

Authority: Executive Committee Item EX15.2, adopted as amended, by City of Toronto Council on February 6 and 7, 2012

CITY OF TORONTO

BY-LAW 1455-2017

To repeal By-law 1001-2017 and to enact a by-law to authorize the exemption from taxation for municipal and school purposes for the municipal capital facility for affordable housing located at 3455 Weston Road and 3457 Weston Road.

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 housing facilities may allow for the lease, operation or maintenance of the facilities; and

Whereas paragraph 18 of section 2 of Ontario Regulation 598/06 prescribes municipal facilities used for affordable housing as eligible municipal capital facilities; and

Whereas subsection 7(1) of Ontario Regulation 598/06 requires that in respect of municipal facilities used for a housing, the housing units fall within the definition of "affordable housing" as the term is defined in the Municipal Facility Housing By-law 124-2016; and

Whereas 3415 Weston Road Limited, has agreed to provide affordable housing at the properties currently known as 3455 Weston Road and 3457 Weston Road, Toronto; and

Whereas the portions of the Premises identified in Schedule A hereto are primarily used for affordable housing (the "Eligible Premises"); and

Whereas Council of the City of Toronto approved the granting of an exemption from taxation for municipal and school purposes, for the entire term of the municipal capital facilities agreement at its meeting held February 6 and 7, 2012 by passing item EX15.2 confirmed by By-law 107-2012; and

Whereas Council enacted By-law 501-2012 on April 11, 2012 to authorize the City of Toronto to enter into an agreement under section 252 of the *City of Toronto Act, 2006* with 3415 Weston Road Limited for the provision of a municipal capital facilities for use as affordable housing at the Eligible Premises; and

Whereas By-law 501-2012 was amended by By-law 396-2014 on May 8, 2014 to revise the number of affordable housing units to be provided at the Eligible Premises; and

Whereas By-law 501-2012 was further amended by By-law 993-2017 on October 4, 2017 to confirm the number of affordable housing units to be provided at the Eligible Premises and to fix a technical error, so as to accurately reflect Item EX15.2, as adopted by City Council; and

Whereas Council has entered into an agreement with 3415 Weston Road Limited under section 252 of the *City of Toronto Act, 2006* for the provision of municipal capital facilities for use as affordable housing at the Eligible Premises, and for the provision of an exemption from taxation for municipal and school purposes to the Eligible Premises, in accordance with Ontario Regulation 598/06 (the "Agreement"); and

Whereas By-law 1001-2017 did not state a commencement date of the by-law with sufficient clarity, and did not accurately reflect Item EX15.2, as adopted by City Council, in accordance with By-law 107-2012, By-law 501-2012 (as amended) and the Agreement.

The Council of the City of Toronto enacts:

1. By-law 1001-2017 is repealed.
2. The Eligible Premises are exempt from taxation for municipal and school purposes.
3. The tax exemption referred to herein shall be effective, in accordance with the Agreement and City of Toronto By-laws 107-2012, 501-2012 (as amended) and 124-2016, from the date of occupancy of 3455 Weston Road and 3457 Weston Road and shall continue for a period of 25 years thereafter.
4. This by-law shall be deemed to be repealed:
 - (a) if 3415 Weston Road Limited ceases to occupy the Eligible Premises without having assigned the Agreement to a person approved by the City in accordance with the Agreement;
 - (b) if 3415 Weston Road Limited or its successor in law ceases to use the Eligible Premises for the purposes of affordable housing in accordance with City of Toronto By-law 124-2016 and its municipal housing project facility agreement with the City of Toronto; and/or
 - (c) if the Agreement is terminated for any reason whatsoever.

Enacted and passed on December 8, 2017.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Schedule A

Description of Eligible Premises

Legal Description

PIN: 10295-0429 (LT)

Part of Lot 20, Concession 5 West of Yonge Street Township of York designated as Parts 1, 2, 3, 6 Plan 66R-28288, City of Toronto

The Eligible Premises

Construction of two buildings containing 362 units of which 348 units will be affordable housing units or such other number of units as approved by the City at 3455 Weston Road and 3457 Weston Road, Toronto.