

Attachment 4

City of Toronto Public Art and Monument Donations Policy

Substantive changes to current version of policy are underlined for reference.

1. Policy Statement

The City of Toronto *Public Art and Monuments Donation Policy* establishes the process to be followed when an individual or organization wishes to donate to the City a work of public art or a monument or memorial intended to commemorate a significant individual, place or event on public property. The policy also sets out criteria that will evaluate the proposal and provides for the approval of a donation.

The City recognizes the value of public space and the need to balance a variety of interests in facilitating how these spaces are used. This policy strives to harmonize the desire to add works to the City's Public Art and Monuments Collection as well as memorialize and commemorate certain events that provide a collective identity/remembrance, with the accessibility and enjoyment of that space by the broader public, and/or the specific ecological/cultural/geographic attributes of the site.

This policy provides clarity to donors on donation requirements, including both the relevance of the donation to the City and its residents and the value of public input and engagement in shaping the body of works displayed in the City's public spaces.

This policy applies to property owned or managed by the City or its agencies. This policy does not apply to donations situated on private property.

2. Purpose of the Policy

2.1 The purpose of the *Public Art and Monuments Donation Policy* is to:

- Set out technical, aesthetic and thematic criteria for donation proposals;
- Provide guidelines to direct the application process for donation proposals; and
- Establish clarity on the responsibilities of the donor and the overall conditions of approval.

3. Definitions

3.1 *Applicant* refers to the person or group of people that make a formal application to donate a work of public art or a monument to the City of Toronto's Public Art and Monuments Collection.

3.2 *City* refers to the City of Toronto.

3.3 *City Property* refers to any City owned or managed real property or related assets.

- 3.4 *Commemorative* refers to the intention to acknowledge the memory of people, places, events, and ideas.
- 3.5 *Donation* refers to the permanent transfer of legal title by means of a donation or bequest of an object (property) to the Public Art and Monuments Collection of the City of Toronto.
- 3.6 *Monument or Memorial* refers to enduring structures that serve to commemorate or mark an individual, place or event and may include both physical and/or natural elements.
- 3.7 *Public Art* refers to an enduring work of art installed in the public realm. It may be site specific and/or integrated into public space in the form of sculptural work, building fabric, landscape forms, audio or visual works, and may commemorate an event, person, or place of historical importance.
- 3.8 *Public Art and Monuments Collection* refers to the collected works of enduring public art and monuments specifically identified as assets belonging to the City of Toronto and managed and maintained by the Economic Development and Culture Division or other identified City agencies. This collection excludes temporary installations, street art murals, and public realm landscaping features not identified as artwork belonging to the collection.
- 3.9 *Professional artist* refers to someone who:
- has specialized artistic training (not necessarily in academic institutions)
 - is recognized as a professional by their peers (artists working in the same artistic tradition)
 - has a history of public exhibitions
 - has produced an independent body work of that has been presented, exhibited, or published in a visual arts context (including architecture and design)
 - holds copyright to their intellectual property

4. Donation Criteria

4.1 Preliminary Application Requirements

A preliminary application for all donation proposals detailing the description of the proposed work of public art or monument must be submitted, in writing, to Economic Development and Culture and include the following information:

4.1.1 Description of the proposed donation's direct connection to Toronto, Ontario or Canada.

4.1.2 Donations that are commemorative in nature must demonstrate clear alignment with the City of Toronto's Guiding Principles for Commemoration, and:

4.1.2.1 feature a significant contribution from Canadians, or

4.2.1.2 be an event that occurred in Canada, or

4.2.1.3 feature a person or event that is officially recognized by the Government of Canada and for which it confirms its support.

The Applicant must provide sufficient detail such that an accurate assessment of local significance and relevance can be made, including for commemorative donations, historical, archival or other information that clearly demonstrates the significance of the commemoration.

4.1.3 Identification of the professional artist if the work already exists or a shortlist of professional artists selected to produce the work.

4.1.4 Written acknowledgement that there will not be conditions attached to the donation (i.e. location, installation, design, timeframe, size).

4.1.5 A selection of sites for the proposed donation

The City may request further information from the donor to allow for an accurate assessment of the proposal, including overall public support of the proposal.

4.2 Application Requirements

Economic Development and Culture will advise the applicant if their preliminary donation proposal is acceptable for placement on City Property, as decided by an internal review panel comprised of City staff from Economic Development and Culture, City Planning, the City Clerk's Office, and the City Division or Agency responsible for the proposed site to assess if the proposed donation is acceptable for placement on City property, and will advise the applicant of the results of the panel's assessment. If the preliminary proposal is not approved, the Applicant will be advised of the reason(s). If the preliminary proposal is approved, the Applicant will then submit the following, in writing, to Economic Development and Culture:

4.2.1 Detailed description of the technical and aesthetic considerations of the project, as noted in Section 4.3 Technical and Aesthetic Criteria;

4.2.1.1 If the donation is commemorative in nature, the Applicant must include a detailed description of how the proposal aligns with the City of Toronto's Guiding Principles for Commemoration;

4.2.2 Letters of support for the project;

4.2.3 An inspection and maintenance plan;

4.2.4 A public consultation plan;

4.2.5 An estimated project timeline; and

- 4.2.6 A full budget proposal, including a letter of intent describing the strategy to raise the necessary funds, including long term maintenance, for the project.

The internal review panel will review all completed applications to ensure technical, aesthetic, thematic, location, public consultation and funding criteria are met.

4.3 Technical and Aesthetic Criteria

Technical and aesthetic considerations will be specific to the individual proposal and location and will include but are not limited to:

- Quality of the work, based on a professional assessment of the work by the City of the detailed written proposal, drawing and/or maquette, or photographs;
- Suitability of the theme of the donation to a public venue and appropriateness of the artwork to the site;
- If donation is commemorative in nature, clear demonstration of alignment with City of Toronto's Guiding Principles for Commemoration;
- Appropriateness of the process for selecting the artist and/or artwork;
- Suitability of the work to the technical requirements of installation in public space;
- The materials proposed and their documented performance of durability in outdoor Canadian environment and other urban conditions;
- Susceptibility of the work to wear, ongoing maintenance requirements; vandalism and potential danger to the public;
- The dimensions of the proposed donation including the foundation (above and below ground if required) and the manner in which the structure will be affixed to the foundation;
- Absence of conditions imposed by the donor; and
- Compliance with all other applicable bylaws, policies, guidelines and provincial or federal legislation and regulations, as required.

4.3.1 The chosen design shall not be or be perceived to be discriminatory or derogatory of race, colour, ethnic origin, gender identity or expression, sex, sexual orientation, creed, political affiliation, disability or other social factors.

4.3.2 Donations relating to recent events or recently deceased individuals may be considered after five years. The donation shall not make a direct or

indirect reference to recent events or recently deceased individuals, except where the event or the individual had a legacy of significant contribution to the City of Toronto.

- 4.3.3 The proposed work must be produced by a professional artist and the qualifications of the artist will be evaluated by the City based on documentation of past work and the artist's professional background.
- 4.3.4 At any point in the review process, the City may consult with and seek the professional opinion of external experts regarding the suitability and design of a donation as it pertains to the criteria identified in the Policy.
- 4.3.5 Additional criteria may be determined depending on the site, operating requirements, maintenance costs and context.
- 4.3.6 This policy does not permit commemorative donation proposals for events or individuals where a monument or memorial already exists in the City of Toronto, nor donation proposals commemorating specific individuals when an ensemble memorial exists (i.e. the Fallen Firefighters Memorial).

4.4 Location Selection

- 4.4.1 The City shall determine the location for a donation. Applicants may choose to propose a specific site which will be evaluated against the following criteria:
 - Relationship of the donation to the history, geography or any other specific cultural aspect of the site and its surroundings;
 - Consistency with the design of the site including any heritage aspects;
 - Relevance and compatibility with existing structures on the site;
 - Usage of space surrounding the donation;
 - The donation will not negatively encroach on the other landscape, natural or architectural elements in or surrounding the site; and
 - Suitability of the design and scale of the proposed donation to the site.
- 4.4.2 The City may, from time to time, deem certain public spaces unsuitable for any new public art elements, including memorials or monuments. Reasons for unsuitability may include, but are not limited to, ecological sensitivity, existing or ongoing site Master Plans, Official Plans, site saturation, and appropriateness.
- 4.4.3 The City may consult the donor on potential locations for the donation but will ultimately make the final determination on the chosen location for the donation.

4.4.4 The City reserves the right to relocate or remove a donation for operational or other requirements.

4.5 Public Approval

4.5.1 The public consultation plan submitted as part of the full application must be completed to ensure the public and all local stakeholders are provided with an opportunity to comment on the design, theme and siting of all donation proposals, once a location has been proposed.

4.5.2 Applicants shall assume all costs associated with the public consultation process.

4.5.3 City staff will carry out public consultation notification requirements on behalf of the Applicant and will conduct the consultation and analyze the results of the process.

4.5.4 Comments from the public will be received by Economic Development & Culture during the public consultation period.

4.5.5 The City will exercise its expertise in seeking, gathering, and evaluating public input and will make a determination of whether the donation meets sufficient public approval to proceed. The City may choose to assist with further discussion between the donor and parties that are in disagreement with either the location, design or subject matter of the proposed donation.

4.6 Funding

4.6.1 All costs associated with the donation of a work of public art, monument or memorial, including design, public consultation, production, siting, installation and a maintenance fund, shall be the sole responsibility of the Applicant.

4.6.2 Applicants must submit a full budget for the project, including confirmation of funds for a minimum of 30% of the cost of the donation prior to City consideration via a confirmation letter from an accredited financial institution or foundation.

4.6.3 The Applicant will submit a maintenance manual which shall be reviewed and approved by the City. The maintenance plan must provide projected maintenance costs for a minimum of 20 years. A minimum of 10% of the project costs will be provided to the City to be placed in the Public Art Reserve Fund managed by Economic Development and Culture.

4.6.4 Approval of a donation is conditional subject to a submission to the City providing proof of full funding of the project.

4.6.5 Proof of full funding for the project must be provided no later than two

years from the date the City provides communication that the donation is conditionally approved.

5. Donation Approval

- 5.1 Once a submission is recommended for approval by City staff, and the Applicant demonstrates that all specific location requirements have been met, the proposal will be considered by Community Council or Standing Committee as appropriate, and then by City Council.
- 5.2 Once City Council approves the donation, the applicant will work in coordination with the host Division to establish an implementation work plan, which must include confirmation of full funding of the project.
- 5.3 An approved project must physically commence within two years of approval. If the Applicant cannot meet this requirement, they must provide an annual update on progress to the host Division and Economic Development and Culture, and the Division and Economic Development and Culture will determine whether to extend the deadline. Their decision regarding an extension is final.

6. Related City Policies

- 6.1 [City of Toronto Guiding Principles for Commemoration](#)
- 6.2 [City of Toronto Street Naming Policy](#)
- 6.3 [City of Toronto Property Naming Policy](#)
- 6.4 [City of Toronto Individual and Corporate Naming Rights Policy](#)