

Authority: Executive Committee Item 8.10,
adopted as amended, by City of Toronto Council on June 11, 2007
Enacted by Council: June 11, 2007

CITY OF TORONTO

BY-LAW No. 636-2007

To amend Municipal Code Chapter 19, Business Improvement Areas, and to re-establish the current business improvement area boards of management as city boards under section 141 of the *City of Toronto Act, 2006*.

WHEREAS under section 7 and paragraph 5 of subsection 8(2) of the *City of Toronto Act, 2006* (the "Act"), the City may designate business improvement areas as part of its authority to pass by-laws respecting the economic, social and environmental well-being of the City; and

WHEREAS under sections 7 and 8 of the Act and the specific power in section 141, the City may establish city boards for those purposes; and

WHEREAS under section 259 of the Act, the City has authority to impose fees or charges for services or activities provided or done by or on behalf of it; and

WHEREAS under Ontario regulation 594/06, fees and charges that are imposed by the City for the purpose of promoting the area as a business or shopping area, and to oversee the improvement, beautification and maintenance of City-owned land, buildings and structures in the area, beyond that provided at the expense of the City generally, are given priority lien status; and

WHEREAS under the authority of section 204 of the *Municipal Act, 2001* and predecessor legislation, the City designated various geographic areas throughout the City as improvement areas and established boards of management to promote the area as a business or shopping area and to oversee the improvement, beautification and maintenance of City-owned land, buildings and structures in the area beyond that provided at the expense of the City generally; and

WHEREAS subsection 429(2) of the Act provides that every improvement area board of management that exists before section 429(1) comes into force, is continued as a local board of the City until dissolved by the City, and that sections 204 to 215 of the *Municipal Act, 2001* apply to those boards and to the City; and

WHEREAS the City wishes to dissolve all business improvement area boards of management in existence before section 429(1) came into force and to re-establish and continue them as city boards under section 141 of the Act; and

WHEREAS section 2 of this by-law repeals the by-laws that established boards of management under authority of former municipal legislation before the enactment of Chapter 19, Business Improvement Areas, on December 6, 2001, which provided for the establishment of new boards of management; and

WHEREAS Council has approved the adoption of a revised Municipal Code Chapter 19, Business Improvement Areas, to govern the designation of new business improvement areas, and the operation of all business improvement area boards of management; and

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The business improvement area boards of management listed in Schedule A at the end of this by-law are dissolved and re-established and continued as city boards under section 141 of the *City of Toronto Act, 2006*.
2. The by-laws listed in Schedule B at the end of this by-law are repealed.
3. The City of Toronto Municipal Code Chapter is amended by repealing §§ 19-1 to 19-15 of Chapter 19, Business Improvement Areas, and substituting the following:

ARTICLE I
General

§ 19-1. Definitions.

ACT — The *City of Toronto Act, 2006*.

BOARD — A Board of Management for a business improvement area.

BUSINESS IMPROVEMENT AREA — An area designated as an improvement area by a by-law passed under the *City of Toronto Act, 2006* or a predecessor legislation.

BUSINESS PROPERTY CLASS — The commercial property classes and the industrial property classes within the meaning of subsection 275 (1) of the *City of Toronto Act, 2006*.

CHIEF FINANCIAL OFFICER — The Deputy City Manager & Chief Financial Officer.

CLERK — The City Clerk.

COMMUNITY COUNCIL — As defined in Chapter 27, Council Procedures, of the Municipal Code.

DESIGNATING BY-LAW — A by-law passed by Council to establish a geographic area as a business improvement area under this Chapter.

GENERAL MANAGER — The General Manager of the Economic Development, Culture and Tourism division or his or her designate or successor.

HOLIDAY — New Years Day, Good Friday, Easter Monday, Victoria Day, Canada Day, August Civic Holiday, Labour Day, Thanksgiving Day (Canada), Christmas Day, Boxing Day, or any other day designated by City Council as a designated holiday.

MANAGEMENT LETTER — Written notification from the auditor of the business improvement area identifying internal control and other financial issues that need to be addressed by the Board.

POLITICAL PUBLICATION — Any newspaper, newsletter, booklet, electronic publication, or material published by or on behalf of a politician, political group or party but does not include any weekly, monthly or community newspaper that is not published by or on behalf of a political group or party, but which may publish a political advertisement or political opinion.

QUORUM — The number of Board members to be present at a meeting to legally conduct business at the meeting.

§ 19-2. Application.

- A. This chapter sets out the procedures for the adoption by Council of a designating by-law, and the establishment and operation of business improvement area boards of management.
- B. This chapter applies to a Board established under § 19-18 or set out in the following list:

| | |
|-------------------------------|---------------------------------------|
| Albion Islington Square BIA | Mimico by the Lake BIA |
| Bloor Annex BIA | Mimico Village BIA |
| Bloor by the Park BIA | Mirvish Village BIA |
| Bloor Street BIA | Mount Dennis BIA |
| Bloor West Village BIA | Old Cabbagetown BIA |
| Bloorcourt Village BIA | Old Queen Street BIA |
| Bloordale Village BIA | Pape Village BIA |
| Bloor-Yorkville BIA | Parkdale Village BIA |
| Chinatown BIA | Queens Quay Harbourfront BIA |
| Church-Wellesley Village BIA | Riverside District BIA |
| College Promenade BIA | Roncesvalles Village BIA |
| Corso Italia BIA | Rosedale Main Street BIA |
| Danforth Village BIA | Shepard East Village BIA |
| Dovercourt Village BIA | St. Clair Avenue West BIA |
| Downtown Yonge BIA | St. Clair Gardens BIA |
| Dundas West BIA | St. Lawrence Market Neighbourhood BIA |
| Eglinton Hill BIA | The Beach BIA |
| Emery Village BIA | The Danforth BIA |
| Fairbank Village BIA | The Eglinton Way BIA |
| Forest Hill Village BIA | The Kingsway BIA |
| Gerrard India Bazaar BIA | Upper Village BIA |
| Greektown on the Danforth BIA | Uptown Yonge BIA |
| Harbord Street BIA | Village of Islington BIA |
| Hillcrest Village BIA | West Queen West BIA |
| Junction Gardens BIA | Weston Village BIA |
| Kennedy Road BIA | Wexford Heights BIA |
| Knob Hill Plaza BIA | Wychwood Heights BIA |
| Korea Town BIA | Yonge Lawrence Village BIA |
| Lakeshore Village BIA | York Eglinton BIA |
| Liberty Village BIA | |
| Little Italy BIA | |
| Long Branch BIA | |

ARTICLE II
Business Improvement Areas

§ 19-3. Purpose of a business improvement area Board.

Where Council passes a designation by-law, Council may establish a Board under this Chapter:

- A. To oversee the improvement, beautification and maintenance of municipally-owned land, buildings and structures in the business improvement area beyond City standard levels provided at the expense of the municipality generally;
- B. To maintain business improvement area-initiated streetscaping capital assets within the business improvement area;
- C. To promote the business improvement area as a business, employment, tourist or shopping area;
- D. To offer graffiti and poster removal services respecting building facades visible from the street, to all member property owners who provide written consent, upon approval of the program by the general membership of the business improvement area;
- E. To undertake safety and security initiatives within the business improvement area; and
- F. To undertake strategic planning necessary to address business improvement area issues.

§ 19-4. Start-up process.

The following process shall be undertaken, with the assistance of City staff, in all areas considering the establishment of a new business improvement area or a change in the boundaries of an existing business improvement area, if the change in boundary is not considered minor under §§ 19-15B and D, or before the processing of a notice of the intention of Council to pass a by-law designating a business improvement area:

- A. Local businesses and commercial or industrial property owners shall form a steering committee to:
 - (1) define the desired boundary of the proposed business improvement area or the boundary extension of a proposed business improvement area expansion;
 - (2) develop and implement a strategy to communicate its intentions to establish a new business improvement area or expand an existing business improvement area; and
 - (3) set the date for one or more formal public information meetings.

- B. The steering committee shall hold informal sessions with area businesses and property owners before any formal public information meeting in order to confirm the proposed business improvement area boundaries or boundary expansion, provide clarification and confirm preliminary interest in taking the next steps to establish a new business improvement area or expand the boundaries of an existing business improvement area.
- C. The General Manager shall send notification of a formal public meeting to commercial and industrial property owners 10 business days in advance of the meeting, and the steering committee shall distribute notices to all commercial and industrial tenants 10 business days in advance of the meeting.
- D. After holding one or more formal public meetings and determining interest in proceeding with a change in the boundaries of an existing business improvement area or the establishment of a new business improvement area, the steering committee shall submit a letter, signed by at least two steering committee members, to the General Manager requesting that Council enact a by-law to change the boundaries of an existing business improvement area or to establish a new business improvement area.
- E. The letter shall confirm that the work and consultation required under Subsections A and B have been carried out and shall identify the boundaries of the proposed business improvement area.

§ 19-5. Business improvement area membership.

Members of a business improvement area consist of:

- A. All persons who are assessed, on the last returned assessment roll, with respect to rateable property in the area that is in a business property class and tenants of the property; and
- B. Recent purchasers of property in the area that is in a business property class, but not assessed on the last returned assessment roll, and tenants of the property, if the recent purchasers produce evidence of property ownership satisfactory to the Chief Financial Officer.

ARTICLE III
Notice

§ 19-6. Notice.

Before passing a designating by-law or a by-law under § 19-15, 19-37B or 19-38, notice of the proposed by-law shall be sent by prepaid mail to the Board of the business improvement area, if any, and to every person who, on the last returned assessment roll, and any update from the Municipal Property Assessment Corporation or identified within the Municipal Connect system, and any evidence of ownership changes received from taxpayers or taxpayer's representatives, is assessed for rateable property that is in a business property class that is located:

- A. Where the business improvement area already exists, in the business improvement area and in any geographic area the proposed by-law would add to the business improvement area; or
- B. Where a new business improvement area would be created by the proposed by-law, in the proposed business improvement area.

§ 19-7. When notice received.

- A. A person who receives a notice under § 19-6 shall, within 30 days of the date of the notice, give a copy of the notice to each tenant of the property to which the notice relates, who is required to pay all or part of the taxes on the property.
- B. A person who receives a notice under § 19-6 shall, within 60 days of the date of the notice, give the Clerk a list of every tenant described in § 19-7A and the share of the taxes that each tenant is required to pay and the share that the person is required to pay.

§ 19-8. Determining tenancy for notification.

- A. In determining whether a person is a tenant or not, the Clerk shall only accept a list provided under § 19-7B, and the determination of the Clerk is final.
- B. Only those tenants identified in the lists submitted under § 19-7B shall be eligible to submit a written objection or consent under § 19-9.

§ 19-9. Objections and consents.

- A. Council shall not pass a by-law to establish a new business improvement area if:
 - (1) Written objections in the form required by the Clerk are received within 60 days of the date of the notice;
 - (2) The objections have been signed by at least one-third of the total number of persons entitled to notice under §§ 19-6 and 19-7; and

- (3) The objectors are responsible for at least one-third of the taxes levied for purposes of the general local municipal levy on rateable property in all business property classes in the business improvement area.
- B. Subject to §§ 19-15B and D, Council shall not pass a by-law to expand a business improvement area if:
 - (1) Written objections in the form required by the Clerk are received within 60 days of the date of the notice; and
 - (2) The objections have been signed by at least one-third of the total number of persons entitled to notice under §§ 19-6 and 19-7 in the existing business improvement area, and the objectors are responsible for at least one-third of the taxes levied for purposes of the general local municipal levy on rateable property in all business property classes in the existing business improvement area; or
 - (3) The objections have been signed by at least one-third of the total number of persons entitled to notice under §§ 19-6 and 19-7 in the geographic area the proposed by-law would add to the existing business improvement area, and the objectors are responsible for at least one-third of the taxes levied for purposes of the general local municipal levy on rateable property in all business property classes in the geographic area the proposed by-law would add to the existing business improvement area.
- C. Council shall not pass a by-law to divide a business improvement area, to create two new business improvement areas if:
 - (1) Written objections in the form required by the Clerk are received within 60 days of the date of the notice;
 - (2) The objections have been signed by at least one-third of the total number of persons entitled to notice under §§ 19-6 and 19-7 in either portion of the proposed divided business improvement area; and
 - (3) The objectors are responsible for at least one-third of the taxes levied for purposes of the general local municipal levy on rateable property in all business property classes.
- D. Subject to § 19-15D, Council shall only pass a by-law to reduce the size of a business improvement area if:
 - (1) Written consents in the form required by the Clerk are received within 60 days of the date of the notice;
 - (2) The consents have been signed by at least 50 percent plus one of the total number of persons entitled to notice under §§ 19-6 and 19-7; and

- (3) Those consenting are responsible for at least one-half of the taxes levied for purposes of the general local municipal levy on rateable property in all business property classes in the business improvement area.
- E. Where the last day of the notice period falls upon a holiday, Saturday or Sunday, the notice period shall end on the next regular business day that is not a holiday.

§ 19-10. Withdrawal of objections and consents.

- A. If sufficient objections are withdrawn in writing within the 60-day period referred to in §§ 19-9A(1), B(1), and C(1) so that the conditions set out in §§ 19-9A(2) or (3), §§ 19-9B(2) or (3), or §§ 19-9C(2) and (3), no longer apply, Council may pass the by-law.
- B. If sufficient consents are withdrawn in writing within the 60-day period referred to in § 19-9D(1) so that the conditions set out in §§ 19-9D(2) and (3) no longer apply, Council shall not pass the by-law.

§ 19-11. Determination by Clerk.

- A. The Clerk shall determine whether the conditions set out in subsection § 19-9A, B, C or D have been met and, if they have, shall issue a certificate affirming that fact.
- B. The General Manager shall report to Council on the certificate issued by the Clerk.
- C. The determination of the Clerk is final.

§ 19-12. Re-Notification.

Where notification has been provided and sufficient objections received under § 19-9 so that a by-law cannot be passed by Council, the City is not required to give notice under § 19-6 in response to a resolution or request for a period of two years after the last mailing of the notices.

§ 19-13. Repeal of by-law.

- A. The City shall give notice in accordance with §§ 19-6 and 19-7 of a proposed by-law to repeal a by-law under subsection § 19-3 if Council has received:
 - (1) A resolution from a Board requesting the repeal; or
 - (2) A request for the repeal signed by persons who are responsible for at least one-third of the taxes levied for purposes of the general local municipal levy on rateable property in all business property classes in the business improvement area.

- B. In order to determine what amount of taxes on a rateable property in the area that a person is required to pay, the Clerk will only accept a tenant list submitted by the property owner indicating the taxes paid by either, or both, the tenants and the property owner.
- C. The property owner is required to submit the list described in Subsection B to the Clerk if requested by any tenants intending to sign a request for repeal under § 19-13A(2).
- D. The City shall give the notice within 60 days after receiving the resolution or request.
- E. Council shall repeal a designating by-law if requests for the repeal are received by the Clerk within 60 days after the last day of mailing of the notices and:
 - (1) The requests have been signed by at least 50 percent plus one of the total number of persons entitled to notice under §§ 19-6 and 19-7; and
 - (2) Those who have signed the requests are responsible for greater than 50 percent of the taxes levied for purposes of the general local municipal levy on rateable property in all business property classes in the business improvement area.
- F. Council may repeal a designating by-law on its own initiative without giving notice to a Board or to business improvement area members under §§ 19-6 and 19-7.
- G. The repealing by-law must come into force on or before December 31 of the year in which it is passed.
- H. If sufficient requests are withdrawn in writing within the 60-day period referred to in § 19-13E so that either condition set out in that subsection no longer applies, Council is not required to repeal the by-law.
- I. The Clerk shall determine whether the conditions set out in § 19-13A(2) and § 19-13E have been met and, if so, shall issue a certificate affirming that fact.
- J. The determination by the Clerk is final.
- K. If the conditions of § 19-13E are not satisfied, Council is not required to give notice under subsection § 19-13A in response to a resolution or request for a period of two years after the last mailing of the notices.

§ 19-14. Effect of by-law.

A designating by-law or a by-law passed under § 19-3, 19-13E, 19-15, 19-37B or 19-38, is not invalid by reason only that:

- A. A person required to give a copy of a notice to a tenant under § 19-7A or other information to the Clerk under § 19-7B has not done so;

- B. The objections referred to in §§ 19-9A, B and C have not been signed by at least one-third of the total number of persons entitled to receive notice under §§ 19-6 and 19-7 because a person required to give a copy of the notice under subsection § 19-7B has not done so; or
- C. The requests referred to in § 19-13E have not been signed by at least 50 percent plus one of the total number of persons entitled to notice under subsections §§ 19-6 and 19-7 because a person required to give a copy of the notice under subsection § 19-7A has not done so.

§ 19-15. Changes to boundary.

- A. Council may alter the boundaries of a business improvement area and the Board for that business improvement area is continued as the Board for the altered area.
- B. Despite § 19-6, the City is not required to give notice of minor boundary expansions that represent an increase of total commercial and industrial property assessment value of less than 5 percent of the existing assessment value of properties within the existing business improvement area boundary.
- C. Council must receive a written request for a boundary expansion from the business improvement area Board and written consent from all property owners and business tenants within the expansion area described in subsection B.
- D. Despite § 19-6, the City is not required to give notice of minor boundary alterations that involve properties that have been included or excluded from a business improvement area as a result of error, or for minor boundary alterations that involve a merging of formerly separate properties or subdivision of single properties that result in a portion of the lands being included in a business improvement area and a portion excluded.

§ 19-16. Tenants.

For the purposes of §§ 19-9 and 19-13, a tenant shall be deemed to be responsible for the part of the taxes that the tenant is required to pay under the tenant's lease or under sections 337 and 338 of the Act.

§ 19-17. Translation.

With respect to §§ 19-6 and 19-13, the Ward Councillor may, within ten days of receiving a copy of the notification, submit a written request to the General Manager that the notification be conducted in up to two languages other than English, spoken by at least 3 percent of the ward's population according to the most recent Statistics Canada Census.

ARTICLE IV
Board of Management

§ 19-18. Board of management established.

- A. A Board shall be established for each business improvement area designated by a by-law, and the name of each Board shall be “Board of Management for the (inserting the name set out opposite the by-law) Business Improvement Area.”
- B. A Board is a city board and is an agent of the City only for the purposes set out in this chapter.

§ 19-19. Limitations.

A Board shall not:

- A. Spend any money unless it is included in the budget approved by Council or in a reserve fund, but the Board may spend unexpected revenues received subsequent to the approval of the annual budget by Council if the Board reports on these revenue and expenditure variances at the annual general meeting and through the audited financial statement;
- B. Incur any indebtedness extending beyond the current year without the prior approval of Council;
- C. Borrow or lend money;
- D. Offer or provide support to political candidates or political parties;
- E. Advertise or pay for advertisements in any political publication; or
- F. Make or fund improvements to private property, with the exception of graffiti and poster removal initiatives under § 19-3D.

§ 19-20. Appointment of directors.

- A. The directors of a Board shall be appointed under delegated authority by the community council within whose geographic area the business improvement area is located.
- B. If a business improvement area is located in the geographic area of more than one community council, Council shall appoint the directors.
- C. A Board shall be composed of,
 - (1) One or more members of City Council; and
 - (2) The remaining directors selected by a vote of the membership of the business improvement area.

- (3) A maximum of 20% of the Board may be non-members of the business improvement area, if the non-members are nominated by a member of the business improvement area.
- D. Each Board shall consist of the number of directors as set out opposite the name of its business improvement area in Schedule A at the end of this chapter.
- E. The term of the directors of a Board is the same as the term of the Council in office at the time of their appointment.
- F. Each director shall hold office from the time of his or her appointment until a successor is appointed, as long as the director continues to be qualified.
- G. Each director is eligible for reappointment on the expiration of the term of his office.

§ 19-21. Elections of nominees; voter eligibility.

- A. Nominees for appointment to a Board for existing business improvement areas are to be elected at annual general meetings of the business improvement area membership held in Council election years.
- B. The members of newly formed business improvement areas shall nominate Board members at their annual general meetings following the adoption by Council of the business improvement area designating by-law.
- C. A maximum of one Board nomination per assessed property and one Board nomination per business is allowed, unless alternate provisions are established by the by-law appointing the Board members.
- D. All commercial or industrial property owners and commercial or industrial business tenants, or the designates of the owners or tenants, may stand for Board nomination.
- E. Each member of the business improvement area is entitled to a single vote per question or motion at business improvement area general membership meetings, regardless of the number of properties that the member may own or lease in the business improvement area.
- F. Ownership of properties.
- (1) Where a person is the sole owner of more than one property within the business improvement area, or is the sole owner of more than one corporation that owns property within the business improvement area, the person and the corporations solely owned by that person shall have a total of only one vote, regardless of the number of properties owned by that person and the different corporations solely owned by that person.

- (2) Where a person is the sole owner of a property and joint owner of one or more additional properties within the business improvement area, one vote is given for the property owned by that person alone and one vote is given for each jointly-owned property, provided the co-owners in each case are different persons and they or their representatives attend the meeting where the vote is held.
 - (3) Where a person is the sole owner of a corporation and part owner of different corporations that own property within the business improvement area, one vote is given for the corporation solely owned by that person and one for each jointly-owned corporation, provided the co-owners of each corporation are different persons and they or their representatives attend the meeting where the vote is held.
- G. A member of a business improvement area may nominate in writing one individual to vote on behalf of the member.
- H. The person nominated under subsection G must not be a member of the business improvement area.

§ 19-22. Officers.

Each Board shall elect a Chair and Vice-Chair, Secretary and Treasurer and other officers from its Board members as the Board may deem necessary to properly conduct the business of the Board, as soon as possible after its members are appointed.

§ 19-23. Refusal to appoint.

Council may refuse to appoint a person selected by the members of a business improvement area, in which case Council may leave the position vacant or direct that a meeting of the members of the business improvement area or the Board be held to elect or select another candidate for Council's consideration.

§ 19-24. Board vacancies; replacements; additions.

- A. If a Board vacancy occurs for any cause, a person may be appointed to fill the vacancy for the unexpired portion of the term and the appointed person is not required to be a member of the business improvement area.
- B. If a Board resolves to seek the removal of a member from the Board or the appointment of a replacement or additional member to the Board, it shall give to the General Manager, signed minutes of the meeting at which the vote was held on this matter, and the General Manager shall report to the appropriate community council, either for final decision under delegated authority, or for recommendation to Council for final decision.

§ 19-25. Meetings; records.

- A. A Board shall hold at least four meetings each year, including the annual general meeting to which all members of the business improvement area shall be invited.

- B. A Board shall keep proper minutes and records of every meeting of the Board and shall forward signed, original copies of the minutes and records to all members of the Board and the City's Business Improvement Area Office.

§ 19-26. Quorum.

- A. A majority of the members of a Board constitutes a quorum of the Board, Council, or community council under delegated authority, approves an alternate quorum figure which shall not be less than one-half the Board membership less one.
- B. A member of Council appointed to a Board shall not be included for the purpose of determining what constitutes a quorum of the Board.
- C. A member of Council attending a meeting of a Board may be counted in order to achieve quorum.

§ 19-27. Annual general meeting; notice.

- A. Notice of the annual general meeting must include the meeting agenda and proposed budget.
- B. A Board's complete audited financial statements, with balance sheet and revenue and expenditure statements, must be available at the annual general meeting.
- C. The general membership, at the annual general meeting, shall recommend an auditor for Council's consideration, to prepare the audited financial statement for the following year.
- D. A Board shall supply the Business Improvement Area Office with the notice of the annual general meeting and any accompanying materials, at least 15 business days before the date of the annual general meeting.
- E. The City shall send the notice of the annual general meeting by prepaid mail at least 10 business days before the date of the meeting to business improvement area property owner members.
- F. A Board shall distribute notices at least 10 business days before the date of the meeting to business improvement area tenant members and Council members sitting on the Board.

§ 19-28. Procedure by-law.

- A. A Board shall, as soon as possible, prepare and adopt a procedure by-law for the business improvement area which governs the calling, place and proceedings of meetings, as required under section 189 of the Act.
- B. A Board shall adopt policies pertaining to the procurement of goods and services and the hiring of employees, as required under the Act.

§ 19-29. Insurance.

- (1) A Board shall pay to the Chief Financial Officer in each year its apportioned share of the insurance cost to participate in coverage under the City's commercial general liability insurance policies and programs.
- (2) The City will not provide any other insurance coverage.

§ 19-30. Dissolution of board.

Upon the repeal of a designating by-law, the Board is dissolved and the assets and liabilities of the Board become the assets and liabilities of the City.

§ 19-31. Liabilities upon dissolution.

If a Board is dissolved and the liabilities exceed the assets assumed by the City, Council shall recover the difference by imposing a charge on all rateable property in the former business improvement area.

ARTICLE V
Financial Requirements

§ 19-32. Annual Budget.

- A. A Board shall prepare a proposed annual budget for each fiscal year by the date and in the form required by the Chief Financial Officer and shall hold one or more meetings of the members of the business improvement area for discussion and adoption of an annual budget.
- B. A Board shall submit the budget to Council by the date and in the form required by the Chief Financial Officer and Council may approve it in whole or in part but may not add expenditures to it.

§ 19-33. Financial procedures and reports.

- A. A Board shall adopt and maintain only banking arrangements and sound business practices that are acceptable to the Chief Financial Officer and shall keep financial records and submit statements from time to time as the Chief Financial Officer may require.
- B. A Board's fiscal year is the calendar year.
- C. Individual business improvement area special charges, when billed by the Chief Financial Officer, shall be posted to separate business improvement area accounts.

- D. After Council's approval of a business improvement area's budget, the Chief Financial Officer shall remit 50 percent of the business improvement area's special charge, with the balance being remitted to the business improvement area no later than September 30, but shall withhold an amount for insurance recovery costs and a provisional amount reserved for assessment and tax appeals from all amounts remitted.

§ 19-34. Post City election budget.

If Council approves the proposed budget for a business improvement area for the year following a municipal election, the approval is subject to the following during the two-week period that starts upon the completion of the Council meeting:

- A. Within the two-week period, a Board may submit a letter to the General Manager requesting that the Board's final budget approval be withheld pending further consideration by the Board and the business improvement area general membership.
- B. If the two-week period passes without a formal letter being received from the Board, the business improvement area's budget approval will become final.

§ 19-35. Audited financial statement.

- A. A Board shall submit its audited financial statement for the preceding year for Council's approval by the date and in the form required by the Chief Financial Officer.
- B. Where the auditor for the business improvement area has identified audit or financial reporting related issues through the preparation of a management letter, the Board shall submit a letter to the General Manager indicating how the Board intends to address the issues identified in the management letter.

ARTICLE VI
Special Charge

§ 19-36. Funds to be raised.

Council shall annually raise the amount required for the purposes of a Board, including any interest payable by the City on money borrowed by it for the purposes of the Board.

§ 19-37. Special charge.

Council may raise the amount referred to in § 19-36:

- A. By imposing a special charge upon rateable property in the business improvement area that is in a business property class; or
- B. By imposing a special charge upon rateable property in the business improvement area that is in a business property class and that, in Council's opinion, derives special benefit from the business improvement area, which special charge may be calculated using different percentages of the assessment for one or more separately assessed properties or

categories of separately assessed properties in the class if the resulting special charge is equitable in accordance with the benefits that, in Council's opinion, accrue to the properties from the activities related to the business improvement area.

§ 19-38. Minimum and maximum charges.

Council may establish a minimum or maximum charge or both, expressed for one or more separately assessed properties or categories of separately assessed properties in a class, as:

- A. Percentages of the assessed value of rateable property in the business improvement area that is in a business property class;
- B. Dollar amounts; or
- C. Percentages of a Board's annual budget.

§ 19-39. Effect of by-law.

When a by-law under § 19-38 is in force:

- A. The amount of a charge levied in a year under § 19-37 shall not, when calculated for the individual property in the class to which it applies, be less than or greater than the amount of the applicable minimum and maximum charge for the property established under the by-law; and
- B. If necessary for a fiscal year to raise the amount referred to in § 19-36 because a minimum or maximum charge applies to one or more separately assessed properties or categories of separately assessed properties in the prescribed class, Council shall for the year adjust any charges applicable to the remaining individual properties or subclasses of properties in the class by adjusting the percentage or percentages of assessment established under § 19-37 for those properties.

§ 19-40. Exclusion.

Section 19-6 does not apply to an adjustment made under § 19-39B.

§ 19-41. Borrowings.

If only a part of money borrowed by Council in any year for the purposes of a Board is required to be repaid in that year or a subsequent year, only that part and any interest payable on the total amount shall be included in the special charge under this section in that year or subsequent year, respectively.

§ 19-42. Priority lien status.

Charges levied under this Chapter have priority lien status under the Act and shall be added to the tax roll.

ENACTED AND PASSED this 11th day of June, A.D. 2007.

GLORIA LINDSAY LUBY,
Deputy Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE A

Business improvement area boards of management dissolved and re-established as city boards under the *City of Toronto Act, 2006*:

| | |
|-------------------------------|---------------------------------------|
| Albion Islington Square BIA | Mimico by the Lake BIA |
| Bloor Annex BIA | Mimico Village BIA |
| Bloor by the Park BIA | Mirvish Village BIA |
| Bloor Street BIA | Mount Dennis BIA |
| Bloor West Village BIA | Old Cabbagetown BIA |
| Bloorcourt Village BIA | Old Queen Street BIA |
| Bloordale Village BIA | Pape Village BIA |
| Bloor-Yorkville BIA | Parkdale Village BIA |
| Chinatown BIA | Queens Quay Harbourfront BIA |
| Church-Wellesley Village BIA | Riverside District BIA |
| College Promenade BIA | Roncesvalles Village BIA |
| Corso Italia BIA | Rosedale Main Street BIA |
| Danforth Village BIA | Shepard East Village BIA |
| Dovercourt Village BIA | St. Clair Avenue West BIA |
| Downtown Yonge BIA | St. Clair Gardens BIA |
| Dundas West BIA | St. Lawrence Market Neighbourhood BIA |
| Eglinton Hill BIA | The Beach BIA |
| Emery Village BIA | The Danforth BIA |
| Fairbank Village BIA | The Eglinton Way BIA |
| Forest Hill Village BIA | The Kingsway BIA |
| Gerrard India Bazaar BIA | Upper Village BIA |
| Greektown on the Danforth BIA | Uptown Yonge BIA |
| Harbord Street BIA | Village of Islington BIA |
| Hillcrest Village BIA | West Queen West BIA |
| Junction Gardens BIA | Weston Village BIA |
| Kennedy Road BIA | Wexford Heights BIA |
| Knob Hill Plaza BIA | Wychwood Heights BIA |
| Korea Town BIA | Yonge Lawrence Village BIA |
| Lakeshore Village BIA | York Eglinton BIA |
| Liberty Village BIA | |
| Little Italy BIA | |
| Long Branch BIA | |

SCHEDULE B

The following by-laws, as amended, of the former municipalities listed below, are repealed:

Former City of:

| | |
|--------------------|--|
| Toronto 1996-157 | Bloor Annex Business Improvement Area (formerly Bloor-Bathurst-Madison Business Improvement Area) |
| Toronto 551-87 | Bloor By The Park Business Improvement Area |
| Toronto 272-70 | Bloor West Village Improvement Area |
| Toronto 769-85 | Bloor-Yorkville Business Improvement Area |
| Toronto 777-79 | Bloorcourt Village Business Improvement Area |
| Toronto 571-76 | Bloordale Village Business Improvement Area |
| Toronto 525-84 | Corso Italia Business Improvement Area |
| Toronto 316-87 | Danforth by the Valley Business Improvement Area |
| Toronto 175-85 | Dovercourt Village Business Improvement Area |
| Toronto 1098-2001 | Downtown Yonge Street Business Improvement Area |
| York 3652-97 | Eglinton Hill Business Improvement Area (formerly Keele-Eglinton Business Improvement Area) |
| Toronto 538-87 | Eglinton Way Business Improvement Area |
| Toronto 194-79 | Forest Hill Village Business Improvement Area |
| Toronto 1994-0516 | Gerrard India Bazaar Business Improvement Area |
| Toronto 455-81 | Greektown on the Danforth Business Improvement Area |
| Toronto 812-85 | Harbord Street Business Improvement Area |
| Toronto 524-84 | Hillcrest Village Business Improvement Area |
| Toronto 111-73 | Junction Gardens Business Improvement Area |
| Scarborough 23267 | Kennedy Road Business Improvement Area |
| Etobicoke 2702 | Lakeshore Village Business Improvement Area |
| Toronto 995-2001 | Liberty Village Business Improvement Area |
| Toronto 705-85 | Little Italy Business Improvement Area |
| Etobicoke 1987-20 | Long Branch Business Improvement Area |
| Etobicoke 1985-286 | Mimico by the Lake Business Improvement Area |
| Etobicoke 1997-210 | Mimico Village Business Improvement Area |
| York 2012-74 | Mount Dennis Business Improvement Area |
| Toronto 86-74 | Old Cabbagetown Business Improvement Area |
| East York 25-86 | Pape Business Improvement Area (formerly North Pape Village Business Improvement Area) |
| Toronto 102-79 | Parkdale Village Business Improvement Area |
| Toronto 578-80 | Queen/Broadview Village Business Improvement Area |
| Toronto 436-86 | Roncesvalles Village Business Improvement Area |
| Toronto 775-2000 | St. Clair Avenue West Business Improvement Area |
| Toronto 627-85 | St. Clair Gardens Business Improvement Area |
| Toronto 1997-0347 | St. Lawrence Neighbourhood Business Improvement Area |
| Etobicoke 2968 | The Kingsway Business Improvement Area |
| Toronto 468-84 | Upper Village (Toronto) Business Improvement Area |
| York 3298-96 | Upper Village (York) Business Improvement Area (formerly Bathurst-Eglinton Business Improvement Area) |
| Etobicoke 1986-130 | Village of Islington Business Improvement Area |

York 2245-75

Toronto 554-2000

York 3964-81

Weston Business Improvement Area

Yonge Lawrence Village Business Improvement Area

York Eglinton Business Improvement Area