



## REPORT FOR ACTION

## Proposed Little Portugal On Dundas Business Improvement Area (BIA) Poll Results: The Merger of Two BIAs

**Date:** February 12, 2019  
**To:** Economic and Community Development Committee  
**From:** General Manager, Economic Development and Culture  
**Wards:** 9, 10 and 11

### SUMMARY

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The purpose of this report is to recommend that the area shown in Attachment No. 1 be designated as the Little Portugal On Dundas Business Improvement Area (BIA).

In accordance with the Toronto Municipal Code, Chapter 19, Business Improvement Areas, the City Clerk conducted a poll to determine if there is sufficient support to designate the area as the Little Portugal On Dundas BIA. The area is generally along Dundas Street West, between Shaw Street and the Canadian National Railway rail tracks west of Lansdowne Avenue. The City received a sufficient number of ballots to validate the poll and the majority of accepted ballots were in favour of establishing a BIA.

The proposed new Little Portugal On Dundas BIA represents the merger of the existing Dundas West and Little Portugal BIAs as shown in Attachment No. 2. Further steps to transition from two (2) separate BIAs to one (1) BIA, including continuity of activities and the transfer of assets and liabilities, are also described in this report.

Council's approval of the Little Portugal On Dundas BIA boundary, represented by the Dundas West and Little Portugal BIAs boundaries, will result in a reduction of the number of the City's BIAs from eighty-three (83) to eighty-two (82).

### RECOMMENDATIONS

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The General Manager, Economic Development and Culture recommends that:

1. City Council designate, based on the poll results respecting the intention to designate the Little Portugal On Dundas Business Improvement Area (BIA), the area described by Attachment No. 1 as the Little Portugal On Dundas Business Improvement Area (BIA), under the Toronto Municipal Code, Chapter 19, Business Improvement Areas.

2. City Council authorize the existing Dundas West and Little Portugal BIAs boards of management to remain in place and to continue with ongoing programming until the board of management for the new Little Portugal On Dundas BIA is established and a new budget is approved.
3. City Council direct the City Solicitor to submit a by-law to designate the area described in Attachment No. 1, as the Little Portugal On Dundas BIA.
4. City Council approve those amendments necessary to Schedule "A" of the Toronto Municipal Code, Chapter 19, Business Improvement Areas, to include the Little Portugal On Dundas BIA.

## **FINANCIAL IMPACT**

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There are no financial impacts to the City as BIA Operating Budgets are funded by BIA levies on area commercial properties. As this report recommends the merger of two existing BIAs, the assets, liabilities, and other contractual commitments of both boards of management will be assumed by the Little Portugal On Dundas board of management once it is established. The first Operating Budget of the new Little Portugal On Dundas BIA will be submitted to the April 3, 2019 meeting of the Economic and Community Development Committee meeting as part of BIA budget report No. 3.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

## **DECISION HISTORY**

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At its meeting of June 26, 2018, City Council adopted item ED30.6, entitled "Intention to Designate the Little Portugal Toronto Business Improvement Area." The staff report recommended that the subject area be designated as a BIA, subject to a favourable poll result.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.ED30.6>

Since that time the Steering Committee agreed to proceed with the name "Little Portugal On Dundas" BIA rather than "Little Portugal Toronto BIA", that was used in the early stages of the process.

## COMMENTS

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### Poll Results:

Before passing a by-law to establish a BIA, the Toronto Municipal Code, Chapter 19, Business Improvement Areas, requires notice of the proposed by-law be sent by prepaid mail to every person who is listed as an owner and is assessed for rateable property that is in a business property class that is located in the proposed business improvement area using the following documents:

1. Current returned assessment roll; and/or
2. Municipal Connect, Toronto Property System (TPS) or any other related geographic information system (GIS) developed using information from Municipal Property Assessment Corporation (MPAC) and City records.

Any person who receives notice is required to give a copy of the notice to each commercial/industrial tenant of the property to which the notice relates.

The steering committee provided unaddressed notices to commercial and industrial tenants of those properties receiving notice. The notice included a copy of the ballot with instructions on how to obtain a printable copy of the ballot through the Clerk or from the City's website, along with acceptable forms of proof of tenancy.

A person receiving notice is entitled to complete and submit one ballot regardless of the number of properties or businesses owned by that person within the proposed business improvement area. The polling period commenced on August 20, 2018, for 60 days and closed on October 18, 2018. The City Clerk determines whether all conditions have been met and, if they are, shall issue a certificate affirming the fact.

Council cannot pass a by-law to establish a new Business Improvement Area if:

1. The number of accepted ballots returned fails to exceed the lesser of a minimum of 30 percent of the number of notices mailed or 100 ballots; or
2. Fifty percent or more of the accepted ballots respond in the negative.

On August 20, 2018, the City Clerk mailed a total of three hundred and two (302) notices and ballots for the Intention to Designate the Little Portugal Toronto Business Improvement Area (BIA) (one to each of the owners of commercial/industrial property assessed for rateable property within the proposed BIA), to determine if there is sufficient support to establish the BIA. Twenty-two (22) of the ballots were returned by Canada Post, resulting in a total of two hundred and eighty (280) persons identified to receive notice. In this instance, eighty-four (84) ballots (30%) were required to validate the poll.

The City Clerk received a total of one hundred and sixteen (116) ballots by October 18, 2018, the end of the notice period, satisfying the criteria for the first bench mark as set out in the Toronto Municipal Code, Chapter 19-2.3H(1).

A total of one hundred and four (104) of the one hundred and sixteen (116) returned ballots (90%) were in favour of establishing the proposed BIA, meeting the second bench mark as set out in the Toronto Municipal Code Chapter 19-2.3H(2). A total of nine (9) ballots (8%) opposed the BIA and three (3) ballots (2%) were spoiled.

Based on the results, it is recommended that Council pass a by-law to designate the Little Portugal On Dundas Business Improvement Area, as described by Attachment No. 1.

#### Continuity of Activities:

Until the new Little Portugal On Dundas BIA holds an inaugural AGM to elect a Board and adopt a budget, the existing Dundas West and Little Portugal BIAs boards of management will remain in place to continue with ongoing programming including the jointly held, June 7 and 8, 2019 Dundas WestFest, the graffiti abatement program and the maintenance of assets. The assets, liabilities, and other contractual commitments of the boards of management will be assumed by the Little Portugal On Dundas board of management once it is established.

Both BIAs have positive financial reserves as identified in their most recent 2017 audited financial statements, as adopted by Council. In accordance with the Toronto Municipal Code, Chapter 19, year-end 2018 audits for both BIAs are scheduled to be completed by the end of the second quarter of 2019 for council's consideration.

As well, in order to ensure a smooth transition to a merged BIA, staff from the Toronto BIA Office and Finance will work with the BIA and its auditor to oversee the transition including accounting of all assets and liabilities, establishment of a BIA procedural by-law, and any contractual obligations that may need to be transitioned to the new BIA.

#### Conclusion:

This report seeks Council's approval to establish a new Little Portugal On Dundas BIA, based on the results of a poll conducted by the City Clerk. The new BIA is a merger of the existing Dundas West and Little Portugal BIAs.

Staff is also requesting that Council authorize the existing BIA boards of management to remain in place to continue existing programming and activities until a new board of management is appointed and budget adopted.

In order to ensure the seamless transition from two BIAs to one merged BIA and the transfer of assets and liabilities, City staff will continue to work with the existing BIAs, the merger steering committee, the new BIA board and an auditor selected by the new BIA to oversee the process.

## **CONTACT**

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## **SIGNATURE**

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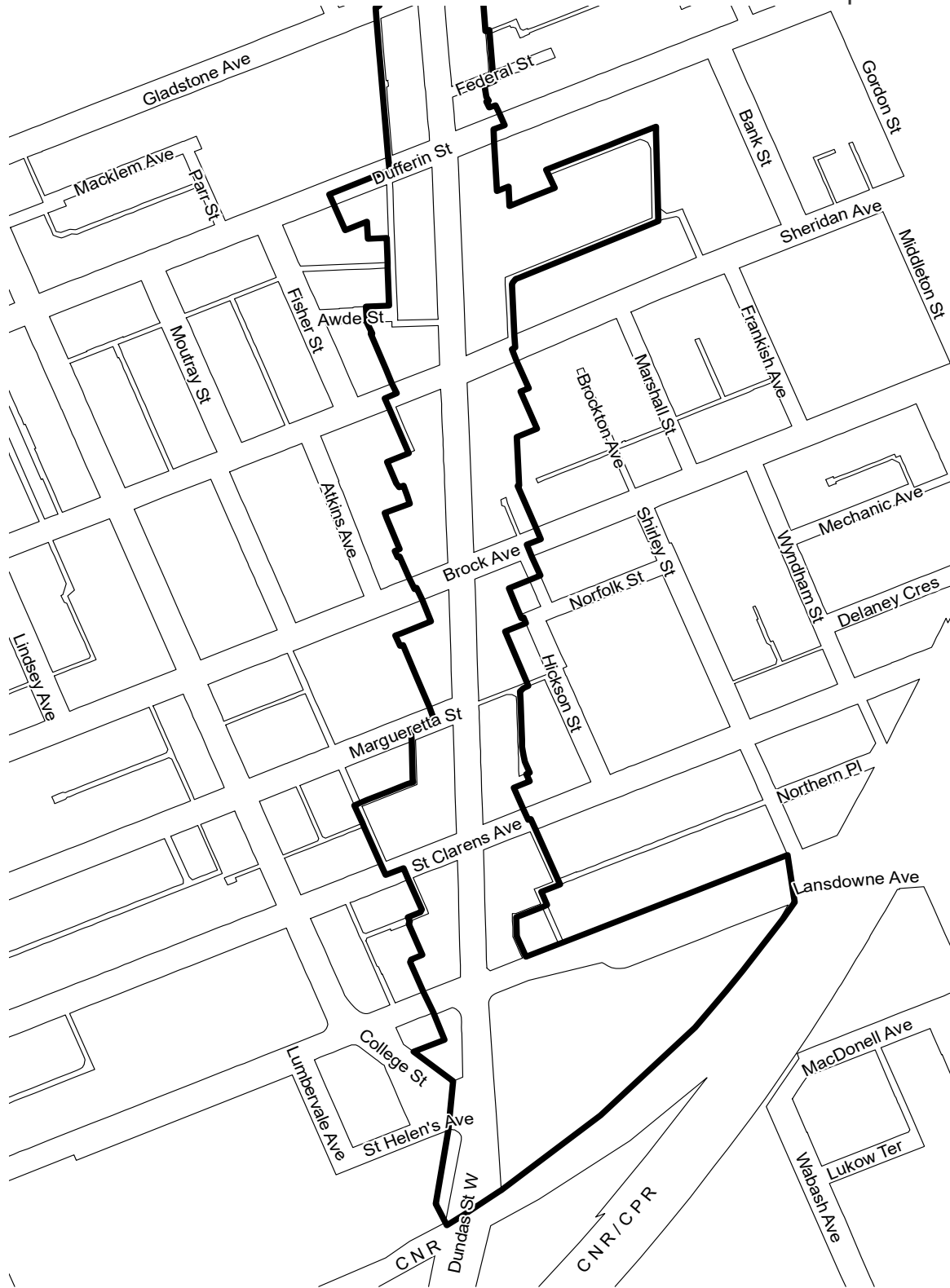
Mike Williams, General Manager  
Economic Development and Culture


## **ATTACHMENTS**

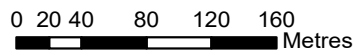
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Attachment No. 1 – Map of Little Portugal On Dundas Business Improvement Area (BIA)

Attachment No. 2 – Map of Little Portugal On Dundas Business Improvement Area (BIA), Including Existing Dundas West BIA and Little Portugal BIA

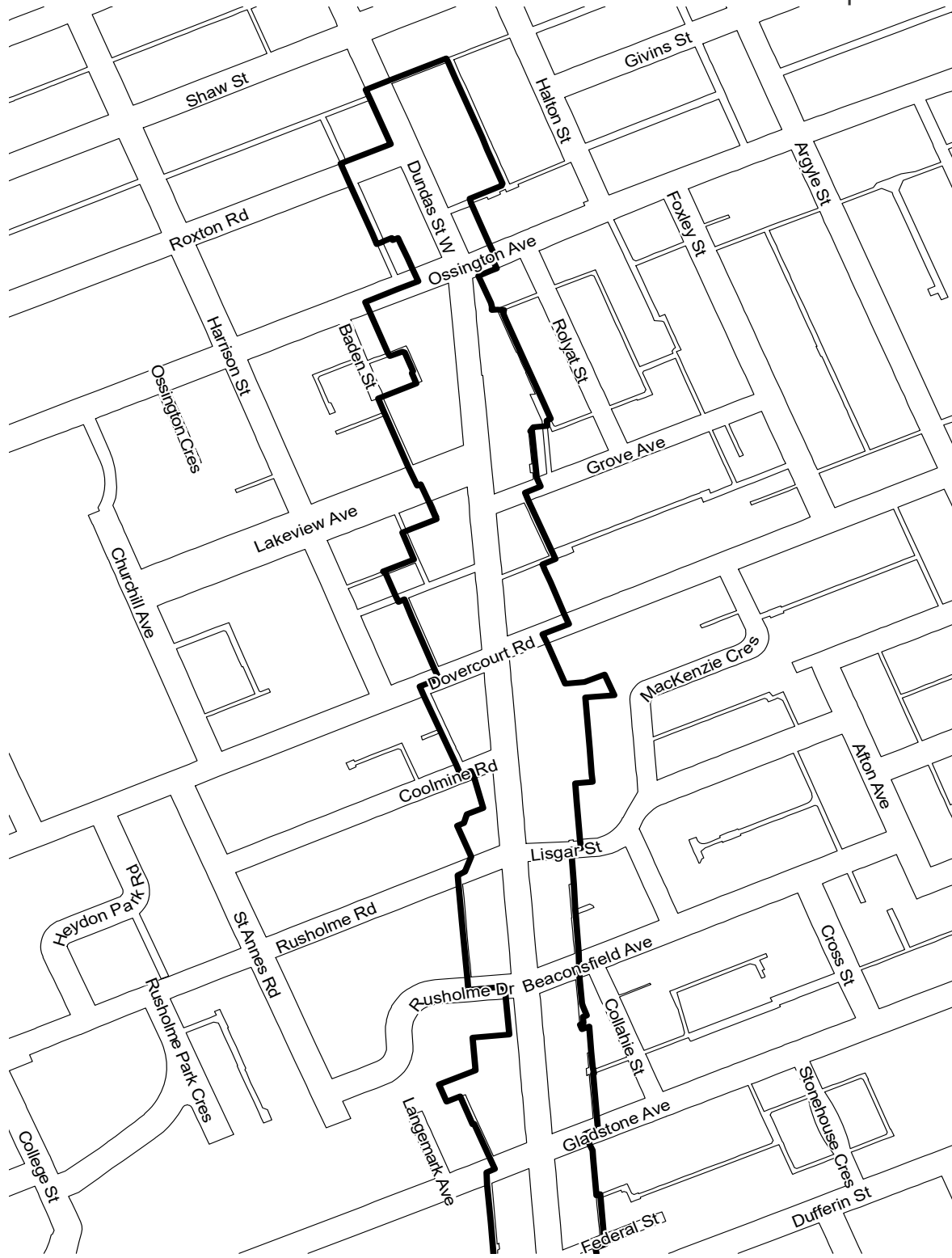



 Little Portugal On Dundas BIA

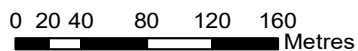


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December 2018

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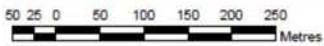
 Little Portugal On Dundas BIA



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LittlePortugalOD\_2018\_bi\_2.mxd  
 December 2018

# Proposed Little Portugal On Dundas BIA\*



\* The Proposed Little Portugal Toronto On Dundas BIA boundary will include the existing Dundas West BIA and Little Portugal BIA boundaries.

Map File: web\LittlePortugalODNewProp.mxd  
Created, January 2019

