

# **THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI**

## **BY-LAW NO. 16-1313**

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**Being a by-law governing the provision of municipal housing project facilities in the Municipality of Temagami to be known as the "Municipal Housing Facility By-law".**

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**WHEREAS** pursuant to section 110 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, (the "Act") the council of a municipality may enter into agreements for the provision of municipal capital facilities by any person, including another municipality;

**AND WHEREAS** Ontario Regulation 603/06, as amended, sets out the classes of municipal capital facilities for which municipal councils may enter into agreements pursuant to section 110 of the Act;

**AND WHEREAS** Ontario Regulation 603/06, as amended, provides that municipal housing project facilities is a class of municipal capital facilities for the purpose of section 110 of the Act;

**AND WHEREAS** Ontario Regulation 603/06, as amended, provides that the council of a municipality may not enter into an agreement under section 110 of the Act, unless it first enacts a municipal housing facility by-law;

**AND WHEREAS** Council is desirous of enacting a municipal housing facility by-law to permit Council to enter into agreements for the provision of municipal housing project facilities;

**NOW THEREFORE the Council of the Municipality of Temagami enacts as follows:**

**1. Definitions:**


- 1.1 "Act" means the Municipal Act, 2001, S.O. 2001, c.25, as amended;
- 1.2 "affordable housing" means affordable housing as described in section 2 of this by-law;
- 1.3 "CMHC" means the Canada Mortgage and Housing Corporation;
- 1.4 "Council" means the Council of the Municipality of Temagami;
- 1.5 "housing project" means a project or part of a project designed to provide or facilitate the provision of residential accommodation, with or without public space, recreational facilities and commercial space or building appropriate thereto;
- 1.6 "housing provider" means a corporation or individual legally entitled to own real property in the Municipality and with whom the Municipality has entered into or will enter into a municipal housing project facilities agreement under section 3;
- 1.7 "housing unit" includes a unit in a housing project owned or rented by an occupant"
- 1.8 "municipal housing project facilities" means the class of municipal capital facilities as provided for in the Regulation;
- 1.9 "municipal housing project facilities agreement" means a municipal housing project facilities agreement as authorized in accordance with section 3;
- 1.10 "Municipality" means the Municipality of Temagami;
- 1.11 "Regulation" means Ontario Regulation 603/06, as amended;
- 1.12 "unit size" means the size of a unit within a municipal housing project facility or potential municipal housing project facility, measured by the number of bedrooms;
- 1.13 "waiting list" means the Temagami centralized waiting list maintained by the Nipissing District Housing Registry.


2. For the purpose of this by-law, and all municipal housing project facilities agreements, the definition of affordable housing shall mean those housing units for which the average rent for each unit classified by unit size, inclusive of monthly charges for hydro, heat and water is less than or equal to the average CMHC rent for units within the Nipissing District for that unit size.
3.
  - 3.1 Council may pass by-laws permitting the Municipality to enter into municipal housing project facilities agreements with housing providers, pursuant to subsection 110(1) of the Act, for the provision of municipal housing project facilities.
  - 3.2 Notwithstanding anything else in this by-law, prior to entering into a municipal housing project facility agreement, the following conditions must be met:
    - a) the Municipality has determined that all the housing units to be provided as a part of the municipal housing project facility fall within the definition of affordable housing in section 2 of this by-law;
    - b) Council has enacted a by-law authorizing the entering into the municipal housing project facility agreement for the provision of the municipal housing project facility;
    - c) Public eligibility for the housing units to be provided as part of the municipal housing project facility will be determined in accordance with section 4 of this by-law; and
    - d) the municipal housing project facility agreement to be entered into contains the provisions set out in section 5.
4.
  - 4.1 Subject to subsection 4.2, housing units to be provided as part of a municipal housing project facility shall be made available to individuals and families on the waiting list as determined by the District of Nipissing Housing Registry. If there are no suitable individuals or families on the waiting list as determined by the District of Nipissing Housing Registry, housing units may be made available to individuals and families of the general public.
  - 4.2 Housing units subject to a municipal housing project facility agreement shall not be rented to the housing provider or shareholder or director of the housing provider, or any individual not at arm's length to the housing provider or shareholder or director of the housing provider unless the housing provider is a non-profit co-operative as defined in the Co-operative Corporations Act, R.S.O. 1990, c.35, as amended, or is a not-for-profit corporation.
5. Every agreement to be entered into by the Municipality under section 110 of the Act with a housing provider in connection with the provision of municipal housing project facilities shall contain at least the following provisions:
  - 5.1 the term of the agreement;
  - 5.2 the number of housing units being provided;
  - 5.3 a definition of affordable housing as found in section 2;
  - 5.4 a requirement that each unit in the municipal housing project facilities shall fall within the definition of affordable housing in section 2;
  - 5.5 the initial rents to be charged per unit, the method by which the initial rents may be increased during the terms of the agreement and the limits on such increases;
  - 5.6 that each housing unit shall be made available to tenants in accordance with section 4;
  - 5.7 that the Municipality may register the agreement on title;
  - 5.8 that the housing provider shall be required to submit documentation to the satisfaction of the Municipality; and
  - 5.9 such other contractual provisions to the satisfaction of the Municipality.

6. A municipal housing project facilities agreement may allow for the sale or other disposition of municipal land or buildings that are still required for the purposes of the Municipality.
7. A municipal housing project facilities agreement may, with respect to the provision, lease, operation or maintenance of the municipal housing project facilities that are subject to the agreement, provide for financial or other assistance at less than market value or at no cost to the housing provider with respect of the provision, lease operation or maintenance of the municipal housing project facilities that are subject of the agreement, and such assistance may include:
  - a) giving or lending money and charging interest;
  - b) giving, lending, leasing or selling property;
  - c) guaranteeing borrowing; and
  - d) providing the services of employees of the Municipality.
8. This bylaw shall come into force and take effect upon final passing thereof.
9. The Clerk of the Municipality of Temagami is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

BE TAKEN AS READ A FIRST time on this 20<sup>th</sup> day of October 2016;

READ A SECOND AND THIRD time and finally passed this 20<sup>th</sup> day of October 2016.

  
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Mayor

  
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Clerk