



2ND SESSION, 38TH LEGISLATURE, ONTARIO  
54 ELIZABETH II, 2005

# **Bill Pr22**

**An Act respecting  
the City of Hamilton**

**Ms Marsales**

**Private Bill**

1st Reading      November 2, 2005  
2nd Reading  
3rd Reading  
Royal Assent

Printed by the Legislative Assembly of Ontario



EXPLANATORY NOTE

The purpose of the Bill is set out in the Preamble.

## An Act respecting the City of Hamilton

### Preamble

The City of Hamilton has applied for special legislation relating to the facilities described in Schedule 1 to this Act. The City represents that it owns each of these facilities. The City seeks authority to enter into agreements authorizing persons to lease, maintain, operate or manage any of these facilities. The City also seeks authority to provide financial assistance to the persons and to exempt them from certain municipal fees relating to these facilities. The City seeks to maintain the tax exempt status of the facilities for municipal and school tax purposes.

It is appropriate to grant the application.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### Definitions

1. In this Act,

“designated facility” means a facility described in Schedule 1 to this Act;

“property manager” means a person who leases, maintains, operates or manages a designated facility under an agreement described in section 2.

### Agreements re designated facilities

2. The City of Hamilton may enter into one or more agreements authorizing a person to lease, maintain, operate or manage a designated facility.

### Financial assistance from City

3. Despite section 106 of the *Municipal Act, 2001*, the City may provide direct or indirect financial assistance with respect to a designated facility to its property manager and the assistance may include,

- (a) entering into leases or agreements at less than fair market value or at no cost;
- (b) giving or lending money and charging interest;
- (c) giving, lending, leasing or selling property;
- (d) guaranteeing borrowing; and
- (e) providing the services of employees of the municipality.

### Tax status of property manager

4. (1) For the purposes of section 3 of the *Assessment Act*, a property manager and his, her or its affiliates shall

be deemed not to be tenants or lessees who are liable to taxation in respect of a designated facility.

### Definition

(2) In this section,

“affiliate” has the same meaning as in subsection 1 (1) of the *Business Corporations Act*.

### Exemption from certain fees and charges

5. (1) The City may by by-law exempt a property manager from paying fees ordinarily imposed by the City that relate to the operation or management of a designated facility, including any development charges imposed under the *Development Charges Act, 1997* and any fees for building permits.

### Restriction

(2) The City is not permitted to exempt a property manager from any water or sewer charges relating to a designated facility.

### Commencement

6. **This Act comes into force on the day it receives Royal Assent.**

### Short title

7. **The short title of this Act is the *City of Hamilton Act, 2005*.**

## SCHEDULE 1 DESIGNATED FACILITIES

1. The following are designated facilities for the purposes of this Act:

1. Hamilton Place Theatre, including the enterprise, structure and necessary interest in land appurtenant thereto located on the north side of Main Street West at the address municipally known as 10 McNab Street South in the City of Hamilton and known as “Hamilton Place” in Lloyd D. Jackson Square in the City of Hamilton.
2. Hamilton Convention Centre, including the enterprise, structure and necessary interest in land appurtenant thereto located on the south side of King Street West at the address municipally known as 1 Summers Lane in the City of Hamilton and known as “Hamilton Convention Centre” in Lloyd D. Jackson Square in the City of Hamilton.

3. Victor K. Copps Trade Centre-Arena, including the enterprise, structure and necessary interest in land appurtenant thereto located at the southeast corner of Bay Street North and York Boulevard at the address municipally known as 101 York Boulevard in the City of Hamilton and known as the “Victor K. Copps Trade Centre-Arena” in Lloyd D. Jackson Square in the City of Hamilton.
4. The municipal car park located at the address municipally known as 80 Main Street West in the City of Hamilton.