



memorandum

December 7, 2012

To: Mayor and Members of Council

From: Jeffrey A. Abrams, City Clerk

Re: Petition to Repeal By-law Number 169-84, as amended
A By-law to designate the Kleinburg Business Improvement
Area (KBIA) – Follow Up Report
Item 3, Committee of the Whole Report No. 48

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Item #	<u>4</u>
Report No.	<u>48</u>
<u>Council - December 11/12</u>	

Consideration of Item 3 of Committee of the Whole Report No. 48 was referred to the Council meeting of December 2012 to enable the City Clerk to advise Council on the outcome of the statutory process resulting from the receipt of a petition seeking the dissolution of the Kleinburg Business Improvement Area (KBIA).

As noted in the accompanying report on this matter, pursuant to section 211(1) of the *Municipal Act*, on September 27, 2012 notice was given by mail to the KBIA Board of Management and to every person who, on the last returned assessment roll, was assessed for rateable property within the KBIA. Pursuant to the notice, in order for the KBIA by-law to be repealed, at least one-half of the persons entitled to receive the notice, who are responsible for at least one-half of the taxes levied on rateable property by the City within the improvement area, must request the repeal.

The 60 day period during which such requests were to be received by the City Clerk ended on November 27, 2012.

Within the KBIA 34 owners appear on the assessment roll and a further 9 tenants were reported to the City Clerk as being responsible for all or part of the taxes on the relevant property (43 in total).

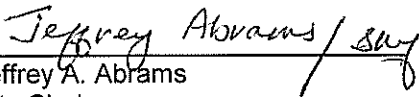
Twenty-one (21) objection letters were received by the deadline, which is less than the 50% threshold established by the *Municipal Act* for the by-law to be repealed. Further, the 21 objectors represent only \$197,312 in taxes levied on rateable property in all prescribed business property classes within the improvement area, which is less than the \$239,510 threshold in the *Act*, being the amount calculated to be 50% of all such taxes levied within the improvement area.

Section 211(7) of the *Act* requires the Clerk to determine whether the conditions requiring repeal have been met and, if so, to issue a certificate affirming that fact. As noted in the paragraph above the conditions requiring repeal have not been met, and so no certificate will be issued and the by-law is not required to be repealed. The *Act* provides at section 211(8) that this determination by the Clerk is final.

Recommendation

- (1) It is recommended that the report of the City Clerk, dated November 27, 2012, be received and that no further action be taken in this matter.

Respectfully submitted,


Jeffrey A. Abrams
City Clerk