

Authority: Government Management Committee Item 27.5,  
as adopted by City of Toronto Council on February 19 and 20, 2014

## **CITY OF TORONTO**

### **BY-LAW No. 92-2014**

#### **To authorize the entering into of an agreement for the provision of municipal capital facilities at 1076 Pape Avenue, 454 Lakeshore Avenue and 740 Finch Avenue West.**

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(1) of Ontario Regulation 598/06 prescribes municipal facilities related to (i) the provision of social and health services, including long-term care homes under Part VIII of the *Long-Term Care Homes Act, 2007*, (ii) cultural, recreational or tourist purposes, and (iii) community centres as eligible municipal capital facilities; and

Whereas subsection 5(1) of Ontario Regulation 598/06 requires that in respect of municipal facilities used for cultural, recreational or tourist purposes, the facility must be owned by the City (or another prescribed public sector entity), and Council must declare by resolution that the municipal capital facility are for the purposes of the City and are for a public use; and

Whereas subsection 5(1) of Ontario Regulation 598/06 requires that in respect of municipal facilities used for a community centre, the facility be primarily used for local community activities, and Council declare by resolution that the municipal capital facilities are for the purposes of the City and are for a public use; and

Whereas the City as landlord has entered into leases (the "Leases") with tenants for the use of the premises particularly described in Schedule "A" hereto (the "Premises") for the provision of (i) social and health services, namely a youth shelter, at 1076 Pape Avenue (ii) cultural, recreational or tourist purposes, namely an affordable retreat space, studio and accommodations for artists, at 453 Lakeshore Avenue and (iii) a community centre, namely a riding facility for disabled children at 740 Finch Avenue West (the "MCF Uses"); and

Whereas the Premises at 453 Lakeshore Avenue are owned by the City, and Council has declared theses Premises to be for the purposes of the City and to be for public use; and

Whereas the Premises at 740 Finch Avenue West are primarily used for local community activities, and Council has declared these 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 tenants for the provision of a municipal capital facility at the 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 *City of Toronto Act, 2006* with the tenants under each of the Leases (the "Tenants") for the provision of municipal facilities (the "Agreement").
2. Each of the Premises are exempt from taxation for municipal and school purposes.
3. This by-law shall be deemed repealed, in respect of each of the Premises individually:
  - (a) if the Tenant ceases to lease the Premises without having assigned the Agreement to the new tenants of the Premises;
  - (b) if the Premises cease to be used for its respective MCF Use;
  - (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) In respect of each of the Premises, section 2 of this by-law shall come into force on the later of the following:
    - (a) the date 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 February 20, 2014.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

**SCHEDULE "A"**

**DESCRIPTION OF THE PREMISES**

1076 Pape Avenue:

Assessment Roll No. 1906 032 280 06100

Legal Description: Plan M40 PT Lot 209 PT Lot 208

453 Lakeshore Avenue:

Assessment Roll No. 1904 061 600 00100

Legal Description: Plan E616 Pt Lot 16

740 Finch Avenue West:

Assessment Roll No. 1908 053 540 08800

Legal Description: CON 2 WYPt Lots 21 to 25 PLAN R1463 PART 1 PLAN 1425 PARTS 1 to 4