



Memorandum Corporate By-law Number: 228-2024-Community Services-

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

FROM: Kelly Robertson
General Manager's Office, Community Services Department

DATE PREPARED: June 3, 2024

SUBJECT: By-law 228-2024 – A by-law to designate 430 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 430 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 the lands municipally known as 430 Chapples Drive in the City of Thunder Bay, as a municipal capital facility pursuant to subsection 110(6) of the *Municipal Act* and more particularly described in Schedule “A”, where the Thunder Bay Community Tennis Centre operates a seasonal racquet sport facility pursuant to a Letter of Understanding.

Schedules and Attachments:

Schedule A – Seasonal 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Amended/Repealed By-law Number(s):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 228 - 2024

A by-law to designate certain lands, municipally known as 430 Chapples Drive as a municipal capital facility of the City of Thunder Bay pursuant to subsection 110(6) of the Municipal Act, 2001

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*, S.O. 2001, c. 25, as amended (the “Act”) permits a municipality to enter into agreements for the provision of municipal capital facilities;
3. The City and the Thunder Bay Community Tennis Centre (the “Tennis Centre”) are parties to a Letter of Understanding dated as of July 26, 1993, as may be amended, supplemented, replaced or restated from time to time (the “Seasonal Facility Agreement”), for the use and operation of a racquet sport facility (the “Seasonal Facility”) on the lands municipally described as 430 Chapples Drive, as legally described in Schedule “A” to this by-law (the “Seasonal Facility Lands”);
4. The Seasonal Facility Agreement requires that the Seasonal Facility be used for recreational purposes, being a permitted class under Ontario Regulation 603/06, as amended, and for public use;
5. The Seasonal Facility Agreement provides that the recreational purpose of the Seasonal Facility will be as a 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 Seasonal Facility as a municipal capital facility, the provision by the City to the Tennis Centre of the financial and other assistance under the Seasonal Facility Agreement, and the exemption of the Seasonal Facility and the lands upon which the Seasonal Facility is situate from taxation for municipal and school purposes in relation to the municipal capital facility (the “Seasonal Facility MCF Agreement”);

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

1. The Council hereby designates the Seasonal 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 a Seasonal Facility MCF Agreement in the form attached hereto as Schedule “B”.

2. The Seasonal Facility and the lands upon which the Seasonal Facility is situated 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 Seasonal Facility Agreement expires, is surrendered or is terminated for any reason whatsoever;
- b. the date the Seasonal 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 Seasonal Facility; or
- d. the date the Seasonal 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 Seasonal Facility, as set out in the Seasonal Facility Agreement and the Seasonal Facility MCF Agreement, is hereby authorized and approved, and the City is hereby authorized and permitted to enter into the Seasonal 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 Seasonal 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 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 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