

Authority: Government Management Committee Item 13.3,
as adopted by City of Toronto Council on April 28 and 29, 2008
Enacted by Council: April 29, 2008

CITY OF TORONTO

BY-LAW No. 382-2008

To authorize the entering into of an agreement for the provision of a municipal capital facility at 4995 Keele Street.

WHEREAS Section 252 of the *City of Toronto Act, 2006* provides that the City may exempt from taxation for municipal and school purposes land or a portion of it on which municipal capital facilities are, or will be, located, and an agreement for municipal capital facilities may allow for the lease, operation or maintenance of the facilities; and

WHEREAS paragraph 16 of subsection 2(1) of Ontario Regulation 598/06 prescribes municipal facilities used for cultural, recreational, or tourist purposes as eligible municipal capital facilities; and

WHEREAS subsection 6(1) of Ontario Regulation 598/06 requires that in respect of municipal facilities used for cultural, recreational or tourist purposes, the facility must also be owned by the City (or other public sector entity, or revert to such an entity), and Council must declare the facility to be for the purposes of the City and to be for public use; and

WHEREAS the City of Toronto (the "City") as owner entered into a lease dated January 1, 2006 (the "Lease") with the Toronto Azzurri Soccer Club (the "Tenant") for the use of the soccer field/field house located on the premises described in Schedule "A" hereto (the "Premises"); and

WHEREAS the Premises are owned by the City, and Council has declared the facility to be for the purposes of the City and to be for public use; and

WHEREAS Council is desirous of entering into an agreement with the Tenant for the provision of municipal facilities for recreational purposes at the Premises, and of providing an exemption from taxation for municipal and school purposes to the Premises;

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

1. The City of Toronto is authorized to enter into an agreement under section 252 of the *City of Toronto Act, 2006* with the Tenant for the provision of City facilities used for recreational purposes at the Premises, in accordance with O.Reg. 598/06 (the "Agreement").
2. The Premises are exempt from taxation for municipal and school purposes.
3. This by-law shall be deemed repealed:
 - (a) If the Tenant ceases to lease the Premises without having assigned the Agreement to the new Tenant of the Premises;

- (b) If the Premises cease to be used for the purposes of City facilities used for recreational purposes;
 - (c) When the Lease, or any renewal or extension of the Lease, expires;
 - (d) If the Lease, or any renewal or extension of the Lease, is terminated, for any reason whatsoever; or
 - (e) If the Agreement is terminated for any reason whatsoever.
- 4.** (1) Sections 1, 3 and 4 of this by-law shall come into force on the day that the by-law is enacted.
- (2) Section 2 of this by-law shall come into force on the day the Agreement is entered into by the City and the Landlord.

ENACTED AND PASSED this 29th day of April, A.D. 2008.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE "A"

DESCRIPTION OF PREMISES

Assessment Roll No.: 1908-03-3-353-00100

Municipal Address: 4995 Keele Street

Legal Description:

CON 3 WY PT LOT 25 RP

64R4616 PARTS 1