

Authority: Economic Development and Parks Committee Report No. 6, Clause No. 13,
as adopted by City of Toronto Council on July 22, 23 and 24, 2003
Enacted by Council: July 24, 2003

CITY OF TORONTO

BY-LAW No. 683-2003

To amend City of Toronto Municipal Code Chapter 19, Business Improvement Areas to reflect the changed business improvement area provisions in the *Municipal Act, 2001*.

WHEREAS Council has authorized various amendments to be made to Municipal Code Chapter 19, Business Improvement Areas, as a result of changes to the provisions relating to Business Improvement Area in the *Municipal Act, 2001*;

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

1. Chapter 19, Business Improvement Areas, of the City of Toronto Municipal Code is amended as follows:
 - A. Section 19-1 is amended as follows:
 - (1) The definition of “BUSINESS IMPROVEMENT AREA is amended by deleting “section 220 of the *Municipal Act*” and substituting “section 204 of the *Municipal Act, 2001*”;
 - (2) By adding the following after “CHIEF FINANCIAL OFFICER”:

“COMMISSIONER ? The Commissioner of Economic Development, Culture and Tourism for the City of Toronto or his or her designate”.
 - B. Section 19-4 is amended as follows:
 - (1) By deleting “the establishment of a business improvement area” and substituting “a change in the boundaries of an existing business improvement area or the establishment of a new business improvement area”.
 - (2) Subsections A and B are amended by deleting “to form a business improvement area” and substituting “to change the boundaries of an existing business improvement area or to establish a new business improvement area”.
 - (3) Subsection C is deleted and the following substituted:
 - C. After holding one or more formal public meetings and determining interest in proceeding with a change in the boundaries of an existing business improvement area or the establishment of a new business improvement area, the steering committee shall submit a letter, signed by at least two steering committee members, to the Commissioner requesting that Council enact a by-law to change

the boundaries of an existing business improvement area or to establish a new business improvement area.

C. Section 19-6 is amended as follows:

(1) Subsections A (1), (2) and (3) are deleted and the following substituted:

A. Each Board shall consist of the number of members as set out opposite the name of its business improvement area in Schedule A at the end of this chapter, of which a certain number shall be members of Council as set out in Schedule A, and the remaining persons shall be:

(1) Appointed directly by Council; and

(2) Selected by a vote of the membership of the improvement area and appointed by Council.

(2) Subsection C is deleted and the following substituted:

C. Where a vacancy occurs from any cause, Council may appoint a person to be a Board member and that person is not required to be a member of the business improvement area.

D. Section 19-9 is amended by adding the following:

G. An individual may vote on behalf of one or more corporate members of the business improvement area, if the individual has complied with the following:

(1) The submission of a proxy form (in the form prescribed by the Commissioner) to the City's Business Improvement Area Office at least five business days in advance of the date of the meeting;

(2) Proof of ownership or tenancy of a member with the proxy form;

(3) The individual holding the proxy may not vote on matters that are not on the agenda; and

(4) A member can nominate only one person to vote on his or her behalf, regardless of number of properties he or she owns.

H. (1) Where a person is the sole owner of more than one property within the business improvement area, or is the sole owner of more than one corporation that owns property within the business improvement area, the person and the corporations solely owned by that person shall have a total of only one vote, regardless of the

number of properties owned by that person and the different corporations solely-owned by that person.

- (2) Where a person is the sole owner of a property and joint owner of one or more additional properties within the business improvement area, one vote is given for the property owned by that person alone and one vote is given for each jointly-owned property, provided the co-owners in each case are different persons.
- (3) Where a person is the sole owner of a corporation and part owner of different corporations that own property within the business improvement area, one vote is given for the corporation solely-owned by that person and one for each jointly-owned corporation, provided the co-owners of each corporation are different persons.

E. Section 19-10 is amended as follows:

- (1) Subsection B is amended by deleting *Municipal Act* and substituting "*Municipal Act, 2001*".
- (2) Subsection C is amended by deleting "City Council members" and substituting "Council members".

F. Section 19-11E is amended by deleting "Councillors" and substituting "Council members".

G. Section 19-12 is amended as follows:

- (1) By deleting Subsection E and substituting the following:
 - E. The Board shall submit to the City an annual budget (including operating and capital expenditure figures) for each fiscal year at the time and in a form prescribed by Council, after the proposed budget has been discussed by the members of the business improvement area at the annual general meeting.
- (2) By adding the following:
 - I. The Board shall submit to Council an annual report for the preceding year, including audited financial statements, by the date and in the form required by Council.

H. By adding the following:

§ 19-15. Liabilities upon dissolution.

If a Board is dissolved and the liabilities exceed the assets assumed by the City, Council shall recover the difference by imposing a charge on all rateable property in the former business improvement area.

I. Schedule A is amended as follows:

- (1) The third column is amended by deleting “Number of Members” and substituting “Number of Members (Includes Members of Council)”.

ENACTED AND PASSED this 24th day of July, A.D. 2003.

CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)