

Authority: Item 5.4, Council Minutes
20-006
(HSC20009)
CM: April 8, 2020
Ward: 1 **Bill No. 247**

CITY OF HAMILTON

BY-LAW NO. 21-247

Hamilton 90 Carling Street Municipal Housing Project Facilities By-law

WHEREAS under section 110 of the *Municipal Act, 2001* the City may enter into agreements for the provision of municipal capital facilities;

AND WHEREAS under section 110 of the *Municipal Act, 2001* the City may provide financial or other assistance to any person who has entered into an agreement to provide municipal capital facilities;

AND WHEREAS Ontario Regulation 603/06 prescribes municipal housing project facilities as eligible municipal capital facilities;

AND WHEREAS Ontario Regulation 603/06 requires that the City enact a municipal housing facility by-law in order for the City to enter into municipal capital facility agreements for the provision of municipal housing project facilities;

AND WHEREAS Council for the City passed By-law No. 16-233, a municipal housing facilities by-law, on August 12, 2016;

AND WHEREAS By-law No. 16-233 provides that the City may enter into agreements for the provision of affordable housing as a Municipal Housing Project Facility and that the City may give or lend money to any person who has entered into an agreement to provide a Municipal Housing Project Facility, and exempt from taxation for municipal and education purposes, land or a portion of it on which the Municipal Housing Project Facility is or will be located;

AND WHEREAS subsection 110(5) of the *Municipal Act, 2001* requires that for each municipal capital facility agreement entered into by the City, Council must pass a by-law authorizing it to enter into a municipal capital facility agreement for the provision of a municipal capital facility;

AND WHEREAS subsection 110(6) of the *Municipal Act, 2001* requires Council to authorize by by-law a tax exemption for a municipal capital facility;

AND WHEREAS Council approved item 5.4, Report HSC20009, respecting Municipal Incentives for the 90 Carling Street Rental Project, on April 8, 2020 and thereby authorized a forgivable loan in the amount of the site plan application and building permit fees, an exemption of the fees in lieu of parkland dedication, and an exemption

from taxation for municipal and school purposes for a period of 15 years for the 10 affordable housing rental units comprising the Municipal Housing Project Facility owned and operated by 1649626 Ontario Inc. located at the property municipally known as 90 Carling Street; and

AND WHEREAS Council approved 5.4, Report HSC20009, respecting Municipal Incentives for the 90 Carling Street Rental Project, on April 8, 2020 and thereby authorized the City to enter into municipal capital facility agreements with 1649626 Ontario Inc., setting out the terms and conditions of the forgivable loan in the amount of the site plan application fees, building permit fees, and fees in lieu of parkland dedication, and exemption from taxation for municipal and education purposes for the affordable housing rental units within the Municipal Housing Project Facility to be owned and operated by 1649626 Ontario Inc., located at the property municipally known as the premises 90 Carling Street in the City of Hamilton;

NOW THEREFORE Council enacts as follows:

1. In this by-law;

“Affordable Housing - Rental Housing Units” has the meaning ascribed to it in subsection 1(a) of By-law No. 16-233;

“Municipal Housing Project Facility” shall have the same meaning as “Municipal Housing Project Facility” in By-law No. 16-233 s. 1.;

“Property” means the property municipally known as 90 Carling Street, in the City of Hamilton and more particularly described on Schedule “A”; and,

“Agreements” has the meaning ascribed to it in section 2 of this By-law.

2. The City is authorized to enter into one or more Agreements, as determined by the City Solicitor, under section 110 of the *Municipal Act, 2001* with 1649626 Ontario Inc. for the provision of a Municipal Housing Project Facility in the form of 20 Affordable Housing – Rental Housing Units at the Premises which meet the requirements of By-law No. 16-233) and subject to the terms and conditions provided for in items 5.4, Report HSC20009, respecting Municipal Incentives for the 90 Carling Street Rental Project, approved by Council on April 8, 2020 (the “Agreements”). The General Manager of the Healthy and Safe Communities Department is authorized and directed to execute the Agreements and any ancillary documents thereto in a form satisfactory to the City Solicitor. The Agreements shall provide a forgivable loan in the amount of the site plan application fees, building permit fees, and fees in lieu of parkland dedication applicable to the Affordable Housing - Rental Housing Units, and an exemption for taxation for municipal and education purposes provided the Premises are used as a Municipal Housing Project Facility for Affordable Housing - Rental Housing Units as defined in By-law No. 16-233.

3. 1649626 Ontario Inc. shall, subject to the terms and conditions provided for in items 5.4, Report HSC20009, respecting Municipal Incentives for the 90 Carling Street Rental Project, approved by Council on April 8, 2020 be provided a loan in the amount of the site plan application fees, building permit fees, and fees in lieu of parkland dedication for these units, which is forgivable after 15 years provided that 10 Affordable Housing - Rental Housing Units are constructed on the Property and said units are used as a Municipal Housing Project Facility for Affordable Housing - Rental Housing Units as defined in By-law No. 16-233 for 15 years from the date of first occupancy of one of the Affordable Rental Housing Units.
4. The 20 Affordable Housing - Rental Housing Units to be constructed on the Property shall be exempt from taxation for municipal and education purposes commencing on the date of initial occupancy and remain exempt from taxation for municipal and education purposes until this By-law is no longer in force as set out in section 5. The date of initial occupancy shall be the effective date for the purposes of subsection 110(16) of the *Municipal Act, 2001*.
5. This By-law shall remain in force until the earlier of:
 - (a) the date 1649626 Ontario Inc. ceases to own the Property without having transferred the Property and assigned the Agreements to a person approved by the City in accordance with the Agreements;
 - (b) the date 1649626 Ontario Inc. ceases to provide 10 Affordable Housing - Rental Housing Units in accordance with the requirements of By-law 16-233 and the Agreements;
 - (c) the date any of the Agreements are terminated for any reason whatsoever or is in default of either or both of the Agreements;
 - (d) the date that is 15 years from initial occupancy of all 10 Affordable Housing - Rental Housing Units.
6. This By-law may be referred to as the Hamilton 90 Carling Street Municipal Housing Project Facilities By-law.
7. This By-law comes into force on the day it is passed.
8. The 20 Affordable Housing - Rental Housing Units on the Property described in Schedule "A" to By-law 21-247 shall be added to the list of Municipal Housing Project Facilities.

PASSED this 15th day of December, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

Schedule "A" to By-law 21-247 - Property Description and Floor Plans

17467-0090 (LT)

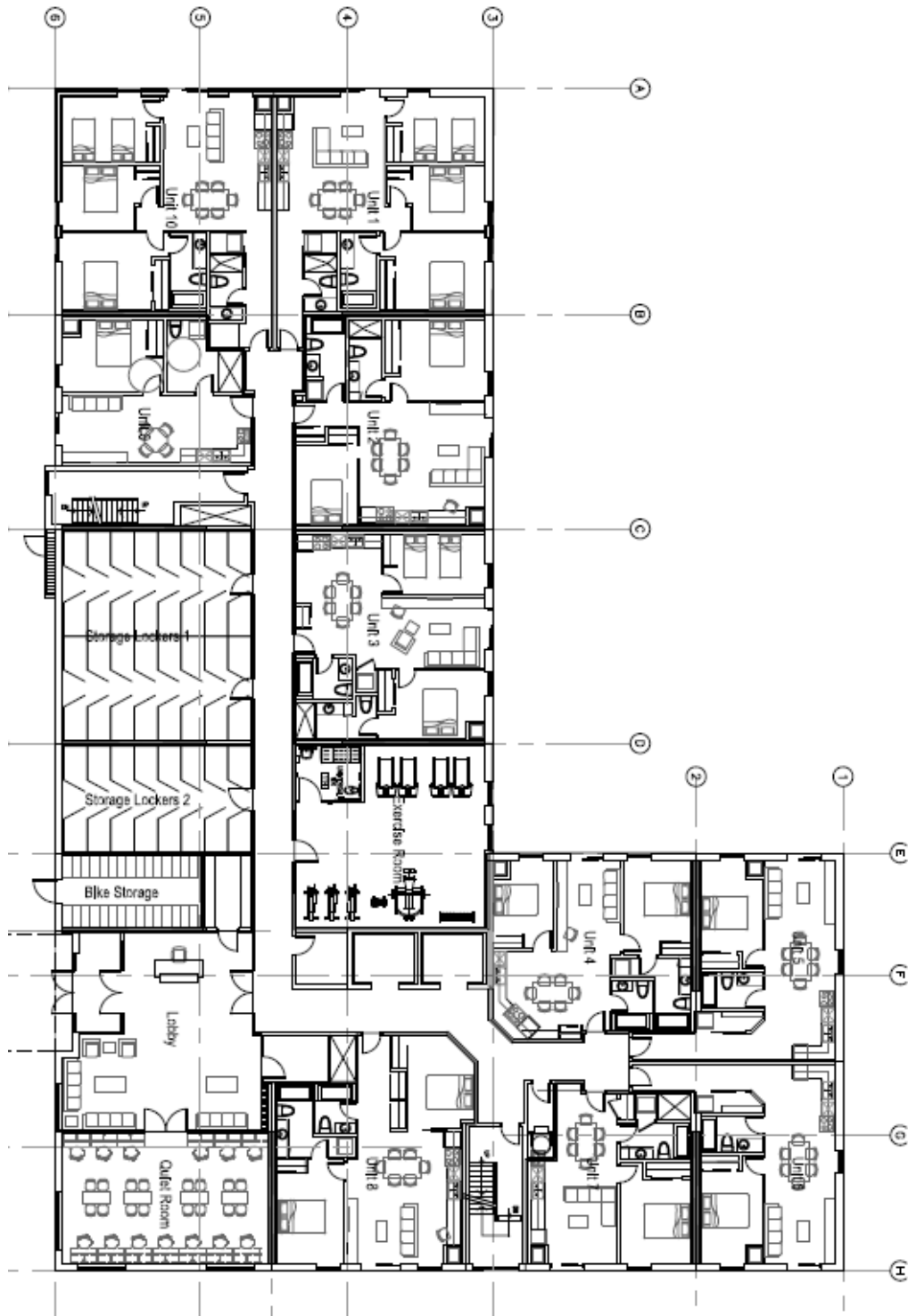
PROPERTY DESCRIPTION:

Firstly: PT LOT 48. PLAN 118 AS IN VM182101. SECONDLY: PT LOTS 50 AND 51, PLAN 118 AS IN VM89844. THIRDLY: PT LOT 51, PLAN 118 AS IN VM226767. FOURTHLY: LOT 57, PLAN 118. FIFTHLY: LOTS 49 AND 58, PLAN 118 AND PT LOT 50, PLAN 118 AS IN NS265476; CITY OF HAMILTON

OWNERS NAMES: 1649626 ONTARIO INC.

Schedule "A" to By-law 21-247

1st Floor



2nd Floor

