

1889 AVENUE ROAD, TORONTO, ONTARIO M5M 3Z9
TELEPHONE: (416) 787-6238



Dear Economic and Community Development Committee,

My name is Alex Fraser and my business is Spokes and Sports located at 1889 Avenue Road. I am a non-residential tenant in the proposed Upper Avenue Road BIA area. I am writing to you today regarding "Proposed Upper Avenue Business Improvement Area Poll Results (Ward 8)" Item number EC 18.2 for the meeting on February 26th at 9:30 am.

I am writing to inform you that I was not made aware of the BIA poll that took place in the fall of 2024 between October 15th and December 13th and do not feel that its results accurately reflect the true feelings of the community towards enacting a BIA on Avenue Road. Contrary to Chapter 19 of the Toronto Municipal Code, Section 2.3 Subsection B, I did not receive notice or information about the vote from my property owner and was not provided any information by him/her in regards to the reason for the vote, the vote deadline, or how to vote. I also was not provided with a ballot by my Landlord or information on where to find the ballot on the City's website. In addition, and contrary to Chapter 19 of the Toronto Municipal code, Section 2.3 Subsection C which states that: "The steering committee shall also distribute the notice to all persons who are non-residential tenants of those properties receiving notice under Subsection A", I did not receive notice, information/resources, or a ballot from anyone identifying as a person associated with the Steering Committee.

Aside from my failure to receive proper notice from my Landlord and/or the Steering Committee, I am also concerned that the Canada Post postal strike occurred on November 15th, 2024 during the voting window which may have hindered the process and not allowed for votes to be submitted by mail as outlined in Chapter 19.

I want to make it clear that I intended to vote no in this poll and would like the opportunity to have my voice heard in a re-vote.

Thank you for your consideration and I hope you will see that this vote must be redone with proper notice and not during a postal strike.

Regards,

Alex Fraser

Dear Members of the Economic and Community Development Committee,

I am writing to formally express my opposition to the proposed establishment of the Upper Avenue Business Improvement Area (BIA) on behalf of myself and other property and business owners in the area. As a business owner within the affected area, I have significant concerns regarding the potential impacts of this initiative and more importantly, knowledge of significant concern regarding how the poll was conducted in the fall of 2024.

While I understand you have been presented with the results of a poll showing 66 votes in favour of the BIA and 8 against, I am presenting you with facts, letters of opposition, firsthand experience and a petition to show that this poll does not reflect the true feelings of the community. I am asking for a revote on behalf of all of us who did not receive the requisite notice and therefore did not have a chance to participate in this vote concerning such an important change to the Avenue Road Community.

To the best of my knowledge, here are some of the facts, experiences, and issues of concern that point to a poll that violated the rules of the poll set out in Chapter 19 and created a situation of inequity that undermines the validity of the poll results and justifies the call for either a revote, or an extension of the vote on this matter so that all voices from the Avenue Road community have a chance to be heard.

1. **Businesses (non-residential tenants) were not made aware of the vote.** The petition and letters below show 50 business owners and property owners who were not aware of the vote and therefore were not able to have their voice heard regarding this matter. I collected these names myself, walking Avenue Road in just three days. Given more time and resources, I am confident I would be able to collect more. In contrast, the voting window for the BIA was 60 days, and only 66 votes were collected in favour. Three of the business owners/property owners on the petition voted no in the poll but are showing their support for the rest of us who were not aware.
2. **Collection of Votes directly by Steering Committee.** Based on discussions with fellow business owners and property owners who voted yes in the poll, I was informed by them that Stephen Lokash, the head of the Upper Avenue Steering Committee and BIA advisor to Councillor Mike Colle's office, visited their businesses, sometimes with another member of the Steering Committee in tow, to convince other Avenue Road business owners to vote yes in the BIA poll. During these visits, if the Steering Committee members including Mr. Lokash felt that the business was not in support of the BIA, they left. If they felt that the business owner might be in support of the BIA formation, they not only provided the business owner with information on the poll taking place, but physically had them sign their ballot in front of them and submit it to the City. The poll results show support for the BIA being established because only the businesses who

expressed interest in supporting the BIA were visited by Mr. Lokash and their vote collected on the spot. This both created a bias in the polling result and also violated the rules/instructions of the vote that clearly stated that those qualified to vote should submit their ballots via email or mail directly to the registry services office. Having the ballots collected by members of the Steering Committee violates the privacy of the vote, and simultaneously created a situation of inequity among voters as those deemed to be in favour of the BIA by the Steering Committee seemed to have much fewer barriers to vote than those suspected of being against the BIA formation.

3. **Personal Experience – failure to be notified of the vote by the Steering Committee.** Neither Mr Lokash, nor anyone else from the Steering Committee contacted me in any way at any time prior to the poll to provide notice of the poll taking place. No one left a message with my staff nor contacted me via email or phone to inform me of the poll taking place. Mr. Lokash had all my contact information, but he also knew from our many previous conversations that I was opposed to the BIA. I can confirm that this is a shared experience by many of the names on my petition. Many of us had conversations with Mr. Lokash regarding our concern for the BIA and were subsequently not contacted during the voting window. I also contacted my property owner and they confirmed to me that they have no record of receiving notice during the voting window and would have voted no if given the opportunity.
4. **Chapter 19 2.3 Subsection A violated.** This requirement was not satisfied in general as many property owners failed to receive notice in the mail of the poll, failed to understand that they were required to provide notice to their non-residential tenants within 30 days of receiving the letter, and/or had difficulty understanding the instructions to be passed on, including how the blank ballot was to be filled out, and how it could be returned during a mail strike.
5. **Chapter 19 2.3 Subsection C. violated.** Subsection C clearly states that in addition to property owners being contacted via mail, “The Steering Committee shall also distribute the notice to all persons who are non-residential tenants of those properties receiving notice under Subsection A”. The Steering Committee has a large email list of businesses on the stretch of Avenue Road affected by this poll. Many of us were contacted in the spring of 2024 regarding the BIA through this Steering Committee email list. On September 5th, 14th, 25th and October 4th emails were sent by the Steering Committee but none of those emails mentioned the upcoming poll scheduled to commence on October 13th. The next email they sent was on January 17th 2025 informing the community that the BIA poll, sharing the results of the poll. It was this email on January 17th that started my inquiry into the vote as I was so shocked to hear it had been completed months earlier. It is my opinion based on the facts above, that the Steering Committee knew that if they emailed the entire community and fulfilled their obligation of Subsection C via their email list to inform everyone fairly of the voting window the vote would be a lot closer or more likely not have passed.
6. **Canada Post Strike – an additional barrier to voting.** The Canada Post strike began on November 15th 2024 right in the middle of the poll’s voting window. The strike directly interfered with the ability for businesses to mail their ballots into the city as outlined in Chapter 19 2.3 Subsection M-(4).

Given the above experiences, facts, and concerns, I respectfully urge the Committee to halt the establishment of the Upper Avenue BIA. The Avenue Road community would like the opportunity for a re-vote to be conducted where there is proper notice given so that we can all have our voices heard in a fair and equitable manner. As a result of the inherent and systemic bias many of us in the Avenue Road feel we have experienced throughout this process we also ask the committee to conduct an investigation into why so many yes votes were collected and more importantly, how they were collected (in-person, submitted through the office of Mike Colle, online by individual owners (property or business), or by mail etc.) Finally, we also ask that further consultations be made with the local community, property owners and the City Clerk's Office to better understand why so many property owners do not have record of receiving a letter in the mail informing them of the poll.

Thank you for your time and consideration.

Sincerely,

Alex Fraser

Spokes and Sports
1889 Avenue Road