

TORONTO MUNICIPAL CODE
CHAPTER 215, CreateTO

Chapter 215

CreateTO

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[History: Adopted by the Council of the City of Toronto May 26, 2017 by By-law 596-2017 amended 2018-02-01 by By-law 149-2018¹. Amendments noted where applicable.]

General References

City of Toronto Act, 2006 - See S.O. 2006, c. 11.

ARTICLE 1

General

§ 215-1.1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACT - The City of Toronto Act, 2006.

APPLICABLE LAW - All statutes, laws, by-laws, regulations, and orders of governments or other public authorities having jurisdiction at any time in force that apply to CreateTO or the Board.

BOARD - The board of directors of CreateTO.

CreateTO- the City board known as CreateTO.

¹ Editor's Note: By-law 149-2018 changed the name of Chapter 215 from "Realty Agency, Toronto" to "CreateTO" and replaced all references to "Toronto Realty Agency" with "CreateTO" wherever they appear in this Chapter.

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ARTICLE 2
CreateTO

§ 215-2.1. City board established.

- A. A City board known as CreateTO is established pursuant to the Act to act on behalf of Council to manage the City's real estate portfolio, develop City buildings and lands for municipal purposes and deliver client focused real estate solutions to City divisions, agencies and corporations.
- B. CreateTO is a City board and is an agent of the City for the purposes set out in this chapter.

§ 215-2.2. Board of directors.

[Amended 2019-01-31 by By-law 255-2019²]

- A. The size and composition of the Board shall consist of eight members appointed by Council as follows:
 - (1) The Mayor or a Council member appointed by the Mayor as the Mayor's designate;
 - (2) One (1) Member of Council; and
 - (3) Six (6) public members.
- B. Reserved³
- C. Council appoints the Chair from among the Board's public members.
- D. The Board appoints a vice-chair from among its members.
- E. Public members will meet the eligibility requirements pursuant to the Public Appointments Policy approved by Council, including that they are a resident of Toronto and at least 18 years of age.
- F. Public members are ineligible for appointment if they are a supplier of goods or services to the City, have an employment or other interest in an organization that is involved in a real estate transaction with the City, or are involved in litigation with the City.
- G. The term for public members will be subject to the term requirements of the Public Appointments Policy, which provides for terms for 4 years or until successors are appointed, serve at pleasure of Council, provided that three (3) public members shall be appointed for a term of two (2) years in the first term of the Board to satisfy the requirements of Subsection G. The term for members of Council shall be two (2) years.

² Editor's Note: By-law 255-2019 deleted Subsections A, B, C and D, added new Subsection A and renumbered Sections E through L as Subsections B through I. By-law 255-2019 is deemed to have come into effect on December 13, 2018.

³ Editor's Note: By-law 581-2019, enacted April 17, 2019, deleted § 215-2.2B.

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- H. The terms of the public members will be staggered so that the terms of three public members shall expire every two years, and the maximum term of a public member shall be for two (2) terms.
- I. The City Clerk will be responsible for recruitment and outreach to encourage the public to apply for consideration for appointment as members of the Board, and the Corporations Nominating Panel of the City will review, short-list and interview applicants and recommend candidates for appointment by Council.

§ 215-2.3. Role of the Board and Chair.

- A. The Board shall supervise the management of the City's real estate portfolio, development of City buildings and lands for municipal purposes, and delivery of client focused real estate solutions to City divisions, agencies and corporations.
- B. The Chair will, in addition, be required to:
 - (1) Ensure that Board meetings are effective, decisions are consistent with the Board's mandate and that the Board is accountable in accordance with the requirements of this chapter.
 - (2) Prepare for approval by the Board the annual performance report to Council as required under § 215-2.5B(2) and coordinate operational activities of the Board, including liaising with the City Clerk and Deputy City Manager, Corporate Services, as required. **[Amended 2018-12-13 by By-law 17-2019⁴]**
 - (3) Be an effective leader, and demonstrate additional expertise and skills in order to perform this role effectively, including well-developed leadership and administrative skills.
- C. Board members are required to comply with the Code of Conduct for Members of Local Boards as adopted by Council.

§ 215-2.4. Remuneration.

- A. The remuneration for public Board members is an annual \$10,000 retainer and \$500 per board meeting up to a maximum total retainer amount of \$20,000 per annum. The remuneration for the Chair of the Board is an annual \$50,000 retainer and \$500 per meeting up to a maximum total retainer amount of \$70,000 per annum.

§ 215-2.5. Role of Council.

- A. The following matters shall require the approval of Council:
 - (1) The appointment of Board members and the ratification of the chief executive officer of the Board.

⁴ Editor's Note: By-law 17-2019 is deemed to have come into force on October 23, 2018.

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- (2) The annual consolidated operating and capital budgets of the Board.
 - (3) The audited annual consolidated financial statements of the Board.
 - (4) A records retention by-law or specific Council approval to destroy records.
- B. The Board shall be transparent and accountable to Council, including the following monitoring and reporting requirements:
- (1) CreateTO shall be subject to the jurisdiction of the City's Auditor General, Integrity Commissioner, Lobbyist Registrar and Ombudsman.
 - (2) The Board shall provide an annual performance report to Council, in a form satisfactory to the City Manager and including, but not limited to, information related to performance indicators, key projects and value created.
 - (3) The Board shall prepare, in collaboration with the Deputy City Manager, Corporate Services and affected City divisions, agencies, and corporations, and in consultation with the Executive Director, Financial Planning, a strategic real estate plan for approval by Council for maximizing broader value from the City's real estate assets and driving City priorities. **[Amended 2018-12-13 by By-law 17-2019⁵]**
 - (4) Council shall ratify the appointment of the chief executive officer for CreateTO, provided that the Board is delegated the authority to terminate or renew the appointment of the chief executive officer.
 - (5) CreateTO shall be subject to an annual audit by an independent third-party auditor, retained by the Auditor General, as required under the Act.
 - (6) The Chief Financial Officer and Treasurer, the Controller and the Executive Director, Financial Planning shall act as financial liaisons with the Board to provide advice on corporate financial planning, budgeting, financial management and financial control matters and services, specific to tax-supported and/or rate-supported operating and capital budgets, but not including the commercial activities of the Board and its corporations. **[Amended 2018-07-27 by By-law 1206-2018; 2018-12-13 by By-law 17-2019⁶]**
 - (7) The Board shall operate in compliance with all applicable law including but not limited to the Act, Municipal Conflict of Interest Act, Occupational Health and Safety Act, Ontario Human Rights Code, the Toronto Municipal Code and any Council policies with which the Board is required by Council or otherwise to comply.

⁵ Editor's Note: By-law 17-2019 is deemed to have come into force on October 23, 2018.

⁶ Editor's Note: By-law 17-2019 is deemed to have come into force on October 23, 2018.

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§ 215-2.6. Procedures and meetings of the Board.

- A. The Board shall follow Council procedures as set out in Chapter 27, Council Procedures, as they apply to Committees of Council with any necessary modifications, until such time as the Board's own procedures by-law is approved by Council.
- B. The Board shall, as soon as is practical, develop its own procedures by-law to be approved by Council through Executive Committee, which shall supersede the procedures provided for in Subsection A.
- C. The Board shall conduct its meetings in accordance with the open meeting requirements of the Act and shall be subject to the jurisdiction of the open meeting investigator appointed by Council.
- D. The City Manager and the Deputy City Manager, Corporate Services or designates may attend all meetings of the Board, including closed sessions, to provide advice to the Board and support the implementation of the new City-wide real estate delivery model. **[Amended 2018-12-13 by By-law 17-2019⁷]**
- E. The City Clerk shall be secretary to the Board and shall provide meeting management support to the Board.

⁷ Editor's Note: By-law 17-2019 is deemed to have come into force on October 23, 2018.