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REQUEST FOR CONSENT TO USE "YORK REGION" IN NAME - YORK REGION OPERA

The Finance and Administration Committee recommends the adoption of the recommendations contained in the following report, undated, from the Regional Solicitor:

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council deny the request by Arts Integra Centre for Music and the Arts for the use of "York Region Opera".
2. The Regional Clerk be authorized to advise Arts Integra Centre for Music and the Arts that they are requested to change their name to avoid confusion on the part of the public about a service provided by or affiliated with the Region.

2. PURPOSE

The purpose of this report is to advise Regional Council of the request received from York Region Opera for use of this name and recommend that Regional Council deny this request.

3. BACKGROUND

York Region Opera was established in June 2003 in association with Arts Integra Centre for Music and the Arts. The purpose of this organization is to foster the career of Canadian singers while enhancing the cultural and educational development of York Region.

York Region Opera obtained its Master Business License from the Government of Ontario on June 23, 2003 and opened for business shortly thereafter.

4. ANALYSIS AND OPTIONS

The *Business Names Act* requires that any person wishing to register a business using a word or expression that could be connected with a municipality obtain the written consent of the municipality to the use thereof. All requests to use of the Region's name are brought to Regional Council for approval in accordance with the requirements of the Regional Policy "Use of The Regional Municipality of York's Name".

Under this policy, Regional Council can deny the use of the Region's name if it believes that using it would cause confusion on the part of the public about a service provided by the Region or a connection with the Region that does not exist. The policy also requires that in providing its consent to use of the Region's name, Regional Council takes into consideration the nature of the requestor's business to determine whether confusion on the part of the public about a service provided by the Region could result from use of the name.

There are a number of corporations in the Region which incorporate reference to "York Region" in their name; however, Regional Council has generally required that the reference be included at the end of the name to avoid the perception by the public of a connection to the Region.

In the present case, the Provincial licensing agency granted a business licence to York Region Opera and as a result they have carried on business under this name for almost one year. They are now seeking Council's consent retroactively so that they may continue to carry on business under this name.

A second organization currently carries on business under the name "Opera York". They have expressed some concern about possible confusion between the two organizations. However, this is not a consideration set out in the Region's policy for consent of use of its name.

5. FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

6. LOCAL MUNICIPAL IMPACT

There are no local municipal impacts associated with this report.

7. CONCLUSION

The use of the name "York Region Opera" may suggest some affiliation with the Region and may be perceived by the public as an affiliation with a government agency. Consequently, Regional Council should request that this organization change its name.

The Senior Management Group has reviewed this report.