

Authority: Policy and Finance Committee Report 7, Clause 21,  
as adopted by City of Toronto Council on September 25, 26 and 27, 2006  
Enacted by Council: February 6, 2007

## **CITY OF TORONTO**

### **BY-LAW No. 94-2007**

#### **To authorize the entering into of an agreement for the provision of a municipal capital facility at 400 Kipling Avenue.**

WHEREAS pursuant to Section 419 of the *City of Toronto Act, 2006* section 110 of the *Municipal Act, 2001* is deemed to be substituted by Section 252 of the *City of Toronto Act, 2006*; and

WHEREAS Section 252 of the *City of Toronto Act, 2006* provides that the City of Toronto 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 16 of section 2(1) of Ontario Regulation 598/06 prescribes municipal facilities used for recreational purposes as eligible municipal capital facilities; and

WHEREAS the City of Toronto (the "City") is in the process of negotiating a lease (the "Lease") with Lakeshore Lions Arena Incorporated (the "Tenant") to permit the construction and operation of a four pad arena complex on the property described in Schedule "A" hereto (the "Property"); and

WHEREAS Council has declared the facility to be located on the Property to be a municipal capital facility for the purposes of the municipality and for public use, and is desirous of entering into an agreement with the Tenant for the provision of same;

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 Tenant for the provision of municipal facilities for recreational purposes at the Property, in accordance with O.Reg. 598/06 (the "Agreement").
2. The Property is exempt from taxation for municipal and school purposes, provided that this exemption shall not extend to any portion of the Property for which a leasehold interest or other right to occupy a portion of the Property is granted or conveyed by the Tenant to a person or entity that is neither a registered charity nor a not-for-profit corporation.
3. This by-law shall be deemed repealed:
  - (a) If the Tenant ceases to occupy or manage the Property without having assigned the Agreement to the new tenant of the Property;

- (b) If the Tenant ceases to operate the Property for charitable or not-for-profit purposes;
  - (c) If the City or its successor in law ceases to use the Property for recreational purposes;
  - (d) When the Lease, or any renewal or extension of the Lease, expires;
  - (e) If the Lease, or any renewal or extension of the Lease, is terminated, for any reason whatsoever; or
  - (f) 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 is the latter of:
- (a) the day the Agreement is entered into by the City and the Tenant; and
  - (b) the day the Lease is entered into by the City and the Tenant.

ENACTED AND PASSED this 6th day of February, A.D. 2007.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

**SCHEDULE “A”**

**DESCRIPTION OF PROPERTY**

Part Block A, Plan 1168, Part 1, 2, 3, 4 and 5, Plan 64R12859, Etobicoke, City of Toronto.

Assessment Roll No.: 1919-05-2-400-00500