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| TO: | CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING ON SEPTEMBER 24, 2018 |
| FROM: | ANNA LISA BARBON MANAGING DIRECTOR, CORPORATE SERVICES AND CITY TREASURER, CHIEF FINANCIAL OFFICER AND JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER |
| SUBJECT: | DESIGNATION OF AN IMPROVEMENT AREA UNDER SECTION 204 OF THE MUNICIPAL ACT, 2001 – HAMILTON ROAD BIA |

RECOMMENDATION

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer and Managing Director, Planning and City Planner the attached proposed by-law (Appendix “B”) being “A by-law to designate an area as an improvement area and to establish the board of management for the purpose of managing the Hamilton Road Business Improvement Area” **BE INTRODUCED** at the Municipal Council meeting to be held on October 2, 2018 to designate the Hamilton Road Business Improvement Area in accordance with section 204 of the *Municipal Act, 2001*.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

- Planning and Environment Committee Report – May 14, 2018 – Hamilton Road Business Improvement Area – Authorization to Initiate Creation

BACKGROUND

At its session held on May 22 2018, the Municipal Council approved the following resolution of the Planning and Environment Committee:

“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 establishment of the Hamilton Road Business Improvement Area (BIA):

- a) The proposed by-law attached here to as Appendix “B” to designate an area as an improvement area in accordance to Section 204 of the *Municipal Act, 2001* BE APPROVED IN PRINCIPLE; and,
- 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 improvement area.”

In accordance with the above resolution, on June 28, 2018, the Civic Administration issued the notices required under section 210 of the *Municipal Act, 2001* to every person who owns property in the proposed improvement area. The notices indicated that these persons 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 persons 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 Municipal Council from having the legal authority to pass a by-law to establish the proposed improvement area. In accordance with section 210 of the *Municipal Act, 2001*, the Municipal Council cannot enact a by-law to establish an improvement area if at least one-third of the total number of persons responsible for property taxes in the proposed improvement area, file objections, provided those persons also represent at least one-third of the total local general municipal levy in the proposed improvement area.

Civic Administration has 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 the attached Appendix "A" 8.47% 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 establish the proposed 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 establishment of the proposed improvement area is at the discretion of Municipal Council.

The significant contribution of staff in the in City Solicitor's Office, City Clerk's Office, Planning Services, Information Technology Services and other Service Areas who have assisted in the preparation of this report and attachment is acknowledged.

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| SUMMARY |
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In summary, it is recommended that the attached proposed by-law (Appendix "B") be introduced at the Municipal Council meeting to be held on October 2, 2018 to designate the Hamilton Road Business Improvement Area and establish the related board of management.

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

Attach.

Cc.

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