

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 11, 2012

Item 3, Report No. 48, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan December 11, 2012, as follows:

By approving the following recommendation in accordance with Communication C6 from the City Clerk, dated December 7, 2012:

That the report of the City Clerk, dated November 27, 2012, be received and that no further action be taken in this matter.

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

The Committee of the Whole recommends approval of the recommendation contained in the following report of the City Clerk, dated November 27, 2012:

Recommendation

The City Clerk recommends:

- 1) That consideration of this matter be deferred to the December 11, 2012 Council meeting and that the Clerk be requested to submit an update on whether there has been sufficient response in relation to the notice letters to require that By-law Number 169-84, as amended, be repealed.

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

Council's decision will be communicated to the Chair of the KBIA Board of Management and all who signed the petition.

Purpose

The purpose of this report is to provide a follow up report regarding 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 (refer to Attachment 1 – Council Extract, Item 32, Committee of the Whole Report 33).

On September 27, 2012 notice letters were mailed to the KBIA Board of Management Chair and

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EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 11, 2012

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to every person who, on the last returned assessment roll, was assessed for rateable property within the KBIA. The 60 day repeal period ends on November 27, 2012, the same date this report will be considered at Committee of the Whole. An update will be provided to Council on December 11, 2012 at which time staff will be in a position to fully inform Council whether there has been sufficient response in relation to the notice letters to require that By-law Number 169-84, as amended, be repealed.

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 also listed on the November 27, 2012 Committee of the Whole agenda. The staff recommendation will be submitted for consideration at the Council meeting of December 11, 2012 should the by-law to designate the Kleinburg Business Improvement Area **not** be repealed.

Relationship to Vaughan Vision 2020/Strategic Plan

This report supports Vaughan Vision 2020/Strategic Plan:

Service Excellence: Demonstrate Excellence in Service Delivery

Regional Implications

There are no regional implications associated with this report.

Conclusion

The 60 day repeal period as set out in the relevant legislation ends on November 27, 2012. Given this is the same date as the Committee of the Whole meeting, staff recommend consideration of this matter be deferred to the Council meeting of December 11, 2012 and that the Clerk be requested to submit an update on whether there has been sufficient response in relation to the notice letters to require that By-law Number 169-84, as amended, be repealed.

Attachments

1. Council Extract – Item 32, Committee of the Whole Report No. 33.

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.)



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

C	<u>6</u>
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).

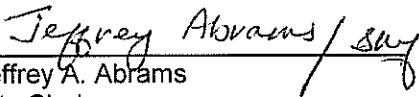
Twenty-one (21) objection letters were received by the deadline, which is less than the 50% threshold established by the *Municipal Act* for the by-law to be repealed. Further, the 21 objectors represent only \$197,312 in taxes levied on rateable property in all prescribed business property classes within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

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

Recommendation

The City Clerk recommends:

- 1) That consideration of this matter be deferred to the December 11, 2012 Council meeting and that the Clerk be requested to submit an update on whether there has been sufficient response in relation to the notice letters to require that By-law Number 169-84, as amended, be repealed.

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

Council's decision will be communicated to the Chair of the KBIA Board of Management and all who signed the petition.

Purpose

The purpose of this report is to provide a follow up report regarding 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 (refer to Attachment 1 – Council Extract, Item 32, Committee of the Whole Report 33).

On September 27, 2012 notice letters were mailed to the KBIA Board of Management Chair and to every person who, on the last returned assessment roll, was assessed for rateable property within the KBIA. The 60 day repeal period ends on November 27, 2012, the same date this report will be considered at Committee of the Whole. An update will be provided to Council on December 11, 2012 at which time staff will be in a position to fully inform Council whether there has been sufficient response in relation to the notice letters to require that By-law Number 169-84, as amended, be repealed.

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 also listed on the November 27, 2012 Committee of the Whole agenda. The staff recommendation will be

submitted for consideration at the Council meeting of December 11, 2012 should the by-law to designate the Kleinburg Business Improvement Area **not** be repealed.

Relationship to Vaughan Vision 2020/Strategic Plan

This report supports Vaughan Vision 2020/Strategic Plan:

Service Excellence: Demonstrate Excellence in Service Delivery

Regional Implications

There are no regional implications associated with this report.

Conclusion

The 60 day repeal period as set out in the relevant legislation ends on November 27, 2012. Given this is the same date as the Committee of the Whole meeting, staff recommend consideration of this matter be deferred to the Council meeting of December 11, 2012 and that the Clerk be requested to submit an update on whether there has been sufficient response in relation to the notice letters to require that By-law Number 169-84, as amended, be repealed.

Attachments

1. Council Extract – Item 32, Committee of the Whole Report No. 33.

Report prepared by:

Sybil Fernandes, Deputy City Clerk

Respectfully submitted,

Jeffrey A. Abrams
City Clerk

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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EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 25, 2012

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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.)