

By-Law No. 2018-275

A by-law of the City of Ottawa to designate the portion of the lands municipally known as 191 Laurier Avenue West in the City of Ottawa that is occupied by the Ottawa Public Library as municipal capital facilities

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Be aware though that you may not be looking at the most recent version of this by-law. It is very possible that it has been amended by Council by another by-law, or even by the Ontario Municipal Board. So, um, just know that before assuming anything.

This PDF contains a copy of the by-law as passed by Council on a certain date. It is a snapshot in time. It could still be in force. It might have been amended. It may have been repealed.

When in doubt, visit <https://ottawa.ca/en/residents/laws-licenses-and-permits/laws>

If you end up asking for a copy of a by-law OttWatch doesn't have yet, please ask the Clerk's office to cc: kevino@kevino.net when they email it to you. You'd be doing the entire community a favour!

Enacted On: 2018-07-11

OttWatch Bylaw Reference: <http://ottwatch.ca/bylaws/2018-275>

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BY-LAW NO. 2018 - 275

A by-law of the City of Ottawa to designate the portion of the lands municipally known as 191 Laurier Avenue West in the City of Ottawa that is occupied by the Ottawa Public Library as municipal capital facilities.

WHEREAS Section 110 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "*Municipal Act, 2001*") permits a municipality to enter into agreements for the provision of municipal capital facilities;

AND WHEREAS Section 110 of the *Municipal Act, 2001* permits a Council of a municipality to designate lands within the classes of lands described in Ontario Regulation 603/06, as amended, as municipal capital facilities and to exempt such facilities from taxation for municipal and school purposes;

AND WHEREAS the land located at 191 Laurier Avenue West, also known as 120 Metcalfe Avenue, leased by Slate Asset Management to the Ottawa Public Library which are more particularly described in Schedule "A" to this by-law ("the Lands"), are used as municipal facilities for public libraries being a permitted class under Ontario Regulation 603/06 as amended;

AND WHEREAS, in accordance with the authorization of the Council on June 13, 2018 the City and Slate Asset Management, will enter into an agreement, conditional on the passage of this by-law, in the form attached as Schedule "B", that provides for the use the Lands as a municipal capital facilities (the "Municipal Capital Facilities Agreement");

THEREFORE the Council of the City of Ottawa enacts as follows:

1. The Council hereby designates as municipal capital facilities the portion of the Lands occupied and used by the Ottawa Public Library as municipal facilities, and all present and future improvements thereto, and the implementation of such designation by way of the attached Municipal Capital Facilities Agreement, a copy of which is hereto as Schedule "B".
2. The Lands 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 day the Ottawa Public Library's Lease Agreement and any renewal thereof expires, is surrendered or terminates for any reason whatsoever;
 - (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 Lands as a municipal capital facility is no longer available to be made or applicable;or

(c) the day the lands cease to be used as municipal capital facilities as that term is described in Ontario Regulation 603/06 or amendments thereto.

3. The City shall cause its Clerk to give written notice of the by-law permitting the City to enter into this agreement to the Minister of Education as provided for in subsection 110(5) of the *Municipal Act, 2001*.

4. The City shall cause its Clerk to give written notice of the contents of this by-law to the Municipal Property Assessment Corporation and the secretary of any school board if the area of jurisdiction of any such board included the land that is exempted by this by-law, as required under section 110(8) of the *Municipal Act, 2001*.

5. This by-law shall be effective as of the date of passing.

ENACTED AND PASSED this 11 day of July, 2018.

CITY CLERK

MAYOR

SCHEDULE “A”

DESCRIPTION OF THE LANDS

The legal description of the property municipally known as 191 Laurier Avenue West or 120 Metcalfe Avenue, City of Ottawa is as follows:

Property Identifier Number (PIN): 04115-0103

Lands Leased to the Ottawa Public Library:

- 18,240 square feet, leased back to the City of Ottawa and Ottawa Public Library, being the fourth and fifth floors of the office tower
- 66,338-square-foot library space, 100 per cent occupied by the Ottawa Public Library

SCHEDULE "B"

Municipal Capital Facilities Agreement

THIS AGREEMENT dated the __ day of ____, 2018.

BETWEEN:

CITY OF OTTAWA
(hereinafter referred to as the "City")

AND:

SLATE ASSET MANAGEMENT
(hereafter referred to as the "SAM")

WHEREAS:

- A. The City is the owner of 191 Laurier Avenue West, also known as 120 Metcalfe Street (the 'subject property'), more particularly described in Annex "A" hereto (the "Annex "A" Lands");
- B. The City will be transferring the Lands and entering into a Lease Agreement with SAM to lease 18,240 square feet, being the fourth and fifth floors of the office tower, to be occupied by the Ottawa Public Library, and to lease an additional 66,338-square-foot space at the Lands to be occupied by the Ottawa Public Library ("Lease Agreement");
- D. SAM wishes, pursuant to Section 110 of the *Municipal Act, 2001*, to enter into a municipal capital facilities agreement with the City for the use of the relevant portions of Annex "A" Lands and all present and future improvements thereto occupied by the Ottawa Public Library as municipal capital facilities;
- E. The City wishes, pursuant to Section 110 of the *Municipal Act, 2001*, to exempt portions of the Annex "A" Lands from taxation for municipal and school purposes;
- F. The Lands are used as municipal facilities for public libraries, qualifying the Lands as a class of municipal capital facility described in subsection 2.(1)(11) of Ontario Regulation 603/06;

THEREFORE, in consideration of the making of this Agreement and the mutual covenants contained herein, the parties undertake, covenant and agree as follows:

DESIGNATION

1. The City will by by-law, substantially in the form attached as Annex "B", designate relevant portions of the Annex "A" Lands as municipal capital facilities and exempt the Lands from taxation for municipal and school purposes.

TERM

2. The term of this Agreement and the designation of the Lands as municipal capital facilities shall be from July 11, 2018 to the earliest of:

(a) the day the Lease Agreement and any renewal thereof expires, is surrendered or terminates for any reason whatsoever;

(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 Lands as a municipal capital facility is no longer available to be made or applicable; or

(c) the day the Lands cease to be used as municipal capital facilities as that term is described in Ontario Regulation 603/06 or amendments thereto.

TAX EXEMPTION

3. The City shall, pursuant to subsection 110(6) of the *Municipal Act, 2001*, exempt the Lands from property taxation for municipal and school purposes.

ZONING

4. For the purposes of clarity, the City acknowledges and agrees that neither this Agreement nor the by-law shall in any way affect the zoning of the Lands or the permitted uses of the Lands under applicable laws.

REGISTRATION

5. The by-law referred to in section 1 of this Agreement may be registered by the City on title of the Lands.

OBLIGATIONS AS COVENANTS

6. Each obligation expressed in this Agreement, even though not expressed as a covenant, is considered to be a covenant for all purposes.

ENTIRE AGREEMENT

7. This Agreement contains all the covenants, Agreements and understandings between the parties concerning its subject matter.

ENUREMENT

8. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

PARTIAL INVALIDITY

9. If any provision of this Agreement or the application of it to any person or circumstances is held to any extent invalid or unenforceable, the remainder of this Agreement or the application of the provisions to persons or circumstances other than those as to which it is held invalid or unenforceable is not affected.

FURTHER ASSURANCES

10. The parties shall do and execute all such further acts, deeds, instruments or things as may be necessary or desirable for the purpose of carrying out the intent of this Agreement.

IN WITNESS WHEREOF the parties hereto have duly executed this Agreement.

CITY OF OTTAWA

Name:

Title:

SLATE ASSET MANAGEMENT

Name:

Title:

I have authority to bind the Corporation.

ANNEX “A”

DESCRIPTION OF LANDS

The legal description of the property municipally known as 191 Laurier Avenue West or 120 Metcalfe Avenue, City of Ottawa is as follows:

Property Identifier Number (PIN): 04115-0103

Lands Leased to the Ottawa Public Library:

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ANNEX “B”

BY-LAW NO. 2018-

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Enacted by City Council at its meeting of July 11, 2018.

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LEGAL SERVICES
JP – L06-02-LMCFA

COUNCIL AUTHORITY:
City Council June 13, 2018
Agenda Item 6
(FEDCO Report No. 35)