

# EX34.21

## Attachment 1: Detailed Eligibility Criteria for Inclusion in Creative Co-location Facilities Property Subclasses

The eligibility criteria for the Creative Co-location Facility Property subclasses are set out below. Changes have been underlined for ease of identification.

The eligibility process is a two-step process; firstly, the property as a whole must meet the requirements of a "**Qualifying Property**" set out below, and secondly the portion of the Qualifying Property that is eligible for inclusion in the Creative Co-location Facility Property subclasses must be identified.

For the purpose of assessing this eligibility, a **Qualifying Property** must have as tenants creative enterprises that produce **Cultural Goods** or provide Cultural Services that are charged a **Below Average Market Rent**, as defined below:

**Creative Enterprises** are entities that produce cultural goods or provide cultural services, as defined by the Canadian Framework for Cultural Statistics, under the headings Core Culture Domains; or Cultural Sub-Domains, and in respect of the Cultural Sub-Domains D, E and F, (written and published works, audio-visual and interactive media and sound recording) are registered not-for-profit organizations.

Culture Domains					
A. Heritage and libraries	B. Live performance	C. Visual and applied arts	D. Written and published works	E. Audio-visual and interactive media	F. Sound recording
Core Culture Sub-domains					
<ul style="list-style-type: none"><li>Archives</li><li>Libraries</li><li>Cultural heritage</li><li>Natural heritage</li></ul>	<ul style="list-style-type: none"><li>Performing arts</li><li>Festivals and Celebrations</li></ul>	<ul style="list-style-type: none"><li>Original visual art</li><li>Art reproductions</li><li>Photography</li><li>Crafts</li></ul>	<ul style="list-style-type: none"><li>Books</li><li>Periodicals</li><li>Newspapers</li><li>Other published works</li></ul>	<ul style="list-style-type: none"><li>Film and video</li><li>Broadcasting</li><li>Interactive media</li></ul>	<ul style="list-style-type: none"><li>Sound recording</li><li>Music publishing</li></ul>

### **Below Average Market Rent** is:

a net rent that is at least 30% lower than the average market net rent for a similar space in the same classification of property as defined by BOMA (Building Owners and Managers Association) standards and in the same neighbourhood (as validated by the City of Toronto through reference to current data compiled by a recognized commercial realty firm).

### **Step 1:**

A **Qualifying Property** is a property in which all of the following criteria are met:

**a) Minimum Scale/Physical Space:** The property must consist of a physical building (i.e. not a virtual network) with a minimum net rentable area of 10,000 square feet, or a minimum net rentable area of 5,000 square feet where the property is owned by the City

of Toronto or notwithstanding b), houses more than 40 separate tenants that meet the definition of 'Creative Enterprises',

**b) Multiple Tenants:** The property must have a minimum of five (5) distinct, full-time tenants that meet the definition of "Creative Enterprises".

**c) Concentration of Creative Enterprises:** A minimum of 51% of tenants in the building, in relation to the total number of tenants, must be Creative Enterprises. In addition, Creative Enterprise tenants must occupy a minimum of 51% of the property's net rentable area.

**d) Free programming and cultural activities for the public:** A Creative Co-location Facility must offer at least twelve cultural programs that are offered free of charge to members of the public over the course of the calendar year, with no less than ten months of the year featuring such programs.

Cultural programs are events, educational sessions or activities that relate to areas of activity described under the Framework for Cultural Statistics, which are:

- film-making workshops or the screening of films or video;
- authors readings or workshops related to book publishing;
- presentation of performing or visual arts;
- interpretation of cultural and natural heritage; and,
- live music presentation.

## Step 2:

**Portions of the Qualifying Property** eligible to be a Creative Co-location Facility (**the "Eligible Property"**) are those portions of a "Qualifying Property" which satisfy the following criteria for leased space, common space or owner-occupied space.

### A. Criteria for Leased Space:

a) The leased space within a Qualifying Property is occupied or leased by a "Creative Enterprise".

b) The term of the lease for the leased space occupied by the Creative Enterprise is a minimum of 5 years, or the landlord can demonstrate continuous occupancy by the Creative Enterprise for a minimum of five years up to the point of application.

c) The rent charged for the space leased to the Creative Enterprise is Below Average Market Rent (BAMR).

d) All Creative Enterprises leasing space in the Qualifying Property receive at least two of the following benefits that arise from co-location (provided by or through the property owner or landlord, or by groups of tenants as enabled by the landlord).

- free access/use of meeting or conference space;
- free or subsidized use of photocopier, telephones, fax machines and other office equipment and technology;
- demonstrated consolidated buying power for office and other supplies;

- access to free tailored professional development and training; access to subsidized accredited professional services, such as accounting or legal services;
- coordinated support for public programming;
- coordinated marketing initiatives; or shared services related to the property's security systems, cleaning, reception, courier, mail, and catering.

**B. Criteria for Eligible Common Space:**

The portion of common and shared spaces in a Qualifying Property that are used by tenants (e.g. entrance foyer, hallways, public washrooms, serveries, lounge, mailroom, bicycle storage area, etc.) expressed in square feet/square metres as the percentage leased to creative enterprises (as calculated in Step 1c) "Concentration of Creative Enterprises" above).

**C. Criteria for Owner-Occupied Space:**

A portion of a Qualifying Property that is occupied by the owner of the property for non-commercial activity, up to a maximum of 10% of the total net rentable space.

**Non-Eligible Portions**

For clarity, only those portions of a Qualifying Property that meet the above criteria constitute the Eligible Property for inclusion in the Creative Co-location Facility subclasses of the Commercial and Industrial property tax classes in this category, accordingly, any portions of the property that do not meet the criteria above are not eligible to be included within the Creative Co-location Facility property tax subclasses.