

Authority: Notice of Motion J(3), moved by Councillor Shiner, seconded by Deputy Mayor Feldman, as adopted by City of Toronto Council on September 28, 29, 30 and October 1, 2004

Enacted by Council: September 30, 2004

CITY OF TORONTO

BY-LAW No. 863-2004

To authorize the exemption from taxation for municipal and school purposes for the municipal capital facility for affordable housing located on land known municipally as 600 Rogers Road.

WHEREAS Section 110(1) of the *Municipal Act, 2001* provides that the council of a municipality may enter into agreements for the provision of municipal capital facilities by any person; and

WHEREAS Section 110(6) of the *Municipal Act 2001*, provides that the council of a municipality may pass by-laws exempting property, or a portion of it, from taxation for municipal and school purposes on which municipal capital facilities are located; and

WHEREAS paragraph 18 of section 2 of Ontario Regulation 46/94, as amended, prescribes municipal facilities for municipal housing project facilities as eligible municipal capital facilities; and

WHEREAS at its meeting of April 18, 2002, Council enacted By-law No. 282-2002 which enacted a municipal housing facility by-law as required by section 6.1 of Ontario Regulation 46/94, as amended; and

WHEREAS at its meeting of September 28, 29, 30 and October 1, 2004, Council authorized the entering into of an agreement for the provision of municipal capital facilities by the Toronto Community Housing Corporation (the "Housing Provider"), located on the land more particularly described in Schedule "A" (the "Premises"); and

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The Premises shall be exempt from taxation for municipal and school purposes while this by-law is in force and so long as the Premises are used by the Housing Provider as a municipal capital facility, namely as affordable housing.
2. The tax exemptions referred to herein shall be effective on the first day of the month following the month when 80% of the units at the Premises are first occupied.
3. This by-law shall be deemed repealed:
 - (a) if the Housing Provider fails to enter into an municipal housing project facility agreement with the City which meets the requirements set out in City of Toronto By-law No. 282-2002 (the "Agreement");

- (b) if the Housing Provider ceases to occupy the Premises without having assigned the Agreement to a person approved by the City in accordance with the Agreement;
- (c) if the Housing Provider or its successor in law ceases to use the Premises for purposes of affordable housing; and/or
- (d) if the Agreement is terminated for any reason whatsoever.

ENACTED AND PASSED this 30th day of September, A.D. 2004.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE “A”**DESCRIPTION OF PREMISES AND PROJECT**

Part of Lots 1, 2, 3, 4, 5, 9 and 11, Registered Plan 2364 and Part of Lots 11, 12, 13, 14, 15, 16 and 14 and Part of Lots 17, 18, 19, 20 and 21, Registered Plan 2393 in the former City of York, municipally known as 600 Rogers Road, Toronto, containing 7 units of affordable housing or such other number of units as approved by the City.