

Bill No. 17
2015

By-law No. A.-

A by-law to approve an amending agreement between The Corporation of the City of London (the City) and Adelaide North Developments Inc. (the Proponent) for the purpose of establishing the Canada-Ontario New Affordable Housing Program and the City's obligation to provide funding to the Proponent; and to authorize the Mayor and the City Clerk to execute the agreement.

WHEREAS section 5(3) of the *Municipal Act, 2001* provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 8 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS The Corporation of the City of London (the City) is responsible for the delivery and administration of affordable housing initiatives including affordable rental housing programs, convert-to-rent programs and other initiatives;

AND WHEREAS Adelaide North Developments Inc. (the Proponent) has responded to the procurement process initiated by the City to undertake development activities in return for funding;

AND WHEREAS it is deemed expedient for the City to enter into an agreement with the Proponent for the purpose of establishing the Proponent's obligations with respect to the New Canada-Ontario Affordable Housing Program and the City's obligation to provide funding to the Proponent;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The amending agreement attached as Schedule "A" between the City and the Proponent for the purpose of establishing the Proponent's obligations with respect to the New Canada-Ontario Affordable Housing Program and the City's obligation to provide funding to the Proponent be hereby approved.
2. The Mayor and the City Clerk be hereby authorized to execute the amending agreement approved in section 1, above, substantially in the form of agreement attached as Schedule "A" to this by-law and to the satisfaction of the City Solicitor.
3. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on December 18, 2014.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First reading - December 18, 2014
Second reading - December 18, 2014
Third reading - December 18, 2014

“Schedule A”

**AMENDMENT
TO
MUNICIPAL CONTRIBUTION AGREEMENT
Canada – Ontario New Affordable Housing Program (2003)
Rental and Supportive Component
Direct Funding Delivery**

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON
(hereinafter called the “City”)

-and-

ADELAIDE NORTH DEVELOPMENTS INC.
(hereinafter called the “Proponent”)

This Agreement made the _____ day of December, 2014.

WHEREAS:

- A. The City and the Proponent entered into an agreement on March 29, 2007 and amended agreement on September 28, 2009.
- B. The Proponent constructed 41 apartments in the City of London consisting of 1 one bedroom apartment, 4 two bedroom apartments and 36 three bedroom apartments as described in the Amendment dated September 28, 2009.
- C. The loan has a term of twenty-five (25) years, commencing on initial occupancy of September 1, 2009.
- D. On August 8, 2014, a fire destroyed the 41 affordable apartments.

NOW THEREFORE, the City and the Proponent agree with each other to the following Amendments to the aforementioned Agreement:

1. The building will undergo rehabilitation work as the result of fire damage and will have an expected occupancy of July 2015.
2. The Proponent will re-construct 41 affordable apartments consisting of 1 one bedroom apartment, 4 two bedroom apartments and 36 three bedroom apartments.
3. The extended term of the agreement will expire July 31, 2035.
4. The Proponent agrees to rent the affordable apartments in accordance with the ‘Occupancy Standards’ attached as Schedule “P” to the Municipal Contribution Agreement.
5. Provincial Affordability Payments will continue during the re-construction period.

All other Terms and Conditions in the aforementioned Agreement shall remain in full force and effect.

IN WITNESS WHEREOF this Agreement has been executed by the Parties.

THE CORPORATION OF THE CITY OF LONDON

Matt Brown, Mayor

Catharine Saunders, City Clerk

ADELAIDE NORTH DEVELOPMENTS INC.

Yossef Lavie, President

I/WE have the authority to bind the Corporation