

Authority: Policy and Finance Committee Report No. 4, Clause No. 24,
as adopted by City of Toronto Council on April 12, 13 and 14, 2005
Enacted by Council: April 14, 2005

CITY OF TORONTO

BY-LAW No. 292-2005

To authorize the entering into of an agreement for the provision of a municipal capital facility by 90 Niagara Street Limited, at 90 Niagara Street.

WHEREAS Section 110(1) of the *Municipal Act, 2001* provides that the council of a municipality may enter into agreements for the provision of municipal capital facilities by any person and may pass by-laws exempting from property taxation for municipal and school purposes land, or a portion of it, on which municipal capital facilities are located; and

WHEREAS paragraph 2 of section 2 of Ontario Regulation 46/94, as amended, prescribes municipal facilities for the general administration of the municipality as eligible municipal capital facilities; and

WHEREAS the City of Toronto (the "City") has entered into a lease for a ten year term with 90 Niagara Street Limited (the "Former Owner"), dated November 23, 1990, which lease was renewed for a further five year term by Lease Renewal and Amendment Agreement dated January 24, 2001 (collectively referred to as the "Lease"), for the use of the premises particularly described in Schedule "A" hereto (the "Premises") as a printing and distribution facility for the City;

WHEREAS the Former Owner sold the property to Niagara Toronto Lofts Inc. (the "Owner"), and the Lease has been assigned to the Owner;

WHEREAS Council is desirous of entering into an agreement with the Owner for the provision of municipal facilities at the Premises;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The City is authorized to enter into an agreement under section 110 of the *Municipal Act, 2001* with the Owner for the provision of municipal facilities for the general administration of the municipality at the Premises, in accordance with O.Reg. 46/94 (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 This by-law shall be deemed repealed: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 Owner ceases to own the Premises without having assigned the Agreement to the new owner of the Premises;
 - (b) If the City or its successor in law ceases to use the Premises for purposes of the general administration of the municipality;
 - (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 that the Agreement is entered into by the City and the Owner.

ENACTED AND PASSED this 14th day of April, A.D. 2005.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE “A”**DESCRIPTION OF PREMISES**

The City’s Printing and Distribution Facility, being Thirteen Thousand and Four (13,004) square feet, at Parcel 27-1-L, Section A, Military Reserve being Part of Lot 27, Section “L” of the Military Reserve, City of Toronto, Designated as Part 1 on Plan R-4719, City of Toronto (formerly the Municipality of Metropolitan Toronto), known municipally as 90 Niagara Street in the City of Toronto.

Assessment Roll Number: 1904-06-2-170-03100