



Memorandum Corporate By-law Number: 198-2024-Community Services-

TO: Office of the City Clerk **FILE:**

FROM: Kelly Robertson, General Manager
Community Services

DATE PREPARED: June 3, 2024

SUBJECT: By-law 198-2024 - A by-law to designate 440 Chapples Drive as a
Municipal Capital Facility

MEETING DATE: City Council - June 24, 2024

By-law Description: A by-law of The Corporation of the City of Thunder Bay (the “City”) to designate 440 Chapples Drive as a municipal capital facility.

Authorization: Corporate Report 188-2024 (Community Services) - Committee of the Whole - June 17, 2024.

By-law Explanation: The purpose of this By-law is to designate lands municipally known as 440 Chapples Drive in the City of Thunder Bay, more particularly described in Schedule “A”, as a municipal capital facility, pursuant to subsection 110(6) of the Municipal Act, 2001, conditional on The Corporation of the City of Thunder Bay entering into a Ground Lease with the TBCTC for the development, construction, use and operation of a proposed indoor racquet sport facility.

Schedules and Attachments:

- Schedule A – Indoor Facility Lands
- Schedule B – Municipal Capital Facility Agreement

Amended/Repealed By-law Number(s):



THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER 198 - 2024

A by-law to designate certain lands, municipally known as 440 Chapples Drive as a Municipal Capital Facility of the City of Thunder Bay pursuant to subsection 110(6) of the *Municipal Act*, 2001 S.O. 2001 c. 25

Recitals

1. Authority is provided in accordance with Subsection 110(6) of the *Municipal Act*, 2001 (the “Act”), to pass by-laws to exempt lands, described in Ontario Regulation 603/06 on which municipal capital facilities are located from municipal and school tax purposes;
2. Subsection 110(5) of the *Municipal Act*, 2001 as amended (the “Act”) permits a municipality to enter into agreements for the provision of municipal capital facilities;
3. The City has entered into a ground lease (the “Ground Lease”) with the Thunder Bay Community Tennis Centre (the “Tennis Centre”) dated the date of this By-Law for the development, construction, use and operation of an indoor facility (the “Indoor Facility”) on the lands municipally described as 440 Chapples Drive, as legally described in Schedule “A” to this by-law (the “Indoor Facility Lands”);
4. The Ground Lease requires that the Indoor Facility be used for recreational purposes, being a permitted class under Ontario Regulation 603/06, as amended, and for public use;
5. The Ground Lease provides that the recreational purpose will be as an indoor racquet sport facility;
6. In accordance with the authorization of the Council on the 24th day of June, 2024, the City and the Tennis Centre will enter into an agreement, conditional on the passage of this by-law, in the form attached as Schedule “B”, that provides for the operation of the Indoor Facility as a municipal capital facility, the provision by the City to the Tennis Centre of the financial and other assistance under the Ground Lease, and the exemption of the Indoor Facility and the lands upon which the Indoor Facility is situate from taxation for municipal and school purposes in relation to the municipal capital facility (the “Indoor Facility MCF Agreement”);

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

1. The Council hereby designates the Indoor Facility and all present and future improvements thereto, as a municipal capital facility for recreational purposes for the City and for public use, and the implementation of such designation by way of an Indoor Facility MCF Agreement in the form attached hereto as Schedule “B”.

2. The Indoor Facility and the lands upon which the Indoor Facility is situate 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 date the Ground Lease expires, is surrendered or is terminated for any reason whatsoever;
- b. the date the Indoor Facility ceases to be a municipal capital facility under the Act and Ontario Regulation 603/06, or amendments thereto;
- c. the date the Tennis Centre ceases to use the Indoor Facility; or
- d. the date the Indoor Facility MCF Agreement terminates for any reason whatsoever.

3. The financial and other assistance to be provided by the City to the Tennis Centre for the operation of the Indoor Facility, as set out in the Ground Lease and the Indoor Facility MCF Agreement, is hereby authorized and approved, and the City is hereby authorized and permitted to enter into the Indoor Facility MCF Agreement.

4. The City shall cause its Clerk to give written notice of this by-law permitting the City to enter into the Indoor Facility MCF Agreement to the Minister of Finance as provided for in subsection 110(5) of the Act.

5. The City shall cause its Clerk to given 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 includes the land exempted by this by-law, as required under section 110(8) of the Act.

6. This By-law shall come into force and take effect on the date it is passed.

Enacted and passed this 24th day of June, A.D. 2024 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Ken Boshcoff

Mayor

Krista Power

City Clerk