

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 25, 2012

Item 32, Report No. 33, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on September 25, 2012.

**32 PETITION TO REPEAL BY-LAW NUMBER 169-84, AS AMENDED,
A BY-LAW TO DESIGNATE THE KLEINBURG BUSINESS IMPROVEMENT
AREA (KBIA)
WARD 1**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the City Clerk, dated September 4, 2012:

Recommendation

The City Clerk recommends:

- 1) That the petition received on August 7, 2012 requesting removal of the KBIA By-law (Attachment 1) be received; and
- 2) That the City Clerk be directed to give notice in accordance with the relevant legislation.

Contribution to Sustainability

Not applicable

Economic Impact

There is no economic impact as subsection 214(2) of Municipal Act (the Act) allows for any liabilities to be recovered by imposing a charge on all rateable property in the former improvement area that is in a prescribed business property class.

Communications Plan

The City Clerk will provide the appropriate notice as set out in subsection 210(1) of the Municipal Act.

Purpose

The purpose of this report is to inform Council of the petition received on August 7, 2012 requesting removal of the KBIA By-law Number 169-84, as amended, a by-law to designate the KBIA.

Background - Analysis and Options

On August 7, 2012, the City Clerk received a petition entitled, "Petition to remove the KBIA by-law from Kleinburg Property Owners". The Act requires Council to give notice within 60 days after receiving a resolution or request of this nature.

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

(b) a request for the repeal signed by persons who are responsible for at least one-third of the taxes levied for purposes of the general local municipality levy on rateable property in all prescribed business property classes in the improvement area.

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(2) Statement – A person signing a request under clause (1) (b) shall state what amount of taxes on rateable property in the area that the person is required to pay.

(3) Time – Council shall give notice within 60 days after receiving the resolution or request.

The conditions set out in subsection 211.(1)(b) and (2) above have been met and notice pursuant to subsection 210(1) of the Act is required to be given within the prescribed 60 day time frame.

The following sets out the conditions and timing for the repeal of the by-law to take effect:

211.(4) Repeal – Council shall repeal the by-law under subsection **204 (1) [Designation of Improvement Area]** if requests for the repeal are received by the clerk of the municipality within 60 days after the last day of mailing of the notices and,

(a) the requests have been signed by at least one-half of the total number of persons entitled to notice under subsection 210(1) and under clause 210(2)(a); and

(b) those who have signed the requests are responsible for at least 50 per cent of the taxes levied for purposes of the general local municipality levy on rateable property in all prescribed business property classes in the improvement area.

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

Should the repeal of By-law Number 169-84, as amended, be successful, the KBIA Board of Management will be dissolved.

214(1) Dissolution of board – upon the repeal of a by-law under subsection 204(1), the board of management is dissolved and the assets and liabilities of the board become the assets and liabilities of the municipality.

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

It should be noted that the request received from the KBIA Board of Management to increase the minimum and maximum special charges for the period 2012 to 2014 is being put on hold until the request to repeal By-law Number 169-84, as amended, is resolved.

Relationship to Vaughan Vision 2020/Strategic Plan

This report supports Vaughan Vision 2020/Strategic Plan:

Service Excellence: Demonstrate Excellence in Service Delivery
Staff Excellence: Demonstrate Effective Leadership

Regional Implications

There are no regional implications associated with this report.

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Conclusion

Pursuant to the relevant legislation, Council is required to give notice within 60 days after receiving a request of this nature. The City Clerk will send out the prescribed notice immediately following the Council meeting of September 25, 2012. Following the Notice and Request to Repeal period staff will report back to Council.

Attachments

1. Petition received August 7, 2012 entitled, "Petition to remove the KBIA by-law from Kleinburg Property Owners".

Report prepared by:

Sybil Fernandes, Deputy City Clerk

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

COMMITTEE OF THE WHOLE SEPTEMBER 4, 2012

PETITION TO REPEAL BY-LAW NUMBER 169-84, AS AMENDED, A BY-LAW TO DESIGNATE THE KLEINBURG BUSINESS IMPROVEMENT AREA (KBIA) WARD 1

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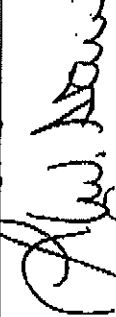

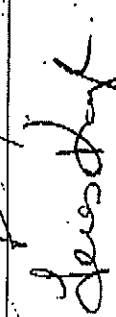
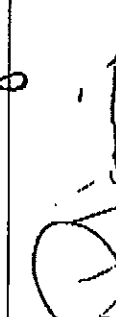


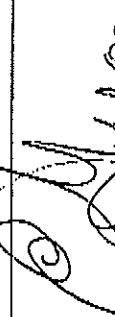


Respectfully submitted,

Jeffrey A. Abrams
City Clerk

Petition to remove the KBIA by-law from Kleinburg Property Owners

<p>Petition summary and background</p>	<p>We the property owners of Kleinburg wish to remove the KBIA by-law from our property taxes. We feel that this association is not effective and does not act on the best interest of the parties below. Furthermore, as property owners we do not have a voting right under this new by-law, which we feel violates our rights as business and property owners. Listed are a few examples of why we feel that the KBIA does not work for our business here in Kleinburg:</p> <ol style="list-style-type: none"> 1) Property or Business Owners do not have a voting right, it has been stated that only 10 Board members have the final right to vote and majority of those members are Tenants. 2) Spending and Distribution of the KBIA money without the approval and knowledge of all Property or Business Owners. 3) Increases to the budget, which we opposed but still implemented. 4) Conflict of Interest based on board members promoting nepotism by giving jobs or work to their own family members or friends instead of getting 3 or more bids on a job and finding the best company at the best price for the Business in Kleinburg.
<p>Action petitioned for</p>	<p>We, the undersigned, are concerned business and property owners who urge and appeal our leaders to act now to remove the KBIA by-law in Kleinburg.</p>

.RECEIVED
AUG 7 - 2012
CLERK'S DEPT.

Printed Name	Signature	Address	Property Owner/Tenant	Property Taxes Paid for 2011	KBIA Fees paid for 2011	Date
VALENTINA / AMBROSIO PERRELLI		10489 Islington Ave	OWNER	\$ 12,493.65	\$ 537.18	June 15/1
MIAORA MENDIAS		10496 ISLINGTON AVE	TENANT	Ø	100.00	
Larry Saunders 30. Stewart Assoc. in Services Inc		10504 Islington Ave.	Tenant	Ø		June
Lucky Rajah Parashar 21911741 Ontario Inc 1050		10504 Islington Ave	Owner	\$ 24,900		
Teresa Kavareh Nuage 10496		10496 Islington Ave.	Tenant	Ø	353.	June 15
Philip Lanni Comfort Communities		10496 Islington Ave	Property Owner	Approx \$ 12,000	Ø	June 12
Helena Dean Dean Veterinary Hosp.		10435 Islington	Property Owner	8,200		June 15
Jeff Wright SARE Farm		10535 Islington Ave	Tenant			JUNE 15
Studio Salon E Emma Greco		10504 Islington Ave	Tenant	Ø	\$ 200	June 15
Femmes Inc		10522 Islington Ave	Tenant	\$ 9,341	\$ 200	
Oggettini		33 Nashville Rd	Tenant	Ø		June 15

Printed Name	Signature	Address	Property Owner/Tenant	Property Taxes Paid for 2011	KBIA Fees paid for 2011	Date
Patty Cane	P. Cane	33 Nashville Rd.	Tenant	\$		June 15
WILSON LINDSEY		10519 ISLINGTON AVENUE	Tenant	10,000	665.70	June
MAURO DELAURO		1112 De La Hoya	Owner	150,000.00	350.00	June
THOMAS CARRE			Owner	\$		
MARC PERI						
FRANCIS PERI						
PERI		10480 ISLINGTON UNIT 9	Tenant	\$4000-		June
DAVID GILBERT				4,000,		
WILSON						
M. Elisa Vallescu		10489 ISLINGTON	Owner	\$8,378	\$350	
	ELISA VALLESCU					