

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING ON SEPTEMBER 24, 2018</b>
<b>FROM:</b>	<b>ANNA LISA BARBON MANAGING DIRECTOR, CORPORATE SERVICES AND CITY TREASURER, CHIEF FINANCIAL OFFICER AND JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>
<b>SUBJECT:</b>	<b>AMENDMENT TO BY-LAW CP-1 – EXPANSION OF OLD EAST VILLAGE BUSINESS IMPROVEMENT AREA</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of The Managing Director, Corporate Services and City Treasurer, Chief Financial Officer and the Managing Director, Planning and City Planner the attached proposed by-law ( Appendix “B”) being a by-law to amend By-law CP-1 “A by-law to provide for the Improvement Area to be known as the Old East Village Business Improvement Area and to establish a Board of Management therefore” **BE INTRODUCED** at the council meeting on October 2, 2018 regarding the Old East Village Business Improvement Area request for expansion.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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- Planning and Environment Committee Report – May 14, 2018- Expansion of and Amendment to By-law CP-1 – Old East Village Business Improvement Area.

<b>BACKGROUND</b>
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On May 14, 2018 Municipal Council passed the following resolution:

That, on the recommendation of the Managing Director, Planning and City Planner, with the concurrence of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer the following actions be taken regarding the Old East Village Business Improvement Area request for expansion:

- (a) The proposed by-law, attached hereto as Appendix “B”, being a by-law to amend CP-1 “A by-law to provide for the Improvement Area to be known as The Old East Village Business Improvement Area and to Establish a Board of Management” **BE APPROVED IN PRINCIPLE** to:
- i) expand the area designated as an improvement area;
  - ii) amend the board of management; and,
  - iii) amend by-law wording for consistency with current legislation and other City Business Improvement Area By-laws;
- (b) that Civic Administration **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 rateable property that is in a prescribed business property class which is located in the proposed expanded business improvement area; and,

- (c) that Civic Administration BE DIRECTED to provide notice of the proposed amendments to the board of management and certain procedures to the Old East Village Business Improvement Area Board of Management in accordance with the City's Public Notice Policy.

In accordance with the above resolution, City staff issued the notices required under section 210 of the *Municipal Act, 2001* to all the property owners in the existing improvement area and the area proposed for expansion on June 28, 2018. The notices indicated that the property owners were required to give a copy of the notice to all tenants who were required to pay all or part of the taxes on the property and provide a list of all such tenants to the City Clerk within 30 days. A form for listing tenants, a copy of the draft by-law, and a form for submitting an objection to the draft by-law were included with the notice

The notice issued by the City indicated that property owners and tenants who were responsible for property taxes had the right to object to the creation of the improvement area. The notice described the process for objecting, the deadline date for submitting objections of August 28, 2018, and the objection threshold which would prevent council from having the legal authority to pass a by-law to expand the improvement area. In accordance with section 210 of the *Municipal Act, 2001* Council cannot enact a by-law to expand an improvement area if at least one third of the total number of landlords and tenants responsible for property taxes in the combined existing and proposed areas file objections, provided those landlords and tenants also represent at least one third of the total local general municipal levy either in the existing improvement area or in the area proposed for expansion.

City staff have tabulated all the objections and performed the calculations as required under section 210 of the *Municipal Act, 2001*. The results are summarized on the attached Appendix "A". Fewer than one third of the persons eligible to object have filed a notice to object. As indicated on Appendix "A" 3.45% of the persons eligible to object have done so. In accordance with subsection 210(5) of the *Municipal Act, 2001* the City Clerk will determine that the objections received are not sufficient to prevent the enactment of a by-law to expand the improvement area and will issue a certificate affirming that fact prior to the introduction of a by-law to Council. In accordance with section 209 of the *Municipal Act, 2001* the expansion of the improvement area is at the discretion of Council.

We would like to acknowledge the significant contribution of staff in City Solicitor's Office, City Clerk's Office, Planning Services, Information Technology Services and other departments who have participated in the preparation of this report and attachment.

## SUMMARY

In summary, it is recommended that the attached by-law, Appendix "B", be introduced at the council meeting of October 2, 2018.

<b>PREPARED BY:</b>	<b>CONCURRED BY:</b>
<b>JIM LOGAN, CPA, CA DIVISION MANAGER – TAXATION &amp; REVENUE</b>	<b>IAN COLLINS, CPA, CMA DIRECTOR, FINANCIAL SERVICES</b>
<b>RECOMMENDED BY:</b>	<b>RECOMMENDED BY:</b>
<b>ANNA LISA BARBON, CPA, CGA MANAGING DIRECTOR, CORPORATE SERVICES AND CITY TREASURER/CHIEF FINANCIAL OFFICER</b>	<b>JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>

Attach.

- c. Lynn Marshall, Solicitor II, Legal & Corporate Services
- Catharine Saunders, City Clerk, Legal & Corporate Services
- Kerri Killen, Senior Planner, Planning Services
- Britt O'Hagan, Interim Manager - Urban Regeneration
- Jim Edmunds, Manager, Customer Service & Assessment, Finance & Corporate Services