

The Corporation of the City of Thorold

By-law No. 132-2021

Being a By-law of the City of Thorold to designate certain lands and premises at the presently known 1813 Sir Isaac Brock Way, in the City of Thorold and more particularly described in Schedule "A" ("Leased Premises") as a Municipal Capital Facility

WHEREAS subsection 110(1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, ("Municipal Act, 2001"), permits a municipality to enter into Agreements for the provision of Municipal Capital Facilities by any person, including another municipality; and

WHEREAS Ontario Regulation 603/06 entitled "Municipal and School Capital Facilities — Agreements and Tax Exemptions", contains a list of classes of Municipal Capital Facilities for which a municipality may enter into an Agreement under subsection 110(1) of the Municipal Act, 2001; and

WHEREAS subsection 110(6) of the Municipal Act, 2001, permits the Council of a municipality to exempt from all or part of the taxes levied for municipal and school purposes land or a portion of it on which Municipal Capital Facilities are or will be located; and

WHEREAS the Corporation of the City of Thorold, the Corporation of the City of St. Catharines, the Regional Municipality of Niagara and Brock University have entered into a Consortium and Co-Tenancy Agreement and a Legacy Lease, both dated May 19, 2021, on lands described in Schedule "A" attached hereto, the "Leased Premises", for the creation of the Canada Games Park which shall contain, inter alia, a twin pad arena, a quad gymnasium, an outdoor running track with interior grass field, an area for athletics, a beach volleyball facility and an open air bike pavilion for the use of the citizens of the City of Thorold, the City of St. Catharines, and the Regional Municipality of Niagara; and

WHEREAS those portions of the Leased Premises shown on the plans contained in Schedule "B" attached hereto, save and except those areas described in Schedule "C" attached hereto, are to be used for the provision of a Municipal Capital Facility, for cultural, recreational or tourist purposes as provided for in Ontario Regulation 603/06, as amended; and

WHEREAS the Consortium and Co-Tenancy Agreement, dated May 19, 2021, Article 14, provides for the passage of a by-law to designate the Canada Games lands as a Municipal Capital Facility, to exempt the facility from property taxation for municipal or school purposes; and

WHEREAS Council approved Report DF2021-46 at its meeting of December 7, 2021; and

WHEREAS Council passed a Resolution at its meeting of December 7, 2021 designating the facility as a Municipal Capital Facility,

Now therefore, the Council of The Corporation of the City of Thorold enacts as follows:

1. THAT the Council hereby designates those portions of the Leased Premises, described in Schedule "A" attached hereto, and shown on the plans contained in Schedule "B" attached hereto, save and except for those areas listed on Schedule "C" attached hereto, in the City of Thorold, as a Municipal Capital Facility, including all present and future improvements thereto for public cultural, recreational or tourist purposes, as provided for in the Consortium and Co-Tenancy Agreement dated May 19, 2021, Article 14; and
2. THAT those portions of the Leased Premises, described in Schedule "A" attached hereto, and shown on the plans contained in Schedule "B", save and except for those

areas listed in Schedule "C", and all present and future related improvements thereto are hereby exempt from the payment of taxation for municipal and school purposes and shall be so exempt until the earliest of:

- (a) The termination of the Canada Games Park ground lease dated May 19, 2021 between Brock University, the Corporation of the City of St. Catharines, the Corporation of the City of Thorold, the Regional Municipality of Niagara and Brock University;
- (b) The day that the Municipal Act, 2001 or such other applicable or successor legislation is repealed or amended, such that the designation of the Leased Premises as a Municipal Capital Facility is no longer available to be made or applicable; or
- (c) The day the Leased Premises cease to be used as a Municipal Capital Facility as that term is defined in Ontario Regulation 603/06, as amended from time to time; and

3.THAT this by-law shall be effective as of the date of its passing.

Read a first, second and third time and finally passed by Council this 7th day of December, 2021.

Terry Ugulini, Mayor

Joanne Hyde, City Clerk