



STAFF REPORT ACTION REQUIRED

Amendment to former Municipality of Metropolitan Toronto By-law 25-85 “Respecting the Management of Exhibition Place”

Date:	March 11, 2015
To:	Executive Committee
From:	City Manager
Wards:	ALL
Reference Number:	

SUMMARY

On February 6, 2015, the Board of Governors of Exhibition Place (the Board) approved amendments to the former Municipality of Metropolitan Toronto By-law No. 25-85 "Respecting the Management of Exhibition Place" (Metro By-law 25-85), attached in Appendix A, to remove a small strip of land south of Lake Shore Boulevard from the lands shown under its management, subject to City Council approval.

This report recommends that City Council amend Metro By-law 25-85 as requested by the Board, and further recommends that City Council place these lands within the jurisdiction of the City's Parks, Forestry and Recreation Division (PFR) and subject to Municipal Code Chapter 608, Parks, to allow PFR to licence/permit the strip of land to the Canadian National Exhibition Association (CNEA) for the purpose of staging the Canadian National Exhibition (CNE).

This strip of land being removed from the management of the Board is highlighted in Appendix B to this report, and more specifically shown in the drawing attached to Metro By-law 25-85. The changes recommended in this report would allow PFR to manage and permit the land, as has been the recent practice, and to implement activities being prepared on the land for the Toronto 2015 Pan/Parapan American Games.

RECOMMENDATIONS

The City Manager recommends that:

1. City Council authorize the transfer of management responsibility of the lands identified within this report from the Board of Governors of Exhibition Place to the City's Parks Forestry and Recreation Division by:
 - a. amending By-law No. 25-85 "Respecting the Management of Exhibition Place" enclosed as Appendix A to this report and By-law No. 45-84 "Respecting the Regulation of Traffic in Exhibition Place" of the former Municipality of Metropolitan Toronto, to remove a strip of land located south of Lake Shore Boulevard from the Lands shown under the management of the Board as highlighted on the map enclosed as Appendix B to this report;
 - b. transferring the lands to the management responsibility of the City's Parks, Forestry and Recreation Division and subject to Municipal Code Chapter 608, Parks, and update the configuration of the roadways at Exhibition Place to reflect the current status; and
 - c. authorizing the City Solicitor to introduce the necessary bills to amend the former Municipality of Metropolitan Toronto By-laws No. 25-85 and No. 45-84, and Chapter 63, Exhibition Place Governance.

2. City Council authorize the General Manager of the City's Parks, Forestry and Recreation Division to negotiate and enter into an agreement with the Canadian National Exhibition Association (CNEA) satisfactory to the City Solicitor to licence/permit use of the strip of land south of Lake Shore Boulevard shown in Appendix B, as required for the purpose of staging events for the annual CNE at a nominal rental fee to the CNEA, provided that the agreement includes terms to ensure:
 - a. cost of use is recovered by the City for any necessary remediation of the land; and
 - b. the protection or restoration from damage during this use of existing structures such as the footings of the Exhibition Place Bailey Bridge and the intake for the Exhibition Place lake water irrigation system located on the lands.

3. City Council authorize the City Manager and the Board of Governors of Exhibition Place to make the necessary amendments to any governance policies or instruments consistent with the decisions of Council in this report, including the Relationship Framework of the City with the Board of Governors of Exhibition Place.

Financial Impact

There are no financial impacts resulting from the approval of the recommendations in this report.

DECISION HISTORY

At its meeting of February 6, 2015, the Board of Governors of Exhibition Place approved, subject to the approval of City Council, amending Metro By-law 25-85 to exclude from the lands shown under the management of Exhibition Place the area highlighted on the map attached as Appendix B, and requesting City Council to authorize the General Manager of the City's Parks, Forestry and Recreation Division to negotiate and enter into a licence agreement/permit with the CNEA for use of those lands for the purpose of the CNE. [http://www.explace.on.ca/database/rte/files/Item%201-Mins\(13\).pdf](http://www.explace.on.ca/database/rte/files/Item%201-Mins(13).pdf).

The former Municipality of Metropolitan Toronto Council enacted By-law No. 25-85, respecting the management of Exhibition Place on April 2, 1985, as amended, and By-law No. 45-84 on April 10, 1984, as amended.

ISSUE BACKGROUND

Metro By-law No. 25-85 provides for the regulation of activities at Exhibition Place and requires that a number of activities (e.g. performances, sale of goods, solicitation, etc.) be undertaken only as permitted by the Board or the Chief Executive Officer. In addition, Metro By-law 25-85 prohibits activities which may damage the grounds or disrupt the operations of Exhibition Place.

COMMENTS

This report recommends that City Council amend Metro By-law 25-85 as requested by the Exhibition Place Board, and further recommends that City Council place these lands under the jurisdiction of PFR and the authority of Municipal Code Chapter 608, Parks, to allow PFR to manage and permit the use of the lands. This report also recommends directing PFR to licence/permit the strip of land to the Canadian National Exhibition Association (CNEA) for the purpose of staging the Canadian National Exhibition (CNE).

While the lands under the management of Exhibition Place are currently defined in Metro By-law 25-85 they have, for many years, been solely in the operation and control of the City. Over the last ten years, PFR has undertaken significant upgrades of the lands and is currently upgrading the lands and the water lot bordering the lands for the purposes of the Wakeboarding race course for the TO2015 Pan/ParaPan American Games. The earlier upgrades required the bleachers which were previously in the control of Exhibition Place to be removed permanently to allow for the bike and walking pathways. The proposed amendment to Metro By-law 25-85 reflects the current reality of the management of the Lands.

With the transfer of this strip of land from the management, control and operation of the Board to the jurisdiction of PFR, the lands should be subject to Municipal Code Chapter 608, Parks.

The footings of the Exhibition Place Bailey Bridge and the intake for the Exhibition Place lake water irrigation system are located on the Lands. The City and Exhibition Place have worked cooperatively together to ensure the protection of these structures. Should Metro By-law 25-85 be amended as recommended in this report, Exhibition Place staff will work with PFR staff to formalize a letter of agreement respecting responsibility for these structures.

It is intended that the recommended licence agreement / permit provided for use of the land by the CNEA for the purpose of CNE events be set at nominal rent, but that cost of use would be recovered by the City for any remediation required to the land or Exhibition Place structures on the land.

This report also recommends corresponding amendments to former Municipality of Metropolitan Toronto By-law No. 45-84, "Respecting the Regulation of Traffic in Exhibition Place." This By-law sets out parts of Exhibition Place that have been physically laid out for vehicular traffic and authorization for the erection of authorized signage, traffic control signals, enforcement and penalty provisions. As in By-law No. 25-85, the lands presented in By-law No. 45-84 within the management and control of the Board and the configuration of the roadways should be updated.

CONTACTS

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City Manager

ATTACHMENTS:

Appendix A: Former Metro By-law 25-85

Appendix B: Map of drawing related to former Metro By-law 25-85

**THE MUNICIPALITY
OF METROPOLITAN TORONTO**

BY-LAW No. 25-85.

Respecting the Management of Exhibition Place.

The Council of The Municipality of Metropolitan Toronto HEREBY ENACTS as follows:

1. (1) In this by-law,
 - (a) "Board" means The Board of Governors of Exhibition Place,
 - (b) "Chief General Manager" means the Chief General Manager of the Board,
 - (c) "Exhibition Place" means those lands vested in the Metropolitan Corporation under subsection 209(1) of the Municipality of Metropolitan Toronto Act and entrusted to the use, operation, management and maintenance of The Board of Governors of Exhibition Place under subsection 209(12) of the said Act more particularly shown in heavy dashed-outline on a sketch attached as Schedule "A" hereto,
 - (d) "motor vehicle" means a motor vehicle within the meaning of the Highway Traffic Act R.S.O. 1980 c. 198 (as amended from time to time),
 - (e) "park roadway" means a part of Exhibition Place that has been designated by the Metropolitan Corporation by by-law for use as a park roadway, and
 - (f) "post" or "posted" refer to the erection or presence of permissive, warning or prohibitive signs, and "posted area" means an area where such signs are erected.
2. (1) No person shall in Exhibition Place
 - (a) ride, drive or park any motor vehicle, except where permitted upon the park roadways and posted parking areas,
 - (b) as owner or person having the control of any dog or other animal, permit such animal to run unleashed or to enter, swim in, or foul any water fountain, beach water, or other body or source of water, or drink from any water fountain,

- (c) walk upon or in any manner disturb prepared ground, newly sodded or seeded ground, ground under repair or any lawn which is posted to that effect,
- (d) leave or deposit any ashes, bottles, cans, litter, garbage or waste or any kind whatsoever except in the receptacles provided for such purposes,
- (e) distribute or display any circular or advertisement, or imprint, stencil, or affix any notice or bill or other paper to any tree, bush, shrub, fence, post, motor vehicle, building, or structure,
- (f) wilfully cause injury to any person, or deface or damage any public or private property by any means whatsoever.
- (g) carry on any activity contrary to any sign posted pursuant to subsection 6(3).

(2) Notwithstanding clause e of subsection 1 a person may erect or display a sign or advertisement in accordance with the provisions of a licence or agreement authorized by the Board.

3. (1) Unless authorized by the Board, no person shall in Exhibition Place

- (a) perform for reward any art, skill or service,
- (b) sell or keep for sale any goods, wares, merchandise, tobacco or refreshments of any kind,
- (c) conduct or practise any business, trade or profession,
- (d) solicit with respect to any matter referred to in clauses a, b or c, or
- (e) place, maintain or allow to remain therein any coin-operated machine, device, or game of any nature or kind.

(2) Any authorization of the Board pursuant to subsection 1 shall be by way of permit, licence, agreement or in such other form as the Board may in its discretion from time to time determine.

(3) Clause b of subsection 1 shall not apply to the sale in Exhibition Place of any genuine admission ticket to any authorized event at Exhibition Place, at a price equal to or less than the price printed thereon.

4. (1) Unless authorized in writing by the Chief General Manager, no person shall in Exhibition Place

- (a) hold an organized activity which involves the exclusive use of any area,
- (b) operate any amplifying system or loud speaker,
- (c) erect, construct, build or cause to be erected, constructed or built any permanent or temporary tent, shelter, building or other structure of any sort whatsoever,
- (d) take or permit to be taken any film, photograph or videotape for remuneration,
- (e) dig or tear up any pavement, roadway, sidewalk, walkway, grass plot or flowerbed or any part thereof,
- (f) cut, destroy, or damage in any way any tree, flower, plant, shrub or flowerbed,
- (g) dump, store, leave or maintain any earth, rock, stone, fill, refuse or garbage of any kind whatsoever.

(2) The Chief General Manager is hereby authorized to issue permits authorizing any activities set out in subsection 1, the fees for which shall be such amounts as the Board shall from time to time authorize and the Chief General Manager may make any such permit subject to such conditions as to time, place, equipment, number or participants and the obtaining of insurance coverage as he deems appropriate.

5. Where any act or activity is permitted under the provisions of an arrangement, agreement, lease, licence, permit or other writing duly authorized by or on behalf of the Board, such act or activity shall be deemed to be authorized under subsections 3(1) and 4(1).

6. (1) The Board is hereby authorized to close off Exhibition Place, or part or parts thereof,

- (a) during the period of the annual exhibition and such periods immediately prior and subsequent thereto as it deems necessary for the purposes of preparing for and dismantling the exhibition, and
 - (b) during any other period it deems necessary for the safe and orderly carrying out of a permitted activity or event.
- (2) The Chief General Manager is hereby authorized
- (a) to post signs allowing or prohibiting or regulating any activity in any area of Exhibition Place if the permitting or prohibiting, as the case may be, of such activity is contemplated by this by-law, and
 - (b) to close off for such temporary period as may be appropriate Exhibition Place, or part or parts thereof, to relieve or prevent overcrowding or traffic congestion, or in the interests of public safety.
- (3) The Board is authorized to post signs prohibiting or regulating any activity in Exhibition Place.

7. No authorization of the Board or the Chief General Manager for any matter referred to in this by-law shall relieve the person or persons so authorized from acquiring any other licence or permit required therefor by The Municipality of Metropolitan Toronto or any other governmental or public authority.

8. Nothing in this by-law shall apply to persons employed or engaged or authorized by the Board or peace officers who are performing their duties or other authorized activities as such.

9. (1) Any employee of the Board or any peace officer, is hereby authorized to order any person whom he believes is contravening or has contravened any provision of this by-law,

- (a) to desist from any activity constituting or contributing to such contravention,
- (b) to remove from Exhibition Place any animal or thing owned by or in the custody or control of such person which he believes is or was involved in such contravention,

- (c) to leave Exhibition Place and not re-enter it for the remainder of the day, or
- (d) during the period of the annual exhibition, to leave Exhibition Place and not re-enter it for the remainder of the annual exhibition.

(2) Any employee of the Board or any police officer is hereby authorized to remove from Exhibition Place any animal or thing which he believes is or was involved in

- (a) interfering with the enjoyment of Exhibition Place by any member of the public or the performance of duties by any employee, agent or contractor of the Board, or
- (b) the contravention of any provision of this by-law.

(3) Where any person contravenes any of the provisions of this by-law or fails to comply with any order referred to in subsection 1, the permission and licence of such person to remain in or re-enter Exhibition Place is revoked and suspended for the next ensuing twenty-four hours or, where the order is given pursuant to clause d of subsection 1, for the remainder of the annual exhibition.

10. Every person who violates any provision of this by-law shall upon conviction thereof, forfeit and pay, at the discretion of the convicting court a penalty not exceeding (exclusive of costs) \$2,000.00 for each offence.

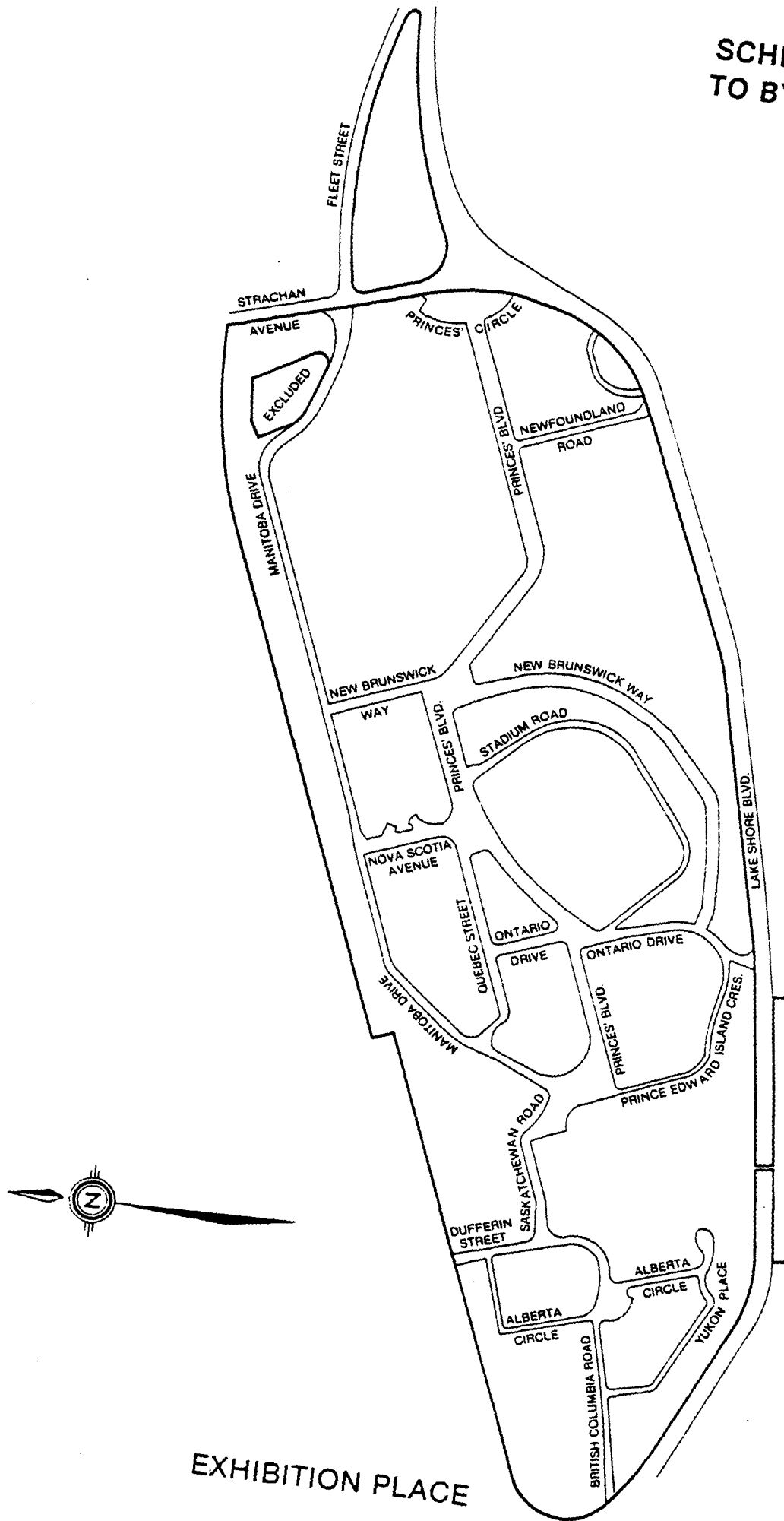
ENACTED AND PASSED this 2nd day of April, A.D. 1985.

W. J. LOTTO,
Metropolitan Clerk.

C. DENNIS FLYNN,
Chairman.

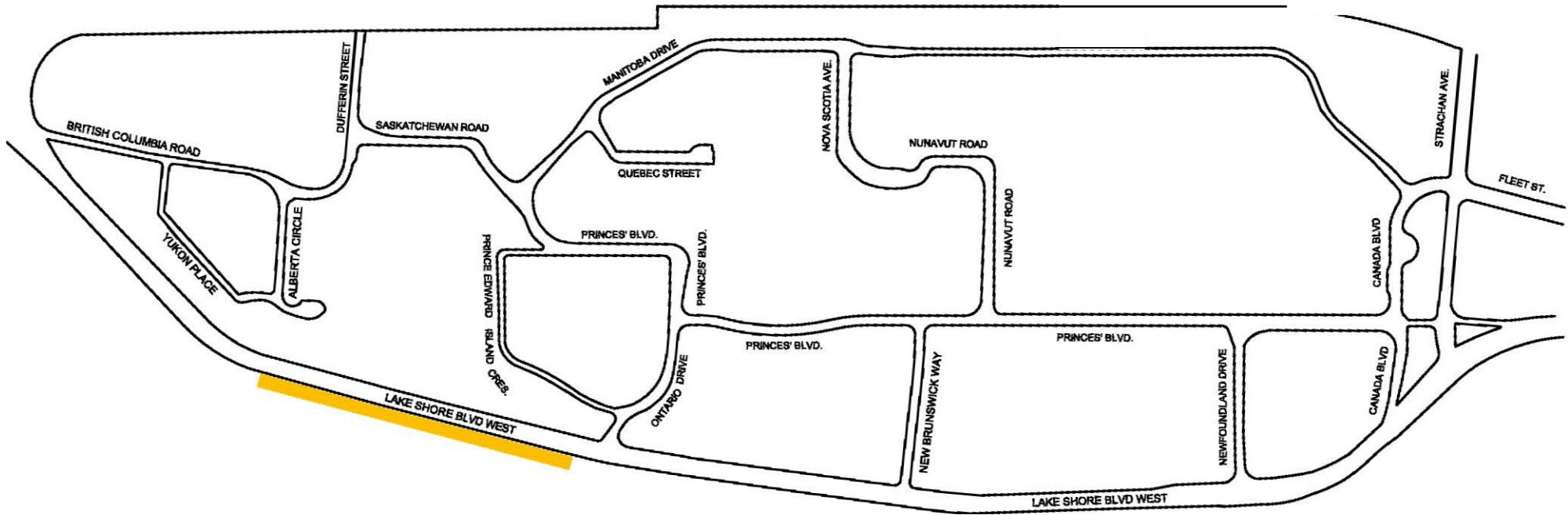
(Corporate Seal)

SCHEDULE "A"
TO BY-LAW NO. 2



EXHIBITION PLACE

Appendix B
BY-LAW 25-85
BY-LAW 45-84



EXHIBITION PLACE