

August 6, 2021

Lawrence Ingram Keele Business Improvement Area (LIKE BIA)

Submission re Land Use Compatibility, Odour & Environmental Compliance Guidelines

1. The Lawrence Ingram Keele (LIKE) Business Improvement Area (BIA)

The LIKE BIA is an association of commercial and industrial business owners designated as a business improvement area by Toronto City Council in July 2020. It is generally bounded by Lawrence Avenue to the north, Keele Street to the west, Strathnaim Ave. and Woodborough Ave. to the south and a rail track to the east. The borders of the LIKE BIA are shown in Schedule 1, attached.

The BIA is governed by the *Business Improvement Area By-law*, set out in Chapter 19 of the *Toronto Municipal Code*, attached as Schedule 2. The purpose of the BIA includes promotion as a business, employment and shopping area and undertaking strategic planning to address business improvement area issues. It was formed to maintain and encourage upgrading of existing commercial and industrial facilities, and also to encourage investment in new commercial and industrial facilities.

The LIKE BIA is managed by a Board of Management (the “Board”), which retained the law firm of Macdonald Sager Manis LLP to comment on three proposals posted on the Environmental Registry of Ontario: the *Land Use Compatibility Guideline*; *Modernizing Environmental Practices* and *Guideline to address Odour mixtures in Ontario*.

2. Land Uses within the Like BIA

The LIKE BIA contains a wide range of residential, commercial and industrial uses within its boundary. Its boundary extends approximately 700 metres from west to the east, and 1,400 - 1,700 metres from north to south.

The Harold & Grace Baker Centre, a seniors’ residence, is located on Northwestern Ave., in the south-central area, and there are some other residents in the area, mainly along Kincort Street.

Commercial uses, including Walmart, Metro, strip plazas and offices are found primarily along Keele & Lawrence Ave. West.

Printing, food manufacturing, construction material, contracting, metal manufacturing and other light industrial uses are found throughout the area.

A municipal waste transfer facility is located on Ingram Drive, and a private recycling facility is found on the east side of Sheffield in the central area. An asphalt plant is located west of Kincourt St., south of Ingram, also in the central area of the BIA.

There has been new investment in light manufacturing throughout the BIA in recent years. There is currently also interest in redeveloping commercial uses at grade with residential uses above, primarily along Lawrence Avenue West.

The wide mix of uses in close proximity within the LIKE BIA boundary have generally functioned well together. However, residents and businesses in the area have previously faced challenges regarding land use compatibility. These challenges have arisen in part due to the close proximity of some existing industrial uses to existing residential, commercial and light industrial uses. They will be exacerbated if new residential, commercial and light industrial investment in the BIA increases.

Existing land uses raising issues of compatibility include but are not limited to the following:

1. Municipal and private waste management sites which emit odour & noise and are serviced by a large number of heavy trucks;
2. The asphalt plant, which emits odour, noise and dust, and which is also served by a large number of heavy trucks traffic and dust. The plant has been charged and convicted of a number of violations of the Environmental Protection Act. A Ministry of the Environment, Conservation and Parks report describing convictions and fines is attached as Schedule 3.

3. Land Use Compatibility Guideline: ERO 019-2785

The draft Land Use Compatibility Guideline (the “LUC Guideline”) defines “Major Facilities” and divides them into 5 classes, with Class 1 producing smaller adverse effects, and Class 5 producing significant adverse effects that may be difficult to mitigate. Table 1 in the Compatibility Guideline, attached as Schedule 4, classifies Asphalt Manufacturing & Recycling Facilities-General as Class 3 Major Facilities. It establishes an Area of Influence for Asphalt Plants of 1,000 m, and a minimum separation distance of 300 m from sensitive uses, such as homes or seniors’ residences; and an Area of Influence for Recycling Facilities of 900 m and a Minimum Separation Distance of 200 m.

The LUC Guideline replaces former Land Use Compatibility Guideline D-6 which did not apply to portable asphalt plants, transfer stations and private waste management facilities. D-6 typically required much smaller separation distances between industrial and residential land uses, 70 m. in the case of some industrial uses.

The LUC Guideline does not apply when there are existing land uses, such as an asphalt plant in close proximity to a seniors' residence. However, it applies where the nature and or the intensity of the land use is changing, and an application under the Planning Act is required. It also states that where separation distances are not possible, minimizing and mitigating potential impacts may provide a basis for a proposal.

Submissions re LUC Guideline

The LIKE BIA Board of Management:

3.1 Supports the application of the Compatibility Guidelines to new portable asphalt plants, transfer stations and waste management facilities;

3.2 Supports the application of the Compatibility Guidelines to all existing Major Facilities where the nature and or the intensity of their land use is changing; and

3.3 Requests the Ministry of the Environment, Conservation & Parks (MOECP) to review periodically Environmental Compliance Approvals issued to existing Major Facilities, to consider:

- the duration, timing and types of any adverse environmental effects
- hours of operation
- wind patterns
- complaint and conviction history
- any actions undertaken in response to complaints or convictions

4. Addressing Odour Mixtures: ERO 019-2768

The ERO Website states that the Guideline to address odour mixtures in Ontario (the "Odour Guideline") will help ensure that there is less regulatory uncertainty for facilities; better co-ordination with land planning decisions and more effective remediation of issues caused by odour mixtures. The Policy and Forms Impact Analysis (PFIA) states that the new scenario will, for existing facilities, provide guidance [which] will inform decisions for expansion and abatement. However, the text of the Draft Odour Guidance deals primarily with additional technical requirements for new facilities seeking an initial Environmental Compliance Approval (ECA). It provides little guidance to assist existing facilities or communities with respect to proactive mitigation, other than complaints.

The Odour Guideline states that it should be read in conjunction with the LUC Guideline. However, there are inconsistencies with respect to the minimum separation distances set out in the 2 Guidelines. For example, according to the LUC Guideline, the minimum separation distance between Asphalt Manufacturing and residential uses is 300 m. But as stated in the

Odour Guideline, the minimum setback distance is 500 m. According to the LUC, the minimum separation distance from a Waste Transfer Station is 100 m. The minimum setback distance from a waste transfer station ranges from 150 to 500 m in the Odour Guideline. See LUC Guideline P. 23 & 24 Table 1, attached as Schedule 5 and Odour Guideline, P. 34-37, attached as Schedule 6).

The Odour Guideline acknowledges that existing regulations, such as the Local Air Quality Regulation (O. Reg. 419/05) and technical standards created pursuant to existing regulations, such as the Asphalt mix – industry standard, generally regulate odours resulting from specific individual contaminants. It is often difficult for residents or local business owners and tenants to identify the specific contaminant causing an odour. The Odour Guideline will address odour mixtures resulting in total odours.

Submissions re Odour Guideline

The LIKE BIA Board of Management:

- 4.1 Requests MOECP to provide further guidance to existing facilities emitting odours, and businesses and residents located in close proximity to such facilities;
- 4.2 Urges the Ministry to eliminate inconsistencies in separation/setback distances between similar businesses under the LUC Guideline and the Odour Guideline.
- 4.3 Supports MOECP's efforts to address odour mixtures in local air quality regulations.

5. Modernizing Environmental Compliance Practices: ERO 019-2972

The proposed Environmental Compliance Policy (the "Compliance Policy") would distinguish between low-risk incidents which would generally be referred to municipalities, and higher risk incidents and facilities involving known and potential violations of a more serious nature involving repeat offenders. The MOECP is proposing to update its informed judgement matrix (see Figure 1, attached as Schedule 7), and risk-based approach, attached as Schedule 8.

In serious circumstances, the Ministry director could refuse to grant permission, or revoke a previous permission, if:

- it is concerned that the environment and /or human health will be seriously harmed;
- the responsible person has a poor compliance record with the Ministry; and
- evidence that the person applying for or holding permission is not or will not likely comply with Ministry laws, regulations or policies

The Compliance Policy would also increase transparency with respect to complaints, compliance and enforcement.

Submissions re Compliance Policy

The LIKE BIA Board of Management:

- 5.1 Supports the distinction between low risk and high risk offences;
- 5.2 Agrees that low-risk activities can be enforced by City of Toronto by-law officers;
- 5.3 Supports greater transparency with respect to complaints, compliance and enforcement.
- 5.4 Agrees that MOECP should have and exercise the power to review and revoke environmental permission if existing facilities cause serious and repeated breaches of environmental laws, regulations and Guidelines.

6. Summary and Conclusions

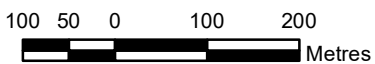
The LIKE BIA Board of Management commends the MOECP for taking initiatives to help avoid or minimize and mitigate potential adverse environmental impacts from odour, noise, dust and other contaminants. As owners of commercial and industrial businesses, we agree that the Ministry should reduce the regulatory burden on low-risk activities, particularly for small businesses. As citizens and taxpayers, we believe that that MOECP should focus more resources on incidents that pose a higher threat to the environment and human health.

We also urge MOECP to periodically review, and if necessary revoke, environmental permission if existing uses cause emissions which are repeatedly in breach of legislative standards and the proposed Guidelines, or result in serious adverse health and environmental impacts.

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8	Environmental Compliance Policy – P. 9 & 10 Tables 2 & 3

Schedule 1:
Maps of the LIKE BIA



Lawrence Ave W

Lawrence Ave W

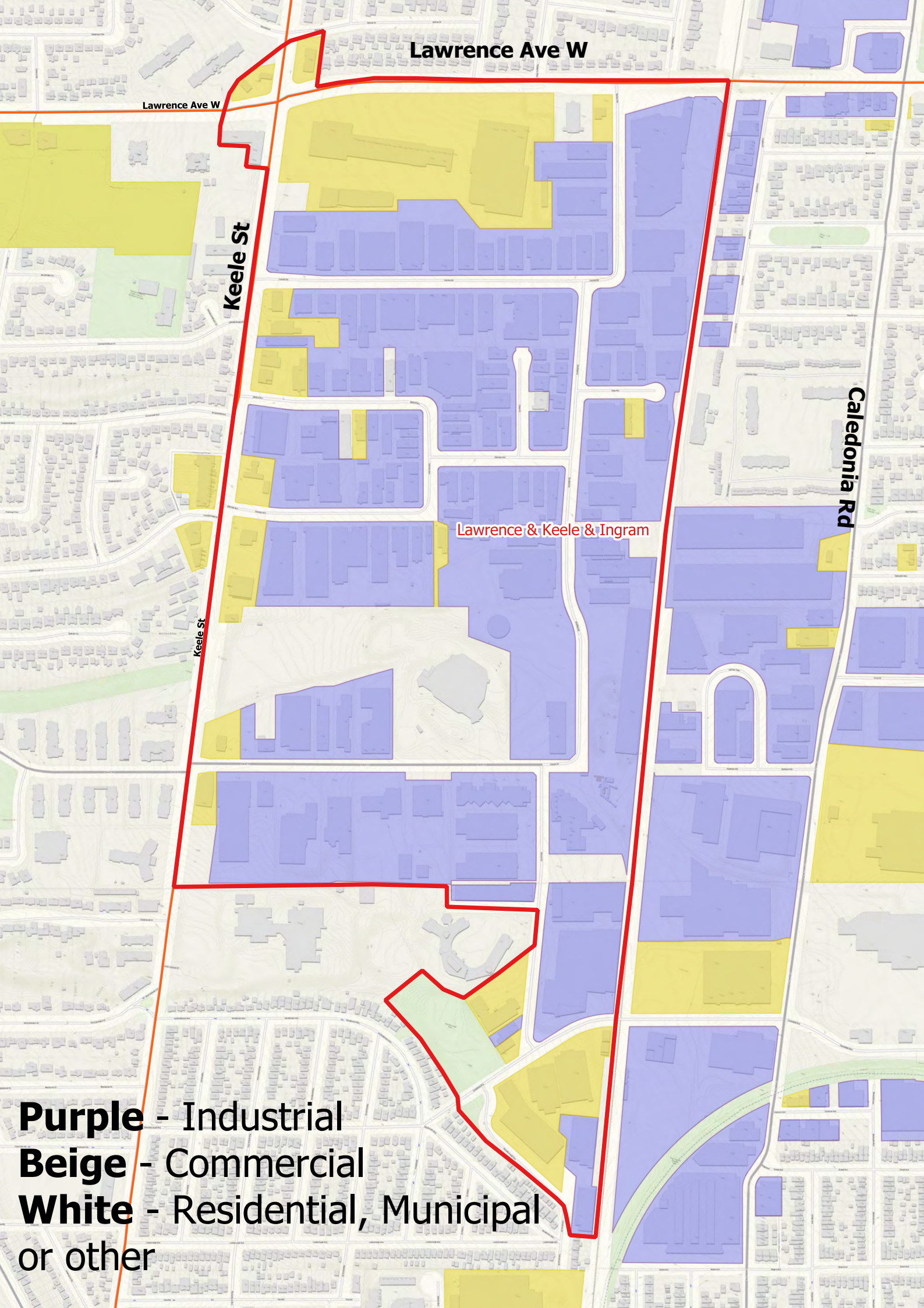
Keele St

Caledonia Rd

Lawrence & Keele & Ingram

Keele St

Purple - Industrial
Beige - Commercial
White - Residential, Municipal
or other



Schedule 2:
Toronto Municipal Code Ch.
19

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Chapter 19

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[History: Adopted by the Council of the City of Toronto December 6, 2001 by By-law 1110-2001; amended in its entirety June 11, 2007 by By-law 636-2007.¹; amended in its entirety July 14, 2011 by By-law 960-2011²; amended December 17, 2013 by By-law 1665-2013; amended July 7, 2017 by By-law 785-2017³; subsequent amendments noted where applicable.]

General References

City of Toronto Act, 2006 - See S.O. 2006, c. 11.

Municipal Conflict of Interest Act - See R.S.O. 1990, c. M.50.

Municipal Freedom of Information and Protection of Privacy Act - See R.S.O. 1990, c. M.56.

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.

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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.

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 AND TREASURER - The City's Chief Financial Officer and Treasurer or designate or successor. **[Amended 2018-07-27 by By-law 1206-2018; 2018-12-13 by By-law 17-2019⁴]**

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

⁴ Editor's Note: By-law 17-2019 deleted all references to the title "Chief Financial Officer" in this chapter and replaced them with the title "Chief Financial Officer and Treasurer".

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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.

HOLIDAY - New Year's Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, August Civic Holiday, Labour Day, Thanksgiving Day (Canada), Remembrance Day, Christmas Day, Boxing Day or any other day designated by City Council as a holiday.

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

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

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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: **[Amended 2019-01-31 by By-law 258-2019]**

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
Broadview Danforth BIA
Cabbagetown BIA
Chinatown BIA
Church-Wellesley Village BIA
City Place and Fort York 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 Dennis BIA
Mount Pleasant Village 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

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The Beach BIA	Village of Islington BIA
The Eglinton Way BIA	West Queen West BIA
The Kingsway BIA	Weston Village BIA
The Waterfront BIA	Wexford Heights BIA
Toronto Entertainment District BIA	Wilson Village BIA
Trinity Bellwoods	Wychwood Heights BIA
Upper Village BIA	Yonge Lawrence Village BIA
Uptown Yonge BIA	York-Eglinton BIA

ARTICLE 2
Business Improvement Areas

§ 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:

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- (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

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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.

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- 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;

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- (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:

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- (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.

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§ 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

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- (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:

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- (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 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.

§ 19-2.8. Council repeal.

- 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.

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§ 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.

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§ 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: **[Amended 2019-01-31 by By-law 258-2019]**
 - (1) One or more directors appointed directly by Council or community council under delegated authority; and
 - (2) Each member of Council for a ward in which a business improvement area is located, by right of office; and
 - (3) 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.

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- 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.

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§ 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.

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§ 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.

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§ 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.

§ 19-3.14. Procedure by-law.

- 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 and Treasurer 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.

§ 19-3.16. Dissolution of board.

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

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§ 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 Treasurer, 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 and Treasurer by the date and in the form required by the Chief Financial Officer and Treasurer, 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 Treasurer, 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 and Treasurer 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 and Treasurer, shall be posted to separate business improvement area accounts.

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- G. After Council's approval of a business improvement area's budget, the Chief Financial Officer and Treasurer 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 and Treasurer.
- 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 and Treasurer 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

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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.

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- 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

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- (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 603-2018⁵]

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**

§ 19-6.1. 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

⁵ Editor's Note: By-law 603-2018 is deemed to have come into force March 12, 2018.

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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.

**ARTICLE 7
City Infrastructure**

[Added 2018-05-24 by By-law 603-2018⁶]

§ 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.

⁶ Editor's Note: By-law 603-2018 is deemed to have come into force March 12, 2018.

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SCHEDULE A⁷
Individual Boards of Management
and Business Improvement Area Maps

BOARDS OF MANAGEMENT
Number of Individual Business Improvement Area
Board of Management Members

Business Improvement Area	Designating By-law (Former Municipality)	Number of Members (Includes Members of Council)	Number of Councillors	Ward in Which Business Improvement Area is Located
Albion Islington Square	834-2006	12	1	Ward 1 Etobicoke North
Baby Point Gates	662-2010	9	1	Ward 4 Parkdale-High Park
Bayview Leaside	626-2020	6	1	Ward 15 Don Valley West
Bloor-Annex (formerly Bloor-Bathurst-Madison)	1995-0688 (Toronto) as amended by 899-2001	7	1	Ward 11 University-Rosedale
Bloor By The Park	117-87 (Toronto)	8	1	Ward 4 Parkdale-High Park
Bloorcourt Village	495-79 (Toronto)	11	2	Ward 9 Davenport Ward 11 University-Rosedale
Bloordale Village	771-2018	10	1	Ward 9 Davenport
Bloor Street	519-2006	5	1	Ward 11 University-Rosedale
Bloor West Village	30-86 (Toronto)	8	1	Ward 4 Parkdale-High Park
Bloor-Yorkville	501-2020	15	2	Ward 11 University-Rosedale Ward 13 Toronto Centre

⁷Editor's Note: For the amendment history of Schedule A see the By-law Status Registry.

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Business Improvement Area	Designating By-law (Former Municipality)	Number of Members (Includes Members of Council)	Number of Councillors	Ward in Which Business Improvement Area is Located
Broadview Danforth (formerly The Danforth)	611-86 (Toronto)	7	1	Ward 14 Toronto-Danforth
Cabbagetown (formerly Old Cabbagetown)	1355-2011	13	1	Ward 13 Toronto Centre
Chinatown	818-2006	21	2	Ward 10 Spadina-Fort York Ward 11 University-Rosedale
Church-Wellesley Village	954-2002	9	1	Ward 13 Toronto Centre
CityPlace and Fort York	245-2016	8	1	Ward 10 Spadina-Fort York
College Promenade	515-2005 as amended by 722-2016	9	2	Ward 9 Davenport Ward 11 University-Rosedale
College West (formerly College-Dufferin)	1300-2013 as amended by 724-2016	7	1	Ward 9 Davenport
Corso Italia	807-83 (Toronto)	13	1	Ward 9 Davenport
Crossroads of the Danforth	587-2008	9	1	Ward 20 Scarborough Southwest
Danforth Mosaic (formerly Midtown Danforth)	94-2008	12	2	Ward 14 Toronto-Danforth Ward 19 Beaches-East York
Danforth Village	388-2006	11	1	Ward 19 Beaches-East York

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Business Improvement Area	Designating By-law (Former Municipality)	Number of Members (Includes Members of Council)	Number of Councillors	Ward in Which Business Improvement Area is Located
Dovercourt Village	549-84 (Toronto)	7	2	Ward 9 Davenport Ward 11 University-Rosedale
Downtown Yonge	27-2001	13	2	Ward 11 University-Rosedale Ward 13 Toronto Centre
DuKe Heights (formerly Dufferin-Finch)	1058-2013	15	2	Ward 6 York Centre Ward 7 Humber River-Black Creek
Dupont by the Castle (formerly The Dupont Strip and Annex-Dupont)	1299-2015	8	2	Ward 11 University-Rosedale Ward 12 Toronto-St. Paul's
Eglinton Hill (formerly Keele-Eglinton)	3652-97 (York)	8	1	Ward 5 York South-Weston
Emery Village	487-2010	11	1	Ward 7 Humber River-Black Creek
Fairbank Village	994-2015	7	2	Ward 8 Eglinton-Lawrence Ward 9 Davenport
Financial District	1126-2011	12	2	Ward 10 Spadina-Fort York Ward 13 Toronto Centre
Forest Hill Village	95-2008	9	1	Ward 12 Toronto-St. Paul's
Gerrard India Bazaar	1116-2011	11	1	Ward 14 Toronto-Danforth

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Business Improvement Area	Designating By-law (Former Municipality)	Number of Members (Includes Members of Council)	Number of Councillors	Ward in Which Business Improvement Area is Located
Greektown on the Danforth	319-86 (Toronto)	10	1	Ward 14 Toronto-Danforth
Harbord Street	555-85 (Toronto)	7	1	Ward 11 University-Rosedale
Hillcrest Village	808-83 (Toronto)	11	2	Ward 9 Davenport Ward 12 Toronto-St. Paul's
Historic Queen East (formerly Old Queen)	836-2006	16	1	Ward 13 Toronto Centre
Junction Gardens	1031-2017	8	1	Ward 4 Parkdale-High Park
Kennedy Road	499-2020	10	2	Ward 21 Scarborough Centre Ward 22 Scarborough-Agincourt
Kensington Market	1187-2009	11	1	Ward 11 University-Rosedale
Korea Town	1091-2004	18	1	Ward 11 University-Rosedale
Lakeshore Village	762-2005	10	1	Ward 3 Etobicoke-Lakeshore
Lawrence Ingram Keele	613-2020	10	1	Ward 5 York South-Weston
Leslieville	262-2013	13	1	Ward 14 Toronto-Danforth
Liberty Village	1260-2008	16	1	Ward 10 Spadina-Fort York
Little Italy	840-2006	13	1	Ward 11 University-Rosedale

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Business Improvement Area	Designating By-law (Former Municipality)	Number of Members (Includes Members of Council)	Number of Councillors	Ward in Which Business Improvement Area is Located
Little Portugal on Dundas (formerly Dundas West BIA and Little Portugal BIA)	524-2019	13	3	Ward 9 Davenport Ward 10 Spadina-Fort York Ward 11 University-Rosedale
Long Branch	1987-20 (Etobicoke)	10	1	Ward 3 Etobicoke-Lakeshore
MarkeTO District (formerly Dufferin-Wingold)	249-2015	11	1	Ward 8 Eglinton-Lawrence
Midtown-Yonge	216-2015	9	1	Ward 12 Toronto-St. Paul's
Mimico By The Lake	915-2014	9	1	Ward 3 Etobicoke-Lakeshore
Mimico Village	1039-2010	5	1	Ward 3 Etobicoke-Lakeshore
Mirvish Village	625-2005	6	1	Ward 11 University-Rosedale
Mount Dennis	793-2010	7	1	Ward 5 York South-Weston
Mount Pleasant Village (formerly Mount Pleasant)	1264-2008	11	2	Ward 12 Toronto-St. Paul's Ward 15 Don Valley West
Oakwood Village	1262-2008	13	2	Ward 9 Davenport Ward 12 Toronto-St. Paul's
Ossington Avenue	538-2014	11	1	Ward 10 Spadina-Fort York
Pape Village	25-86 as amended by 77-87 (East York)	12	1	Ward 14 Toronto-Danforth

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Business Improvement Area	Designating By-law (Former Municipality)	Number of Members (Includes Members of Council)	Number of Councillors	Ward in Which Business Improvement Area is Located
Parkdale Village	505-2020	12	2	Ward 4 Parkdale-High Park Ward 10 Spadina-Fort York
Queen Street West	1265-2008	11	1	Ward 10 Spadina-Fort York
Regal Heights Village (formerly St. Clair Avenue West)	185-2011	10	1	Ward 9 Davenport
Riverside District (formerly Queen-Broadview and Riverside)	1022-2020	15	2	Ward 13 Toronto Centre Ward 14 Toronto-Danforth
Rogers Road	1526-2019	9	2	Ward 5 York South-Weston Ward 9 Davenport
Roncesvalles Village	217-2007	11	1	Ward 4 Parkdale-High Park
Rosedale Main Street	1247-2012	12	2	Ward 11 University-Rosedale Ward 12 Toronto-St.Paul's
St. Clair Gardens	980-2009	9	1	Ward 9 Davenport
St. Lawrence Market Neighbourhood	328-2011	13	2	Ward 10 Spadina-Fort York Ward 13 Toronto Centre
Sheppard East Village	815-2006	10	1	Ward 23 Scarborough North
shopthequeensway.com (formerly The Queensway)	117-2014	9	1	Ward 3 Etobicoke-Lakeshore

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Business Improvement Area	Designating By-law (Former Municipality)	Number of Members (Includes Members of Council)	Number of Councillors	Ward in Which Business Improvement Area is Located
The Beach (formerly Beaches)	1020-2020	12	1	Ward 19 Beaches-East York
The Eglinton Way	662-86 (Toronto)	16	2	Ward 8 Eglinton-Lawrence Ward 12 Toronto-St. Paul's
The Kingsway	639-2003	11	1	Ward 3 Etobicoke-Lakeshore
The Waterfront (formerly Queens Quay Harbourfront)	1018-2020	13	1	Ward 10 Spadina-Fort York
Toronto Downtown West (formerly Toronto Entertainment District)	1188-2009	16	1	Ward 10 Spadina-Fort York
Trinity Bellwoods (formerly Dundas-Bathurst)	1030-2007	8	2	Ward 10 Spadina-Fort York Ward 11 University-Rosedale
Upper Village	838-2006	7	2	Ward 8 Eglinton-Lawrence Ward 12 Toronto-St. Paul's
Uptown Yonge	765-2005	20	3	Ward 8 Eglinton-Lawrence Ward 12 Toronto-St. Paul's Ward 15 Don Valley West

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Business Improvement Area	Designating By-law (Former Municipality)	Number of Members (Includes Members of Council)	Number of Councillors	Ward in Which Business Improvement Area is Located
Village of Islington	917-2014	9	2	Ward 2 Etobicoke Centre Ward 3 Etobicoke-Lakeshore
Weston Village	103-2018	6	1	Ward 5 York South-Weston
West Queen West	516-2005	17	2	Ward 9 Davenport Ward 10 Spadina-Fort York
Wexford Heights	503-2020	10	2	Ward 16 Don Valley East Ward 21 Scarborough Centre
Willowdale	1024-2020	13	1	Ward 18 Willowdale
Wilson Village (formerly Wilson-Keele)	1299-2013	14	1	Ward 6 York Centre
Wychwood Heights	953-2002	7	1	Ward 12 Toronto-St. Paul's
Yonge-Lawrence Village	554-2000	8	2	Ward 8 Eglinton-Lawrence Ward 15 Don Valley West
Yonge and St. Clair	105-2018	17	2	Ward 11 University-Rosedale Ward 12 Toronto-St. Paul's
York-Eglinton	211-2007	9	2	Ward 8 Eglinton-Lawrence Ward 12 Toronto-St. Paul's

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BUSINESS IMPROVEMENT AREA MAPS
Name of Business Improvement Area and Number of Maps⁸

⁸ Editor's Note: For ease of reference, the list of Business Improvement Areas and the number of maps for each Area can be accessed with the Business Improvement Area Maps.

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SCHEDULE B
Business Improvement Area
Board of Management Procedures

[Amended 2017-07-07 by By-law 785-2017⁹]

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;
 - (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

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.

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- (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.

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- 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.
- 4.1 A. During any period where an emergency has been declared to exist in all or part of the City of Toronto under section 4 or 7.0.1 of the Emergency Management and Civil Protection Act: **[Added 2020-04-30 by By-law 340-2020; amended 2020-07-29 by By-law 649-2020]**
- (1) A Board may hold a meeting where some or all of the Directors participate electronically; and
 - (2) Where a meeting is being held in accordance with subsection (1):
 - (a) any Director participating in the meeting electronically shall be deemed present for the purposes of determining whether a quorum is present under subsection 19-3.10 of City of Toronto Municipal Code Chapter 19, Business Improvement Areas, and for the purposes of voting on any matter put to a vote under section 5, and for all other purposes.
 - (b) any Director participating in the meeting electronically shall be entitled to participate in any portion of the meeting closed to the public.
- B. Subsection A shall continue to apply for the period ending one year following the termination of the latter of the COVID-19 emergency declaration under section 4

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of the Emergency Management and Civil Protection Act, and the COVID-19 emergency declaration under section 7.0.1 of the Emergency Management and Civil Protection Act. **[Added 2020-07-29 by By-law 649-2020]**

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;

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- 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.

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SCHEDULE C
Eligibility to Vote – General Meetings
and Annual General Meetings

[Added 2017-07-07 by By-law 785-2017]

<p>Property Owners</p> <ul style="list-style-type: none"> - 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.) <p>Note: This information can be found on the Notice of Assessment from the Municipal Property Assessment Corporation and the property tax bill.</p>		
<p>I am the sole owner of the property. ↓</p>	<p>There are two or more co-owners of the property. ↓</p>	<p>The property is owned by a corporation. ↓</p>
<p>You are entitled to one vote per motion</p>	<p>The co-owners must select one owner to vote on their behalf (one vote per motion).</p>	<p>The corporation must appoint a person to vote on its behalf (one vote per motion).</p>
<p>No person or corporation may have more than one vote, regardless of the number of properties or businesses they own or co-own.</p>		

<p>Business Owners</p> <ul style="list-style-type: none"> - 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.) 		
<p>The business is a sole proprietorship ↓</p>	<p>The business is owned by a partnership or cooperative ↓</p>	<p>The business is owned by a corporation. ↓</p>
<p>The business owner is entitled to one vote per motion.</p>	<p>The members of the partnership or cooperative must appoint one person to vote on their behalf (one vote per motion)</p>	<p>The corporation must appoint one person to vote on its behalf (one vote per motion).</p>
<p>No person or corporation may have more than one vote, regardless of the number of properties or businesses they own or co-own.</p>		

Schedule 3: News Article

**NEWS**Ministry of the Environment, Conservation and Parks

Asphalt Company Fined \$175,000 for Environmental Protection Act Violations

December 20, 2019 1:00 P.M.

Convicted - Ingram Asphalt Inc.

Court Location - Toronto Court

Description of Offence - The convictions relate to permitting the discharge of Benzo(a)Pyrene, a contaminant that exceeded established standards, and for violating three ministry approval conditions, and for alteration of equipment without ministry approval.

Date of Offence - During various periods between December 16, 2016 and April 20, 2018.

Date of Conviction - December 4, 2019

Penalty Imposed - Ingram Asphalt Inc. was convicted of five violations under the Environmental Protection Act and was fined \$175,000.00 plus a victim fine surcharge of \$43,750 and was given 24 months to pay the fine.

Background:

- Ingram Asphalt Inc. produces asphalt road pavement at a facility located on Ingram Drive in Toronto, within an industrial area shared with various businesses, and a commercial building with residential space.
- Over the years there have been complaints regarding concerns about dust leaving the site and adversely impacting businesses and quality of life.
- With respect to the prosecution on the discharge of Benzo(a)Pyrene into the air, the company was fined \$100,000 for permitting the discharge for a specified averaging period and exceeding the acceptable levels under Section 20 (2) of Ontario Regulation 419/05 under the Environmental Protection Act, on December 11, 2017. The ministry was notified of the exceedance with reported levels in the air of 0.0000297 micrograms per cubic meter, compared to the allowable limits specified as 0.00001 micrograms per cubic meter, almost three times the allowed maximum.
- Ingram Asphalt was fined \$55,000 for three violations for non-compliance with a ministry approval for conditions outlined in the company's December 2016 approval conditions specific to addressing concerns about air pollution. Despite efforts by the ministry to bring the company into compliance it was identified that the company was non-compliant in the following areas:
 - Condition No. 1 (5) restricts the height of storage piles to be less than the height of the associated barrier walls
 - Condition No. 10 requires the installation of an opacity monitor in accordance with the requirements

- Schedule "D" requires the company to submit a Source Testing Report in accordance with the requirements
- The company was fined \$20,000 on one violation for altering the approved equipment by failing to connect pipe and duct work from the asphalt tanks to the batch dryer, which is part of the air pollution control equipment.
- The ministry's Investigations and Enforcement Branch investigated and laid charges resulting in the conviction.

Members of the media: Gary Wheeler Communications Branch
416-314-6666
Contact information for the general public: 416-325-4000 or
1-800-565-4923

[Available Online](#)
[Disponible en Français](#)

Schedule 4:
Land Compatibility Guideline
P. 23-25 Table 1

Table 1 – Area of influence and minimum separation distance for select major facilities.

Select Major Facility	Description of Major Facility	AOI & Class	Minimum Separation Distance
Aggregate Operations	Aggregate extraction, Resource extraction, Other mineral quarries	1,000m Class 3*	500m*
Asphalt Manufacturing	Asphalt mixture and block manufacturing, Asphalt shingle and coating manufacturing	1,000m Class 3	300m
Cannabis production and processing facilities	Indoor cannabis production facilities that are located in a <i>settlement area</i> on lands that are zoned for industrial uses; and all cannabis processing facilities	2,000m Class 5	500m
Cement Manufacturing	Cement manufacturing and distribution	2,000m Class 5	500m
Chemical Product Manufacturing	Inorganic chemical manufacturing, Household cleaning and miscellaneous product manufacturing	2,000m Class 5	500m
Composting Facilities	Composting facilities	1,500m Class 4	500m
Concrete (Ready-mix)	Ready-mix and concrete product manufacturing facilities	250m Class 1	100m
Industrial Anaerobic Digesters	Anaerobic digesters that are not agricultural uses	1000 m Class 3	500m
Food Manufacturing	General industrial manufacturing of food products	500m Class 1	200m
Industrial Food Mills (non-agricultural)	W	750m Class 2	300m
(see Section 7.2 of Appendix E)	Operating and non-operating sites	case-by-case Class 5	500m

Select Major Facility	Description of Major Facility	AOI & Class	Minimum Separation Distance
Meat and Meat Product Processes	Slaughterhouses and rendering facilities, Meat by-product processing, Production of foods using fats or oils, Cooking oil production	1,500m Class 4	500m
Metal and Glass Parts Manufacturing	Manufacturing steel parts, Foundries, Metal stamping, glass auto parts	600m Class 2	300m
		2,000m Class 5	500m
Painting/Coating	Application of paint, solvent, lacquer or other coating/ Includes paint spray booths, electroplating, tanneries	400m Class 1	100m
Paper Manufacturing	Paper, newsprint and paperboard mills	1,000m Class 3	400m
Plastics Manufacturing	Manufacturing plastic or rubber products	500m Class 1	100m
Recycling Facilities – General	The sorting, processing, storage and transfer of recycled material (except auto parts)	900m Class 3	200m
Recycling Facilities – End-of-Life Vehicles	The sorting, processing, storage and transfer of motor vehicles	2,000m Class 5	300m
Scrap Yards	Scrap metal recyclers, auto recyclers, auto wreckers	1,500m Class 4	300m
Steel Mills	Iron and steel manufacturing	2,000m Class 5	500m
Waste Transfer Stations	The sorting, processing and transfer of waste	400m Class 1	100m
Sewage Lagoons	Sewage treatment lagoons	500m Class 1	200m

Select Major Facility	Description of Major Facility	AOI & Class	Minimum Separation Distance
Municipal and private communal wastewater facilities (small)	Facilities with a rated capacity less than 25,000 cubic metres per day	300m Class 1	100m
Municipal and private communal wastewater facilities (large)	Facilities with a rated capacity more than 25,000 cubic metres per day	1,250m Class 4	500m

* AOI and MSD only applies to new or expanding *sensitive land use* proposals near *major facility* aggregate operations.

2.3 How to Classify a Major Facility with No Facility-Specific AOI and MSD

This section provides an overview of how to determine the AOI and MSD based on a *major facility* type is not listed in **Table 1**.

1. Identify the type of the major facility

Table 2 of this Guideline provides a description and examples of *major facility* classes to serve as a guide for determining an AOI and MSD. There are 5 classes of *major facilities*.

major facility and seek information to better understand its operation and potential *adverse effects*. If a *major facility* is being proposed, the facility type should be known. If a *sensitive land use* is being proposed or planned, particularly relative to a planned *employment area* permitted under local zoning-by-laws and future development plans. Where *major facility* development plans are unknown or where the planning authority is determining an AOI for an area which contains multiple *major facilities*, the AOI for the largest scale *major facility* that could be permitted by the existing planning framework should be assumed (“worst case” scenario), unless, in collaboration with the planning authority, it

2. Consider the scale and characteristics the operations

Identify the *adverse effects* commonly associated with the type of existing or proposed *major facility* (see **Table 3**) and its operations, including:

- impacts related to the timing of operations (e.g. day-time, shift or 24-hour operations);
- fugitive emissions and vehicular emissions related to the operation;

Schedule 5:
Land Compatibility Guideline
P. 23-25 Table 1

Table 1 – Area of influence and minimum separation distance for select major facilities.

Select Major Facility	Description of Major Facility	AOI & Class	Minimum Separation Distance
Aggregate Operations	Aggregate extraction, Resource extraction, Other mineral quarries	1,000m Class 3*	500m*
Asphalt Manufacturing	Asphalt mixture and block manufacturing, Asphalt shingle and coating manufacturing	1,000m Class 3	300m
Cannabis production and processing facilities	Indoor cannabis production facilities that are located in a <i>settlement area</i> on lands that are zoned for industrial uses; and all cannabis processing facilities	2,000m Class 5	500m
Cement Manufacturing	Cement manufacturing and distribution	2,000m Class 5	500m
Chemical Product Manufacturing	Inorganic chemical manufacturing, Household cleaning and miscellaneous product manufacturing	2,000m Class 5	500m
Composting Facilities	Composting facilities	1,500m Class 4	500m
Concrete (Ready-mix)	Ready-mix and concrete product manufacturing facilities	250m Class 1	100m
Industrial Anaerobic Digesters	Anaerobic digesters that are not agricultural uses	1000 m Class 3	500m
Food Manufacturing	General industrial manufacturing of food products	500m Class 1	200m
Industrial Food Mills (non-agricultural)	W	750m Class 2	300m
(see Section 7.2 of Appendix E)	Operating and non-operating sites	case-by-case Class 5	500m

Select Major Facility	Description of Major Facility	AOI & Class	Minimum Separation Distance
Meat and Meat Product Processes	Slaughterhouses and rendering facilities, Meat by-product processing, Production of foods using fats or oils, Cooking oil production	1,500m Class 4	500m
Metal and Glass Parts Manufacturing	Manufacturing steel parts, Foundries, Metal stamping, glass auto parts	600m Class 2	300m
		2,000m Class 5	500m
Painting/Coating	Application of paint, solvent, lacquer or other coating/ Includes paint spray booths, electroplating, tanneries	400m Class 1	100m
Paper Manufacturing	Paper, newsprint and paperboard mills	1,000m Class 3	400m
Plastics Manufacturing	Manufacturing plastic or rubber products	500m Class 1	100m
Recycling Facilities – General	The sorting, processing, storage and transfer of recycled material (except auto parts)	900m Class 3	200m
Recycling Facilities – End-of-Life Vehicles	The sorting, processing, storage and transfer of motor vehicles	2,000m Class 5	300m
Scrap Yards	Scrap metal recyclers, auto recyclers, auto wreckers	1,500m Class 4	300m
Steel Mills	Iron and steel manufacturing	2,000m Class 5	500m
Waste Transfer Stations	The sorting, processing and transfer of waste	400m Class 1	100m
Sewage Lagoons	Sewage treatment lagoons	500m Class 1	200m

Select Major Facility	Description of Major Facility	AOI & Class	Minimum Separation Distance
Municipal and private communal wastewater facilities (small)	Facilities with a rated capacity less than 25,000 cubic metres per day	300m Class 1	100m
Municipal and private communal wastewater facilities (large)	Facilities with a rated capacity more than 25,000 cubic metres per day	1,250m Class 4	500m

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2.3 How to Classify a Major Facility with No Facility-Specific AOI and MSD

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2. Consider the scale and characteristics the operations

Identify the *adverse effects* commonly associated with the type of existing or proposed *major facility* (see **Table 3**) and its operations, including:

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Schedule 6:
Odour Guideline P. 34-38
Appendix A

Appendix A – Tiers for Odorous Activities and Processes

The Tiers for odorous activities and processes other than those addressed in the EASR publication are listed below in Tables A – F. If a facility is registered to one of the Technical Standards listed Table G in respect of every contaminant set out opposite the Technical Standard in Table G, they will be screened out by the OSF.

The Tiers for odorous activities and processes governed by the Air Emissions EASR Regulation can be found in Tables 1-4, in Chapter 4 of the [EASR Publication](#) (Tier 1 activities and processes are set out in Tables 1 and 2; Tier 2 activities and processes are set out in Tables 3 and 4).

This guideline does not apply to persons applying for an ECA for a waste disposal site or waste management system that is solely for the disposal or management of hauled sewage.

Table A: Tier 1 Activities that Screen In

NAICS Code	Description	Tier	Setback Distance (m)
221320	Municipal and private communal wastewater facilities (design capacity of facility $\leq 25,000 \text{ m}^3/\text{day}$)*	1	500
325510	Paint and coating manufacturing***	1	500
324121	Asphalt paving mixture and block manufacturing (portable)**	1	500
325520	Adhesive manufacturing***	1	500
325910	Printing ink manufacturing***	1	500

*This applies only to municipal and private communal wastewater facilities, and not sewers, pumping stations, septic systems or industrial facilities with wastewater treatment.

**For portable asphalt paving mixture and block manufacturing facilities that do not submit a BMPP with their ECA application, the ECA Director may issue an ECA with a condition that the facility not be located within 500m of an odour receptor.

***Does not include manufacturing of a water-based product that has a volatile organic compound concentration that is 50 grams per litre or less.

Asphalt paving mixture and block manufacturing (portable) - means an asphalt mix facility that is capable of being transported and is installed proximate to the location where the asphalt mix is used.

Table B: Tier 1 Odorous Processes that Screen In

Odorous Process	Tier	Setback Distance (m)
Blowing or expanding foam products	1	500
Crematory	1	200

Odorous Process	Tier	Setback Distance (m)
Meat and poultry processing	1	300
Landfills	1	2000
Thermal treatment of waste (non-biomass)	1	2000
Plastic extrusion or melting	1	100
Printing (printing rates > 100kg/hr, and < 400 kg/hr)	1	100
Process using resins*	1	250
Scented products manufacturing (<10 million kg/year)	1	500
Spraying operations (< 10 L/hr)*	1	100
Waste transfer and/or processing station - indoor (residential or IC&I)**	1	150

*Does not include water-based products that have a volatile organic compound concentration 50 grams per litre or less.

**‘indoor’ means that the operations and any storage is enclosed in a building or structure.

Meat and poultry processing means a facility engaged in meat processing, including but not limited to curing, smoking, cooking, cutting or packaging meat, and does not include animal slaughtering, rendering or tallow production.

Printing (printing rates > 100 kg/hr to < 400 kg/hr) means a printing process engaged in at a facility at which the total of the maximum hourly application rates of all printing inks used in printing processes at the facility is greater than 100 kg/hr and not greater than 400 kg/hr.

Process using resins means a manufacturing processes which require the use of a resin(s) to complete the process but does not include the use of resins for maintenance activities or the manufacturing of resin itself.

Scented products manufacturing (<10 million kg/year) means a manufacturing process in which scented products are produced or used in the process at an annual rate less than 10 million kg/year.

Spraying operation (< 10 L/hr) means a spraying operation engaged in at a facility at which the total of the maximum hourly application rates of all coatings used in spraying operations at the facility is less than 10 L/hr.

Waste transfer and/or processing station (residential or IC&I) means a waste transfer and/or processing station where either residential or industrial, commercial and institutional (IC&I) waste is stored, processed or transferred.

Table C: Tier 2 Activities that Screen In

NAICS Code	Description	Tier	Setback Distance (m)
221320	Municipal and private communal wastewater facilities (design capacity of facility > 25,000 m ³ /day and ≤ 100,000 m ³ /day)*	2	500
322121	Paper (except newsprint) mills**	2	1000
322122	Newsprint mills**	2	1000
322130	Paperboard mills**	2	1000
324121	Asphalt paving mixture and block manufacturing**	2	500
324122	Asphalt shingle and coating material manufacturing	2	500

* This applies only to municipal and private communal wastewater facilities, and not sewers, pumping stations, septic systems or industrial facilities with wastewater treatment.

**Does not include facilities registered to the Pulp and Paper – Industrial Standard in respect of total reduced sulphur compounds or registered to the Asphalt Mix – Industrial Standard (proposed) in respect of Volatile Organic Compounds, as the technical standards focus on addressing emissions from the potentially odorous sources.

Table D: Tier 2 Odorous Processes that Screen In

Odorous Process	Tier	Setback Distance (m)
Cooking or drying animal products	2	500
Composting – leaf and yard waste only	2	500
Food frying	2	500
Printing (printing rates ≥ 400 kg/hr)	2	500
Scented products manufacturing (≥10 million kg/year)	2	500
Wastewater sludge pelletization	2	750
Spraying operations (≥10 L/hr)*	2	500
Vulcanized rubber product manufacturing	2	500
Waste transfer and/or processing station - outdoor (residential or IC&I)	2	500

*Does not include spraying of a water-based product that has a volatile organic compound concentration of 50 grams per litre or less.

Composting – leaf and yard waste only means a leaf and yard waste composting operation engaged in at a facility. This does not include small-scale composting operations such as community gardens, etc.

Printing (printing rates > 400 kg/hr) means a printing process engaged in at a facility at which the total of the maximum hourly application rates of all printing inks used in printing processes at the facility is greater than 400 kg/hr.

Scented products manufacturing (≥ 10 million kg/year) means a manufacturing process in which scented products are produced or used in the process at an annual rate equal to or greater than or equal to 10 million kg/year.

Spraying operation (≥ 10 L/hr) means a spraying operation engaged in at a facility at which the total of the maximum hourly application rates of all coatings used in spraying operations at the facility is greater than or equal to 10 L/hr.

Vulcanized rubber manufacturing means a manufacturing process in which rubber is vulcanized by being heated in the presence of sulphur or sulphur compounds.

Waste transfer and/or processing station (residential or IC&I) means a waste transfer and/or processing station where either residential or industrial, commercial and institutional (IC&I) waste is stored, processed or transferred.

Wastewater sludge pelletization means a process engaged at a facility where wastewater sludge is dewatered, dried and pasteurized into a pelletized form.

Table E: Tier 3 Activities that Screen In

NAICS Code	Description	Tier	Setback Distance (m)
221320	Municipal and private communal wastewater facilities (design capacity of facility $\geq 100,000$ m ³ /day)*	3	n/a
311221	Wet corn milling	3	n/a
311224	Oilseed processing	3	n/a
311225	Fat and oil refining and blending	3	n/a

*This applies only to municipal and private communal wastewater facilities, and not sewers, pumping stations, septic systems or industrial facilities with wastewater treatment.

Table F: Tier 3 Odorous Processes that Screen In

Odorous Process	Tier	Setback Distance (m)
Anaerobic digestion**	3	n/a
Animal or poultry slaughtering	3	n/a
Biofuel production*	3	n/a
Composting other than leaf and yard waste	3	n/a
Ethanol production	3	n/a
Rendering or tallow production	3	n/a
Thermal Treatment of biomass, other than woodwaste*	3	n/a
Waste transfer and/or processing station (putrescible)	3	n/a

*Does not include facilities applying for a REA. Facilities applying for a REA are required to follow the odour requirements listed in O. Reg. 359/09

**This does not include municipal and private communal wastewater facilities with an anaerobic digester that only process wastewater sludge.

Animal or poultry slaughtering means a manufacturing process engaged at a facility that slaughters live animals but does not include facilities that solely process meat.

Schedule 7:
Environmental Compliance
Policy - P. 7 Fig. 1

There may be circumstances where the provincial officer will determine the need to vary from the recommended compliance tool in the IJM based on a program-specific requirement or specific criteria.

Some programs have specific requirements such as legal requirements, specialized inspection protocols and procedures. In these cases, ministry staff follow program-specific requirements.

The ministry will follow up and assess the incident(s) where the activity is directly regulated (e.g. through a permission and/or regulation). Low-risk incidents related to noise and odour that are not directly regulated by the ministry will be referred to a more appropriate level of government (e.g. municipality) or agency.

Figure 1: Informed Judgement Matrix (IJM)

Informed Judgement Matrix		Health and Environmental Consequence				
		1. Not anticipated	2. Low	3. Moderate	4. High	5. Critical
Likelihood of Compliance	A. Demonstrated Willingness AND Good Compliance History	I	I	II	III	IV
	B. Demonstrated Willingness AND No or Some Compliance History	I	II	II	III	IV
	C. Willingness to achieve is uncertain	II	II	III	III	IV
	D. Unwillingness to comply or to take corrective actions	II	III	III	IV	IV
	E. Wilful violation of ministry regulatory requirement	III	IV	IV	IV	IV

Schedule 8:
Environmental Compliance
Policy - P. 7 Fig. 1

Table 2: Environmental and Human Health consequence axis

Category	Consequence Level	Criteria
1	Not Anticipated	<ul style="list-style-type: none"> • Incidents that do not result/potential to result in any environmental or health impacts; and/or • Incidents that are not directly related to health and/or environment, such as loss of enjoyment of the normal use of property or interference with the normal conduct of business, where the intensity, frequency, duration, and impacts, do not result in a human health consequence; and/or • Administrative incidents that do not result/potential to result in any environmental or health impacts
2	Low	<ul style="list-style-type: none"> • Incidents that result/potential to result in a minor, temporary impact to the environment or minor, temporary threat to human health; and/or • Actual or potential localized impacts to property, animal or plant life and the impacts to animal life in the natural environment are not lethal
3	Medium	<ul style="list-style-type: none"> • Incidents that result/potential to result in a moderate, temporary impact to the environment or moderate, temporary threat to human health
4	High	<ul style="list-style-type: none"> • Incidents that result/ has potential to result in significant impact to the environment or significant threat to human health (may be temporary or permanent)
5	Critical	<ul style="list-style-type: none"> • Incidents that result/potential to result in significant and/or permanent damage to the environment and /or • Incidents that result/potential to result in a human health impact that is severe in effect, i.e. resulting in hospitalization and/or long-term human health consequences

Likelihood of compliance axis

Once the environment and/or health consequence has been determined, the provincial officer will then evaluate and determine the likelihood of compliance. The provincial officer considers several factors including the time and effort taken to address the violation, willingness to achieve compliance and compliance history. Generally, compliance history is assessed on an individual or facility basis. However, a responsible person or corporation that has several facilities, places of operation or operates mobile operations may have compliance history assessed on an enterprise-wide basis.

A description of the likelihood of compliance categories are contained in the table below.

Table 3: Likelihood of compliance

Category	Criteria
A	<p>Demonstrated willingness: Good compliance history</p> <ul style="list-style-type: none"> • Good compliance history and; • Responsible person is cooperative • Promptly responds to correct non-compliance and progress on corrective measures are completed within reasonable timelines • Actions taken by the responsible person effectively resolved the non-compliance and aims to prevent recurrence
B	<p>Demonstrated willingness: No compliance history or some non-compliance history</p> <ul style="list-style-type: none"> • No compliance history or some non-compliance history and; • Responsible person has a cooperative attitude; • Promptly responds to correct non-compliance and progress on corrective measures are completed within reasonable timelines; • Actions taken by the responsible person effectively resolved the non-compliance and aims to prevent recurrence • A responsible person who demonstrates little understanding of the rules but is cooperative and shows an interest in being compliant.
C	<p>Willingness to achieve compliance is uncertain</p> <ul style="list-style-type: none"> • Responsible person has a questionable awareness • Unclear if responsible person will comply or take corrective action • Responsible person that has addressed past non-compliances but shows a continued lack of due care and attention
D	<p>Unwillingness to comply or to take corrective actions</p> <ul style="list-style-type: none"> • Uncooperative or argumentative • Reluctance or other indication that corrective actions will be slow or insufficient • Responsible person does not acknowledge the known or potential violations or indicate corrective actions that will be taken • Is aware of the requirements but continues to stall or otherwise delay taking corrective actions or put in place measures to prevent reoccurrence (e.g. delayed maintaining or installing equipment)
E	<p>Wilful violation of ministry regulatory requirement</p> <ul style="list-style-type: none"> • Ongoing non-compliance despite mandatory ministry direction (e.g. non-compliance with ministry order); • Result of gross negligence and/or deliberate actions by a responsible person; and/or • Knowingly provides false information or actively tries to hinder a ministry staff in carrying out their duties • Interferes with a ministry inspection