

Authority: Economic and Community Development
Committee Item EC31.12, as adopted by City of
Toronto Council on July 19, 20, 21 and 22, 2022

CITY OF TORONTO

BY-LAW 917-2022

To amend City of Toronto Municipal Code Chapter 19, Business Improvement Areas, to make various housekeeping changes and changes relating to polling and other matters.

Whereas under Section 7 and paragraph 5 of Subsection 8(2) of the City of Toronto Act, 2006 (the "Act"), the City may designate business improvement areas as part of its authority to pass by-laws respecting the economic, social and environmental well-being of the City; and

Whereas under Sections 7 and 8 of the Act and the specific power in Section 141, the City may establish city boards for those purposes; and

Whereas Municipal Code Chapter 19, Business Improvement Areas, governs the designation of new business improvement areas, and the operation of all business improvement area boards of management established by the City; and

Whereas Council has authorized changes to Chapter 19 to make various housekeeping changes and changes relating to polling and other matters;

The Council of the City of Toronto enacts:

1. Chapter 19, Business Improvement Areas, of the City of Toronto Municipal Code is amended as follows:

- (1) by changing the title of Section 19-3.13. to "Councillors and non-member nominees attending annual general meetings".
- (2) by deleting "his or her" in the definitions of "Clerk" and "General Manager" in Section 19-1.1.A and replacing it with "their".
- (3) by deleting the definition of "Representative" in Section 19-1.1.A and inserting the following in alphabetical order:

"NON-MEMBER NOMINEE - An individual appointed in writing by a business improvement area member to stand for nomination to the board on behalf of the member."

- (4) by deleting "representative" in the definition of "Request for Board Appointment Nomination or Removal" in Section 19-1.1.A and replacing it with "non-member nominee".
- (5) by deleting Section 19-1.2.B and replacing it with "This chapter applies to a board established under this Code Chapter 19".

- (6) by deleting "Develop and implement a strategy to" in Section 19-2.2.A(3) and replacing it with "Develop and implement a strategy that is approved by the General Manager to".
- (7) by deleting "ten business days" in Sections 19-2.2.D(1) and (2) and replacing it with "fifteen business days".
- (8) by amending Section 19-2.2.E by inserting "and provided that the General Manager is satisfied with the process undertaken," after "process for the establishment of a new business improvement area or the expansion of an existing business improvement area".
- (9) by deleting "50 percent plus one" in Sections 19-2.2.F and 19-2.7.A(2) and replacing it with "more than 50 percent".
- (10) by deleting "(TPS)", "(GIS)" and "(MPAC)" in Section 19-2.3A.(2).
- (11) by deleting Sections 19-2.3.H and replacing it with:

"H. Council shall not pass a by-law to establish a new business improvement area if 50 percent or more of the accepted ballots respond in the negative."
- (12) by deleting Sections 19-2.4.H and replacing it with:

"H. Council shall not pass a by-law to expand an existing business improvement area if 50 percent or more of the accepted ballots respond in the negative."
- (13) by deleting Sections 19-2.3.M and 19-2.4.M and replacing them with the following:

"M. Ballots will be accepted only if:

 - (1) The ballot is received from:
 - (a) Persons who own rateable property on lists provided for in Subsection A;
 - (b) Persons who own rateable property within the boundary of the proposed business improvement area, and did not receive notification under Subsection A, but submitted proof of ownership;
 - (c) Persons within the identified polling area who are non-residential tenants of rateable property and submitted a declaration and valid proof of tenancy to the Clerk;
 - (2) The ballot is signed;
 - (3) A single discernable selection has been made on the ballot; and

(4) The ballot is received by the Clerk by mail, courier, fax, e-mail or hand delivery by 4:30 p.m. on the last day of the polling period."

(14) by deleting "a minimum of 50 percent plus one" in Section 19-2.7.A(2) and replacing it with "more than 50 percent".

(15) by deleting Section 19-2.7.I and replacing it with the following:

"I. Council shall not repeal a designating by-law if 40 percent or more of the accepted ballots respond in the negative."

(16) by deleting Section 19-2.7.N and replacing it with the following:

"N. Ballots will be accepted only if:

(1) The ballot is received from:

(a) Persons who own rateable property on lists provided for in Subsection B;

(b) Persons who own rateable property within the boundary of the proposed business improvement area, and did not receive notification under Subsection B, but submitted proof of ownership;

(c) Persons within the identified polling area who are non-residential tenants of rateable property and submitted a declaration and valid proof of tenancy to the Clerk;

(2) The ballot is signed;

(3) A single discernable selection has been made on the ballot; and

(4) The ballot is received by the Clerk by mail, courier, fax, e-mail or hand delivery by 4:30 p.m. on the last day of the polling period."

(17) by deleting "representatives" in Section 19-3.3.D(3) and replacing it with "non-member nominees".

(18) by deleting "as a representative" at the end of Section 19-3.3.F.

(19) by deleting Section 19-3.5.A and replacing it with the following:

"A. Nominees for appointment to a board for existing business improvement areas are to be elected at annual general meetings of the business improvement area membership to be held during or soon after a Council election year."

(20) by deleting "representative" in Section 19-3.5.D and replacing it with "non-member nominee".

(21) by deleting "representative" in Section 19-3.7.A and replacing it with "non-member nominee".

(22) by adding "Subject to Subsection 4.1A of Schedule B at the end of this chapter," to the beginning of Section 19-3.10.D.

- (23) by deleting "Representatives" in Section 19-3.13.B and replacing it with "Non-member nominees".
- (24) by deleting ",within six months of the adoption of this chapter," from Sections 19-3.14.A and 3.14.C.
- (25) by deleting Section 19-4.2.D and replacing it with the following:
"D. All financial transactions of the board shall be signed or authorized by two directors with signing authority."

2. This By-law shall come into force on the day it is enacted by Council.

Enacted and passed on July 22, 2022.

Frances Nunziata,
Speaker

(Seal of the City)

John D. Elvidge,
City Clerk