

Authority: Government Management Committee Item 12.10,
as adopted by City of Toronto Council on April 10 and 11, 2012
Enacted by Council: April 11, 2012

CITY OF TORONTO

BY-LAW No. 507-2012

To authorize the entering into of an agreement for the provision of a municipal capital facility at 255 Bremner Boulevard.

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 10 of section 2 of Ontario Regulation 598/06 prescribes municipal facilities used for cultural, recreational or tourist purposes as eligible municipal capital facilities; and

WHEREAS the City as owner, has entered into a lease dated May 1, 2007 with John Street Roundhouse Development Corp. as tenant, as amended by an agreement dated May 1, 2007, with respect to the building located at 255 Bremner Boulevard (the "Premises"), for a term of 60 years commencing July 8, 2009; and

WHEREAS THE City entered into a sublease dated May 28, 2010 with John Street Roundhouse Development Corp. (the "Sublandlord") for part of the Premises designated as Bays 15, 16 and 17 (the "Subleased Premises") for the provision of cultural services (the "Sublease"); 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 be for public use; and

WHEREAS the Subleased 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 Sublandlord for the provision of a municipal capital facility at the Subleased 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 Sublandlord for the provision of municipal facilities for the provision of cultural services at the Subleased Premises, in accordance with Ontario Regulation 598/06 (the "Agreement").
2. The Subleased Premises are exempt from taxation for municipal and school purposes.

- 3.** This by-law shall be deemed repealed:
- (a) if the Sublandlord ceases to lease the Subleased Premises without having assigned the Agreement to the new Sublandlord of the Subleased Premises;
 - (b) if the City ceases to use the Subleased Premises for the purposes of cultural services;
 - (c) when the Sublease, or any renewal or extension of the Sublease, expires;
 - (d) if the Sublease, or any renewal or extension of the Sublease, 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 later of the following:
- (a) the date the tax exemption by-law is enacted; and
 - (b) the day that the Agreement is entered into by the City and the Sublandlord.

ENACTED AND PASSED this 11th day of April, A.D. 2012.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

SCHEDULE "A"

DESCRIPTION OF THE PREMISES

Assessment Roll No. 1904-06-2-069-00000

Bays 15, 16 and 17 at 255 Bremner Boulevard being Parts of Blocks C & D, Plan 536-E, part of Lake Street, Plan 536-E, designated as parts 45, 46 and 47, Plan 64R-13323, City of Toronto, save and except for Parts 2 to 9 on Plan 64R-13541