

Authority: Toronto East York Community Council Report No. 8, Clause No. 7,  
as adopted by City of Toronto Council on September 22, 23, 24 and 25, 2003  
Enacted by Council: September 24, 2003

**CITY OF TORONTO**

**BY-LAW No. 856-2003**

**To adopt a Community Improvement Plan for the Kensington Market Community  
Improvement Project Area, bounded by College Street, Spadina Avenue,  
Dundas Street West and Bellevue Avenue.**

WHEREAS the Council of the City of Toronto has by By-law No. 369-2002 passed on May 23, 2002, designated certain lands bounded by College Street, Spadina Avenue, Dundas Street West and Bellevue Avenue as a Community Improvement Project Area; and

WHEREAS Section 28 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, authorizes the Council of the City of Toronto to adopt a Community Improvement Plan for a designated Community Improvement Project Area;

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

1. The Kensington Market Community Improvement Plan attached hereto as Schedule "A", is hereby adopted.
2. The City Clerk is hereby authorized and directed to make the necessary application to the Minister of Municipal Affairs and Housing for approval of the aforementioned Community Improvement Plan Amendment.

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

CASE OOTES,  
Deputy Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

## **SCHEDULE “A”**

### **Kensington Market Community Improvement Plan**

#### **1. BACKGROUND**

In approving the 2003 Capital Budget for Economic Development, Culture and Tourism, City Council included funding for the Commercial Façade Improvement Programme. The budget process identified a number of initiatives under the Commercial Façade Improvement Programme throughout the city, including the Kensington Market area.

##### **1.1 Designation of a Community Improvement Project Area**

On May 23, 2002, City Council adopted By-law No. 369-2002 designating Kensington Market, bounded by College Street, Spadina Avenue, Dundas Street West and Bellevue Avenue, as a Community Improvement Project Area for the purpose of implementing a range of public and private property improvement projects.

The boundaries of the area are set out on Map 1 attached to this plan. In its report dated April 11, 2002, City Planning recommended this Community Improvement Project Area as it reflects the Kensington Market Action Plan area.

##### **1.2 Authority provided by Section 28 of the Planning Act**

Once a By-law has been passed designating an area as a Community Improvement Project Area, the Planning Act authorizes Council to provide for the preparation of a plan suitable for adoption as a Community Improvement Plan for the Project Area.

Among other things, the Planning Act authorizes the City to make grants or loans to registered or assessed owners of lands and buildings within the Community Improvement Project Area with respect to the cost of rehabilitating such lands and buildings in conformity with the Community Improvement Plan.

##### **1.3 Official Plan Policies for Community Improvement**

Section 15 of the Official Plan of the former City of Toronto contains general provisions for community improvement throughout the former City of Toronto, coupled with specific community improvement policies for neighbourhoods, commercial areas and industrial areas.

Section 15.3 identifies measures to be used by Council to achieve community improvement objectives including the use of its capital budget and where possible, utilization of public, private and foundation funding sources.

Sections 15.7 through 15.10 contain policies that encourage the improvement of the City's diverse commercial areas. Programmes and activities that may be undertaken include upgrading streetscapes, encouraging renovations of buildings and improving public amenities. Consideration in selecting areas and projects include the need for an improved appearance or increased public amenities in the area, the efforts of local business associations to promote and

upgrade the commercial district, and the opportunity to co-ordinate with other programmes. Measures to be used include capital improvements, assisting local businesses and encouraging the organization of business associations.

Chapter Five of the new Official Plan for the City of Toronto contains similar community improvement policies. At its meeting of November 26-28, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new plan, in part, with modifications. As of the date of writing this Plan, the Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board. No hearing date has been set.

#### 1.4 General Planning Policy and Supports to the Economic Viability of the Kensington Market Community Improvement Project Area

The Official Plan of the former City of Toronto designates the majority of the lands within the Kensington Market Community Improvement Project Area as a Low Density Mixed Commercial-Residential Area; there are also several pockets designated as Low Density Residence Areas and Open Space. It is Council's policy to take such measures as it considers desirable and appropriate to improve and maintain the quality of such areas. In Mixed Commercial-Residential Areas, Council encourages the maintenance and upgrading of existing buildings and structures.

#### 1.5 Kensington Market Action Plan

In June, 1997 Council approved the Kensington Market Action Plan, a revitalization plan for the area, which City staff developed in consultation with the Ward Councillor and the Market community. The Action Plan identified the following major areas for further action:

- ? Physical appearance of the Market
- ? Promotion of the Market
- ? Street Marketing
- ? Store vacancies
- ? Traffic
- ? Parking and Loading
- ? Garbage and recyclable material collection services and implementation

A community working group was convened to monitor and provide input into the Plan's implementation. Through the life of the initiative, the City and working group achieved most of the projects identified as part of the Action Plan, as well as several additional initiatives. The provision of grants to stimulate private investment in the improvement of the Market's commercial facades is a key element of the Community Improvement Plan.

## 2. OBJECTIVE OF THE PLAN

The principal objective of this Plan is to provide the Kensington Market Community Improvement Project Area with the statutory authority to access the funding and resources of City's Commercial Façade Improvement Programme. In so doing, the Plan will help leverage private investment directed towards enhancing the aesthetics of the commercial area. New

investment will strengthen Kensington Market as a distinct retail destination and contribute to the area's revitalization.

### 3. COMMERCIAL FAÇADE IMPROVEMENT PROGRAMME

The City's Commercial Façade Improvement Programme provides grants to commercial building owners whose properties are located in designated areas covered by approved community improvement plans. The Programme's objective is to improve the front exterior facades of commercial buildings by restoration, renovation and redesign. The Programme is an effective mechanism for facilitating economic revitalization in selectively targeted commercial districts.

#### 3.1 Kensington Market

The Commercial Façade Improvement Programme is recommended for Kensington Market because this commercial area meets the following criteria (found in Section 15.9 of the former City of Toronto Official Plan):

- (a) an improved appearance and increased public amenities in the area are needed;
- (b) the local business and residence association has put forth effort to promote and upgrade the area;
- (c) there is an opportunity for coordinating improvements with other capital programs such as, but not restricted to, sidewalk reconstruction and tree planting; and
- (d) it is a unique retail area to be given priority in improving public amenities and undertaking commercial revitalization measures.

#### 3.2 Programme Details

The applicant must be a registered property owner within the community improvement area, or a tenant that has the permission of the property owner to support an application.

A review committee consisting of representatives from the Kensington Market resident and business communities will be established. The committee will review the applications submitted and will make recommendations to the City.

The maximum grant is \$10,000 per property and \$12,500 for a corner property. Approved grants will cover up to 50% of the total eligible improvement up to the grant maximum. Individual projects under \$5,000 are not eligible since the minimum grant is \$2,500.

Once approved the applicant will enter into an agreement (Letter of Understanding) with the City in accordance with a schedule to complete the prescribed work. Upon completion of the agreed-to improvements, and upon submission of copies of the paid invoices covering the façade improvements and submission of photographs showing the new building façade, the City will issue a grant cheque to the applicant. All City taxes in arrears must be paid before the grant is issued.

If an applicant receives the maximum grant for a property, the property will not be eligible for further commercial façade improvement grants.

The anticipated programme length for Kensington Market is 5 (five) years, subject to budget approval by City Council. Extensions to the programme may be considered.

Full programme details are attached as Appendix A to this Plan.

### 3.3 Targeted Buildings

Kensington Market is characterised as an eclectic, low-rise commercial and residential area where retail and dwelling units alike are housed in primarily Victorian-style houseform buildings. To maintain and enhance this built form, grants should be targeted to eligible properties that have:

- (a) dilapidated, run-down, “eyesore” buildings, which detract from the area’s architectural character and appearance;
- (b) buildings with alterations that have damaged the appearance of the original building’s architectural character, e.g. covered windows, unsightly signage and deteriorated cornices;

or

- (c) landmark buildings.

## 4. PROGRAMME ADMINISTRATION AND IMPLEMENTATION

Staff of Economic Development, Culture and Tourism - Small Business and Local Partnerships will administer the Commercial Façade Improvement Programme identified in this Plan.

## 5. FUTURE CONSIDERATIONS

A Community Improvement Plan can identify provisions for a range of community interests including streetscape measures, municipal acquisition of lands and co-ordination of public investment. A number of initiatives should be undertaken for further study and consideration as funding opportunities arise.

### 5.1 Streetscaping

Undertaking streetscape improvements is the most common way of improving the physical amenity of public spaces in an area. There may be opportunities for improvements for public spaces, within the public road allowance and in neighbourhood parks. In particular, improvements to Bellevue Square park, such as the installation of benches, the upgrading of existing walkways and improved irrigation may be appropriate.

## 5.2 Street Lighting

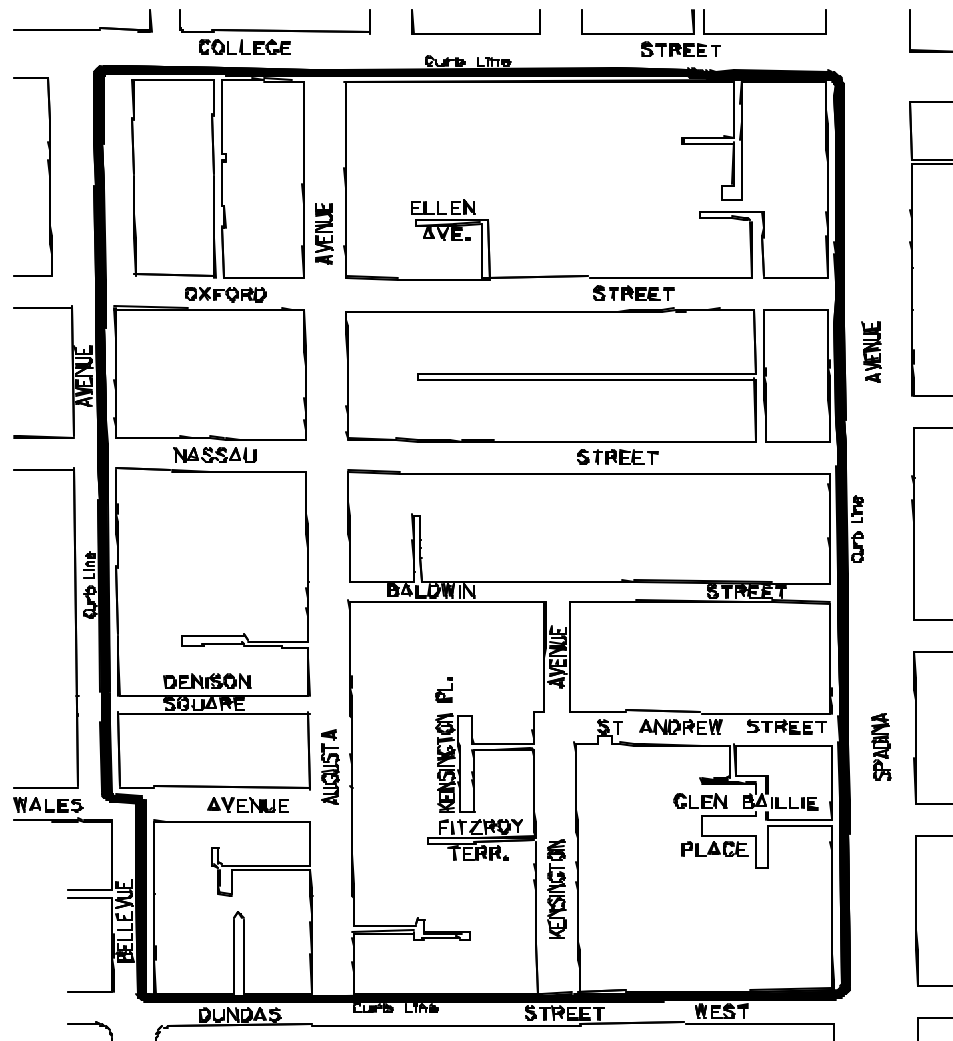
During public consultations, members of the Kensington Market community indicated that the street lighting is inadequate and people feel unsafe in the area. Improved street lighting may be an appropriate solution to enhance pedestrian safety and security at night.

## 5.3 Wayfinding and Signage

Kensington Market is a unique and specialised retail and tourist destination, but since it is not fronting on a major arterial road, it can be difficult for those unfamiliar with the area to find. An improved wayfinding and signage program can enhance the Market's visibility from College, Dundas, Bathurst Streets and Spadina Avenue, making it easier for visitors to get to.

Amendments to this Community Improvement Plan to achieve these and other projects can occur through the prescribed statutory process in order to advance community interests and the City's Official Plan policies on community improvements.

## MAP 1



**KENSINGTON MARKET  
COMMUNITY IMPROVEMENT PROJECT AREA**

60 0 50  
METRES



WORKS AND EMERGENCY SERVICES  
SURVEY AND MAPPING SERVICES  
TORONTO MAY, 2000  
B1A02/01P-KENS.DGN  
FILES: K2S-01P1  
MAP Name: SCH-11, SCH-12  
DRAWN: WL

## **Appendix “A”**

### Commercial Facade Improvement Grant Details and Application Procedures

Section 3 of this Plan sets out the Commercial Façade Improvement Grant Programme for Kensington Market and refers to this Appendix for further details.

(a) Project Term

The term of the Kensington Market Commercial Façade Improvement Grant Programme is to be five years from the date the Ministry of Municipal Affairs and Housing approves the Community Improvement Plan, with consideration then given to a further term.

(b) Grant Details and Payment of Grant

- (i) Amount: Eligible applicants for building façade improvements can receive grants of up to 50% of eligible costs up to a maximum of \$10,000.00 per property. Corner sites would be entitled to a grant up to a maximum of \$12,500.00. Improvement projects costing less than \$5,000.00 will not be eligible for a grant.

Façade improvements required through agreements pursuant to Section 37 of the *Planning Act* would not be eligible.

- (ii) Payment: The grant will be paid out as a cheque following: (i) receipt of paid invoices for the completed work; and (ii) inspection of the completed improvements by City officials. Grant approval will lapse if the City is not notified that the work has been completed by the project completion date indicated in a “Letter of Understanding” provided by the City to the applicant confirming that a grant has been agreed to subject to conditions. Extensions may be granted by the Commissioner of Economic Development, Culture and Tourism and his/her designate, the Managing Director of Economic Development, following receipt of a written request by the applicant indicating the reasons for the extension and the new date for completing the work.

(c) Approval Process

An application review committee comprised of members of the local businesses and local residents will review applications and advise the Commissioner of Economic Development, Culture and Tourism or his/her designate as to their recommendation. Applications for buildings which are listed or designated historical will also be reviewed by Heritage Preservation Services of the Department of Economic Development, Culture and Tourism.



(d) Application Procedure

A copy of the completed application form is to be sent to the Commissioner of Economic Development, Culture and Tourism, Attention: Small Business and Local Partnerships Office. Accompanying the application should be:

- (i) the correct street address;
- (ii) the Plan Number and Lot No(s);
- (iii) the width of the building façade;
- (iv) the Assessment Roll Number;
- (v) a photograph of the existing façade;
- (vi) detailed explanation and drawing illustrating the proposed improvements;
- (vii) two independent estimates of the cost of undertaking the proposed work;
- (viii) a signed copy of the “Declaration of Non-Discrimination” policy form;
- (ix) confirmation of ownership; and
- (x) any other submissions as may be deemed necessary.

(e) Delegation of Authority to Approve Grants

The approval process is streamlined by Council’s delegation of authority of approval to the Commissioner of Economic Development, Culture and Tourism and his/her designate, the Managing Director of Economic Development, thereby not requiring each application to be approved by City Council.

The delegation of the authority to approve individual grant applications on the basis of the grant details outlined in this Appendix is consistent with the City’s current practices for other loan and grant programs such as the Downtown Yonge Street Commercial Façade Improvement Grant and Loan Program. This eliminates the staff time required to prepare and process individual reports on each grant application and shortens the approval process by approximately six weeks.

(f) Letter of Understanding

Grant recipients will be required to sign a letter of understanding which includes the terms and conditions of the grant with the City of Toronto.

(g) Terms and Conditions of the Grants

If funding is to be provided by the City of Toronto (“the City”) for the commercial façade improvements, by signing and submitting the grant application the owner acknowledges and agrees to the following terms and conditions:

1.0 Use and Purpose of Grant

- 1.1 This Grant must be used only for the purposes of the commercial façade improvements as described on the grant application.

- 1.2 The grant recipient (“Recipient”) must notify the Community Advisor, Small Business and Local Partnerships, Economic Development, Culture and Tourism of any proposed material changes to the façade improvements from what is contained in the grant application. The grant can be used for such changes only with the prior written consent of the Managing Director of Economic Development.
- 1.3 The Recipient must not transfer or assign the grant or any part of it to another individual or corporation, without the prior written consent of the Managing Director of Economic Development.

2.0 Municipal Freedom of Information and Protection of Privacy Act

The information contained in the grant application is subject to the *Municipal Freedom of Information and Protection of Privacy Act*. All granting decisions are publicly available.

3.0 Anti-Racism, Access and Equity Guidelines

The Recipient must complete and file a Declaration of a Non-Discrimination Policy that indicates that the grant recipient has adopted and upholds a policy of access and non-discrimination based on the City’s Human Rights Policy. The Recipient will work actively to integrate anti-racism, access and equity, throughout their operations, in accordance with the City’s approved Anti-Racism, Access and Equity Policy as it relates to all grant recipients.

4.0 Grant Payments

If a grant is approved, the Recipient will be advised in writing as to the amount of the grant. The grant will be disbursed by cheque following:

- (a) completion of the façade improvements to the satisfaction of the Managing Director of Economic Development;
- (b) proof of payment of all invoices i.e. photocopies of all invoices stamped ‘paid’ relating to the façade improvements covered by the grant has been received by the Managing Director of Economic Development;
- (c) confirmation by the City that there are no outstanding taxes, water rates, or other sums owed to the City with respect to the property; and
- (d) submission of photographs of the building façade after the façade improvements have been completed.

5.0 Acknowledgement of Funding

The Recipient will acknowledge the support of the City of Toronto on any materials, reports, events, publicity or signage which are paid for in whole or in part with the funding.

6.0 Accounting

6.1 The Recipient must keep and maintain all records, invoices and other documents relating to the grant in a manner consistent with generally accepted accounting principles and clerical practices, and must maintain such records for a period of three (3) years from the date of approval of the grant.

6.2 The Recipient authorizes the City and its agents at all reasonable times to inspect and copy any and all records, invoices and documents in the custody or control of the Recipient which relate to the grant. The right of inspection includes the right to perform a full or partial audit of the aforementioned records, as considered appropriate by the City.

7.0 Project Completion Time

The facade improvements must be completed no later than completion date (written out in full) unless the Managing Director of Economic Development has provided prior written approval of an extension.

Under no circumstances shall the total time for the completion of the facade improvements, including any extensions, exceed eighteen months from the date of the original Letter of Understanding. In the event that any portion of the facade improvements remain incomplete, as determined by the City, on the final completion date, neither the grant nor any portion thereof shall be payable by the City.

8.0 Consultation

8.1 The City may involve individuals with appropriate expertise in the grant review process, which may include a peer/citizen review mechanism.

8.2 The City reserves the right to consult with other funding agencies to determine the eligibility of the applicant to receive a grant.

9.0 Limitation of Liability and Indemnification

9.1 The City will not be liable for any damages, injury or any loss of use or profit of the Recipient arising out of, or in any way related to the grant or to the Recipient's operations.

- 9.2 The Recipient shall indemnify the City, its officers, employees and agents, against all costs, damages and expenses incurred as a result of a claim or proceeding related to the grant or to the Recipient's operations, unless such costs, damages or expenses arise from the negligence or willful act of an officer, employee or agent of the City.

10.0 Grant Repayment

- 10.1 The Recipient must, at the request of the Managing Director of Economic Development, repay to the City the whole or any portion of the grant, as determined by the City, if the Recipient:

- (a) ceases operating;
- (b) winds up or dissolves;
- (c) merges or amalgamates with any other party;
- (d) commences or has commenced against her, him, it any proceedings in bankruptcy or is adjusted a bankrupt;
- (e) has knowingly provided false information in its grant application;
- (f) uses grant funds for purposes not approved;
- (g) breaches any of the terms or conditions of the grant; or
- (h) breaches any of the provisions of the Ontario Human Rights Code in its operations.

- 10.2 The Recipient must immediately notify the Managing Director of Economic Development of the occurrence of any of the events described in section 10.1.

- 10.3 The City may, in its sole discretion, require the Recipient to pay interest on any amount required to be repaid pursuant to this section at the prime rate of the Royal Bank of Canada from the date for the request for repayment to the date of repayment.

11.0 Unused Funds

Any unused portion of a grant remains the property of the City. If the City has already paid an unused portion of the grant to the Recipient, the Recipient must repay it to the City on request.

12.0 Further Conditions

The City shall be entitled, at any time, to impose such additional terms and conditions on the use of the grant which, in its sole discretion, it deems appropriate.

13.0 Report

The Recipient will provide to the Managing Director of Economic Development photographs of the building façade after the improvements to it have been completed and inspected.

14.0 Status of Applicant

The Recipient must be in good standing with the City of Toronto, having met the terms and conditions of any previous grant provided by the City.

15.0 Letter of Understanding

The Recipient must execute and return to the Managing Director of Economic Development an executed copy of a Letter of Understanding if a grant is approved.