

Authority: Government Management Committee Item 16.7,
as adopted by City of Toronto Council on July 15, 16 and 17, 2008
Enacted by Council: July 17, 2008

CITY OF TORONTO

BY-LAW No. 801-2008

To authorize the entering into of an agreement for the provision of a municipal capital facility at 76 Wychwood Avenue.

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 March 28, 2006 with Toronto Artscape Foundation (the "Tenant") for the use of the 14,518 square feet of space at the premises described in Schedule "A" hereto (the "Premises"), which Lease was assigned by Toronto Artscape Foundation to Toronto Artscape Inc. by Assignment of Lease dated March 12, 2008 (together referred to as the "Lease"); 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 cultural, recreational and tourist 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 cultural, recreational, and tourist 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 cultural, recreational or tourist 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 17th day of July, A.D. 2008.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE “A”

DESCRIPTION OF PREMISES

LEGAL DESCRIPTION:

Part PIN: 21261-0374 (LT)

Part of Lots 21, 22, 23, 24, 32, 33 and 34 on registered Plan 119-York

All of Lots 31 to 38 (inclusive) and parts of Lots 1, 2, 3, 4, 5, 30 and 39, part of McKinlay Avenue, registered Plan 945-York

Part of McKinlay Avenue, registered Plan 638-York

All of Lots 1 to 6 (inclusive), part of lane registered Plan M-144, City of Toronto

Being Parts 7 and 9 on Reference Plan 66R-22778

14,518 square feet of space at 76 Wychwood Avenue, to be used for the Covered Street Barn and Community Gallery (8,566 sq. ft.) and the area used as public washrooms, entry ways and utility rooms (5,952 sq. ft)