

TO:	CHAIR AND MEMBERS FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE MEETING ON SEPTEMBER 24, 2012
FROM:	MARTIN HAYWARD MANAGING DIRECTOR, CORPORATE SERVICES AND CITY TREASURER, CHIEF FINANCIAL OFFICER
SUBJECT:	DESIGNATION OF AN IMPROVEMENT AREA UNDER SECTION 204 OF THE MUNICIPAL ACT, 2001 – ARGYLE BIA

RECOMMENDATION

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the attached proposed by-law (Appendix “A”) **BE INTRODUCED** at the Municipal meeting to be held on October 9, 2012 to designate an area as an improvement area and to establish the board of management for the purpose of managing the Argyle Business Improvement Area in accordance with section 204 of the *Municipal Act, 2001*.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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Finance and Administrative Services Report –June 18, 2012 – Designation of an Improvement Area under Section 204 of the Municipal Act, 2001 – Argyle BIA

BACKGROUND

At its session held on June 26 and 27, 2012 Municipal Council passed the following resolution:

*“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 revised proposed by-law (Appendix “A”) to establish an Argyle Business Improvement Area, in accordance with section 210 of the Municipal Act, 2001.”*

In accordance with the above resolution, City staff issued the notices required under section 210 of the Municipal Act to all the property owners in the proposed improvement area on June 28, 2012. 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 27, 2012 and the objection threshold which would prevent Council from having the legal authority to pass a by-law to create the improvement area. In accordance with section 210 of the *Municipal Act, 2001*, Council cannot enact a by-law to create an improvement area if at least one third of the total number of landlords and tenants responsible for property taxes in the area file objections, provided those landlords and tenants also represent at least one third of the total local general municipal levy in the improvement area.

City staff have tabulated all the objections received as follows:

Number of objections received = 13 (7.3% of total)
General local municipal levy responsibility of objectors = \$489,816.42.41 (17.3% of total)

Total number of property owners and tenants responsible for property taxes in improvement area = 177
Total general municipal tax levy in improvement area = \$2,827,879.92

As indicated above, the total number of objections received does not meet the threshold required to prevent Council from having the legal authority to pass a by-law to create the improvement area. In accordance with subsection 210(5), the City Clerk has reviewed the objections received and determined that they are not sufficient to prevent the enactment of a by-law to create the improvement area.

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

SUMMARY

In summary, it is recommended that the attached proposed by-law (Schedule "A") be introduced at the Council Meeting of October 9 2012.

PREPARED BY:	CONCURRED BY:
JIM LOGAN DIVISION MANAGER – TAXATION & REVENUE	MIKE TURNER DEPUTY CITY TREASURER
CONCURRED BY:	RECOMMENDED BY:
CATHY SAUNDERS CITY CLERK	MARTIN HAYWARD MANAGING DIRECTOR, CORPORATE SERVICES AND CITY TREASURER, CHIEF FINANCIAL OFFICER

Attach.

- c. Jennifer Smout
- Cathy Saunders
- Linda Rowe
- Carlos Resendes