

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING ON MAY 8, 2017
FROM:	MARTIN HAYWARD MANAGING DIRECTOR, CORPORATE SERVICES AND CITY TREASURER, CHIEF FINANCIAL OFFICER & CITY MANAGER
SUBJECT:	DESIGNATION OF AN IMPROVEMENT AREA UNDER SECTION 204 OF <i>THE MUNICIPAL ACT, 2001</i> – HYDE PARK BIA

RECOMMENDATION

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer and City Manager:

- a) that the attached draft by-law (Appendix “A”) to designate an area as an improvement area in accordance section 204 of the *Municipal Act, 2001* **BE APPROVED IN PRINCIPLE**; and,
- b) that City staff **BE DIRECTED** to proceed with issuing notices in accordance with section 210 of the *Municipal Act, 2001* to every person who on the last returned assessment roll is assessed for ratable property that is in a prescribed business property class which is located in the proposed improvement area.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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None.

BACKGROUND

On October 11th, 2016 Municipal Council passed the following resolution:

“That the following actions be taken with respect to the request for the establishment of a Hyde Park Business Improvement Area:

- a) the Civic administration BE REQUESTED to provide \$50,000 funding from the Operating Budget Contingency Reserve; and
- b) the Civic Administration BE DIRECTED to take the steps necessary, in 2017, to create a Hyde Park Business Improvement Area;

It being noted that the Planning and Environment Committee received the attached presentation from D Szpakowski, President, Hyde Park Business Association.”

In order to create a Business Improvement Area, Council must pass a by-law in accordance with section 204 of the *Municipal Act, 2001*. Before passing such a by-law, however, Council is required by section 210 of the Act to send a notice to every person who on the last returned assessment roll is assessed for ratable property that is in a prescribed business property class which is located in the proposed improvement area. Every person who receives such a notice from the City is required within 30 days to give a copy of the notice to each tenant of the property to which the notice relates. Every person who receives a notice from the City is also required to give the City Clerk a list of every tenant at the property to which the notice relates.

Section 210(3) of the *Municipal Act, 2001* specifies that City Council is not permitted to pass the attached by-law to designate a business improvement area if written objections are received by the City Clerk and those objections have been signed by at least one-third of the persons entitled to receive a notice as described in the previous paragraph and those persons are also responsible for at least one-third of the taxes levied for purposes of the general local municipality levy on ratable property in all prescribed business property classes in the improvement area. Any objections must be received within 60 days of the City mailing the last notices as described in the previous paragraph. If objections received do not meet the criteria set out in section 210(3) of the Act, then Council may proceed with passing the attached by-law. The attached by-law, if passed, would create a Corporation in accordance with subsection 204(2) of the Act.

Section 205 of the *Municipal Act, 2001* requires that the Board of Management of a business improvement area (BIA) must annually prepare a budget for submission to City Council for its approval. The Board of Management of a BIA is also required to hold at least one meeting annually of the entire Improvement Area membership to discuss the annual budget. The City is then required to raise the amount required for the purposes of the Board of Management by levy upon the ratable property in the improvement area that is in a prescribed business property class.

The attached by-law has been reviewed by the group that has expressed an interest to City Council in creating the business improvement area and it is our understanding that the group has no objections to the contents of the attached by-law. The geographic area of the BIA is defined in section 2.1 of the attached draft by-law.

We would like to acknowledge the significant contribution of staff in the Legal Department, the Planning Department, the City Clerk's office and other departments who have assisted in the preparation of this report and attachment.

SUMMARY

In summary, it is recommended that the attached by-law be approved in principle and City staff be directed to proceed with the notices as required under section 210 of the *Municipal Act, 2001*.

PREPARED BY:	CONCURRED BY:
JIM LOGAN DIVISION MANAGER – TAXATION & REVENUE	ANNA LISA BARBON DIRECTOR, FINANCIAL SERVICES
RECOMMENDED BY:	
MARTIN HAYWARD MANAGING DIRECTOR, CORPORATE SERVICES & CITY TREASURER, CHIEF FINANCIAL OFFICER & CITY MANAGER	

Attach.

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| <ul style="list-style-type: none"> c. Jennifer Smout Catherine Saunders Linda Rowe Jim Edmunds | <ul style="list-style-type: none"> Jim Yanchula Kerri Killen |
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