

Authority: Economic Development and Parks Committee Report No. 2, Clause No. 12,
as adopted by City of Toronto Council on February 4, 5 and 6, 2003
Enacted by Council: February 7, 2003

CITY OF TORONTO

BY-LAW No. 46-2003

To designate an area on the south side of Eglinton Avenue from Falmouth Avenue to just west of Brimley Road as an improvement area.

WHEREAS subsection 220(1) of the *Municipal Act*, R.S.O. 1990 c. M. 45 (the “Act”) provides that the council of a local municipality may pass by-laws designating an area as an improvement area; and

WHEREAS, although the Act has been replaced by the new *Municipal Act, 2001*, S.O. 2001, c. 25 effective January 1, 2003 (the “New Act”), the Act shall govern the process to be followed for this designation, as the notices of intention to designate were sent out, and all poll results received, in 2002 prior to the enactment of the New Act; and

WHEREAS the *City of Toronto Act, 1997* provides that the City of Toronto is a local municipality for all purposes; and

WHEREAS subsection 220(2) of the Act provides that before passing a by-law designating an improvement area, notice of the intention to pass the by-law shall be sent by prepaid mail to every person who, on the last returned assessment roll, is assessed with respect to rateable property in the area that is in a prescribed business property class; and

WHEREAS for the purposes of section 220 of the Act, O.Reg. 406/98, as amended, prescribes the commercial classes and the industrial classes, as defined in subsection 363(20) of the Act, as the business property classes; and

WHEREAS subsection 220(2.1) provides that if a person who receives notice under subsection 220(2) has leased any of their rateable property in the area that is in a prescribed business property class, the person shall, within 14 days after the notice was mailed, give a copy of the notice to each tenant of such property who, under the tenant’s lease, is required to pay all or part of the taxes on the property, and such person shall also give the clerk of the municipality a list of every tenant to whom notice was given and the share of the taxes on the property that each tenant is required to pay; and

WHEREAS subsection 220(4) of the Act provides that a by-law referred to in subsection 220(2) of the Act shall not come into force without the approval of the Ontario Municipal Board if the clerk of the municipality receives, within 30 days after the latest day of the mailing of the notices referred to in subsection 220(2), a petition objecting to the by-law that is signed by at least one person who is entitled to notice under subsection 220(2) or clause 220(2.1)(a); and

WHEREAS notice of the intention to pass the by-law has been sent as required by subsection 220(2) and clause 220(2.1)(a) of the Act and petitions objecting to the passing of the by-law have been received by the clerk within the time frame set out in subsection 220(4) of the

Act, but no sufficiently signed petition objecting to the passing of the by-law has been received as required by subsection 220(3) of the Act; and

WHEREAS Council at its meeting held on February 4, 5 and 6, 2003, by its adoption of Clause No. 12 of Economic Development and Parks Committee Report No. 2, authorized the designation of an area on the south side of Eglinton Avenue from Falmouth Avenue to just west of Brimley Road as an improvement area;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The area shown on the attached Map 1 is designated as an improvement area within the meaning of section 220 of the *Municipal Act*, R.S.O. 1990 c. M. 45 and sections 204 to 215, both inclusive, of the *Municipal Act, 2001*, S.O. 2001, c.25.
2. This by-law shall come into force on the day specified by the Ontario Municipal Board in its approval of this by-law.

ENACTED AND PASSED this 7th day of February, A.D. 2003.

CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

MAP 1

