The following are the houses subject to the temporary moratorium:

Property #	Property Address
1.	131 Lowther Avenue
2.	94 Prince Arthur Avenue
3.	157 St. George Street
4.	160 St. George Street
5.	163 St. George Street
6.	180 St. George Street
7.	182 St. George Street

For the purposes of this report it was decided to try and track data related to the past two and a half years (2008 – 2010). The numbers in Table 1 refer to the assigned Property # above. The specific property number is included in the table when a permit had been issued in a month and the * denotes a film permit requiring "signatures" from 51% of area residents to proceed. A total of 21 permits were issued for filming which took place at the seven designated addresses.

Table 1
Film Permit Activity 2008 to Present

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2008					1, 2, 2*, 2*	2*				5	5	
2009				1	1, 2,5, 7					4*, 4*, 5*	1*	
2010		3*	2, 2		5	6*						

Table 2
Total Number of Permits Issue by Address, 2008 to Present

Location	number of permits
1. 131 Lowther Avenue	4
2. 94 Prince Arthur Avenue	7

3. 157 St. George Street	1
4. 160 St. George Street	2
5. 163 St. George Street	5
6. 180 St. George Street	1
7. 182 St. George Street	1
Total Number of Area Permits	21

In preparation of this report, TFTO staff reviewed MLS complaints and enforcement activities relating to each of these properties. This information is summarized in Table 3. Associated with each property is the number of complaints followed by the year in which it was received inside a bracket.

Toronto Police were also contacted and asked to provide information on complaints or charges in connection with any problem behaviour and/or illegal activities at the fraternity houses at the designated addresses. This information is not available due to privacy issues.

In addition, TFTO staff contacted owners' representatives for the above described properties. They confirmed that the monies generated by location filming permits for each production are deposited back into general reserve funds at each property. They indicated that they are used for general maintenance and up-keep of these properties in order to satisfy the requirements of their respective insurers. These revenues are also used to off-set the costs of upgrades such as fire escapes and smoke detection systems, which in-turn helps to keep the cost of the monthly rents paid by the occupants at an affordable rate.

The location representatives reinforced that the funds are not held by the residents. Finally, the owners' representatives confirmed that at each fraternity, there are codes of conduct and rules for those who live there. These rules are enforced by means up to and including the eviction of the offending member/resident should their disruptive or offensive behaviour persist.

Table 3
MLS Enforcement Activity 2008 to Present
 (complaints only, as no charges were laid/all files closed)

Location	Waste	Noise	Property Standards
131 Lowther Avenue	2 (08)		2 (08)
	3 (09)		1 (09)
	2 (10)		2 (10)
94 Prince Arthur Avenue	3 (08)		2 (08)
3 (09)			
2 (10)			
157 St George Street		1 (09)	
1 (10)			
160 St George Street	2 (09)		1 (08)
163 St. George Street		1 (08)	
1 (09)			
180 St. George Street	2 (08)		1 (08)
1 (09)			
1 (10)			
182 St. George Street	2 (09)		1 (09)
1 (10)			
Total Complaints	7 (08)	1 (08)	6 (08)
	11 (09)	2 (09)	2 (09)
	7 (10)	0 (10)	2 (10)

CONCLUSION

As the new City-wide Zoning By-law is implemented, the previously noted exception for fraternities and sororities from the "Rooming House" classification has now been deleted. MLS will be responsible for the oversight of these properties in relation to their compliance to the Rooming House By-law. This provides a mechanism to monitor and a means to enforce compliance with appropriate conduct.

The change in policy and regulation of fraternity and sorority houses alleviates the need to continue the temporary moratorium on seven specific fraternity houses. The Film Commissioner has, therefore, recommended that the TFTO resume implementation of Chapter 459 TMC and

the Film Guidelines. This return to "business as usual" will eliminate any detrimental impacts on the film industry.

CONTACT

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SIGNATURE

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Attachment No. 1