

A By-law to designate a Municipal Capital Facility

WHEREAS section 110(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the “*Municipal Act*”) provides that council of a municipality may enter into agreements for the provision of municipal capital facilities (“Municipal Capital Facilities”) with any person;

AND WHEREAS section 110(6) of the *Municipal Act* provides that council of a municipality may enact by-laws exempting property or a portion of it from taxation for municipal and school purposes on which Municipal Capital Facilities are or will be located;

AND WHEREAS subsection 2(1) of O. Reg 603/06 prescribes classes of Municipal Capital Facilities which may be exempt from taxation under section 110(6) of the *Municipal Act*, including public libraries;

AND WHEREAS The Corporation of the City of Mississauga (the “City”) has entered into a Retail Lease dated May 14, 2024 with Calloway Reit (Mississauga) Inc. (the “Municipal Capital Facilities Agreement”), as authorized by Bylaw 0004-2024, for the provision of a Municipal Capital Facility, located on a portion of the property municipally known as 2150 Burnhamthorpe Road West, in the City of Mississauga, as further described on Schedule “A” attached hereto (the “Property”), that it intends to exempt the Property from taxation for municipal and school purposes;

AND WHEREAS the Council of the City hereby deems it appropriate to exempt the Property from taxation for municipal and school purposes;

NOW THEREFORE the Council of the City ENACTS as follows:

1. That the Property, as depicted in the sketch attached hereto as Schedule “B”, is hereby designated a Municipal Capital Facility and is exempt from taxation for municipal and school purposes pursuant to Section 110 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, effective as of the date the term of the Municipal Capital Facilities Agreement is to commence.
2. That any of the lands that are legally described on Schedule “A” but are not depicted on Schedule “B” are lands that continue to be subject to taxation for municipal and school purposes.
3. That the Municipal Capital Facilities Agreement is hereby ratified as a municipal capital facilities agreement made pursuant to Section 110 of the *Municipal Act, 2001*.
4. That the Clerk be directed to notify the Minister of Education, Municipal Property Assessment Corporation, the Regional Municipality of Peel and the secretary of any school board which includes the land exempted, of the enactment of this By-law.
5. If any section or portion of this By-law is found by a court of competent jurisdiction to be invalid, it is the intent of the Council of the City that all remaining sections and portions of this By-law continue in force and effect.

Schedule "A" to By-Law No. _____

Legal Description of the Property PIN No. 13395-0079 (LT)

Parcel C-5, Section M-160, being Part of Lot C on Registered Plan M-160, designated as Parts 1, 2, 3, 5, 6, 7, 8, 9, 10 and 11 on Reference Plan 43R-7880, save and except Part of Lot C, on Registered Plan M-160, designated as Parts 1 and 2 on Reference Plan 43R-20349, City of Mississauga, Regional Municipality of Peel.

Together with Part of Lot D on Registered Plan M-160, designated as Part 5 on Reference Plan 43R-4406 as set out in Instrument No. LT97889.

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Together with Part of Lot D on Registered Plan M-160, designated as Parts 10 and 11 on Reference Plan 43R-10192 as set out in Instrument No. LT415472.

Together with Parts 7, 8 and 9 on Reference Plan 43R-10192 as set out in Instrument No. LT461423,

Subject to a right of way over Parts 2, 6, 7 and 8 on Reference Plan 43R-7880 in favour of Parts 1, 2, 3, 4, 5, 6, 7, 8 and 9 on Reference Plan 43R-10192 as set out in Instrument No. LT461423.

Together with an easement over Part of Lot D on Registered Plan M-160, designated as Parts 1 and 3 on Reference Plan 43R-14584 in favour of Part of Lot C on Registered Plan M-160, designated as Parts 1, 2, 3, 5, 6, 7, 8, 9, 10 and 11 on Reference Plan 43R-7880 save and except Parts 1 and 2 on Reference Plan 43R-20349 as set out in Instrument No. LT880919.

Subject to an easement in favour of Enersource Hydro Mississauga Inc. over Part of Lot C, on Registered on Plan M-160 designated as Parts 1 and 2 on Reference Plan 43R-28376 as set out in Instrument No. PR544083.

Land Titles Division of Peel (No. 43).

