

<b>TO:</b>	<b>CHAIR AND MEMBERS FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE MEETING ON JUNE 18, 2012</b>
<b>FROM:</b>	<b>MARTIN HAYWARD CITY TREASURER, CHIEF FINANCIAL OFFICER</b>
<b>SUBJECT:</b>	<b>DESIGNATION OF AN IMPROVEMENT AREA UNDER SECTION 204 OF THE MUNICIPAL ACT, 2001 – ARGYLE BIA</b>

### RECOMMENDATION

That, on the recommendation of the City Treasurer, Chief Financial Officer, the Civic Administration **BE DIRECTED** to give notice of Municipal Council's intent to pass the attached proposed By-law (Appendix "A"), to establish an Argyle Business Improvement Area, in accordance with section 210 of the *Municipal Act, 2001*.

### PREVIOUS REPORTS PERTINENT TO THIS MATTER

None.

### BACKGROUND

On January 31<sup>st</sup>, 2012 Municipal Council passed the following resolution:

"That the following actions be taken with respect to the request from the Argyle Business Improvement Association to establish an Argyle Business Improvement Area:

- a) the establishment of an Argyle Business Improvement Area **"BE ENDORSED IN PRINCIPLE;**
- b) THE Civic Administration **BE DIRECTED** to report back to the Investment and Economic Prosperity Committee with respect to the BIA proposal and to undertake the necessary administrative and legislative functions with respect to the creation of the Argyle Business Improvement Area.

It being noted that the IEPC heard a verbal delegation from N. McSloy, Executive Director, Argyle Business Improvement Association with respect to this matter."

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 in accordance with section 210 of the Act to send a notice to every person who on the last returned assessment roll is assessed for rateable property that is in a prescribed business property class which is located in the 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.

In accordance with section 210(3) of the Municipal Act, 2001, 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 rateable 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.

In accordance with section 205 of the Municipal Act, 2001 the Board of Management of a business improvement area (BIA) is required to 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 a Board of Management by levy upon the rateable 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 and comprises "those lands in the City of London fronting on the north and south sides of Dundas Street east of Highbury Avenue and west of Wavell Street.

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

<b>SUMMARY</b>
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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*.

<b>PREPARED BY:</b>	<b>CONCURRED BY:</b>
<b>JIM LOGAN DIVISION MANAGER – TAXATION &amp; REVENUE</b>	<b>MIKE TURNER DEPUTY CITY TREASURER</b>
<b>RECOMMENDED BY:</b>	
<b>MARTIN HAYWARD CITY TREASURER, CHIEF FINANCIAL OFFICER</b>	

Attach.

- c. J. Smout
- C. Saunders
- L. Rowe
- C. Resendes