

Authority: Planning and Growth Management Committee Item PG15.2, adopted as amended, by City of Toronto Council on May 26 and 27, 2008 and Planning and Growth Management Committee Item PG17.5, as adopted by City of Toronto Council on October 2, 3 and 4, 2012  
City Council voted in favour of this by-law on July 20, 2023  
Written approval of this by-law was given by Mayoral Decision 8-2023 dated July 20, 2023

## **CITY OF TORONTO**

### **BY-LAW 745-2023**

#### **To cancel municipal taxes for the property known municipally as 261 Queen Street East.**

Whereas by the adoption of By-law 516-2008, as amended by By-law 1323-2012, City Council designated the City of Toronto as a community improvement project area, pursuant to section 28(2) of the Planning Act, and adopted the city wide Community Improvement Plan for Brownfield Remediation and Development of Prescribed Employment Uses consisting of development grants in the form of tax increment equivalent grants for certain defined uses and for brownfield remediation tax assistance, pursuant to section 28(2) of the Planning Act, R.S.O. 1990, c. P.13 and section 333 of the City of Toronto Act, 2006, S.O. 2006, c. 11, Schedule A (the "City of Toronto Act"); and

Whereas the Owner of the Eligible Property has applied to the City to cancel the property taxes for the Eligible Property, in accordance with the Community Improvement Plan and section 333 of the City of Toronto Act; and

Whereas the Eligible Property is located within the community improvement project area and is eligible for brownfield remediation tax assistance pursuant to section 333 of the City of Toronto Act; and

Whereas the Owner has provided the City with a Phase 2 Environmental Assessment demonstrating that provincial standards cannot be met in order to file a record of site condition in respect of the Property; and

Whereas in accordance with subsection 333(2) of the City of Toronto Act the City may pass by-laws providing for the cancellation of all or a portion of taxes for municipal and school purposes levied on eligible properties; and

Whereas the City wishes to provide for the cancellation of a portion of the municipal taxes for the Property described in schedule A to this by-law;

The Council of the City of Toronto enacts:

1. In this by-law the following terms shall have the following meanings:

**"Base Municipal CVA Taxes"** means the amount calculated by multiplying the Current Value Assessment(s) ("CVA") applicable for the taxation year in which the Financial

Incentive Agreement between the City and the Owner is signed, by the tax rate(s) applicable for those lands, for that taxation year. The Base Municipal CVA Taxes shall be fixed in this manner for the purposes of determining the Municipal Tax Increment, subject to any adjustment arising from assessment appeals or changes to CVA made by the Municipal Property Assessment Corporation ("MPAC") and shall remain unchanged for the duration of the term of the Tax Assistance.

**"Community Improvement Plan" or "CIP"** means the City-Wide Community Improvement Plan for Brownfield Remediation and Development of Prescribed Employment Uses as set out in By-law 516 2008, as amended by By-law 1323-2012.

**"CVA"** means the Current Value Assessment as determined by the Municipal Property Assessment Corporation ("MPAC").

**"Destination Municipal CVA Taxes"** means the amount calculated by multiplying the CVA for the Property directly attributable to the Eligible Development, as reflected in the returned assessment roll applicable to the first full taxation year following the completion and reassessment of the Property, by the tax rate(s) applicable at that time. The Destination Municipal CVA Taxes shall remain fixed for the purposes of determining the Municipal Tax Increment subject to any adjustments to taxes arising from assessment appeals or changes to the Destination Municipal CVA made by MPAC, and shall remain unchanged for the duration of the term of the Tax Assistance.

**"Eligible Development"** means the development of Eligible Uses on the Eligible Property which occurs following remediation that would enable the Owner to file a record of site condition or comply with a certificate of property use with respect to the Eligible Property in the Environmental Site Registry under section 168.4 of the Environmental Protection Act.

**"Eligible Property" or "Property"** means that portion of the property municipally known as 261 Queen Street East, as described in Schedule A attached to this by-law, and upon which an office building as described in the Owner's Property Tax Incentive Application is to be located.

**"Eligible Uses"** means those uses eligible to receive Brownfield remediation tax assistance in accordance with the CIP, as described in the Owner's Property Tax Incentive Application.

**"Financial Incentives Agreement"** means the agreement entered into between the Owner and the City setting out the terms and conditions of the Brownfields Remediation Tax Assistance program.

**"Municipal Tax Increment"** means the difference derived from the following calculation for all Eligible Development:

Destination Municipal CVA Taxes ( - ) Base Municipal CVA Taxes

The Municipal Tax Increment shall be calculated in the first year that the subject Assistance is provided, and shall remain fixed, subject to the provisions for adjustment as set out in the Financial Incentives Agreement.

**"Owner"** means the registered owner of the Eligible Property.

**"Property Tax Incentive Application"** means the Imagination, Manufacturing, Innovation and Technology (IMIT) property tax incentive application submitted by the Owner dated August 31, 2022, and held on file with the Economic Development and Culture Division, City of Toronto.

**"Remediation Costs"** means the cost of any action taken to reduce the concentration of contaminants on, in or under the Eligible Property to permit a record of site condition to be filed in the Environmental Site Registry under section 168.4 of the *Environmental Protection Act* and the cost of complying with any certificate of property use issued under section 168.6 of the *Environmental Protection Act*, as further specified in the CIP.

**"Tax Assistance"** means the cancellation of the Municipal Tax Increment levied on the Eligible Property during the Development Period for municipal purposes in accordance with the terms of this by-law and the CIP.

2. The City shall provide Tax Assistance for the Eligible Property subject to the provisions of this by-law, the Financial Incentives Agreement, and the applicable provisions of the CIP.
3. Tax Assistance shall commence on the date that the Municipal Tax Increment would have been payable, but for the cancellation of taxes as authorized by this by-law, in the first calendar year in which the Property tax bill reflects the increased assessed value attributable to the Eligible Development and shall terminate upon the earlier of:
  - a. either:
    - i. two years after the date that MPAC reassesses the Property to reflect the fully improved value of the developed property; or
    - ii. three years after the date that MPAC reassesses the Property to reflect the fully improved value of the developed property, if the Property is also receiving development grants; or
  - b. the date that the Tax Assistance provided for the Property equals the sum of:
    - i. the cost of any action taken to reduce the concentration of contaminants on, in or under the property to permit a record of site condition to be filed in the Environmental Site Registry under section 168.4 of the *Environmental Protection Act*; and
    - ii. the cost of complying with any certificate of property use issued under section 168.6 of the *Environmental Protection Act*.

4. The maximum Tax Assistance provided in any given year shall not exceed the Municipal Tax Increment for that year.
5. Where Tax Assistance is provided for a portion of any year, or where Tax Assistance represents only a portion of the taxes levied on the Eligible Property, the Owner is responsible for payment of all property taxes levied during the portion of the year when the Tax Assistance is not provided, and for all taxes not subject to Tax Assistance.
6. The Treasurer shall alter the tax roll in accordance with the Tax Assistance to be provided for the Eligible Property.
7. Tax Assistance shall be suspended and may be terminated in the following circumstances:
  - a. the Owner is in default of any obligation pursuant to this by-law or applicable provisions of the CIP; or
  - b. the Owner is in default of any obligation pursuant to the Financial Incentives Agreement.
8. If Tax Assistance is to be suspended or terminated under section 7, the City may:
  - a. provide the Owner with notice that the conditions under this by-law, the CIP, or the Financial Incentives Agreement, as applicable, have not been met and that the Tax Assistance is terminated and order the Owner to repay the property taxes that were subject to the Tax Assistance, with interest, in accordance with section 310 of the City of Toronto Act; or
  - b. provide the Owner with notice that Tax Assistance will be suspended pending the Owner curing the default within such period and on such terms as the City specifies in writing, and that the failure to do so will result in termination of the Tax Assistance. in accordance with subsection 8.a of this by-law.

Enacted and passed on July 20, 2023.

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk

(Seal of the City)

**SCHEDULE A**  
**LEGAL DESCRIPTION**

**106 Ontario Street**

PIN 21091-0019 (LT)

Parcel 5-4, Section Y1; Part of Town Lot 1, south side of Queen Street East, Town of York Plan, Toronto, designated as Part 1, Plan 66R-31717; City of Toronto

PIN 21091-0020 (LT)

Parcel 5-6, Section Y1; Part of Town Lot 1, south side of Queen Street East, Town of York Plan, Toronto, designated as Part 2, Plan 66R-31717; City of Toronto

PIN 21091-0068 (LT)

Part of Town Lot 1, south side of Queen Street East, Town of York Plan, Toronto, designated as Part 3, Plan 66R-31717; City of Toronto

**261 Queen Street East**

PIN 21091-0343 (LT)

Part of Lot 5, south side of Queen Street East, Plan 124 Toronto, designated as Parts 15 and 16, Plan 66R-31717; together with an easement over Part 22 on Plan 66R31717 as in AT5687606; City of Toronto

**265 Queen Street East**

PIN 21091-0061 (LT)

Part of Lot 5, south side of Queen Street East, Plan 124 Toronto, designated as Parts 13 and 14, Plan 66R-31717; City of Toronto

**267 Queen Street East**

PIN 21091-0062 (LT)

Part of Town Lot 1, south side of Queen Street East, Town of York Plan, Toronto, designated as Parts 11 and 12, Plan 66R-31717; City of Toronto

**271 Queen Street East**

PIN 21091-0063 (LT)

Part of Town Lot 1, south side of Queen Street East, Town of York Plan, Toronto, designated as Part 10, Plan 66R-31717; City of Toronto

**273 Queen Street East**

PIN 21091-0064 (LT)

Part of Town Lot 1, south side of Queen Street East, Town of York Plan, Toronto, designated as Part 9, Plan 66R-31717; City of Toronto

**275 and 277 Queen Street East**

PIN 21091-0065 (LT)

Part of Town Lot 1, south side of Queen Street East, Town of York Plan, Toronto, designated as Part 8, Plan 66R-31717; City of Toronto

**8 and 12 Brigden Place and 281 Queen Street East**

PIN 21091-0345 (LT)

Part of Town Lot 1, south side of Queen Street East, Town of York Plan, Toronto; Part of Lot 5, south side of Queen Street East, Plan 124 Toronto, designated as Parts 4, 5 and 6, Plan 66R-31717; t/w an easement over Part 22 on Plan 66R31717 as in AT5687606; City of Toronto

**283 Queen Street East**

PIN 21091-0067 (LT)

Part of Town Lot 1, south side of Queen Street East, Town of York Plan, Toronto, designated as Part 38, Plan 66R-31717; City of Toronto

**360 and 384 Richmond Street East**

PIN 21091-0358 (LT)

Part of Town Lot 1 on the north side of Richmond Street, Plan Town of York Toronto, Part of Lots 5 and 6 on the north side of Richmond Street, Plan 124 Toronto designated as Parts 30 to 32 on Plan 66R31717; the boundary of the north limit of Richmond Street has been confirmed under BA788 Registered as CT157877 (C368195); subject to an easement over Part 32, on Plan 66R31717 as in ES40092; subject to an easement as in Instrument No. AT6158871; City of Toronto

**410 Richmond Street East and 90 Ontario Street**

PIN 21091-0071 (LT)

Part Town Lot 1, north side of Duchess Street, Town of York Plan, Toronto, designated as Part 33, Plan 66R-31717; t/w CT409664; subject to an easement in gross as in AT6158871; City of Toronto

**Brigden Lane**

PIN 21091-0358 (LT)

Part of Town Lot 1 on the south side of Queen Street East, Part of Town Lot 1 on the north side of Duchess Street, Plan Town of York Toronto; Part of Lot 5 on the south side of Queen Street East, Part of Lots 5 and 6 on the north side of Duchess Street Plan 123 Toronto, being designated as Parts 35, 36 and 37 on Plan 66R31717 closed by By-Law No. 190-2021 as in CA816902; subject to an easement over Parts 35, 36 and 37, 66R31717 as in CA816903; subject to an easement over Parts 35, 36 and 37 on Plan 66R31717 as in CA816904; subject to an easement over Parts 35, 36 and 37 on Plan 66R31717 as in CA817041; City of Toronto