

## **Toronto Downtown West Business Improvement Area Expansion Poll Results**

**Date:** June 21, 2022

**To:** Economic and Community Development Committee

**From:** Interim General Manager, Economic Development and Culture

**Wards:** Spadina-Fort York

### **SUMMARY**

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In accordance with City of Toronto Municipal Code Chapter 19, Business Improvement Areas ("Chapter 19"), the City Clerk conducted a poll to determine if there is sufficient support to expand the Toronto Downtown West BIA boundary.

The City Clerk received a sufficient number of ballots to validate the poll and the majority of accepted ballots were in favour of expanding the BIA. Accordingly, it is recommended that City Council pass a by-law to designate the area described by the map in Attachment 1 as the expanded boundaries of the Toronto Downtown West BIA.

### **RECOMMENDATIONS**

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The Interim General Manager, Economic Development and Culture recommends that:

1. City Council designate, based on the poll results respecting the intention to expand the Toronto Downtown West Business Improvement Area, the area outlined in Attachment 1, as the expanded boundaries of the Toronto Downtown West Business Improvement Area (BIA), under the City of Toronto Municipal Code Chapter 19, Business Improvement Areas.
2. City Council direct the City Solicitor to submit a By-law to designate the area outlined in Attachment 1 as the expanded boundaries of the Toronto Downtown West Business Improvement Area.
3. City Council amend Schedule A of the City of Toronto Municipal Code Chapter 19, Business Improvement Areas, as necessary, to reflect the expanded boundaries of the Toronto Downtown West Business Improvement Area

## **FINANCIAL IMPACT**

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There are no immediate costs associated with the expansion of boundaries of the Toronto Downtown West Business Improvement Area.

There may be increased Capital expenditures in future years should streetscape or other capital improvements be undertaken by the expanded BIA. If required, they will be included as part of future Economic Development and Culture's Capital Budget and Plan submissions for City Council consideration. Capital improvements are generally cost-shared equally between the BIA and the City.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the information as presented in the Financial Impact Section.

## **DECISION HISTORY**

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At its meeting on February 2, 2021, City Council set aside the requirement for a formal public consultation meeting and directed the City Clerk to conduct a poll concerning the proposed expansion of the Toronto Downtown West BIA. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.EC19.6>

On November 9, 2021, City Council adopted MM37.35 to reopen the poll concerning the expansion of the Toronto Downtown West BIA to allow for a secondary polling period in light of the impact of the pandemic on the response to the poll. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.MM37.35>

## **COMMENTS**

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Before passing a by-law to expand a BIA, the Toronto Municipal Code, Chapter 19, Business Improvement Areas, requires that the City Clerk conduct a poll to determine if there is sufficient support. Polling notices are mailed to every person listed as an assessed owner of rateable property in a business property class within the proposed expansion area.

Any person who receives notice is required to give a copy to non-residential tenants of the subject property. In addition, the BIA steering committee provides unaddressed notices to all businesses and non-residential tenants within the expansion area. The notice includes a copy of the ballot and voter declaration form.

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 expansion area. The City Clerk records and certifies the results of the poll.

Chapter 19 establishes two benchmarks for determining whether a poll has succeeded. Council cannot pass a by-law to expand a Business Improvement Area if:

1. The number of accepted ballots returned fails to exceed the lesser of a minimum of thirty (30) percent of the number of notices mailed or one hundred (100) ballots; or
2. Fifty (50) percent or more of the accepted ballots respond in the negative.

On July 5, 2021, the City Clerk mailed notices and ballots to each of the owners of commercial/industrial property assessed for rateable property within the proposed BIA expansion area, to determine if there is sufficient support to expand the Toronto Downtown West BIA. The City Clerk received thirty-seven (37) ballots by September 2, 2021, the end of the notice period. The City Clerk did not receive a sufficient number of ballots to validate the poll.

Due to the impact of the pandemic, on November 9, 2021, City Council voted to waive Subsections 19-2.4 I, 19-2.4 N (2) and 19.2.4 N (4) of Municipal Code Chapter 19 to allow for a second 30 day polling period.

On April 7, 2022, the City Clerk mailed a total of two hundred sixty-five (265) eligible notices and ballots for the Intention to Expand the Toronto Downtown West BIA poll. In this instance, sixty-one (61) ballots were required to validate the poll.

The City Clerk received an additional twenty-five (25) ballots by May 6, 2022, the end of the secondary polling period, for a total of sixty-two (62) ballots, satisfying the criteria for the first benchmark as set out in the Toronto Municipal Code, Chapter 19-2.4H(1).

A total of forty-nine (49) of the sixty-two (62) returned ballots (79 percent) were in favour of expanding the BIA, meeting the second benchmark as set out in the Toronto Municipal Code Chapter 19-2.4H(2). A total of thirteen (13) ballots (21 percent) opposed the expansion of the BIA.

Based on the results, it is recommended that Council pass a by-law to designate the expanded Toronto Downtown West BIA, as described by Attachment No. 1.

## **CONTACT**

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## **SIGNATURE**

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Cheryl Blackman, Interim General Manager  
Economic Development and Culture

## **ATTACHMENTS**

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Attachment 1 – Map of the Toronto Downtown West Business Improvement Area and Proposed Expansion