

Appendix 2 – Draft By-law

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. XXX-2023

BEING A BY-LAW TO AUTHORIZE A PROPERTY TAX AND DEVELOPMENT CHARGE EXEMPTION FOR SPACE LEASED AT ST. FRANCIS XAVIER SECONDARY SCHOOL BY RAZOR MANAGEMENT INC. FOR THE PURPOSES OF THE PROVISION OF MUNICIPAL CAPITAL FACILITIES AS DEFINED IN SECTION 110 OF THE *MUNICIPAL ACT, 2001*

WHEREAS the Town and the Halton Catholic District School Board (“HCDSB”) had entered an agreement for the construction, operation and leasing of an air-supported dome structure over an artificial all-weather turf field at St. Francis Xavier Catholic Secondary School (the “Dome”) located at 1139 Bronte Street South, Milton, Ontario;

AND WHEREAS pursuant to subsection 110(6) of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended, the council of a municipality may exempt from property taxation and development charges for municipal and school purposes land or a portion of it on which municipal capital facilities are or will be located;

AND WHEREAS, pursuant to subsection 2(1) of Ontario Regulation 603/06, the council of a municipality may enter into an agreement under subsection 110(1) of the *Act* for the provision of Municipal facilities for cultural, recreational or tourist purposes;

AND WHEREAS the Town of Milton and Razor Management Inc. have entered into a sub-lease agreement in respect to the Dome for the provision of a facility for seasonal recreational purposes to the Town, and a Municipal Capital Facilities designation is therefore appropriate;

AND WHEREAS the eligible portions of the property operating and intended to be operated as a seasonal recreational facility are intended to be and declared to be for the purposes of the municipality and for public use.

NOW THEREFORE, The Council of the Town of Milton enacts as follows:

1. **In this By-law:**

"Agreement" meant the agreement entered into between the Town of Milton and Razor Management Inc. with respect to the seasonal air supported structure and dome operators services for the location at St. Francis Xavier Secondary School;

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"Clerk" means the Town Clerk;

"Eligible Portion" or "Eligible Portions" means the portion(s) of the Site entirely occupied or used or intended to be used for cultural, recreational or tourist purposes;

"Lessor" means the Town of Milton;

"Lessee" means Razor Management Inc.;

"Person" means any individual, company, corporation, partnership, firm, trust, sole proprietorship, government or government agency, authority or entity, however designated or constituted;

"Site" means the portion of the St. Francis Xavier Secondary School property to which the sub-lease agreement between the Town of Milton and Razor Management Inc. pertains;

"Property Tax and Development Charge Exemption" means the exemption from taxes levied for municipal and school purposes pursuant to section 110(6) of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended.

Municipal Capital Facility

2. This By-law exempts from property taxation and development charges for municipal and school board purposes the leasehold interest of Razor Management Inc. in the Eligible Portion(s) of the Site and shall not operate in any manner whatsoever so as to exempt from taxation for municipal and school board purposes any other leasehold interest, tenancy, sub-lease, sub-tenancy, occupancy, license, user or other interest held by any other tenant, lessee, sub-tenant, sub-lessee, occupant, licensee, user or any other Person at the Site, save and except for the interest of any sub-tenant or assignee resulting from a sub-tenancy or assignment made with Landlord consent pursuant to the Lease.
3. The Property Tax and Development Charge Exemption provided in this By-law shall not apply to any portion of the Site that is not an Eligible Portion at any given time during the term of the Lease.
4. This By-law shall be deemed repealed:
 - (a) if the Town ceases to be the Lessor;
 - (b) if the Razor Management Inc. ceases to be the Lessee without assigning the Lease to its successor with Landlord consent;
 - (c) if the Eligible Portion(s) of the Site permanently cease to be occupied and used or are no longer intended to be occupied and used as a recreational facility for public use; or

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- (d) if the Agreement, or any renewal or extension of the Agreement expires or is terminated.
5. The Agreement is deemed a Municipal Capital Facilities Agreement under section 110 of the *Municipal Act, 2001*, S.O. 2001 c. 25 with Razor Management Inc. for the provision of municipal capital facilities.
 6. This By-law shall come into force on the day that the By-law is enacted.

PASSED IN OPEN COUNCIL ON DECEMBER 18, 2023.

Gordon A. Krantz

Mayor

Meaghen Reid

Town Clerk