



Exhibition Place

Item No. 13

ACTION REQUIRED

January 27, 2015

To: The Board of Governors of Exhibition Place

From: Dianne Young
Chief Executive Officer

Subject: **Amendment to former Municipality of Metropolitan Toronto By-law 25-85 "Respecting the Management of Exhibition Place"**

Summary:

This report recommends amending former Municipality of Metropolitan Toronto By-law 25-85 ("Metro By-law 25-85") attached in full in Appendix "B" to remove a small strip of land south of Lake Shore Boulevard from the lands shown under the management of the Board as more specifically shown in the drawing attached to Metro By-law 25-85 and generally highlighted in Appendix "A" attached to this report.

Recommendation:

It is recommended that the Board recommend to City Council that By-law No. 25-85 of the former Municipality of Metropolitan Toronto, "Respecting the Management of Exhibition Place", be amended to remove from Schedule "A" attached to that By-law the strip of land located south of Lake Shore Boulevard from the Lands shown under the management of the Board, as highlighted on the map attached as Appendix "A" to this report.

Financial Impact:

There are no financial impacts resulting from the approval of the recommendation in this report.

Decision History:

The Exhibition Place 2014 – 2016 Strategic Plan has an Organizational and Staffing Goal to *Review and revise our corporate systems* and as a Strategy to support this Goal *we will complete an annual review of By-laws, Policies and Procedures of the Board of Governors.*

The former Municipality of Metropolitan Toronto Council enacted By-law No. 25-85, respecting the management of Exhibition Place on April 2, 1985; which was subsequently amended on October 11, 1989 by Metro By-law 133-89; and further amended on March 31 and April 1, 2010 by City By-law 347-2010.

Issue Background:

The strip of land south of Lake Shore Boulevard and shown on Schedule "A" to Metro By-Law 25-85 has been managed solely by the City of Toronto Parks, Forestry & Recreation Department for several years and is presently undergoing significant capital improvements as part of the City commitment to TO2015 Pan/Parapan Games. The Board managed this strip when it had bleachers located in the area and purpose built for the CNE Waterski Show that has not taken place for the last 2 decades.

Comments:

Metro By-law No. 25-85 provides for the regulation of activities at Exhibition Place and requires that a number of activities (eg performances, sale of goods, solicitation, etc) be undertaken only as permitted by the Board or the Chief Executive Officer. In addition, Metro By-law 25-85 prohibits activities which may damage the grounds or disrupt the operations of Exhibition Place.

While the lands under the management of Exhibition Place are defined in Metro By-Law 25-85 in accordance with the sketch attached as Schedule "A" and include the strip of lands south of Lake Shore Boulevard (the "Lands"), the Lands have, for many years, been solely in the operation and control of the City of Toronto. In fact, over the last ten years, the City of Toronto, Parks, Forestry & Recreation Department has undertaken significant upgrades of the Lands and the Martin Goodman Bike Trail and is in the process of upgrading the Lands and the water lot bordering the lands for the purposes of the Wakeboarding race course for the TO2015 Pan/ParaPan Games. The earlier upgrades required the bleachers which were previously in the control of Exhibition Place to be removed permanently to allow for the bike and walking pathways. The proposed amendment to Metro By-law 25-85 reflects the current reality of the management of the Lands.

The footings of the Exhibition Place Bailey Bridge and the intake for the Exhibition Place lake water irrigation system are located on the Lands, but since the City took control of the Lands many years ago, the City and Exhibition Place have worked cooperatively together to ensure the protection of these structures. Should Metro By-law 25-85 be amended as recommended in this report, Exhibition Place staff will work with City Parks, Forestry & Recreation staff to formalize a letter of agreement respecting responsibility for these structures.

The City Solicitor was consulted as was staff from City Parks, Forestry & Recreation in the preparation of this report.

Contact

Dianne Young, CEO

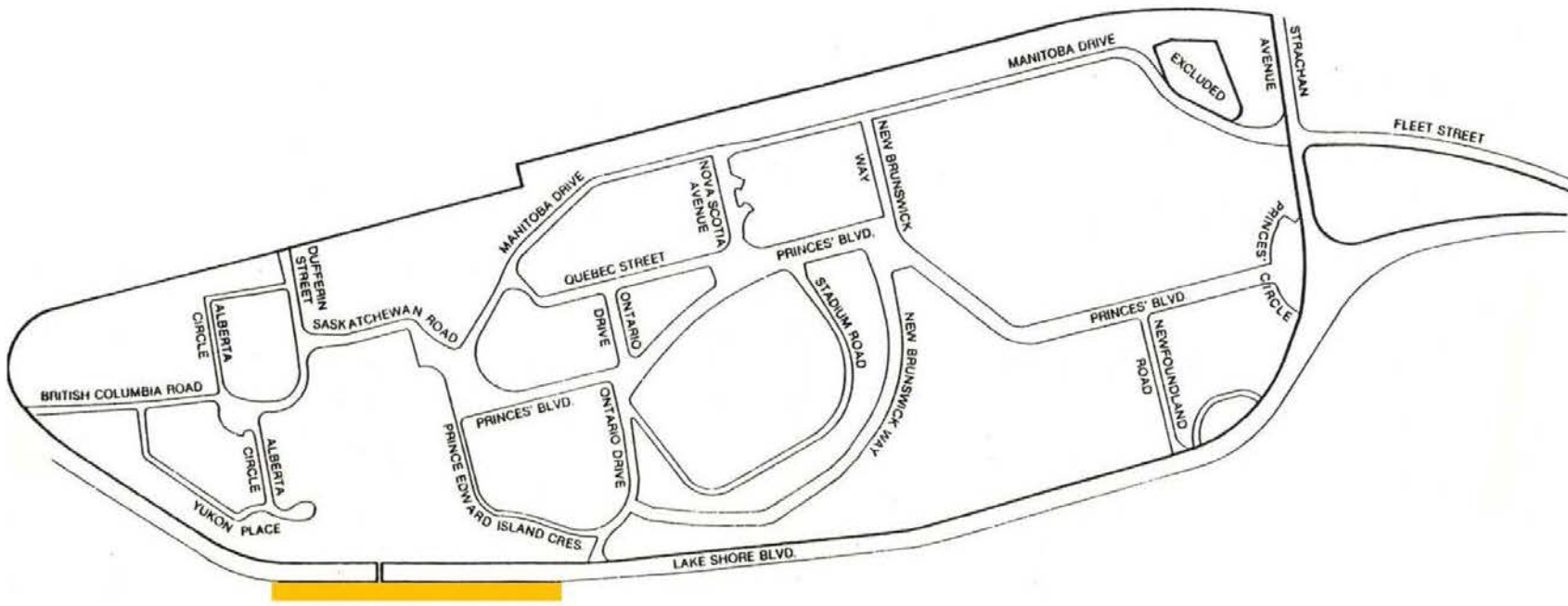
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Appendix A

METRO BY-LAW No. 25-85



EXHIBITION PLACE

Appendix B

**THE MUNICIPALITY
OF METROPOLITAN TORONTO**

BY-LAW No. 25-85.

Respecting the Management of Exhibition Place.

The Council of The Municipality of Metropolitan Toronto HEREBY ENACTS
as follows:

1. (1) In this by-law,
 - (a) "Board" means The Board of Governors of Exhibition Place,
 - (b) "Chief General Manager" means the Chief General Manager of the Board,
 - (c) "Exhibition Place" means those lands vested in the Metropolitan Corporation under subsection 209(1) of the Municipality of Metropolitan Toronto Act and entrusted to the use, operation, management and maintenance of The Board of Governors of Exhibition Place under subsection 209(12) of the said Act more particularly shown in heavy dashed-outline on a sketch attached as Schedule "A" hereto,
 - (d) "motor vehicle" means a motor vehicle within the meaning of the Highway Traffic Act R.S.O. 1980 c. 198 (as amended from time to time),
 - (e) "park roadway" means a part of Exhibition Place that has been designated by the Metropolitan Corporation by by-law for use as a park roadway, and
 - (f) "post" or "posted" refer to the erection or presence of permissive, warning or prohibitive signs, and "posted area" means an area where such signs are erected.
2. (1) No person shall in Exhibition Place
 - (a) ride, drive or park any motor vehicle, except where permitted upon the park roadways and posted parking areas,
 - (b) as owner or person having the control of any dog or other animal, permit such animal to run unleashed or to enter, swim in, or foul any water fountain, beach water, or other body or source of water, or drink from any water fountain,

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- (c) walk upon or in any manner disturb prepared ground, newly sodded or seeded ground, ground under repair or any lawn which is posted to that effect,
 - (d) leave or deposit any ashes, bottles, cans, litter, garbage or waste or any kind whatsoever except in the receptacles provided for such purposes,
 - (e) distribute or display any circular or advertisement, or imprint, stencil, or affix any notice or bill or other paper to any tree, bush, shrub, fence, post, motor vehicle, building, or structure,
 - (f) wilfully cause injury to any person, or deface or damage any public or private property by any means whatsoever.
 - (g) carry on any activity contrary to any sign posted pursuant to subsection 6(3).

(2) Notwithstanding clause e of subsection 1 a person may erect or display a sign or advertisement in accordance with the provisions of a licence or agreement authorized by the Board.

3. (1) Unless authorized by the Board, no person shall in Exhibition Place

- (a) perform for reward any art, skill or service,
- (b) sell or keep for sale any goods, wares, merchandise, tobacco or refreshments of any kind,
- (c) conduct or practise any business, trade or profession,
- (d) solicit with respect to any matter referred to in clauses a, b or c, or
- (e) place, maintain or allow to remain therein any coin-operated machine, device, or game of any nature or kind.

(2) Any authorization of the Board pursuant to subsection 1 shall be by way of permit, licence, agreement or in such other form as the Board may in its discretion from time to time determine.

(3) Clause b of subsection 1 shall not apply to the sale in Exhibition Place of any genuine admission ticket to any authorized event at Exhibition Place, at a price equal to or less than the price printed thereon.

4. (1) Unless authorized in writing by the Chief General Manager, no person shall in Exhibition Place

- (a) hold an organized activity which involves the exclusive use of any area,
- (b) operate any amplifying system or loud speaker,
- (c) erect, construct, build or cause to be erected, constructed or built any permanent or temporary tent, shelter, building or other structure of any sort whatsoever,
- (d) take or permit to be taken any film, photograph or videotape for remuneration,
- (e) dig or tear up any pavement, roadway, sidewalk, walkway, grass plot or flowerbed or any part thereof,
- (f) cut, destroy, or damage in any way any tree, flower, plant, shrub or flowerbed,
- (g) dump, store, leave or maintain any earth, rock, stone, fill, refuse or garbage of any kind whatsoever.

(2) The Chief General Manager is hereby authorized to issue permits authorizing any activities set out in subsection 1, the fees for which shall be such amounts as the Board shall from time to time authorize and the Chief General Manager may make any such permit subject to such conditions as to time, place, equipment, number or participants and the obtaining of insurance coverage as he deems appropriate.

5. Where any act or activity is permitted under the provisions of an arrangement, agreement, lease, licence, permit or other writing duly authorized by or on behalf of the Board, such act or activity shall be deemed to be authorized under subsections 3(1) and 4(1).

6. (1) The Board is hereby authorized to close off Exhibition Place, or part or parts thereof,

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- (a) during the period of the annual exhibition and such periods immediately prior and subsequent thereto as it deems necessary for the purposes of preparing for and dismantling the exhibition, and
 - (b) during any other period it deems necessary for the safe and orderly carrying out of a permitted activity or event.

(2) The Chief General Manager is hereby authorized

- (a) to post signs allowing or prohibiting or regulating any activity in any area of Exhibition Place if the permitting or prohibiting, as the case may be, of such activity is contemplated by this by-law, and
- (b) to close off for such temporary period as may be appropriate Exhibition Place, or part or parts thereof, to relieve or prevent overcrowding or traffic congestion, or in the interests of public safety.

(3) The Board is authorized to post signs prohibiting or regulating any activity in Exhibition Place.

7. No authorization of the Board or the Chief General Manager for any matter referred to in this by-law shall relieve the person or persons so authorized from acquiring any other licence or permit required therefor by The Municipality of Metropolitan Toronto or any other governmental or public authority.

8. Nothing in this by-law shall apply to persons employed or engaged or authorized by the Board or peace officers who are performing their duties or other authorized activities as such.

9. (1) Any employee of the Board or any peace officer, is hereby authorized to order any person whom he believes is contravening or has contravened any provision of this by-law,

- (a) to desist from any activity constituting or contributing to such contravention,
 - (b) to remove from Exhibition Place any animal or thing owned by or in the custody or control of such person which he believes is or was involved in such contravention,
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- (c) to leave Exhibition Place and not re-enter it for the remainder of the day, or
 - (d) during the period of the annual exhibition, to leave Exhibition Place and not re-enter it for the remainder of the annual exhibition.

(2) Any employee of the Board or any police officer is hereby authorized to remove from Exhibition Place any animal or thing which he believes is or was involved in

- (a) interfering with the enjoyment of Exhibition Place by any member of the public or the performance of duties by any employee, agent or contractor of the Board, or
- (b) the contravention of any provision of this by-law.

(3) Where any person contravenes any of the provisions of this by-law or fails to comply with any order referred to in subsection 1, the permission and licence of such person to remain in or re-enter Exhibition Place is revoked and suspended for the next ensuing twenty-four hours or, where the order is given pursuant to clause d of subsection 1, for the remainder of the annual exhibition.

10. Every person who violates any provision of this by-law shall upon conviction thereof, forfeit and pay, at the discretion of the convicting court a penalty not exceeding (exclusive of costs) \$2,000.00 for each offence.

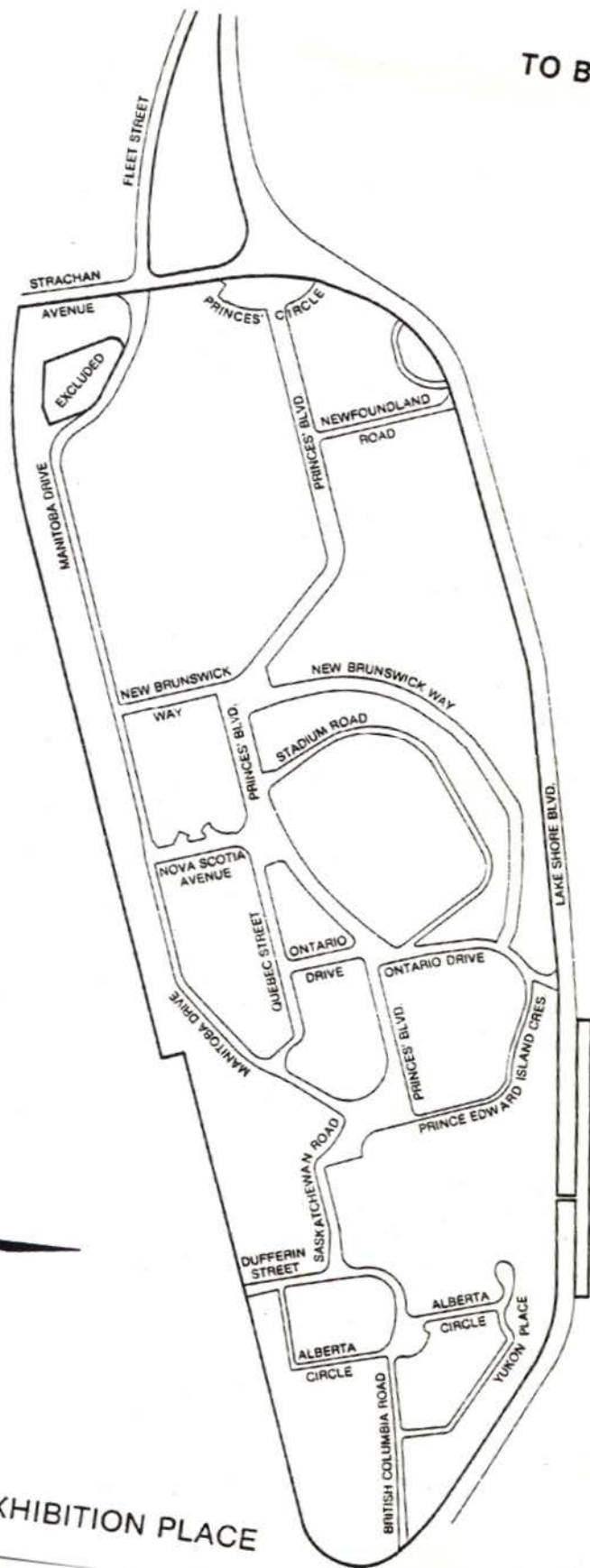
ENACTED AND PASSED this 2nd day of April, A.D. 1985.

W. J. LOTTO,
Metropolitan Clerk.

C. DENNIS FLYNN,
Chairman.

(Corporate Seal)

TO BY-LAW NO. 25-85.



EXHIBITION PLACE

Authority: Parks, Recreation and Property
Committee No. 14(2).
Intended for first presentation to Council:
October 11, 1989.
Adopted by Council: October 11, 1989.

**THE MUNICIPALITY
OF METROPOLITAN TORONTO**

BY-LAW No. 133-89.

**To amend By-law No. 25-85 respecting the
management of Exhibition Place.**

The Council of The Municipality of Metropolitan Toronto HEREBY ENACTS as follows:

1. Subsection 2(1) of By-law No. 25-85, being a By-law "Respecting the Management of Exhibition Place", is amended by adding thereto the following paragraph:

"(h) release, within any 24 hour period, 10 or more balloons."

ENACTED AND PASSED this 11th day of October, A.D. 1989.

DANIEL CROMBIE,
Metropolitan Clerk.

ALAN TONKS,
Chairman.

(Corporate Seal)



Exhibition Place

MEMBER AMENDMENT MOTION

Re: Agenda Item #13, Board meeting of February 6, 2015

Moved by: Councillor Layton

Seconded by: Councillor Grimes

It is recommended that the Board request City Council to authorize the General Manager of the City's Parks, Forestry & Recreation Division to negotiate and enter into an agreement with the Canadian National Exhibition Association (CNEA) for use of the strip of land south of Lake Shore Boulevard shown on Appendix A to Metro By-law No. 25-85, as required to stage the annual CNE Fair at no rental fee to the CNEA.