

DIY EVENTS IN TORONTO

Understanding Challenges to Access and Space



Report to City of Toronto Economic Development and Culture Division | August 2018

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Executive Summary

DIY Events in Toronto is an internal research report by Economic Development and Culture's 2018 Toronto Urban Fellow. This report offers policy recommendations on what Economic Development and Culture's Sections and Units – working, at times, with other City of Toronto Divisions – can do to support the local creative communities that repurpose spaces for DIY events.

The term “DIY events” (“do-it-yourself”) refers to arts and cultural events that use unconventional spaces. The spaces are considered unconventional as a space, not intended for assembly occupancy, is repurposed into a live performance venue. Spaces range from warehouses and factories to vacant stores, rooftops, parking lots and laneways. Some spaces are industrial, others commercial or residential; some are outdoors and others indoors. Any space has the potential to be repurposed for a DIY event and become a DIY venue.

Traditional venues for live performances, normally operate with a business license and perhaps a license to sell alcohol, as well as including sound equipment, permanent staff, seating and a bar. In contrast, DIY venues require self-sufficiency from event organizers: from bringing in sound equipment, to marketing, promoting and selling tickets, to securing talent, getting the appropriate one-time alcohol permit and arranging for security in addition to securing the venue itself. DIY events that showcase live music are the focus of this report, illustrating the challenges DIY event organizers in general face in accessing space.

Although economic and financial data on DIY events is difficult to collect due to the underground and off-radar nature of DIY events, DIY events do generate a noteworthy amount of economic activity. Data gathered from the stakeholder consultations referenced in this report suggest that a significant portion of DIY event organizers earn or supplement their mainstream income

by organizing DIY events. 65% of DIY event organizers consulted carry out this activity professionally.¹

In *Live Music Measures Up* (2015), Music Canada estimated the total economic impact of live music to Ontario's economy at \$1.2 billion, contributing 10,500 full-time equivalent jobs, with tourism activity accounting for another 9,500 jobs. DIY events represent a growing portion of the broader music industry in Toronto, with tremendous artistic diversity generated and nurtured in DIY spaces across the city. DIY events provide emerging artists in a variety of cultures, communities, and musical genres with opportunities to perform for audiences and hone their skills. As Toronto's music scene is increasingly known for progressive, diverse, and edgy artistic output, the economic and cultural significance of DIY events and spaces has become more important than ever.

The findings of *DIY Events in Toronto* affirm the key areas of focus of Economic Development and Culture's 2018-2022 Divisional Strategy. The report offers recommendations that the Division, its sections and units, and other Divisions can adopt to support the economic activities of creative communities that repurpose spaces for live music, dance, spoken word and other live performances. In addition, the findings highlight the pressing need for the Economic Development and Culture and other City Divisions to improve access to space by reducing barriers around permitting and moving forward on the issues identified in previous reports such as *Creative Capital Gains* (2011), *Making Space for Culture* (2014), and the *Toronto Music Strategy* (2016).

¹See Appendix 5: Use of Non Profit Status by DIY Event Organizers

Context

The DIY ethos is based on the idea of self-sufficiency.² Persons or groups learn how to do things themselves in order to meet their needs, particularly when faced with obstacles. Obstacles can include everything from a lack of resources or appropriate infrastructure, to extensive bureaucratic red tape, to social issues such as discrimination.

The DIY scene as it relates to live music embodies the spirit of self-sufficiency. In Toronto, the DIY music scene provides opportunity for creatives who do not have access to mainstream live music venues or resources to find audiences. The DIY scene supports creative communities and artists, and helps DIY event organizers earn a living and contribute to Toronto's cultural fabric.

Policy Context: Relevant City Reports and Strategies

As identified in the City of Toronto's Economic Development and Culture Divisional Strategy 2018-2022, "Toronto's culture and business communities are at the heart of what makes the city one of the world's most desirable places to live work and invest." The Divisional Strategy acknowledges that there is still work to be done to ensure that all Torontonians can share the benefits of a vibrant economy and culture.

The Divisional Strategy recommends to recommendations made in previous Economic Development and Culture (hereinafter EDC) reports, including *Creative Capital Gains* (2011), *Making Space for Culture* (2014), and the *King-Spadina Cultural Spaces Retention Study* (2017). The reports emphasize access to space as a key priority for the City. Key recommendations from *Creative Capital Gains* (2011) pertaining to access include :

1. The City ensure a supply of affordable, sustainable cultural space
2. The City ensure access and opportunity for cultural participation to all citizens regardless of age, ethnicity, ability, sexual orientation, geography, or socioeconomic status.

Making Space for Culture (2014) articulates the overall objective of ensuring a supply of affordable, sustainable cultural space across the City of Toronto, with a desired outcome of maximizing the use of City assets and creating greater efficiencies using existing real estate inventory. The report identified underused spaces, or spaces that can be adapted or repurposed for cultural use, in order to ensure a supply of cultural space at reduced cost.

Subsequent reports and work by EDC also emphasize and call for improvement to access when it comes to cultural spaces, including the *Toronto Music Strategy* (2016).

The research done in this report complements ongoing work by EDC on developing Toronto's nighttime economy as recommended in motions ED12.12, ED16.10, ED28.5. A large portion of DIY events discussed in this report take place at night (i.e., between 9:00pm – 5:00am), and face challenges associated with nighttime activity, including concerns around safety, transit, noise, and regulation.

“Music is not a money maker for us, it’s a passion project. It’s a way to grieve, it’s a way to celebrate”
– *DIY Event Organizer*

² https://en.wikipedia.org/wiki/DIY_ethic

Context

EDC has set its strategic goals and actions for 2018-2022 as:

1. Inclusion and equity
2. Talent and innovation
3. Space and access
4. Operational excellence

Stakeholder consultations for DIY Events in Toronto reiterate access as a key priority, affirming that there is considerable work to be done by EDC to meet the commitments made in *Creative Capital Gains* (2011), select major findings of *Making Space for Culture* (2014), the *Toronto Music Strategy* (2016), and the 2018-2022 Divisional

Strategy as they pertain to access, but also to diversity and inclusion. More recently, motion MM44.126 *Reimagining the Toronto Music Industry Advisory Council* requests a report back to Economic Development and Cultural Committee on moving the Toronto Music Strategy forward, particularly regarding access and space.

DIY Events in Toronto articulates the necessity for EDC action to improve or reduce barriers to access particularly at the local and community level.



² https://en.wikipedia.org/wiki/DIY_ethic

Method

The guiding question in policy research for this report was "what can the City do to help support the economic activity of DIY events?" An exploratory approach was used in order to understand the challenges of throwing a DIY event; consultations were kept open-ended so that stakeholders felt comfortable to share their experiences and potential solutions. The intent was to understand what barriers existed and how EDC could help. All stakeholders were asked the research question above in unstructured, in-person, telephonic or email interviews. Follow-up communication often took place via text message, Facebook Messenger, Instagram messaging email or phone calls.

Economic and financial data on DIY events is difficult to collect due to the underground and off-radar nature of DIY events, and was out of scope for this report which sought rather to understand the barriers to economic activity, including ticket sales, alcohol sales and venue rentals.

Appendix 1 summarizes the variety and number of stakeholders consulted. Stakeholder consultations primarily targeted event organizers such as event promoters and artist-event promoters, who often face the most serious challenges when using unconventional spaces. Additional consultations included:

- Small venue owners who rent their spaces out to DIY promoters
- Journalists who report on the local music scene
- Developers who may be interested in offering space on a temporary basis
- BIAs that may be able connect event organizers with vacant stores for events
- Space Brokers³ who act as an intermediary between property owners and event organizers.

A preliminary analysis offered insight into the dominant challenge in throwing DIY events: accessing space and navigating the regulatory framework.

Consultations with internal stakeholders – municipal and provincial public servants – followed the consultations with DIY event organizers. These internal consultations explored ways to increase opportunities for DIY events to occur – in other words, what might be done to improve or streamline the permitting of space, both public and private. Clarity on existing regulations was sought from divisions that have regulatory mandates such as Toronto Buildings, Toronto Fire, Municipal Licensing and Standards (hereinafter MLS), City Planning and Toronto Police, through a discussion of repurposing space for assembly occupancy.

Next, divisions or agencies that manage public space – such as Parks, Forestry and Recreation (hereinafter PFR), Facilities Management (hereinafter Facilities) and CreateTO – were asked about how more public spaces could be made available, particularly at night and for special events that involved live music and served alcohol. All divisions consulted expressed a willingness to convene at a high level and discuss the repurposing of space for assembly occupancy, on a temporary and intermittent basis for arts and cultural events.

Finally, a jurisdictional scan was conducted, including North American cities identified for their work in accommodating their own DIY scenes: Austin, Denver, San Francisco, Seattle and Vancouver. The scan identified the differing regulatory mechanisms each city has employed to manage arts and cultural activities in unconventional spaces and offers experience that Toronto can consider in the development of its own regulatory mechanism for DIY events.

³ Space brokers refer to online sites like thisopenspace.com and spacefinder.com that advertise and connect property owners with tenants for short-term rentals, can also be developers,

Recommendations

This report, *DIY Events in Toronto*, recommends that the General Manager, Economic Development and Culture, adopt a policy of supporting live performances in unconventional spaces, including the repurposing of space for cultural activities like live music, spoken word, theatre and dance.

Specific recommendations for the Division as a whole, select EDC sections, and other City divisions are as follows:

1. The General Manager, Economic Development and Culture, support the development of a city-wide centralized permitting process for arts and cultural activities in unconventional spaces by convening a working group consisting of municipal regulators such as Toronto Buildings and City Planning, enforcement authorities such as Toronto Fire, Toronto Police and MLS, provincial regulators such as the AGCO, City agencies such as CreateTO, BIAs, external stakeholders such as DIY event organizers, and developers. This centralized permitting process should complement the work being done by EDC in developing the nighttime economy and build on the success of the film permitting process.
2. The Director of Film & Entertainment Industries host a networking event in an unconventional space for DIY event organizers, property owners, developers and BIAs so that interested parties can meet each other and explore opportunities for property owners, developers and BIAs to assist in procuring private spaces for DIY events.
3. The Director of Business Growth Services, in partnership with Film & Entertainment Industries, promote the benefits of DIY events at the monthly BIA meetings and in the BIA newsletter and encourage individual BIAs to help locate available spaces for DIY events.

4. The Director of Museums & Historic Sites explore programming opportunities for DIY event organizers in museums and historic sites.

6. The Director of Arts & Culture work with DIY event promoters to increase the diversity of content in the presentation of City cultural events, thereby increasing access to public space for DIY event organizers and the non-mainstream artists they program.

7. The General Manager, Economic Development and Culture support the music community in creating a summer DIY event music series in City spaces.

8. The General Manager, Economic Development and Culture, with the General Manager Parks Forestry and Recreation, explore making City of Toronto community centres and arenas available for DIY events – including programming opportunities and permitting DIY events in the nighttime.

These recommendations present steps that the City can take to improve access to space for DIY events and speak directly to the Divisional Strategy. In moving forward, it is critical that Film & Entertainment Industries take a lead role in involving all stakeholders in the development of solutions to improve access to space. Film & Entertainment Industries is well poised to partner with other sections in EDC and divisional partners to improve access to space and increase diversity and inclusion for a vibrant, creative and prosperous Toronto.

“It's become too expensive to do events in unconventional spaces, so I've stopped doing it [...] I can't pay \$3000 to rent space for one night – *DIY Event Promoter*

Access and Space in the Context of DIY Events

DIY events are considered temporary or one-time events, as a given DIY event organizer may not use the same space more than once. DIY events are also considered intermittent as a number of different DIY event organizers may use the same space over time. DIY events require a DIY event organizer to provide and coordinate all aspects of the event and to transform spaces into performance venues for live music, dance, spoken word or theatre, repurposing space to create an unconventional live performance venue. Purposing a space during initial design and construction and repurposing a space for a different use are both bound to provincial and municipal regulations pertaining to life safety.

All spaces in Toronto, including public and private, brick and mortar or open air, are highly regulated. Appendix 2 provides a brief overview of the various Acts and By-Laws that regulate space in Toronto. Appendix 3 offers a Typology of DIY event spaces and identifies which are private, public or both. The terms that apply to the various activities that occur in different spaces – commercial, industrial, institutional – are in part a function of the regulations that apply to them.

Repurposing Space for DIY Events

It is important to note that the Acts and Bylaws that regulate the use space only conceive of uses to be permanent. For example, a t-shirt making factory can only be a factory. It cannot be a t-shirt factory AND an occasional DIY venue unless it is officially repurposed to allow for the gathering of members of the public on a permanent basis. Repurposing space is a costly undertaking as spaces are designed from a life safety

perspective and legislated by the Ontario Building Code (hereinafter the Building Code).

Under the Building Code, the gathering of people is considered an assembly occupancy.⁴ Spaces intended for assembly occupancy have different safety standards than buildings intended for other uses, such as the t-shirt factory cited as an example above. Assembly occupancy does not differentiate between small vs. large scale gatherings, or temporary (or intermittent) vs. permanent use. The lack of differentiation is significant as DIY events are temporary and intermittent in nature and can consist of small scale or large scale gatherings. Consequently, the Building Code may require a full building upgrade in order to permit a one-time DIY event. Examples of upgrades could include additional exits, full wheelchair accessibility and genderless washrooms. The Fire Code also has assembly occupancy requirements that may be needed, such as the installation of fire sprinklers. Such upgrades are cost prohibitive for nearly all temporary DIY events.

Processes and Timelines

Repurposing or upgrading may require permits and long bureaucratic timelines in order to be realized. Working with regulators to repurpose a space for a DIY event can be a long and somewhat cumbersome undertaking.

67% of the external stakeholders consulted identified permitting as their biggest challenge in organizing DIY events. This challenge is more specifically identified as a lack of clarity around the City's permitting process. DIY Event organizers are often unsure which officials to approach, and what their own obligations are (if any).

Access and Space in the Context of DIY Events

An experienced DIY event promoter stated, "If you go to the City and try to follow all the rules, either the bureaucracy timelines take too long or you go through all these hoops and a bureaucrat cancels it, or says you have to make changes that cost a lot of money."

In actuality, no formal, streamlined or centralized process exists to permit DIY events in unconventional spaces. Every division that permits or regulates space has its own timelines and mandates to fulfill. For example, Toronto Fire advises event organizers to plan their events 6-9 months in advance to get all the necessary approvals.^{5,6} However, DIY events are typically planned 1-2 months in advance⁷ - a clear mismatch in the expectations of regulators vs. the reality of DIY event organizers. A DIY event is likely to be cancelled – or, frequently, held without permits – as organizers are rarely able to plan an event 6 months in advance and meet the costs of any required upgrades. Acts such as the Building Code and Fire Code were not conceived to accommodate temporary and intermittent uses of space nor designed to consider flexible uses.

Private and Public Distinctions to Space and Access

DIY event organizers face difficulty in accessing space. Access differs depending on whether the space is public⁸ or private⁹. Figure 1 provides an overview of access and space for DIY events.

The figure illustrates that Community, Non-Profit and Government organizations can access both types of spaces – public and private – for DIY events. For example, in

2017, the City of Toronto's Film & Entertainment Industries section leased a private space – the vacant Golf Town store on King Street West – for its four-day xoTO Lounge activation associated with the Toronto International Film Festival. In this instance, the City played the role of DIY event organizer.

For-Profit groups, including commercial organizations and private individuals, are only able to access private space. Private space is accessed via a short-term rental agreement between the property owner and DIY event organizer (such as the xoTO Lounge example cited above). While permitting may be an issue in private space, it only becomes an issue if a DIY event organizer and a regulator cross paths in the attempt to repurpose a space. Access to private and public space is discussed further below.

Private Space

Private spaces include commercial, residential, industrial, institutional, open air and legally non-conforming spaces.¹⁰ Private spaces have few restrictions on who can access the space and how the space is accessed. DIY event organizers generally find private spaces in one of two ways: word of mouth and scouting. In both cases, DIY event organizers secure a space through a verbal or written agreement with the property owner. An experienced DIY event promoter said, "Times when it works the best is when there is a hand-written sign on the window." 40% of DIY event organizers stated that they use referral or word of mouth to find a space for their events. Another DIY event organizer said, "It usually comes from word of mouth. People recommend spaces where they've had a good experience or know it's safe."

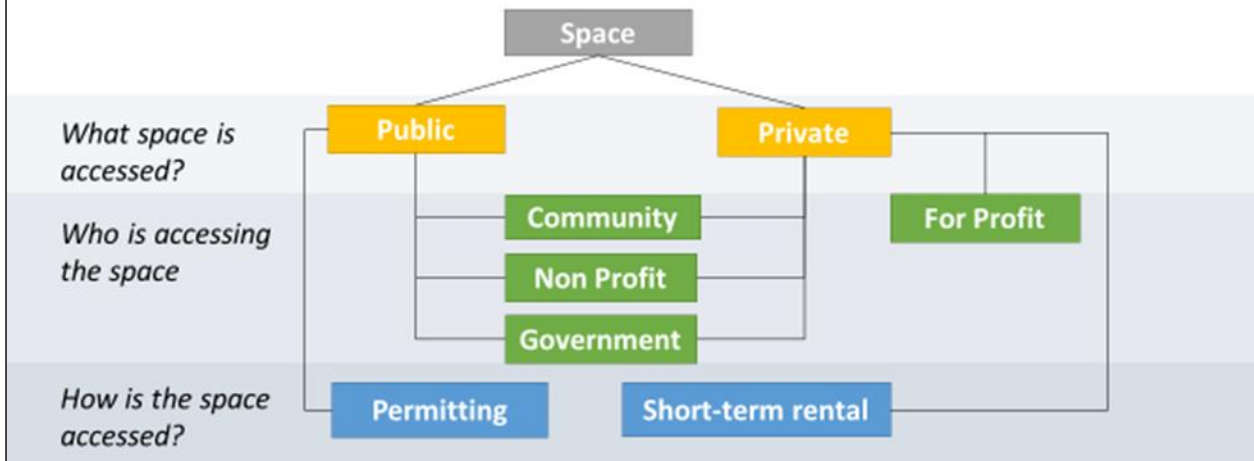
⁸ Public space means public property

⁹ Private space means private property

¹⁰ Legally Non-Conforming is a use of land or structure which was legally established according to the applicable zoning and building laws of the time, but which does not meet current zoning and building regulations.

Access and Space in the Context of DIY Events

Figure 1:
An overview of access and space for DIY events



Private Space (cont.)

Sites such as [thisopenspace.com](#), [spacefinder.com](#), and [artery.com](#) are also ways to find space but aren't popular with the DIY community. One DIY event organizer commented, "I've never had any success on any of those kinds of sites [...] those sites are good for people who want to have outside the box weddings or corporations who want to have edgy activations." Another DIY event organizer also said, "The problem with [thisopenspace.com](#) is that their spaces are for daytime events; also, spaces like these are not willing to operate in the grey area." The "grey area" referred to here means spaces that are not zoned for assembly occupancy or do not meet the Building Code requirements for assembly occupancy.

Once a private space is found, the major obstacle in using it for DIY events lies in repurposing the space for assembly occupancy, which involves passing building

and fire inspections. As mentioned previously, no formal streamlined or centralized process exists that informs and coordinates repurposing space for assembly occupancy specifically on a temporary and intermittent basis. The lack of formal process has resulted in a great deal of ambiguity – not just for event organizers but also for regulators and enforcement officers, who conduct informal joint inspections run on an ad-hoc basis.¹¹

The absence of coordination in enforcement results in a lack of predictability and reliability for DIY event organizers. Events may get shut down, sometimes without warning. A DIY event organizer stated, "When doing a DIY event, you try and stay as far away from police and fire as you will never satisfy what they demand." Event organizers expressed frustration that there is no certainty that they are complying with safety requirements, in spite of direction from authorities to comply with the appropriate codes.

¹¹ MLS, AGCO, Toronto Fire and Toronto Building all conduct independent inspections to ensure compliance to their respective Acts and By-Laws at various special events in private and public spaces. All confirmed their participation in joint enforcement runs, which are informal and ad-hoc in nature.

Access and Space in the

Context of DIY Events

Another DIY event organizer commented, "They don't want to make recommendations because if anything happens it's their fault."

Toronto Fire suggests DIY event organizers hire a Fire Code Consultant to suggest alternative solutions for spaces not purposed for assembly occupancy.¹² But consultant fees are high and do not include the cost of bringing the space up to Fire Code. One DIY event organizer shared that it can cost upwards of \$15,000 for a Fire Code Consultant based on the original design and zoning of the space in question, a fee they paid to go forward with a DIY event in the past.

Cost of upgrades and a lack of predictability in outcomes deter DIY event organizers from working with regulators. In spite of this history of mistrust, the data from the consultations suggest that many DIY event organizers would like to work more closely with authorities such as Toronto Fire. As one event organizer stated, "Fire is the biggest challenge. I would like to sincerely work with them. I would like them to tell me the right way to do things, and be reasonable as we want to comply and be safe."

Public Space

Public spaces operated by the City of Toronto or its agencies include civic, institutional, open air and legally non-conforming spaces. The spaces are regulated by different divisional By-Laws, and each space is considered to be an asset of a particular division. For example, Trinity Bellwoods Park is an asset of PFR and therefore subject to PFR's By-Laws. City Hall is an asset of Facilities and therefore subject to Facilities' bylaws. Specific assets may have their own site-specific bylaws, as is the case with public squares like Nathan Phillips Square.

Encompassing site-specific and divisional bylaws is the Municipal Alcohol Policy (hereinafter MAP). MAP applies to all City property, including City agencies and libraries. It is applicable if alcohol is being served or sold on City property. Under MAP, only non-profit or charitable organizations are able to book public spaces for special events. Community Groups can apply to use public spaces but are prohibited from serving alcohol. They may also be limited in organizing larger events.¹³

For example, an event in an open air space like a park necessitates that the following permit requirements and processes be addressed:

- The event organizer will need a permit from PFR.
- If the event organizer requires a stage that is over 2 feet in height, a building permit from Toronto Building will be required.
- If the organizer intends to serve alcohol, amplify sound or both, the event is considered a special event, which has a separate review process within PFR.
- To serve alcohol, event organizers need a Special Occasion Permit (hereinafter SOP) from the Alcohol and Gaming Commission of Ontario (hereinafter AGCO).
- The SOP requires the event organizer to notify Toronto Police and Toronto Fire 30-60 days in advance depending on the expected attendance.
- Depending on the time of day and duration of the event, an event organizer may be required to apply for a noise exemption permit from MLS; the councillor whose ward the park falls within is given a period of time to approve or withhold approval for the noise exemption permit.

¹² Toronto Fire Services *Guide to Event Safety (2018)*, p.4

¹³ See Terms & Conditions for the use of public space - http://insideto.toronto.ca/fred/booking_centre/meeting_rooms.htm

Access and Space in the Context of DIY Events

A PFR-led consultation determined that special events permitting is seen as complex and daunting due to the numerous rules that require interpretation.¹⁴ Respondents asked for the permitting process to be simplified and for the delivery of consistent information.¹⁵ PFR's survey results underscore the need for predictability and reliability in the permitting process.

A full spectrum of stakeholders, from event organizers to venue owners to developers to regulators, are seeking a reliable and predictable process for permitting DIY events. A move to develop a centralized permitting process would not only help DIY events, but also complement the work being done by EDC in developing the nighttime economy.



“When planning an event, there is a lack of communication about permitting. Is there some way to help event planners navigate the system?” – *DIY Event Promoter*

¹⁴ <https://www.toronto.ca/services-payments/venues-facilities-bookings/booking-park-recreation-facilities/making-permitting-better/>

¹⁵ Ibid

DIY Events in Toronto

– Where and Who

Where

While DIY events happen across the City, this report assumes that DIY events in the downtown core face especially rigorous enforcement on noise, building safety, fire safety, and alcohol sales and service, more so than events outside the downtown core. 45% of DIY event organizing stakeholders identified noise complaints (including the threat of noise complaints) as a major challenge to holding events downtown. One DIY event organizer stated, "Noise complaints are never a problem outside the core." It is no secret that the growth of residential development in the downtown core has led to rising real estate prices and increased competition for space. The increase in residential density has also pitted cultural activities that gather people and amplify sound against residents who have an expectation for quiet during nighttime hours.

Downtown spaces are sought in order for events to be accessible by transit, and because, for the most part, the younger audiences that attend DIY events live in downtown neighbourhoods rather than in the suburbs of Etobicoke, North York, and Scarborough. DIY event organizers must balance the need to be connected to transit with the need to be insulated from residential areas. One event organizer stated, "When I'm looking for a space that I can present music [I think to myself] how can I be connected to transit but insulated from residential? The number one thing that is going to bring down music is residential noise complaints, even if you are using space for one night."

Increased residential density and spiralling costs within the old Entertainment District

have pushed the DIY community west. Stakeholder consultations identified main areas of DIY activity along Queen Street West, around Trinity Bellwoods Park, in the area around Geary Ave, on Ossington Ave between Dundas and Dovercourt Streets, and in the Stockyards, and others. Appendix 4 maps the areas of DIY activity used by groups that present music of different genres such as electronic, hip hop, rock and punk.

Outside the core, DIY events struggle to find space that is both accessible by transit and affordable. In Scarborough, one DIY event organizer has managed to find space in a community centre to present his DIY events, stating "I turn community centres into music halls, I can turn them into open mike spaces." Although 38% of DIY event organizers expressed their desire to use community centres and other public spaces for their events, such use remains uncommon. Reasons may include uncertainty as to how to gain access to community centres (for example who to call and how to book the space), or permitting restrictions on how the space can be used (such as MAP).

Community centres present a real opportunity for DIY events. Many have multipurpose rooms appropriate for DIY events and are accessible by transit. *Making Space for Culture* (2014) identified the desire for multipurpose spaces across all wards. Multipurpose rooms in community centres are an ideal fit. They represent easily accessible spaces that can accommodate a variety of cultural activities like dance and music. The challenge in gaining access to multipurpose rooms lies internally, as policies concerning compatible uses with other community centre activities need to be considered.

DIY Events in Toronto

– Where and Who

PFR's Director of Recreation stated that when considering community centres as potential event space, the Facilities Manager needs to consider how the DIY event might impact the other uses of the facility. However, as a starting point, and in consideration of *Reimagining the Toronto Music Industry Advisory Council* (MM44.126), the Director of Recreation suggested exploring the use of arenas during dry periods between May-August. It is an avenue that has the potential to open up space for DIY events.

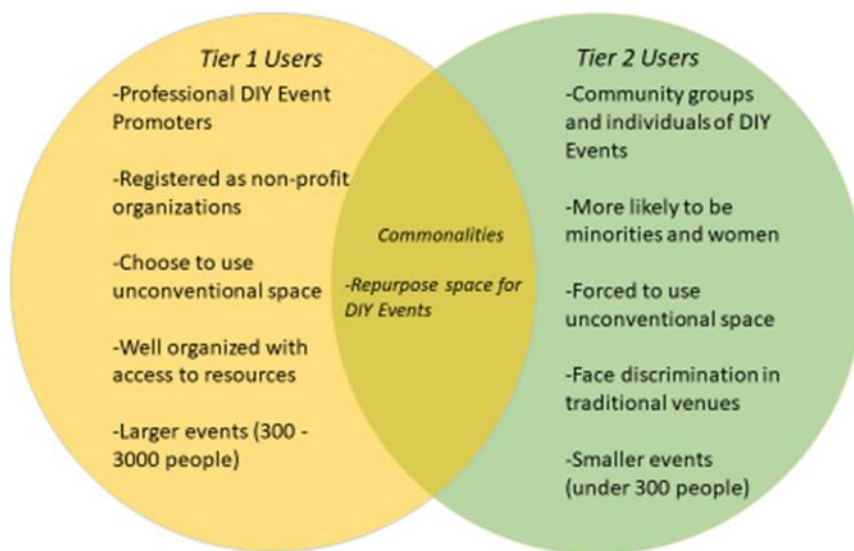
Who

DIY event organizers can be categorized into two groups: those who choose to use unconventional spaces (Tier 1 users) and

those forced to use unconventional spaces (Tier 2 users). Space that is repurposed for music is considered to be an unconventional space. Although both groups have unconventional spaces in common, they have different characteristics. Figure 2 offers a comparison of the characteristics of Tier 1 vs Tier 2 users.

The Tier 1 users tend to organize larger events than Tier 2 users, often leveraging their non-profit status to get an SOP – as the sale of alcohol is the key component to cost recovery and profitability of DIY events. As one DIY event promoter shared, "Organizers only serve alcohol in order to break even, in order to recover some of the cost." (Appendix 5 shows the percentage of DIY event organizers consulted that have non-profit status.)

Figure 2:
Users of unconventional space



DIY Events in Toronto

– Where and Who

Who (cont.)

Interestingly, Tier 1 Users prefer unconventional spaces as they are an integral part of the promotional strategy and revenue model. Staging events in a unique space each time creates audience excitement. As one Tier 1 user shared, "There is a draw over doing something in a new venue, and that only lasts for a certain amount of time."

Unlike Tier 1 users, Tier 2 users prefer traditional or mainstream venues. But, the limited number of mainstream venues in combination with the number of venues closing down has increased competition for stage time. One DIY event promoter commented, "The use of unconventional spaces does solve the issue of accessibility to venues. There are not a lot of options right now, so it's attractive to younger and independent artists."

Tier 2 users also report facing discrimination at mainstream venues. 25% of DIY event organizers commented on discrimination as a barrier to accessing mainstream venues;

and 45% felt that there was no space available for them in the city, particularly for events involving live music. A Tier 2 User stated, "(There are) even fewer venues now, especially small venues. There is a lack of all ages and accessible spaces; we are doing things in basements and attics." The lack of small venues was echoed by other Tier 2 users of unconventional spaces. Another artist / event organizer stated, "It's so difficult starting as a musician in this city because there is nowhere to perform. Small spaces are a huge challenge to find but are hugely important to developing as a performer, you need to practice and gain the confidence to playing to a full room – kind of like athletes, musicians need to get practice to develop."

Both Tier 1 and Tier 2 users of unconventional require improved access to the spaces they use. Particularly Tier 2 users require access to safer spaces. Public spaces could offer a solution to the increased competition for space, bringing a relief to communities, groups and individuals that are forced into unconventional spaces.

"When planning an event safety is the first criteria. Is the space cool? Has it been used before? We like to keep things fresh, create culture in new spaces, its more exciting for the crowd" – *DIY Event Promoter*



¹⁴ <https://www.toronto.ca/services-payments/venues-facilities-bookings/booking-park-recreation-facilities/making-permitting-better/>

¹⁵ Ibid

Jurisdictional Scan

A jurisdictional scan provided the opportunity to learn what other cities were doing to manage DIY events in unconventional spaces, and how they are addressing the repurposing of space for assembly occupancy.

The jurisdictions scanned included Austin, Denver, San Francisco, Seattle and Vancouver, and were selected based on the expert advice of the Music unit of Film & Entertainment Industries and through referral from other jurisdictions. The jurisdictional scan identified common features that the City of Toronto may consider should a regulatory process be developed to address the repurposing of spaces for assembly occupancy.

Table 1 provides a comparison of how other jurisdictions are managing DIY events.

Austin, San Francisco and Vancouver have successfully established centralized permitting to address the temporary and intermittent nature of DIY events.

Adopting a version of Vancouver's co-development approach could produce robust outcomes for Toronto. Co-development would see regulators, DIY event organizers, and residents develop a permitting mechanism together, crafting a solution that considered all stakeholders' needs. For Vancouver, the co-development approach resulted in DIY event organizers and regulators becoming accustomed to working with each other.

Table 1:

Comparison of How jurisdictions regulate DIY events

Features	Austin	Denver	San Francisco	Seattle	Vancouver
Centralized Permitting Process for DIY event ¹⁶	●		●		●
Co-development ¹⁷			●		●
Capped Frequency of Events	●		●		●
Safety Focus ¹⁸	●	●	●	●	●
Limited to certain zones					●
Permitting accommodates temporary uses ¹⁹	●	●	●	●	●

¹⁶ Includes entertainment or arts and culture activities that are temporary / intermittent in nature and that include amplified sound

¹⁷ Co-development or co-creation is a strategy that brings different stakeholders together (for instance, regulators and DIY Event organizers), in order to jointly produce a mutually valued outcome.

¹⁸ All jurisdictions are motivated by life safety considerations

¹⁹ Accommodation varies depending on the jurisdiction

Jurisdictional Scan

A City of Vancouver representative said, "together we wanted to create a program that's a learner's license on how to put on an event safely."²⁰

Austin, San Francisco and Vancouver limit the number of times a DIY event can happen in the same venue within a 12-month period. Capping the frequency of events balances neighbourhood considerations with the needs of DIY event organizers for regular access to space. Vancouver also limits where DIY events can take place by creating certain zones consisting of commercial and employment lands to help assuage the noise-related concerns of residents and neighbourhoods.

By contrast, Denver's approach has had little

success in engaging the DIY community. Denver's "Safe Occupancy" program focuses on bringing buildings up to code. The program minimizes risk and liability for the City of Denver – but the DIY community typically does not have the resources to make the necessary structural upgrades to bring spaces up to code. In this way, Denver's Safe Occupancy program fails to address the underlying inequity and resource issues that underlie and create barriers to access in the first place.

Four of the five jurisdictions surveyed have programs or policies that successfully address the repurposing of space for assembly occupancy to accommodate temporary and intermittent arts and cultural uses.



²⁰ Diana Leung, Cultural Planner, City of Vancouver

Opportunities to Co-develop Solutions that Improve Access to Space

During the consultations, stakeholders offered input and ideas on opportunities to improve access to space. Suggestions included:

- Clarify the permitting process through centralization and streamlining. Public service workers (municipal, provincial and agencies), DIY event organizers, Space Brokers and BIAs strongly support this suggestion. Developers and BIAs felt a centralized permitting process for cultural activities like live music would help them vet DIY event organizers and increase their credibility as short-term renters of unconventional spaces.
- Connect DIY event organizers with BIAs and other Space Brokers like developers in order to collaboratively generate ideas for

more private spaces that could be used for DIY events.

- Create cultural zones to protect spaces used for DIY and cultural events.
- Improve access to public spaces by increasing the diversity of content in City Cultural Events, helping the artists featured in DIY events to reach broader audiences.
- Improve access to Community Centres and other City assets as potential DIY event spaces.

The solutions offered were considered in the development of this report's recommendations and were assessed in terms of their alignment with EDC's divisional strategies



Appendix 1:

Type and Number of Stakeholders Consulted

Stakeholder	Number of Interviews
Event organizers ²¹	31
Public Service Staff ²²	19
Other Jurisdictions ²³	5
Small Venue Owners	4
BIAs	4
Space Brokers (including Developers)	4
Journalists	2
Studios	1
TOTAL	70

²¹ Event Promoters and Artist-Event Promoters

²² Includes Municipal Licensing and Standards, Toronto Buildings, Toronto Fire, Toronto Police, Parks, Forestry and Recreation, Facilities Management, City Planning and the Alcohol and Gaming Commission of Ontario (AGCO)

²³ Austin, Denver, San Francisco, Seattle and Vancouver

Appendix 2:

Provincial Acts and Municipal By-Laws that Regulate Space in Toronto

Seven provincial and municipal regulations are relevant to the repurposing of space and DIY events:

1. Ontario Building Code
2. Liquor License Act (LLA) and Liquor Control Act (LCA)
3. Ontario Fire Code
4. Police Services Act
5. City of Toronto Zoning By-Law
6. City of Toronto Licensing By-Law
7. City of Toronto Noise By-Law

Ontario Building Code

Under the Ontario Building Code, gatherings of people are considered assembly occupancy, or "the occupancy or the use of a building or part of a building by a gathering of persons for civic, political, travel, religious, social, educational, recreational or similar purposes or for the consumption of food or drink."²⁴ The Ontario Building code classifies buildings into "major occupancies"; and in theory, certain major occupancies can be combined if the municipal zoning permits the combination of those major occupancies in its land use designations. However, this flexibility does not apply in the City of Toronto.

In Toronto, the spaces used for DIY events tend to be located on employment lands, the major occupancies of which are intended to be industrial occupancies (see Appendix 5 for a map of DIY music scene activity in Toronto). Industrial or employment spaces may also be in commercial or residential areas or abut areas that are classified as legally non-conforming under the current zoning bylaw. Event promoters holding events in spaces not classified for assembly use face challenges when attempting to repurpose a space for an event. A full building upgrade is often required under the Building Code. Full building upgrades are expensive to undertake given the temporary and one-time nature of DIY event.

Liquor License Act (LLA) and Liquor Control Act

The Alcohol and Gaming Commission of Ontario (AGCO) "licenses and regulates premises that sell or serve alcohol to the public for on-site consumption. This includes premises such as bars, restaurants, lounges and night clubs, although there are no restrictions in the LLA on the type of business that can apply for a Liquor Sales Licence."²⁵

²⁴ <https://www.ontario.ca/laws/regulation/120332>

²⁵ <https://www.agco.ca/alcohol/liquor-sales-licences-ownersoperators>

Appendix 2:

Provincial Acts and Municipal By-Laws that Regulate Space in Toronto

Liquor License Act (LLA) and Liquor Control Act (*cont.*)

Organizers of events in unconventional spaces are typically required to apply for an SOP if they would like to sell and/or serve alcohol, as the spaces they use tend to be unlicensed. The AGCO offers 3 types of SOPs, depending on who is organizing the special event and whether the event is open to the public.²⁶ In general, DIY events tend to fall under the "Public Event" type with a "Sale Permit" as the events are usually advertised and ticketed.

If an event is being organized outdoors, the SOP application requires that event organizers notify police, fire, public health and the municipal clerk's department 30-60 days in advance of the event, depending on the expected attendance. No similar requirement exists for indoor events. However, the AGCO does work with local authorities such as Police and Fire to enforce life safety considerations for indoor events. For instance, the AGCO will deny an SOP application or revoke a permit if an authority

such as Fire advises that space is unsafe.²⁷ In this way, the AGCO is active on enforcement and works in cooperation with local authorities to ensure alcohol is being sold and consumed responsibly.

Ontario Fire Code

Whereas the Ontario Building Code deals with the construction of a building, The Ontario Fire Code, enforced by Toronto Fire, applies once an Event organizer takes occupancy of a space, regardless of the duration of the occupancy. The Ontario Fire Code considers a space's original intended purpose and factors such as capacity, alcohol, number of fire exits, emergency lighting, availability of fire extinguishers and emergency evacuation plans. Toronto Fire has the authority to reject an event permit application (if they are made aware of the permit application) or end an event in progress if it deems that life safety has not been taken into sufficient consideration or lives are at risk. As event organizers may not be able to undertake full building upgrades when repurposing a space, Toronto Fire may enforce the Fire Code to shut down events to protect life safety.

²⁷ Telephone call with Rebecca Castillo, AGCO, July 9, 2018

Appendix 2:

Provincial Acts and Municipal By-Laws that Regulate Space in Toronto

Police Services Act

The mandate of Toronto Police Services (hereinafter the Police) is legislated under the Police Services Act. The core police services includes:

1. Crime prevention
2. Law enforcement
3. Assistance to victims of crime
4. Public order maintenance
5. Emergency response

The Police has a Special Events team involved in policing large-scale events throughout the city (5000+ attendance). As described in the sub-section concerning the LLA, event organizers are required to notify Police of outdoor events that include alcohol in the SOP application. The Special Events team, in cooperation with the local Police division, reviews events on a case by case basis to determine if police presence is required (paid-duty officers) for an outdoor event. For smaller outdoor events (fewer than 5000 attendance) and for indoor events, local divisions may interact with the event organizers and attendees at DIY events, particularly if there is suspected criminal

activity or if the event organizer has requested a paid duty officer. The Police acknowledge that their resources are finite and they cannot offer police services at all events, and that police presence is not needed at all events.

City of Toronto Zoning By-Law

The City of Toronto Zoning Bylaw 569-2013 permits different types of land uses – for example, residential, commercial, employment, institutional – in different zones. The City of Toronto Zoning Bylaw and the Ontario Building Code interact, as major occupancies defined by the Ontario Building Code are only permitted in specific zones, defined by the Zoning Bylaw. A number of DIY events take place in warehouses or light industrial facilities that do not permit assembly occupancy under the Zoning Bylaw but may have compatible major occupancies if the building is up to code. For example, a light-industrial facility that may be compatible with a public hall or entertainment place of assembly under the Ontario Building Code is not permitted to be a public hall on employment lands under the Zoning Bylaw.

Appendix 2:

Provincial Acts and Municipal By-Laws that Regulate Space in Toronto

City of Toronto Zoning By-Law (cont.)

City Planning acknowledges in a Staff Report that the current Zoning Bylaw is ambiguous regarding music and live performance venues.²⁸ This ambiguity has made it difficult and many times impossible for DIY events to lawfully take place as event organizers struggle to repurpose space and avoid noise complaints from adjacent residential neighbourhoods.

City of Toronto Licensing By-Law

Municipal Licensing and Standards (MLS) ensures that businesses are operating according to the Toronto Municipal Code, Chapter 545, Licensing. Currently, event organizing is not a type of business defined in Chapter 545, and organizers therefore do not require a municipal business license to operate. In addition, the unconventional spaces that event organizers use may not require a license under Chapter 545 – much depends on the nature of the space, its zoning and the type of trade or regulated

service offered within the space. In comparison, traditional music venues may hold licenses as "eating establishments," "nightclubs," or "public halls," but Chapter 545 does not have a category specific to live music venues.

MLS does participate in joint enforcement runs with the AGCO and Toronto Fire to ensure that businesses are operating with the proper licenses.

MLS is currently conducting a review of the Licensing Bylaw. The findings of the review are not expected in 2018.

City of Toronto Noise By-Law

According to the "General Prohibition" described within the City's Noise Bylaw, "no person shall make, cause or permit noise or vibration, at any time, which is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants of the City." The Bylaw prohibits the playing of music and the amplification of sound at all times in Quiet Zones, and from 11:00pm to 7:00am in residential areas. Sound cannot project beyond the lot line of the property

²⁸ See 722, 750 and 783 College Street – Zoning Amendment – Final Report; Reference Number 17 152699 STE 19 OZ

Appendix 2:

Provincial Acts and Municipal By-Laws that Regulate Space in Toronto

City of Toronto Noise By-Law (*cont.*)

from which it emanates.²⁹ The Bylaw's focus on the maintenance of quiet and peace for NPC-205 Class 1 & 2 Areas (Urban)³⁰ - major population centres (like Toronto), render the playing of music and the amplification of sound an infraction, particularly in the night time.

The Noise By-Law significantly affects the DIY music scene, as DIY event organizers frequently seek spaces isolated from

residential areas in order to play music and amplify sound. However, many unconventional spaces, like warehouses or commercial spaces, may not be insulated against sound leakage. As a result, property owners renting to DIY event organizers may themselves receive infraction notices and be subjected to fines. Noise complaints are one of the biggest threats to the DIY music scene and to the larger nighttime economy.

MLS is currently conducting a review of the Noise Bylaw. The findings of the review are not expected in 2018.

²⁹ Toronto Municipal Code, Chapter 591-2.1, Noise

³⁰ Publication NPC-208, Ministry of the Environment

Appendix 3:

Typology of DIY Event Spaces

Any space can be repurposed and transformed into a DIY venue. The typology below provides examples of the different

spaces that most often repurposed, and whether they are public, private or both.

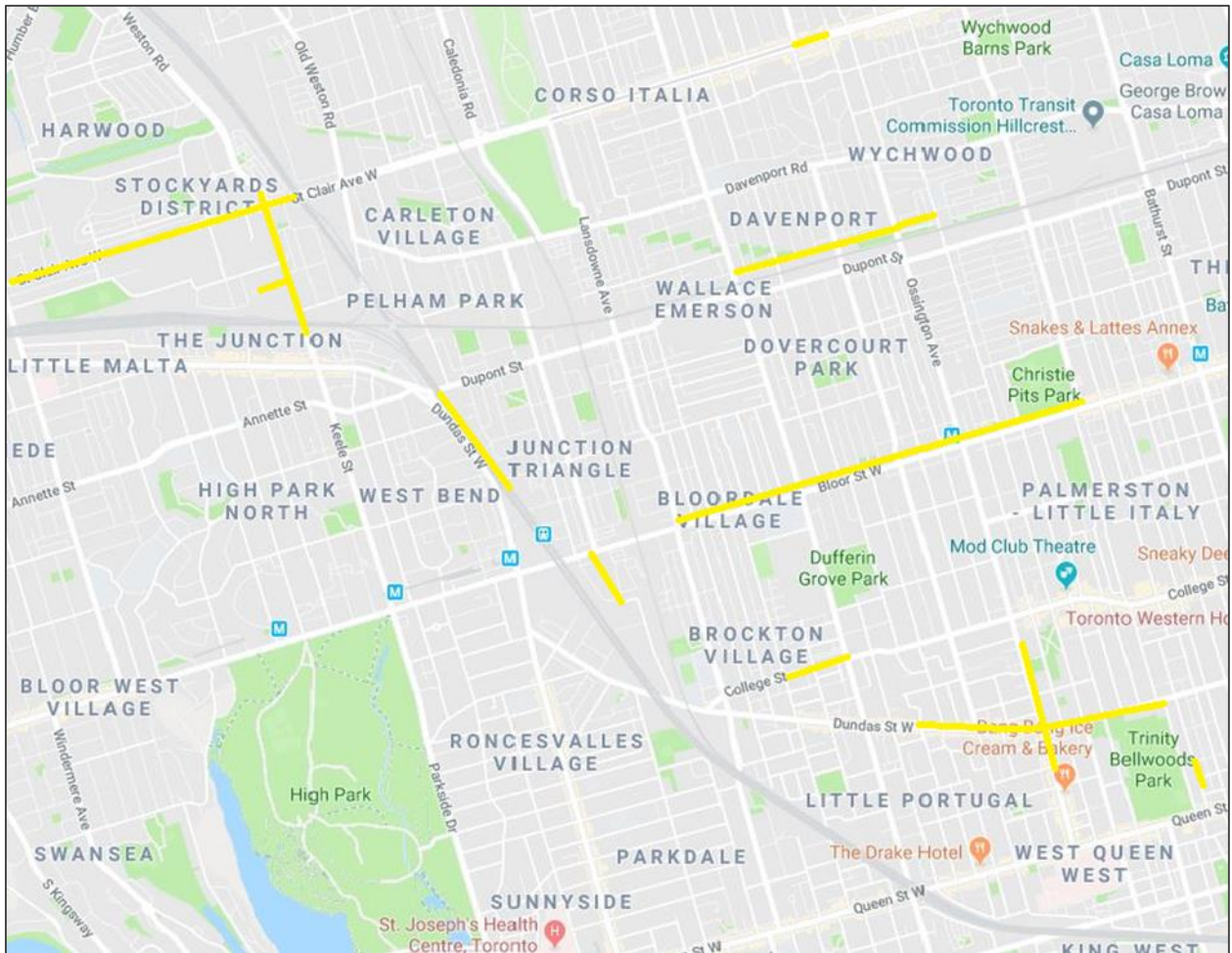
Typology	Example	Public	Private
Civic	Community Centres, Library Theatres, Public Squares	x	
Commercial	Retail Stores, Basements, Rooftops, Backyards, car washes, office buildings, the PATH		x
Industrial	Warehouses, or light industrial facilities (for e.g. a t-shirt factory)		x
Residential	Homes, Condo Party Rooms, Patio Gardens		x
Institutional	Schools, Government Office Buildings (like City Hall), Places of Worship	x	x
Open Air	Parks and Parkettes, Parking Lots, Laneways	x	x
Legally Non-Conforming	For e.g. mixed use buildings in commercial zones or legion halls or town halls in residential or commercial zones	x	x

Appendix 4:

Map of DIY Music Activity

DIY music activity is generally concentrated in the west end of Toronto. Many different genres and communities use and compete for the same spaces. The map below

identifies different areas of DIY music activity (highlighted in yellow).



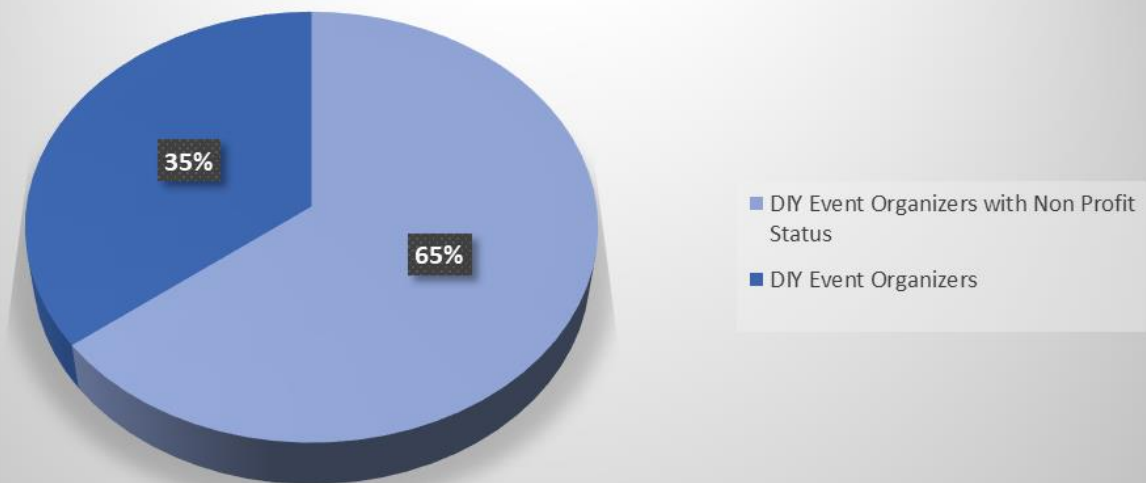
Appendix 5:

Use of Non Profit Status by DIY Event Organizers

DIY event organizers employ the designation of non-profit status for events that include the sale and service of alcohol. Non-Profit entities are eligible for SOPs from the AGCO – and alcohol is a significant revenue stream

to the profitability of DIY event.³¹ Tier 1 users of unconventional spaces tend to operate as non-profits to access to SOPs and public spaces.

Use of Non Profit Status by DIY Event Organizers



³¹ Several DIY Event organizers spoke about the role of alcohol in their revenue models

Appendix 6:

Select Definitions

1. What is a music venue?

The City of Toronto does not currently have a formal, universally agreed-upon definition for a music venue, although the Music unit of Film & Entertainment Industries has a working definition as exemplified in the Toronto Music Directory. Traditionally, music venues operate as licensed establishments such as clubs, bars or restaurants in the City. In this report, a music venue is viewed as any space in commercial, employment, open air, or institutional zoned land that can be repurposed on a temporary or permanent basis for live musical performances.

2. What is an unconventional space?

An unconventional space is any physical structure or open space that may be repurposed for assembly occupancy, as its original design and zoning was intended for a different use (commercial, residential, industrial or employment, institutional³² or open air). See typology of DIY venues for more information.

3. What is a DIY event?

DIY refers to "do-it-yourself." In the context of live musical events and event promotion, a DIY event refers to an event that does not occur in a traditional music venue, such as a bar, club or concert hall. DIY events happen in unconventional spaces and may be associated with independent, local music, and often with non-mainstream music and art produced by diverse communities.

4. What are event promoters?

Event promoters organize live musical performances in both traditional and unconventional spaces. The event promoter books talent such as DJs and bands, finds and secures a venue, markets and promotes the event, and typically also operates the event on-site. The scale of events can range from under 300 people (small events) to 800 people (mid-size events) to 2000+ people (large events)

5. What are artist-event promoters?

Artist-event promoters are, in effect, event promoters who themselves are also performers. In addition to performing on the bill, they find and secure the venue (typically an unconventional space) and market and promote the event (usually via social media), and coordinate all logistical aspects of the event.

6. What is a DIY event organizer?

A DIY event organizer can be an event promoter or artist-event promoter.

7. What is the DIY music scene?

In the context of this report, the DIY music scene refers to all live music that occurs in unconventional spaces.

8. What are Community Groups?

Community groups are grassroots organizations that do not have non-profit or charitable status.

³² Institutional zoned lands include hospitals, public and private schools, places of worship