1. CALL TO ORDER

Chaired by Councillor Leanne Burton

2. APPROVAL OF AGENDA

Suggested Motion

"THAT the agenda be adopted as presented."

3. DECLARATIONS OF INTEREST

4. PRESENTATIONS

5. DELEGATIONS

6. FINANCE & CORPORATE SERVICES

Portfolio Chair: Councillor Ray Young

6.1 2019 Operations Budget - Administration, Protective Services, Planning and Development
6.2 Staff Report 01-2019 - 2019 Community Grant Application Review Working Group

Suggested Motion
"THAT Committee of the Whole recommend that Council appoint the following three members to the Community Grant Application Review Working Group for 2019 Grants:

1. ________
2. ________
3. ________ ."

6.3 Staff Report 02-2019 - Recreational Cannabis Retail Sales in Prescott

Suggested Motion
"THAT Committee of the Whole recommend that Council approve that provincially licensed retail outlets selling Cannabis be allowed in the Town of Prescott and that staff be directed to inform the Province of this by January 22, 2019."

7. OPERATIONS

Portfolio Chair: Councillor Gauri Shankar

8. ECONOMIC DEVELOPMENT, BUILDING, BY-LAW, PLANNING & HERITAGE

Portfolio Chair: Councillor Teresa Jansman

8.1 Staff Report 03-2019 - Construction Activity in the Town of Prescott January through November 2018

Suggested Motion
"THAT Committee of the Whole receive the construction activity report from January 1, 2018 to November 30, 2018 for information."

8.2 Staff Report 04-2019 - By-law Enforcement Activity within the Town of Prescott January 1 through November 30, 2018

Suggested Motion
"THAT Committee of the Whole receive the By-law Enforcement Activity report from January 1, 2018 to November 30, 2018 for information."
8.3 **Staff Report 05-2019 - Amendment to Taxi By-law 04-2014**

*Suggested Motion*  
"THAT Committee of the Whole instruct staff to bring forward an amendment to the Taxi By-Law to remove the maximum number of licenses available to be issued in the Town of Prescott, to recognize the use of technology in dispatch services, and add the requirement for General Commercial Liability Insurance in addition to the insurance requirements already in the by-law."

8.4 **Staff Report 06-2019 - Business Improvement Area By-Law Update**  
*Required*

*Suggested Motion*  
"THAT Committee of the Whole instruct staff to revise the Business Improvement Area By-Law 41-79, as amended, to reflect the Provincial guidelines as set out in the Municipal Act, 2001, as amended."

9. **WATER & WASTEWATER**  
*Portfolio Chair: Councillor Lee McConnell*

10. **PROTECTIVE SERVICES & COMMUNITY LIAISON**  
*Portfolio Chair: Councillor Mike Ostrander*

11. **CAPITAL & PROJECTS**  
*Portfolio Chair: Councillor Leanne Burton*

12. **NEW BUSINESS**

12.1 **Action Item List**

13. **PERIOD FOR MEDIA QUESTIONS**
14. CLOSED SESSION

14.1 Legal Matter

Suggested Motion
"THAT Committee of the Whole resolve into Council and move into
Closed Session at __________ to address a matter pertaining to:

14.1 Legal Matter

- advice that is subject to solicitor-client privilege, including
communications necessary for that purpose; and

That the CAO/Treasurer, Director of Operations, Clerk, and Deputy
Clerk remain in the room."

15. RISE AND REPORT

16. ADJOURNMENT

________________________
Topics

- Budget Timeline
- Assumptions
- Administration
- Protective Services
- Planning & Development
Budget Timeline

- **December 10**
  - Health Services
  - Social Services

- **January 7**
  - Administration
  - Protective Services
  - Planning & Development

- **January 21**
  - Parks & Recreation
  - Transportation
  - Environmental

- **January 28**
  - Revenue
  - Taxation

- **February 4**
  - Operational Projects
  - Capital Projects

- **February 19**
  - Operations Budget Review
  - Capital Budget Review
Expense Budget Assumptions

- 1.75% Salary increase (Union and Non-Union)
  - Unionized increase previously negotiated settlement
  - Non-Union increase follows unionized
- 5.0% Electricity and Natural Gas increase
- 3.0% Insurance increase
- 3.0% Telephone increase
- 2.0% Inflationary increase
- No change to minimum wage for 2019
Administration

- Council
- Administration
- Taxation
## Administration Expenses

<table>
<thead>
<tr>
<th></th>
<th>2018 Budget</th>
<th>2018 Projection</th>
<th>2019 Budget</th>
<th>Budget to Budget</th>
<th>Budget to Projection</th>
<th>Notes</th>
<th>Transfer to Reserves</th>
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<tbody>
<tr>
<td>Council</td>
<td>$133,811</td>
<td>$154,465</td>
<td>$148,954</td>
<td>$15,143</td>
<td>($5,511)</td>
<td>2018 $30k donation</td>
<td>$5,100</td>
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<tr>
<td>Election</td>
<td>20,300</td>
<td>10,311</td>
<td>-</td>
<td>(20,300)</td>
<td>(10,311)</td>
<td>2018 Election</td>
<td>-</td>
</tr>
<tr>
<td>Administration</td>
<td>966,304</td>
<td>949,036</td>
<td>841,854</td>
<td>(124,450)</td>
<td>(107,182)</td>
<td>Decrease 12.9%</td>
<td>-</td>
</tr>
<tr>
<td>Taxation</td>
<td>255,532</td>
<td>247,011</td>
<td>255,592</td>
<td>60</td>
<td>8,581</td>
<td></td>
<td>$194,452</td>
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<td><strong>Total</strong></td>
<td><strong>1,375,947</strong></td>
<td><strong>1,360,823</strong></td>
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<td><strong>(129,547)</strong></td>
<td><strong>(114,423)</strong></td>
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<td><strong>$199,552</strong></td>
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<td>-9.4%</td>
<td>-8.4%</td>
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Protective Services

- Fire Services
- Police Services
- Protective Inspection
- Building Permits
- Emergency Measures
## Protective Services Expenses

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<th>2018 Budget</th>
<th>2018 Projection</th>
<th>2019 Budget</th>
<th>Budget to Budget</th>
<th>Budget to Projection</th>
<th>Notes</th>
<th>Transfer to Reserves</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire</td>
<td>$725,288</td>
<td>$725,458</td>
<td>$738,263</td>
<td>$12,975</td>
<td>$12,805</td>
<td></td>
<td>$300,000</td>
</tr>
<tr>
<td>Police</td>
<td>1,174,692</td>
<td>1,174,692</td>
<td>1,182,400</td>
<td>7,708</td>
<td>7,708</td>
<td></td>
<td>-</td>
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<tr>
<td>Protective Ins</td>
<td>101,953</td>
<td>96,925</td>
<td>114,917</td>
<td>12,964</td>
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<td>-</td>
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<tr>
<td>Building Prmt</td>
<td>92,803</td>
<td>71,773</td>
<td>108,869</td>
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<td>36,916</td>
<td>In-House CBO</td>
<td>-</td>
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<td>Emergency</td>
<td>5,000</td>
<td>1,107</td>
<td>5,000</td>
<td>-</td>
<td>3,893</td>
<td></td>
<td>-</td>
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<td><strong>Total</strong></td>
<td><strong>2,099,736</strong></td>
<td><strong>2,069,954</strong></td>
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<td><strong>$300,000</strong></td>
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<td>+2.4%</td>
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Planning & Development

- Planning
- Committee of Adjustment
- Economic Development
# Planning & Development Expenses

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<th>Budget to Budget</th>
<th>Budget to Projection</th>
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<td>Cmt of Adjust</td>
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<td>-</td>
<td>(250)</td>
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<tr>
<td>Economic Dev</td>
<td>227,790</td>
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<td>227,646</td>
<td>(144)</td>
<td>95,860</td>
<td>EORN 5G Project $8k</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>271,862</strong></td>
<td><strong>213,181</strong></td>
<td><strong>268,216</strong></td>
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### Summary to Date

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<th>Budget to Projection</th>
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<tr>
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<td>77,161</td>
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<td>Ambulance</td>
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<tr>
<td>Cemetery</td>
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<td>-</td>
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<td>General Assist</td>
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<tr>
<td>St. Law Lodge</td>
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<td>Child Care</td>
<td>29,541</td>
<td>29,101</td>
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<td>Public Housing</td>
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<td>95,860</td>
<td>EORN 5G Project $8k</td>
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<td><strong>Total</strong></td>
<td><strong>4,862,856</strong></td>
<td><strong>4,760,519</strong></td>
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Next Budget Meeting – January 21, 2019

Topics

• Transportation Services
• Parks & Recreation
• Environmental Services
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<th>Total 2018</th>
<th>Total 2019</th>
<th>Notes</th>
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<td>Budget</td>
<td>Actual</td>
<td>Variance</td>
<td>Budget</td>
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<td>Budget</td>
<td>Actual</td>
<td>Variance</td>
<td></td>
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<td>Projection</td>
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<tr>
<td><strong>Expenses</strong></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Salaries &amp; Benefits</td>
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<td>80,911</td>
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<td>97,093</td>
<td>95,701 101,932</td>
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<td>1,124</td>
<td>1,451 2,800 4,000</td>
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<td>1,179 2,700 2,500</td>
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<td>0000-3003</td>
<td>750</td>
<td>958</td>
<td>(208)</td>
<td>1,150 900 1,200</td>
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<td>Travel Other</td>
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<td>172</td>
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<td>2,748 4,100 -</td>
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<td>Conference Fees</td>
<td>0000-3022</td>
<td>2,583</td>
<td>1,017</td>
<td>1,566</td>
<td>1,220 3,100 8,000 $2,000 Mayor, $1,000 Councillor</td>
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<td>0000-3023</td>
<td>1,667</td>
<td>2,000</td>
<td>(333)</td>
<td>2,400 2,000 2,000 Eastern Ontario's Mayors</td>
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<td>Meeting Expenses</td>
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<td>521</td>
<td>(105)</td>
<td>626 500 500</td>
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<td>0000-3100</td>
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<td>Subscriptions</td>
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<td>146 150 150</td>
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<td>- 1,800 1,400 Clothing $200 x 7</td>
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<td>Promotional Materials</td>
<td>0000-3152</td>
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<td>(102)</td>
<td>1,622 500 1,500 Town of Prescott Items</td>
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<td>Public Relations</td>
<td>0000-3153</td>
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<td>2,152</td>
<td>(111)</td>
<td>2,583 2,450 2,500 Flowers, gift baskets</td>
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<td>Cell Phones</td>
<td>0000-3231</td>
<td>667</td>
<td>1,217</td>
<td>(550)</td>
<td>1,461 800 1,500</td>
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<td>Data Communication</td>
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<td>484</td>
<td>3,420 4,000 3,500</td>
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<td>Legal Fees</td>
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<td>3,333</td>
<td>-</td>
<td>3,333</td>
<td>- 4,000 10,000 Integrity Commissioner</td>
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<td>Grants to Others</td>
<td>0000-6099</td>
<td>333</td>
<td>-</td>
<td>333</td>
<td>30,000 400 400 Hospital Donation 2018</td>
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<td>Transfers to Reserves</td>
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<td>4,250</td>
<td>-</td>
<td>5,100 5,100 5,100 Election Reserve</td>
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<tr>
<td><strong>Total</strong></td>
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<td>112,343</td>
<td>103,721</td>
<td>8,622</td>
<td>154,465 133,811 148,954</td>
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Page 15 of 201
## Expenses

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<th>Actual</th>
<th>Variance</th>
<th>Notes</th>
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<td>628</td>
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<td>175</td>
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<td>Other Expenses</td>
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<td>(2,015)</td>
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<td>Computer Licensing</td>
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<td>1,016</td>
<td>(1,016)</td>
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<td>Advertising Community</td>
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<td>195</td>
<td>(195)</td>
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Page 16 of 201
## Expenses

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*Notes: Assumes 3% increase for Insurance and Health & Safety Supplies.*
### Departmental Statement
#### Administration

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(124,450)

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# Departmental Statement

## Fire

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## Departmental Statement

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Page 22 of 201
## Departmental Statement
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**Fund** 00  
**Dept** 245
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# Departmental Statement

## Planning

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STAFF REPORT TO COMMITTEE OF THE WHOLE

Date: January 7, 2019

From: Matthew Armstrong, Chief Administrative Officer & Treasurer

Re: 2019 Community Grant Application Review Working Group

Recommendation:

That Committee of the Whole recommend that Council appoint the following three members to the Community Grant Application Review Working Group for 2019 Grants:

1. ______________________
2. ______________________
3. ______________________

Background / Analysis:

Each year, local organizations are invited to submit applications to receive grant money to support a variety of programs and initiatives of benefit to local residents within the Town of Prescott.

Similar to the prior year, the submission process for submitted 2019 Grant Applications was moved up to the fall of 2018 so that these requests could be contemplated as part of the 2019 Budget, as opposed to after its passage.

Another change in the process for 2018 was that three members of Council acted as a working group to review the applications in detail, and make recommendations to Council based on their deliberations.
The working group had an opportunity to review each submission prior to meeting to discuss them. At the meeting, the working group members provided their rationale in support of each request. Once a consensus was established within the working group, the recommendations were sent to Council for further review and contemplation.

Alternatives:

An alternative would be for all of Council to review and deliberate on the 2019 Community Grant Applications at a meeting of Council. This alternative may be time consuming.

Financial Implications:

None

Attachments:

None

Submitted By

Matthew Armstrong
Chief Administrative Officer & Treasurer
STAFF REPORT TO COMMITTEE OF THE WHOLE

Date: January 7, 2019

From: Matthew Armstrong, Chief Administrative Officer & Treasurer

Re: Recreational Cannabis Retail Sales in Prescott

Recommendation:

That Committee of the Whole recommend that Council approve that provincially licensed retail outlets selling Cannabis be allowed in the Town of Prescott and that staff be directed to inform the Province of this by January 22, 2019.

Background / Analysis:

Recreational Cannabis became available in Ontario in October of 2018 through the provincial online store. “The provincial government has committed to allowing private recreational cannabis retail stores throughout Ontario starting April 1, 2019. As recreational cannabis is a legal, controlled and regulated product, cannabis stores will be considered like any other type of retail and as such, no zoning changes are needed.

In legalizing cannabis for recreational purposes, the federal, provincial, and municipal governments share three interrelated goals: protecting youth, public health and safety, and ending illegal sales of cannabis. The provincial government has established a regulatory framework (O. Reg. 468.18) under the recently passed Cannabis Licensing Act, 2018, that provides further clarity on how these private businesses will be licensed and regulated by the Alcohol and Gaming Commission of Ontario (AGCO). These regulations deal with various elements of the retail regime including matters in which municipal governments may have an interest.

Key Points:

- Cannabis retailing regulations include a 150-meter buffer area from schools
- Municipalities will have 15 days in which to provide input on the location of cannabis retail applications processed by the Province before site authorization is given.

- An Ontario Cannabis Legalization Implementation Fund has been established to aid municipalities during the retail implementation period. If a municipality opts-out they will not be able to receive funds from the Ontario Cannabis Legalization Implementation Fund regardless if they opt-in at a later date.

- Regardless of whether a municipality opts-in or out of allowing recreational cannabis retail in the municipality, cannabis will remain available to all residents through the online store and from retail outlets in other communities.

The Association of Municipalities of Ontario (AMO) provided a draft template for Municipal Cannabis Policy Statement which can be found in the attachment, “Municipal Cannabis Update – Information to help municipal staff prepare reports for Councils.”

Alternatives:

Councils have a onetime opt-out option of allowing retail cannabis stores in their municipalities. If this option is exercised it must be done so by January 22, 2019. If a municipality does not indicate their opt-in or opt-out preference by January 22, 2019, it will be deemed to have opted-in to allowing recreational cannabis retail sales in their municipality. Once a municipality opts-in there will be no future ability to opt out.

If a municipality opts-out they will not be able to receive funds from the Ontario Cannabis Legalization Implementation Fund regardless if they opt-in at a later date.

Financial Implications:

None

Attachments:

Memo – Municipal Role in Legalization of Cannabis: A Public Health Perspective
Fact Sheet – Municipalities and Cannabis: A Public Health Perspective

Ontario’s Cannabis Retail Regulation Landscape

Municipal Cannabis Update – Information to help municipal staff prepare reports for Councils

Ministry of Finance, Province of Ontario News Release – Ontario Takes a Phased Approach to Cannabis Retail Licensing Due to National Supply Shortages

Ontario Regulation 468/18, Cannabis License Act, 2018

Submitted By

Matthew Armstrong
Chief Administrative Officer & Treasurer
MEMO

TO: Mayors, Reeves, Councillors, and CAO’s of Municipalities in Lanark, Leeds and Grenville

FROM: Dr. Paula Stewart, Medical Officer of Health/CEO

DATE: December 20, 2018

RE: Municipal Role in the Legalization of Cannabis: A Public Health Perspective

On October 17, 2018, Canada legalized the use of cannabis beyond its current legalized use for medical purposes. Legalization of cannabis aims to protect youth from access to it, displace the illicit cannabis market by regulating the sale of safer cannabis products, and protect the health and safety of individuals from exposure to second hand smoke.

Cannabis use may have significant health risks, particularly among young people, and can lead to addiction. The Centre for Addiction and Mental Health (CAMH) has developed research-based Lower Risk Cannabis Use Guidelines to address these potential risks.

Municipalities have an important role to play in creating an environment that decreases the risk associated with cannabis use, and supports healthy decision-making around cannabis use, particularly among young people. The enclosed Fact Sheet (available on our website at https://healthunit.org/for-professionals/municipal-staff-partners/alcohol-cannabis-drugs/ ) provides some suggestions, from a public health perspective, for municipalities to consider in the overall community response to the legalization of cannabis.

I appreciate everything municipalities do to create healthy and safe environments for their community members. Please contact Elaine Murkin, Manager Healthy Living and Development, if you would like more information about any of the suggestions in the Fact Sheet or if you would like support from the Health Unit to develop municipal by-laws.
On October 17, 2018, Canada legalized the use of cannabis beyond its current legalized use for medical purposes. Legalization of cannabis aims to protect youth from access to it, displace the illicit cannabis market by regulating the sale of safer cannabis products, and protect the health and safety of individuals from exposure to second hand smoke.

Cannabis use may have significant health risks, particularly among young people, and can lead to addiction. The Centre for Addiction and Mental Health (CAMH) has developed research-based Lower Risk Cannabis Use Guidelines to address these potential risks. Municipalities will have an important role to play in creating an environment that decreases the risk associated with cannabis use, and supports healthy decision-making around cannabis use, particularly among young people.

**Municipal Role with Youth**

The adolescent brain is developing until 25 years and older and regular cannabis use can affect normal development of memory, cognition, judgement and planning with long-term consequences.

Municipalities have an important role in promoting health and preventing problematic substance use among adolescents.

- A youth-friendly community is one that is committed to supporting positive youth development; building the skills and resilience of youth and their families through access to safe, free recreational and social spaces, and school- or community-based organizations.
- Consider incorporating youth’s voice in planning and development.
- Promote positive social norms and prevent exposure to cannabis by reducing access and availability of substances through municipal alcohol and cannabis policy and by-laws.
- Communicate risks with cannabis use and driving.

**Municipal Role to Displace the Illicit Cannabis Market**

The provincial government currently has a regulated on-line retail model and will establish a private retail model by April 1, 2019, to displace the illicit cannabis market. Municipalities in Ontario must decide, by January 22, 2019, whether they will endorse private retail in their community now or opt out issuing a council resolution to the Alcohol and Gaming Commission of Ontario. The options are:

1. Retail store(s) will not be permitted in the municipality for now. The municipality can decide later on to accept the retail store model in their municipality. This would provide time to access how retail stores are impacting other municipalities.
2. Retail cannabis store(s) will be present in the municipality. This is a permanent decision. The municipal zoning by-laws will not apply to any application for a retail store. Local municipalities will be requested to provide comments on whether the retail store authorization is in the public interest and wishes of the residents within 15 days.

The presence of retail stores will allow people without credit or a personal address to access safer products, however their location, number or business hours may pose risks to youth. In order to mitigate some of these risks, consider the following when providing comments on whether the proposed site for a cannabis retail store is in the public’s interest:

- Reduce cannabis retail outlet density through minimum distance requirements (at least 300 metres) between cannabis retail outlets and limits on number in your community
- Prevent the role-modeling of cannabis use and reduce youth access through minimum distance requirements (at least 500 metres) from youth-serving facilities such as child care centres and community centres
- Discourage the co-use of cannabis and other substances by discouraging co-location and minimum distance requirements (at least 300 metres) between cannabis and alcohol or tobacco retail outlets to reduce risks associated with impaired driving
- Protect vulnerable residents by limiting cannabis retail outlets in low socioeconomic neighborhoods and other sensitive areas enacting minimum requirements
- Reduce cannabis consumptions and harms by limiting late night and early morning retail hours.
Municipal Role to protect the health and safety of individuals from exposure to second hand cannabis smoke

The Smoke Free Ontario Act 2017 includes prohibitions of smoking or vaping cannabis in all places where it is prohibited to smoke or vape tobacco.

Restricting the use of cannabis, tobacco and vapour products together in a municipal by-law will decrease confusion as to which substances can be used in public places, and decrease enforcement challenges of having to identify the product or substance smoked or vaporized.

The Health Unit is available to support municipalities in helping draft municipal by-laws, provide sample by-laws and consult as well as provide support to municipal by-law enforcement staff.

Municipalities can develop by-laws as follows related to tobacco and cannabis smoking or vaping.

1. Restrict use on all municipal properties or a specified distance from municipal entrances (e.g., 9 metres)
2. The restrictions included in the Smoke Free Ontario Act 2017 and regulations can be mimicked in your by-law to ensure municipal staff can also enforce those restrictions ensuring fines issued go to municipal coffers and increasing the enforcement capacity. Those should include (a 20 metre radius to playgrounds and playing fields, a 20 metre radius from the perimeter of community recreational facility and a 9 metre radius to patios).1 (See municipality of North Grenville by-law)
3. The municipality can add to the restrictions already offered in the Smoke Free Ontario Act 2017 (see above) by adding to their by-law to include all parks and playgrounds, municipal trails, street fairs and festivals, parade routes, parking lots, 9 metres from unenclosed bus stops, multi-unit dwellings and supportive housing. (See city of Kingston by-law)
4. Restrict use in all public places including streets and sidewalks basically eliminating exposure in their municipality. (See city of Markham by-law).

References:

The Licences and Authorizations you need from the AGCO

**RETAIL OPERATOR LICENCE**
To be able to legally open a retail store to sell recreational cannabis, you must get a Retail Operator Licence. To get this licence, you must meet all of the eligibility criteria set out in the Cannabis Licence Act and its regulations.

A Retail Operator Licence allows you to operate one or more retail stores in Ontario. However, you must have a separate Retail Store Authorization for every store you wish to operate.

**RETAIL STORE AUTHORIZATION**
You must have a Retail Store Authorization for each one of your stores because the Cannabis Licence Act and its regulations require that each store meet certain requirements. Requirements relate to such matters as the store layout and location. The regulations also give residents of the municipality in which the proposed store would be located the opportunity to provide their input.

**CANNABIS RETAIL MANAGER LICENCE**
In order to ensure the responsible sale of cannabis, there must be at least one licensed manager for each authorized store location. The Cannabis Licence Act and its regulations set out eligibility criteria for the person who will have management responsibilities in authorized stores. This includes having responsibility for the cannabis inventory, for hiring and managing employees, and for ensuring the store operates with honesty and integrity at all times.

If you are a sole proprietor, and will be both the licensed operator and performing the duties of the retail store manager for a particular store, you do not need to get a Cannabis Retail Manager Licence for your store.

The Local Community

**MUNICIPALITIES AND FIRST NATIONS RESERVES**
Ontario municipalities have a one-time option to opt out of having cannabis retail stores in their communities. Municipalities have until January 22, 2019 to inform the AGCO if they wish to opt out. Municipalities that choose to opt out can opt back in at any time—but once they are in, they may no longer opt out.

A cannabis store can only be located on a First Nations Reserve if it has the approval of the Band Council.

**RESIDENTS**
Residents in the municipality of a proposed cannabis store location have an opportunity to share their views with the AGCO before a retail store is authorized. The Registrar may refuse to authorize the store if it is in the public interest to do so.

The only areas of public interest the Registrar can consider, as defined by the regulations, are related to public health and safety, protecting youth and restricting their access to cannabis, and preventing illegal activities in relation to cannabis.
Purpose:
This update provides information on the province’s regulatory framework, funding and AGCO licensing. This will help municipal staff prepare its report to council on elements for its decision-making on whether to have cannabis retail stores.

Overview
The provincial government has committed to allowing private recreational cannabis retail stores throughout Ontario starting April 1, 2019. As recreational cannabis is a legal, controlled and regulated product, cannabis stores will be considered like any other type of retail and as such, no zoning changes are needed.

In legalizing cannabis for recreational purposes, the federal, provincial and municipal governments share three interrelated goals: protecting youth, public health and safety, and ending illegal sales of cannabis. The provincial government has established a regulatory framework (O. Reg. 468.18) under the recently passed Cannabis Licensing Act, 2018 that provides further clarity on how these private businesses will be licensed and regulated by the Alcohol and Gaming Commission of Ontario (AGCO). These regulations deal with various elements of the retail regime including matters in which municipal governments may have an interest.

Key Points in the Regulations
The regulations speak to how a license to open a cannabis store will be issued. The full details of the AGCO process have not yet been released, however the AGCO will issue guidance as the regime is finalized. It is offering webinars (November 27 - 10:00 am / 3:00 pm) to prospective retailers and interested parties.

AGCO process will begin with it reviewing and completing due diligence on applications from corporations and individuals seeking to sell recreational cannabis. The licensing regime will have three parts: operator approval; retail site location approval; and store management licensing.

Municipal governments have the one-time opportunity to opt out of allowing retail cannabis stores in their communities. The decision to opt out must be made by January 22, 2019. Unless a municipal government opts out as per Ontario Regulation 468/18 s. 22, they opt in to recreational cannabis retail sale by default.

To protect youth, the provincial cannabis retailing regulations include a 150-meter buffer area for cannabis stores to keep them separated from schools. No buffers from any other use has been specified by the regulations.

In our discussions with some members, it has been proposed that a municipal government may consider setting out a policy statement identifying specific and significant locally sensitive considerations or uses, to best represent the expectations of the community in allowing cannabis retail. This statement would provide direction to municipal staff input to the AGCO within its 15-day review period.

The AGCO cannabis licensing process, much like the process for liquor licensing applications, requires that a notice of a proposed cannabis store site be posted for comments from area residents and businesses before a site authorization is made. At this point, the municipal
government will not be provided pre-notification of the application, but can make comments about whether the proposal is in the public interest as described by regulation.

While there is no regulatory requirement for the AGCO to act on municipal input, it is reasonable that a council could choose to set out any locally sensitive uses as part of the decision to allow cannabis retail stores or to opt out. Setting out these sensitive uses would specify the expectations of the community as cannabis retail sites are proposed. However, care needs to be taken so that this statement would not prohibit any cannabis retail store from locating in a municipality. Opting out is the appropriate mechanism for not permitting any stores in a municipality.

The province has just released the funding approach to help municipal governments offset implementation costs. Please see the Minister of Finance’s letter of November 20 to the AMO President. A similar letter is being sent to all Heads of Council. In addition, a letter from the Deputy Minister of Finance to municipal treasurers with more details will be sent in the coming days. **Please note that while opting out can be reversed after January 22, the municipal government will not gain any additional funding from the Ontario Cannabis Legalization Implementation Fund (OCLIF) than it had as of January 22 when it opted out—beyond the minimum second payment of $5000.**

**Store Location Approval Steps**

The AGCO will have a 15-day window for public and municipal government comments for each store site proposed by an approved operator. The legislation provides that municipal comments should focus on whether a proposed storefront location is in the public interest, as defined in the regulation. In the regulation, public interest is defined as public health or safety, protecting youth and eliminating the illegal market.

If a municipal council accepts retail stores, AMO suggests that a ‘Municipal Cannabis Retail Policy Statement’ be adopted by council. Such a policy statement could address what it sees as significant local sensitive uses. This would give municipal staff direction in responding to the 15-day window during the commentary process. For example, a policy statement may identify specific sensitive uses and express some parameters to consider proximity to these sensitive areas, or may set out concerns regarding store concentration1 in certain areas of their communities.

It is recommended that municipal governments identify a key senior staff lead for proposed cannabis store notices from AGCO and to provide a one-window approach to coordinate municipal input within the 15-day commentary period. This will ensure AGCO has every opportunity to take note of municipal government considerations. This key contact should be able to gather information from various municipal departments as necessary, provide maps and be able to convey council policy.

Below, AMO has provided a draft Municipal Cannabis Retail Policy Statement template that may help municipal governments that choose to create such a policy. The template helps municipal government officials begin to think about the issues and criteria they may wish to note when considering a proposed cannabis retail site. Notes for consideration of what we understand to be

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1 Note that store concentration will ultimately be determined by the market demand, however municipal governments may wish to set out any criteria through which they may consider this in future.
an effective municipal policy statement are provided in the shaded boxes and would not form part of the policy statement.

For alignment between the regulations and AGCO mandate, municipal comments in the process, whether through a municipal cannabis policy statement or not, must focus on the three provincial public interest objectives: public health and safety, protecting youth and ending illegal sales of cannabis.

Municipal staff are encouraged to read the regulations and AGCO guidelines as they are developed and made available to understand eligibility requirements for operators how cannabis retail businesses are expected to operate. AMO will continue to provide information and analysis on this and other matters as it becomes available.
Draft Municipal Policy Statement Template:

The template can be used by a municipality that has chosen to allow retail sales of recreational cannabis.

Purpose & Vision

The purpose of this policy statement is to provide a format for municipal government input to the Alcohol and Gaming Commission of Ontario (AGCO) as well as help prospective recreational cannabis retailers in their consideration of location of cannabis retail stores in (name of municipality).

The AGCO is the provincial authority that licences cannabis retail operators, authorizes cannabis retail locations and licenses senior store staff. Municipal governments have no licensing authority.

The AGCO regulates and reviews all aspects of the retail operation including municipal and public input, that the proposed store location is consistent with the public interest as defined in the regulations.

The Municipality of ....... has chosen to allow retail sales of recreational cannabis. The following provides municipal staff with guidance on commenting to AGCO when notice on a specific proposed cannabis retail store site is provided on the site location.

Principles for Cannabis Retail Store Locations:

Relationship to Other Applicable Law:

- Land Use Planning: The provincial licensing process does not remove the requirement to comply with the zoning by-law and other municipal planning documents. The definitions within the municipality's Official Plan and Zoning By-law are applicable to all retail, including cannabis retail stores. Retail sale of cannabis from a provincially licensed store is legal and is a permitted use in the retail zones.

- Municipal Building Inspections: while the licencing of the store operation is the responsibility of the AGCO, the Building Code applies to cannabis retail store locations. Therefore, where a building permit is required, the building inspector will undertake duties as usual. Fire Code compliance is also mandatory.
For the purposes of this policy statement, a cannabis retail store shall mean a store licenced by the AGCO.

1. **Cannabis Retail Stores and Sensitive activities:**
   In order to help ensure public health and safety, protect youth and reduce illegal sales, retail cannabis stores are discouraged where nearby properties are designed to serve youth including …

   The policy can address types of activities where youth or the potential for illegal sales or health risk exist. Please note that Ontario Regulation restricts a cannabis retail store from being located within a distance of 150 meters of a public school or most private schools. The municipality cannot adopt a greater distance. The distance buffer would be measured from the property line, if the school is the primary or only occupant of a building; or the boundary of any space occupied by the school within the building, if the school shares space, like in a mall. This distance buffer would not apply to private schools that hold classes online only, or to First Nation schools located on reserve.

   The municipal government may want to suggest other youth facilities such as libraries and community centres if appropriate, or other sensitive facilities that serve persons with mental heath or addiction challenges.

   The policies cannot be so restrictive that it is impossible to locate a store. Nor can the policy state a specific number of stores permitted.

   It is recommended that should the municipal government choose a separation distance from a sensitive use that it be a number, not a range and that a rationale for this distance be provided.

   Municipal governments should note that municipal density restrictions on cannabis retail stores are not permitted under the legislation or regulations. However, it is possible that the number of cannabis retail stores in one area could in the future be considered under the public interest criteria in the regulations and merit comment from the municipal government and community.

2. **Cannabis retail stores should not be permitted in:**

   Any prohibitive statements must be considered through the lens of eliminating illegal activity, public health and safety or protecting youth and the regulatory definition of the public interest.

   Retail locations, if retail is allowed in a zone other than a commercial zone, such concerns may be noted.

   How does this prohibition help youth, create a safer environment or limit illegal activity? A municipal government may choose not to have any prohibitions.
3. Attached is a map showing the retail/commercial zones of the municipality and the activities identified in Section 1 above.

A map showing where retail is permitted and the locations of the activities identified in the first section will be very helpful to the AGCO. Municipal governments may choose to provide some sample separation distances as concentric rings around the activities such as addiction treatment facilities etc. to provide sample set backs. The Ministry of Education is working to identify all schools however; municipalities could also provide this information.
Ontario Takes a Phased Approach to Cannabis Retail Licensing Due to National Supply Shortages
December 13, 2018 7:30 P.M.

Today, the Honourable Caroline Mulroney, Attorney General and the Honourable Vic Fedeli, Minister of Finance, released the following statement on changes being made to the licensing process for recreational retail cannabis stores in Ontario:

"It is the federal government's responsibility to oversee cannabis production and to provide a viable alternative to the illegal market by ensuring there is sufficient supply to meet consumer demand. Yet, we continue to see severe supply shortages across the country in legal, licensed recreational cannabis stores.

For example, Alberta stopped issuing any new retail cannabis licences after only receiving 20 per cent of the stock it ordered from federally licensed producers, and in Quebec retail operating hours have been reduced to four days a week. In addition, the shortage of supply has restricted online sales in many jurisdictions.

This is a national issue that demands an immediate response from Justin Trudeau and the federal government. The Government of Ontario has brought this to the federal government's attention repeatedly. At a recent meeting of federal, provincial and territorial Finance Ministers in Ottawa, Minister Fedeli, along with Finance Ministers from several other provinces and territories, raised the issue of a severe shortage of supply across the country with Federal Finance Minister Bill Morneau.

Taking into consideration the required investments for a prospective Ontario private legal retailer, we cannot in good conscience issue an unlimited number of licences to businesses in the face of such shortages and the federal government's failure to provide certainty around future supply.

That is why today we are announcing that Ontario will be taking steps to ensure that private cannabis retail stores open in phases. In the initial phase up to 25 licences will be issued so operators can open for business on April 1, 2019 and stay open.
To ensure a fair and transparent process, the Alcohol and Gaming Commission of Ontario (AGCO) will implement a lottery system to determine who is eligible for the initial licences to legally operate a store in Ontario. All interested parties will be able to submit an expression of interest form online to the AGCO from January 7 to January 9, 2019. The expressions of interest will be put into a lottery pool for a draw. The draw will be conducted on January 11, 2019, with the results to be posted on the AGCO’s website within 24 hours.

The lottery process will be overseen by a third-party fairness monitor to ensure equality and transparency in the treatment of the expressions of interest, as well as an appropriate distribution of stores in each region of the province, which is set out in the regulation. Further details on the lottery system will be available on the AGCO website.

The OCS continues to work closely with federally licensed producers to monitor the availability of supply and to secure supply for Ontario, including through regular product calls and frequent visits to producer facilities. The lottery is going to be a temporary model for issuing private retail licences. When Ontario has determined that the federal government has provided for enough reliable supply, Ontario will communicate next steps for additional private retail stores.

Our government refuses to compromise the viability of Ontario businesses. Private retailers need certainty from the federal government that there will be a reliable supply of cannabis to support their business and combat the illegal market.

We will continue to urge the federal government to take immediate action to ensure licensed producers ramp up production in order to meet the anticipated market demand for recreational cannabis.”

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ONTARIO REGULATION 468/18
made under the
CANNABIS LICENCE ACT, 2018
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GENERAL

CONTENTS

INTERPRETATION

1. Interpretation

2. Affiliates

GENERAL INELIGIBILITY

3. Ineligibility, prescribed offences
4. Ineligibility, contravention of prescribed provisions
5. Prescribed offences under Controlled Drugs and Substances Act (Canada)
6. Retail operator licence, compliance with tax laws
7. Retail operator licence, corporation owned by licensed producer
8. Ineligibility, other circumstances

RETAIL STORE AUTHORIZATIONS

9. Cannabis retail store requirements
10. Public interest
11. No issuance, proximity to schools
12. Maximum permissible authorizations
13. Display of authorization
14. Distribution services

REVOCATIONS AND SUSPENSIONS

15. Revocation without proposal, prescribed contraventions
16. Public notice of suspension of authorization

OPERATION OF CANNABIS RETAIL STORES

17. Permissible hours of operation
18. Additional items that may be sold
19. Cannabis retail seal
20. Preventing entry of individuals under 19 years of age
21. Training requirements

MATTERS RESPECTING MUNICIPALITIES

22. Notice of resolution

MATTERS RESPECTING RESERVES

23. Notice of resolution

COMMENCEMENT

24. Schedule 1

Cannabis retail seal

INTERPRETATION

1. In this Regulation,
“licensed producer” means a person who is authorized by a licence issued under the Cannabis Act (Canada) to produce cannabis for commercial purposes.

Affiliates

2. (1) In paragraph 2 of subsection 4 (4) of the Act and this Regulation, an affiliate of a person is,
(a) a corporation that is affiliated with the person for the purposes of the Business Corporations Act, as set out in subsection 1 (4) of that Act;
(b) a corporation that is affiliated with another corporation in the manner referred to in clause (a), if that other corporation is at the same time affiliated with the person in that manner;

c) a corporation of which the person beneficially owns or controls, directly or indirectly, shares or securities currently convertible into shares carrying more than 9.9 per cent of the voting rights under all circumstances or by reason of the occurrence of an event that has occurred and is continuing, or a currently exercisable option or right to purchase such shares or such convertible securities;

d) a partner in the same partnership as the person;

e) a trust in which the person has a substantial beneficial interest, whether vested or contingent, or with respect to which the person acts as a trustee;

(f) a member of the same joint venture, unincorporated association, unincorporated syndicate or unincorporated organization as the person; or

g) a person who is deemed under subsection (2) or (3) to be an affiliate of the person or an affiliate of an affiliate of the person.

(2) A person is deemed to be an affiliate of another person if the person is a corporation and the other person, or a group of persons or entities acting jointly or in concert with the other person, owns a beneficial interest in shares of the corporation,

(a) carrying at least 50 per cent of the votes for the election of directors of the corporation and the votes carried by the shares are sufficient, if exercised, to elect a director of the corporation; or

(b) having a fair market value, including a premium for control if applicable, of at least 50 per cent of the fair market value of all the issued and outstanding shares of the corporation.

(3) A person is deemed to be an affiliate of another person if the other person, or a group of persons or entities acting jointly or in concert with the other person, has any direct or indirect influence that, if exercised, would result in control in fact of that person.

(4) Subsections (2) and (3) apply with respect to a group of persons or entities acting jointly or in concert with another person whether or not they are acting pursuant to an agreement or arrangement.

GENERAL INELIGIBILITY

Ineligibility, prescribed offences

3. The following offences are prescribed for the purposes of paragraph 3 of subsection 3 (4) of the Act, paragraph 2 of subsection 4 (6) of the Act and paragraph 2 of subsection 5 (4) of the Act:

1. An offence under the Act.

2. An offence under section 6, 7, 8, 8.1, 13 or 15 of the Cannabis Control Act, 2017 or, before the day on which section 1 of Schedule 1 to the Cannabis Statute Law Amendment Act, 2018 came into force, the Cannabis Act, 2017.

3. An offence under Division 1 of Part 1 of the Cannabis Act (Canada).

Ineligibility, contravention of prescribed provisions

4. The following provisions are prescribed for the purposes of paragraph 4 of subsection 3 (4) of the Act, paragraph 3 of subsection 4 (6) of the Act and paragraph 3 of subsection 5 (4) of the Act:

1. Sections 6, 7, 8, 8.1, 13 and 15 of the Cannabis Control Act, 2017 or, before the day on which section 1 of Schedule 1 to the Cannabis Statute Law Amendment Act, 2018 came into force, the Cannabis Act, 2017.

2. Sections 8, 9, 10, 11, 12, 13 and 14 of the Cannabis Act (Canada).

Prescribed offences under Controlled Drugs and Substances Act (Canada)

5. Sections 4, 5, 7 and 7.1 of the Controlled Drugs and Substances Act (Canada) are prescribed for the purposes of subsections 3 (6) and 5 (5) of the Act.

Retail operator licence, compliance with tax laws

6. A person is not eligible to be issued a retail operator licence if any of the following circumstances apply, as confirmed by the Ministry of Finance for the purposes of the application for the licence:

1. The person is in default of filing a return under a tax statute administered and enforced by the government of Ontario, or of paying any tax, penalty or interest assessed under any such statute for which payment arrangements have not been made.

2. If the person has a business number with the Canada Revenue Agency, the person is in default of filing a return under the Taxation Act, 2007, the Income Tax Act (Canada), Part IX of the Excise Tax Act (Canada) or an Act of another
province or territory that imposes a tax on corporations and is administered and enforced by the Canada Revenue Agency.

**Retail operator licence, corporation owned by licensed producer**

7. A corporation is not eligible to be issued a retail operator licence if more than 9.9 per cent of the corporation is owned or controlled, directly or indirectly, by one or more licensed producers or their affiliates.

**Ineligibility, other circumstances**

8. A person is not eligible to be issued a licence or authorization under the Act if the person is or has been a member of a criminal organization as defined in subsection 467.1 (1) of the *Criminal Code* (Canada), or is or has been involved in, or contributes or has contributed to, the activities of such an organization.

**Retail Store Authorizations**

**Cannabis retail store requirements**

9. A retail store authorization may not be issued with respect to a proposed cannabis retail store if,

(a) the retail space where cannabis would be sold,

   (i) would not be enclosed by walls separating it from any other commercial establishment or activity and from any outdoor area, or

   (ii) could be entered from or passed through in order to access any other commercial establishment or activity, other than a common area of an enclosed shopping mall; or

(b) the premises at which the cannabis to be sold in the store would be received or stored would be accessible to any other commercial establishment or activity or to the public.

**Public interest**

10. For the purposes of paragraph 5 of subsection 4 (6) of the Act, only the following matters are matters of public interest:

1. Protecting public health and safety.

2. Protecting youth and restricting their access to cannabis.

3. Preventing illicit activities in relation to cannabis.

**No issuance, proximity to schools**

11. (1) In this section, “private school” means a private school as defined in the *Education Act*.

(2) For the purposes of clause 4 (12) (a) of the Act, a proposed cannabis retail store may not be located less than 150 metres from a school or a private school, as determined in accordance with the following:

1. If the school or private school is the primary or only occupant of a building, 150 metres shall be measured from the property line of the property on which the school or private school is located.

2. If the school or private school is not the primary or only occupant of a building, 150 meters shall be measured from the boundary of any space occupied by the school or private school within the building.

(3) Subsection (2) does not apply to a private school if,

(a) it is located on a reserve; or

(b) it only offers classes through the Internet.

**Maximum permissible authorizations**

12. The Registrar shall refuse to issue a retail store authorization if,

(a) the applicant already holds 75 retail store authorizations; or

(b) the applicant and its affiliates between them already hold 75 retail store authorizations.

**Display of authorization**

13. It is a condition of a retail store authorization that the holder display the authorization in a conspicuous place in the cannabis retail store.

**Distribution services**

14. (1) It is a condition of a retail store authorization that the holder not enter into contracts or agreements with any person or entity for the provision of cannabis distribution services.
(2) Subsection (1) does not apply with respect to,

(a) a contract or agreement with the Ontario Cannabis Retail Corporation or with a person or entity acting under a contract to provide distribution services to or on behalf of the Ontario Cannabis Retail Corporation; or

(b) a contract of employment with the holder to work in a cannabis retail store.

REVOCATIONS AND SUSPENSIONS

Revocation without proposal, prescribed contraventions

15. For the purposes of clause 11 (3) (c) of the Act, section 9 of the Cannabis Act (Canada) is prescribed.

Public notice of suspension of authorization

16. (1) If a retail store authorization is suspended, the holder shall prominently display a sign respecting the suspension in a conspicuous place that is visible from the exterior of the public entrance to the cannabis retail store.

(2) The sign referred to in subsection (1) shall be in the form approved by the Registrar and shall be displayed for the duration of the suspension.

OPERATION OF CANNABIS RETAIL STORES

Permissible hours of operation

17. A cannabis retail store is authorized to be open to the public between 9:00 a.m. and 11:00 p.m. on any day.

Additional items that may be sold

18. For the purposes of paragraph 2 of section 18 of the Act, the holder of a retail store authorization may sell the following items at a cannabis retail store:

1. Cannabis accessories within the meaning of subsection 2 (1) of the Cannabis Act (Canada).

2. Shopping bags.

Cannabis retail seal

19. (1) For the purposes of subsection 7 (2) of the Act, the holder of a retail store authorization shall, in accordance with this section, prominently display the cannabis retail seal set out in Schedule 1 to this Regulation.

(2) The cannabis retail seal shall be displayed in a conspicuous place that is visible from the exterior of the public entrance to the cannabis retail store.

(3) The displayed cannabis retail seal shall be at least 17 centimetres in width at its widest point by 20 centimetres in height.

(4) Either the French version, the English version or both versions of the cannabis retail seal may be displayed.

(5) The holder of a retail store authorization that is revoked or fails to be renewed shall ensure that the cannabis retail seal is removed from display as soon as practicable after the revocation or non-renewal.

Preventing entry of individuals under 19 years of age

20. (1) The holder of a retail store authorization shall ensure that no individual who appears to be under 25 years of age is permitted to enter the cannabis retail store unless the holder or an employee of the holder has required the individual to provide a form of identification prescribed for the purposes of subsection 7 (2) of the Cannabis Control Act, 2017 and the holder or employee is satisfied that the individual is at least 19 years of age.

(2) For the purposes of subsection (1), subsection 7 (3) of the Cannabis Control Act, 2017 applies with necessary modifications.

Training requirements

21. (1) The Board may approve training courses or programs, including but not limited to training courses or programs respecting,

(a) the responsible sale of cannabis;

(b) record keeping requirements under the Act; and

(c) measures required to be taken under the Act to reduce the risk of cannabis being diverted to an illicit market or activity.

(2) The following individuals are required to successfully complete training courses or programs approved under subsection (1):

1. Holders of a retail store authorization.
2. Holders of a cannabis retail manager licence.
3. Individuals employed to work in a cannabis retail store.

(3) The holder of a retail store authorization shall ensure that every holder of a cannabis retail manager licence or other individual employed to work in the cannabis retail store meets the requirements of subsection (2).

MATTERS RESPECTING MUNICIPALITIES

Notice of resolution

22. (1) For the purposes of subsection 41 (5) of the Act, a municipality shall provide to the Registrar written notice of a resolution passed under that section no later than three business days after the resolution is passed.

(2) Despite subsection (1), notice of a resolution referred to in subsection 41 (1) of the Act shall not be provided to the Registrar later than January 22, 2019.

(3) In subsection (1), “business day” means a day from Monday to Friday, other than a holiday.

MATTERS RESPECTING RESERVES

Notice of resolution

23. For the purposes of subsection 43 (5) of the Act, a council of the band shall as soon as practicable after the passing of a resolution referred to in that section provide to the Registrar written notice of the resolution.

COMMENCEMENT

Commencement

24. This Regulation comes into force on the later of the day clause 49 (1) (a) of Schedule 2 to the Cannabis Statute Law Amendment Act, 2018 comes into force and the day this Regulation is filed.

SCHEDULE 1
CANNABIS RETAIL SEAL

Text alternative: Illustration of English cannabis retail seal consisting of “ONTARIO AUTHORIZED” in white capitalized text, above a white horizontal line, above an illustration of a white trillium, on a black background with a white border. This text alternative is provided for convenience only and does not form part of the official law.
Text alternative: Illustration of French cannabis retail seal consisting of “DÉTAILLANT AUTORISÉ EN ONTARIO” in white capitalized text, above a white horizontal line, above an illustration of a white trillium, on a black background with a white border. This text alternative is provided for convenience only and does not form part of the official law.

Français

Back to top
STAFF REPORT TO
COMMITTEE OF THE WHOLE

January 7, 2019

From: Shawn Merriman, Manager of Building and By-law

RE: Construction Activity in the Town of Prescott January through November 2018

Recommendation:

That Committee of the Whole receive the construction activity report from January 1, 2018 to November 30, 2018 for information.

Background / Analysis:

This report is for consideration, along with, earlier reports submitted last year in relation to construction activity. The attachment added to the report this month saw no new permits issued in November.

The month of November saw a Planning Advisory Committee meeting on November 20th, in which multiple Community Improvement Plan grants were considered and approved. The Building Department continues to meet with the engineers and contractors regarding the Northern Cables expansion.

The department conducted 22 inspections and substantially completed the review of the last three years of permits. The casual inspector was called when needed during vacation.

Financial Implications:

As the department would appear to be on pace to deliver average numbers, there is no anticipated increased financial pressures.
Attachments:

Spreadsheet/Chart for time-period of report.

Submitted By

__________________________
Shawn Merriman
Manager of Building and By-law
THE CORPORATION OF THE TOWN OF PRESCOTT
REPORT To Committee of the Whole

Date of Meeting: January 7, 2019

From: Shawn Merriman, Manager of Building and By-law

Re: Construction Details – January through November 2018

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November saw no permits issued
STAFF REPORT TO
COMMITTEE OF THE WHOLE

January 7, 2019

From: Shawn Merriman, Manager of Building and By-law

RE: By-law Enforcement Activity within the Town of Prescott January 1 through November 30, 2018

Recommendation:

That Committee of the Whole receive the By-law Enforcement Activity report from January 1, 2018 to November 30, 2018 for information.

Background / Analysis:

The report will start with the update regarding dog tags issued for Prescott. November was assigned to remind and encourage owners to purchase their dog tags if they had not done so during the year already. Dog tags sold were standing at 150 in August when By-law started reporting to Council. By the end of November, that number was up to 281, which was very close to normal that ranged from 280-300 in previous years.

A few more tags were also sold in December, when some people took the option to also purchase their 2019 tags at the same time. This was accomplished during normal business hours and was mostly well received. For every 100 tags sold, approximately 1 more month of animal control is not placed on the tax levy of all residents.

For 2019, the department will be starting much earlier with the month of May being assigned as the month of reminder. During the winter, staff also intend to review policy and procedures to determine if there are more effective ways to deliver animal control services. For your information, 68 animals have been collected so far this year.

Truck parking in the North End appears to be positively affected by the new sign. Ultramar’s owner is also open to discussing some lot signage to remind their commercial customers that parking is limited to their lot.
Alternatives:
None

Financial Implications:
No changes from the previous reported concerns.

Attachments:
Spreadsheet Chart for the time-period of report.

Submitted By
Shawn Merriman
Manager of Building and By-law
<table>
<thead>
<tr>
<th>By-Law Enforcement Activity to Date</th>
<th>2018 Year-to-Date</th>
</tr>
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<tr>
<td>Property Standards by-law#23-2000</td>
<td>153</td>
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<tr>
<td>Littering By-law 51-1990</td>
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<tr>
<td>Noise By-law 45-1981 as amended</td>
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<tr>
<td>Animal Control by-law#23-1994</td>
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<td>Dog Tags Issued</td>
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<td>Fire by-law#11-2008</td>
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<td>Sign - by-law#02-1985</td>
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<td>Taxi - by-law#04-2014</td>
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<td>Zoning Infractions - by-law#09-2009</td>
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<td>Fence/Pool - By-law # 07-2000</td>
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<tr>
<td>Business Licensing - By-law#02-1995</td>
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<td>Parking Tags Issued by Municipality</td>
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<td>Other: Fireworks by-law#22-2011/smoke free Ontario Act/Building Code Act</td>
<td>21</td>
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<td>Trials</td>
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<td>Stop Work Order</td>
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<tr>
<td>Order Prohibiting Use of Occupancy of Unsafe Building</td>
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<tr>
<td>Order to Comply</td>
<td>1</td>
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<tr>
<td>Animal Control Pickups</td>
<td>42 cats 21 dogs 5 rodent animals</td>
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STAFF REPORT TO
COMMITTEE OF THE WHOLE

January 7, 2019

From: Shawn Merriman, Manager of Building and By-law

RE: Amendment to Taxi By-law 04-2014

Recommendation:

That Committee of the Whole instruct staff to bring forward an amendment to the Taxi By-Law to remove the maximum number of licenses available to be issued in the Town of Prescott, to recognize the use of technology in dispatch services, and add the requirement for General Commercial Liability Insurance in addition to the insurance requirements already in the by-law.

Background / Analysis:

Attached is By-law 04-2014 which was passed by Council on February 3, 2014 and the amendment 38-2018 which was passed on September 24, 2018. By-law 04-2014 currently limits the maximum number of taxi licenses to eight. Since October, all eight have been issued with one company sitting at six (75%) and the other at two (25%) licenses.

In December, a request was made by the one company to go from two to three cabs. Further investigation determined that many times during the week both companies had so many out of town calls that often the town had only one or worse no cabs for additional calls.

Staff did release the one additional license and advised the second company that the two additional licenses may be requested back by the Town as per the agreement they had signed with the Town. The other company also advised the Town that they wished to grow to four cabs and wanted to give advance notice. Both companies feel that there is a need for additional licenses even after Christmas due to the wintry conditions and fewer people wish to walk in inclement weather. Staff does not foresee any issues with growing the number to total ten licenses or more.
Staff is recommending that an amendment to By-Law 04-2014 be implemented with the following changes: Part III sections 26 and 27 be revoked and Part IV section 6B be changed to allow for the use of proven technologies for dispatch such as cellular. A third change would be to add the requirement to have General Commercial Liability Insurance in the amount of $5,000,000 to be consistent with the 3rd Party Transportation By-law passed in 2018.

**Alternatives:**

**Option 1** – Change the math formula used to calculate licenses to 400 persons population per license. This would allow for approximately 11 licenses in total and other areas could be left the same as no person would have more than 50% of the available licenses but it would not allow much room for new growth or another business to set up facilities in Prescott.

**Option 2** – Make no changes and advise the one company of the Town revoking two licenses in 45 days.

**Financial Implications:**

None

**Attachments:**

- By-Law 04-2014
- By-law 38-2018

**Submitted By**

Shawn Merriman
Manager of Building and By-law
CORPORATION OF THE TOWN OF PRESCOTT

BY-LAW NO. 04-2014

Being a by-law for licensing, regulating and governing vehicles used for hire including owners and drivers of taxicabs, limousines and accessible taxicab service in the Town of Prescott

Section 1: GENDER AND NUMBER

In this by-law, unless the contrary intention is indicated, words used in singular shall include the plural and words used in the male gender shall include the female gender and a corporation or vice versa where applicable.

Section 2: DEFINITIONS

1. (1) For the purposes of interpreting the provisions set forth in this by-law, the following definitions shall apply:

   a) "Accessible Taxicab" means a class of Taxicab which is designed or modified to be used for the purpose of transporting persons with disabilities and is used for that purpose, whether or not the vehicle is also used to transport persons without disabilities and that is licensed as an Accessible Taxicab by the Corporation of the Town of Prescott;

   b) "Accessible Taxicab Driver’s License" shall mean an Accessible Taxicab Driver’s License issued to any individual to drive or act as a driver of any accessible taxicab licensed pursuant to this by-law;

   c) "Accessible Taxicab Service" shall mean the use of an Accessible Taxicab for the conveyance of one or more Passengers for a fee or compensation that is commenced within the boundaries of the Town of Prescott, and does not include Accessible Taxicabs that are under written contract with a health care facility;

   d) "Accessible Taxicab Vehicle Plate" shall mean a License to provide an Accessible Taxicab Service;
e) “Applicant” shall mean the person who makes the application for a License issued hereunder;

f) “Board” shall mean the Town of Prescott Police Services Board;

g) “By-Law Enforcement Officer” shall mean the By-Law Enforcement Officer for the Town of Prescott or his designate;

h) “Driver” shall mean the individual who has care and control of a Taxicab or Limousine;

i) “Licensee” shall mean the person holding a license as issued under the provisions of this by-law;

j) “Licensing Officer” shall mean the Chief Administrative Officer of the Town of Prescott or his delegate;

k) “Limousine” shall mean a stretch or longer than usual, luxury motor vehicle that is not licensed under the Public Vehicles Act R.S.O. 1990 Chapter P.54 or any successor legislation;

l) “Limousine Driver’s License” shall mean a Limousine Driver’s License as issued to any individual to drive or act as a driver of any limousine licensed pursuant to this by-law;

m) “Limousine Service” shall mean the use of a Limousine for the conveyance of one or more Passengers for a fee or compensation that is commenced within the boundaries of the Town of Prescott.

n) “Limousine Vehicle Plate” shall mean a License to provide a Limousine Service;

o) “Owner” shall mean the person licensed under this by-law as the owner of a Taxicab, Limousine or Accessible Taxi Cab Vehicle and registered as the owner of the motor vehicle according to the records maintained by the Registrar of Motor Vehicles for the Province of Ontario;

p) “Passenger” shall mean any individual in a Taxicab, Limousine or Accessible Taxi Cab Vehicle other than the driver;
q) “Person” shall include an individual, a business entity, a partnership or a corporation;

r) “Service Animal” shall mean an animal that is a service animal for a person with a disability,
   • If it is readily apparent that the animal is used by the person for reasons relating to his or her disability; or
   • If the person provides a letter from a physician or nurse confirming that the person requires the animal for reasons relating to the disability;
   • And shall include a guide dog as defined in section 1 of the Blind Persons Rights’ Act.

s) “Tariff Card” shall mean the card prescribed in Schedule “B” attached to this by-law and shall contain the schedule of fares to be charged for providing a Taxi Cab Service;

t) “Taxicab” shall mean a motor vehicle which is used for the conveyance of Passengers with a seating capacity of no more than (9) nine, but does not include a public vehicle as defined under the Public Vehicles Act, or successor legislation;

u) “Taxi Cab Plate” shall mean a License to provide a Taxi Cab Service;

v) “Taxi Cab Stand” shall mean an area or zoned designated place, office or building with a public waiting area, designed to accept and dispatch calls for taxicabs;

w) “Taxi Cab Stand Owner” shall mean and include any person who is the owner of a Taxi Cab Stand and operates it with the consent of the Board and has secured permission to operate same;

x) “Town” shall mean the Corporation of the Town of Prescott;

PART I - GENERAL PROVISIONS

DUTIES OF THE BY-LAW ENFORCEMENT OFFICER

GENERAL:

1. The By-Law Enforcement Officer shall:

   a) have supervision over all persons, vehicles and equipment used or owned by persons licensed under this By-Law;

   b) enforce the provisions of this By-Law;

   c) prosecute all persons who offend against contravention of any provisions of this By-Law;

ADMINISTRATION

1. The duties of the By-Law Enforcement Officer or designate under this By-Law include:

   a) Furnish application of license forms, photo identification/license/cards required by this By-Law;

   b) Review and investigate all applications submitted for any and all licenses and shall retain the right, subject to the Board's approval, to issue, suspend or revoke any license in accordance with the provisions of this By-Law;

   c) Monitor testing of all new license applicants to ensure compliance with the provisions of this By-Law;

   d) Issue and sign licenses, number plates as authorized by the Board and ensure licensees receive a copy of this By-Law, a photo identification/license card, license card and in the case of taxicab owners, a Tariff card.

   e) Collect licensing fees and keep an account of all money received on licenses, and pay the same over to the Town Treasurer quarterly, and deliver to him/her a statement of such monies.

   f) Maintain a register of all licenses and transfers issued under this By-Law.

   g) Examine and satisfy himself as to the sufficiency, cleanliness, repair and condition of the place of business or intended place of business of each applicant for an owner's license under this By-Law.
h) Inspect and satisfy himself as to the sufficiency, cleanliness, repair and condition of any vehicle or its equipment in respect of which a license is applied for or has been issued under this By-Law.

i) Provide the Board with investigative results in relation to applications, transfers, revocations, suspensions and recommendations on licensing in accordance with this By-Law.

j) Suspend at his discretion, any license for two (2) weeks or until the next meeting of the Board, and upon suspending any licenses shall notify the Board as to the suspension.

k) Report to the Board the performance of his duties under this By-Law whenever required or requested by the Board.

l) Ascertain from time to time as often as may be required by the Board whether the licensees and their equipment continue to comply with the provisions of the law and of this By-Law.

PART II - ADMINISTRATION AND APPEALS

DUTIES OF THE POLICE SERVICES BOARD

a) The Board shall retain the right to issue, suspend, transfer or revoke licenses in accordance with the provisions of this By-Law.

b) The Board may issue a license at its discretion.

c) The Board may revoke or suspend any or each of the license(s) held by a licensee in the public interest and without limiting the generality of the foregoing:

   i) For any of the circumstances referred to in Part III, Section 5, subsections a, b, c, d;

   ii) Any violation of any of the provisions of this By-Law;

   iii) The conduct of the licensee affords reasonable grounds for the belief that the licensee has not carried on, or will not carry on, his trade, business or occupation in accordance with law or with integrity and honesty, or;

   iv) The conduct of the licensee or other circumstances afford reasonable
grounds for the belief that the carrying on of the business has infringed or would infringe, the rights of members of the public, or has endangered, or would endanger, the health or safety of members of the public; or

v) Any other reasonable grounds which the Board may consider.

vi) In addition to any of the grounds set out in this By-Law for the suspension, revocation, renewal or refusal of licenses, the Board may, upon application of the By-Law Enforcement Officer, suspend, revoke or refuse a license, in the public interest, at its discretion, for reasonable grounds.

c) The Board may suspend a license for cause for any period that is less than the unexpired part of the period for which it was issued in lieu of revocation as provided for in this Part.

d) In addition to any grounds set out in this By-Law for the suspension, revocation, renewal or refusal of licenses, the Board may, upon application of the By-Law Enforcement Officer, suspend, revoke or refuse a license, in the public interest, at its discretion.

e) Upon receipt of a report to suspend, revoke or refusal in the first instance, the Board shall determine the time and date of the hearing which shall be at least fourteen (14) days hence and give notice of its determination to the By-Law Enforcement Officer and the By-Law Enforcement Officer shall forthwith give notice in writing to the licensee.

Said notice;

i) Is to indicate the time, date, place and purpose of the hearing; and

ii) that if the licensee does not attend the hearing, the Board may proceed in his absence and he will not be entitled to any further notice;

iii) that it be served personally or by registered mail to the licensee at his address last known to the By-Law Enforcement Officer and;

iv) where the good character, propriety of conduct or competence of a licensee, if an issue, contains reasonable information of any allegations with respect thereto.

f) The By-Law Enforcement Officer shall forthwith transmit to the Board copies of all information relating to the licensee.

g) The applicant or licensee is entitled to be represented at the review hearing by legal counsel or other agent and is entitled to produce evidence, submit arguments
in support of their cause and to cross-examine any witness.

i) The Board is entitled to be represented at the review hearing by legal counsel or other agent and the By-Law Enforcement Officer is entitled to produce evidence, submit arguments in support of their cause, cross-examine any witnesses and reply to evidence and arguments of the applicant or licensee.

j) At the review hearing, the onus shall be on the By-Law Enforcement Officer to demonstrate to the satisfaction of the Board that the applicant or licensee is not entitled to the issuance or renewal of the license sought.

k) The Board shall hear and determine the matter and may revoke, suspend, issue or renew a license subject to such conditions as it deems fit. The Board shall notify the By-Law Enforcement Officer of their decision. The By-Law Enforcement Officer shall forthwith notify the applicant or licensee by delivering a copy of the decision, personally or by registered mail to his address disclosed on the application.

l) If any Section, subsection, clause or Part of this By-Law is or are declared by any court of law to be void, illegal or ultra vires, such section, subsection, clause or part shall be deemed to be severable and all remaining provisions hereof are declared to be separate and independent and enacted as such.

**PART III LICENSES**

1. Except where provided, any provisions of this By-Law that applies to taxicabs shall also apply to limousine licenses and accessible taxicab licenses.

2. Applications for licenses issued under this By-Law may be found in the following:
   a) Owner's License - Schedule D herein
   b) Taxicab Driver's License - Schedule D herein
   c) Limousine License - Schedule D herein
   d) Accessible Taxicab License - Schedule D herein
   e) License Renewal - Schedule D herein

3. No person shall:
   a) such person shall, however, in the course of a trip terminating within the geographic boundaries of the Town, be prohibited from picking up any passengers within the geographic boundaries of the Town.
   b) Taxi companies licensed by the Town are exempt from this prohibition and may pick up fares within the Town.
4. No person shall provide false, misleading or incorrect information for the purpose of securing any license issued pursuant to this By-Law. In addition to any other penalty imposed, it may disqualify the applicant in securing a license and the fee paid on any such application shall be non-refundable and shall be used to offset the cost of the investigating and processing of the applicant.

5. No applicant shall be considered for a license unless and until the By-Law Enforcement Officer is satisfied that:

   a) The Applicant has not been found guilty of an offence under the Criminal Code of Canada, or an offence under the Controlled Drugs and Substances Act (The Narcotic Control Act), within;

      i) three (3) years for a summary conviction offence or

      ii) five (5) years for an indictable offence.

   b) The Applicant has not been found guilty of any sexual offence under the Criminal Code of Canada or any crime of violence.

   c) The Applicant has not been found guilty of an offence under the Liquor License Act of Ontario pertaining to the illegal sale or purchase of liquor within the preceding three (3) years.

   d) In the case of an applicant who is not renewing a license, the applicant must not be subject of any outstanding criminal charges or warrants in any jurisdictions.

6. Notwithstanding Section 5, but subject to Section 7, the following may apply:

   a) An applicant who has been found guilty of a criminal offence and received an absolute discharge may be granted a license.

   b) An applicant who has been found guilty of a criminal offence and received a conditional discharge, pardon and/or suspended sentence may be granted a license on condition that it be reviewed after a period of six months.

7. No applications for taxicab driver's licenses will be accepted for reinstatement or issuing in the first instance, for a period of 12 months following the reinstatement of a person's driver's license that has been suspended or canceled as the result of a conviction for a breach of one of the driving sections of the Criminal Code of Canada.

8. Applicants for taxicab driver's licenses shall possess a valid Ontario Driver's License void of any restriction that would prohibit operation of a taxi, and
is not a probationary driver, nor a Class G1 or G2 driver.

9. Applicants for any license issued under this By-Law shall be at least 19 years of age, be of good character and habits and shall submit the following with their application:

1) Vulnerable Sector Check with initial license application
2) Drivers' Record/Abstract from Ministry of Transportation, Police Records Check, Criminal Records Check and Vulnerable Sector Check

at the responsibility of the applicant and licensee every year with the license renewal.

10. Where application is made by an incorporated body for the issuance of a taxicab owner's license, the application must be accompanied by an Affidavit of the Secretary of the incorporated body, which Affidavit sets forth the following, together with application form as set out in Form 1:

a) the exact name of the corporation
b) the date of incorporation
c) whether incorporated under the laws of Ontario or Canada.

11. An applicant that is refused a license shall receive such refusal in writing, with said notice to be served personally or by registered mail to the applicant at the address shown on the application. Such notice shall be in Form 2 or in like form.

12. An applicant in receipt of a notice of refusal may file an application, in writing to the Board for a review, as prescribed in Part II, of this By-Law.

13. Notwithstanding any other provisions of this By-Law every license/card issued under this By-Law shall remain the sole and exclusive property of the Board.

14. Every licensed applicant, upon being issued with a renewed license/card, shall return to the By-Law Enforcement Officer, the expired license or card as the case may be.

15. Every applicant for licenses under this By-Law, or renewal of licenses, shall pay the fee provided in Schedule C of this By-Law.

16. A license that is suspended, canceled or revoked by the By-Law Enforcement Officer, is subject to an appeal to the Board by the person feeling aggrieved.

17. Every license granted under this By-Law, unless sooner revoked or canceled shall expire on the 28th day of February next, after the date of issue thereof.

18. Where the time for doing an act under this By-Law expires on a Saturday, Sunday or on a statutory holiday, the act may be completed on the next work day.
19. Where a license holder is seeking to renew their license and has not submitted the renewal application prior to the expiry date of their current license, any subsequent application submitted shall be considered to be a new application for a license and the applicant must therefore comply with the application procedures and pay the required fee set out in Schedule C of this By-Law. The By-Law Enforcement Officer may in extenuating circumstances allow a delay of not more than 30 days, with a renewal of such license.

20. In the event that the license holder does not wish to renew their license or fails to renew within 14 days after the expiry date of their current license, then the number plate and license(s) shall be forfeited and returned immediately to the Board.

21. No license issued under this By-Law shall be transferable, except as authorized under this By-Law.

22. Where, in accordance with the limitation set out in Sections 27 and 28 of this By-law, there is no further license available, a person seeking a license may apply to be placed on a waiting list and such application shall be accompanied by the fee prescribed in Schedule C to this By-Law.

23. Upon the transfer/leasing/assignment of a license being completed in accordance with Part II hereof, the name of the transferor/leaser/assignor shall be struck off the list maintained in accordance with subsection 22 hereof, if their name is on such waiting list.

24. Every lost, stolen or damaged license shall be reported to the By-Law Enforcement Officer forthwith. Replacement licenses may be issued upon payment of the fee as set out in Schedule C, in this By-Law.

25. Every person licensed under this By-Law shall, upon changing his address, notify the By-Law Enforcement Officer, in writing, within six (6) days and give his new address.

26. The maximum number of taxicab (only) license shall not, at any time exceeds one (1) license for every six hundred (600) persons residing in the Town of Prescott.

27. a) The maximum number of taxicab licenses in the Town of Prescott shall not exceed eight (8).

b) A Taxicab Stand Owner shall not possess more than 50% of the Taxicab License allocation.
PART IV - OWNERS' REGULATIONS

1. Except where provided, any provisions of this By-Law that applies to taxicab Owners shall also apply to limousine and accessible taxicab Owners.

2. No person shall act as a taxicab Owner to whom this By-Law applies without a license from the Board in Form 1 or in the like form and such taxicab Owner shall, upon making application for his license, pay the fee as prescribed in Schedule C herein. The application for such license is found in Form 1.

3. An applicant for a taxicab Owner's license, in addition to the information required, shall furnish proof of the location of the premises, from which he proposes to carry on the business, that the premises comply with the zoning By-Law, building By-Laws and other applicable By-Laws and regulations of the Town, and that the premises will be situated within the Town. These premises will only be used for carrying on a taxicab stand business. The call taking and dispatching of taxi cabs can be done from this location.

4. No person shall be granted a Owner's license until he satisfies the Board that he can and will provide satisfactory 24-hour service to the public.

5. An Owner may not be entitled to the keeping or renewing of a license under this By-Law subject to:

   a) the provisions of part II, section 1, subsections b, c, d, e, f, g.

   b) Take, consume, be under the influence of or have in his or her possession (except in accordance with the Liquor License Act) any alcohol, drugs or other intoxicants, nor shall the use thereof by him/her be apparent.

6. Every owner shall:

   a) Supply the Board with a copy of the Federal Radio License call sign and frequency number, if any.

   b) Provide telephone and properly licensed radio dispatching facilities (no C.B. radios) maintained in proper working condition. Neither Owner can operate their business solely on cellular technology.

   c) Ensure that all taxicabs dispatched by him and all drivers thereof are fully licensed and have complied with the requirements of The Highway Traffic Act and this By-Law.

   d) Make out and deliver to the By-Law Enforcement Officer on an annual basis a list of the vehicles owned by the Owner, vehicles owned by Independents and the names and numbers of all drivers.
e) Notify the By-Law Enforcement Officer in writing within ten (10) days of any additions or deletions from the list provided.

f) Take reasonable steps to ensure that all employees behave civilly and courteously in the performance of their duties.

g) Be responsible for keeping a record of the date, origin, and destination of each trip, the name of the driver and the license number of the taxicab.

h) Such records shall be retained for 12 months and are open for inspection by the By-Law Enforcement Officer or the Board. Such records may be removed and retained for a reasonable time.

i) Provide or make available to all drivers a United States currency conversion table on a daily basis.

j) Maintain a list of all complaints received concerning taxicab service provided by that Owner including, with respect to each complaint, the following information:

   i) Name and taxicab driver's license number of the driver involved.

   ii) Name of the person from whom it was received, and

   iii) A brief description of the allegations contained therein.

   iv) Submit, on a monthly basis to the By-Law Enforcement Officer, completed reports, including the outcome of such complaints.

6. File, with the By-Law Enforcement Officer, a list of the taxicab owner rules and procedures including the terms and conditions of payment by owners or their agents and to abide by them, and display the same list filed prominently in the taxicab owner's office.

7. Post a copy of this By-Law and a copy of the Schedule of Rates found in Schedule A herein, in a conspicuous location and accessible to all drivers and will ensure that all employees are familiar and abide with the requirements of this By-Law.

8. Owners are, at all times, to ensure compliance with the applicable human rights legislation, failure of which may result in an investigation, hearing, and possible suspension or revocation of their license.

10. No Taxicab Owner shall:

a) knowingly permit or allow any person, other than a dispatcher:

i) to use any radio system, frequency or telephone system in his ownership or under his control to receive or dispatch calls if such owner or driver is not licensed under this By-Law;

ii) to use any radio system, frequency or telephone system in his ownership or under his control to receive or dispatch calls if such owner or driver is under suspension or his license is revoked.

b) possess or operate or permit the possession or operation of any device capable of receiving the communications of any competitor. The By-Law Enforcement Officer, may upon any breach, suspend for a specified period or revoke the Owner's license and in such an event the By-Law Enforcement Officer or the Board shall not be required to comply with the suspension and revocation procedures described in Part II, of this By-Law.

c) Charge dispatch fees or increase dispatch fees unless they have first:

   i. submitted in writing a notice of intent to the Board at least one calendar month prior to the proposed effective date of any increase; and

   ii. prominently displayed in the owner's office a copy of the notice of intent for at least one (1) month prior to the proposed effective date of any increase

d) Implement any changes in the rules and procedures outlined in Section 7 until said change(s) is filed with the By-Law Enforcement Officer and is displayed prominently in the owner's office.

e) Make any charge or financial demand, directly or indirectly, of a taxicab owner or driver of a taxicab other than dispatch fees.

f) Enter into an agreement for the provision of taxicab service with a taxicab driver or taxicab owner who is already affiliated with another taxicab Owner.

g) Charge a tariff or enter into an agreement to charge a tariff which is not in accordance with the appropriate tariff set out in Schedule A of this By-Law. The provision does not apply to any pre-arranged contract(s) negotiated between the owner and another firm/company or employee thereof.

h) Allow any loitering or gambling in the taxi stand.
PART V - TAXICAB OWNER REGULATIONS

1. Except where provided, any provisions of this By-Law that apply to taxicab owner shall also apply to limousine and accessible taxicab owners.

2. The owner of any taxicab to which this By-Law applies shall not use or operate the same or allow the same to be used or operated, without a license from the Board which said license is found in Form 4 and such owner, upon making application for his license, shall pay the required fee as prescribed in this By-Law under Schedule C herein. The application for such license is found in Form 1.

3. No person, either directly or indirectly shall be granted more than four licenses and he satisfies the Board that he can and will provide a satisfactory 24-hour service to the public for each license issued.

4. Every owner shall ensure that every driver, and every other person involved in the operation of their taxicab(s) is fully licensed and complies with requirements of The Highway Traffic Act and this By-Law.

5. Every owner shall keep a record of the date, time origin, and destination of each trip, the name of the driver, and the number plate of the taxicab, which shall be maintained for twelve (12) months, and surrendered for examination on request of the By-Law Enforcement Officer.

6. Every owner who hires a driver shall check the driver's trip records and shall require an entry for each trip recorded on the meter.

7. An owner may not be entitled to the keeping or renewing of a license under this By-Law, subject to the provision of Part II, Section 1, subsections a, b, c, d, e, f and g.

8. Every owner, at the time of licensing shall deposit with the By-Law Enforcement Officer a policy of liability insurance in a form satisfactory to the Board. The said policy of insurance to be acceptable and approved shall include a passenger hazard clause, and shall be issued by a company authorized to do such insurance business with the Province of Ontario and shall indemnify the applicant in the sum of $2,000,000.00 to cover public liability and property damage.

9. Every licensed owner shall file with the By-Law Enforcement Officer at least five (5) working days prior to the expiry date of the current insurance policy all insurance renewal policies of insurance. A copy of the renewal shall be
10. Every owner's license shall expire and become void upon the termination of the said policy. The owner shall forthwith remove the taxicab number plate and return or relinquish it to the By-Law Enforcement Officer.

11. At the time of issue of a license to an owner of a taxicab, such owner shall be supplied with the appropriate number plate, or validation tag, as supplied by the Board, for each vehicle for which such owner is licensed. In case of the number plate, it shall be securely attached to the front grill of the vehicle for which it was issued and shall be plainly visible. The number plate shall not be removed or used for any other vehicle except as provided under Section 21 hereof. In case of a validation tag, it shall be attached to the upper left corner of the number plate for which it was issued and shall not be removed or used on any other plate.

12. Notwithstanding any other provisions of this By-Law all number plates, validation stickers issued under this By-Law shall remain the sole and exclusive property of the Board.

13. Every owner who disposes or temporarily replaces his vehicle in respect of which he has been licensed shall be responsible to remove such plate from such vehicle and surrender it to the By-Law Enforcement Officer, unless he acquires another vehicle to replace the one so disposed of, in which case, he shall submit such new vehicle to the By-Law Enforcement Officer for inspection and if approved the transfer of all pertinent licenses and number plate.

14. The holder of an owner's license may apply to the Board to have the license transferred to any other person who fulfills the requirements. The owner who desires to transfer such license shall file with the Board a Statutory Declaration setting forth the name and address of the transferee, a description of the taxicab and the price paid or to be paid by such holder, the radio together with particulars of the transfer of the said license. If approved, the Board may issue a transfer of the license upon obtaining a new license and payment of the license fee herein before mentioned.

15. The making of a false or intentionally misleading recital of fact, statement or representation in such agreement, shall be deemed a violation of the provisions of this By-Law.

16. Once the Board has approved the sale of a taxicab, the new owner must, within 30
days, submit an application for an owner's license and successfully obtain an owner's license.

17. If an owner does not provide regular service or discontinues his taxicab service for a period exceeding ninety (90) days or allows a final judgment recorded against him for damages arising from the operation of a cab to remain unsatisfied for ninety (90) days, his or her license will be suspended. If such regular service discontinuance or final judgment continued for a period exceeding three hundred and sixty five (365) days, the By-Law Enforcement Officer may revoke such license but such decision shall be subject to the appeal provisions described in Part II of this By-Law.

18. In the event of the death of the holder of an owner's license, the estate of the deceased shall report it to the By-Law Enforcement Officer within fifteen (15) days of the date of death. The estate shall have a period of one (1) year within which to arrange for continuance of the business without the appropriate license being suspended or cancelled.

19. Every owner shall, within 24 hours; repair any defect(s) in the vehicle as reported to them by a licensed driver or the By-Law Enforcement Officer, and the motor vehicle will not be operated until such repairs have been made. Holidays and weekends will not be counted for purposes of determining the 24-hour period aforesaid. If defect concerns the safety of any person, then the vehicle will be removed from service immediately.


21. The owner shall notify the By-Law Enforcement Officer within twenty-four (24) hours upon replacement of the Provincial License Plate(s) for any taxicab, due to loss or theft.

22. The owner shall notify the By-Law Enforcement Officer within twenty-four (24) hours upon any loss or theft of any number plate(s) issued in accordance with this By-Law.

23. Every owner of one or more licensed taxicabs operated by others shall file, in writing, with the By-Law Enforcement Officer, the name and address of each licensed driver employed by him, and shall within two (2) days advise the By-Law Enforcement Officer of all changes in his staff or licensed drivers.

24. An owner's vehicle, to be licensed, shall be submitted for visual inspection by the By-Law Enforcement Officer and the owner shall produce satisfactory proof that, in the case of a taxicab only, the vehicle:
i) has a manufacturer's rated seating capacity of not less than 5 and not more than 9, including the driver;

ii) has operable seatbelt assemblies for all seating positions within the motor vehicle;

iii) possesses no less than three (3) side passenger doors;

iv) is equipped with at least 5 serviceable tires, one of which shall be available as a spare and each shall comply with The Highway Traffic Act Tire Standards and Specifications, R.R.O. 1990, Reg. 625, as may be amended; and

v) with respect to a taxicab only, has reasonably sufficient available luggage space;

vi) has a valid Safety Certificate issued for the motor vehicle;

vii) is equipped with a roof sign, such sign to be installed on the roof of the taxicab while the vehicle is in use as a taxicab. The roof sign shall be illuminated, when the vehicle is in operation as a taxicab from half an hour after sunset to half an hour before sunrise;

viii) has a heater in good working order; and

ix) has an Emergency First Aid Kit and an Emergency Road Kit.

25. Every owner of a licensed taxicab shall, on the 1st day of March of each year, provide the By-Law Enforcement Officer with a certificate of mechanical fitness for the vehicle, or each of the vehicles owned and used by the owner.

26. No person shall prevent the By-Law Enforcement Officer from inspecting a taxi that is not engaged, for the purpose of satisfying himself as to the sufficiency, cleanliness, repair and condition of any vehicle or its equipment in respect of which a license is applied for or has been issued under this By-Law and to that end, may give a taxicab owner or driver written notice requiring such owner or driver, at their own expense, cause any vehicle and require the taxicab owner to obtain an Ontario Ministry of Transportation Safety Standards Certificate.

27. The Ontario Ministry of Transportation Safety Standards Certificate provided pursuant to Sections 25(vi) and 26 - must be verified to the satisfaction of the By-Law Enforcement Officer. If it is determined that the said Safety Standards Certificate is false or was fraudulently obtained or issued, the By-Law Enforcement Officer may suspend or revoke the owner's license and number plate for cause. In such an event the By-Law Enforcement Officer, or the Board, shall not be required to comply with the suspension and revocation procedures described in Part II, of this By-Law.

28. Every owner shall ensure that, where a vehicle is equipped with a propane or natural gas tank, that it has been installed and certified by a licensed, certified gas fitter and in all respect complies with applicable Provincial Regulations. The owner shall produce, upon request by the By-Law Enforcement Officer, for inspection a certificate certifying compliance with the applicable Provincial Regulations with respect to any such vehicle so equipped.
29. The owner of every licensed taxicab shall at all times keep the same in a clean and sanitary condition and in good repair, and the By-Law Enforcement Officer may, upon breach of this provision, suspend the operation of such vehicle, until such time as the same has been put in a clean and sanitary condition and in good repair, and such owner shall thereupon cease to operate, or permit the operation of said vehicle.

30. Owners must assist the By-Law Enforcement Officer in his inquiry where a complaint has been made against an owner or driver and that complaint is being investigated.

31. Owners are, at all times, to ensure compliance with the applicable human rights legislation, failure of which may result in an investigation, hearing, and possible suspension or revocation of their license.

PART VI - TAXICAB DRIVERS' REGULATIONS

1. Except where provided, any provisions of this By-Law that apply to taxicab drivers shall also apply to limousine and accessible taxicab drivers.

2. Every driver should have a thorough knowledge of the duties of a taxicab driver as set out in this By-Law and be prepared to submit to a written or oral test upon the request of the By-Law Enforcement Officer.

3. All drivers shall comply with the application and licensing requirements set out in this By-Law.

4. No person shall transport or permit another person or persons to be transported from one point within the Town to another point within the Town, or to any point not more than five (5) kilometers beyond its limits and charge a fee for said transportation, except as authorized under this By-Law.

5. No person shall drive or act as a driver of any taxicab to which this By-Law applies without having a driver's license issued from the By-Law Enforcement Officer which said license may be in Form 3 herein, or in like form, and such person shall, upon making application for his license, pay to the By-Law Enforcement Officer the license fee prescribed in Schedule C herein. The fee shall be an annual one and shall not be divisible except as provided in Schedule C. The application for such license may be in Form 1 herein, or in the like form.

6. Every Driver shall:
   - Each day before commencing his shift and similarly at the end of each shift, shall
examine the vehicle for mechanical, safety or sanitary defects to the vehicle and shall report forthwith any defects found to the owner of the vehicle.

- Ensure that his taxicab is maintained in a clean condition as to its exterior and in a clean, dry and odor-free interior.

- Report forthwith to his employer any accident or collision in which he or a passenger was involved connected with the operation of his taxicab.

- At the expiration of his shift, return the taxicab to his employer and shall not at any time abandon the taxicab or permit any other person drive same.

- Charge a single fare for each trip.

7. A driver may, between the hours of 8 p.m. and 8 a.m. each day, require payment of the taxi fare up front. The amount to be paid shall be a reasonable pre-estimate of the fare, based on the current rate tariff card, and the estimated distance of travel. Should the actual distance traveled prove less than the advance estimate, the balance of the pre-paid fare shall be returned promptly to the person hiring the taxicab. Should a person fail or refuse to pay the fare up front, the driver may refuse to convey the passenger.

8. Every driver while acting as such, shall:

   a) Be properly dressed, neat and clean in his person. Clothing shall be clean, and free from holes, tears and odor in the material. Shirts shall be equipped with a collar, neat properly cuffed knee length shorts, sweaters, jackets, shirts or hats shall not display any graphics or language likely to offend any member of the public. Bush jackets, jogging pants, spandex leggings or sandals shall not be allowed. Socks shall be worn at all times. Sleeveless shirts, shirts with the mid-riff exposed, or cut-offs shall not be permitted. Sideburns, hair, mustaches or beards shall be kept neat and well-trimmed. The By-Law Enforcement Officer may, in his discretion, make exceptions to the above.

   b) Be civil, well behaved and refrain from using profanity and shall, when receiving or delivering passengers, give such reasonable assistance in opening of the door and shall deposit all luggage as directed, such request or direction being reasonable. When called to a house or other place for the reception of passengers may notify the person calling of his readiness to receive them, by going to the door or other place and informing an adult of his presence.

   c) Take due care of all property delivered or entrusted to them for conveyance of safekeeping, and immediately upon their termination of any hiring engagement, shall examine the interior of the taxicab for any property lost or left therein, and
all property or money left in the taxicab shall be forthwith delivered over to the person owning and if the person owning cannot at once be found, the driver shall deliver the property or money to the nearest police station with all the information in their possession regarding said property or money.

d) Shall turn off any radio, (except for the taxicab two-way radio) tape player or any other sound producing mechanical device in the taxicab upon being requested to do so.

e) Shall not smoke in any Taxi cab at any time.

f) Attend, forthwith at the Town Hall office to respond to any public complaints and/or investigations conducted by the By-Law Enforcement Officer on matters relating to this By-Law.

10. Every driver shall:

   a) Give the name of the driver and the owner of the taxicab, if other than the driver, upon request by any passenger, or by any person to whom or to whose property injury has been occasioned by himself or his taxicab.

   b) Take the most direct available route to the destination desired unless the passenger designates otherwise.

   c) Be permitted to operate a taxicab on an hourly basis at the request of a passenger and then only at the rate therefore fixed by Schedule B.

   d) Accept as payment for the fare any one or a combination of the following:

      i) Canadian and American currency or
      ii) any other method of payment acceptable to the taxicab Owner associated with the relevant taxicab.

   e) Calculate the conversion to Canadian currency, if United States currency is tendered by the passenger in payment of the fare, on the basis of the current rate of exchange as set out by Owner on the date that the currency is tendered by the passenger.

   f) Provide to a passenger, upon request, a receipt disclosing

      i) the signature of the taxicab driver
      ii) the taxicab number plate
iii) the date of the trip
iv) the mileage traveled; and
v) the amount of the fare

g) Keep a trip record of all trips made by the taxicab during a shift, and shall return it to the owner at the end of the shift. The trip record shall contain the following information:

i) date, name of the driver and taxicab number plate
ii) the location and destination of every trip made
iii) the amount of fare collected for each trip
iv) make available his trip record and give full information thereof to the By-Law Enforcement Officer on being requested to do so.

11. Request the appropriate Police, Fire or Ambulance Service when they become aware that any member of the community is in urgent need of any of the above services.

12. A taxicab driver's license issued under this By-Law shall be automatically revoked upon that driver's Provincial driver's license being expired, cancelled, suspended, disqualified or prohibited from driving a motor vehicle by reason of the legal suspension or cancellation in Ontario of their license to drive a motor vehicle or by reason of an Order made under the Criminal Code prohibiting them from driving a motor vehicle on a highway in Canada, and, subject to Part III, Section 7, they shall not be entitled to again apply for a taxicab driver's license until satisfactory proof is filed with the By-Law Enforcement Officer that such suspension, disqualification or prohibition has been terminated. Upon such revocation, the taxi driver's license shall be surrendered immediately to the By-Law Enforcement Officer.

13. When a taxicab driver's license is revoked, notice may be delivered personally to the licensee or sent by registered mail addressed to the last known address provided by the licensee. The taxicab driver's license must be surrendered to the By-Law Enforcement Officer immediately upon receipt of the said notice.

14. a) A driver may not be entitled to keeping or renewing of a license under this By-Law, subject to the provisions of Part II, section 1, subsections b, c, d, e, f, g.

b) A driver, while on duty shall wear their identification card on their exterior clothing.
15. No Driver Shall:

a) Operate a taxicab unless the motor vehicle being used has a current (validated) number plate affixed thereto and that the owner of the motor vehicle is licensed as such under this By-Law.

b) Possess or operate or permit the possession or operation of any device capable of receiving the communication of any competitor. The By-Law Enforcement Officer, may, upon any breach, suspend for a specified period or revoke such driver’s license and in such an event the By-Law Enforcement Officer or the Board, shall not be required to comply with the suspension and revocation procedures described in Part II, of this By-Law.

c) Take, consume, be under the influence of or have in his possession (except in accordance with The Liquor License Act) any alcohol, drugs or other intoxicants, nor shall the use thereof by him be apparent while he is in charge of such taxicab.

d) Refuse a request for a taxicab without sufficient cause. Sufficient cause shall be deemed to include previous unpaid fare(s) or disorderly conduct by the person so refused.

e) Refuse to provide service to an individual who is visually or hearing impaired or accompanied by a service animal while such animal is providing service as a guide for the visually or hearing impaired individual or physically challenged person.

f) Carry any passenger who is under the influence of any intoxicant while his taxicab is occupied by a person who is not accompanying the person so under the influence.

g) Operate any taxicab without having the owner's license, operator's taxicab driver's license and in case of taxicab only, a tariff card, displayed in plain view of the passenger, and shall produce the license(s) for inspection when asked to do so by any passenger or the By-Law Enforcement Officer. The driver shall not be entitled to receive any fare or charge whatsoever for services unless said property is so displayed.

h) Make any charges for time lost through defects or inefficiency of the vehicle or the incompetence of the driver.

i) Publish or use a tariff or demand or receive rates and charges other than
those authorized by this By-Law.

j) Knowingly drive a person whom he suspects has committed an offence against The Criminal Code of Canada and/or any Federal or Provincial Statutes and is attempting to avoid capture or detection.

k) Permit any immoral, indecent or disorderly conduct in his taxicab.

l) Make any loud noise or disturbance or use obscene impertinent or abusive language or molest or annoy or insult any passenger or other person.

m) Allow any person, other than himself, to act as driver of the taxicab of which he is in charge, except a licensed driver acting as a taxicab trainee.

n) Be entitled to receive any fare or charge whatever for service if the said driver knowingly or ignorantly misinforms or deceives any person as to the time or place of the arrival or departure of any railway train, or other public conveyance, or the location of or distance from any part of the Town to any railway station, hotel, public place or private residence, or induces any person to employ his taxicab by any false representation, or deceives, insults or ill-treats any passenger, and such person, if convicted of any offence under this subsection shall also incur the penalties hereinafter provided in this By-Law.

o) Obstruct or interfere with the surrounding traffic patterns.

q) Charge a tariff or enter into an agreement to charge a tariff which is not in accordance with the appropriate tariff set out in Schedule A herein. The provision does not apply to any pre-arranged contract(s) negotiated between the owner and another firm/company or employee thereof.

r) While conveying a paying passenger, have in his taxicab any person who is not a paying passenger other than a taxicab driver trainee(s).

s) Double up on any call, i.e. when a taxicab is hired by a passenger or passengers, the said taxicab shall not again be used for hire by any other passenger until the first passenger has reached his or her destination and has been discharged.

t) Carry in any vehicle a greater number of passengers than is set out in the manufacturer's rating of seating capacity for such vehicle. Seat belts shall be worn pursuant to the provisions of The Highway Traffic Act.

u) Take on any additional passengers after the vehicle has departed with one or
more passengers from any one starting point except under the following conditions:

i) when done at the request of a passenger already in the vehicle

ii) in an emergency situation

iii) when operating a vehicle which is being used exclusively for the transportation of children to and from school

v) Drive a vehicle with mechanical defects of which they are aware.

w) Drive a vehicle with luggage or any object placed in, hung on or attached to the vehicle or in such a manner as will obstruct the driver's view of the highway.

a) In the case of a taxicab only, operate the taxicab without ensuring the roof sign is securely affixed to the roof of the taxicab and is in good working order.

b) Drivers are, at all times, to ensure compliance with the applicable human rights legislation, failure of which may result in an investigation, hearing, and possible suspension or revocation of their license.

**PART VII-LIMOUSINE REGULATIONS**

1. Every licensed limousine shall at all times be equipped with at least five serviceable tires, one which shall be available as a spare and each shall comply with The Highway Traffic Act Tire Standards and Specifications, RRO. 1990, Reg. 625, as may be amended.

2. The limousine service that is provided pursuant to this By-Law shall only be provided:

a) by pre-arrangement, reserved in advance by at least one (1) hour;

b) for a minimum of two (2) hours, at an hourly rate of charge of not less than Thirty ($36.00) Dollars per hour.

3. For the purposes of this tariff the following definitions shall apply:

a) "Sedan or Standard Limousine" means a manufactured full size luxury motor vehicle including full size vans with no alterations to the length of the vehicle.

b) Mini-Stretch Limousine" means a manufactured full size luxury motor vehicle with a maximum stretch of 55.9 cm.
c) "Stretch Limousine" means a manufactured full size luxury motor vehicle, which has been altered to lengthen the motor vehicle in excess of 55.9 cm to a maximum of 152.4 cm.

d) "Super Stretch Limousine" means a manufactured full size luxury motor vehicle, which has been altered to lengthen the motor vehicle by more than 152.4 cm.

4. Limousines shall not be equipped with a radio or any other device capable of monitoring calls for taxicabs, limousines operated by other Owners licensed under this By-Law.

5. Notwithstanding, the Board may grant a limousine license to an owner currently operating a limousine service with the Town, utilizing a motor vehicle other than defined in this Section on the expressed understanding that such owner agrees to comply with the minimum provisions of this By-Law.

PART VIII - RENTAL REGULATIONS

1. An owner may provide for the rental of his or her vehicle which has affixed the taxicab, limousine or accessible taxicab license issued to it on a daily, weekly, monthly or yearly basis provided that:

   a) the owner provides a motor vehicle that complies with the requirements of this By-Law.

   b) the owner retains the ability and right to obtain possession and control of the vehicle to ensure compliance with the provisions of the By-Law.

   c) no person shall rent a plate without the concurrent rental of the motor vehicle registered to that plate as the licensed taxicab, limousine or accessible taxicab, of record with the By-Law Enforcement Officer.

PART IX - TARIFF REGULATIONS

1. The rates or fares to be charged by the owners or drivers of taxicabs, or motor vehicles to which this By-Law applies, for the conveyance of passengers either wholly within the Town limits, or to any point not more than five (5) kilometers beyond its limits, shall be as shown in Schedule A of this By-Law, and no higher an amount than that contained in said Schedule shall be charged or payable.

2. The tariff card shall be furnished by the By-Law Enforcement Officer and shall show the tariffs as set out in Schedule A. The tariff card shall be contained in clear see-through plastic and placed and kept in the taxicab where it will be clearly visible to
the passenger.

3. Every lost, stolen or damaged tariff card shall be replaced upon payment of the appropriate fee, as outlined in Schedule C.

4. Tariff rates shall be set by the Board, and not adjusted more frequently than once during any twelve (12) month period.

5. The date for implementing the Tariff rate adjustment, if any, shall be October 1st.

6. The Board shall only consider a Tariff rate adjustment upon receiving a written request for such an adjustment from a taxicab owner’s license holder or a certified union or association representing taxicab drivers.

7. A written request for a Tariff rate adjustment must be submitted to the Board on or before June 1st. This request will be forwarded to the Board for consideration. If no written request for a Tariff rate adjustment is received on or before June 1st in any year, there shall be no adjustment before October 1st of the following year.

8. All Schedules, Forms and Tariff Cards appended to this By-Law shall be deemed to for an integral part of this By-Law.

PART X - PENALTY

Except as otherwise provided herein, or by Statute, any person convicted of a breach of any of the provisions of this By-Law, or any By-Law amending same, shall forfeit and pay, at the discretion of the convicting judge, a penalty not exceeding $2000.00 for each offence, exclusive of cost, and such fines are recoverable under the Provincial Offences Act.

That By-Law 09-1998 is hereby repealed and replaced by this current By-Law.

This By Law shall come into force and take effect on the date of the passing thereof.

READ A FIRST AND SECOND TIME THIS 20th Day of January 2014

[Signatures]

Mayor

Clerk
READ A THIRD AND FINAL TIME THIS 3rd Day of February 2014

Mayor

Clerk
PART 1

One or Two Passenger (All, in town trips, one way) $8.00
Round Trip – To Destination and Return (One Stop) $16.00
Waiting time (for each 15 minutes) $9.00
Stops along route $1.00 for each stop

PART 2

A. Use of trunk for luggage, cartons, groceries or baggage handled by the driver –
Flat-rate $1.00
Hand baggage in cab, not to exceed two pieces,
or wheelchair or other similar devices to be carried without charge.

B. No charge for children under the age of twelve (12) years accompanied by an
adult. Children of any age unaccompanied by an adult are to be considered
as an adult.

C. With prior agreement by both parties, a flat rate to point of origin shall apply for
any trip originating and terminating beyond but remaining within 5 Kilometers of
town boundaries.

B. Out of town rates for any trip with an origin, or boundary beyond 5 kilometers of
town boundaries, the rate shall be agreed upon by both parties prior to the
embarkation of any passenger.
SCHEDULE “B”
TAXI BY-LAW 04-2014

LIMOUSINE TARIFFS

BY THE HOUR

One or two passengers:

- For the first hour or any part thereof $36.00
- For each additional fifteen (15) minutes or any part $8.00
- For each passenger in excess of two, per hour, or part thereof $2.00
SCHEDULE “C”
TAXI BY-LAW 04-2104
TAXI LICENSING FEES

1. The annual fee for a taxi-cab owner’s license shall be:
   - for the first vehicle, $75.00, and
   - for each additional vehicle, $50.00

2. The annual fee for a taxi-cab driver’s license shall $50.00.

3. The fee for the license plate shall be $25.00, of which $10.00 is refundable upon return.
SCHEDULE "D"
TAXI BY-LAW 04-2014
LICENSE APPLICATION

<table>
<thead>
<tr>
<th>Taxi Driver License</th>
<th>Taxi Owner License</th>
<th>Limousine License</th>
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<tr>
<th>Accessible Taxicab License</th>
<th>License Renewal</th>
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</table>

Date: ___________  Driver’s License #: ___________  (if applicable)

**NAME:** __________________________  **ADDRESS:** __________________________

**PHONE:** __________________________  **BIRTH DATE:** __________________________

Have you ever been convicted of any criminal offence in Canada or any other country for which a Pardon, or an equivalent of a Pardon, has not been granted.

No [ ]  Yes [ ]  Please give details regarding your conviction, including what, when, and where it happened

Have you ever been convicted of any criminal offence in Canada or any other country for which a Pardon has been granted?

No [ ]  Yes [ ]  Please give details regarding your conviction, including what, when, and where it happened

Has your taxi license ever been revoked or suspended?  No [ ]  Yes [ ]

Have you ever had your Driver’s license suspended?  No [ ]  Yes [ ]

Please give name and address of previous employers for the past two (2) years:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

- Applicants must be of the age of 18 years or over.
- Any false statements made by the Applicant for a License shall be sufficient cause to revoke or deny said license.

**Applicant to Work For:** __________________________  **Signature of Applicant:** __________________________

**FOR OFFICE USE:**

Date Approved: ___________

Renewal License: __________________________  Complaints Registered: __________________________

Approved By: **Name:** __________________________  **Title:** __________________________
APPLICATION FOR TAXI DRIVER’S LICENCE

Last Name: ____________________________ Given Names: ____________________________

Address: ____________________________ Telephone: ____________________________

Previous Address: ____________________________

Date of Birth: Year ___ Month ___ Day ___ Place of Birth: ____________________________

Driver’s License Number: ____________________________ Province/State: ____________________________

Height: ___ Weight: ___ Hair Colour: ___ Eye Colour: ____________________________

Have you applied for / hold an independent owner’s or taxi owner’s licence for the Corporation of the Town of Prescott?

Yes: Name of company: ____________________________

If No: For whom do you intend to drive? ____________________________

Will you be a full/ part time driver? ____________________________

Have you ever been convicted of:

A criminal offence for which you have not received a pardon? ____________________________

An offence contrary to the Highway Traffic Act of any Province or State? ____________________________

An offence contrary to the Liquor Licence Act of any Province or State? ____________________________

Has your driver’s licence ever been suspended? ____________________________

Have you any unpaid judgements against you resulting from the operation of a motor vehicle? ____________________________

Driving experience: ____________________________ (Yrs)

I understand that pursuant to this by-law; I am required to produce a valid Ontario Driver’s licence; and submit two current letters of reference. If a licence is granted, I am required to report immediately, any change of address or employment (as a taxi driver) to the Town of Prescott.

Signature of Applicant: ____________________________ Date: ____________________________

APPROVED / REJECTED

Date: ____________________________

Office Use Only: Issue Date: ____________________________ Issued By: ____________________________

Revised October 2013
SCHEDULE "D"

APPLICATION FOR TAXI-CAB OWNER'S LICENSE TOWN OF PRESCOTT

Clerk's Office, Town of Prescott

Date: ______________

PLEASE PRINT:

__________________________________________  ______________________________________
(Surname) (Given Names)

__________________________________________  ______________________________________
(Home Address) (Telephone Number)

__________________________________________  ______________________________________
(Business Name and Address) (If Applicable) (Business Telephone)

Do you currently hold a Prescott Taxi Driver's or Owner's License? Yes____ No ______

__________________________________________
(Driver's License Number)

__________________________________________  ________________________________  ________________________________
(Date of Birth) (Height) (Weight) (Hair Colour) (Eye Colour)

Previous Occupation ________________________________

Previous Employer ________________________________

Location of Taxi Stand ________________________________

Type of Building ________________________________ Number of Cabs ________________________________

TAXI CAB NO. 1

Make __________________ Style __________________ Model __________________

Serial Number __________________

Insurance Company and Policy Number __________________

TAXI CAB NO. 2

Make __________________ Style __________________ Model __________________

Serial Number __________________

Insurance Company and Policy Number __________________
Applicants -

I understand that to complete this application, I must submit two (2) Letters of Reference.

If the License is granted to me, I understand that I am responsible for the operation of all cabs operating under my license.

_________________________________________  __________________________
(Signature of Applicant)               (Date)

For Office Use Only:

Application Complete:       Yes _______       No _______

Date Approved: _______________       Date Issued: _______________

Approved By: ___________________________       Title: ____________________
## SCHEDULE "D"
### TAXI BY-LAW 04-2014
### LICENSE APPLICATION

<table>
<thead>
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<th>Taxi Driver License [ ]</th>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

### Date:

| NAME: _______________________________ | ADDRESS: _______________________________ |
| PHONE: _______________________________ |
| BIRTH DATE: _______________________________ |

- Have you ever been convicted of any criminal offence in Canada or any other country for which a Pardon, or an equivalent of a Pardon, has not been granted.

  No [ ] Yes [ ]
  Please give details regarding your conviction, including what, when, and where it happened.

- Have you ever been convicted of any criminal offence in Canada or any other country for which a Pardon has been granted?

  No [ ] Yes [ ]
  Please give details regarding your conviction, including what, when, and where it happened.

- Has your taxi license ever been revoked or suspended?

  No [ ] Yes [ ]

- Have you ever had your Driver’s license suspended?

  No [ ] Yes [ ]

Please give name and address of previous employers for the past two (2) years:

- Applicants must be of the age of 18 years or over.
- Any false statements made by the Applicant for a License shall be sufficient cause to revoke or deny said license.

**Applicant to Work For:**

**Signature of Applicant:**

**FOR OFFICE USE:**

**Date Approved:**

**Renewal License:**

**Complaints Registered:**

**Approved By:** Name: _______________________________ Title: _______________________________
Memo

To: Steven Potter, Director of Corporate Services/Clerk
From: David Swan, By-law Enforcement Officer
Date: March 26, 2015
Re: Designation of By-law Enforcement Administration Duties

Mr. Potter,

This memo is to provide designation to the Director of Corporate Services/Clerk and Deputy Clerk to perform administration duties contained in By-law No. 04-2014, being a by-law for licensing, regulating and governing vehicles used for hire including owners and drivers of taxicabs, limousines and accessible taxicab service in the Town of Prescott.

These administration duties include Section 2, Part 1, Administration:

d) Issue and sign licenses, number plates as authorized by the Board and ensure licensees receive copy of this By-law, a photo identification/license card, license card and in the case of taxicab owners, a Tariff card.

If you have any questions, please do not hesitate to contact me.

Sincerely,

David Swan
By-law Enforcement Officer
Town of Prescott

c.c. Randy Helmer, CAO
Shorey Bowen, Administrative Assistant
WHEREAS pursuant to paragraphs 6, 8, and 11 of Subsection 10(2) of the Municipal Act, 2001, S.O. 2001, Chap. 25, as amended, a municipality may pass by-laws for the health, safety and well-being of persons, and for the protection of persons and property, including consumer protection, in addition to business licensing; and

WHEREAS the Council of the Corporation of the Town of Prescott enacted By-Law 04-2014, being a by-law for licensing, regulating, and governing vehicles used for hire including owners and drivers of taxicabs, limousines, and accessible taxicab service in the Town of Prescott; and

WHEREAS the Council of the Corporation of the Town of Prescott deems it advisable to amend By-Law No. 04-2014;

NOW THEREFORE the Council of the Corporation of the Town of Prescott enacts as follows:

1. That By-Law 04-2014, Part 3, Section 27 be amended by the following text:

   Part 3 section 27 b) and c)

   b) A Taxicab Stand Owner shall not be entitled to more than 50% of the Taxicab License allocation except in circumstances contained in part c below.

   c) Where not all of the Taxicab Licenses have been allotted to Taxicab Stand Owner's, the remained licenses may be temporary allocated to above the 50% threshold established in part b on a first come first serve basis up to 75% of the total Taxicab License allocation. This temporary allocation will cease within 45 days’ notice upon a request for a Taxicab License from any other Taxicab
Stand Owner whose current Taxicab License allocation is less than 50% and there are no other remaining unallocated Taxicab Licenses.

2. All other applicable provisions of By-law 04-2014 shall continue to apply.

3. This by-law shall come into force and take effect upon final passage.

4. That any other By-Laws, resolutions or actions of the Council of the Corporation of the Town of Prescott that are inconsistent with the provisions of this By-Law are hereby rescinded.

READ A FIRST AND SECOND TIME THIS 24th DAY OF SEPTEMBER, 2018.

[Signatures]
Mayor
Clerk


[Signatures]
Mayor
Clerk
STAFF REPORT TO COMMITTEE OF THE WHOLE

Date: January 7, 2019

From: Matthew Armstrong, Chief Administrative Officer & Treasurer

Re: Business Improvement Area By-Law Update Required

Recommendation:

That Committee of the Whole instruct staff to revise the Business Improvement Area By-Law 41-79, as amended, to reflect the Provincial guidelines as set out in the Municipal Act, 2001, as amended.

Background / Analysis:

The Prescott Business Improvement Area Board of Management was established through the passage of By-law 41-79 in 1979. The Municipal Act was established in 2001 and has been subsequently amended at various times. Sections 204-215 of the Municipal Act, 2001, deals specifically with Business Improvement Areas which directly contradicts the provisions as set out in By-law 41-79.

While the Municipal Act takes precedence over a municipal by-law, the voting and eligibility criteria makes the voting of Board members problematic until they have been reconciled. As such, it has been recommended that the voting of new Board members at the Annual General Meeting be postponed until the by-law has been re-written to address the differences between the current by-law and the Municipal Act.

Attached are several good examples of Business Improvement Area By-laws from other municipalities in Ontario along with the City of Toronto Business Improvement Area verbiage which does an excellent job of defining eligibility, roles, and guidelines.
Alternatives:

None

Financial Implications:

None

Attachments:

Town of Prescott By-law No. 41-79 – To Establish a Board of Management for the Business Improvement Area in Prescott

Sections 204-2015 of the Municipal Act, 2001 as amended

Town of Fort Erie By-Law No. 183-07 – Operating Guidelines for Business Improvement Areas

City of London By-Law No. CP-2-15002 – The London Downtown Business Association Improvement Area By-law

Toronto Municipal Code Chapter 19 – Business Improvement Areas

Submitted By

Matthew Armstrong
Chief Administrative Officer & Treasurer
NOW, THEREFORE, the Council of the Corporation of the Town of Prescott enacts as follows:

1. In this By-Law

   AREA means the improvement area designated in By-Law No. 40-79
   BOARD means Board of Management of the Prescott Business Improvement area.
   BUSINESS ASSOCIATES means all persons assessed for business assessment in the area.
   MEMBER(S) means a member(s) of the Board of Management of the Business Improvement Area.
   COUNCIL means the Council of the Corporation of the Town of Prescott.
   CORPORATION means the Corporation of the Town of Prescott.
   CLERK-TREASURER means the Clerk-Treasurer of the Corporation of the Town of Prescott.

2. That a Board of Management for the Prescott Business Improvement Area is hereby established.

3. That the Board is entrusted, subject to such limitations hereinafter set out, with the improvement, beautification and maintenance of municipally owned lands, buildings and structures in the area, beyond such improvement, beautification and maintenance as is provided at the expense of the municipality at large, and the promotion of the area as a business or shopping area.

4. The Board shall consist of nine members appointed by Council, two of whom shall be members of Council, and the remaining members shall be persons qualified to be elected members of Council assessed for business assessment in respect of land in the area or nominees of corporations so assessed, provided such nominees are persons qualified to be elected as members of the Council.

5. Each member shall hold office for a period of one year from the time of appointment, provided the member continues to be qualified as provided in Section 4.

6. Where a vacancy occurs from any cause, the Council shall appoint a person, qualified as set out in Section 4 to be a member, who shall hold office for the remainder of the term for which the preceding member was appointed.

7. Members shall hold office until their successors are appointed, and they are eligible for re-appointment on the expiration of their term of office.
8. The Board may make recommendations to Council with respect to appointments to
the Board from the Business Associates.

9. The Board shall, within 7 days or as soon as possible after its members are
appointed in each year, elect a chairman and vice-chairman and appoint a secretary
and/or treasurer, and such other officers as it may deem necessary to conduct
properly the business of the Board during the said year.

10. The Board shall keep proper minutes and records of every meeting of the
Board and shall forward true copies of such minutes and records to all members
and the Clerk-Treasurer as soon as possible after the meeting covered thereby.

11. The Board shall adopt and maintain only banking arrangements and ordinary
good accounting practices that are acceptable to the Clerk-Treasurer and keep
such books of account and submit such statements from time to time as the Clerk-
Treasurer may require.

12. The Municipal Auditor shall be the auditor of the Board and all books, documents,
transactions, minutes, and accounts of the Board shall at all times be open to his
inspection and the Board shall pay the auditors for any expenses so incurred.

13. The fiscal year of the Board shall be the calendar year.

14. On or before the first day in March in each year, the Board shall submit its
annual report for the preceding year to Council, including a complete audited and
certified financial statement of its affairs with balance sheet and revenue and
expenditure statement.

15. The Board shall submit to Council an annual budget in a form and at a time
satisfactory to the Council, and within the limits of the estimates as approved by
Council.

16. After the annual budget is approved, the money to be provided shall be paid
by the Clerk-Treasurer to the Board from time to time upon receipt of a certi-
ficate authorized by the Board.

17. The Board shall provide at its expense and deposit and keep on deposit with the
Clerk-Treasurer insurance policies satisfactory in all respects to the Council indemnifying the Corporation against public liability and property damage in respect of the activities of the Board.

18. The Council shall in each year levy a special charge upon persons in the area assessed for business assessment in accordance with the provisions of the Municipal Act sufficient to raise the funds requested in the annual budget of the Board approved by the Council.

19. The annual budget of the Board shall be approved at the annual meeting of the Business Improvement Area and shall not exceed 35% of the total business assessment levied against the Business Improvement Area in the previous year for municipal and school purposes.

20. The Board and the Business Associates shall hold an annual meeting no later than the first week in February, but only on a Monday, Tuesday or Wednesday of any week.

21. Every member of the Board and every Business Associate shall be notified in writing at least 14 days prior to the annual meeting, and the said notice shall indicate location, time, an agenda, and a proposed budget for the following year.

22. Every Business Associate in the Business Improvement Area shall have one vote; members must be present to cast a vote and a majority vote shall be any percentage over 51 percent of the vote.

23. In November of each year the secretary shall call a general meeting of all the Business Associates for the purpose of picking interested persons for recommendation to Council to be considered for appointment to the Board for the following year.

24. This By-Law shall not come into force and take effect until By-Law No. 40-79 being the By-Law to designate the Improvement Area is approved by the Ontario Municipal Board.

Finally passed this 5th day of November, 1979.

Sandra L. Lain
Mayor

Clerk
204 (1) A local municipality may designate an area as an improvement area and may establish a board of management,

(a) to oversee the improvement, beautification and maintenance of municipally-owned land, buildings and structures in the area beyond that provided at the expense of the municipality generally; and

(b) to promote the area as a business or shopping area. 2001, c. 25, s. 204 (1).

Corporation

(2) A board of management is a corporation consisting of the number of directors established by the municipality. 2001, c. 25, s. 204 (2).

Local board status

(2.1) A board of management is a local board of the municipality for all purposes. 2006, c. 32, Sched. A, s. 89.

Composition

(3) A board of management shall be composed of,

(a) one or more directors appointed directly by the municipality; and

(b) the remaining directors selected by a vote of the membership of the improvement area and appointed by the municipality. 2001, c. 25, s. 204 (3).

Membership

(4) Members of an improvement area consist of persons who are assessed, on the last returned assessment roll, with respect to rateable property in the area that is in a prescribed business property class and tenants of such property. 2001, c. 25, s. 204 (4).

Determining tenancy

(5) In determining whether a person is a tenant or not, the clerk of the municipality may accept a list provided under clause 210 (2) (b) or the declaration of a person that the person is a tenant and the determination of the clerk is final. 2001, c. 25, s. 204 (5).

One vote

(6) Each member of an improvement area has one vote regardless of the number of properties that the member may own or lease in the improvement area. 2001, c. 25, s. 204 (6).
Nominee

(7) A corporate member of an improvement area may nominate in writing one individual to vote on behalf of the corporation. 2001, c. 25, s. 204 (7).

Joint nominee

(8) Subject to subsection (6), one individual may be nominated for voting purposes by two or more corporations that are members of an improvement area. 2001, c. 25, s. 204 (8).

Refusal to appoint

(9) The municipality may refuse to appoint a person selected by the members of an improvement area, in which case the municipality may leave the position vacant or direct that a meeting of the members of the improvement area be held to elect or select another candidate for the municipality's consideration. 2001, c. 25, s. 204 (9).

Term

(10) The term of the directors of a board of management is the same as the term of the council that appointed them but continues until their successors are appointed. 2001, c. 25, s. 204 (10).

Reappointment

(11) Directors are eligible for reappointment. 2001, c. 25, s. 204 (11).

Vacancies

(12) Subject to subsection (9), if a vacancy occurs for any cause, the municipality may appoint a person to fill the vacancy for the unexpired portion of the term and the appointed person is not required to be a member of the improvement area. 2001, c. 25, s. 204 (12).

Section Amendments with date in force (d/m/y)

Budget

205 (1) A board of management shall prepare a proposed budget for each fiscal year by the date and in the form required by the municipality and shall hold one or more meetings of the members of the improvement area for discussion of the proposed budget. 2002, c. 17, Sched. A, s. 40 (1).

Council to approve
(2) A board of management shall submit the budget to council by the date and in the form required by the municipality and the municipality may approve it in whole or in part but may not add expenditures to it. 2001, c. 25, s. 205 (2); 2002, c. 17, Sched. A, s. 40 (2).

Limitations

(3) A board of management shall not,

(a) spend any money unless it is included in the budget approved by the municipality or in a reserve fund established under section 417;
(b) incur any indebtedness extending beyond the current year without the prior approval of the municipality; or
(c) borrow money. 2001, c. 25, s. 205 (3).

Limitations on power

(4) Section 25 of the Local Planning Appeal Tribunal Act, 2017 and section 401 of this Act apply to the municipality’s approval under clause (3) (b) in the same manner as if it were incurring a debt of the municipality. 2001, c. 25, s. 205 (4); 2017, c. 23, Sched. 5, s. 48.

Section Amendments with date in force (d/m/y)

Notice

206 A board of management shall give reasonable notice to the general membership of the improvement area of a meeting to hold a vote under clause 204 (3) (b) or for the purposes of a discussion under subsection 205 (1). 2001, c. 25, s. 206; 2002, c. 17, Sched. A, s. 41.

Section Amendments with date in force (d/m/y)

Annual report

207 (1) A board of management shall submit its annual report for the preceding year to council by the date and in the form required by the municipality and the report shall include audited financial statements. 2001, c. 25, s. 207 (1).

Auditor

(2) The municipal auditor is the auditor of each board of management and may inspect all records of the board. 2001, c. 25, s. 207 (2).

Funds to be raised
208 (1) The municipality shall annually raise the amount required for the purposes of a board of management, including any interest payable by the municipality on money borrowed by it for the purposes of the board of management. 2001, c. 25, s. 208 (1).

Special charge

(2) The municipality may establish a special charge for the amount referred to in subsection (1),

(a) by levy upon rateable property in the improvement area that is in a prescribed business property class; or

(b) by levy upon rateable property in the improvement area that is in a prescribed business property class and that, in council’s opinion, derives special benefit from the improvement area, which levy may be calculated using different percentages of the assessment for one or more separately assessed properties or categories of separately assessed properties in the prescribed class if the resulting levy is equitable in accordance with the benefits that, in council’s opinion, accrue to the properties from the activities related to the improvement area. 2001, c. 25, s. 208 (2).

Minimum and maximum charges

(3) The municipality 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 prescribed class, as,

(a) percentages of the assessed value of rateable property in the improvement area that is in a prescribed business property class;

(b) dollar amounts; or

(c) percentages of the board of management’s annual budget. 2001, c. 25, s. 208 (3).

Effect of by-law

(4) When a by-law under subsection (3) is in force,

(a) the amount of a charge levied in a year under subsection (2) shall not, when calculated for the individual property in the prescribed 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 subsection (1) because a minimum or maximum charge applies to one or more separately assessed properties or categories of separately assessed properties in the prescribed class, the municipality shall for the year adjust any charges applicable
to the remaining individual properties or subclasses of properties in the prescribed class by adjusting the percentage or percentages of assessment established under subsection (2) for those properties. 2001, c. 25, s. 208 (4).

Exclusion

(5) Section 210 does not apply to an adjustment made under clause (4) (b). 2001, c. 25, s. 208 (5).

Borrowings

(6) If only a part of money borrowed by the municipality in any year for the purposes of a board of management 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 levies under this section in that year or subsequent year, respectively. 2001, c. 25, s. 208 (6).

Priority lien status

(7) Charges levied under this section shall have priority lien status and shall be added to the tax roll. 2002, c. 17, Sched. A, s. 42.

Section Amendments with date in force (d/m/y)

Changes to boundary

209 The municipality may alter the boundaries of an improvement area and the board of management for that improvement area is continued as the board of management for the altered area. 2001, c. 25, s. 209.

Notice

210 (1) Before passing a by-law under subsection 204 (1), clause 208 (2) (b), subsection 208 (3) or section 209, notice of the proposed by-law shall be sent by prepaid mail to the board of management of the improvement area, if any, and 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,

(a) where the improvement area already exists, in the improvement area and in any geographic area the proposed by-law would add to the improvement area; and

(b) where a new improvement area would be created by the proposed by-law, in the proposed improvement area. 2001, c. 25, s. 210 (1).

(2) A person who receives a notice under subsection (1) shall, within 30 days after the notice is mailed,
(a) 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; and

(b) give the clerk of the municipality a list of every tenant described in clause (a) and the share of the taxes that each tenant is required to pay and the share that the person is required to pay. 2001, c. 25, s. 210 (2).

Objections

(3) A municipality shall not pass a by-law referred to in subsection (1) if,

(a) written objections are received by the clerk of the municipality within 60 days after the last day of mailing of the notices;

(b) the objections have been signed by at least one-third of the total number of persons entitled to notice under subsection (1) and under clause (2) (a); and

(c) the objectors are responsible for,

(i) in the case of a proposed addition to an existing improvement area,

(A) 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, or

(B) 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 geographic area the proposed by-law would add to the existing improvement area, or

(ii) in all other cases, 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. 2001, c. 25, s. 210 (3).

Withdrawal of objections

(4) If sufficient objections are withdrawn in writing within the 60-day period referred to in clause (3) (a) so that the conditions set out in clause (3) (b) or (c) no longer apply, the municipality may pass the by-law. 2001, c. 25, s. 210 (4).

Determination by clerk

(5) The clerk shall determine whether the conditions set out in subsection (3) have been met and, if they are, shall issue a certificate affirming that fact. 2001, c. 25, s. 210 (5).

Determination final

(6) The determination by the clerk is final. 2001, c. 25, s. 210 (6).
Repeal of by-law

211 (1) Council shall give notice in accordance with subsection 210 (1) of a proposed by-law to repeal a by-law under subsection 204 (1) if the municipality has received,

(a) a resolution from the board of management requesting the repeal; or
(b) 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 municipality levy on rateable property in all prescribed business property classes in the improvement area. 2001, c. 25, s. 211 (1).

Statement

(2) A person signing a request under clause (1) (b) shall state what amount of taxes on rateable property in the area that the person is required to pay. 2001, c. 25, s. 211 (2).

Time

(3) Council shall give the notice within 60 days after receiving the resolution or request. 2001, c. 25, s. 211 (3).

Repeal

(4) Council shall repeal the by-law under subsection 204 (1) if requests for the repeal are received by the clerk of the municipality within 60 days after the last day of mailing of the notices and,

(a) the requests have been signed by at least one-half of the total number of persons entitled to notice under subsection 210 (1) and under clause 210 (2) (a); and
(b) those who have signed the requests are responsible for at least 50 per cent 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. 2001, c. 25, s. 211 (4).

Timing

(5) The repealing by-law must come into force on or before December 31 of the year in which it is passed. 2001, c. 25, s. 211 (5).

Requests withdrawn

(6) If sufficient requests are withdrawn in writing within the 60-day period referred to in subsection (4) so that either condition set out in that subsection no longer applies, the municipality is not required to repeal the by-law. 2001, c. 25, s. 211 (6).
Determination by clerk

(7) The clerk shall determine whether the conditions set out in clause (1) (b) and subsection (4) have been met and, if so, shall issue a certificate affirming that fact. 2001, c. 25, s. 211 (7).

Determination final

(8) The determination by the clerk is final. 2001, c. 25, s. 211 (8).

Restriction

(9) If the conditions of subsection (4) are not satisfied, council is not required to give notice under subsection (1) in response to a resolution or request for a period of two years after the last mailing of the notices. 2001, c. 25, s. 211 (9).

Non-application

(10) No requirement under this section or under section 210 applies to the repeal by a municipality on its own initiative of a by-law under subsection 204 (1). 2001, c. 25, s. 211 (10).

Effect of by-law

212 A by-law passed under subsection 204 (1), subsection 208 (2) or (3), section 209 or subsection 211 (4) is not invalid by reason only that,

(a) a person required to give a copy of a notice to a tenant or other information to the municipality under subsection 210 (2) has not done so;

(b) the objections referred to in clause 210 (3) (b) have not been signed by at least one-third of the total number of persons entitled to receive notice under subsections 210 (1) and (2) because a person required to give a copy of the notice under subsection 210 (2) has not done so; or

(c) the requests referred to in clause 211 (4) (a) have not been signed by at least one-half of the total number of persons entitled to notice under subsections 210 (1) and (2) because a person required to give a copy of the notice under subsection 210 (2) has not done so. 2001, c. 25, s. 212.

Tenants

213 For the purposes of clauses 210 (3) (c) and 211 (1) (b), subsection 211 (2) and clause 211 (4) (b), 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 367 and 368. 2001, c. 25, s. 213.
Dissolution of board

214 (1) Upon the repeal of a by-law under subsection 204 (1), the board of management is dissolved and the assets and liabilities of the board become the assets and liabilities of the municipality. 2001, c. 25, s. 214 (1).

Liabilities exceed assets

(2) If the liabilities assumed under subsection (1) exceed the assets assumed, the council may recover the difference by imposing a charge on all rateable property in the former improvement area that is in a prescribed business property class. 2001, c. 25, s. 214 (2).

Regulations

215 The Minister may make regulations prescribing one or more classes of real property prescribed under the Assessment Act as business property classes for the purposes of sections 204 to 214. 2001, c. 25, s. 215.
The Municipal Corporation of the Town of Fort Erie
BY-LAW NO. 183-07

BEING A BY-LAW TO ADOPT OPERATING GUIDELINES FOR BUSINESS IMPROVEMENT AREAS

WHEREAS Sections 204-215 of the Municipal Act, 2001, as amended, regulate business improvement areas, and

WHEREAS Section 216 of the Municipal Act, 2001 as amended, provides without limiting Sections 9, 10 and 11, that a municipality may dissolve or change a local board, and

WHEREAS it is deemed expedient to establish the mandate, composition, duties and responsibilities, practices and procedures for business improvement area boards of management;

NOW THEREFORE the Municipal Council of the Town of Fort Erie hereby enacts as follows:

1. THAT the mandate, composition, duties and responsibilities, practices and procedures for business improvement area boards of management shall be in accordance with Schedule “A” annexed hereto.

2. THAT the short form wording of this by-law shall be “BIA Operating Guidelines.”

3. THAT in the event any by-law conflicts with the provisions herein, this by-law shall prevail.

4. THAT pursuant to the provisions of Sections 23.1 to 23.5 inclusive of the Municipal Act, 2001, as amended, the Clerk of the Town of Fort Erie is hereby authorized to effect any minor modifications or corrections solely of an administrative, numerical, grammatical, semantical or descriptive nature or kind to this by-law or its schedules as such may be determined to be necessary after the passage of this by-law.


MAYOR

CLERK

I, Carolyn J. Kett, the Clerk, of The Corporation of the Town of Fort Erie hereby certifies the foregoing to be a true certified copy of By-law No. -07 of the said Town. Given under my hand and the seal of the said Corporation this day of , 200.
The Corporation of the Town of Fort Erie

BIA OPERATING GUIDELINES

November 2007
SCHEDULE “A” to BY-LAW NO. 183-07

BIA OPERATING GUIDELINES

1. Definitions


BIA – Business Improvement Area.

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 Municipal Act, 2001, as amended.

BUSINESS PROPERTY CLASS – The commercial property classes and the industrial property classes within the meaning of the Municipal Act, 2001, as amended 367 & 368

CLERK – The Clerk of the Town.

COUNCIL – Municipal Council of the Town of Fort Erie.

DIRECTOR OF CORPORATE SERVICES – The Director of Corporate Services for the Town, or designate.

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 Town Council as a designated holiday.

MANAGEMENT LETTER – Written notification from the Auditor of the BIA 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.

TENANT – Is included as a member of an improvement area where persons are assessed with respect to rateable property in the area that is in a prescribed business class and tenants of such property.
For purposes of Section 20 and 24 herein (objections/consents and repealing of by-law) provided tenant is responsible for paying taxes under the lease or otherwise.

TOWN – The Corporation of the Town of Fort Erie.

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

2. Application

These Operating Guidelines shall apply to all Boards of Management of Business Improvement Areas established under Section 204 of the Municipal Act, as amended.

3. Designation of a business improvement area

Council may pass a by-law to designate an area as a business improvement area:

(a) To oversee the improvement, beautification and maintenance of municipally-owned land, buildings and structures in the area beyond that 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 member property owners who provide written consent; and

(e) To undertake safety and security initiatives within the business improvement area.

4. Limitations

A Board shall not:

(a) Spend any money unless it is included in the budget approved by Council or in a reserve fund, except that the Board may spend unexpected revenues received subsequent to the approval of the annual budget by Council provided the Board reports on such 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;

(f) Make or fund improvements to private property, with the exception of graffiti and poster removal initiatives pursuant to Section 3(d) herein.

5. 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 Town board and is an agent of the Town only for the purposes set out herein.

6. Appointment of Directors

(a) (1) The directors of a Board shall be appointed by Council.

(b) A Board shall be composed of,

(1) One or more members of Town Council; and

(2) The remaining directors selected by a vote of the membership of the business improvement area. A maximum of 20% of the Board may be non-members of the business improvement area, provided such non-members are nominated by a member of the business improvement area.

(c) Each Board shall consist of the number of directors as set out under separate by-law.

(d) The term of the directors of a Board shall be the same as the term of the Council in office at the time of their appointment.

(e) Each director shall hold office from the time of his/her appointment until a successor is appointed, as long as the director continues to be qualified.
(f) Each director is eligible for reappointment on the expiration of the term of office.

7. 

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, substantially in the form of Appendix “1” (Nomination Protocol) annexed hereto. The Nomination Protocol may be altered from time to time in consultation with the Clerk. The Clerk may oversee the election of nominees.

(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) Subject to the qualification requirements in Section 5 herein, 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.
(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.

(g) No proxy votes shall be permitted at the annual general meeting, or any special meeting called for the nomination of persons as directors of the Board or any meeting for the approval of the annual budget.

(h) The Board shall submit the nominees to the Clerk for consideration and determination by the Council.

8. Officers

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

The Chair shall be limited to two (2) terms commencing in 2010.

The Board has the option, by resolution, of establishing two (2) terms for officers other than the Chair.

9. 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.

10. Board Vacancies, Replacements, Additions

(a) If a Board vacancy occurs for any reason, the Board shall notify the Clerk and solicit interest from the membership. The Board may review the applications and submit its recommendation(s) to Council. The Board shall submit to the Clerk all expressions of interest received by the Board, who in turn shall provide copies of same to Council.

(b) If a Board vacancy occurs for any cause, a person may be appointed by Council 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 notwithstanding the 20% rule as set out in Section 6(b) herein.
(c) 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 Clerk, signed minutes of the Board meeting at which the vote was held on this matter, and the Clerk shall report to Council.

11. 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 copies of the minutes to all members of the Board and the Clerk.

(c) The Board shall comply with direction received from the Clerk regarding what constitutes proper minute and record keeping practices.

12. Quorum

(a) A majority of the members of a Board constitutes a quorum of the Board.

(b) A member of Council appointed to a Board shall be included for the purpose of determining what constitutes a quorum of the Board.

13. 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) A Board shall supply the Clerk with the notice of the annual general meeting and any accompanying materials, at least fifteen (15) days before the date of the annual general meeting.

(d) The Board shall send the notice of the annual general meeting by prepaid mail, hand delivery or electronically at least fifteen (15) days before the date of the meeting to business improvement area property owner members, tenant members and Council member(s) sitting on the Board.
14. **Start-up process**

The following process shall be undertaken, with the assistance of Town 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, provided the change in boundary is not considered minor as set out in Section 16(b) and (c) herein, 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 define the desired boundary of the proposed business improvement area or the boundary extension of a proposed business improvement area expansion; develop and implement a strategy to communicate its intentions to establish a new business improvement area or expand an existing business improvement area; and set out 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 Clerk shall send notification of the formal public meeting(s) to commercial and/or industrial property owners fifteen (15) days in advance of the meeting, and the steering committee shall distribute notices to all commercial and/or industrial tenants fifteen (15) days in advance of the meeting(s).

(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 (2) steering committee members, to the Clerk 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 Sections (a) and (b) herein have been carried out and shall identify the boundaries of the proposed business improvement area.

15. **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 such 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 such property, provided that the recent purchasers produce evidence of property ownership satisfactory to the Director of Corporate Services.

16. 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) Notwithstanding Section 17 herein, the Town shall not be required to give notice of minor boundary expansions that represent an increase of total commercial/industrial property assessment value of less than 5% of the existing assessment value of properties within the existing business improvement area boundary. Council must receive a written request for such boundary expansion from the business improvement area Board and written consent from all property owners and business tenants within the expansion area.

(c) Notwithstanding Section 17 herein, the Town 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 such lands being included in a business improvement area and a portion excluded.

17. Notice

Before passing a by-law under Sections 3, 16, 31(b) or 32 herein, 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/or evidence of ownership changes received from taxpayers or taxpayer’s representatives, is assessed for rateable property that is in a business property class which 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; and
18. **When notice received**

(a) A person who receives a notice under Section 17 herein shall, within thirty (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 Section 17 herein shall, within thirty (30) days of the date of the notice, give the Clerk a list of every tenant described in Section 18(a) herein and the share of the taxes that each tenant is required to pay and the share that the person is required to pay.

19. **Determining Tenancy for Notification**

(a) In determining whether a person is a tenant or not, the Clerk shall only accept a list provided under Section 18(b) herein, and the determination of the Clerk shall be final.

(b) Only those tenants identified in the lists submitted under Section 18(b) herein shall be eligible to submit a written objection or consent under Section 20 herein.

20. **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 sixty (60) days of the date of the notice;

2. the objections have been signed by a least one-third of the total number of persons entitled to notice under Sections 17 and 18 herein; 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 Section 16(c) herein, 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 sixty (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 Sections 17 and 18 herein 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 Sections 17 and 18 herein 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, thereby creating two new business improvement areas if:

(1) written objections in the form required by the Clerk are received within sixty (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 Sections 17 and 18 herein in either portion of the proposed divided business improvement area;

(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 either portion of the proposed divided business improvement area.

d) Subject to Section 16(c) herein, 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 sixty (60) days of the date of the notice;

(2) the consents have been signed by at least 50% plus one of the total number of persons entitled to notice under Sections 17 and 18 herein;

(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.

21. Withdrawal of objections and consents

(a) If sufficient objections are withdrawn in writing within the sixty (60) day period referred to in Sections 20(a)(1), (b)(1) and (c)(1) herein so that the conditions set out in Sections 20(a)(2) or (3), (b)(2) or (3) or (c)(2) or (3) herein, no longer apply, Council may pass the by-law.

(b) If sufficient consents are withdrawn in writing within the sixty (60) day period referred to in Section 20(d)(1) herein so that the conditions set out in Section 20(d)(2) or (3) herein no longer apply, Council shall not pass the by-law.

22. Determination by Clerk

(a) The Clerk shall determine whether the conditions set out in Section 20(a), (b), (c) or (d) herein have been met and, if they have, shall issue a certificate affirming that fact.

(b) The Clerk shall report to Council on the issuing of the certificate.

(c) The determination of the Clerk shall be final.

23. Re-Notification

Where notification has been provided and sufficient objections received under Section 20 herein so that a by-law cannot be passed by Council, the Town shall not be required to give notice under Section 17 herein in response to a resolution or request for a period of two (2) years after the last mailing of the notices.

24. Repeal of by-law

(a) The Town shall give notice in accordance with Sections 17 and 18 herein of a proposed by-law to repeal a by-law under Section 3 herein 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 tenant(s) and the property owner. The property owner is required to submit such a list to the Clerk if requested by a tenant or tenants intending to sign a request for repeal pursuant to Section 24(a)(2) herein.

(c) The Town shall give the notice within sixty (60) days after receiving the resolution or request.

(d) Council shall repeal the by-law under Section 3 herein if requests for the repeal are received by the Clerk within sixty (60) days after the last day of mailing of the notices and,

(1) the requests have been signed by at least 50% plus one of the total number of persons entitled to notice under Sections 17 and 18 herein; and

(2) those who have signed the requests are responsible for greater than 50% 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) Council may repeal a by-law passed under Section 3 herein on its own initiative without giving notice to a Board or to business improvement area members under Sections 17 and 18 herein.

(f) The repealing by-law must come into force on or before December 31 of the year in which it is passed.

(g) If sufficient requests are withdrawn in writing within the sixty (60) day period referred to in Section 24(d) herein so that either condition set out in that section no longer applies, Council is not required to repeal the by-law.

(h) The Clerk shall determine whether the conditions set out in Sections 24(a)(2) and 24(d) herein have been met and, if so, shall issue a certificate affirming that fact.

(i) The determination by the Clerk shall be final.

(j) If the conditions of Section 24(d) herein are not satisfied, Council shall not be required to give notice under Section 24(a) herein in response to a
resolution or request for a period of two (2) years after the last mailing of the notices.

25. **Effect of by-law**

A by-law passed under Sections 3, 16, 24(d), 31(b) and 32 herein, shall not be invalid by reason only that:

(a) A person required to give a copy of a notice to a tenant under Section 18(a) herein or other information to the Clerk under Section 18(b) herein has not done so;

(b) The objections referred to in Section 20(a), (b) and (c) herein have not been signed by at least one-third of the total number of persons entitled to receive notice under Sections 17 and 18 herein because a person required to give a copy of the notice under Section 18(b) herein has not done so; or

(c) The requests referred to in Section 24(d) herein have not been signed by at least 50% plus one of the total number of persons entitled to notice under Sections 17 and 18 herein because a person required to give a copy of the notice under Section 18(a) herein has not done so.

26. **Procedure By-law and Policies**

(a) A Board shall, within three (3) months of its establishment, adopt a procedural by-law for the business improvement area which governs the calling, place and proceedings of meetings in the form of Appendix “2” annexed hereto.

(b) A Board shall adopt within three (3) months of its establishment policies pertaining to the procurement of goods and services, the hiring of employees and the sale and other disposition of land, in a form acceptable to Council.

(c) The Town Clerk shall provide the Board with assistance and support as required to develop the required policies.

27. **Financial procedures and reports**

(a) A Board shall adopt and maintain only banking arrangements and sound business practices that are acceptable to the Director of Corporate Services. All bank accounts and financial records shall be maintained by the Town’s Corporate Services Department.

(b) A Board’s fiscal year shall be the calendar year.
(c) Individual business improvement area special charges, when billed by the Director of Corporate Services, shall be posted to separate business improvement area accounts.

28. Annual Budget

(a) A Board shall prepare a proposed annual budget for each fiscal year by December 15th of each year and shall hold one or more meetings of the members of the business improvement area for discussion and adoption of the annual budget.

(b) A Board shall submit the budget to the Director of Corporate Services by December 15th of each year including the notice and minutes of the budget meeting as set out in Section 28(a) and Council may approve it in whole or in part but may not add expenditures to it.

29. Audited Financial Statement

(a) A Board shall submit its audited financial statement for the preceding year for Council's review by the date and in the form required by the Director of Corporate Services.

(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 Director of Corporate Services and Clerk indicating how the Board intends to address the issues identified in the Management Letter.

30. Funds to be raised

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

31. Special charge

Council may raise the amount referred to in Section 30 herein:

(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.

32. **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.

33. **Effect of by-law**

When a by-law under Section 32 herein is in force:

(a) The amount of a charge levied in a year under Section 31 herein 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 or 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 Section 30 herein 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 Section 31 herein for those properties.

34. **Exclusion**

Section 17 herein shall not apply to an adjustment made under Section 33(b) herein.

35. **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.
36. **Insurance, Legal and Audit Services**

   a) The Town shall provide comprehensive general liability and property insurance coverage for the BIA each year at its expense, subject to a deductible of $10,000.00 per claim. The BIA shall be responsible for the payment of costs and amounts paid in settlement of claims up to a maximum of $5,000.00 and the Town shall be responsible for payment of any additional amounts up to the deductible limit.

   b) The BIA shall forward to the Clerk notice of all claims, who shall be responsible for claims management.

   c) Legal support to the BIA shall be provided by the Town Solicitor or external counsel retained by the Town.

   d) Commencing in 2009, the BIA shall be responsible for the payment to the Town for the cost of the annual audit fee.

37. **Dissolution of Board**

   Upon the repeal of a by-law under Section 3 herein, the Board shall be dissolved and the assets and liabilities of the Board become the assets and liabilities of the Town.

38. **Liabilities upon dissolution**

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

39. **Priority lien status**

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

40. **Tenants**

   For the purposes of Sections 20 and 24 herein, 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.
Nomination Protocol for BIA’s

To be used for Annual General Meetings or Special Meetings where nominations to the Board are required.

1. The Board shall set a date, time and place for nominations to the Board.

2. Notice shall be provided to the membership in accordance with Section 13 of BIA Guidelines By-law No. 183-07 at least 10 days in advance of the nominations taking place.

3. The membership shall be invited to submit nominations to the Board in advance of the meeting.

4. A voting membership accountability mechanism should be established in advance of the nomination meeting i.e. prior to entry to membership meeting, name of member is crossed off membership list and hand is stamped.

5. At the nomination meeting, the names of nominees received prior to the meeting shall be posted and displayed.

6. The Board shall select a Board member to act as Chair to carry out the nomination process or may request the Clerk of the Town of Fort Erie to do so.

7. A nominee should be present to accept the nomination or be nominated. However, the nominee may confirm and consent to the nomination in writing.

8. No proxy votes shall be permitted.

9. The Nominating Chair shall call the meeting to order, state the number of directors to be selected and:
   (a) Recite the nominees posted and ask each to confirm their intention to stand for selection to the Board and to briefly state their interest in serving on the Board.
   (b) Call for additional nominees, confirm willingness to stand and post names
   (c) Prior to announcing the closing of nominations, the Chair shall call for any further nominations two more times.
   (d) At the close of nominations, the Chair shall determine the voting method such as voting by voice, show of hands, or by ballot.
   (e) When the ballot is used, it shall be delivered to the Nominating Chair and one other witness for counting.
   (f) The Chair shall announce the results.
   (g) The Chair shall inform the Clerk of the results of the selection process, including number of votes per nominee who shall in turn submit same to Council for consideration.
   (h) The nomination process shall be included in the minutes of the meeting.

10. The Nomination Protocol may be altered from time to time in consultation with the Clerk.

November 2007
1. **Legislative Authority**

Section 238(2) of the *Municipal Act, 2001*, as amended, provides every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings.

Section 238(2.1) of the said *Municipal Act* provides the procedure by-law shall provide for public notice of meetings.

2. **Notice of Meetings**

The Board shall provide public notice of its meetings at least three (3) days in advance of the meeting date by posting same on its website or posting the notice in a visible location in the BIA office or another designated location in the business improvement area.

3. **General Provisions**

3.1 The rules and procedures contained in this by-law shall be observed in all proceedings of the Board. Where greater clarification is required, the Board shall have regard firstly to Town of Fort Erie Rules of Procedure By-law No. 145-06.

3.2 Rules of Procedure not specifically governed by this by-law or the said Town of Fort Erie by-law shall be dealt with in accordance with, as far as reasonably practical, Roberts Rules of Order and in such cases the decision of the Chair of the Board shall be final.

3.3 Any rules or procedures contained in this by-law may be suspended for minor matters or with the consent of a majority of the Board members present, unless prohibited by law or to do such would place the Board at legal risk.

This by-law shall not be amended or repealed except by a majority vote of the Board present, but no such amendment or repeal may be considered at any meeting of the Board unless notice of the proposed amendment or repeal has been given to the BIA membership at least fifteen (15) business days in advance of the meeting to which such amendment or repeal is to be considered.

3.4 No Board member shall be absent from any regular meeting of the Board without providing substantive notice of such absence to the Chair and the Office Manager, where applicable, at least seventy-two (72) hours prior to the commencement of the meeting from which the Board member shall be absent, where practical.
3.5 Where a Board member is absent from meetings of the Board for more than three (3) successive months without being authorized to do so by a resolution of the Board, the member's seat shall be declared vacant and procedures set out in Town of Fort Erie By-law No. 145-06 shall apply.

3.6 Regular meetings of the Board shall be held at the BIA offices, currently located at ___________ unless otherwise decided by a majority vote of the Board members and with proper notice. In the event the annual general meeting is not held at the BIA offices or other common meeting place, notice of the location and time shall be given to the membership at least fifteen (15) days in advance of the annual meeting.

4. Regular Meetings

4.1 Regular meetings of the Board shall be held ______ of (every month) at (____p.m.) at the BIA offices unless otherwise determined by resolution of the Board and the proper giving of notice.

4.2 The Chair may, at any time, summon a special meeting of the Board or upon direction of the Board given at a regular meeting or upon receipt of a petition from a majority of the members of the Board.

4.3 The notice calling a special meeting of the Board shall state the business to be considered at the special meeting and no business other than that stated in the notice shall be considered at such meeting except with the consent of a majority of the members present and voting.

4.4 Written notice of all special meetings of the Board shall be delivered not less than forty-eight (48) hours before the time set for the meeting to all members of the Board either by hand or electronically.

4.5 Notwithstanding the provisions herein, on urgent and extraordinary occasions, with the consent of a majority of the Board members present recorded in the minutes, an emergency meeting of the Board may be held.

4.6 Notwithstanding the provisions herein, on urgent and extraordinary occasions, a telephone poll or electronic poll of the Board members may be conducted to determine consensus by the members on a matter and such action and results shall be ratified by the Board at its next regular meeting.
5. Closed Sessions

5.1 Qualifications

All meetings shall be open to the public unless the subject matter being considered is:
(a) the security of the property of the municipality or local board;
(b) personal matters about an identifiable individual, including municipal or local board employees;
(c) a proposed or pending acquisition or disposition of land by the municipality or local board;
(d) labour relations or employee negotiations;
(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
(g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act; and
(h) a matter in which the subject relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act if the board is designated as the Head for purpose of that Act.

The Rules of Procedure shall apply in Closed Session meetings with modifications where necessary.

5.2 A meeting may be closed to the public if the following conditions are both satisfied:
(a) The meeting is held for the purpose of education or training the members,
(b) At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

5.3 Before holding a meeting or part of a meeting that is to be closed to the public, a resolution shall be passed stating:
(a) The fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or
(b) In the case of a meeting for educational or training sessions, the fact of the holding of the closed meeting, the general nature of its subject matter and that it is to be closed under that subsection.

5.4 Subject to subsection 5.5 herein, a meeting shall not be closed to the public during the taking of a vote.
BIA Procedural By-law
By-law No. 183-07

5.5 A meeting may be closed to the public during a vote if,

(a) Section 5.1 or 5.2 herein permits or requires the meeting to be closed to the public; and

(b) The vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the BIA Board or committee or persons retained by or under a contract with the BIA Board.

5.6 The Secretary of the Board or designated employee shall record without note or comments all resolutions, decisions and other proceedings at a meeting of the board, whether it is closed to the public or not and the said record shall be made by the appropriate officer of the Board.

5.7 Clause 6(1)(b) of the Municipal Freedom of Information and Protection of Privacy Act does not apply to a record of a meeting for educational or training sessions.

6. Disclosures of Pecuniary Interest

It shall be the responsibility of each member of the Board to identify and disclose any pecuniary interest as defined in the Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50 as amended or replaced, in any item or matter before the Board.

7. Commencement of Board Meetings

7.1 Quorum at a Board meeting shall be a majority of the members constituting the Board, including the Council representative(s).

7.2 As soon after the hour fixed for the Board meeting as a quorum is present, the meeting shall be called to order by the Chair.

7.3 If a quorum is not present within thirty (30) minutes after the time appointed for the meeting, the Board shall stand adjourned until the date and time of the next regular or special meeting and the appropriate officer shall record the names of those members of the Board present upon such adjournment.

7.4 The Chair, if present, shall preside at all meetings. In the absence of the Chair, the Vice-Chair shall preside during the meetings.

8. Agendas and Minutes of Board Meetings

8.1 An agenda shall be prepared for each Board meeting as well as the annual general meeting including the order of business which may consist of the following:
BIA Procedural By-law
By-law No. 183-07

(a) Call to Order
(b) Roll Call
(c) Review of Addendum/Announcements
(d) Disclosures of Pecuniary Interest
(e) Adoption of Minutes
(f) Presentations and Delegations
(g) Communications
(h) Reports of Committees
(i) Financial Report
(j) Discussion and Adoption of Annual Proposed Budget
(k) Enquiries
(l) Motions
(m) Notice of Motion
(n) Consideration of By-laws
(o) New Business
(p) Scheduling of Meetings
(q) Closed Session, where necessary
(r) Adjournment

The business of each meeting shall be taken up in the order in which it appears on the agenda unless otherwise decided by a majority vote of the members present and all questions relating to the priority of business shall be decided without debate.

8.2 The agendas shall be considered as notice of regular Board meetings. Sufficient notice of meetings shall be deemed to include the posting of the agenda on the BIA website or in a conspicuous area of the BIA office or another designated location in the business improvement area.

8.3 Agendas shall be delivered either by hand or electronically to Board members at least forty-eight (48) hours prior to a regular Board meeting.

8.4 The Secretary of the Board or designated employee shall truly record, without note or comment, all proceedings of the Board. The minutes shall not include any discussion undertaken in the course of a meeting, but shall only record decisions of the Board expressed in resolution form and shall record all such resolutions affirmatively voted upon by a majority of the Board members present and those which are lost.

Declarations, presentations, delegations and other items on the agenda shall be referred to in a brief and summary manner.

The minutes shall be adopted, by resolution, for each and every regular and special meeting of the Board.
The Chair and Secretary shall sign the minutes.

The recording officer may effect any minor modifications or corrections of an administrative, numerical, grammatical, semantical or descriptive nature or kind to the minutes as may be deemed necessary after the approval thereof and same shall be recorded in a register.

The recording officer shall distribute the minutes to the members of the Board, the Clerk of the Town of Fort Erie and by posting same on the website, where applicable. The minutes shall also be distributed with the agenda for the next regular meeting.

9. Delegations

The Board may receive any person wishing to address the Board on any matter included on the agenda and such request to the Chair shall clearly state the nature of the business to be discussed. Delegations shall be limited to ten (10) minutes in their presentation.

10. Rules of Conduct and Debate

10.1 A code of conduct setting out general standards for acceptable conduct by members of the Board in performance of their public duties shall be as set out in Appendix "A" annexed hereto.

10.2 The Chair shall preside over the conduct of Board meetings, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the meeting, subject to an appeal to the Board.

10.3 The Chair may answer questions and comment in a general way without leaving the chair, but if he/she wishes to speak to a motion and take part in the debate, he/she shall first leave the chair and turn it over to a member who has not spoken to the question and the Chair shall resume the chair after the question has been decided.

10.4 No member shall:

(a) speak disrespectfully of any member of the royal family, the Governor General, the Lieutenant governor of any Province, any member of the Federal, Provincial or Regional Council, any member of Council or the Board or any employee of the Town or Region;
(b) use indecent, offensive or insulting language;
(c) speak on any subject other than the subject in debate;
(d) where a matter has been discussed in a meeting or part of a meeting closed to the public and where the matter remains confidential, disclose the content of the matter or the substance of deliberations of the closed session meeting;
(e) disobey the rules of the Board or a decision of the Chair on questions of order or practice or the interpretation of the Rules;
(f) a member shall not interrupt a member who is speaking, except to raise a point of order or a question of privilege.

11. Enquiries

Enquiries may be made of the Chair or through him/her to any member of the Board or staff member, relating to any matter connected with the business of the Board.

12. Motions

12.1 Notice shall be given of all motions for introducing new matters, other than a point of order or a matter of urgency, and no motion shall be discussed unless such notice has been given at the last regular meeting of the Board or filed with the appropriate officer before noon on the day upon which the agenda is printed unless the Board, without debate, dispenses with such a majority vote of all of the members present.

12.2 Motions shall be seconded before being debated or put to a vote. A negative motion shall not be permitted.

13. Miscellaneous Motions and Voting

Regard shall be had to Sections 13 and 14 of Council Rules of Procedure By-law No. 145-06 for the various motions and voting procedures.

14. By-laws

14.1 All by-laws to be received by the Board shall be printed and numbered consecutively in the years in which they are considered i.e. (1-07).

Copies of all by-laws shall be attached to the agenda distributed to each member of the Board.

14.2 All by-laws shall be approved by majority vote of the Board.

15. Advice of Clerk

The Board shall contact the Clerk of the Town of Fort Erie to seek procedural Advice, as required.
16. At the Commencement of the term, the Board shall select a Chair, Vice-Chair, Secretary and Treasurer. Commencing in 2010, the Chair shall be limited to serving two (2) consecutive terms.


CHAIR

SECRETARY
BIA Procedural By-law
By-law No. 183-07

APPENDIX “A”
Code of Conduct

PREAMBLE
A written Code of Conduct helps to ensure that the Directors of a BIA Board share a common basis for acceptable conduct. These standards are designed to provide a reference guide and a supplement to the legislative parameters within which the members must operate. These standards should serve to enhance public confidence that the municipality’s appointed representatives operate from a base of integrity, justice and courtesy.

The Code of Conduct is a general standard that augments the provincial laws and municipal by-laws that govern conduct. It is not intended to replace personal ethics.

GENERAL
All Directors of the Board shall serve the BIA membership in a conscientious and diligent manner. No member shall use the influence of office for any purpose other than the exercise of his or her official duties.

GIFTS AND BENEFITS
Directors shall not accept fees, gifts, hospitality or personal benefits that are connected directly or indirectly with the performance of duties as a Director of a BIA Board, except compensation authorized by law.

This section does not apply to nominal tokens, mementoes, souvenirs or such gifts or benefits that are received as an incident of protocol or social obligation that normally accompanies the responsibilities of office. Tokens, mementoes, souvenirs or gifts with a value of greater than $100.00 shall be the property of the Board.

No member shall seek or obtain by reason of his or her office any personal privilege or advantage with respect to Board services not otherwise available to the general membership and not consequent to his or her official duties.

CONFIDENTIALITY
All information, documentation or deliberation received, reviewed or taken in Closed Session of the BIA Board and its Committees are confidential.

Members shall not disclose or release by any means to any member of the public either by verbal or written form any confidential information acquired by virtue of their office, except when required by law to do so.

Directors shall not permit any person other than those who are entitled thereto to have access to information that is confidential.
The London Downtown Business Association Improvement Area By-law

CP-2 – Consolidated January 1, 2015

As Amended by

<table>
<thead>
<tr>
<th>By-law No.</th>
<th>Date Passed at Council</th>
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<td>May 22, 2001</td>
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<td>CP-2-15002</td>
<td>January 1, 2015</td>
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COMMUNITY PLANNING

By-law CP-2

A by-law to provide for the
IMPROVEMENT AREA TO BE KNOWN AS
THE LONDON DOWNTOWN BUSINESS
ASSOCIATION IMPROVEMENT AREA
AND TO ESTABLISH A BOARD OF
MANAGEMENT THEREFOR

BY-LAW INDEX

1.0 Definitions
2.0 Designation of the Business Improvement Area
3.0 Board of Management Established
4.0 Board Composition
5.0 Board Procedures
6.0 Financial
7.0 Indemnification & Insurance
8.0 Meetings of Members
9.0 General
10.0 Repeal – Enactment

SCHEDULE

Schedule ‘A’ – Improvement Area

WHEREAS subsection 5(3) of the Municipal Act, 2001, S.O. 2001, c. 25 as amended provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the Municipal Act, 2001 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS subsection 10(1) of the Municipal Act, 2001 provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the Municipal Act, 2001 provides that a municipality may pass by-laws respecting: in paragraph 1, Governance structure of the municipality and its local boards; paragraph 2, Accountability and transparency of the municipality and its operations and of its local boards and their operations; paragraph 3, Financial Management of the municipality and its local boards; in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1);

AND WHEREAS subsection 204(1) of the Municipal Act, 2001 provides a local municipality may designate an area as an improvement area and may establish a board of management,
(a) To oversee the improvement, beautification and maintenance of municipally-owned land, buildings and structures in the area beyond that provided at the expense of the municipality generally; and

(b) To promote the area as a business or shopping area;

AND WHEREAS section 208 of the Municipal Act, 2001 provides that a local municipality shall annually raise the amount required for the purposes of a board of management, including any interest payable by the municipality on money borrowed by it for the purposes of the board of management;

AND WHEREAS subsection 208(2)(a) of the Municipal Act, 2001 provides that a municipality may establish a special charge for the amount to be raised by levy upon rateable property in the improvement area that is in a prescribed business property class;”

SHORT TITLE
LONDON DOWNTOWN BUSINESS ASSOCIATION IMPROVEMENT AREA
BY-LAW

1.0 Definitions

1.1 For the purpose of this by-law,

“Board of Management” means the corporation established under this by-law under the name The London Downtown Business Improvement Association Board of Management;

“London Downtown Business Improvement Area” means the area as described in section 2.1 and shown on the attached Schedule “A”.

“City” means The Corporation of the City of London;

“Council” means the Council of the City;

“Member” means the persons who are assessed, on the last returned assessment roll, with respect to rateable property in the area that is in a prescribed business property class and tenants of such property.

2.0 Designation of the Business Improvement Area

2.1 The area comprising those lands in the City of London indicated within the boundary shown on Schedule “A” attached to this by-law, generally bounded on the south of the Canadian National Rail tracks; on the west by the Thames River between the Canadian National Rail tracks and Oxford Street East; on the north by lands abutting Oxford Street East between the west side of Wellington Street and Oxford Street East and including lands abutting Richmond Street and the south side of Sydenham Street and the one property facing Talbot Street; and on the east by lands abutting the west side of Wellington Street between Oxford Street East and Piccadilly Street, and including lands abutting the north side of Piccadilly Street westerly from the Wellington-Oxford Streets intersection to a line parallel with the rear property lines of 700 Richmond Street, then southerly to the Canadian Pacific Rail tracks, then easterly following the Canadian Pacific Rail tracks to Waterloo Street, then including lands abutting the north side of Pall Mall Street west of Waterloo Street to a line coinciding with the rear of the lands facing Wellington Street between Pall Mall Street, southerly to Centennial Lane
and including 277 and 279 Hyman Street and 284, 286, 288, 290, 291 and 292 Central Avenue, then including lands abutting the south side of Dufferin Avenue easterly from Centennial Lane to Waterloo Street, then lands abutting the west side of Waterloo Street from Dufferin Avenue southerly to the rear of the lands abutting Dundas Street between Waterloo Street and Colbourne Street and including lands abutting the west side of Colborne Street between 435 Colborne Street and the Canadian National Rail tracks is hereby designated as an improvement area to be known as the London Downtown Business Improvement Area.

3.0 Board of Management Established

3.1 A Board of Management is established under the name The London Downtown Business Improvement Association Board of Management.

3.2 The Board of Management is a corporation.

3.3 The Board of Management is a local board of the City for all purposes.

3.4 The objects of the Board of Management are:

(a) to oversee the improvement, beautification and maintenance of municipally-owned land, buildings and structures in the area beyond that provided at the expense of the municipality generally; and

(b) to promote the area as a business or shopping area.

3.5 The Board of Management is not authorized to:

(a) acquire or hold an interest in real property; or

(b) to incur obligations or spend money except in accordance with section 6.

3.6 The head office for the Board of Management shall be located in the City of London.

4.0 Board Composition

4.1 The Board of Management shall consist of nine (9) directors as follows:

(a) at least one director appointed by Council; and

(b) the remaining directors selected by a vote of the Members and then appointed by Council.

4.2 Council may refuse to appoint a Member selected under section 4.1(b) in which case Council may:

(a) leave the position vacant; or

(b) direct that a meeting of the Members be held to select another candidate for Council’s consideration.

4.3 Directors shall serve for a term that is the same as the term of the Council that appoints them or until their successors are appointed.
4.4 The seat of a director becomes vacant if a director is absent from the meeting(s) of the Board of Management for three consecutive meetings without being authorized to do so by a resolution of Council.

4.5 If the seat of a director becomes vacant for any reason, the Council may fill the vacancy for the remainder of the vacant director’s term.

4.6 A director may be reappointed to the Board of Management.

4.7 Council may, by a resolution passed by a majority of its members, remove a director at any time.

4.8 Directors shall serve without remuneration.

5.0 Board Procedures

5.1 Council may pass by-laws governing the Board of Management and the affairs of the Board of Management and the Board of Management shall comply with such by-laws.

5.2 By-laws passed by the Board of Management must not conflict with City by-laws passed under section 5.1.

5.3 The Board of Management shall pass by-laws governing its proceedings, the calling and conduct of meetings, and the keeping of its minutes, records and decisions consistent with any requirements set out in a by-law of the City.

5.4 A majority of the directors constitutes a quorum at any meeting of the Board of Management.

5.5 Despite any vacancy among the directors, a quorum of directors may exercise the powers of the Board of Management.

5.6 A director has only one vote.

5.7 The meetings of the Board of Management and the meetings of the Members shall be open to the public and only those persons that the Board of Management considers to have engaged in improper conduct at a meeting may be excluded from the meeting.

5.8 The Board of Management may close a meeting, or a part of the meeting to the public only in accordance with section 239 of the Municipal Act, 2001.

5.9 (1) The Board of Management shall hold at least ten (10) meetings during each fiscal year and the interval between one meeting and the next shall not exceed sixty (60) days.

(2) A majority of directors may requisition a special meeting of the Board of Management by serving a copy of the requisition on the chair or vice-chair of the Board of Management.

(3) The chair of the Board of Management may call a special meeting of the Board of Management at any time whether or not he or she has received a requisition under subsection (2).

5.10 (1) The Board of Management shall elect from its directors a chair and vice-chair.

(2) The chair and vice-chair are eligible for re-election.
5.11 (1) The Board of Management shall appoint a secretary who shall:

(a) give notice of the meetings of the Board of Management;

(b) keep all minutes of meetings and proceedings of the Board of Management;

(c) record without note or comment all resolutions, decisions and other proceedings at a meeting of the Board of Management whether it is closed to the public or not; and

(d) perform such duties, in addition to those set out in clauses (a), (b) and (c) as the Board of Management may from time to time direct.

5.12 (1) The Board of Management may appoint such committees as it determines necessary to conduct the business of the Board of Management.

(2) Each committee appointed shall be composed of not fewer than three (3) directors of the Board of Management and shall perform such duties and undertake such responsibilities as the Board of Management specifies and shall report only to the Board of Management.

(3) Any director may be the chair or vice-chair of a committee.

5.13 The Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50 applies to the directors and Members.

5.14 Council may designate an appointed official of the City who shall have the right to attend meetings of the Board of Management and its committees and to participate in their deliberations but is not entitled to vote, be the chair or vice-chair or act as the presiding officer at a meeting.

5.15 The Board of Management shall comply with all applicable provisions of the Municipal Act, 2001 including, but not limited to, those relating to business improvement areas, meetings, records, remuneration and expenses, the development of policies and procedures and financial administration.

6.0 Financial

6.1 (1) The Board of Management shall prepare and submit to the Council annually a budget of its estimated revenues and expenditures by the date and in such form and detail as required by the City Treasurer.

(2) The Board of Management shall hold a meeting of the Members for discussion of the budget.

(3) Prior to submitting the budget to the Council, the Board of Management shall hold a meeting of the Members for discussion of the budget.

(4) Council may approve the budget in whole or in part and may make such changes to it as Council considers appropriate, but Council may not add expenditures to it.

6.2 The Board of Management shall not:
(a) spend any money unless it is included in the budget approved by 
the Council or in a reserve fund established by the Council under 
section 417 of the Municipal Act, 2001;

(b) incur any indebtedness extending beyond the current year without 
the prior approval of the Council; or

(c) borrow money.

6.3 The fiscal year of the Board of Management is the same as the fiscal year of the 
City.

6.4 The accounts and transactions of the Board of Management shall be audited 
annually by the auditor of the City.

6.5 The Board of Management shall prepare and submit to Council, not later than 
March 31st each year an annual report for the preceding year which shall include 
the audited financial statements.

6.6 The Board of Management shall provide the City Treasurer with such financial 
information as the City Treasurer may require.

6.7 (1) The Board of Management shall keep proper books of account and 
accounting records with respect to all financial and other transactions of 
the Board of Management, including, and without limiting the generality of 
the foregoing:

(a) records of all sums of money received from any source 
whatsoever and disbursed in any manner whatsoever; and

(b) records of all matters with respect to which receipts and 
disbursements take place in consequence of the maintenance, 
operation and management of the Board of Management.

(2) The Board of Management shall keep or cause to be kept and maintained 
all such books of accounts and accounting records as the City Treasurer 
may require.

6.8 The Board of Management shall make all of its books and records available at all 
times to such persons as the City Treasurer may require and shall provide 
certified true copies of such minutes, documents, books, records or any other 
writing as the City Treasurer may require.

6.9 (1) Council may require the Board of Management:

(a) to provide information, records, accounts, agendas, notices or any 
paper or writing; and

(b) to make a report on any matter, as Council determines, relating to 
the carrying out of the purposes and objects of the Board of 
Management.

(2) The Board of Management shall:

(a) file with the City Treasurer all such information records, accounts, 
agendas, notices, paper and all other materials as the City 
Treasurer may require; and
6.10  (1) The Board of Management shall from time to time provide the City Treasurer as requested with statements of:

(a) revenues and expenditures;

(b) profit and loss; and

(c) such financial matters or operating expenditures as the City Treasurer may require.

(2) The statements referred to in subsection (1) shall be in such form as the City may require.

6.11  (1) The City is entitled to receive any profits resulting from the operations of the Board of Management and is responsible for any losses incurred by the Board of Management.

(2) Council may determine what constitutes profits for the purpose of subsection (1).

6.12 (1) Upon dissolution of the Board of Management, the assets and liabilities of the Board of Management become the assets and liabilities of the City.

(2) If the liabilities assumed under subsection (1) exceed the assets assumed, the Council may recover the difference by imposing a charge on all rateable property in the former improvement area that is in a prescribed business property class.

7.0  Indemnification & Insurance

7.1  (1) Subject to subsection (2), every director or officer of the Board of Management and his or her heirs, executors, administrators and other legal personal representatives may from time to time be indemnified and saved harmless by the Board of Management from and against,

(a) any liability and all costs, charges and expenses that he or she sustains or incurs in respect of any action, suit or proceeding that is proposed or commenced against him or her for or in respect of anything done or permitted by him or her in respect of the execution of the duties of his or her office; and

(b) all other costs, charges and expenses that he or she sustains or incurs in respect to the affairs of the Board of Management.

(2) No director or officer of the Board of Management shall be indemnified by the Board of Management in respect of any liability, costs, charges or expenses that he or she sustains or incurs in or about any action, suit or other proceeding as a result of which he or she is adjudged to be in breach of any duty or responsibility imposed upon him or her under any Act unless, in an action brought against him or her in his or her capacity as director or officer, he or she has achieved complete or substantial success as a defendant.

(3) The Board of Management may purchase and maintain insurance for the benefit of a director or officer thereof, except insurance against a liability, cost, charge or expense of the director or officer incurred as a result of his
or her failure to exercise the powers and discharge the duties of his or her office honestly, in good faith and in the best interests of the Board of Management, exercising in connection therewith the degree of care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

7.2 The Board of Management shall obtain and maintain at all times insurance coverage in a form acceptable to the City of the types and amounts appropriate for a Board of Management of its size and business type which coverage shall include the City with respect to any loss, claims or demands made against the Board of Management.

8.0 Meetings of Members

8.1 The Board of Management shall call at least one (1) meeting of the Members in each calendar year.

8.2 Notice for all Members’ meetings shall be:

(a) Sent by prepaid mail to each Member not less than 15 days prior to the meeting. Notice shall be mailed to the address last provided by the Member to the Board of Management or, where no address is provided, to the property address of the owner(s) indicated on the last municipal assessment roll; or

(b) Delivered personally to each Member.

8.3 Notice of a meeting of the Members shall include an agenda.

8.4 Each Member has one vote regardless of the number of properties that the Member may own or lease.

8.5 A Member that is a corporation may nominate in writing one individual to vote on its behalf.

8.6 A majority of the Members constitutes a quorum at any meeting of the Members.

8.7 The Board of Management has the authority to call any special meeting of the Members it deems necessary.

9.0 General

9.1 Council may by by-law dissolve the Board of Management and any property of the Board of Management remaining after its debts have been paid vests in the City.

9.2 This by-law may be referred to as the “London Downtown Business Improvement Association Board of Management By-law”.

10.0 Repeal – Enactment

10.1 By-law – previous
By-law C.P.-843-110 and all of its amendments are hereby repealed.

10.2 Effective date
This by-law comes into force on November 15, 1993.
Passed in Open Council on November 15, 1993.

T.C. Gosnell
Mayor

K.W. Sadler
City Clerk

First Reading – November 15, 1993
Second Reading – November 15, 1993
Third Reading – November 15, 1993
Chapter 19
BUSINESS IMPROVEMENT AREAS

ARTICLE 1
General

§ 19-1.1. Definitions.
§ 19-1.2. Application.

ARTICLE 2
Business Improvement Areas

§ 19-2.1. Purpose of a business improvement area board.
§ 19-2.2. Establishing and expanding a business improvement area.
§ 19-2.3. Notice and polling - new business improvement areas.
§ 19-2.4. Notice and polling - expanding a business improvement area.
§ 19-2.5. Minor boundary amendments.
§ 19-2.6. Board continued.
§ 19-2.7. Repeal of business improvement area by-law.
§ 19-2.9. Re-notification.
§ 19-2.10. Translation.

ARTICLE 3
Board of Management

§ 19-3.1. Board of management established.
§ 19-3.2. Limitations.
§ 19-3.3. Appointment of directors.
§ 19-3.4. Refusal to appoint.
§ 19-3.5. Elections of nominees; voter eligibility.
§ 19-3.6. Officers.
§ 19-3.7. Board vacancies; replacements; additions.
§ 19-3.8. Meetings; records.
§ 19-3.9. Authority of the General Manager.
§ 19-3.10. Quorum - Board of Management.
§ 19-3.11. Annual general meeting; notice.
§ 19-3.12. Quorum - annual general meetings and general meetings.
§ 19-3.13. Councillors and representatives attending annual general meetings.
§ 19-3.15. Insurance.
§ 19-3.17. Liabilities upon dissolution.

ARTICLE 4
Financial Requirements

§ 19-4.1. Annual budget.
§ 19-4.2. Financial procedures and reports.
§ 19-4.3. Audited financial statement.

ARTICLE 5
Special Charge

§ 19-5.1. Funds to be raised.
§ 19-5.2. Special charge.
§ 19-5.3. Minimum and maximum charges.
§ 19-5.4. Effect of by-law.
§ 19-5.5. Exclusion.
§ 19-5.6. Debts to City.

ARTICLE 6
Borrowings, Priority Lien Status

§ 19-6.2. Priority lien status.

ARTICLE 7
City Infrastructure

§ 19-7.1. Ownership of assets.
§ 19-7.2. Maintenance of assets.
§ 19-7.3. Utility locate services.

Schedule A, Individual Boards of Management and Business Improvement Area Maps
Schedule B, Business Improvement Area Board of Management Procedures
Schedule C, Eligibility to Vote - general meetings and annual general meetings


General References

City of Toronto Act, 2006 - See S.O. 2006, c. 11.

ARTICLE 1
General

§ 19-1.1. Definitions.

A. As used in this chapter, the following terms shall have the meanings indicated:

ACT - The City of Toronto Act, 2006.

ANNUAL GENERAL MEETING - A meeting of the board for which notices are distributed to all business improvement area members at which the board presents a report on the program, accomplishments and forecasted revenues and expenses for the current year; the business improvement area members consider the budget for the following year and the previous year's audited financial statements, and appoint an auditor to prepare an audited financial statement for the current year; and the membership elects members to the board when required.

BOARD - A board of management for a business improvement area.

BUSINESS DAYS - Monday to Friday, excluding holidays.

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1 Editor’s Note: This by-law was passed under the authority of section 7, paragraph 5 of subsection 8(2), section 141 and section 429 of the City of Toronto Act, 2006 (S.O. 2006, c. 11). Schedule A of By-law 636-2007 listed the business improvement area boards of management that were dissolved and re-established and continued as City boards under section 141 of the City of Toronto Act, 2006; and Schedule B of By-law 636-2007 listed the by-laws of the former municipalities that were repealed by By-law 636-2007; said Schedules A and B are available from the City Clerk's Office.

2 Editor’s Note: By-law 960-2011 passed under the authority of section 7, paragraph 5 of subsection 8(2) and section 141 of the City of Toronto Act, 2006 (S.O. 2006, c. 11) repealed and substituted new Articles I to VI of this chapter.

3 Editor’s Note: By-law 785-2017 repealed and substituted new Articles 1 to 6 of this chapter.
BUSINESS IMPROVEMENT AREA - An area designated as an improvement area by a by-law passed under the City of Toronto Act, 2006 or predecessor legislation.

BUSINESS IMPROVEMENT AREA MEMBERS - all persons who own rateable property in a business property class and all persons who are non-residential tenants of rateable property in a business property class in a business improvement area.

BUSINESS IMPROVEMENT AREA OFFICE - The City's Business Improvement Area Office, Economic Development and Culture Division.

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 City's Chief Financial Officer or his or her designate or successor. [Amended 2018-07-27 by By-law 1206-2018]

CLERK - The City Clerk or his or her designate or successor.

COMMUNITY COUNCIL - As defined in Chapter 27, Council Procedures.

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

DIRECTOR - An individual appointed by the City as a director of a board.

FORMAL PUBLIC CONSULTATION MEETING - A meeting organized, held and chaired by the business improvement area office to present information and receive comments and questions regarding a proposed new business improvement area, a proposed expansion of an existing business improvement area, or a proposed repeal of a by-law to designate a business improvement area, for which invitations are distributed to all potential business improvement area members within the proposed new business improvement area, expansion area or existing business improvement area, as appropriate.

GENERAL MANAGER - The City's General Manager of the Economic Development and Culture Division or his or her designate or successor.

GENERAL MEETING - A meeting that is not an annual general meeting for which notices are distributed to all business improvement area members.

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.

NOTICE - A document prepared by the Clerk for circulation to relevant parties advising of certain intentions of Council.

PERSON - Includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.

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 daily, 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 directors to be present at a board meeting, general meeting or annual general meeting to legally conduct business at the meeting.

REPRESENTATIVE - A person appointed in writing by a business improvement area member to stand for nomination to the board on behalf of the member.

REQUEST FOR BOARD APPOINTMENT NOMINATION OR REMOVAL - An application form, provided by the business improvement area office for completion by the board, required to nominate a business improvement area member or representative for a position on the board or remove an existing director from the board.

STEERING COMMITTEE - In the case of a proposed new business improvement area, a committee comprised of a minimum of five potential business improvement area members, that is responsible for undertaking the requirements of §§ 19-2.2 and 19-4.1. In the case of a proposed expansion of an existing business improvement area that is not considered a minor boundary expansion under § 19-2.5, the steering committee shall be comprised of existing business improvement area members and potential members from the proposed expansion area, totaling a minimum of five people, and shall be responsible for undertaking the requirements of § 19-2.2.

B. In this chapter, a reference to an Act, regulation or by-law is to that Act, regulation or by-law as it is amended or re-enacted from time to time.

§ 19-1.2. 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 § 19-2.2 or as set out in the following list:

Albion Islington Square BIA
Baby Point Gates BIA
Bayview Leaside BIA
Bloor Annex BIA
Bloor By The Park BIA
Bloor Street BIA
Bloor West Village BIA
Bloorcourt Village BIA
Bloordale Village BIA
Bloor-Yorkville BIA
Cabbagetown BIA
City Place and Fort York BIA
Chinatown BIA
Church-Wellesley Village BIA
College Promenade BIA
College West BIA
Corso Italia BIA
Crossroads of the Danforth BIA
Danforth Mosaic BIA
Danforth Village BIA
Dovercourt Village BIA
Downtown Yonge BIA
DuKe Heights BIA
Dundas West BIA
Dupont by the Castle BIA
Eglinton Hill BIA
Emery Village BIA
Fairbank Village BIA
Financial District BIA
Forest Hill Village BIA
Gerrard India Bazaar BIA
Greektown on the Danforth BIA
Harbord Street BIA
Hillcrest Village BIA
Historic Queen East BIA
Junction Gardens BIA
Kennedy Road BIA
Kensington Market BIA
Korea Town BIA
Lakeshore Village BIA
Leslieville BIA
Liberty Village BIA
Little Italy BIA
Little Portugal BIA
Long Branch BIA
Marketo District BIA
Midtown Yonge BIA
Mimico By The Lake BIA
Mimico Village BIA
Mirvish Village BIA
Mount Denn is BIA
Mount Pleasant BIA
Oakwood Village BIA
Ossington Avenue BIA
Pape Village BIA
Parkdale Village BIA
Queen Street West BIA
Regal Heights Village BIA
Riverside District BIA
Roncesvalles Village BIA
Rosedale Main Street BIA
Sheppard East Village BIA
shoptheQueensway.com BIA
St. Clair Gardens BIA
St. Lawrence Market Neighbourhood BIA
The Beach BIA
The Danforth BIA
The Eglinton Way BIA
The Kingsway BIA
The Waterfront BIA
Toronto Entertainment District BIA
Trinity Bellwoods
Upper Village BIA
Uptown Yonge BIA
Village of Islington BIA
West Queen West BIA
Weston Village BIA
Wexford Heights BIA
Wilson Village BIA
Wychwood Heights BIA
Yonge Lawrence Village BIA
York-Eglinton BIA
§ 19-2.1. Purpose of a business improvement area board.

Where Council passes a designating by-law, Council, or community council under delegated authority, 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 façades visible from the street, to all business improvement area member property owners who provide written consent, upon approval of the program by the business improvement area members;

E. To undertake safety and security initiatives within the business improvement area;

F. To undertake strategic planning necessary to address business improvement area issues; and

G. To advocate on behalf of the interests of the business improvement area subject to the limits set out in this chapter.

§ 19-2.2. Establishing and expanding a business improvement area.

The following process shall be undertaken in all areas considering the establishment of a new business improvement area or an expansion of an existing business improvement area, if the expansion is not considered minor under § 19-2.5, before the processing of a notice of the intention of Council to pass a by-law designating or expanding a business improvement area:

A. A steering committee shall be formed to undertake the following with the assistance of City staff:

   (1) Define the desired boundary of the proposed business improvement area or the boundary extension of a proposed business improvement area expansion;

   (2) Develop a rationale for the proposed business improvement area or boundary expansion, including potential benefits for the area and objectives for future improvements;
(3) Develop and implement a strategy to:

(a) Communicate its interest in establishing a new business improvement area, or expand an existing business improvement area, to potential business improvement area members;

(b) Distribute information on business improvement areas to potential business improvement area members;

(c) Canvass potential business improvement area members to determine the initial degree of local interest;

(d) Report to the business improvement area office on the number of written and verbal responses received from potential business improvement area members and summarize the initial degree of local interest; and

(e) Decide on whether to request the General Manager to proceed to a formal public consultation meeting.

B. Upon the completion of Subsections A(1) and (2), the General Manager shall establish a web page on the City's website to provide information on the proposed new business improvement area or business improvement area expansion, and the address of the web page shall be communicated through meeting notifications noted in §§ 19-2.3 and 19-2.4.

C. If the steering committee decides to request the General Manager to proceed to a formal public consultation meeting under Subsection A(3)(e), the steering committee shall submit a letter to the General Manager, signed by at least two steering committee members, making such a request and confirming that the steering committee has complied with Subsection A.

D. Upon receiving a request from the steering committee to proceed to the formal public consultation meeting, and provided the General Manager is satisfied with the findings of the report submitted under Subsection A(3)(d):

(1) the General Manager shall send notification of a formal public consultation meeting to persons who own rateable property in a business property class, or in the case of a proposed expansion, to persons who own rateable property in a business property class within the proposed expansion area, a minimum of ten business days in advance of the meeting; and

(2) the steering committee shall distribute notification to all persons who are non-residential tenants of rateable property in a business property class, or in the case of a proposed expansion, to all persons who are non-residential tenants of rateable property in a business property class within the proposed expansion area a minimum of ten business days in advance of the meeting.
E. Except as provided for in Subsection G, after holding a formal public consultation meeting and determining interest in proceeding to the notification process for the establishment of a new business improvement area or the expansion of an existing business improvement area, the General Manager shall recommend that Council enact a by-law to establish a new business improvement area or expand an existing business improvement area.

F. For the purposes of Subsection E, interest in proceeding with the notification process shall be determined by a secret ballot at the formal public consultation meeting whereby 50 percent plus one of those potential business improvement area members in attendance must agree to proceeding with the notification process.

G. If the potential business improvement area members decide not to proceed with the notification process set out in Subsection F, another formal public consultation meeting relating to any part of the same area shall not be held for at least two years from the date of the formal public consultation meeting at which the decision was made.

H. Where there are competing interests involving proposed new business improvement areas or business improvement area expansions, the General Manager shall hold a formal public consultation meeting to consider all options and report to Council with recommendations.

§ 19-2.3. Notice and polling - new business improvement areas.

A. Before passing a by-law to establish a new business improvement area, notice of the proposed by-law shall be sent by prepaid mail to all persons who own rateable property in a business property class that is located in the proposed business improvement area using the following documents:

(1) Current returned assessment roll; and

(2) Municipal Connect, Toronto Property System (TPS) or any other related geographic information system (GIS) developed using information from Municipal Property Assessment Corporation (MPAC) and City records.

B. A person who receives notice under Subsection A shall, within 30 days of the date of the notice, give a copy of the notice to all persons who are non-residential tenants of the property to which the notice relates.

C. The steering committee shall also distribute the notice to all persons who are non-residential tenants of those properties receiving notice under Subsection A.

D. The notice provided under Subsection A will include instructions on how to obtain a copy of the ballot.
E. A printable version of the ballot will be posted on the City's website and will also be available by contacting the Clerk.

F. Proof of tenancy must be submitted with the completed ballot and acceptable forms of proof will be identified by the Clerk on the ballot and website.

G. A person who receives notice under Subsections A, B or C shall be entitled to complete and submit only one ballot, regardless of the number of rateable properties owned by that person within the proposed business improvement area, or the number of rateable properties of which the person is a non-residential tenant within the proposed business improvement area.

H. Council shall not pass a by-law to establish a new business improvement area if:

   (1) The number of accepted ballots returned fails to exceed the lesser of a minimum of 30 percent of the number of notices mailed under Subsection A and 100 ballots; or

   (2) 50 percent or more of the accepted ballots respond in the negative.

I. The polling period shall be 60 days, commencing upon the day the notices under Subsection A are mailed.

J. Where the 60th day of a polling period falls upon a holiday, Saturday or Sunday, the polling period shall end on the next regular business day that is not a holiday.

K. The business improvement area office shall provide the Clerk with the question that is required on the ballot.

L. The ballot shall indicate the following:

   (1) Polling period notice;

   (2) Criteria for accepting ballots;

   (3) Voter eligibility; and

   (4) Ballot confidentiality.

M. Ballots will be accepted only if they are:

   (1) Received from persons who own rateable property on lists provided for in Subsection A; or

   (2) Accompanied by proof of ownership if property ownership has recently changed; or
(3) Received, with acceptable proof of tenancy, from persons within the identified polling area who are non-residential tenants of rateable property on lists provided for in Subsection A; and

(4) Received by the Clerk by mail, courier, fax, e-mail or hand delivery by 4:30 p.m. on the last day of the polling period.

N. At the end of the polling period, the Clerk shall:

(1) Record all accepted ballots;

(2) Certify, in writing, the results of the poll;

(3) Notify the business improvement area office and Ward Councillors of the results of the poll; and

(4) Post the results of the poll on the City’s web site within 15 business days from the end of the polling period.

O. The General Manager shall report to Council on the certificate issued by the Clerk.

§ 19-2.4. Notice and polling - expanding a business improvement area.

A. Before passing a by-law to expand a business improvement area:

(1) The General Manager must receive a resolution supporting the proposed expansion, adopted by a majority vote of the business improvement area membership in attendance at a general meeting or an annual general meeting, and the notification for the meeting must be satisfactory to the General Manager; and

(2) Notice of the proposed by-law shall be sent by prepaid mail to persons who own rateable property that is in a business property class that is located in the proposed expansion area using the following documents:

(a) Current returned assessment roll; and

(b) Municipal Connect, Toronto Property System or any other related geographic information system developed using information from Municipal Property Assessment Corporation and City records.

B. A person who receives notice under Subsection A(2) shall, within 30 days of the date of the notice, give a copy of the notice to all persons who are non-residential tenants of the property to which the notice relates.
C. The steering committee shall also distribute the notice to all persons who are non-residential tenants of those properties receiving notice under Subsection A(2).

D. The notice provided under Subsection A(2) will include instructions on how to obtain a copy of the ballot.

E. A printable version of the ballot will be posted on the City's website and will also be available by contacting the Clerk.

F. Proof of tenancy must be submitted with the completed ballot and acceptable forms of proof will be identified by the Clerk on the ballot and website.

G. A person who receives notice under Subsections A(2), B or C shall be entitled to complete and submit only one ballot, regardless of the number of rateable properties owned by that person within the proposed expansion area, or the number of rateable properties of which the person is a non-residential tenant within the proposed expansion area.

H. Council shall not pass a by-law to expand an existing business improvement area if:
   (1) The number of accepted ballots returned fails to exceed the lesser of a minimum of 30 percent of the number of notices mailed under Subsection A(2) and 100 ballots; or
   (2) 50 percent or more of the accepted ballots respond in the negative.

I. The polling period shall be 60 days, commencing upon the day the notices under Subsection A(2) are mailed.

J. Where the 60th day of a polling period falls upon a holiday, Saturday or Sunday, the polling period shall end on the next regular business day that is not a holiday.

K. The business improvement area office shall provide the Clerk with the question that is required on the ballot.

L. The ballot shall indicate the following:
   (1) Polling period notice;
   (2) Criteria for accepting ballots;
   (3) Voter eligibility; and
   (4) Ballot confidentiality.

M. Ballots will be accepted only if they are:
(1) Received from persons who own rateable property on lists provided for in Subsection A(2); or

(2) Accompanied by proof of ownership if property ownership has recently changed; or

(3) Received, with acceptable proof of tenancy, from persons within the identified polling area who are non-residential tenants of rateable property on lists provided for in Subsection A; and

(4) Received by the Clerk by mail, courier, fax, e-mail or hand delivery by 4:30 p.m. on the last day of the polling period.

N. At the end of the polling period, the Clerk shall:

(1) Record all accepted ballots;

(2) Certify, in writing, the results of the poll;

(3) Notify the business improvement area office and Ward Councillors of the results of the poll; and

(4) Post the results of the poll on the City's web site within 15 business days from the end of the polling period.

O. The General Manager shall report to Council on the certificate issued by the Clerk.

§ 19-2.5. Minor boundary amendments.

A. Despite § 19-2.4, the City is not required to give notice of a by-law to make minor boundary expansions that represent an increase of total commercial and industrial property assessment value of less than ten percent of the existing assessment value of properties within the existing business improvement area boundary.

B. Before passing a by-law under Subsection A, Council must receive a written request for a boundary expansion from the board, and written consent from all persons who own rateable property in a business property class and all persons who are non-residential tenants of rateable property in a business property class within the expansion area described in Subsection A.

C. Despite § 19-2.4, 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.
D. In the event a portion of a property is included in a business improvement area and a portion excluded as set out in Subsection C, the business improvement area boundary shall be expanded to include the entire property.

E. Despite § 19-2.4, the City is not required to give notice of a by-law to make a minor boundary adjustment between abutting business improvement areas where lands in one or both business improvement areas are to be transferred to the adjacent business improvement area, provided that the lands to be transferred have a total commercial and industrial property assessment value of less than ten percent of the existing assessment value of properties within the existing business improvement area boundary.

F. Before passing a by-law under Subsection E, Council must receive a written request for a boundary amendment from both business improvement area boards, and written consent from all persons who own rateable property in a business property class and all persons who are non-residential tenants of rateable property in a business property class within the areas to be adjusted as described in Subsection E.

§ 19-2.6. Board continued.

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.

§ 19-2.7. Repeal of business improvement area by-law.

A. The City shall give notice of a proposed by-law to repeal a designating by-law under §§ 19-2.3, 19-2.4 or 19-2.5 if the General Manager has received:

   (1) A resolution from the business improvement area membership adopted at a formal public consultation meeting called specifically for that purpose; or

   (2) Individual requests for repeal from business improvement area members, including proof of membership, representing a minimum of 50 percent plus one of the number of notices to be mailed under Subsection B.

B. Notice of the proposed by-law shall be sent by prepaid mail to persons who own rateable property that is in a business property class that is located in the business improvement area using the following documents:

   (1) Current returned assessment roll; and

   (2) Municipal Connect, Toronto Property System or any other related geographic information system developed using information from Municipal Property Assessment Corporation and City records.
C. A person who receives notice under Subsection B shall, within 30 days of the date of the notice, give a copy of the notice to all persons who are non-residential tenants of the property to which the notice relates.

D. The board shall also distribute the notice to all persons who are non-residential tenants of those properties receiving notice under Subsection B.

E. The notice provided under Subsection B will include instructions on how to obtain a copy of the ballot.

F. A printable version of the ballot will be posted on the City's website and will also be available by contacting the Clerk.

G. Proof of tenancy must be submitted with the completed ballot and acceptable forms of proof will be identified by the Clerk on the ballot and website.

H. A person who receives notice under Subsections B, C or D shall be entitled to complete and submit only one ballot, regardless of the number of rateable properties owned by that person within the business improvement area, or the number of rateable properties of which the person is a non-residential tenant within the business improvement area.

I. Council shall not repeal a designating by-law if:

(1) The number of accepted ballots returned fails to exceed the lesser of a minimum of 66 percent of the number of notices mailed under Subsection B and 200 ballots; or

(2) 40 percent or more of the accepted ballots respond in the negative.

J. The polling period shall be 60 days, commencing upon the day the notices under Subsection B are mailed.

K. Where the 60th day of a polling period falls upon a holiday, Saturday or Sunday, the polling period shall end on the next regular business day that is not a holiday.

L. The business improvement area office shall provide the Clerk with the question that is required on the ballot.

M. The ballot shall indicate the following:

(1) Polling period notice;

(2) Criteria for accepting ballots;

(3) Voter eligibility; and
N. Ballots will be accepted only if they are:

1. Received from persons who own rateable property on lists provided for in Subsection B; or

2. Accompanied by proof of ownership if property ownership has recently changed; or

3. Received, with acceptable proof of tenancy, from persons within the identified polling area who are non-residential tenants of rateable property on lists provided for in Subsection A; and

4. Received by the Clerk by mail, courier, fax, e-mail or hand delivery by 4:30 p.m. on the last day of the polling period.

O. At the end of the polling period, the Clerk shall:

1. Record all accepted ballots;

2. Certify, in writing, the results of the poll;

3. Notify the business improvement area office and Ward Councillors of the results of the poll; and

4. Post the results of the poll on the City's web site within 15 business days from the end of the polling period.

P. The General Manager shall report to Council on the certificate issued by the Clerk.


A. Council may repeal a designating by-law on its own initiative without giving notice to a board or to business improvement area members.

B. The repealing by-law must come into force on or before December 31 of the year in which it is passed.

§ 19-2.9. Re-notification.

Where notification has been provided under §§ 19-2.3, 19-2.4, 19-2.7 or 19-5.3, and insufficient ballots are returned or the ballot response is negative or equal, as set out in §§ 19-2.3H, 19-2.4I, 19-2.7I and 19-5.3I, so that a by-law cannot be passed by Council, the City is not required to give notice under §§ 19-2.3, 19-2.4, 19-2.7 or 19-5.3 in response to a resolution or request for a period of two years after the last mailing of the notices.
§ 19-2.10. Translation.

With respect to §§ 19-2.3, 19-2.4, 19-2.7 and 19-5.3, 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 and ballot be conducted in up to two languages other than English.

ARTICLE 3
Board of Management

§ 19-3.1. 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 for the purposes set out in this chapter.

§ 19-3.2. 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 in any form to political candidates or political parties;

E. Advertise or pay for advertisements in any political publication;

F. Make or fund improvements to private property, with the exception of graffiti and poster removal initiatives under § 19-2.1D;

G. Participate in a hearing of the Ontario Municipal Board, Committee of Adjustment, hearing of the Licence Appeal Tribunal or other similar tribunal, unless the Board has conducted a general meeting of the membership to obtain approval to participate in a specific hearing, and to get approval of any related expenditures;
H. Notwithstanding Subsection G, a board is not required to conduct a general meeting of
the membership to obtain approval to participate in an Ontario Municipal Board hearing
if the board has been called as a witness;

I. Pass a resolution or take a position contrary to any Council-approved policy or decision;
or

J. Hold a board meeting, annual general meeting or general meeting on a holiday.

§ 19-3.3. 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. Directors are appointed at the pleasure of Council or community council under delegated
authority, and Council or community council under delegated authority retains the right
to remove any appointed director at any time for any reason and may make the director
ineligible to serve on a board for a period of up to four years.

D. A board shall be composed of:

(1) One or more directors appointed directly by Council or community council under
delegated authority; and

(2) The remaining directors must be business improvement area members or
representatives, selected by a vote of the membership of the business
improvement area and appointed by Council or community council.

E. Notwithstanding the City's Public Appointments Policy, directors are not required to be
residents of the City of Toronto.

F. If, during the term of office, the status of a director changes so that he or she is no longer
a business improvement area member, the board may adopt a motion at the next
scheduled meeting requesting Council, or community council under delegated authority,
to remove the director from the board, or the board may allow the director to serve the
remainder of the term as a representative.

G. 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.

H. 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.
I. 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.

J. Each director is eligible for reappointment on the expiration of the term of his or her office.

K. Each director and the board shall operate in compliance with all applicable law and City policies including, but not limited to, the Act, Municipal Freedom of Information and Protection of Privacy Act, Municipal Conflict of Interest Act, and the City's Code of Conduct for Members of Local Boards, Policy on Use of City Resources during an Election and Public Appointments Policy, including the City's policy on the participation of directors in election campaigns.

L. Every director of the business improvement area shall:

   (1) Exercise the powers and discharge the duties of the office honestly, in good faith, and in the best interests of the business improvement area;

   (2) Exercise the degree of care, diligence, and skill that a reasonable and prudent person would exercise in comparable circumstances; and

   (3) Comply with the decisions of the board.

M. A board has the authority to establish task, issue or function-related sub-committees of the board and the sub-committees may include non-members of the business improvement area provided the sub-committee is chaired by a board member director.

N. A board shall appoint a director or business improvement area staff person to be the designated contact for the business improvement area and shall provide a dedicated business improvement area phone number or e-mail address for this person to the business improvement area office and the City may post this contact information on its website and include it in public information materials.

§ 19-3.4. Refusal to appoint.

Council, or community council under delegated authority, may refuse to appoint to a board an individual selected by the members of a business improvement area, in which case Council or community council, as the case may be, may leave the position vacant, appoint another person 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 or community council's consideration.

§ 19-3.5. 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 directors at
their annual general meetings following the adoption by Council of the business
improvement area designating by-law.

C. All nominees shall complete and submit a request for board appointment nomination or
removal form, provided by the business improvement area office.

D. Notwithstanding § 19-3.3D(2), a member of a business improvement area may appoint in
writing only one representative to stand for nomination to the board on behalf of the
member, regardless of the number of properties or businesses that the member owns.

E. Eligibility to vote at a general meeting or annual general meeting is set out in Schedule C.

§ 19-3.6. Officers.

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

§ 19-3.7. Board vacancies; replacements; additions.

A. If a board vacancy occurs for any reason, a business improvement area member or
representative may be selected by the board to fill the vacancy for the unexpired portion
of the term and brought forward to Council or community council under delegated
authority for appointment.

B. Should a director fail to attend three consecutive board meetings without being
authorized to do so by resolution of the board, the board may consider a motion to
recommend that Council remove the director from the board.

C. If a board resolves to seek the removal of a director from the board or the appointment of
a replacement or additional director to the board, it shall give to the General Manager a
completed request for board appointment nomination or removal form, provided by the
business improvement area office, and signed minutes of the meeting at which the vote
was held on this matter, and the General Manager shall report to Council or community
council.

D. In the case of the removal of a director, notice must be provided by the board to the
director at least five business days in advance of the board meeting at which the matter
will be considered.

E. During the term of the board, a resolution requesting Council or community council
under delegated authority to approve an increase in the size of a board can be adopted by
the business improvement membership at an annual general meeting or general meeting,
provided the proposed increase is listed in the meeting notice as an agenda item.
§ 19-3.8. 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 notify the business improvement area office and Ward Councillor(s) appointed to the board of all board meetings, and provide the meeting agenda, previous meeting minutes and financial statement, five business days in advance of the meeting.

C. A board shall keep proper minutes and records of every meeting of the board and shall forward board-approved copies of the minutes and records to all directors, and the business improvement area office and the business improvement area's auditor.

§ 19-3.9. Authority of the General Manager.

The General Manager has the authority to attend and address board meetings, general meetings and annual general meetings, including in-camera sessions.

§ 19-3.10. Quorum – Board of Management.

A. Unless Council, or community council under delegated authority, approves an alternate quorum figure, quorum of the board shall be half the number of directors, excluding members of Council appointed to the board or vacant positions, rounded up to the nearest integer, minus one.

B. Unless Council, or community council under delegated authority, approves an alternate quorum figure, quorum shall be no less than three.

C. A member of Council attending a meeting of a board may be counted in order to achieve quorum.

D. No business shall be transacted at a meeting of the board unless quorum is physically present in the meeting location.

§ 19-3.11. Annual general meeting; notice.

A. Notice of the annual general meeting must include the meeting agenda, Council-approved and estimated expenditures for the current year, and proposed revenues and expenditures for the following year.

B. A board shall supply the business improvement area office with the notice of the annual general meeting and any accompanying materials at least 20 business days before the date of the annual general meeting.
C. The City shall send the notice of the annual general meeting by prepaid mail at least 15 business days before the date of the meeting to all persons who own rateable property in a business property class within the business improvement area.

D. A board shall distribute notices of the annual general meeting to all persons who are non-residential tenants of rateable property in a business property class in the business improvement area and Council members sitting on the board at least 15 business days before the date of the meeting.

E. A board's complete audited financial statements, with balance sheet and revenue and expenditure statements, must be made available during the annual general meeting notice period and at the annual general meeting.

F. Business improvement area members at the annual general meeting shall appoint an auditor to prepare the audited financial statement for the current year.

§ 19-3.12. Quorum - annual general meetings and general meetings.

No business shall be transacted at an annual general meeting or general meeting unless a quorum of the board is present as set out in § 19-3.10A.

§ 19-3.13. Councillors and representatives attending annual general meetings.

A. Councillors who are directors of a board cannot make motions or vote at annual general meetings or general meetings, unless they are business improvement area members as defined in § 19-1.1, but may make motions and vote at board meetings.

B. Representatives cannot make motions or vote at annual general meetings or general meetings but may make motions and vote at board meetings.


A. A board shall, within six months of the adoption of this chapter, adopt the procedures set out in Schedule B of this chapter.

B. Notwithstanding the City's governance policy, which requires Council approval of all by-laws that regulate the internal conduct of the business and affairs of a City agency, a board may make policies in addition to those in Schedule B provided they are not in conflict with and do not undermine the intent of Schedule B.

C. A board shall, within six months of the adoption of this chapter, adopt policies pertaining to the procurement of goods and services and the hiring of employees, as required under the Act.
D. A board for a new business improvement area shall comply with the provisions of Subsections A, B, and C within six months of its appointment by Council or community council.

§ 19-3.15. Insurance.

A. 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.

B. The City shall not provide any other insurance coverage.


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.

§ 19-3.17. 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 4
Financial Requirements

§ 19-4.1. Annual budget.

A. A board, or in the case of a newly-established business improvement area, a steering committee, 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 an annual general meeting or general meeting to discuss and adopt the annual budget.

B. A board, or in the case of a newly-established business improvement area, a steering committee, shall submit the annual budget to the Chief Financial Officer 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.

C. In the case of a newly-established business improvement area, Council shall accept for consideration an annual budget adopted at an annual general meeting at which the first board of the business improvement area has also been selected through a vote of the membership and submitted for consideration by Council.

§ 19-4.2. Financial procedures and reports.
A. A board shall adopt and maintain only banking arrangements and sound business practices that are satisfactory to the Chief Financial Officer, and shall keep financial records and submit statements, prepared in accordance with Canadian generally accepted accounting principles established by the Public Sector Accounting Board, from time to time as the Chief Financial Officer may require.

B. The Treasurer of a board shall prepare and present written financial statements of expenses, revenues and bank balances for the board's review and consideration at each regular meeting and then submit the board-approved statements to the business improvement area office.

C. A board shall establish at least one bank account specific to the business improvement area and the board shall appoint at least two directors with signing authority to the account.

D. Cheques issued by the board shall be signed by two directors with signing authority.

E. A board's fiscal year is the calendar year.

F. Individual business improvement area special charges, when billed by the Chief Financial Officer, shall be posted to separate business improvement area accounts.

G. 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, and any loan repayment amounts approved by Council, from all amounts remitted.

§ 19-4.3. 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 and when the board intends to address the issues identified in the management letter.

C. If a board fails to comply with the requirements contained in Subsections A and B, the Chief Financial Officer shall withhold payment of the business improvement area's special charge until the board complies.

ARTICLE 5
Special Charge

§ 19-5.1. Funds to be raised.
A. 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.

B. Before Council raises the funds for the following year in accordance with Section A, the board shall:

(1) Submit all meeting minutes and financial statements in accordance with § 19-3.8C and 19-4.2B; and

(2) Provide evidence to the business improvement area office that it has complied with § 19-3.14A, B and C.

§ 19-5.2. Special charge.

Council may raise the amount referred to in § 19-5.1A:

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.

§ 19-5.3. Minimum and maximum charges.

A. 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:

(1) Percentages of the assessed value of rateable property in the business improvement area that is in a business property class;

(2) Dollar amounts; or

(3) Percentages of a board's annual budget.

B. Before passing a by-law under Subsection A, notice of the proposed by-law shall be sent by prepaid mail to every person who is listed as owner and is assessed for rateable property that is in a business property class that is located in the business improvement area using the following documents:
(1) Current returned assessment roll; and

(2) Municipal Connect, Toronto Property System or any other related geographic information system developed using information from Municipal Property Assessment Corporation and City records.

C. A person who receives notice under Subsection B shall, within 30 days of the date of the notice, give a copy of the notice to all persons who are non-residential tenants of the property to which the notice relates.

D. The notice under Subsection B shall also be distributed to all persons who are non-residential tenants of rateable property in a business property class:

(1) By the steering committee in the case of a new or expanding business improvement area; and

(2) By the board in the case of an existing business improvement area that is not subject to an expansion proposal.

E. The notice provided under Subsection B will include instructions on how to obtain a copy of the ballot.

F. A printable version of the ballot will be posted on the City's website and will be available by contacting the Clerk.

G. Proof of tenancy must be submitted with the completed ballot and acceptable forms of proof will be identified by the Clerk on the ballot and website.

H. A person who receives notice under Subsections B, C or D shall be entitled to complete and submit only one ballot, regardless of the number of rateable properties owned by that person within the business improvement area, or the number of rateable properties of which the person is a non-residential tenant within the business improvement area.

I. Council shall not pass a by-law to establish a minimum or maximum charge if:

(1) The number of ballots returned fails to exceed the lesser of a minimum of 30 percent of the number of notices mailed under Subsection B and 100 ballots; or

(2) 50 percent or more of the accepted ballots respond in the negative.

J. The polling period shall be 60 days, commencing upon the day the notices under Subsection B are mailed.

K. Where the 60th day of a polling period falls upon a holiday, Saturday or Sunday, the polling period shall end on the next regular business day that is not a holiday.
L. The business improvement area office shall provide the Clerk with the question that is required on the ballot.

M. The ballot shall indicate the following:
   (1) Polling period notice;
   (2) Criteria for accepting ballots;
   (3) Voter eligibility; and
   (4) Ballot confidentiality.

N. Ballots will be accepted only if they are:
   (1) Received from owners of properties on lists provided for in Subsection B; or
   (2) Accompanied by proof of ownership if property ownership has recently changed; or
   (3) Received, with acceptable proof of tenancy, from persons within the identified polling area who are non-residential tenants of rateable property on lists provided for in Subsection B; and
   (4) Received by the Clerk by mail, courier, fax, e-mail or hand delivery by 4:30 p.m. on the last day of the polling period.

O. At the end of the polling period, the Clerk shall:
   (1) Record all accepted ballots;
   (2) Certify, in writing, the results of the poll;
   (3) Notify the business improvement area office and Ward Councillors of the results of the poll; and
   (4) Post the results of the poll on the City's web site within 15 business days from the end of the polling period.

P. The General Manager shall report to Council on the certificate issued by the Clerk.

§ 19-5.4. Effect of by-law.

When a by-law under § 19-5.3 is in force:
A. The amount of a charge levied in a year under § 19-5.2 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 in a fiscal year to raise the amount referred to in § 19-5.1 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 § 19-5.2 for those properties.

§ 19-5.5. Exclusion.

Subsection 19-5.3B does not apply to an adjustment made under § 19-5.4B.

§ 19-5.6. Debts to city.

[Added 2018-05-24 by By-law 603-2018]

If a board fails to pay to the City any amounts owing under Article 7 of this chapter, a cost sharing program, a loan agreement or other agreement, or any other circumstance where the City has agreed to provide a service to a board or undertake any statutory obligations of a board on a cost recovery basis, or where Council has directed that a board reimburse the City for any costs incurred by the City, and such amounts remain unpaid for a period of 60 days following the mailing of an invoice, or where the City incurs legal liability as a result of any act or omission of the board, the City may impose a special charge upon rateable property in the business improvement area that is in a business property class.

ARTICLE 6
Borrowings, Priority Lien Status


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.

§ 19-6.2. Priority lien status.

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

4 Editor’s Note: By-law 603-2018 is deemed to have come into force March 12, 2018.
§ 19-7.1. Ownership of assets.

The City is deemed to be the owner of all underground infrastructure installed by or on behalf of a board.

§ 19-7.2. Maintenance of assets.

A board is responsible for maintaining all underground infrastructure installed by or on behalf of the board.

§ 19-7.3. Utility locate services.

The City as owner of the underground infrastructure shall be responsible for providing utility locate services and complying with all applicable legislation.

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5 Editor’s Note: By-law 603-2018 is deemed to have come into force March 12, 2018.
### SCHEDULE A

#### INDIVIDUAL BOARDS OF MANAGEMENT AND BUSINESS IMPROVEMENT AREA MAPS

**BOARDS OF MANAGEMENT**  
Number of Individual Business Improvement Area  
Board of Management Members

<table>
<thead>
<tr>
<th>Business Improvement Area</th>
<th>Designating By-law (Former Municipality)</th>
<th>Number of Members (Includes Members of Council)</th>
<th>Number of Councillors</th>
<th>Ward in Which Business Improvement Area is Located</th>
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<tbody>
<tr>
<td>Albion Islington Square</td>
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<td>Bloor-Annex (formerly Bloor-Bathurst-Madison)</td>
<td>1995-0688 (Toronto) as amended by 899-2001</td>
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6 Editor’s Note: For the amendment history of Schedule A see the By-law Status Registry.
7 Editor’s Note: By-law 1131-2018, enacted July 27, 2018, was intended to update references to reflect a 47 Ward model effective December 1, 2018. Further amendments are required.
8 Editor’s Note: By-law 1030-2017 enacted on October 4, 2017 removed the last column entitled “Members Required for Quorum” from Schedule A.
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## Business Improvement Area Designating By-law (Former Municipality)

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<th>Number of Councillors</th>
<th>Ward in Which Business Improvement Area is Located</th>
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## TORONTO MUNICIPAL CODE
### CHAPTER 19, BUSINESS IMPROVEMENT AREAS

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<tr>
<td>Riverside District</td>
<td>1</td>
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<tr>
<td>Roncesvalles Village</td>
<td>4</td>
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<tr>
<td>Rosedale Main Street</td>
<td>3</td>
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<tr>
<td>St. Clair Gardens</td>
<td>2</td>
<td></td>
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<tr>
<td>St. Lawrence Market Neighbourhood</td>
<td>2</td>
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<tr>
<td>Sheppard East Village</td>
<td>4</td>
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<tr>
<td>shoptheQueensway.com</td>
<td>4</td>
<td></td>
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<tr>
<td>The Beach</td>
<td>7</td>
<td></td>
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<tr>
<td>The Kingsway</td>
<td>3</td>
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<tr>
<td>The Waterfront</td>
<td>4</td>
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<tr>
<td>Toronto Entertainment District</td>
<td>4</td>
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<tr>
<td>Trinity Bellwoods</td>
<td>2</td>
<td></td>
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<tr>
<td>Upper Village</td>
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<tr>
<td>Upper Village (York)</td>
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<tr>
<td>Uptown Yonge</td>
<td>4</td>
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<tr>
<td>Village of Islington</td>
<td>4</td>
<td></td>
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<tr>
<td>Weston Village</td>
<td>1</td>
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<tr>
<td>West Queen West</td>
<td>5</td>
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<tr>
<td>Wexford Heights</td>
<td>5</td>
<td></td>
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<tr>
<td>Wilson Village</td>
<td>6</td>
<td></td>
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<tr>
<td>Wychwood Heights</td>
<td>4</td>
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<tr>
<td>Yonge-Lawrence Village</td>
<td>4</td>
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<tr>
<td>Yonge and St. Clair</td>
<td>2</td>
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<tr>
<td>York-Eglinton</td>
<td>2</td>
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</tbody>
</table>
1. Rules of Procedure

   A. The rules in this by-law are to be observed in all meetings of the general membership, the Board of Management (the "Board") and committees of the Board.

   B. The rules of procedure are to be interpreted in a manner that promotes the following fundamental principles:

      (1) the protection of basic rights by recognizing the right of the majority to decide, the minority to be heard, and individuals to have the opportunity to participate;

      (2) the maintenance of decorum, with all participants being treated with courtesy and respect;

      (3) all members have the right to information to help make decisions;

      (4) members have a right to an efficient meeting;

      (5) all members have equal rights, privileges and obligations; and

      (6) in the event of conflict, facilitating a reasonable compromise.

2. Duties of Officers

   A. The Chair shall:

      (1) chair all meetings of the business improvement area and of the Board, follow the agenda, and decide on whether motions are in order;

      (2) rule on all procedural matters and maintain decorum;

      (3) ensure motions and amendments are clearly expressed and, if there is no motion under consideration, summarize the discussion for the purpose of the minutes;

      (4) have general supervision of the affairs of the business improvement area;

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9 Editor’s Note: By-law 785-2017 repealed Schedule B to this chapter in its entirety and replaced it with a new Schedule B containing the procedures to be followed by Business Improvement Area Boards of Management.
(5) along with the Secretary or Treasurer, sign all by-laws and execute any documents, contracts or agreements;

(6) perform any other duties which the Board may, from time to time, assign;

(7) sit, ex officio, on all committees; and

(8) ensure that all past financial records of the Board are transferred to the succeeding Treasurer when there is a change of Treasurer and administrative records are transferred to the succeeding Secretary when there is a change of Secretary.

B. The Vice-Chair shall exercise any or all of the duties of the Chair in the absence of the Chair or if the Chair is unable for any reason to perform those duties.

C. The Secretary shall:

(1) ensure that notice is given of each regular and special meeting of the Board together with an agenda of the matters to be considered so that notice and agenda will reach members at least five business days in advance of the meeting;

(2) ensure that the minutes of each meeting are recorded and presented at the following meeting for adoption. The minutes shall record:

(a) the place, date and time of meeting;

(b) the name of the chair;

(c) the names of all directors present, and those not present, at the meeting;

(d) the names of all others present at the meeting;

(e) the correction and adoption of the minutes of the prior meeting; and

(f) all motions, decisions and other proceedings of the Board.

(3) record confidential minutes of closed sessions of the Board;

(4) along with the chair, sign the adopted minutes and submit a copy of the to the City's business improvement area office;
(5) keep or cause to be kept: the business improvement area's records and books of the business improvement area, including business improvement area by-laws, policies and resolutions; the registry of Officers and directors; the minutes of the annual general meeting, general meetings, meetings of the Board or any committees thereof, and any committee reports;

(6) certify copies of any record, registry, by-law, resolution or minute; and

(7) give notice of the annual general meeting and general meetings.

(8) ensure that an accurate record of business improvement area administrative and operational assets (for example computers, phones, furniture, maintenance equipment, vehicles) is kept.

D. The Treasurer shall:

(1) under the direction of the Board, supervise the expenditure of the funds of the business improvement area;

(2) keep and maintain the financial records and books of the business improvement area;

(3) assist the auditor in the preparation of the financial statements of the business improvement area;

(4) perform any other duties that the Board may from time to time assign;

(5) maintain an inventory of all physical assets owned or leased by the business improvement area;

(6) prepare and distribute the proposed annual budget in accordance with the requirements of the City; and

(7) prepare and present written financial statements for the Board's review and consideration at each regular meeting and submit the Board-approved statements to the City's business improvement area office.

3. The Chair, in consultation with the Secretary, and other members of the Board as required, shall establish the agenda for each meeting, based on matters submitted prior to the agenda deadline.

4. Directors are entitled to submit agenda items for consideration by forwarding them to the Secretary before the agenda distribution deadline.
5. Votes

A. With the exception of the Chair, who shall vote only to make a tie or break a tie, every member has a vote on all motions, unless prohibited by law (for example, a declared conflict of interest) in which case the Secretary shall record the name of the member who does not vote and reason for not voting.

B. The members of the Board shall vote on any motion arising at any meeting of the Board. All motions must be seconded before proceeding to a vote.

C. Motions may include:

   (1) motion to approve or adopt an item;

   (2) motion to receive an item;

   (3) motion to postpone or refer an item; and

   (4) motion to adjourn the meeting, provided the motion to adjourn is not made when another member is speaking, a vote has been called, the members are voting, or a member has indicated to the Chair his or her desire to speak on the matter under consideration.

D. A majority of votes shall decide each motion.

E. A tie vote means a motion does not carry.

F. Members have the right to abstain from voting.

6. Deputations

The Board may hear deputations from the public at its discretion and may set limits for speaking time.

7. Annual General Meeting

The annual general meeting agenda shall include, but not be limited to:

A. minutes of the last annual general meeting;

B. declarations of conflict of interest;

C. annual activity report of the Board;

D. annual financial report;
E. audited financial statement;
F. appointment of auditor for following year;
G. proposed annual budget for the following year;
H. election of the Board (if a municipal election year); and
I. any other business that may properly be brought before the meeting.

8. Determination of Motions

All motions arising at any meeting of the business improvement area members, other than those arising under new business, shall relate to an item on the agenda for that meeting and the Chair shall have the right to determine whether a motion is in order. All questions shall be decided by a majority vote unless otherwise stated in this by-law or as required by law. At all meetings, every motion shall be decided by a show of hands or voting cards unless a ballot on the motion is required by the Chair or requested by a business improvement area member. The Chair shall declare that a motion has been carried or not carried. The motion shall be entered into the minutes of the business improvement area meeting. It is not necessary to record the number or the proportion of votes.
## SCHEDULE C

### ELIGIBILITY TO VOTE – GENERAL MEETINGS AND ANNUAL GENERAL MEETINGS

[Added 2017-07-07 by By-law 785-2017]

**Property Owners**
- The property is located within the business improvement area boundary
- The property is assessed in a business property class (e.g. C-Commercial; D-Office; I-Industrial; G-Parking lot etc.)

Note: This information can be found on the Notice of Assessment from the Municipal Property Assessment Corporation and the property tax bill.

<table>
<thead>
<tr>
<th>I am the sole owner of the property.</th>
<th>There are two or more co-owners of the property.</th>
<th>The property is owned by a corporation.</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>

You are entitled to one vote per motion
- The co-owners must select one owner to vote on their behalf (one vote per motion).
- The corporation must appoint a person to vote on its behalf (one vote per motion).

<table>
<thead>
<tr>
<th>You are entitled to one vote per motion</th>
<th>The co-owners must select one owner to vote on their behalf (one vote per motion).</th>
<th>The corporation must appoint one person to vote on its behalf (one vote per motion).</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>

No person or corporation may have more than one vote, regardless of the number of properties or businesses they own or co-own.

**Business Owners**
- The business is located within the business improvement area boundary
- The business occupies property that is assessed in a business property class (e.g. C-Commercial; D-Office; I-Industrial; G-Parking lot etc.)

<table>
<thead>
<tr>
<th>The business is a sole proprietorship</th>
<th>The business is owned by a partnership or cooperative</th>
<th>The business is owned by a corporation.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

The business owner is entitled to one vote per motion.
- The members of the partnership or cooperative must appoint one person to vote on their behalf (one vote per motion).
- The corporation must appoint one person to vote on its behalf (one vote per motion).

<table>
<thead>
<tr>
<th>The business owner is entitled to one vote per motion.</th>
<th>The members of the partnership or cooperative must appoint one person to vote on their behalf (one vote per motion).</th>
<th>The corporation must appoint one person to vote on its behalf (one vote per motion).</th>
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</table>

No person or corporation may have more than one vote, regardless of the number of properties or businesses they own or co-own.
## ACTION ITEM LIST

<table>
<thead>
<tr>
<th>Date</th>
<th>Department</th>
<th>Item &amp; Action</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prior to January 2017</td>
<td>Finance</td>
<td>RFPs for Building Services, Banking and Audit Services</td>
<td>Planning &amp; Official Plan Review RFP Currently Active. IT Service Provider currently active.</td>
</tr>
<tr>
<td>January 9, 2017</td>
<td>CAO</td>
<td>Schedule an Economic Development Session &amp; Review of Strategic Plan</td>
<td>Winter 2019</td>
</tr>
<tr>
<td>January 23, 2017</td>
<td>CAO/Operations</td>
<td>Report and resolution of support re: Municipal Fire Service as Critical Infrastructure as part of the Province’s Infrastructure Strategy</td>
<td>Winter 2019</td>
</tr>
<tr>
<td>March 27, 2017</td>
<td>CAO/Clerk’s</td>
<td>Regional school closures and Wellington Elementary School Update</td>
<td>Have reached out to School Board for update.</td>
</tr>
<tr>
<td>April 3, 2017</td>
<td>Operations</td>
<td>Centennial Park Improvements</td>
<td>Part of Recreation Master Plan analysis and rollout</td>
</tr>
<tr>
<td>September 18, 2017</td>
<td>Operations</td>
<td>Traffic Light Removal</td>
<td>Irvine crosswalk lights installed. Remaining to be installed in spring 2019</td>
</tr>
<tr>
<td>Date</td>
<td>Department</td>
<td>Item &amp; Action</td>
<td>Status</td>
</tr>
<tr>
<td>--------------------</td>
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<td>-------------------------------------------------------------</td>
</tr>
<tr>
<td>September 18, 2017</td>
<td>Operations</td>
<td>Fire Hall Construction</td>
<td>Completion in Spring 2019</td>
</tr>
<tr>
<td>September 18, 2017</td>
<td>Operations</td>
<td>Street Sign Installation</td>
<td>All installed, 2 remaining to be removed.</td>
</tr>
<tr>
<td>March 5, 2018</td>
<td>By-Law</td>
<td>Animal Control By-law Update</td>
<td>Development after signs and property standards by-law</td>
</tr>
</tbody>
</table>