

Authority: MM31.19, by Councillor Mike Layton,  
seconded by Councillor Joe Cressy, as adopted by City of  
Toronto Council on April 7 and 8, 2021

## CITY OF TORONTO

### BY-LAW 233-2021

**To amend By-law 1756-2019, being a by-law to enact a new Municipal Housing Facility By-law and to repeal By-law 124-2016, to exempt rental housing units at 54-56 Kensington Avenue from the restriction that affordable rental housing projects be new units, and to authorize the entering into of an agreement for the provision of a municipal housing facility at 54-56 Kensington 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 subsection 2(18) of Ontario Regulation 598/06 prescribes municipal facilities used for affordable housing for the purpose of section 252 of the City of Toronto Act, 2006; and

Whereas subsection 7(1) of Ontario Regulation 598/06 requires that in respect of municipal facilities used for housing, that all the housing units fall within the definition of "affordable housing" as that term is defined in the Municipal Housing Facility By-law 1756-2019; and

Whereas the definition of "affordable housing" for rental housing includes the requirement that the housing is new; and

Whereas Kensington Market Community Land Trust has agreed to provide affordable housing at the property currently known as 54-56 Kensington Avenue, Toronto; and

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

Whereas at its meeting held April 7 and 8, 2021, the City authorized an amendment to By-Law 1756-2019 to allow the twelve (12) rental housing units at 54-56 Kensington Avenue, which are not new units, to meet the definition of "affordable housing" for the purposes of that By-law; and

Whereas Council wishes to enter into an agreement with Kensington Market Community Land Trust for the provision of municipal capital facilities for use as affordable housing at the Eligible Premises;

The Council of the City of Toronto enacts:

1. The definition of "Affordable Housing" in By-law 1756-2019 "To enact a new Municipal Housing Facility By-law and to repeal By-law 124-2016" shall be amended to read:

"Affordable Housing", for the purpose of this by-law and all municipal housing facility agreements:

- (i) for new affordable rental housing, means housing units with monthly occupancy costs at or below Average Market Rents save and except for the twelve (12) rental housing units located within the building at 54-56 Kensington Avenue, which are not new units; and
  - (ii) for existing affordable rental housing, means housing units in Former Federal Projects providing low-rent units; and
  - (iii) for assisted ownership housing, means housing units with a sale price at or below the Average Resale Price of a home.
2. The City of Toronto is authorized to enter into an agreement under section 252 of the City of Toronto Act, 2006 with Kensington Market Community Land Trust for the provision of affordable housing at the Eligible Premises, in accordance with Ontario Regulation 598/06 (the "Agreement").

Enacted and passed on April 8, 2021.

Frances Nunziata,  
Speaker

John D. Elvidge,  
Interim City Clerk

(Seal of the City)

**Schedule A**

**Description of Premises**

**Legal Description**

PIN: 21235-0016 (LT)

PCL 31-2 SEC AD15; FIRSTLY: PT LT 31 W/S KENSINGTON AVE PL D15 TORONTO; SECONDLY: PT LT 9 PL D272 TORONTO PT 1, 2, 66R14661; S/T A ROW AT ALL TIMES FOR THE OWNERS AND OCCUPIERS FROM TIME TO TIME OF THE LANDS LYING IMMEDIATELY TO THE W OF THE ABOVE DESCRIBED LAND OVER, ALONG AND UPON THE SLY 8 FT OF THE ABOVE DESCRIBED PORTION OF LT 9, PL D272; S/T PT 2, 66R14661 & PT 1, 66R17394 AS IN E53063; S/T ROW OVER PT 2 PL 66R14661 IN FAVOUR OF PIN 21235-0015 AS IN AT657337; TORONTO, CITY OF TORONTO

**The Eligible Premises**

A building containing 12 units of which 12 units will be affordable housing units or such other number of units as approved by the City at 54-56 Kensington Avenue, Toronto.