

Authority: Government Management Committee Item 31.11,
as adopted by City of Toronto Council on July 8, 9, 10 and 11, 2014

CITY OF TORONTO

BY-LAW No. 701-2014

To authorize the entering into of an agreement for the provision of a municipal capital facility at 85 Ellesmere Road for the Maryvale Branch Library.

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 paragraph 11 of section 2(1) of Ontario Regulation 598/06 prescribes municipal facilities used for public libraries as eligible municipal capital facilities; and

Whereas the Toronto Public Library Board (the "Board") has previously entered into a lease with FCHT Holdings (Ontario) Corporation (the "Landlord") for the use of 4421 square feet of space at the premises described in Schedule "A" hereto (the "Premises") for use as a public library; and

Whereas the Board and the Landlord recently entered into a lease amending (together with the original lease referred to as the "Lease") agreement to increase the space being occupied by the Board by an additional 577 square feet; and

Whereas pursuant to City of Scarborough By-law No. 25069, the initial 4421 square feet of leased space at the Premises was exempted by the City from property taxation; and

Whereas Council is desirous of entering into an agreement with the Landlord for the provision of a municipal capital facility at the additional 577 square feet of space 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 Landlord for the provision of municipal facilities for use as a public library at the additional 577 square feet of space at the Premises, in accordance with Ontario Regulation 598/06 (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 This by-law shall be deemed repealed: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 Landlord ceases to own or manage the Premises without having assigned the Agreement to the new landlord of the Premises;
 - (b) if the Board ceases to use the Premises for public library purposes;
 - (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.
 - (a) Sections 1, 3 and 4 of this by-law shall come into force on the day that the by-law is enacted.
 - (b) Section 2 of this by-law shall come into force on the later of the following:
 - (1) the date the tax exemption by-law is enacted; and
 - (2) the day that the Agreement is entered into by the City and the Landlord.

Enacted and passed on July 11, 2014.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE "A"
DESCRIPTION OF THE PREMISES

Assessment Roll No. 1901032720-01000-1460 and 1901032720-010000-1461

Unit 15B, Parkway Mall

85 Ellesmere Road, City of Toronto

Legal Description: PLAN M646 BLK A