

Authority: Executive Committee Item 35.2,
as adopted by City of Toronto Council on November 13, 14, 15 and 18, 2013

CITY OF TORONTO

BY-LAW No. 78-2014

To authorize the entering into of an agreement for the provision of a municipal capital facility at Casa Loma.

Whereas section 252 of the *City of Toronto Act, 2006* (the "Act") 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 paragraph 2 of section 2 of Ontario Regulation 598/06 prescribes municipal facilities used for cultural, recreational or tourist purposes as eligible municipal capital facilities; and

Whereas subsection 6(1) of Ontario Regulation 598/06 requires that in respect of municipal facilities used for cultural, recreational or tourist purposes, the facility must also be owned by the City (or other public sector entity, or revert to such an entity), and Council must declare the facility to be for the purposes of the City and to be for public use; and

Whereas the City of Toronto (the "City") as owner entered into a lease dated January 14, 2014 (the "Lease") with Casa Loma Corporation and with 1906823 Ontario Inc. (the "Tenant") for the use of the premises known as Casa Loma and as described in Schedule "A" hereto (the "Premises"); and

Whereas the Premises are owned by the City, the portions of the Premises identified in Schedule "B" hereto are used for cultural, recreational or tourist purposes (the "Eligible Premises"), and Council has declared the Eligible Premises to be for the purposes of the City and to be for public use; and

Whereas Council is desirous of entering into an agreement with the Tenant for the provision of municipal facilities for use for cultural, recreational or tourist purposes at the Eligible Premises, and of providing an exemption from taxation for municipal and school purposes to the Eligible Premises;

The Council of the City of Toronto enacts:

1. The City of Toronto is authorized to enter into an agreement under section 252 of the Act with the Tenant for the provision of City facilities for cultural, recreational or tourist purposes at the Eligible Premises, in accordance with Ontario Regulation 598/06 (the "Agreement").
2. The Eligible Premises are exempt from taxation for municipal and school purposes.
3. This by-law shall be deemed repealed:
 - (1) If the Tenant ceases to lease the Eligible Premises without having assigned the Agreement to the new tenant of the Eligible Premises;

- (2) If the Eligible Premises cease to be used for cultural, recreational or tourist purposes;
 - (3) When the Lease, or any renewal or extension of the Lease, expires;
 - (4) If the Lease, or any renewal or extension of the Lease, is terminated, for any reason whatsoever; or
 - (5) 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 later of the following:
- (a) the day this by-law is enacted; and
 - (b) the day that the Agreement is entered into by the City and the Tenant.

Enacted and passed on January 30, 2014.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Schedule "A"

The Premises

The Property municipally known as 1 Austin Terrace, Toronto, Ontario, M5R 1X8, consisting of:

The Main House and Grounds

PIN 21222-0145 LT
LT 1-8 PL 930 WYCHWOOD BRACONDALE DOVERCOURT, PRIVATE RD PL 930
WYCHWOOD BRACONDALE DOVERCOURT BTN LT 5 & 6 & BTN LT 7 & 8, CITY OF
TORONTO; and

North of Austin Terrace Site

PIN 21223-0095 LT
PART OF LOTS 13 AND 14 ON THE NORTH SIDE OF AUSTIN TERRACE PLAN 930 AS
SET OUT IN FORMER CITY OF TORONTO BY-LAW 181-91 AND REGISTERED AS
CA134332, CITY OF TORONTO

Schedule "B"**The Eligible Premises**

The Premises, with the exception of the following portions thereof, constitute the Eligible Premises:

Gift Shop:

Total commercial area including storage is 1,150 square feet

Café:

Total commercial area for basement café including food preparation is 2,000 square feet

Main Floor Kitchen:

Total commercial area for main floor kitchen is 1,350 square feet