

Authority: Executive Committee Item EX1.1, adopted as amended, by City of Toronto Council on January 30 and 31, 2019; and Planning and Housing Committee Item PH3.6, adopted as amended, by City of Toronto Council on May 10, 11 and 12, 2023
City Council voted in favour of this by-law on July 25, 2024
Written approval of this by-law was given by Mayoral Decision 17-2024 dated July 25, 2024

CITY OF TORONTO

BY-LAW 821-2024

To authorize the exemption from taxation for municipal and school purposes for the municipal capital facility for affordable housing located at 140 Merton Street.

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 18 of subsection 2(1) of Ontario Regulation 598/06 prescribes municipal facilities used for affordable housing for the purpose of section 252 of the City of Toronto Act, 2006; and

Whereas subsection 7(1) of Ontario Regulation 598/06 requires that in respect of municipal facilities used for housing, the housing units fall within the definition of "affordable housing" as the term is defined in the Municipal Housing Facility By-law 713-2024; and

Whereas Missanabie Cree-Maskwa Elders Care has agreed to provide affordable housing at the property currently known as 140 Merton Street, Toronto; and

Whereas the portions of the Premises identified in Schedule A hereto are primarily used for affordable housing (the "Eligible Premises"); and

Whereas Council will enter into an agreement with Missanabie Cree-Maskwa Elders Care for the provision of municipal capital facilities for use as affordable housing at the Eligible Premises, and for the provision of an exemption from taxation for municipal and school purposes to the Eligible Premises (the "Agreement");

The Council of the City of Toronto enacts:

1. The Eligible Premises are exempt from taxation for municipal and school purposes.
2. The tax exemptions referred to herein shall be effective, in accordance with City of Toronto By-law 713-2024, from the date of execution of the municipal housing facility agreement, the date this by-law is enacted, or the Commencement Date of the Lease, whichever is later, and shall continue for a period of 99 years thereafter.

3. This by-law shall be deemed repealed:

- (a) if Missanabie Cree-Maskwa Elders Care ceases to occupy the Eligible Premises without having assigned the Agreement to a person approved by the City in accordance with the Agreement;
- (b) if Missanabie Cree-Maskwa Elders Care or its successor in law ceases to use the Eligible Premises for the purposes of affordable housing in accordance with City of Toronto By-law 713-2024 and the Agreement; and/or
- (c) if the Agreement is terminated for any reason whatsoever.

Enacted and passed on July 25, 2024.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Schedule A

Description of Eligible Premises

Legal Description

PIN: 21124-0026

PCL 26-1 SEC M5; PT LT 26 N/S MERTON ST PL M5 TORONTO; PT LT 28 N/S MERTON ST PL M5 TORONTO COMM AT A POINT IN THE NLY LIMIT OF MERTON ST, DISTANT 7 FT MEASURED ELY ON THE SAID LIMIT FROM THE S WLY ANGLE OF LT 28 AFORESAID; THENCE WLY ALONG SAID LIMIT OF MERTON ST 17 FT 8 INCHES MORE OR LESS TO THE PRODUCTION SLY OF THE CENTRE LINE OF THE PARTY WALL BTN THE HOUSE ON THIS LAND AND THAT TO THE W THEREOF; THENCE NLY ALONG SAID PRODUCTION ALONG SAID CENTRE LINE OF PARTY WALL AND ALONG THE PRODUCTION NLY THEREOF IN ALL 190 FT MORE OR LESS TO THE REAR OF LT 26 AFORESAID; THENCE ELY ALONG THE REAR LIMITS OF LOTS 26 AND 28, 19 FT 5 INCHES MORE OR LESS TO A POINT DISTANT 7 FT MEASURED ELY THEREON FROM THE N WLY ANGLE OF LT 28 AFORESAID; THENCE SLY PARALLEL WITH THE WLY LIMIT OF LT 28 AFORESAID 190 FT MORE OR LESS TO THE POB; TORONTO , CITY OF TORONTO

PIN: 21124-0078

PCL 28-1 SEC M5; PT LT 28 N/S MERTON ST PL M5 TORONTO ELY 51 FT THROUGHOUT FRONT TO REAR; TORONTO, CITY OF TORONTO

PIN: 21124-0079

PCL 28-2 SEC M5; PT LT 28 N/S MERTON ST PL M5 TORONTO COMM AT A POINT IN THE SLY LIMIT OF LT 28 ON THE N SIDE OF MERTON ST, DISTANT 51 FT MEASURED WLY THEREON FROM THE ELY LIMIT OF LT 28; THENCE WLY ALONG THE SLY LIMIT OF SAID LT 42 FT MORE OR LESS TO A POINT DISTANT 7 FT MEASURED ELY FROM THE W LIMIT OF SAID LT; THENCE NLY PARALLEL WITH THE W LIMIT OF SAID LT TO A POINT IN THE N LIMIT THEREOF DISTANT 7 FT, MEASURED ELY THEREON FROM THE W LIMIT THEREOF; THENCE ELY ALONG THE SAID N LIMIT 42 FT TO A POINT THEREON DISTANT 51 FT MEASURED WLY FROM THE E LIMIT THEREOF; THENCE SLY PARALLEL WITH THE E LIMIT OF SAID LT TO THE POC; TORONTO , CITY OF TORONTO

PIN: 21124-0080

PCL 26-2 SEC M5; PT LT 26 N/S MERTON ST PL M5 TORONTO COMM AT A POINT IN THE NLY LIMIT OF MERTON ST WHERE IT IS INTERSECTED BY THE CENTRE LINE OF PASSAGEWAY BTN THE HOUSE ON THIS LAND AND THAT TO THE W THEREOF, THE SAID POINT BEING DISTANT 73 FT 2 INCHES MORE OR LESS MEASURED ELY ALONG SAID LIMIT FROM THE S WLY ANGLE OF THE SAID LT; THENCE ELY ALONG THE NLY LIMIT OF MERTON ST 16 FT 2 INCHES MORE OR LESS TO THE PRODUCTION SLY OF THE CENTRE LINE OF PARTY WALL BTN THE HOUSE ON THIS LAND AND THAT TO THE E THEREOF; THENCE NLY ALONG SAID PRODUCTION, ALONG SAID CENTRE LINE OF PARTY WALL, AND ALONG THE PRODUCTION NLY THEREOF IN ALL 190 FT TO THE REAR OF THE SAID LT;

THENCE WLY ALONG THE SAID REAR LIMIT 16 FT 2 INCHES TO THE PRODUCTION NLY OF THE CENTRE LINE OF THE PASSAGEWAY BEFORE MENTIONED, THE SAID POINT BEING DISTANT 71 FT 5 INCHES MEASURED ELY THEREON FROM THE N WLY ANGLE OF THE SAID LT; THENCE SLY ALONG SAID PRODUCTION AND ALONG SAID CENTRE LINE OF PASSAGEWAY 190 FT TO THE POB. T/W A ROW OVER, ALONG AND UPON THE WLY HALF OF THE PASSAGEWAY BEFORE MENTIONED AND, S/T A LIKE ROW OVER THE ELY HALF OF THE SAME, SAID PASSAGEWAY HAVING A WIDTH OF 2 FT ON MERTON ST AND 2 FT 5 INCHES AT THE N AND THEREOF BY A DEPTH OF 84 FT, NLY FROM MERTON ST TO THE USED IN COMMON BY THE OWNERS OR OCCUPANTS OF THE HOUSES ADJOINING THERETO; TORONTO, CITY OF TORONTO

PIN: 21124-0081

PCL 26-3 SEC M5; FIRSTLY: PT LT 26 N/S MERTON ST PL M5 TORONTO COMM AT A POINT IN THE NLY LIMIT OF MERTON ST WHERE IT IS INTERSECTED BY THE CENTRE LINE OF PASSAGEWAY BTN THE HOUSE ON THE ELY PORTION OF THIS LAND AND TO THE E THEREOF, SAID POINT BEING DISTANT 73 FT 2 INCHES MORE OR LESS MEASURED ELY FROM THE S WLY ANGLE OF LT 26. THENCE WLY ALONG THE NLY LIMIT OF MERTON ST, 33 FT 2 INCHES MORE OR LESS TO A POINT DISTANT 40 FT ELY FROM THE SW ANGLE OF SAID LT; THENCE NLY PARALLEL TO THE WLY LIMIT OF SAID LT, 190 FT MORE OR LESS TO THE NLY LIMIT OF SAID LT; THENCE ELY ALONG THE NLY LIMIT OF SAID LT 31 FT 5 INCHES MORE OR LESS TO THE PRODUCTION OF CENTRE LINE OF PASSAGEWAY HEREIN AFTER MENTIONED. THENCE SLY ALONG THE SAID PRODUCTION ALONG THE CENTRE LINE OF SAID PASSAGEWAY, 190 FT MORE OR LESS TO THE POB. T/W A ROW OVER, ALONG AND UPON THE ELY 1/2 (HALF) OF THE SAID PASSAGEWAY. S/T A ROW OVER, ALONG AND UPON THE WLY 1/2 (HALF) OF THE SAME SAID PASSAGEWAY LEAVING A WIDTH OF 2 FT ON MERTON ST AND 2 FT 5 INCHES AT THE N END THEREOF BY A DEPTH OF 84 FT NLY FROM MERTON ST, TO BE USED IN COMMON BY THE OWNERS AND OCCUPANTS OF THE HOUSES ADJOINING THERETO; SECONDLY: PT LT 26 N/S MERTON ST PL M5 TORONTO COMM AT A POINT IN THE NLY LIMIT OF MERTON ST, DISTANT 25 FT 3 INCHES MEASURED ELY THEREON FROM THE WLY LIMIT OF SAID LT 26, SAID POINT BEING IN A LINE DRAWN PARALLEL TO THE WLY LIMIT OF SAID LT FROM THE SLY EXTREMITY OF THE CENTRE LINE OF PARTY WALL BTN THE SEMI-DETACHED DWELLING HOUSES COMPRISING THE PAIR STANDING IN 1914, ON THE PT OF SAID LT 26; THENCE NLY TO AND ALONG SAID CENTRE LINE OF PARTY WALL TO THE REAR THEREOF; AND CONTINUING THENCE NLY PARALLEL TO THE WLY LIMIT OF SAID LT; 193 FT TO A POINT IN THE NLY LIMIT OF SAID LT, 25 FT 2 1/2 INCHES MEASURED ELY THEREON FROM THE WLY LIMIT OF SAID LT. THENCE ELY ALONG THE NLY LIMIT OF SAID LT; 14 FT 9 1/2 INCHES; THENCE SLY PARALLEL TO THE WLY LIMIT OF SAID LT 193 FT TO THE NLY LIMIT OF MERTON ST; THENCE WLY ALONG THE NLY LIMIT OF MERTON ST, 14 FT 9 INCHES TO THE POB; TORONTO , CITY OF TORONTO

PIN: 21124-0082

PCL 26-4 SEC M5; PT LT 26 N/S MERTON ST PL M5 TORONTO COMM AT A POINT IN THE NLY LIMIT OF MERTON ST, DISTANT 25 FT 3 INCHES MEASURED ELY

THEREON FROM THE WLY LIMIT OF THE SAID LT, THE SAID POINT BEING A LINE DRAWN PARALLEL TO THE WLY LIMIT OF THE SAID LT FROM THE SLY EXTREMITY OF THE CENTRE LINE OF THE PARTY WALL BTN THE HOUSE ON THIS LAND AND THE HOUSE IMMEDIATELY TO THE E THEREOF; THENCE NLY ALONG SAID LINE, TO AND ALONG THE SAID CENTRE LINE OF THE SAID PARTY WALL TO THE REAR THEREOF AND CONTINUING THENCE NLY PARALLEL TO THE WLY LIMIT OF THE SAID LT IN ALL 193 FT MORE OF LESS TO A POINT IN THE NLY LIMIT OF THE SAID LT DISTANT 25 FT 2 1/2 INCHES MEASURED ELY THEREON FROM THE NW ANGLE OF THE SAID LT; THENCE WLY ALONG THE NLY LIMIT OF THE SAID LT, 15 FT 2 1/2 INCHES TO A POINT DISTANT 10 FT ELY FROM THE NW ANGLE OF THE SAID LT; THENCE SLY PARALLEL TO THE WLY LIMIT OF THE SAID LT, 193 FT MORE OR LESS TO THE NLY LIMIT OF MERTON ST; THENCE ELY ALONG THE NLY LIMIT OF MERTON ST 15 FT 3 INCHES TO THE POB; TORONTO, CITY OF TORONTO

The Eligible Premises

Construction of a building containing 294 units of which 98 units will be affordable housing units or such other number of units as approved by the City at 140 Merton Street.