

## City Council

### Motion Without Notice

MM37.35	ACTION			Ward: 10
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**Toronto Downtown West Business Improvement Area extension of polling period - by Councillor Joe Cressy, seconded by Councillor Mike Layton**

*\* This Motion has been deemed urgent by the Chair.*

*\* This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

### Recommendations

Councillor Joe Cressy, seconded by Councillor Mike Layton, recommends that:

1. City Council waive Subsection 19-2.4 N (2) and 19.2.4 N (4) of City of Toronto Municipal Code Chapter 19, Business Improvement Areas, to reopen the poll to allow for a secondary polling period for the expansion of the Toronto Downtown West Business Improvement Area.
2. City Council waive Subsection 19-2.4 I of City of Toronto Municipal Code Chapter 19, Business Improvement Areas to allow for a 30 day secondary polling period with the start and end dates to be determined by the City Clerk's Office.
3. City Council direct that the revised notification containing details of the secondary polling period follow the same methods as the original notification as set out in Subsections 19-2.4 A, B, and C and that persons shall be directed to provide a copy of the notice to tenants within 15 days of the date of the revised notice, rather than within the 30 days prescribed in Subsection B.
4. City Council direct that, as outlined in 19-2.4 M (4) ballots will be accepted if received by 4:30 p.m. on the last day of the "secondary polling period".

### Summary

This Motion asks City Council to waive the requirements of City of Toronto Municipal Code Chapter 19, Business Improvement Areas, and establish a secondary polling period on the proposed expansion of the Toronto Downtown West Business Improvement Area in light of the impact of the pandemic on the response to the poll. This request has been prepared in consultation with the Toronto Downtown West BIA Boundary Expansion Subcommittee and working with staff in the Business Improvement Area Office.

On February 2, 2021, City Council stated its intention to pass a by-law to expand the Toronto Entertainment District Business Improvement Area (BIA) to include the area bounded by

Richmond Street West (both sides) to the north, Spadina Avenue to the east, Front Street West to the south, and Bathurst Street to the west. On May 5, 2021, City Council approved the renaming of the Toronto Entertainment District BIA as the Toronto Downtown West BIA.

On July 5, 2021 the City Clerk sent out notice of City Council's intention to pass a by-law designating the expanded Toronto Downtown West Business Improvement Area, in accordance with the City of Toronto Municipal Code Chapter 19, Business Improvement Areas. As of September 2, 2021, the closing date of the poll, a total of 37 ballots were received, out of 258 ballots sent by the City Clerk. Although the majority of ballots received were in favour of expanding the BIA, the City Clerk did not receive a sufficient number of ballots to validate the poll.

Many business and property owners reported not receiving the polling notice, which was sent by mail at a time when many places of business were closed or operating under reduced hours or staff were working from home.

Given the circumstances of the pandemic, this motion seeks City Council authority to provide an additional opportunity for businesses and property owners to vote on the proposed BIA expansion by establishing a second polling period. Any new ballots received during the secondary polling period will be added to the 37 ballots already received.

Notice of the secondary polling period will be provided in a similar manner to the initial notice. The polling period will be 30 days, with start and end dates to be determined by the City Clerk. Property owners receiving the notice will be required to provide a copy to their non-residential tenants within 15 days of the date of the notice.

This motion is urgent to allow the polling process to be re-opened and concluded without additional unnecessary delay.

### **Background Information (City Council)**

Member Motion MM37.35