Ontario

Business Improvement Area Handbook

2010

Cover: St. Catharines BIA

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Important Note to User:

This Handbook is a guide to establishing and operating a business improvement area (BIA) in Ontario. The Ministry of Municipal Affairs and Housing believes that it may be helpful to municipal users and BIA members and staff.

The Handbook summarizes and deals with complex matters. It does not include all details, and does not take into account local facts and circumstances. As well, the Handbook refers to or reflects laws and practices which are subject to change or do not apply in Ontario. Municipalities and BIAs are responsible for making local decisions, including compliance with any common law, applicable statutes or regulations. For these reasons, the Handbook, as well as any links or information from other sources referred to in it, should not be relied upon, including as a substitute for specialized legal or professional advice in connection with any particular matter. The user is solely responsible for any use or application of the Handbook.

Although the Handbook has been carefully prepared, the Ministry does not accept any legal responsibility for its contents or for any consequences, including direct or indirect liability, arising from its use.

FOREWORD: THE 2010 BIA HANDBOOK

This Third Edition of the Ministry of Municipal Affairs and Housing *Business Improvement Area Handbook* provides a summary overview of procedures for establishing and operating a business improvement area (BIA) in Ontario. It is updated from the last (2004) edition of the Handbook, and reflects changes to legislation and bylaws to March 1, 2010.

The new provisions in the *Municipal Act, 2001* and the *City of Toronto Act, 2006*, which are administered by the Ministry of Municipal Affairs and Housing (MMAH), may impact the relationship between BIAs and municipalities.

In particular, the legislation now states that BIAs are local boards. Municipalities have considerable flexibility in the creation and operation of BIAs and other local boards.

The handbook also includes information on selected provincial economic development and retention tools that local governments can use in partnership with local business and commercial property owners, including business incubator programs and Community Improvement Plans (CIPs).

In addition, the new "case studies" section showcases a number of activities and events that take place in various BIAs in Ontario. Stories and photos from other BIAs will be considered and may be added to the website in the future.

For More Information

The Handbook cannot provide all of the answers to questions that may arise around the establishment and management of a BIA. It is recommended that municipalities and BIAs seek appropriate legal and professional advice.

Municipalities are encouraged to work with BIAs and local communities to devise solutions that work best in each area. The MMAH Municipal Services Offices are staffed to provide general information and assistance to municipalities, the public, BIAs and BIA associations on a regional basis.

Other general information may also be found through the Ministry of Agriculture, Food and Rural Affairs. In addition, useful information can be obtained from various municipalities, other existing BIAs, and BIA umbrella organizations such as the Ontario Business Improvement Area Association (OBIAA) and the Toronto Association of Business Improvement Areas (TABIA).

MMAH Municipal Services Offices

Eastern Region
Rockwood House, 8 Estate Lane, Kingston ON K7M 9A8
613-545-2100, 1-800-267-9438

Central Region
777 Bay St. 2nd floor, Toronto ON M5G 2E5
416-585-6226, 1-800-668-0230

Northeastern Region
159 Cedar St. Suite 401, Sudbury ON P3E 6A5
705-564-0120, 1-800-461-1193

Northwestern Region
435 James St. S, Suite 223, Thunder Bay ON P7E 6S7
807-475-1651, 1-800-465-5027

Western Region
659 Exeter Rd 2nd floor London ON N6E 1L3
519-873-4020, 1-800-265-4736

The **Ontario Ministry of Agriculture, Food and Rural Affairs** (OMAFRA) also supports BIAs through **economic development advisors.**

For more information:

Toll Free: 1-888-588-4111, Fax:1-519-826-4336, Email: red.omafra@ontario.ca

The **Ontario Business Improvement Area Association** (OBIAA) is an umbrella association of almost 200 BIAs in Ontario. Established in 2001, OBIAA "represents, supports and encourages" member BIAs "to increase their effectiveness and their contribution to the economic, cultural and social well-being of communities in Ontario." OMAFRA and MMAH each have a representative on the OBIAA Board. Among other resources, a detailed operational handbook and a list of member BIA contacts and web links can be found at obiaa.com.

The **Toronto Association of Business Improvement Areas** (TABIA) is an umbrella organization working with about 70 Toronto BIAs and 27,000 associated businesses. TABIA was established in 1980 and provides members with "ongoing means of collecting and exchanging information and addressing common issues and concerns." The TABIA *BIA Operating Handbook*, available at toronto-bia.com, contains both references to legislative requirements and best practices of Toronto BIAs. It may be used in conjunction with other sources, which include, but are not limited to, the *City of Toronto Municipal Code*, including Chapter 19, the *City of Toronto Act, 2006*, and the *Municipal Act, 2001*, including sections 204 – 215.

Some municipalities, such as Ottawa, Hamilton and Windsor, coordinate the activities of their BIAs.

Introduction

Introduction to Business Improvement Areas

Downtown Huntsville BIA

INTRODUCTION TO BUSINESS IMPROVEMENT AREAS

Historical Context – the Bloor West Village BIA

In 1970, responding to a request by a Toronto business association, Ontario passed enabling legislation to create the world's first Business Improvement Area (BIA) in Bloor West Village. Previously relying on voluntary contributions for its projects, the newly-created Bloor West Village BIA could now rely on a steady stream of revenue from a new city levy, made possible under the legislation, for long-term planning to improve the area. Every business within its boundaries contributed to the levy. (For a detailed account, see Appendix F.)

Since the creation of this first BIA, many more have been established. Now there are more than 270 BIAs in Ontario, varying in size from fewer than 60 business and property owners to more than 2000. The BIA concept is now global, adopted by more than 500 communities across Canada, 2000 throughout the United States, and thousands more around the world including Europe, South Africa, Australia, New Zealand and Japan.

What is a BIA?

A Business Improvement Area (BIA) is a "made-in-Ontario" innovation that allows local business people and commercial property owners and tenants to join together and, with the support of the municipality, to organize, finance, and carry out physical improvements and promote economic development in their district.

Traditionally, a BIA is a body established by a municipality using the specific business improvement area provisions in the *Municipal Act, 2001*. It is governed by a board of management. In this handbook, the term **traditional BIA** is used to generally describe such a body.

Business and property owners or others can request that a BIA be designated by a municipal bylaw. BIAs are local entities. The legislation states they are local boards.

People also refer to the geographic area designated by a municipality for a BIA as the BIA.

BIA Membership and Funding

Once a traditional BIA is approved by municipal council, businesses within its boundaries become members and pay the BIA levy along with their property taxes. A traditional BIA view is that this structure reflects the principle that all who benefit should be required to bear their fair share of the cost of the program. In addition, the arrangement provides a secure source of funding for BIA activities.

In addition, many BIAs undertake modest or extensive public and private fundraising to raise funds for special events or activities.

Historic Downtown Chatham BIA

Functions of a BIA

The general functions of a traditional BIA are to:

- Oversee the improvement, beautification and maintenance of municipally-owned land, buildings and structures in the area beyond that provided at the expense of the municipality generally
- Promote the area as a business or shopping area

Chapter 19 of the *Toronto Municipal Code*[*], which was substantially changed in 2007, lists additional BIA functions. They include, among others:

- To maintain business improvement area-initiated streetscaping and capital assets within the business improvement area
- To offer graffiti and poster removal services respecting building facades visible from the street, to all member property owners who provide written consent, upon approval of the program by the general membership of the business improvement area
- To undertake safety and security initiatives within the business improvement area
- To undertake strategic planning necessary to address business improvement area issues
- To advocate on behalf of the interests of the business improvement area

[*] The *City of Toronto Municipal Code* is a compilation of city bylaws arranged in chapters by subject. Chapter 19 deals with BIAs. The website address is: toronto.ca/legdocs/municode/1184_019.pdf

Examples of BIA Activities

Beautification

BIAs often provide enhancements in a business area to create a more pleasant atmosphere for local businesses and neighbouring residential areas. The most common way is streetscape improvement through the addition of customer-friendly lighting, signage, street furniture, planters, banners and sidewalk treatments as well as seasonal decorations.

Revitalization and Maintenance

BIAs can help to revitalize, improve and maintain physical infrastructure as well as help make an area cleaner and safer. Approaches have ranged from working towards brownfield redevelopment and building façade restoration to graffiti removal and enhanced street cleaning and garbage receptacles.

Marketing and Promotion

To retain and expand its customer base, a BIA may encourage both local residents and others to shop and use services within the local commercial district through marketing and promotional activities.

Special Events

BIAs often organize and work with community partners to hold special events to promote and showcase their businesses. Examples include holding a street dance, music, theatre or dance festival, food fair, arts and crafts exhibition, art studio tour, fashion show, ethnic/cultural celebration and seasonal carnival or parade as well as establishing a local farmers' market.

Business Recruitment

BIAs often work with commercial or industrial property owners to help ensure that available space is occupied, and that an optimum business and service mix is achieved and maintained.

Communication

BIAs can act as a voice for the business community and often establish important relationships with other community voices, such as city council, municipal departments, local community groups (schools, churches, citizen groups, etc.) and institutions (chambers of commerce, committees of council, etc.). The BIA forum can be used to convey community concerns to council and help prompt council to pursue policies and activities to promote and strengthen the community and its unique identity. Likewise, it can provide a feedback mechanism for council issues.

Who May Benefit from a BIA?

Business Operators

All businesses in the area, whether retail, professional, dining, entertainment or finance, may gain advantages from the improved local atmosphere and ambience that a successful BIA helps to create. Improvements and activities may retain more local customers and attract more visitors. Cost savings to members may result from improved integration of capital funding and promotional activities.

Property Owners

BIA-initiated improvements and activities may help to create and sustain a more vibrant economic environment within an area, which may lead to an increased demand for retail and office space, a decrease in commercial vacancy rates and an increase in property values.

Downtown Yonge BIA

Georgetown BIA

Surrounding Neighbourhoods

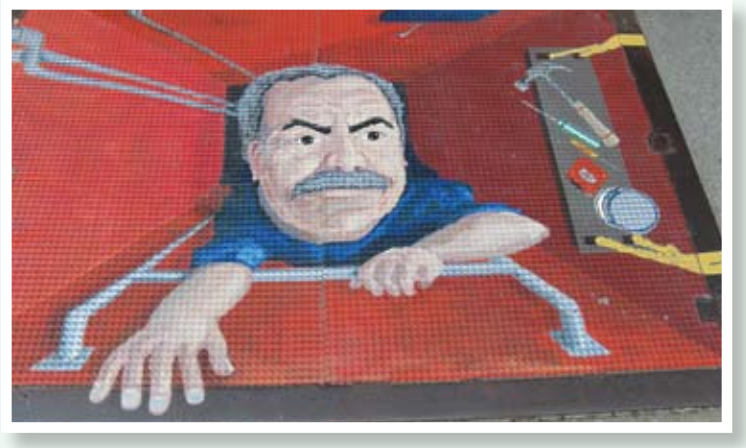
A BIA may improve quality of life in surrounding neighbourhoods through physical improvements as well as enhanced ambience, choices in local shopping and professional services, job opportunities, cleanup and safety programs, and community get-togethers.

The Wider Community

Fostering local economic development and revitalization in an area can stimulate new impetus for tourism and investment in the wider community. Increased business activity can improve both the municipal and sales tax base and support public services of benefit to all. Fostering community engagement can strengthen and build community interest, spirit, pride and networks well beyond the boundaries of a BIA.

Role of the Province

Role of the Province



Downtown Port Colborne BIA

ROLE OF THE PROVINCE

The Ministry of Municipal Affairs and Housing (MMAH) administers the legislation that governs BIAs. MMAH encourages municipalities to work with BIAs by having a dialogue about the responsibilities of the BIAs, and also to devise solutions that work best in each area.

Support

The Province provides support for BIAs in Ontario in a variety of ways.

The Ministry of Municipal Affairs and Housing is responsible for administering the legislation and the policy concerning BIAs. The Ministry responds to inquiries from municipalities, the public, BIAs, and BIA Associations. MMAH has produced the BIA Handbook every few years, and now has made it available online at ontario.ca/BIAhandbook.

The web format of this edition may facilitate efficient and timely updates and posting of innovative and effective case studies, best practices, and grant program references.

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) also works to support rural BIAs through economic development advisors. OMAFRA has a number of programs to assist rural BIAs including the Business Retention and Expansion program (BR+E) and the Rural Economic Development program.

MMAH and OMAFRA each have a staff member who sits on the Ontario Business Improvement Area Association (OBIAA) Board.

Meaford BIA

CHANGES TO THE LEGISLATION

Since 1970, the *Municipal Act* has included provisions for BIAs. There have been changes from time to time. For example, on January 1, 2007, most of the *Municipal Statute Law Amendment Act, 2006* (Bill 130) came into force. This Act provided municipalities with new powers, flexibility and autonomy to meet local expectations and fulfill responsibilities.

Change Highlights

The existing sections of the *Municipal Act, 2001* pertaining to Business Improvement Areas continue. Changes made through the *Municipal Statute Law Amendment Act, 2006* and other amending statutes include:

- A new subsection was added [204(2.1)] stating that a BIA board of management is a local board.
- Provisions allowing municipalities to make changes to their local boards – this may make it easier to address local concerns.

Traditionally, a BIA is a body (a corporation) established by a municipality using the specific business improvement area provisions in the *Municipal Act, 2001*. It is governed by a board of management.

In this handbook, the term **traditional BIA** is used to generally describe such a body.

The geographic area designated by a municipality for a BIA, is also sometimes called a BIA.

The *City of Toronto Act, 2006* (COTA) now provides the City of Toronto with its own legislation, and there are some differences concerning the topic of BIAs. One of these is that COTA does not have provisions comparable to sections 204-215 of the *Municipal Act, 2001*.

Flexibility

Local Boards and Other Structures, and Related Responsibilities

Ontario municipalities have flexibility with respect to Business Improvement Areas. Municipalities can consider the development of local solutions and there is opportunity for the BIA-municipality relationship to grow stronger in order to meet future challenges. Additionally, there is opportunity for the BIA relationship to develop as a local partnership.

To illustrate, three broad options local entities may consider for establishing or regulating BIAs or similar bodies could be described as:

- Referencing the specific BIA sections in the legislation
- Changing BIAs to put in place unique or local provisions
- Creating new local boards with locally decided characteristics that would undertake similar activities to what a BIA does

Municipalities may also consider economic development corporations as an alternative governance structure to deliver traditional BIA services.

In other words, municipalities and BIAs may consider local options and solutions in connection with BIA issues. These might include, for example, creating, changing or dissolving local boards or other entities - to put in place unique and local arrangements.

It is also important for municipalities and BIAs to consider possible responsibilities in the BIA context, such as the general rules in the legislation for local boards. One example is the open meetings provisions found in the *City of Toronto Act, 2006* and the *Municipal Act, 2001*. Further information may be found in the discussion "Understanding the responsibilities of local boards."

Municipal Service Boards

A municipality may also consider creating a municipal service board to undertake traditional BIA activities. Municipalities can establish municipal service boards and provide for the following matters:

- The name, composition, quorum and budgetary process of the board
- The eligibility of persons to hold office as board members
- The manner of selecting board members, the resignation of members, the determination of when a member's seat becomes vacant and the filling of vacancies
- The term of office and remuneration of board members
- The number of votes of the board members
- The requirement that the board follow rules, procedures and policies established by the municipality
- The relationship between the municipality and the board, including their financial and reporting relationship

Municipal service boards (MSB) must be composed of at least two members. The term of office of a MSB member cannot exceed four years, but members may be eligible for appointment for more than one term. Municipal service boards are local boards and would generally be subject to the same rules in the legislation as other local boards are.

The legislation provides generally that municipalities may give a municipal service board the control and management of such services and activities of the municipality as the municipality considers appropriate, and shall do so by delegating the powers and duties of the municipality to the board.

Two or more municipalities can also consider establishing a joint municipal service board.

The *City of Toronto Act, 2006* and Chapter 19 of the *Toronto Municipal Code*

The *City of Toronto Act, 2006*, states generally that every BIA board of management continues as a local board of the City, until the board is dissolved by the City (see section 429).

City Council decided to put in place a chapter for BIAs as part of the Toronto Municipal Code (Chapter 19). Chapter 19 includes procedures for the establishment and operation of BIAs. Topics include:

- The start-up process
- Notice of a proposed BIA bylaw
- Annual budgets
- Financial procedures and reports
- Funds to be raised and minimum and maximum charges
- Changes to boundaries

The Chapter 19 provisions have some similarity to the *Municipal Act*. However, some sections differ or are unique. In addition, some City practices may differ from those of other municipalities. For example:

- Chapter 19 states Community Councils may be able to establish a Board, where designated by Council. (In fact, Community Councils have been delegated some responsibility by Toronto City Council. Members generally represent the municipalities that existed prior to amalgamation.)
- BIAs in practice undertake some activities on private property, such as graffiti removal and safety and security initiatives, with the consent of property owners and approval of the general membership of the BIA.
- There is reference in Chapter 19 to minor alterations to the boundaries of BIAs. They may be possible by a vote of Council without consulting all BIA members, if the Chapter's criteria for "minor" alterations, consent and other conditions are met.
- Chapter 19 states that BIA boards of management shall be composed of one or more members of City Council. The Chapter also provides that BIA Board composition may include persons who are not BIA members. Generally, that composition would be limited to 20 percent of the BIA Board, and a non-member would have to be nominated by a BIA member.

Understanding

The Responsibilities of Local Boards

Local Boards

Burlington Downtown Business Association BIA

Downtown Picton BIA

UNDERSTANDING THE RESPONSIBILITIES OF LOCAL BOARDS

The *Municipal Act, 2001* states that a BIA board of management is a local board for all purposes (see *Municipal Act, 2001*, subsection 204(2.1) for reference) and contains a number of provisions pertaining to local boards.

There are comparable provisions in the *City of Toronto Act, 2001*.

In addition, municipalities may have policies, procedures or bylaws in place that apply to their local boards.

Accountability Offices, Rules and Policies

The following lists some of the accountability offices, rules and policies that may be important for or apply to BIAs and other local boards.

Accountability and Transparency

Many municipalities have a policy relating to matters of accountability and transparency that state a general commitment to be open and fair in their governance.

Integrity Commissioner

A municipality may appoint an independent integrity commissioner, who may have the functions assigned by the municipality with respect to:

- The application of the municipal code of conduct for members of local boards
- The application of municipal or local board procedures, rules or policies governing the ethical behaviour of local board members

Downtown Yonge BIA

Ombudsman

A municipality may appoint an ombudsman who reports to council on the Ombudsman's independent investigations into decisions, recommendations or actions of local boards.

Auditor General

A municipality may appoint an auditor general, who reports to council, and is responsible for assisting council to hold itself and its administrators accountable for the quality of stewardship over public funds and for the achievement of value for money in operations.

A municipality may assign powers and duties to an auditor general in respect of the local boards of the municipality.

Meetings Investigator

Anyone may request an investigation into a closed meeting held by a local board. The investigation would concern whether a local board has complied with the open meetings legislation, or a local procedure bylaw, in respect of a closed meeting.

A municipality may appoint an independent meetings investigator to perform this function. The provincial Ombudsman is the meetings investigator for a municipality, if the municipality does not appoint one.

Financial Management

A municipality may have bylaws or policies relating to sound financial management by its local boards.

Access to Records

Municipalities and local boards may be subject to local records bylaws and to access to information legislation, such as the *Municipal Freedom of Information and Protection of Privacy Act*. Accordingly, records of local boards may be accessible to the public.

In practice, the municipal clerk often keeps copies of local board records.

Delegation of Powers and Duties

Although there are several restrictions to delegation powers, a municipality may consider delegating its powers and duties to local boards.

Policies

Local boards must adopt and maintain policies with respect to:

- Sale and other disposition of land
- Hiring of employees
- Procurement of goods and services

Insurance

Some BIAs have decided to carry insurance for their liability risks, such as potential injury from streetscape items. BIAs considering getting insurance may wish to discuss insurance issues with their municipalities. Among other things, that could help determine what coverage may already be in place, since municipalities often contract for insurance for their local boards.

Remuneration and Expenses

Some BIAs choose to pay remuneration to and the expenses incurred by their members, officers and employees.

Meetings and Procedures

The following summarizes some of the rules about meetings of BIAs and other local boards. The rules about meetings are the same rules that are in place for municipalities (and other local bodies such as committees) generally.

Procedures and Public Notice of Meetings

Local boards must pass a procedure bylaw for governing the calling, place and proceedings of meetings.

A procedure bylaw must provide for public notice of meetings.

Open Meetings

All local board meetings must be open to the public, with limited exceptions.

A local board may close a meeting to the public, if one of the special circumstances provided for in the legislation applies, and if the required procedure is followed.

Exceptions for Closed Meetings

There are a number of instances where a meeting or part of a meeting may be closed to the public. It can happen if certain subjects are being considered, and if appropriate rules are followed.

Downtown Port Perry BIA

The subject matters that could be discussed at closed meetings include, among others, security of local board property, personal matters, litigation and potential litigation.

Procedures to Hold a Meeting that will be Closed to the Public

There are procedural requirements that apply to local boards before they close a meeting or part of it.

As an example, a local board must state by resolution, before a meeting is closed, the fact that they are holding a closed meeting and the general nature of the subject matter to be discussed. Other requirements may also apply, including locally-decided procedural rules.

Record of Meeting

There are requirements for local boards to record their proceedings at meetings. They apply whether or not the meeting is closed.

Meetings Investigator

The legislation now provides for an investigation of local meetings. The responsible official has responsibility to decide whether a local board has complied with the open meetings legislation, or a local procedure bylaw, in connection with a closed meeting.

The official will either be a locally appointed meetings investigator, or the Ontario Ombudsman. Anyone may request this kind of investigation.

Role of the Municipality

Role of the Municipality

ROLE OF THE MUNICIPALITY

The municipality typically plays a key role in the following areas:

- Leadership and commitment by council
- Staff assistance to business leaders in organizing meetings and promotion in the initial conceptualization stages
- Council approval is required to establish a BIA
- Public consultation process – petition/objections
- Council representative on the board of management
- Approval of annual budget, and financial monitoring

General Support

Leadership and commitment of local political leaders has been an essential part of BIA success stories across North America. A BIA board of management and the municipal council and staff work together to achieve their common goal for a strong and vibrant business community.

The municipality can contribute to the BIA in many ways, including:

- Encouraging local business leaders to get started and participating on an ongoing basis
- Providing a supportive growth management and development strategy
- Providing financial and technical resource assistance
- Instituting public improvements
- Providing encouragement and support to BIAs and their staff
- Raising awareness of BIAs among municipal staff and the public at large

Initiation and Participation

Getting started is the first major challenge to setting up a BIA. Initially, interest and effort from local business leaders are key. However, council and municipal staff can play a significant role in helping a BIA to get off the ground. They can provide a venue for local business leaders to get together to discuss possible strategies for revitalizing their local community. A councillor, committee of council, or professional staff members are often assigned to help organize initial BIA meetings and to provide preliminary leadership if necessary. Municipal staff and council can help motivate residents and local business leaders to get organized and take action. Once a traditional BIA is established, council appoints members to the board of management.

York-Eglinton BIA - International Street Festival

Establishing the Board of Management

The board of management of a BIA is typically composed of one or more directors appointed directly by the municipality, with the remaining directors selected by a vote of the membership of the improvement area and then formally appointed by the municipality. In many cases, the council member representing the area in which the BIA is located is appointed to the board.

Once a traditional BIA is established, council appoints members to the board of management. In most cases, the BIA presents a list of nominees to their general membership for a vote prior to submitting these nominees for council approval. This practice helps ensure that the general membership is consulted on the board's composition.

Council participation can have immediate and direct benefits for the BIA. Appointing a councillor to the board of management, and the direct involvement of the council in appointing other board members, provides a measure of authority and credibility to the BIA. This allows for joint planning between the BIA and the council that can maximize the effective use of the BIA budget. Finally, the direct link with and support from council increases the potential for the BIA to secure assistance both from the municipality and from other levels of government.

The council representative on the board of management may play an important communications role by keeping council informed of activities undertaken by the BIA. Generally, this will be the local councillor for the area but, in all cases, the goal is to appoint an individual who is willing to commit time and energy to improving and maintaining the area.

In turn, BIAs often view the council representative's role as keeping the BIA informed of pertinent council matters. For example, the councillor may inform the board of meetings that should be attended, when issues of concern will be dealt with by committees or council as a whole, and how to get the most out of its relationship with the municipality and council.

In Toronto, the practice is that boards of management include one or more members of City Council. Chapter 19 of the Toronto Municipal Code (Business Improvement Areas) includes a listing of the total number of members of the named Business Improvement Areas, how many councillors are members of each, and the number of members required for a quorum.

(Toronto Municipal Code Chapter 19 on BIAs can be found at: toronto.ca/legdocs/municode/1184_019.pdf)

Specific Roles of Municipal Council

In addition to providing an atmosphere conducive to economic and business development and providing general support for BIAs, the municipal council usually has several important official roles with respect to a BIA.

The following sections are an overview of those roles. They summarize some of the formal steps for a municipality in creating a traditional BIA.

Notices

Before passing a bylaw to establish a BIA, a municipality would mail out notices of the proposed bylaw.

Generally, for a new BIA, the notices would go to assessed prescribed business property owners in the proposed area (i.e., owners of property classed as industrial or commercial).

Property owners who receive a notice would give their tenants a copy of the notice within 30 days of the day the notice was mailed. Those owners would also give the clerk of the municipality a list of every tenant and the share of taxes that each tenant is required to pay and the share that the owner is required to pay.

Bylaw

A municipal bylaw formally creates a traditional BIA. Bylaws are also used to implement other significant BIA decisions. These include expanding the BIA boundaries and establishing maximum, minimum, and special benefit charges.

Registering Objections

Some traditional BIA proposed bylaws can be blocked through an objections process. For example, a council may not be able to pass a bylaw establishing a traditional BIA if the clerk of the municipality receives written objections meeting certain conditions. Generally, these are that:

- The objections would have to be received within 60 days after the last day of mailing of the notices
- Objections would have to be signed by at least one-third of the persons entitled to notice of the proposed bylaw
- The objectors would have to be responsible for at least one-third of the general local municipality levy on the prescribed classes (i.e., industrial and commercial properties) in the proposed BIA area.

The municipal clerk determines if the conditions applicable to objections to a BIA bylaw are met.

Downtown Huntsville BIA -
Annual Summer Sidewalk Adventure

Financial Monitoring

A traditional BIA board of management prepares a proposed annual budget, reflecting the priorities and needs of the BIA as determined by the board and membership. The board holds one or more meetings of its members for discussion of proposed budgets. Budgets are submitted to council for approval. The budget is usually financed by BIA levies that are collected by the municipality. Funds are then disbursed by the municipality to the board.

In addition, municipal auditors audit the financial accounts of BIAs, and decide about inspecting relevant documents held by the board.

Altering Boundaries

On occasion, property owners and businesses beyond the borders of a BIA request inclusion. In other instances, these property owners and businesses can be considered to be a natural extension or growth of a pre-existing BIA community and they may be invited to join the BIA.

By the same measure, parts of a BIA may no longer feel an affinity towards their BIA. In these cases, the BIA may want to alter its boundaries.

There is a mechanism for changing the boundaries of a traditional BIA. Before it passes a bylaw to change BIA boundaries, a municipality would mail out notices to members in the original area and potential members in an expanded area (if there is one). New and potential members may object.

Similarly to when a BIA is created, for a traditional BIA, a municipal council may not be able to pass a proposed BIA boundary change bylaw, if the clerk of the municipality receives written objections to the bylaw meeting certain conditions. (These conditions are outlined in the previous section entitled *Registering Objections*). The municipal clerk determines if the conditions applicable to objections to a BIA bylaw are met.

As an alternative to formally adjusting the boundaries, some BIAs have developed associate memberships for businesses that are not located within the BIA boundaries. In practice, BIA levies are not charged on an associated member outside the BIA boundary, and their fees are voluntary.

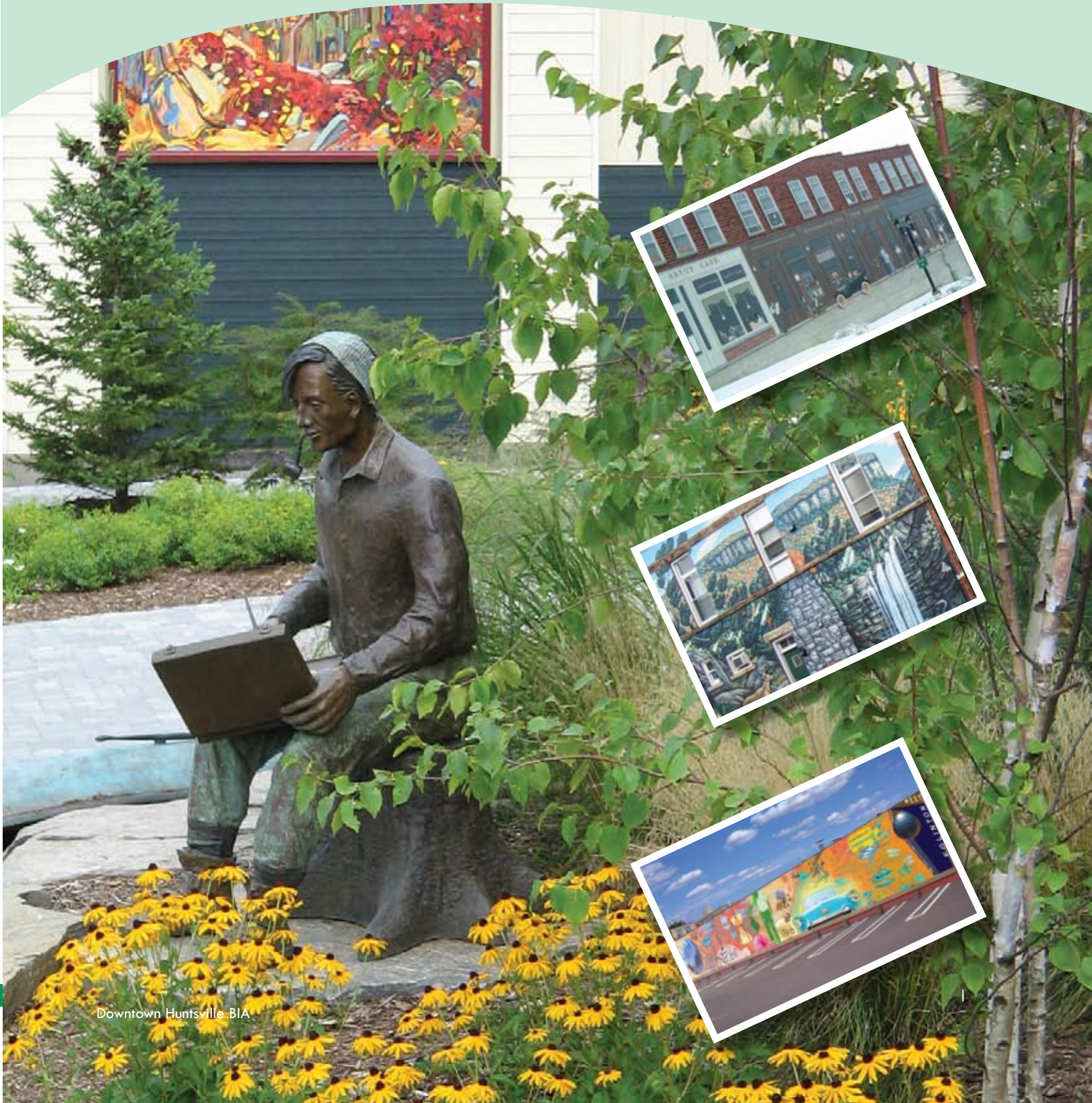
For information concerning the above topics, sections 204-215 of the *Municipal Act, 2001* may be among those of interest (particularly the sections concerning creating or changing BIAs, and section 210 which deals with procedures).

In the City of Toronto, the *Toronto Municipal Code*, Chapter 19 has sections concerning changes to BIA boundaries, and objections and consents to those changes.

When a municipality expands or redefines the boundaries of a BIA, the board of management for the area would usually continue as the board of management for the altered area. It is often prudent to seek board representatives from the new area in the case of a BIA expansion.

Key Steps

Key Steps In Establishing A Traditional Business Improvement Area



KEY STEPS IN ESTABLISHING A TRADITIONAL BUSINESS IMPROVEMENT AREA

The request to designate an area as a BIA usually originates with the local business community affected and is developed in consultation with municipal staff. A request to the municipal council to designate an area identifies the need for a BIA and sets out the boundaries for the proposed area. Some customary important steps in establishing a BIA are outlined below:

NOTE: Chapter 19 of the Toronto Municipal Code (Business Improvement Areas) includes provisions about establishing a BIA.

Key Steps in Establishing a BIA

Step 1: Establish the Need – Business Case

Step 2: Communicate with all Interested Parties

Step 3: Establish a Steering Committee

Step 4: Establish Goals and Objectives

Step 5: Prepare Preliminary Budget Proposals

Step 6: Establish Proposed Boundaries

Step 7: Formalize a Request to the Municipality

Step 8: Notification of a Proposed BIA Designation

Step 9: Pass a Municipal Bylaw

Step 1: Establish the Need – Business Case

The first step in establishing a BIA is to determine the need. Those interested in pursuing the BIA option may wish to start by identifying the existing problems and needs of the area to determine if creating a BIA is an appropriate solution. They may also wish to consider local particulars, such as whether the proposed BIA is a traditional one, and possible differences in local bylaws (e.g. any differences for the City of Toronto).

Among the factors that might be considered are:

- Economic environment and public perception of the area
- Municipal policy and infrastructure affecting the area
- Function and physical appearance of the area
- Marketing and promoting the area
- Sustainable economic growth

Historic Downtown Chatham BIA

Examining the need for a BIA may not require detailed research, surveys or statistical analysis. All that may be required is a plan for the area which takes into account the local needs.

Determining and identifying priorities of the proposed BIA area will help provide a greater awareness and understanding of existing problems and concerns. Conclusions derived from this examination can help generate interest and support for the proposed BIA. It will also be important for the organizers to know, in general terms, how much the addressing of problems and concerns will cost and determine a rough idea of how much of a levy total would be needed.

After completing the examination, the local business group can better determine area needs and whether it sees the creation of a BIA as an appropriate vehicle to meet these needs. If it thinks the BIA is an appropriate vehicle, the group may wish to proceed with the request for a BIA designation. However, it may be imperative for the local business group to realize that need is not enough. Commitment and leadership are essential considerations for the establishment and success of a BIA.

Commitment

A commitment from businesses and property owners in the area is another essential consideration for the success of a BIA. Council and other community business groups may be interested in transforming the area but it is the business people, landlords and tenants in the area who have the greatest interest in the success of the proposed BIA. The onus is therefore on those with the greatest interest in developing the area to devote necessary time and resources to ensure the success of the BIA.

Participants may wish to be aware from the outset that renewal and maintenance will probably require more than physical improvements. Economic stimulus may also be important. New marketing strategies and merchandising techniques may be needed to attract people to the area.

Leadership

Successful development is more likely with the involvement and support of many groups – council, municipal staff, the business community, property owners and the general public. Strong and effective leadership can help ensure that the interests and needs of all of these groups are met and that their efforts are co-ordinated and focussed upon the common goal of the economic development of the local community.

Potential leaders are generally easily identified. Often they are the individuals who initiated the program. Local members of council or chamber of commerce are often obvious choices. However, it must be remembered that some individuals may already have commitments within the wider community, and individuals with a commitment only to the BIA may be more beneficial for the long-run.

Step 2: Communicate with all Interested Parties

Those leading the BIA initiative may wish to launch an extensive information campaign throughout the area within which the BIA would be formed. The information campaigns often inform the property owners and tenants that a BIA is being considered, and focus on highlighting the potential benefits that can be provided by a BIA.

Important considerations when communicating with interested parties may include:

- Holding area meetings to present the BIA concept and to answer questions
- Proposing ideas for beautification and promotion in order to receive feedback from potential members
- Letting potential members know that their opinions are important and that a BIA will only be established with their input
- Distributing newsletters to ask for opinions and ideas
- Inviting speakers from neighbouring communities with a BIA to discuss their experiences
- Working to ensure that all interest groups are involved, including municipal council and staff, in order to maximize input and feedback
- Identifying block 'champions' to provide information to businesses in sections of the proposed BIA and to solicit opinions

Feedback is often important when preparing preliminary budget proposals. Once proposals are prepared, potential members may be provided with an estimate of the amount of the levy that they will be assessed.

It can be important to ensure that communication does not end when the BIA is established. In fact, BIAs often find there is a need to increase communication among members after the BIA is established.

Step 3: Establish a Steering Committee

If the decision to pursue the BIA option is made, as an organizational matter, establishing a steering committee may be considered. (The practice in Toronto is to always have a steering committee for new BIAs with specific functions.) Generally, the steering committee could include leaders in the local business community and the local council member.

The steering committee may wish to hold informal sessions with area businesses and property owners before any formal public information meeting is held, in order to help confirm the proposed BIA boundaries, provide clarification and confirm preliminary interest in taking the next steps to establish a new BIA.

Georgetown BIA

It is often a best practice to ensure that the steering committee has representation from all sections of the proposed BIA. For example, there could be representation not only from retail merchants, but also from professional offices and industrial properties - particularly those of the latter who represent a large percentage of the overall assessment of the area.

A steering committee of this kind could have several roles, including:

- Establishing a set of preliminary goals and objectives
- Establishing proposed boundaries
- Preparing preliminary budget proposals
- Communicating the proposals to all interested parties
- Formalizing a request to the municipality

Step 4: Establish Goals and Objectives

The steering committee may determine proposed goals and objectives of the BIA and related revitalization, maintenance and area development campaigns. These proposals can be used as a basis for discussion, often focused on providing the right mix of retail and services, physical improvements and economic development that will attract customers and improve community ambiance.

Step 5: Prepare Preliminary Budget Proposals

Prioritizing goals and objectives informs budgeting decisions. Usually, a specific amount is budgeted for each priority.

Budgets are best if they are flexible and realistic. A well thought out budget will meet the needs of all types of businesses and property owners and also address questions that may arise. Members may wish to include a range of budgetary estimates that would include “luxury,” “mid-range” and “compact” options.

A preliminary budget may also provide a rough guide to the amount of levy that each business property class or owner will have to pay.

Step 6: Establish Proposed Boundaries

It may be important that the majority of the business and property owners within the proposed area support the designation of the area as a BIA. A consideration is balancing this with the need to define an area that is easily identifiable and in which activities can be managed.

In many cases, BIA boundaries are decided and based on the physical and/or historical characteristics of the area. For example, a river or a bridge may serve as a natural boundary, or older buildings may form a historical boundary. In addition, many shopping districts are easily recognizable and form the basis for BIA boundaries. Municipal staff input could help in determining boundaries.

Step 7: Formalize a Request to the Municipality

Once informal meetings have established general interest, steering committees or organizers may wish to consider more formal public meetings (including contacting all commercial and industrial owners and tenants).

If there appears to be sufficient support and enthusiasm for the BIA among proposed members, a formal request to the municipality for designating the proposed BIA is the customary next step. Requests typically are made in writing and include a final proposal with respect to boundaries, a proposed plan and a preliminary budget. Requests also indicate the level of support for the BIA among potential members, along with details on how information was provided to potential members.

Once a formal request has been made to the municipal council to establish a BIA, traditionally the council would follow an established process and rules, before it passed a bylaw to designate the proposed area as a BIA.

Step 8: Notification of a Proposed BIA Designation

In the traditional BIA establishment process, before passing a bylaw to establish a BIA, a municipality would mail out notices of the proposed bylaw. Generally, for a new BIA, the notices would go to assessed prescribed business property owners in the proposed area (i.e., owners of property classed as industrial or commercial). Property owners who receive a notice would give their tenants a copy of the notice within 30 days of the day it was mailed. Those owners would also give the clerk of the municipality a list of every tenant and the share of taxes that each tenant and owner is required to pay.

It may be important to discuss the benefits and costs of the proposed BIA with the business people in the affected area prior to establishing BIA boundaries and sending out notices. Public meetings can be used to answer questions and address concerns. Discussions and public meetings often continue throughout the notice period.

York-Eglinton BIA

Step 9: Pass a Municipal Bylaw

A municipality may decide to pass a bylaw establishing a BIA. Relevant considerations may include, among others, whether notice periods have ended, and whether there have been any objections to the bylaw.

For more information concerning the above topics, sections 204-215 of the Municipal Act, 2001 may be among those of interest (particularly the sections concerning creating or changing BIAs, and section 210 which deals with procedures). Other legislation (e.g., the City of Toronto Act, 2006), regulations and local bylaws may also be reviewed.

Managing

Managing And Operating A BIA

Downtown Port Perry

MANAGING AND OPERATING A BIA

BIA Membership

The members of a traditional Business Improvement Area consist of both property owners in an improvement area, and their tenants.

Membership in a BIA generally includes attendance at BIA meetings, including the annual meeting of the BIA, and eligibility to vote on BIA-related issues such as the annual budget and selections to the board of management.

Some BIAs also have associates, who attend meetings. Associates are generally business people in the area surrounding but not included in existing BIA boundaries.

Board of Management - Overview

Administration and strategic management of a Business Improvement Area is generally the responsibility of the board of management. In particular, the board of management is typically responsible for overseeing the planning, budgeting, implementing and evaluating of BIA projects.

Rules in the legislation (the *Municipal Act, 2001* and *City of Toronto Act, 2006*) may apply to the term of directors of a BIA board of management. Traditionally:

- The term of the directors of a board of management is the same as the term of the council that appointed them, but continues until their successors are appointed.
- Directors are eligible for re-appointment.

BIA board of management sizes vary considerably, depending on what the municipality decides. In Toronto, the practice is that boards of management include one or more members of City Council.

Chapter 19 of the *Toronto Municipal Code* (Business Improvement Areas) includes a listing of the total number of members of the named Business Improvement Areas, and of how many councillors are members of each.

Traditionally, the municipality appoints one or more directors directly and the remaining members are chosen by a vote of the membership (and later approved by municipal council). The board of management usually consists of between five and ten members.

In most cases, council designates a position on the board of management for the local councillor that represents the area within which the BIA is situated. Apart from the position on the board usually reserved for council appointees, the rest of the board is selected through a vote by the BIA membership subject to their approval by council.

Typical Roles of the BIA Board of Management

Composition and activities of the board of management and its officers:

The BIA board of management typically establishes or makes recommendations to council about rules for the composition and activities of the board of management and its officers (e.g., chair, vice-chair, treasurer). Among the issues often considered are:

- The size of the board of management
- Officer positions
- Rules for quorum
- Procedures for vacancies
- Responsibilities of the board
- Duties and responsibilities of board of management members and officers

Other considerations:

BIA Boards of management also often form rules on:

- Creation, functions and meetings of committees and sub-committees
- General meetings of BIA
- Annual budget
- General expenditures
- Rules of order
- Contracts
- Voting/proxy voting
- Elections

These practices are common. (Many details are not mentioned in the traditional BIA or other legislation.)

Budgets, Funding and Financial and Annual Reports

BIA boards of management traditionally submit their annual budget estimates for council approval. Traditionally, BIA boards could not spend money unless it was included in the estimates, or in a reserve fund. In addition, such boards could not borrow money, and could not incur debts extending beyond the current year without prior council approval. Finally, boards traditionally submit to council an annual report including audited financial statements for the preceding year, by the date and in the form set by council.

The BIA board of management generally exercises a number of informal responsibilities. These often include:

- Selecting an executive
- Establishing and reviewing committees
- Hiring staff
- Establishing BIA policies, constitution and operating bylaws
- Reviewing and assessing BIA programs and projects

Selecting an Executive

Boards of managements usually select an executive. The executive generally consists of at least four members, including:

- Chair
- Vice-Chair
- Treasurer/Secretary
- Committee Chair(s)

The executive is usually chosen by majority vote of the board. In some cases, choices for the executive are submitted to the BIA membership for approval.

Establishing and Reviewing Committees

Boards of managements often establish BIA committees. Many boards initially establish at least two committees, one for beautification and one for marketing and promotion. As the BIA matures, other committees are often introduced to provide for better planning with respect to parking, business development, tourism, revitalization projects and any number of other issues.

Committees generally range in size from three to eight persons. The chair of each committee is often a member of the board of management. Other committee members can include BIA members or local community leaders. Committee members may be appointed for any length of time during the tenure of the board, in practice.

Many BIA boards of managements establish guidelines that govern committee activities, including:

- Board of management membership on the committee
- Selection of a vice-chair for the committee
- The chair of the board is automatically a member of all committees (sometimes called an “ex-officio” position)

Downtown Barrie Business Association BIA

- That notices of meetings and agenda be mailed out to committee members in advance.
- That committees be responsible for their budgeted funds and seek board approval for any funds that exceed this budget.

In general practice, the chair of a committee is accountable to the board of management for all expenditures within the committee budget. In addition, the committee chair may have several other important responsibilities, including:

- Choosing committee members
- Organizing and planning programs and projects in the committee's area of responsibility
- Presenting progress reports to the board of management on all programs and projects undertaken by the committee

The committee may have practical responsibility for developing and implementing the budget, and for programs or projects required to carry out the mandate of the committee. Many committees with responsibility for a wide range of programs and projects establish sub-committees.

Hiring Staff

All BIAs require dedicated people to devote time and effort to help ensure the success of the programs and projects they establish. Some BIAs have paid, professional staff, but many operate with only volunteers.

Many BIAs that do employ professional staff hire a manager for the day-to-day management and operation of the BIA and its programs and projects.

An assessment of staffing needs may require the BIA board of management to consider a number of issues, including:

- Identifying tasks needed to implement BIA projects and programs

- Identifying skills that staff require to complete these tasks
- Determining resources and help that may be available from the municipality and from within the local business leadership and wider local community
- Minimum requirements that the municipality may establish for staff of its local boards (compensation, benefits, etc.)
- Deciding if resources are adequate to meet the staffing needs of the BIA
- Determining the availability of funds to hire paid professional staff

Establishing BIA Policies, Bylaws and Constitutions

Many BIAs establish policies and bylaws that govern their structure and operation. Some BIAs formalize these in the form of a constitution. This may help provide continuity and direction when there is a change in the composition of the board of management or committees. A constitution can also help provide legitimacy to the BIA and greater consistency and certainty in its operation.

In some cases, municipalities help BIAs by developing a model constitution that can be used by BIAs within the municipality to develop policies, bylaws and/or a constitution that meets their specific needs.

Whether establishing policies and bylaws or a constitution, all BIAs may need to consider a wide range of management and operations issues.

Among the issues that could be considered are rules and policies related to:

- Membership
- Composition and activities of the board of management, committees and subcommittees
- General membership meetings
- Board, committee and subcommittee meetings
- Annual budgets
- General expenditures
- Rules of order
- Conflict of interest guidelines
- Contracts
- Voting and proxy voting
- Elections
- Adoption of policies, bylaws and constitution

Committees and Sub-committees

BIA board of managements often establish rules with respect to the creation and functions of committees and subcommittees. Among the issues to consider here are:

- Defining reporting requirements
- Determining the composition and size of committees
- Appointing committee chairs

General Meetings

BIA boards of management often establish rules concerning meetings of the general BIA membership. Among the possible issues to consider here are:

- A requirement for an annual meeting(s)
- Notice requirements (rules related to local boards govern meetings notices, etc.)
- Provision of relevant documents
- Procedures for voting
- Calling of meetings

Information about the general legislative requirements for meetings and procedures of local boards may be found in the "Understanding the Responsibilities of Local Boards" section of the Handbook.

Board of Management and Committee/Sub-committee Meetings

BIA boards of management generally establish rules concerning meetings of the board, committees and subcommittees. Among the possible issues to consider here are:

- Requirements for holding regular meetings
- Rules regarding member attendance
- Rules regarding placing items on agenda
- Requirements for notice of meetings
- Rules for the provision of relevant documents

Information about the general legislative requirements for meetings and procedures of municipalities, local boards and committees may be found in the "Understanding the Responsibilities of Local Boards" section of the Handbook.

Rules of Order

BIA boards of managements often establish rules concerning the rules of order for meetings of the board, committees and subcommittees. Often a BIA will refer to an established set of rules of order for conduct at meetings, such as Robert's Rules of Order (robertsrules.org), which adapt historic Parliamentary Procedure to help everyone be heard and make decisions with minimal confusion.

Newer editions of Henry M. Robert's manual on Parliamentary Law, first published in 1876, are often the basic handbooks of operation for clubs and organizations.

Customary Order of Business at Meetings (Summary)

This section summarizes some of the elements of customary meeting procedures, and related matters, used by some organizations.

Quorum

This is usually understood as the number of members that must be present for business to be conducted. The actual number is usually stated in bylaws.

Order of Business:

Organizations using Parliamentary Procedure usually follow a fixed Order of Business. For example:

- Call to Order: The chair says, "The meeting will please come to order."
- Roll Call: Members say "present" as their names are called.
- Minutes: Secretary reads a record of the last minutes.
- Officers' Reports: Often limited to a report from the treasurer, but others may report at this time.
- Committee Reports: First come reports from "standing" or permanent committees; then from "ad hoc" or special committees.
- Special Orders: Important business previously designated for consideration at this meeting.
- Unfinished Business: Business left over from previous meetings.
- New Business: Introduction of new topics.
- Announcements: Inform the assembly of other subjects and events.
- Adjournment: Meeting ends by a vote, or by general consent (or by chair's decision if time of adjournment was pre-arranged by vote).

Georgetown BIA - Halton Farmers' Market

Reviewing and Assessing BIA Programs and Projects

Programs are often evaluated to determine if they are working, and if the BIAs economic situation is actually improving. Evaluation in this context implies the measuring of success and is usually undertaken once most of the longer term actions comprising a comprehensive approach are either complete or well underway.

The following questions may help in assessing the impact of any initiative:

- How many vacancies now exist in the BIA compared to when the program started?
- How quickly are vacancies filled?
- How many new businesses have located in the BIA since the program started?
- How many business failures have occurred since the program started compared to before?
- How many "facelift" projects have taken place since the program started?
- How many businesses have reported increased sales since the program started?
- Have there been reports of increases in property values since the program started? Are increased property values a result of improvements?
- How many new permanent jobs have been created in the BIA since the program started?
- How many successful events can you count on continuing?
- How has the competition fared since the program started?
- What are the media saying? Are they taking notice?
- Are media/resident/council reports positive or negative?
- Has the level of participation among BIA members increased?

Most of the information needed to answer these questions may be easily obtainable through: field surveys; discussions with BIA merchants; property owners and business groups; telephone calls to local realtors; discussions with key municipal staff; review of recent issues of the newspaper; and perusal of town assessment, building permit and other files.

All of these elements may not be applicable in your particular situation. You may be able to identify more appropriate criteria that have not been included. These questions may provide a useful yardstick for measuring the success of your program. You may wish to consider your evaluation in the context of economic developments both in your region and the province.

Annual Budget

BIA boards of managements generally establish rules concerning the annual budget. Among the possible issues to consider here are:

- Requirements for an annual budget
- Rules for membership approval of proposed budget
- Rules for provision of copy of proposed budget to members
- Rules for member access to approved budget documents

General Expenditures

BIA boards of managements generally establish procedures concerning expenditures made by the board, such as procedures for the deposit and disbursement of funds.

Contracts

BIA boards of managements often establish procedures and policies concerning negotiating and entering into contracts on behalf of the BIA. However, typically BIAs do not borrow money or incur debt beyond a year without the approval of the municipal council. Among the possible issues that can be considered are:

- The appropriate authority and responsibility of the board
- Requirements for board resolution
- Signing authority

Voting and Proxy Voting

BIA boards of management usually establish rules concerning voting procedures at general meetings and board meetings. Among the possible issues that can be considered are:

Downtown Kingston! BIA

- Voting by general membership
- Voting by board members
- Voting procedures

A number of BIAs have created rules about voting procedures that may help allow for well-executed general meetings. For example, some have a rule requiring corporate members to declare their nominees to the municipal clerk a week prior to a general meeting. As a reminder, the following traditional requirements (summarized from the legislation) may be among those that apply:

- A corporate member of a BIA may nominate in writing one individual to vote on behalf of the corporation.
- Each member of a BIA has one vote regardless of the number of properties that the member may own or lease in the improvement area.

Note – The practice in Toronto is not to have voting by proxy at BIA meetings in the City.

Elections

BIA boards of management generally establish procedures concerning elections or selections to the board. Among the possible issues that can be considered is a process for nominating candidates for the board.

Consistency with Legislation

It is important for all board of management members to remember that any and all policies, bylaws and other matters they act on must be consistent with law, including legislative and bylaw requirements.

Of particular importance for BIAs may be sections 204-215 of the *Municipal Act, 2001*, BIA related provisions in the *City of Toronto Act, 2006* and applicable local bylaws (such as the Toronto Municipal Code). Other legal requirements may also apply. BIAs and municipalities may wish to seek legal advice where interpretation or other legal issues arise.

Some actions of a BIA board of management (e.g., budget or certain expenditure approvals) may require council approval.

Special Events

BIAs often hold special events to promote and showcase their businesses. Examples of the kinds of special events that BIAs have held include:

- Holding a street dance, costume party, music festival, food fair, arts and crafts exhibition, fashion show, ethnic cultural exhibition, winter carnival.
- Sponsoring an amateur theatrical production or seasonal activity like carolling or parades
- Holding a BIA "let's get acquainted" Open House
- Holding contests, such as:
    - amateur entertainment competition
    - window display contest among BIA merchants
    - poster painting, scavenger hunt, clean-up campaign
- Conducting promotions such as:
    - sidewalk sale
    - farmers' market
    - neighbourhood flea market
    - giant garage sale

Seeking Volunteers

Volunteers can contribute to the success of a BIA in a wide variety of ways, utilizing many different skills. They can help organize and support events, booths, campaigns and programs, provide office support and computer, design, marketing and media skills, recruit other volunteers, and research new funding sources.

Most BIAs find that they have more success recruiting volunteers when they spell out exactly what needs to be done and how much time volunteers need to offer.

Informal Partnerships

For a BIA to be successful, it may be essential for it to build and maintain a strong, positive relationship with the local community. After all, the primary customer base for BIA member businesses is in the surrounding neighbourhood. Towards this goal, a BIA can:

- Demonstrate and ensure that neighbours recognize that the BIA and its members care about and are interested in the community.
- Respond in a positive way to community needs and concerns, get involved in community affairs, and work with residents' groups and other local organizations (e.g., community centres, schools, churches, libraries, etc.) on common interests.
- Reach out to members of the community, participate in community activities and events as both a BIA and as individuals.
- Support the community as much as possible, encouraging members to hire locally and use local suppliers whenever reasonable.
- Keep the lines of communication open between the BIA and the community, be aware of what is going on in the neighbourhood, and make sure residents are kept informed of what the BIA is doing.
- Invite your community ratepayers' association to some of your BIA board of management meetings to hear their comments and keep them informed of upcoming BIA activities.
- Get involved with the local community in charity or community fundraisers.

FINANCIAL MANAGEMENT

One of the most important activities performed by any organization, including BIAs, is financial management. Financial management begins with at least three key functions:

- Financial planning
- Budgeting
- Financial monitoring

Financial Planning

Good financial planning requires more than simply preparing an annual budget, although the budget is a mechanism through which it is implemented. Effective financial planning involves many activities, including:

- Needs assessment
- Needs prioritization
- Policy/program development

Assessing Needs

The first step in developing a financial plan for your BIA can be to assess the needs of the local area. Needs assessment may be seen as an opportunity to develop a strategic financial plan for the BIA. Needs may range from improving the economic environment and changing public perception, to enhancing municipal policy in support of the BIA and infrastructure improvement, as well as enhancing parking, circulation and the physical environment. Appendix A provides a checklist of some of the needs of the business area that could be considered. (See Appendix A: A Sample Checklist to Identify BIA Needs.)

Prioritizing Needs

Once needs of the area have been identified, they can be prioritized. The most pressing needs are generally addressed first. It is the role of the board of management, with member input, to determine which are the most pressing.

Policy and Program Development

Once needs have been identified and prioritized, programs and projects that address these needs may be identified and developed into specific proposals. The next step is to prepare estimates of the costs associated with implementation.

At this stage, it may be important for the board of management and membership to consider that many proposals and projects may require several years to be fully implemented. Since the traditional BIA levy is assessed only for the current year and the ability of the BIA to borrow money and incur debts is limited, it may be important for the board of management and membership to consider that any projects requiring multi-year funding be provided for in upcoming budgets if they are to be completed. Financial planning may therefore go beyond current year requirements.

Budgeting

The board of management is generally responsible for the BIA budget. Budgeting involves both developing a budgetary plan and preparing the proposed annual budget. The budget can be regarded as the vehicle by which the strategic financial plan, developed from the initial needs assessment, is implemented.

A board of management of a traditional BIA prepares a proposed budget for each fiscal year by the date and in the form required by the municipality. The board also discusses the budget with its membership in one or more meetings.

Generally, a traditional BIA board of management would not spend any money in any particular item unless it is either included in the budget approved by the municipality, or in an established reserve fund. In addition, the board would not incur any debt extending beyond the current year without the prior approval of the municipality.

Developing a Budget Plan

Budgeting is an important consideration in successfully managing a BIA. The board of management is responsible for preparing the annual budget. The purpose of the budget is to provide the funds required to finance the projects and programs identified by the board as meeting the needs of the local business area. Thus, the budget reflects the priorities and needs of the local business area.

A first step to preparing a budget is for the board of management to determine which of the projects and programs identified in the strategic financial plan should be funded in the current budget. Projects or programs may be ranked according to their urgency and importance. It may be important that the board of management does not under-budget for projects. This can result in projects not being completed. It is also important not to over-budget for projects.

Members may be included in planning and preparing the budget. This will help to ensure that the budget has the support of a majority of members. Discussions can be held among the board of management, key staff and members to reach a consensus on the types of projects that should be pursued by the BIA over the coming year. Consideration is usually given to ensuring that the activities of the BIA generally provide benefit to all types of members (retail, professional, industrial).

Many BIAs seek well-defined, clear and concise budgetary objectives and goals. This generally will make it easier for board of management members to explain what they propose to do, the purpose of these proposals and the cost of implementing these proposals. Different BIAs adopt different approaches to setting budgetary priorities. Some newly established BIAs feel that it is desirable to undertake "quick hit" high impact projects, (e.g. banners), during the first year of operation to ensure that the BIA has an immediate impact on the area.

Other BIAs use their first year as a period to develop a long-term strategic plan for revitalization of the area. Boards of management will often develop three or five-year plans that are updated annually.

Another approach adopted by some boards of management is to give priority to beautification and streetscape improvements during the first few years of a BIA. Promotional activities are then emphasized in subsequent years. The most successful BIAs often combine both beautification and promotional strategies from the outset.

The board of management may need help in projecting costs. This may require the board to approach contractors, consultants or advertising agencies. The board may wish to first contact the municipality for estimates. Municipal staff may be able to provide valuable assistance free of charge. For example, a municipal engineer may be able to provide reliable estimates of the expected costs of beautification projects.

Approving the Budget and Determining the Levy

The board of management prepares annual budget estimates that are submitted to municipal council for approval. Generally, the board presents the budget to members at the annual general membership meeting for approval. Traditional boards of management are required to hold meetings to discuss the proposed budget with their membership and generally solicit input from the membership. To facilitate a

thorough discussion, the board may wish to provide a copy of the proposal budget to the membership along with the notice of the budget meeting. Once the budget has been discussed by the membership, it is then submitted to municipal council.

Once the budget is approved by municipal council, the council traditionally adds a special levy to the property tax paid by every owner of a business property (classes of property designated as industrial or commercial) within the boundaries of the BIA. For each property, the amount of the levy will be related to its realty assessment. Ordinarily, if the assessment of a property represents one per cent of the total business realty assessment within the BIA boundaries, the owner of the property might pay one per cent of the total BIA levy.

The usual amount of the traditional BIA levy for a property is determined by dividing the property's realty assessment by the total business realty assessment in the BIA and multiplying by the total BIA annual budget.

For example, if:

A property's realty assessment is $100,000, and the total relevant assessment in the BIA boundaries is $10,000,000 and the annual BIA budget is $40,000, then the property's BIA levy is equal to

$ 100,000

---------- X $40,000 = $400

$10,000,000

The municipal council could consider, for a traditional BIA, setting minimum and maximum charges for one or more separately assessed properties or categories of properties in a prescribed class, as:

- Percentages of the assessed value of rateable property in the BIA that is in a prescribed business property class
- Dollar amounts
- Percentages of a BIA's annual budget

Special other rules may also apply to the minimum and maximum charges. In addition, the council could consider setting a special charge for properties that derive greater benefits from the traditional BIA.

Municipalities seldom use such special benefit provisions. However, a maximum levy can be a useful tool in situations where one property in the BIA represents a significant proportion of the total applicable realty assessment in the BIA. In such situations, in the absence of maximum levies, the BIA levy may be seen as a heavy burden on the large property in relation to others in the BIA.

Alternative Sources of Funding

The board of management and membership of the BIA may also investigate alternative funding sources. In recent years, many boards, with the support of members, have also taken on a fundraising role. Some boards have obtained corporate sponsorship, or have charged fees for BIA-related events. Others

have been successful in seeking corporate sponsorship to support both physical improvements and local marketing and promotional events.

Some BIAs have also accepted the participation of associates, generally business and property owners in the surrounding area. Associates may provide voluntary financial support to the BIA because they believe the benefits of the activities of the BIA extend beyond its boundaries and that they therefore reap similar benefits.

Some municipalities have cost-sharing programs to help BIAs with the costs of capital improvements. Check with your municipality to determine whether such programs are available. An example of a BIA capital cost-sharing program can be found on the City of Toronto website at: toronto.ca/bia/handbook/section-h.htm#guidelines

Financial Monitoring

Responsibility for financial monitoring of the board of management lies with municipal council, as well as with the board itself. Traditional BIA boards submit annual reports to the council that include audited financial statements.

The municipally appointed auditor acts as the auditor of the board of management. The board would make all of its records (such as books, documents, transactions, minutes and accounts) available to the auditor.

The board of management may wish to consider an open-book policy with respect to their membership. For example, they may present their financial statement and proposed budget at the annual meeting of the BIA so that members have an opportunity to scrutinize the board's financial management and provide constructive suggestions.

User Fees

BIAs can consider implementing fees for property owners and tenants in the BIA for some of the BIA's services or activities.

Practical considerations may include, among others:

- Consulting the municipality (a municipal approval of fees may be needed)
- The basis for the fees
- Membership, business activity, recent changes, and degree of support for any approach
- General workability
- Workability in comparison with other funding (e.g., from the BIA levy)
- Other funding (e.g., from the BIA levy)

For more information concerning the above topic, Part XII of the Municipal Act, 2001, Part IX of the

City of Toronto Act, 2006 and any regulations concerning fees and charges may be among the provisions of interest.

Rebates

Charities occupying property within the boundaries of a BIA may be eligible for a rebate of part of the BIA levy. In addition, owners of vacant property within the boundaries of a BIA may be eligible for a rebate of part of the BIA levy.

For more information concerning the above topics, sections 361 and 364 of the *Municipal Act, 2001*, and sections 329 and 331 of the *City of Toronto Act, 2006* may be among those of interest.

Area Rate Levies

Municipal property taxes are generally spread across all property owners in accordance with their assigned property class and the relative value of their property within the taxing jurisdiction. While property tax rates vary from property class to property class, all properties within a class generally pay the same rate.

However, in some circumstances municipalities may impose special area rates. These rates apply only to properties within an area receiving special services and may cover some or all of the cost of those services.

The special services levy has similarities to a traditional BIA levy. However, there are differences. One is that a special services levy, generally, may apply to all rateable property (including residential), whereas the traditional BIA levy applies only to the prescribed business property classes (i.e., the commercial and industrial classes).

Decisions on whether or not to area rate special services are made at the local level. Should a municipality choose to area rate a special service, the proposal would have to meet the general requirements in the legislation. These include, among others, designating the benefiting area, and levying the special rate on property within the defined area.

For more information concerning the above topic, section 326 of the *Municipal Act, 2001*, section 287 of the *City of Toronto Act, 2006* and any regulations concerning special services may be among the provisions of interest.

Alternatives

Alternatives To Business Improvement Areas And Other Economic Development Tools

Ottawa's ByWard Market BIA

ALTERNATIVES TO BUSINESS IMPROVEMENT AREAS AND OTHER ECONOMIC DEVELOPMENT TOOLS

BIA Alternatives

Economic Development Corporations

Municipalities may consider economic development corporations as an alternative governance structure to deliver traditional BIA services.

All municipalities, including the City of Toronto, may create corporations for most services and facilities that municipalities currently provide. Municipal councils decide locally how best to provide services and facilities for residents while maintaining the public interest. Municipalities may see a corporation as the best structure under which to deliver traditional BIA services. In considering the corporation model, the municipality may be of the view that the corporation option provides better value to the community than existing arrangements or alternatives.

Municipalities can consider using a special services levy for the costs of economic development services provided by an economic development corporation.

The kinds of corporate economic development services that a municipality may consider in this connection include, among others:

- Public transportation systems
- Site acquisition, development and disposal for certain uses, including residential
- General parking facilities
- Services similar to those often provided by BIAs
- Provision of culture and heritage systems

For more information concerning the above topic, section 203 of the *Municipal Act, 2001*, sections 148 and 154 of the *City of Toronto Act, 2006*, and Ontario regulations 599/06 (Municipal Services Corporations) and 609/06 (City Services Corporations) may be among the provisions of interest.

Tools that Complement BIAs

The following are a list of tools that municipalities can consider to complement the work of BIAs in revitalizing neighbourhoods. They offer the ability to work with small businesses in those neighbourhoods in a number of different ways.

Picton BIA - Canada Day Kids' Parade

Business Incubators – (also known as Small Business Programs)

Municipalities can establish programs to encourage the establishment and initial growth of small businesses in the municipality. As part of this kind of program, municipalities may be able to provide certain financial incentives. Small Business Programs are often referred to as "Business Incubators."

Approval from the Minister of Municipal Affairs and Housing is required (in all municipalities except Toronto) to establish and maintain a small business program. The use of municipal financial incentives to commercial entities may be possible under an approved municipal small business program. Toronto City Council can approve small business programs, and the related use of financial incentives, without Ministerial approval.

Business incubators may be key instruments in the nurturing and growth of small businesses. Depending upon the type of incubator, in the past they have offered the entrepreneur a range of services and resources that can help the growth of a new business venture. Examples include physical location, mentoring assistance, management assistance, business counselling and advisory services, technical information, financial advice, training, networks, etc.

Municipalities generally determine the feasibility of projects that are admitted into their incubator programs, and whether to offer a specialized menu of support resources and services.

The earliest incubation programs focused on a variety of technology companies or on a combination of light industrial, technology and service firms. More recent incubators have targeted such industries as food processing, medical technologies, space and ceramics technologies, arts and crafts, and software development. Incubators across North America have also targeted programs to support micro-enterprise creation, the needs of women and minorities, environmental endeavours and telecommunications, to name a few.

A municipality undertaking an incubator program may be seeking a number of potential benefits including:

- Developing and building working partnerships with academic institutions in the municipality
- Creating jobs, revitalizing neighbourhoods, commercializing new technologies, and strengthening local economies

- Diversifying rural economies
- Science-based business incubators can promote knowledge diffusion, technology transfers and high-tech firm creation
- Tax base expansion and higher assessed value of properties

For more information concerning the above topic, section 108 of the *Municipal Act, 2001*, and section 84 of the *City of Toronto Act, 2006* may be among the provisions of interest.

Community Improvement Plans

Community improvement planning provides a means of facilitating redevelopment activities with a goal of effectively using, reusing and restoring lands, buildings and infrastructure.

Community improvement planning was popular in the 1970s and 1980s as a means to support and encourage neighbourhood renewal and commercial area improvement. It had become an almost forgotten revitalization tool until growth pressures of the late 1990s led to interest in the development potential of brownfield sites.

Publications such as the *2000 Brownfields Showcase* I and *Municipal Readiness for Economic Development* helped increase awareness of how community improvement plans (CIPs) provide for the cleanup of former industrial and commercial lands. A companion guide, *Municipal Financial Tools for Planning and Development* profiled a range of financing tools including an explanation of how community improvement plans could use tax-increment-equivalent financing to help developers remediate contaminated properties. The awareness of community improvement plans was further promoted by the *Brownfields Statute Law Amendment Act, 2001*, which made changes to various statutes, including the *Planning Act* and the *Municipal Act, 2001*.

Municipalities are now using CIPs in more innovative ways, such as to address growth management challenges, intensification, energy efficiency, mixed-use and transit/bicycle oriented development, accessibility, and the emerging needs of an aging baby-boom generation. Some municipalities are using CIPs as an incentive for encouraging development that meets recognized environmental standards, such as LEED®, while others use them to help attract certain kinds of employment uses. Some regional municipalities may also develop CIPs that may facilitate the development of infrastructure, including transportation corridors and affordable housing.

From its original use as a process primarily for provincial and municipal downtown revitalization grants, community improvement planning has become a flexible yet powerful tool for significant rehabilitation, development and land-use change.

Process for CIPs:

- Under the *Planning Act*, provided that municipal official plans contain provisions relating to community improvement in the municipality, the municipality can designate community improvement project area(s) by bylaw. The municipality can then proceed to prepare a plan suitable for adoption as a CIP.

Downtown North Bay BIA

- Municipalities prepare a CIP to set out what they intend to do to address an unsatisfactory state of affairs in a certain defined area.
- Some CIP plans include changes to land-use and zoning regulations to encourage desired activities or limit undesirable ones. Others state what grants or loans a municipality is prepared to offer owners as an incentive to build or repair properties to meet aims stated in the plan.
- There are a number of CIPs across Ontario, with a range of financial incentives for brownfield redevelopment, cascade improvements, downtown revitalization and industrial area development.
- City council initiates a CIP and adopts it when it is finished. The Planning Act requires that at least one public meeting be held before a CIP is adopted by city council. A Minister's approval to provide financial incentives through a CIP is no longer required but the municipality is still required to consult with the Province.
- The CIPs provide the framework for the delivery of programs to stimulate and redevelop industrial, commercial and residential lands.

Note: the Ministry of Municipal Affairs and Housing produced a Community Improvement Planning Handbook (2008)
mah.gov.on.ca/Page1297.aspx

For more information concerning the above topic, section 28 of the *Planning Act*, and Ontario regulations 550/06 (Prescribed Matters - Upper-Tier Community Improvement Plans) and 221/07 (Community Improvement Plans - Prescribed Upper-Tier Municipalities) may be among the provisions of interest.

Agreements for Municipal Capital Facilities

Ontario municipal legislation, with some exceptions, generally prohibits municipalities from bonusing - providing direct or indirect financial assistance to commercial, industrial and manufacturing enterprises. Financial assistance might include, among other things, direct funding, less than market-value land transfers or guaranteeing borrowing.

One of the exceptions to the bonusing rule is the provision for financial assistance that may be provided through municipal capital facilities agreements.

As policy background, there is a link between this exception and a public good (a municipal facility for the community) beyond direct business assistance. Municipalities have used capital facilities agreements for the delivery of municipal facilities such as **affordable housing**, **recreational facilities** and for **parking facilities**.

Each of these examples could result in benefits for the BIAs in the affected areas:

- Affordable housing and recreational facilities could be instrumental in bringing more residents and visitors to the area and potentially result in more customers for the businesses in the BIA
- Parking facilities can provide a convenience to potential shoppers and thus make them more likely to consider shopping in the BIA.

A summary of examples of financial assistance that municipalities can consider providing under a municipal capital facilities agreement include:

- Giving or lending money and charging interest
- Giving, lending, leasing or selling property
- Guaranteeing borrowing
- Providing the services of employees of the municipality
- Exempting all or part of land meeting certain conditions from all or part of the taxes levied for municipal purposes
- Exempting development charges under certain circumstances

The assistance is limited to the municipal facility that is the subject of the Agreement.

As examples, assistance may be possible through agreements for the following kinds of facilities:

- Facilities used by the council
- Facilities used for general administration
- Roads, highways and bridges
- Local improvements and public utilities
- Facilities related to the provision of telecommunications, transit and transportation systems
- Facilities for water, sewers, sewage, drainage and flood control

- Facilities for the collection and management of waste and garbage
- Facilities related to policing, fire-fighting and bylaw enforcement
- Facilities for the protection, regulation and control of animals
- Facilities related to the provision of social and health services
- Facilities for public libraries
- Parking facilities
- Community centres
- Facilities used for cultural, recreational or tourist purpose
- Housing project facilities.

For more information concerning the above topic, section 110 of the *Municipal Act, 2001*, sections 252 and 257 of the *City of Toronto Act, 2006*, and Ontario regulations 603/06 (Municipal and School Capital Facilities - Agreements and Tax Exemptions) and 598/06 (Municipal and School Capital Facilities - Agreements and Tax Exemptions) may be among the provisions of interest.

LINKS TO OTHER RESOURCES

Province of Ontario Websites of Interest to BIAs

Ministry of Municipal Affairs and Housing (MAH)

Ontario.ca/mah

Information can be found on the Ministry website on the following topics:

- Brownfields
- Municipal Readiness for Economic Development
- Property Assessment and Taxation System
- Community and Economic Development Resource
- BIA Handbook
- Community Improvement Plan Handbook
- Healthy Communities Handbook

Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) omafra.gov.on.ca

- Business Retention and Expansion, omafra.gov.on.ca/english/rural/indbre.htm
- Rural Economic Development Data and Intelligence, reddi.gov.on.ca
- Rural Economic Development (RED) Program, omafra.gov.on.ca/english/rural/red/
- Downtown Revitalization, omafra.gov.on.ca/english/rural/indbre.htm
- First Impressions Community Exchange, reddi.gov.on.ca/firstimpressions.htm

Ministry of Northern Development, Mines & Forestry (MNDMF) mndm.gov.on.ca

Information can be found on the Ministry website on the following topics:

- The Investment Readiness Test: A Self-Assessment Tool for Northern Communities
- Ontario Tourism and Marketing Partnership Corporation, tourismpartners.com
- Urban Economic Development Resource Database, ontariocanada.com

Provincial Grants of Interest to BIAs

- Connect Ontario: Broadband Regional Access, ontariocanada.com
- Northern Ontario Heritage Fund, mndm.gov.on.ca/nohfc
- Creative Communities Prosperity Fund, gov.on.ca/english/Grants/creativecommunitiesfund/index.html
- Rural Economic Development Program, omafra.gov.on.ca/english/rural/red/
- Ontario Cultural Attractions Fund, ocaf.on.ca/en/index.aspx
- Ontario Trillium Foundation Community Grants, trilliumfoundation.org

Business Improvement Area Links in Ontario

- Ontario Business Improvement Areas Association, obiaa.com
- Toronto Association of Business Improvement Areas, toronto-bia.com
- TABIA BIA Operating Handbook, toronto-bia.com/index.php?option=com_content&task=view&id=28&Itemid=71
- City of Toronto Economic Development Office, enterprisetoronto.com
- The City of Toronto website includes their recently updated BIA Operating Handbook, which includes very detailed procedures. It is available at: toronto.ca/bia/handbook/index.htm

Ottawa's ByWard Market BIA

Other Resources:

Toronto Business Development Centre, tbdc.com/index.php

Canada-Ontario Business Service Centre (COBSC)

The Service Centre provides entrepreneurs with free access to information on federal and provincial business-related programs, services and regulations. Information is available for clients who want to start, sustain or grow a business. Specialized research can also be provided to support well-informed business decisions. The Centre is jointly managed by Industry Canada and the Ontario Ministry of Government Services. It offers over 1,200 business information documents that cover a broad range of topics including business planning, financing, marketing, and human resource management. Information is available at, canadabusiness.ca/ontario or at 1-888-576-4444.

Ryerson University: Centre for the Study of Commercial Activity, csca.ryerson.ca

This non-profit research unit based at Ryerson University studies private-sector economic activities that deal directly with consumers. Among these activities are retailing, various services, financial institutions, and the developers of malls and office infrastructure.

BIAs of British Columbia, bia.bc.ca

Government of British Columbia BIA Website, mcaws.gov.bc.ca/lgd/gov_structure

Municipal Research and Services Center of Washington, mrsc.org/subjects/econ

City of Edmonton, AB – Business Revitalization Zone Handbook: edmonton.ca/city_government/documents/BRZHandbookJune2009.pdf

City of Winnipeg BIZ, city.winnipeg.mb.ca/ppd/biz_overview.stm

BIA Internet Resources (includes sources from other provinces, and other countries) vancouver.ca/commsvcs/cityplans/bia/internetresources.htm

International Downtown Association

Founded in 1954, the International Downtown Association has more than 650 member organizations worldwide. It is a world leader and champion for vital and liveable urban centers. It has a network of committed individuals, a rich body of knowledge, and a unique capacity to nurture community-building partnerships. ida-downtown.org/eweb/startpage.aspx

The National Trust Main Street Center

The Main Street Four-Point Approach® is a community-driven, comprehensive strategy used to revitalize downtown and neighbourhood business districts throughout the United States.

preservationnation.org/main-street/about-main-street

United Kingdom Business Improvement Districts (BIDs) ukbids.org

APPENDIX A: A SAMPLE CHECKLIST TO IDENTIFY BUSINESS AREA NEEDS

Economic and Attitudinal Environment

Economic Environment

1. Failure to tap potential market ..... ❑
2. Failure to compete (merchandise, variety and price) with neighbouring communities or outlying retail areas ..... ❑
3. Relocation of businesses to outlying retail centres ..... ❑
4. Closing down of businesses ..... ❑
5. Increasing number of storefront vacancies ..... ❑
6. Vacant upper stories ..... ❑
7. No new development in recent years ..... ❑
8. Decreasing number of pedestrians and shoppers ..... ❑
9. Vacant land along business streets ..... ❑
10. Lack of suitable sites or buildings to attract new business ..... ❑
11. Declining market ..... ❑
12. Unstable employment base ..... ❑

Attitude

1. No interest from business community or building owners to upgrade premises ..... ❑
2. Apathy from business community with respect to area problems ..... ❑
3. Residents shop elsewhere for goods and services available locally ..... ❑
4. No area newsletter, annual general meeting, effective committees ..... ❑
5. No regular communication between businesses ..... ❑

This checklist includes items for consideration when identifying business area needs in planning a BIA. The matters listed are suggestions only, and are not intended to be complete or accurate for actual local use.

Municipal Policy and Infrastructure

Municipal Policy

1. No explicit policy to protect viability of the area as a retail centre ..... ❑
2. Overly restrictive land use standards ..... ❑
3. Overly stringent development agreement standards ..... ❑
4. Inadequate sign regulations ..... ❑
5. Lack of maintenance bylaws and/or inadequate enforcement of maintenance bylaws ..... ❑
6. Hesitancy from local council to support business initiatives ..... ❑
7. Lack of technical and staff resources to pursue initiatives ..... ❑

Infrastructure

1. Inadequate water, storm and sewer systems to support new development ..... ❑
1. Inadequate street lighting ..... ❑
2. Business disruption by frequent repair of sidewalks and utilities ..... ❑

This checklist includes items for consideration when identifying municipal policy and infrastructure matters in planning a BIA. The matters listed are suggestions only, and are not intended to be complete or accurate for actual local use.

Function and Physical Appearance

Function

1. Poor access to the area..... ❑
2. Lack of adequate directional signage ..... ❑
3. Poor road and sidewalk maintenance ..... ❑
4. Inconvenient traffic circulation within the area ..... ❑
5. Traffic congestion and traffic conflicts ..... ❑
6. Insufficient street parking ..... ❑
7. Inconvenient location of off-street parking areas ..... ❑
8. Poor access from parking spaces to stores ..... ❑
9. Poor pedestrian routes ..... ❑

Physical Appearance

1. Unattractive entry to the area ..... ❑
2. Dirty and littered streets, sidewalks and lanes ..... ❑
3. Poorly maintained facades ..... ❑
4. Inappropriate remodelling ..... ❑
5. Uninteresting store interiors ..... ❑
6. Unattractive, poorly designed, poorly lighted parking areas ..... ❑
7. Inappropriate and poorly maintained signage ..... ❑
8. Lack of visual focal points ..... ❑

This checklist includes items for consideration when identifying function and physical appearance matters in planning a BIA. The matters listed are suggestions only, and are not intended to be complete or accurate for actual local use.

APPENDIX B: SAMPLE BIA BUDGET

INCOME				
Category	Item	Sub-item	Amount	% of Budget
	(current year) BIA Levy			
	Donations & Sponsorships			
	HST Recovery			
	Fund balances at end of year (last year)			
	Year-end surplus/deficit/carry over			
Total				
BUDGET ALLOCATIONS				
Category	Item	Sub-item	Amount	% of Budget
Administration	Salaries & Benefits			
	Rent			
	Telephone			
	Office Expense			
	Conferences/seminars			
	Audit / Legal			
	Insurance			
	Office Equipment			
	Utilities			
	Miscellaneous			
	Taxes			
Total				
Category	Item	Sub-item	Amount	% of Budget
Communications	Media / Conferences			
	Newsletter			
	Electronic Communications			
	Web design/maintenance			
	Office Memberships			
	Flyers / Posters / Notices			
	Public Relations & Correspondence			
	Taxes			
Total				

Category	Item	Sub-item	Amount	% of Budget
Marketing	Spring Campaign	Valentine's Day		
		Mother's Day		
	Summer Campaign	Father's Day		
		Midnight Madness		
		Sidewalk Sale		
	Fall/Winter Campaign	Thanksgiving promotion		
		Christmas		
	Market Research			
	Guidebook			
	Taxes			
Total				
BUDGET ALLOCATIONS				
Category	Item	Sub-item	Amount	% of Budget
Infrastructure	Street Cleaning/snow clearing			
	Holiday Decorations			
	Directional Signs			
	Graffiti and Gum Removal			
	Public Posting Areas			
	Information Booth			
	Infrastructure workshops			
	Taxes			
Total				
Capital				
	Sidewalk reconstruction			
	Lighting			
	Street Furniture (benches, etc.)			
	Landscaping & Planters			
	Signage			
Total				
	GRAND TOTAL			

This sample budget includes items for consideration when planning a BIA budget. The matters listed are suggestions only, and are not intended to be complete or accurate for actual local use.

APPENDIX C: FREQUENTLY ASKED QUESTIONS

Q. Who pays for a BIA?

BIAs are generally funded by a special levy within the boundaries of the BIA. It is paid in most cases by owners of property designated as industrial or commercial, and their tenants.

The amount of the levy is related to the assessment value of the property. For example, if a property is assessed at one per cent of total realty assessment in the BIA, the owner of that property may pay a BIA levy of one per cent of the total BIA levy.

The council can also establish maximum and minimum levies to help provide for the fair sharing of the costs of services. Similarly, council may set special charges for properties that derive greater or less than average benefits, in council's opinion, from the BIA.

Q. How do you start a BIA?

A BIA is a voluntary creation that may be initiated by local business and property owners. A BIA may be established by municipal bylaw upon a formal request for a BIA designation from local business leaders.

The onus is on the local business leaders to organize and solicit support for the creation of the BIA. Formal requests often include details of the proposed boundaries of the BIA, an action plan, a suggested budget and an indication of the degree of support for the project among business and property owners in the boundaries of the proposed BIA. The clerk of the municipality usually sends notification of the proposed BIA to all business owners within a proposed area. The owners give a copy of the notice to their property tax paying tenants. If the clerk receives significant objections to the proposal, the municipal bylaw would likely not be passed. (See section 2.3 for further information.)

Q. How do you determine the boundaries of a BIA?

There are generally no hard and fast rules with respect to defining a BIA area. However, there are some useful guidelines from past experience. Natural boundaries such as a river or bridge, or historical boundaries formed by older buildings may be considered. Shopping districts are often an easily recognizable starting point.

An important practicality that may be considered is, since they will have to pay the levy within the proposed area, whether the majority of business and property owners are be in favour of the proposal. Business and property owners wishing to be included in the BIA boundaries are usually included.

Q. How do you expand or reduce the boundaries of the BIA?

The boundaries of a BIA can be expanded or reduced by municipal bylaw. The rules (such as notice requirements and appeal procedures) applicable with respect to the initial establishment of a traditional BIA are generally similar to the rules for the expansion or reduction of BIA boundaries.

Q. If a BIA is passed do all businesses in the BIA have to belong?

The establishment of a BIA is voluntary on the part of the municipality, and is usually initiated by the business community, once it has confirmed that a majority of the businesses are in favour. Once the municipal council passes a municipal bylaw creating a traditional BIA, commercial and industrial property owners and tenants that pay a portion of the property tax will generally pay the additional levy associated with the BIA.

Q. What happens if the BIA is no longer wanted?

A municipality may repeal the bylaw that established a BIA. The financial obligations of the BIA may be assumed by the municipality. A municipality may decide to continue the levy on property in the former improvement area until outstanding amounts are received.

Q. Who actually runs the BIA?

A traditional BIA is managed by a board of management appointed by the municipal council. A board has general responsibilities, which usually include, among others, overseeing the planning, budgeting, implementation and evaluation of BIA projects.

Q. How many people are on the board of management?

There is no maximum number of members but most boards have between five and ten members. In Toronto, the practice is that boards of management include one or more members of City Council.

Chapter 19 of the Toronto Municipal Code (Business Improvement Areas) includes a listing of the total number of members of the named Business Improvement Areas, and of how many councillors are members of each.

Q. Who can be on the board of management?

Generally, it is up to the municipality. The municipality often has one or more BIA board members. Remaining nominees are usually selected by a vote of BIA members, and confirmed by the municipality. Board members often include those individuals responsible for establishing the BIA. The City of Toronto practice is to include councillors on all BIA boards of management.

Other members have often included past and present members of business associations, members of service clubs and persons with past experience in municipal affairs.

Q. How long do members sit on the board of management?

Board members usually hold office from the time of their appointment to the expiration of the term of the municipal council that appointed them. Appointments usually continue until successors are appointed.

Q. How do you become a board of management member?

Many BIAs hold elections to nominate a list of potential board members that will be confirmed by municipal council. Some BIAs simply provide suggested candidates for board membership to municipal council. In either case, the final decision on who to appoint as board members rests with the municipal council.

Q. How is the BIA budget determined?

Most boards of management prepare an annual budget for the BIA, then submit the budget to the BIA membership for approval at the annual general meeting. Manyboards of management consider it a practical minimum to discuss the budget with the membership. Budgets go to municipal councils for approval.

Q. How is the BIA budget collected?

The BIA does not levy taxes directly. Traditionally, the municipal council adds a special BIA levy to the property tax collected from commercial and industrial property owners within the boundaries of the BIA.

Q. What opportunities are there for regional BIA structures?

BIAs have traditionally been created by lower tier municipalities by bylaw. However, an upper-tier regional government could explore its options to create a regional BIA-like structure. A lower or single tier municipality with a number of BIAs could consider putting in place a structure that allows for pooling of resources within communities under one BIA-like umbrella.

Q. Can non-members of a BIA be appointed to the board of management?

Traditionally, BIA boards of management have included representatives of Council who are not generally members of the BIA. A municipality may consider putting in place rules concerning board membership and possible options such as a requirement for board members to be members of the BIA.

Q. How can the BIA determine what the municipal service standard is?

BIAs are encouraged to have an on-going dialogue with their municipalities on the standard level of service that a municipality will provide. BIAs and municipalities can consider options such as a written standard service level agreement that outlines what the municipality and the BIA are responsible for providing.

Q. How can an individual business voice a concern about how the BIA budget is structured?

Most BIA boards of management discuss the budget with the BIA membership. In many BIAs, this is undertaken during an annual general meeting. BIA members discuss matters of concern about the budget at this time. Additionally, BIA budgets are generally approved by Council. Individuals with concerns may wish to raise those concerns with Council prior to the approval of the budget.

Q. What approaches can a BIA take to ensure that professional offices are getting the same level of benefits as retail businesses?

Professional offices may not be receiving the same level of benefits as other BIA businesses for activities geared toward improving retail sales. However, they may receive the benefit of physical improvements and general beautification put into place by the BIA that increases the enjoyment of the area by their clients.

A municipality may consider a maximum BIA levy for one or more separately assessed properties, or categories of them. A municipality may also consider a special charge on property within the BIA that is, in council's opinion, deriving a special benefit from the improvement area.

Q. What is the process that a municipality needs to undertake to put in place its own local structure for a BIA?

A municipality may consider using its powers to change or dissolve local boards to create locally decided structures or rules for BIA matters.

Municipalities can also consider creating rules for traditional BIAs, without dissolving them or changing them.

Q. How could the municipal delegation of authority impact my BIA?

A municipality may consider using its delegation powers with respect to BIAs.

BIAs are encouraged to have an on-going dialogue with their municipalities on the possible use of the delegation authority by the municipality and circumstances under which it could potentially be of mutual benefit for certain authorities to be delegated to the BIA.

Q. What things does a BIA need to consider as a local board?

The *Municipal Act, 2001* and the *City of Toronto Act, 2006* contain a number of provisions relating to the powers and responsibilities of municipalities and their local boards. It is up to municipalities and BIAs to decide locally about their operations within that framework.

BIAs and municipalities may wish to review the responsibilities of local boards. General information is available in the "Responsibilities of Local Boards" section of the Handbook.

APPENDIX D – LEGISLATION

Municipal Act, 2001 - Business Improvement Areas

Designation of improvement area

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

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

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

Corporation

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

Local board status

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

Composition

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

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

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

Membership

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

Determining tenancy

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

One vote

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

Nominee

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

Joint nominee

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

Refusal to appoint

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

Term

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

Reappointment

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

Vacancies

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

Budget

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

Council to approve

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

Limitations

(3) A board of management shall not,

> (a) spend any money unless it is included in the budget approved by the municipality or in a reserve fund established under section 417;

(b) incur any indebtedness extending beyond the current year without the prior approval of the municipality; or

(c) borrow money. 2001, c. 25, s. 205 (3).

Limitations on power

(4) Section 65 of the Ontario Municipal Board Act and section 401 of this Act apply to the municipality's approval under clause (3) (b) in the same manner as if it were incurring a debt of the municipality. 2001, c. 25, s. 205 (4).

Notice

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

Annual report

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

Auditor

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

Funds to be raised

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

Special charge

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

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

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

Minimum and maximum charges

(3) The municipality may establish a minimum or maximum charge or both, expressed for one or more separately assessed properties or categories of separately assessed properties in a prescribed class, as,

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

(b) dollar amounts; or

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

Effect of bylaw

(4) When a bylaw under subsection (3) is in force,

(a) the amount of a charge levied in a year under subsection (2) shall not, when calculated for the individual property in the prescribed class to which it applies, be less than or greater than the amount of the applicable minimum and maximum charge for the property established under the bylaw; and

(b) if necessary for a fiscal year to raise the amount referred to in subsection (1) because a minimum or maximum charge applies to one or more separately assessed properties or categories of separately assessed properties in the prescribed class, the municipality shall for the year adjust any charges applicable to the remaining individual properties or subclasses of properties in the prescribed class by adjusting the percentage or percentages of assessment established under subsection (2) for those properties. 2001, c. 25, s. 208 (4).

Exclusion

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

Borrowings

(6) If only a part of money borrowed by the municipality in any year for the purposes of a board of management is required to be repaid in that year or a subsequent year, only that part and any interest payable on the total amount shall be included in the levies under this section in that year or subsequent year, respectively. 2001, c. 25, s. 208 (6).

Priority lien status

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

Changes to boundary

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

Notice

210. (1) Before passing a bylaw under subsection 204 (1), clause 208 (2) (b), subsection 208 (3) or section 209, notice of the proposed bylaw shall be sent by prepaid mail to the board of management of the improvement area, if any, and to every person who, on the last returned assessment roll, is assessed for rateable property that is in a prescribed business property class which is located,

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

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

When notice received

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

(a) give a copy of the notice to each tenant of the property to which the notice relates who is required to pay all or part of the taxes on the property; and

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

Objections

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

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

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

(c) the objectors are responsible for,

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

(A) at least one-third of the taxes levied for purposes of the general local municipality levy on rateable property in all prescribed business property classes in the improvement area, or

(B) at least one-third of the taxes levied for purposes of the general local municipality levy on rateable property in all prescribed business property classes in the geographic area the proposed bylaw would add to the existing improvement area, or

(ii) in all other cases, at least one-third of the taxes levied for purposes of the general local municipality levy on rateable property in all prescribed business property classes in the improvement area. 2001, c. 25, s. 210 (3).

Withdrawal of objections

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

Determination by clerk

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

Determination final

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

Repeal of bylaw

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

(a) a resolution from the board of management requesting the repeal; or

(b) a request for the repeal signed by persons who are responsible for at least one-third of the taxes levied for purposes of the general local municipality levy on rateable property in all prescribed business property classes in the improvement area. 2001, c. 25, s. 211 (1).

Statement

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

Time

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

Repeal

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

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

(b) those who have signed the requests are responsible for at least 50 per cent of the taxes levied for purposes of the general local municipality levy on rateable property in all prescribed business property classes in the improvement area. 2001, c. 25, s. 211 (4).

Timing

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

Requests withdrawn

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

Determination by clerk

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

Determination final

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

Restriction

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

Non-application

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

Effect of bylaw

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

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

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

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

Tenants

213. For the purposes of clauses 210 (3) (c) and 211 (1) (b), subsection 211 (2) and clause 211 (4) (b), a tenant shall be deemed to be responsible for the part of the taxes that the tenant is required to pay under the tenant's lease or under sections 367 and 368. 2001, c. 25, s. 213.

Dissolution of board

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

Liabilities exceed assets

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

Regulations

215. The Minister may make regulations prescribing one or more classes of real property prescribed under the Assessment Act as business property classes for the purposes of sections 204 to 214. 2001, c. 25, s. 215.

Municipal Act, 2001 - Dissolution and Change of Local Boards

Power to dissolve or change local boards

216. (1) Without limiting sections 9, 10 and 11, those sections authorize a municipality to dissolve or change a local board. 2006, c. 32, Sched. A, s. 90.

Conflict

(2) In the event of a conflict between a bylaw described in subsection (1) and any provision of this or any other Act, excluding this section and sections 194 to 202, or in the event of a conflict with a regulation made under any other Act, the bylaw prevails. 2006, c. 32, Sched. A, s. 90.

Restriction

(3) Despite subsection (1), a municipality shall not, in accordance with subsection (1), dissolve or change a local board that is,

(a) a society as defined in subsection 3 (1) of the *Child and Family Services Act*.

(b) a board of health as defined in subsection 1 (1) of the *Health Protection and Promotion Act*.

(c) a committee of management established under the Homes for the *Aged and Rest Homes Act*.

Note: On a day to be named by proclamation of the Lieutenant Governor, clause (c) is amended by the Statutes of Ontario, 2007, chapter 8, subsection 218 (4) by striking out "Homes for the Aged and Rest Homes Act" and substituting "Long-Term Care Homes Act, 2007". See: 2007, c. 8, ss. 218 (4), 232 (2).

(c.1) an appeal body established under section 8.1 of the *Planning Act*.

(d) a police services board established under the *Police Services Act*.

(e) a board as defined in section 1 of the *Public Libraries Act*.

(f) a corporation established in accordance with section 203.

(g) such other local boards as may be prescribed. 2006, c. 32, Sched. A, ss. 90, 91 (2).

Exception, City of Greater Sudbury

(4) Despite subsection (3), the City of Greater Sudbury may, in accordance with subsection (1), change the number of members it appoints as its representatives on the board of health of the Sudbury and District Health Unit, subject to the following rules:

1. The number shall not be smaller than two or larger than seven.
2. At least one of the members shall also be a member of the council of the City.
3. At least one of the members shall not be a member of the council of the City. 2006, c. 32, Sched. A, s. 90.

Scope of power to change a local board

(5) Without limiting sections 9, 10 and 11, the power of a municipality to change a local board under those sections includes the power to pass bylaws with respect to,

(a) the matters described in paragraphs 1 to 7 of subsection 196 (1), subject to the restrictions set out in section 196;

(b) the assumption of a power or duty of the board, but if the power or duty was delegated to the board by the municipality, the municipality cannot assume the power or duty if it cannot revoke the delegation;

(c) the delegation of a power or duty to the board to the extent authorized under this Act;

(d) the restriction or expansion of the mandate of the board. 2006, c. 32, Sched. A, s. 90.

Dissolution, etc., of joint board

(6) If a municipality passes a bylaw in accordance with subsection (1) to dissolve or change a local board which is a local board of the municipality and one or more other municipalities,

(a) the bylaw does not come into force until at least half of the municipalities, excluding the municipality that passed the bylaw, have passed a resolution giving their approval to the bylaw; and

(b) when the bylaw comes into force, the bylaw is deemed to be a bylaw passed by each of the municipalities of which the board is a local board. 2006, c. 32, Sched. A, s. 90.

Regulations

(7) For the purposes of this section, the Minister may, despite any Act, make regulations,

(a) providing that any body performing any public function is a local board;

(b) providing that a local board is a local board of the municipality specified in the regulation;

(c) providing that a municipality does not have the power to dissolve or make a prescribed change to a local board specified in the regulation;

(d) imposing conditions and limitations on the powers of a municipality under this section;

(e) providing that, for the purposes specified in the regulation, a municipality is deemed to be a local board of the type dissolved or changed under this section;

(f) providing that, for the purposes specified in the regulation, a municipality shall stand in the place of a local board dissolved or changed under this section;

(g) providing for matters that, in the opinion of the Minister, are necessary or desirable to allow the council of a municipality to act as a local board, to exercise the powers of a local board or to stand in the place of a local board for any purpose;

(h) providing that the provisions of any Act specified in the regulation do not apply to the council of a municipality acting as a local board, exercising the powers of a local board or standing in the place of a local board for any purpose;

(i) providing for the continuation, cessation or amendment of any or all bylaws and resolutions of a local board which is dissolved or changed under this section;

(j) providing that a municipality or local board pay money to each other or to another municipality or local board;

(k) providing for transitional matters related to a dissolution of or change to a local board under this section. 2006, c. 32, Sched. A, s. 90.

Municipal Act, 2001 - Procedure Bylaw

Definitions

238. (1) In this section and in sections 239 to 239.2,

"committee" means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more councils or local boards; ("comité")

"local board" does not include police services boards or public library boards; ("conseil local")

"meeting" means any regular, special or other meeting of a council, of a local board or of a committee of either of them. ("réunion") 2001, c. 25, s. 238 (1); 2006, c. 32, Sched. A, s. 102 (1, 2).

Procedure bylaws respecting meetings

(2) Every municipality and local board shall pass a procedure bylaw for governing the calling, place and proceedings of meetings. 2001, c. 25, s. 238 (2).

Notice

(2.1) The procedure bylaw shall provide for public notice of meetings. 2006, c. 32, Sched. A, s. 102 (3).

Outside municipality

(3) The procedure bylaw may provide that meetings be held and public offices be kept at a place outside the municipality within an adjacent municipality. 2001, c. 25, s. 238 (3).

Presiding officer

(4) The procedure bylaw may, with the consent of the head of council, designate a member of council, other than the head of council, to preside at meetings of council. 2006, c. 32, Sched. A, s. 102 (4).

Secret ballot

(5) A presiding officer may be designated by secret ballot. 2006, c. 32, Sched. A, s. 102 (4).

Municipal Act, 2001 - Meetings

Meetings open to public

239. (1) Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

Exceptions

(2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

(a) the security of the property of the municipality or local board;

(b) personal matters about an identifiable individual, including municipal or local board employees;

(c) a proposed or pending acquisition or disposition of land by the municipality or local board;

(d) labour relations or employee negotiations;

(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;

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

(g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act. 2001, c. 25, s. 239 (2).

Other criteria

(3) A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the council, board, commission or other body is the head of an institution for the purposes of that Act. 2001, c. 25, s. 239 (3).

Educational or training sessions

(3.1) A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

1. The meeting is held for the purpose of educating or training the members.
2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee. 2006, c. 32, Sched. A, s. 103 (1).

Resolution

(4) Before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them shall state by resolution,

(a) the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or

(b) in the case of a meeting under subsection (3.1), the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that subsection. 2001, c. 25, s. 239 (4); 2006, c. 32, Sched. A, s. 103 (2).

Open meeting

(5) Subject to subsection (6), a meeting shall not be closed to the public during the taking of a vote. 2001, c. 25, s. 239 (5).

Exception

(6) Despite section 244, a meeting may be closed to the public during a vote if,

(a) subsection (2) or (3) permits or requires the meeting to be closed to the public; and

(b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board. 2001, c. 25, s. 239 (6).

Record of meeting

(7) A municipality or local board or a committee of either of them shall record without note or comment all resolutions, decisions and other proceedings at a meeting of the body, whether it is closed to the public or not. 2006, c. 32, Sched. A, s. 103 (3).

Same

(8) The record required by subsection (7) shall be made by,

(a) the clerk, in the case of a meeting of council; or

(b) the appropriate officer, in the case of a meeting of a local board or committee. 2006, c. 32, Sched. A, s. 103 (3).

Record may be disclosed

(9) Clause 6 (1) (b) of the Municipal Freedom of Information and Protection of Privacy Act does not apply to a record of a meeting closed under subsection (3.1). 2006, c. 32, Sched. A, s. 103 (3).

Investigation

239.1 A person may request that an investigation of whether a municipality or local board has complied with section 239 or a procedure bylaw under subsection 238 (2) in respect of a meeting or part of a meeting that was closed to the public be undertaken,

(a) by an investigator referred to in subsection 239.2 (1); or

(b) by the Ombudsman appointed under the *Ombudsman Act*, if the municipality has not appointed an investigator referred to in subsection 239.2 (1). 2006, c. 32, Sched. A, s. 104.

Investigator

239.2 (1) Without limiting sections 9, 10 and 11, those sections authorize the municipality to appoint an investigator who has the function to investigate in an independent manner, on a complaint made to him or her by any person, whether the municipality or a local board has complied with section 239 or a procedure bylaw under subsection 238 (2) in respect of a meeting or part of a meeting that was closed to the public, and to report on the investigation. 2006, c. 32, Sched. A, s. 104.

Powers and duties

(2) Subject to this section, in carrying out his or her functions under subsection (1), the investigator may exercise such powers and shall perform such duties as may be assigned to him or her by the municipality. 2006, c. 32, Sched. A, s. 104.

Matters to which municipality is to have regard

(3) In appointing an investigator and in assigning powers and duties to him or her, the municipality shall have regard to, among other matters, the importance of the matters listed in subsection (5). 2006, c. 32, Sched. A, s. 104.

Same, investigator

(4) In carrying out his or her functions under subsection (1), the investigator shall have regard to, among other matters, the importance of the matters listed in subsection (5). 2006, c. 32, Sched. A, s. 104.

Same

(5) The matters referred to in subsections (3) and (4) are,

(a) the investigator's independence and impartiality;

(b) confidentiality with respect to the investigator's activities; and

(c) the credibility of the investigator's investigative process. 2006, c. 32, Sched. A, s. 104.

Delegation

(6) An investigator may delegate in writing to any person, other than a member of council, any of the investigator's powers and duties under this Part. 2006, c. 32, Sched. A, s. 104.

Same

(7) An investigator may continue to exercise the delegated powers and duties, despite the delegation. 2006, c. 32, Sched. A, s. 104.

Status

(8) An investigator is not required to be a municipal employee. 2006, c. 32, Sched. A, s. 104.

Application

(9) Subsection 223.13 (6) and sections 223.14 to 223.18 apply with necessary modifications with respect to the exercise of functions described in this section. 2006, c. 32, Sched. A, s. 104.

Report and recommendations

(10) If, after making an investigation, the investigator is of the opinion that the meeting or part of the meeting that was the subject-matter of the investigation appears to have been closed to the public contrary to section 239 or to a procedure bylaw under subsection 238 (2), the investigator shall report his or her opinion and the reasons for it to the municipality or local board, as the case may be, and may make such recommendations as he or she thinks fit. 2006, c. 32, Sched. A, s. 104.

Publication of reports

(11) The municipality or local board shall ensure that reports received under subsection (10) by the municipality or local board, as the case may be, are made available to the public. 2006, c. 32, Sched. A, s. 104.

City of Toronto Act, 2006 - Business Improvement Areas

429. (1) Every board of management that exists immediately before this section comes into force for a business improvement area in the City is continued as a local board of the City until the board of management is dissolved by the City. 2006, c. 11, Sched. A, s. 429 (1).

Same

(2) Sections 204 to 215 of the Municipal Act, 2001 apply to those boards of management and to the City for the purposes of those boards. 2006, c. 11, Sched. A, s. 429 (2).

Deemed local board

(3) A board continued by subsection (1) is deemed to be a local board of the City for all purposes. 2006, c. 32, Sched. B, s. 87.

Case Studies

Appendix E: Case Studies

Downtown Yonge BIA

APPENDIX E: CASE STUDIES

Introduction

The following case studies showcase some of the interesting activities and events that take place in various BIAs in Ontario. Examples from other BIAs will be considered and may be added to the website in the future.

Bloor West Village BIA

Bloor West Village BIA: The World's First

The creation of the world's first Business Improvement Area (BIA) in Toronto's Bloor West Village in 1970, as described by founding member and area business owner Alex Ling, was in response to difficult times. The completion of Toronto's Bloor-Danforth subway line in the late 1960s and proliferation of new indoor shopping malls saw the disappearance of many former Bloor West streetcar shoppers underground to competing business districts elsewhere.

As merchants closed or migrated to malls, "older, local shopping districts began to look run down," said Ling. Numerous vacant stores, a block-long used-car lot and a half-dozen gasoline stations "requiring much remediation" made Bloor West Village look "dilapidated and in need of some serious TLC," he explained. "Frankly, the outlook was grim."

Many remaining business people tried to form business associations, devoting "much time and effort going door to door soliciting voluntary donations for local improvements and area promotions." But often, "only a few businesses on each block were willing to contribute, so we lacked funds and support to take action needed to make a difference," said Ling.

Frustrated, Ling and other area businesspeople approached Toronto City Hall and the Province of Ontario seeking legislation that would require all businesses within a designated area to pay a levy for physical improvements and promotional activities. The levy would be collected by the city and turned over to an elected board of management, with a member-approved budget. After much discussion and consensus-building, provisions for Business Improvement Areas were included in the Municipal Act and, in 1970, Bloor West Village BIA became the first official BIA.

Some 275 BIA-member merchants, professionals and other services along a kilometre stretch of Bloor Street (east of South Kingsway) voted in an inaugural budget of $47,500, mostly for physical improvements. The Village's transformation was dramatic, inviting shoppers back to the area with unique, newly-lighted trees, colourful flower boxes and benches. Over the years, a continued emphasis on beautification and engaging local promotions complemented numerous developments and restorations. The used car lot and gas stations were redeveloped into retail spaces with residential and office units above. A medical complex replaced an abandoned streetcar turn-around. Bloor West Village was reborn.

There are now more than 400 diverse shops, professionals and services in the Village, contributing more than a quarter million dollars to the BIA each year, benefiting businesses and the community alike. “The success of the Bloor West Village BIA is something in which members take great pride,” Ling said. “We are proud to be a part of our community and wish the same success to other business areas.”

Visit bloorwestvillage.ca for more information.

Downtown Sudbury BIA

Downtown Sudbury BIA: Adapting Good Ideas

Established in 1977, the Downtown Sudbury BIA has grown from its early focus on beautification, marketing and events to become one of the leading local agencies for downtown economic development. Representing over 400 businesses and services and some 90 property owners, it is managed by an 11-member board of directors, a full-time executive manager and a programs coordinator.

Downtown Ambassador Project

An idea borrowed from Downtown Winnipeg, the Downtown Sudbury Ambassador Project employs students as ambassadors to monitor the streets for potential safety issues as well as answer visitor questions about the downtown. Training is provided by the Sudbury Police Service and the Sudbury Tourism department.

Project organizers work with volunteer students from post-secondary Law Enforcement programs during the school year and hire student ambassadors during the busy summer months, when a 'clean-sweep' component is added to remove street litter. Positive feedback may expand the program into other seasons and bring on new partnerships for additional volunteers.

Blues for Food

Based on Ottawa's popular Soup Kitchen Live, the Downtown Sudbury BIA started its own Blues for Food street music festival and food drive in 1990 to fundraise, collect food donations and create awareness for the Sudbury Food Bank. Featuring local musicians, children's activities, a licensed refreshment tent and barbeque, the annual, one-day event has come to symbolize the beginning of summer for the BIA and the community. With the help of volunteers from the Rotary Club of Sudbury, the event attracted some 10,000 visitors in 2009, donating more than 4,000 pounds of non-perishable food items and almost $50,000 (all proceeds) to the Food Bank.

Downtown Sudbury Ribfest

A three-day Ribfest at the end of summer (talked about by locals all year long) has become Downtown Sudbury's signature event for residents and visitors of all ages. Launched in 2008, Ribfest grew to 40,000 visitors in 2009 despite early challenges, including limited budget and experience, the need for partners, and logistics like site location, set-up and road closures.

By year two, Ribfest featured five professional rib teams, more than 24 live musical acts, a children's/family program, a large car and motorcycle show, a licensed refreshment tent and various vendors. Local community groups and charities contributed volunteers in exchange for a donation. The BIA plans to increase the number of rib teams and volunteers and build stronger event links to the downtown.

Visit downtownsudbury.com for more information.

Downtown Port Colborne BIA

Downtown Port Colborne BIA - Coal Hatch Art Project

With a modest budget of $20,000 per year and some 150 storefront members, the Downtown Port Colborne Business Improvement Area (BIA) relies exclusively on volunteers for its remarkable range of activities, from streetscape beautification projects to print, radio and TV promotions and events including Tugboat Santa, Moonlight Madness and BIA participation in Port Colborne's annual Canal Days. One project, started by BIA Secretary Mickey Mayne, has brought new life to the town's historic sidewalk coal hatches.

A unique feature of downtown Port Colborne, 15 coal hatches from the 1800s, when they supplied furnaces and stockrooms along the canal, were little used. Mayne and a friend painted one in front of her building. Their "Lake Erie Fish" hatch painting proved to be "a good hook to get people to travel that way and notice the businesses there," Mayne explained. The BIA adopted and expanded the project with five volunteers painting five more hatches the following year with "original, representational (not abstract) art that had a local connection and contained no advertising."

Weathering meant annual hatch repainting, with eight volunteers repainting six and adding two more the following year. It also meant paintings didn't meet the ten-year life requirement for regional art grants, so local businesses donated paint and barricades. The BIA had "no trouble getting volunteers" and "the public was immediately engaged with the artists: the process was just as engaging as the result," said Mayne, with legends spun about "questionable" uses of hatches in times past.

Located all over the BIA, the paintings draw visitors off the main street to look around. Initial skepticism of the local art community overcome, the number of local art galleries grew from one to three in just two years. "Businesses and public have come to expect the paintings," Mayne added. "They have their favourites and there is great consternation when they are painted over."

As BIA business owner Jane Nigh put it, "I see the painted coal hatch as an additional attraction outside my store (the store windows being the first). It is something that says we are a community and we create fun things for the benefit of us all. Passers-by love it!"

Visit downtownportcolborne.com for more information.

Uptown Gravenhurst BIA

Uptown Gravenhurst BIA: Artful Muskoka Chairs say, "Have a Seat on Us!"

A modest 2008 beatification project begun by the Uptown Gravenhurst Business Improvement Area (BIA) has served to rejuvenate interest in the district and raise the profile of the BIA at a critical time for its 70-some members. Numerous businesses had joined an attractive new development around the Town's upscale Muskoka Wharf project.

The idea to paint a local icon, the Muskoka chair, and display it on the main street caught on with businesses inside and outside of the BIA as well as local service clubs and cottagers associations, which sponsored the purchase of 20 chairs and the materials to paint them. Local residents volunteered to paint each with a unique design, and the chairs were displayed in store fronts all summer with the promotion, 'Have a Seat on Us' and a silent auction. Bidding wars built momentum toward Uptown Gravenhurst's first Muskoka Chair Festival, featuring scavenger hunts, colouring contests and live DJs. A community chair painted by the crowd (under the supervision of high school arts students), was auctioned live at the end of the event.

Raising more than $3,000, the event was expanded to 30 chairs the following year and raised almost $5,000. Funds purchased such tangibles for the BIA and community as an outdoor interactive games table, said Coordinator Laura Meikle. The success of the initiative was also measured in the way it created "buzz" around town, bringing locals as well as visitors from nearby events to come Uptown to view and bid on chairs. "It's a community event, not just a BIA event," Meikle added. "The whole community comes together to sponsor, paint, volunteer, and bid. What began as a beautification project has turned into an important fundraiser and signature event for the BIA."

The Uptown Gravenhurst Business Improvement Area won a 2009 Ontario Business Improvement Area Association award in the special events and promotions category for this event.

Visit gravenhurstbia.com for more information.

Downtown Yonge BIA

Downtown Yonge BIA:
Many Approaches for Diverse Members and Visitors

Encompassing some 2,000 members, including the Toronto Eaton Centre and College Park malls, more than 600 retail stores, 150 bars and restaurants, eight hotels and four theatres, the Downtown Yonge BIA is one of Ontario's largest. To serve this large group, they employ ten full- and part-time staff to administer an annual budget of more than $2 million. The competing needs and resources of such diverse members have added to the BIA's basic challenge of attracting both outside visitors and transient area office workers after hours.

To address these challenges, the BIA took some important steps. First was getting Toronto's first tourist area designation, allowing stores to open on statutory holidays. Another was the BIA's visual identity rebranding, with colourful new logos on traffic poles, banners and new street signs. The area's image as a tourist attraction, supported by the new Yonge-Dundas public square, is now animated by a multilingual Discovery Team of guides who roam the streets from Victoria Day to Labour Day offering information and free walking tours. Numerous events and Winter Magic LED lighting on trees, garlands and seasonal sculptures maintain the destination theme year round.

Physical improvements, including new street lighting, sidewalk replacement and a joint campaign with the City to repair facades, continue to refresh the streetscape. A full-time BIA Clean Streets Team removes graffiti, posters and litter on public property beyond City standards and pressure washes sidewalks annually. New measures requested by the BIA have addressed safety and social issues; since 2006 additional foot patrol officers have helped reduce street crime in the area, while trained street outreach workers help people in need connect with housing and other social services.

Communications are key to adding value for their diverse membership and clientele. A new website extends the reach of print publications including an area map, brochure, newsletter, direct mail and holiday guide. Use of Facebook, Flickr and Twitter social media tools provide a timely and cost effective way to connect to and survey customers. Much interest has recently been generated by the success of a free new customized mobile device application providing information and GPS mapping for local events, promotions and road closures.

Visit downtownyonge.com for more information.

Downtown Huntsville BIA

Downtown Huntsville BIA: An Outdoor Tribute to the Group of Seven

Established in 1979, the Downtown Huntsville BIA represents some 170 business and property owners through an 11-member board, one full-time and one part-time staff. The BIA is well known for its colourful Group of Seven Outdoor Gallery, which celebrates the art of Tom Thomson and the Group of Seven and their historic connection to the town they often visited on their way to paint in nearby Algonquin Park.

Started in 1999 when local artist Gerry Lantaigne reproduced Thomson's The Jack Pine as a mural on a downtown wall, the outdoor gallery grew slowly as the BIA commissioned Lantaigne to add one or two new murals each year. By 2006, Huntsville's downtown shops and services framed 10 Group of Seven-inspired murals and a Town-sponsored bronze statue of Tom Thomson in the Town Square.

In 2007, the BIA ran its first Group of Seven Mural Festival, recruiting 10 Canadian artists to paint ten murals over two weeks. A popular favourite was the community mural, to which more than 1,300 visitors, from pre-school children to seniors to wildlife artist Glen Loates, added their brush strokes. Participants thanked the BIA for "bringing art into the city," noting they were "proud to be part of this cultural experience." The Festival won a 2008 "Special Events and Promotions" award from the Ontario Association of Business Improvement Areas.

Celebrate Ontario supported the 2009 Mural Festival, when seven artists from across Ontario painted seven new murals, including another community mural. With 30 murals downtown, more than 40 mini murals on the nearby high school, six murals outside of downtown and more in the works, the BIA now sees the Outdoor Gallery as a stand-alone attraction, giving tourists another year-round reason to travel to Huntsville or extend their stay. Now the BIA's focus is to increase awareness of the Gallery as they slowly develop it.

Success is credited to Lantaigne's vision, a strong local mural committee and significant financial contributions of the BIA building wall owners, community partners and federal and provincial agencies. Challenges included finding financial support and bringing building owners on board for mural locations, as sponsors and as spokespeople.

The Gallery has had significant impacts for downtown Huntsville, from art education and community spirit-building to downtown revitalization, a new community tourist attraction, increased downtown retail sales and regional, national and international media coverage. Some participating buildings were given fresh paint, new siding and other revitalization in preparation for murals.

Visit huntsvilleadventures.com and groupofsevenoutdoorgallery.ca for more information.

Downtown Windsor BIA

Downtown Windsor Business Improvement Association: Reviving the Downtown with Planes, Fruits and Vegetables

As the largest and oldest of Windsor's eight BIAs, the Downtown Windsor Business Improvement Association (DWBIA), with 650 members, is at the heart of the border city's storefront retail, hospitality and entertainment district. Three full- and two part-time staff organize dozens of events and programs each year to attract business from both sides of the river, making special effort to address "a significant drop in cross-border visits in recent years," according to Executive Director Chris Edwards.

The DWBIA board and staff have worked to improve the face of downtown with innovative "Fresh Fronts" storefront improvement grants and daily "Clean Team" street cleaning after evening visitors, said Edwards. "Perhaps our most visible contribution," he added, "is the on-going streetscape revamping initiative with City of Windsor as partner." Area nightlife remains busy, and in 2009, the DWBIA created a new Hospitality Resource Panel - an alliance of business owners, municipal staff, council members, police and community representatives – to focus on "creating a safe and vibrant place for people to socialize" with "a mix of entertainment, culture, art and business," he explained.

In addition to such successful events as the 24-day SummerFest, attracting half a million visitors annually, and other festivals celebrating books, film, music, dance, theatre, children, food, wine, pride and multiculturalism, the BIA's latest event is an international "blockbuster." Bringing in more than 100,000 people over three days in 2009 and impressive tourism and sponsorship dollars, including provincial grants, the Red Bull Air Race World Championship features a new sport in which race pilots navigate the world's fastest, most agile racing planes through a challenging low-level course along the river at speeds reaching 370 km/h.

Farmers' Market Revival

A decade after low turnout had closed the downtown's 150-year-old farmers' market, community interest and an empty art-deco bus depot sparked new impetus for a revival. In 2009, the local residents association approached the DWBIA and City of Windsor to partner in the birth of a new, outdoor

Downtown Farmers' Market. A committee of 12 volunteers raised $10,000 in seed money, secured the location, guidelines and insurance, and began recruiting local farmers. The new market was an instant hit, with extensive media coverage (more than 20 stories in The Windsor Star and items on all regional TV news and radio stations) providing free publicity.

The market's local and organic produce, baked goods, artwork, crafts, local performers, events like culinary chef demonstrations and fireman's Olympics, as well as a website, blog and Facebook group, steadily attracted new visitors and vendors. More than 1,000 shoppers were surveyed one Saturday during a provincial "Buy Local" harvest initiative. The return to an outdoor venue, protected by the depot parking roof, was another key factor in its success, Edwards explained. A reserve of more than $10,000 was expected to lower booth costs and allow for hiring of a full-time manager for 2010. Organizers continue fundraising to increase market appeal and renovate inside the historic building for sale of meat, poultry, eggs and cheese.

Visit downtownwindsor.com for more information.

Downtown Kingston! BIA

Downtown Kingston BIA: A Fundraising Success Story

Formed in1973, the Downtown Kingston BIA (DKBIA) hired its first manager a decade later upon the opening of a new suburban shopping centre. Still at the helm, Managing Director Doug Ritchie has steered Kingston's only BIA, now with some 750 members, through continued pressure from external growth and a trend away from larger stores to more boutiques and restaurants. Once comprising half of Kingston's commercial space, the DKBIA now competes for one seventh of the total despite two boundary expansions. But a successful strategy to create a recreation, entertainment and tourist district around new downtown venues has paid off for both BIA members and the region as a whole.

A multitude of activities are carried out by nine full-time and 26 part-time employees as well as a 15-member board of directors that welcomes two City councillors and representatives from Kingston's Economic Development office, Chamber of Commerce and Kingston Accommodation Partners (KAP) as ex officio members. Ritchie has learned to work closely with the membership and various provincial, municipal and private sector partners to leverage the BIA's numerous sources of income to produce some $3.5 million in programming - triple the value of 2009 budget levies. Input and participation at a dozen think-tanks, two general meetings and two surveys each year "stimulate and focus strategic planning and provide quality control," says Ritchie. "A dedicated staff fundraiser is an important aspect," he adds, "as is a chartered accountant as treasurer to help quantify off-audit numbers for our funding partners and structure long-term capital building levies."

In addition to a regular BIA levy, two capital levies payable over 10 and 30 years have seeded municipal creation of two new venues: a serviced outdoor rink at Market Square and a large indoor arena, whose $57 million development was led by a $3 million BIA investment, matched by KAP and $4 million from the Province, and topped off by operating revenues. Together the arenas host a continuous series of events, including free skating, Junior A hockey games, large concerts, "Febfest" winter festival (generating a $2 million economic impact with a self-financing, $300,000 budget) and, in summer, weekly outdoor movie nights and a farmers' market, among others. Members also led an $18 million renovation of the Grand Theatre with a modest $25,000 investment, providing a busy new cultural hub. Now at the core of BIA operational planning, the three venues bring tens of thousands of visitors from across the region to the downtown year-round, says Ritchie.

The BIA's website reinforces branding ("Downtown Kingston! It's the Real Deal") and serves as a one-stop guide to the BIA's many activities for members and the public alike. DKBIA works with Tourism Ontario to continue such successful events as Ontario's first Buskers Rendezvous (started in 1986), which Ritchie says attracts 120,000 person-visits per year and has a downtown economic impact of over $3 million. Limestone City Blues Festival, started in 1997, attracts 30,000 person-visits in four days. Themed seasonal promotions like "Local Food, Local Chefs" build new customer interest in participating area restaurants and farmers' market with the help of Ontario's Ministry of Agriculture, Food and Rural Affairs. Sale of tickets, merchandise and cash sponsorships account for considerable BIA income. In one case, sales promote downtown history through an annual release of unique collectible pewter Christmas ornaments featuring local landmarks, exclusively for area shoppers spending $25 or more.

Maximizing the benefit of new visitors, a BIA-led municipal project to widen core sidewalks for patios moved some street parking to new boundary lots and increased downtown foot traffic - and new merchant business. In addition to street cleaning in summer and other beautification efforts, ongoing support to members at the street level is provided by active participation in municipal construction projects, with information and promotions for affected businesses featured prominently on the website.

"Thanks to our many partnerships," says Ritchie, "downtown Kingston has come of age."

Visit downtownkingston.ca for more information.

APPENDIX F: LINKS TO ONTARIO BIA Websites

BIA Name	Location	Website
Downtown Acton	Acton	downtownacton.ca
Downtown Ajax	Ajax	Not available
Alliston	Alliston	allistonbia.com
Aylmer	Alymer	Not available
Angus	Angus	Not available
Bancroft	Bancroft	Not available
Downtown Barrie	Barrie	downtownbarrie.ca
Beamsville	Beamsville	Not available
Belleville Downtown	Belleville	rediscoverdowntown.ca
Belmont Village	Belmont	thebelmontvillage.ca
Blenheim	Blenheim	blenheimontario.com
Historic Downtown Bolton	Bolton	mybolton.com
Historic Downtown Bowmanville	Bowmanville	bowmanville.com
Bracebridge	Bracebridge	downtownbracebridge.com
Downtown Brantford	Brantford	downtownbrantford.ca
Brighton Downtown	Brighton	Not available
Downtown Brockville	Brockville	downtownbrockville.com
Brussels	Brussels	Not available
Aldershot	Burlington	aldershotbia.com
Burlington Downtown	Burlington	burlingtondowntown.ca
Caledonia	Caledonia	caledoniabia.ca
Downtown Cambridge	Cambridge	downtown.cambridge.on.ca
Preston Towne Centre	Cambridge	Not available
Hespeler Village	Cambridge	hespelervillage.ca
Carleton Place	Carleton Place	carletonplace.ca
Historic Downtown Chatham	Chatham	downtownchatham.com
Newcastle Village	Clarington	Not available
Orono Downtown	Clarington	visitorono.com

BIA Name	Location	Website
Clinton	Clinton	clinton-bia.com
Downtown Cobourg	Cobourg	downtowncobourg.ca
Collingwood Downtown	Collingwood	downtowncollingwood.com
Downtown Cornwall	Cornwall	cornwalldbia.com
Le Village	Cornwall	Not available
Corunna	Corunna	Not available
Creemore	Creemore	Not available
Dresden	Dresden	Not available
Dunnville	Dunnsville	Not available
Elmira	Elmira	Not available
Elora	Elora	elora.info
Erin	Erin	Not available
Essex	Essex	essexbia.com
Exeter	Exeter	Not available
Bridgeburg Station Downtown	Fort Erie	bridgeburg-bia.ca
Crystal Beach	Fort Erie	Not available
Ridgeway	Fort Erie	Not available
Downtown Fort Frances	Fort Frances	downtownfortfrancesbia.com
Gananoque	Gananoque	Not available
Georgina	Georgina	Not available
Jackson's Point Village	Georgina	Not available
Downtown Georgetown	Georgetown	downtowngeorgetown.com
Downtown Goderich	Goderich	goderich.ca
Grand Valley	Grand Valley	Not available
Uptown Gravenhurst	Gravenhurst	gravenhurstbia.com
Grimsby	Grimsby	Not available
Downtown Guelph	Guelph	guelphdowntown.com
Haliburton Village	Haliburton	Not available
Barton Village	Hamilton	bartonvillagebia.com
Downtown Hamilton	Hamilton	downtownhamilton.org

BIA Name	Location	Website
Westdale Village	Hamilton	westdalevillage.ca
Ancaster	Hamilton	Not available
Concession Street	Hamilton	concessionstreet.com
Dundas	Hamilton	downtowndundas.ca
International Village	Hamilton	hamiltoninternationalvillage.ca
King Street West	Hamilton	Not available
Locke Street	Hamilton	lockestreetbia.ca
Main-West Esplanade	Hamilton	Not available
Ottawa Street	Hamilton	shopottawastreet.com
Stoney Creek	Hamilton	Not available
Waterdown	Hamilton	waterdownbia.ca
Hanover Downtown Improvement Area	Hanover	Not available
Hawkesbury	Hawkesbury	Not available
Downtown Huntsville	Huntsville	huntsvilleadventures.com
Centre Ville Hurst	Hurst	hearstbia.com
Ingersoll	Ingersoll	ingersoll.ca
Kapuskasing	Kapuskasing	Not available
Kemptville	Kemptville	Not available
Kincardine	Kincardine	Not available
Downtown Kingston	Kingston	downtownkingston.ca
Kingsville	Kingsville	kingsvillebia.com
Downtown Kitchener	Kitchener	kitchenerdowntown.com
Belle River	Lakeshore	Not available
Forest	Lambton	Not available
Uptown Leamington	Leamington	uptownleamington.ca
Lindsay Downtown	Lindsay	lindsaydowntown.com
Listowel and Area	Listowel	Not available
Little Current	Little Current	Not available
London Downtown	London	downtownlondon.ca
Old East Village	London	oldeastvillage.com

BIA Name	Location	Website
Mainstreet Markham	Markham	mainstreetmarkham.com
Meaford	Meaford	meaford.com/town/org_bia.htm
Downtown Midland	Midland	downtownmidland.ca
Millbrook	Millbrook	millbrookbia.com
Downtown Milton	Milton	downtownmilton.com
Village of Streetsville	Mississauga	villageofstreetsville.com
Clarkson Village	Mississauga	clarksonbia.com
Napanee	Napanee	town.greaternapanee.on.ca
New Liskeard	New Liskard	Not available
Fallsview Boulevard	Niagara Falls	fallsviewboulevard.com/about.html
Lundy's Lane	Niagara Falls	lundyslane.com
Clifton Hill District	Niagara Falls	topofcliftonhill.com
Chippawa	Niagara Falls	Not available
Main & Ferry Business Association	Niagara Falls	Not available
Niagara Falls Downtown	Niagara Falls	niagarafallsdowntown.com
Nipigon	Nipigon	Not available
Uptown Delhi	Norfolk	Not available
Alexandria	North Glengarry	Not available
North Welland	North Welland	Not available
Downtown Northbay	Northbay	downtownnorthbay.com
Norwich	Norwich	Not available
Downtown Oakville	Oakville	oakvilledowntown.com
Bronte Village	Oakville	brontevillage.net
Kerr Village	Oakville	kerrvillage.ca
Orangeville	Orangeville	thehillsofheadwaters.com/orangevillebia
Downtown Orillia	Orillia	downtownorillia.org
Downtown Oshawa	Oshawa	downtownoshawa.ca
Barrhaven	Ottawa	barrhavenbia.ca
Heart of Orleans	Ottawa	heartoforleans.ca
Byward Market	Ottawa	byward-market.com

BIA Name	Location	Website
Downtown Bank Street	Ottawa	bankstreet.ca
Downtown Rideau	Ottawa	downtownrideau.com
Glebe	Ottawa	Not available
Manotick Village	Ottawa	manotickvillage.com
Quartier Vanier	Ottawa	vanierbia.com
Somerset Street Chinatown	Ottawa	ottawachinatown.ca
Carp	Ottawa	Not available
Preston	Ottawa	prestonstreet.com
Somerset Village	Ottawa	somerset-village.com
Sparks Street	Ottawa	sparksstreetmall.com
Wellington West	Ottawa - Wellington	wellingtonwest.ca
Westboro Village	Ottawa - Wellington	westborovillage.com
Downtown Owen Sound	Owen Sound	downtownowensound.ca
Paris	Paris	parisdowntown.ca
Pembroke	Pembroke	Not available
Downtown Heritage Perth BIA	Perth	shop-heritage-perth.com
Downtown Peterborough	Peterborough	peterboroughbia.com
East City/Ashburnham Village	Peterborough	Not available
Pickering Village	Pickering	pickeringvillage.ca
Picton	Picton	picton-bia.on.ca
Port Colborne Downtown	Port Colborne	downtownportcolborne.com
Port Credit	Port Credit	portcredit.com
Port Elgin	Port Elgin	Not available
Port Hope Heritage	Port Hope	porthopehbia.com
Port Perry	Port Perry	discoverportperry.ca
Port Stanley	Port Stanley	portstanley.net
Powassan	Powassan	Not available
Prescott	Prescott	Not available
Renfrew	Renfrew	Not available
Village of Richmond Hill	Richmond Hill	Not available

BIA Name	Location	Website
Sault Ste Marie Downtown Assoication	Sault Ste Marie	saultdowntown.com
Seaforth	Seaforth	Not available
Shelburne	Shelburne	Not available
Downtown Simcoe	Simcoe	downtownsimcoe.com
Smith Falls Downtown	Smith Falls	Not available
Morrisburg Village Plaza	South Dundas	bia.southdun das.com
Downtown St. Catherines	St. Catherines	stcathdowntown.com
Port Dalhousie	St. Catherines	portdalhousie.com
Downtown St. Marys	St. Marys	downtownstmarys.com
St. Thomas Downtown Development Board	St. Thomas	downtownstthomas.com
Stirling	Stirling	stirling-rawdon.com
Stouffville	Stouffville	Not available
Stouffville County Village	Stouffville	stouffvillebia.ca
Downtown Strathroy	Strathroy	downtownstrathroy.ca
Sturgeon Falls	Sturgeon Falls	Not available
Stratford City Centre	Stratford	stratfordcitycentre.ca
Downtown Sudbury	Sudbury	downtownsudbury.com
Tecumseh	Tecumseh	tecumsehbia.com
Thorold Downtown	Thorold	thorolddowntown.com
Thornbury	Thornbury	thornbury.ca
Simpson Street	Thunder Bay	Not available
Heart of the Harbour	Thunder Bay	heartoftheharbour.ca
Victoria Street	Thunder Bay	victoriabia.ca
Uptown Tilbury	Tilbury	uptowntilbury.com
Tillsonburg	Tillsonburg	Not available
Downtown Timmins	Timmins	Not available
Albion Islington Square	Toronto	albionislingtonsquare.com
Beach	Toronto	beachesbia.com
Bloor Annex	Toronto	bloorannexbia.com
Bloor by the Park	Toronto	Not available

BIA Name	Location	Website
Bloor Street	Toronto	Not available
Bloor West Village	Toronto	bloorwestvillage.ca
Bloorcourt	Toronto	bloorcourt.com
Bloordale	Toronto	bloordale-bia.com
Bloor-Yorkville	Toronto	bloor-yorkville.com
Chinatown	Toronto	chinatownbia.com
Church Wellesley Village	Toronto	churchwellesleyvillage.ca
College Promenade	Toronto	Not available
Corso Italia	Toronto	torontocorsoitalia.com
Crossroads of the Danforth	Toronto	crossroadsofthedanforthbia.ca
Danforth Mosaic	Toronto	danforthmosaicbia.com
Danforth Village	Toronto	dvbia.ca
Dovercourt Village	Toronto	dovercourtbia.com
Downtown Yonge	Toronto	downtownyonge.com
Dundas West	Toronto	wp.dundaswestbia.ca
Eglinton Hill	Toronto	eglintonhillbia.com
Emery Village	Toronto	emeryvillagebia.ca
Fairbank Village	Toronto	fairbankvillagebia.ca
Forest Hill Village	Toronto	Not available
Gerrard India Bazaar	Toronto	gerrardindiabazaar.com
Greek Town on the Danforth	Toronto	greektowntoronto.com
Harbor Street	Toronto	Not available
Hillcrest Village	Toronto	hillcrestvillage-bia.com
Historic Queen East	Toronto	Not available
The Junction	Toronto	thejunctionbia.ca
Kennedy Road	Toronto	kennedyroadbia.com
Kingsway	Toronto	thekingswaytoronto.ca
Korea Town	Toronto	koreatownbia.com
Lakeshore Village	Toronto	thelakeshore.ca
Liberty Village	Toronto	lvbia.com

BIA Name	Location	Website
Little Italy	Toronto	littleitalyintoronto.ca
Little Portugal	Toronto	Not available
Long Branch	Toronto	longbranchvillage.com
Mimico Lake	Toronto	thelakeshore.ca
Mimico Village	Toronto	thelakeshore.ca
Mirvish Village	Toronto	mirvishvillagebia.com
Mount Dennis	Toronto	Not available
Mount Pleasant	Toronto	Not available
Oakridge Village	Toronto	Not available
Oakwood Village	Toronto	Not available
Old Cabbagetown	Toronto	oldcabbagetown.com
Pape Village	Toronto	papevillage.com
Parkdale Village	Toronto	parkdalevillagebia.com
Queen Street West	Toronto	westqueenwest.ca
The Waterfront	Toronto	waterfrontbia.com
Regal Heights Village	Toronto	regalheights-bia.com
Riverside	Toronto	riversidedistrictbia.com
Roncesvalles Village	Toronto	roncesvallesvillage.ca
Rosedale Main Street	Toronto	Not available
Sheppard East Village	Toronto	sheppardeastvillagebia.com
St. Clair Gardens	Toronto	stclairgardens-bia.com
St. Lawrence Market	Toronto	stlawrencemarketbia.ca
The Danforth	Toronto	thedanforth.ca
The Eglinton Way	Toronto	theeglintonway.com
Toronto Entertainment District	Toronto	torontoed.com
Trinity Bellwoods	Toronto	trinitybellwoods.ca
Upper Village	Toronto	Not available
Uptown Yonge	Toronto	Not available
Village of Islington	Toronto	villageofislington.com

BIA Name	Location	Website
Weston Village	Toronto	westonvillagebia.com
Wexford Heights	Toronto	wexfordbia.ca
Wychwood Heights	Toronto	wychwoodheights-bia.com
Yonge Lawrence Village	Toronto	yongelawrencevillage-bia.com
York-Eglinton	Toronto	yorkbia.com
Annex Dupont	Toronto	Not available
Baby Point Gates	Toronto	Not available
Dundas Bathhurst	Toronto	Not available
Kensington Market	Toronto	kensington-market.ca
Knob Hill Plaza	Toronto	Not available
Campbellford	Trent Hills	campbellfordbia.ca
Trenton Downtown	Trenton	downtowntrenton.ca
Historic Mainstreet Unionville	Unionville	unionvilleinfo.com
Uxbridge	Uxbridge	uxbridgebia.ca
Wallaceburg	Wallaceburg	Not available
Uptown Waterloo	Waterloo	uptownwaterloobia.com
Wawa	Wawa	Not available
Downtown Windsor	Windsor	downtownwindsor.ca
Ford City Business District	Windsor	Not available
Walkerville BIA	Windsor	walkervilledistrict.com
Olde Riverside Town Centre	Windsor	oldriversidebia.com
Olde Sandwich Town Business Association	Windsor	Not available
Ottawa Street BIA	Windsor	ottawastreet.ca
Pillette Village BIA	Windsor	Not available
Via Italia/Erie Street BIA	Windsor	viaitalia.com
Wyandotte Towne Centre BIA	Windsor	wyandottetowncentre.com
Downtown Woodstock	Woodstock	downtownwoodstock.ca

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