

## **Minutes of Settlement - Ontario Municipal Board Appeal- 271 Front Street (Don River)**

**The Toronto Community Council recommends the adoption of the following motion from Councillor McConnell:**

**“WHEREAS 271 Front Street is a designated heritage property under Part IV of the Ontario Heritage Act and is the site of the First Parliament Buildings in Upper Canada; and**

**WHEREAS the Council of the City of Toronto has passed a number of resolutions declaring the Site as of importance to the City’s heritage; and**

**WHEREAS the Committee of Adjustment (“the Committee”), at its meeting of May 16<sup>th</sup> 2000, refused an application on the part of the Site’s owners for relief from two variances in the (former) City of Toronto’s general zoning by-law to reconstruct an existing building on the Site as a truck wash; and**

**WHEREAS the Ontario Municipal Board (“the OMB”) will be hearing an appeal from the Committee’s decision; and**

**WHEREAS City Council at its meeting of August 1, 2 and 3 2000 passed a resolution instructing the City Solicitor to attend at the OMB in support of the Committee’s decision; and**

**WHEREAS the parties to the appeal, including the City, have drafted Minutes of Settlement (“the Minutes”) regarding the subject appeal, which are, in the opinion of City staff, acceptable; and**

**WHEREAS community concerns regarding the subject proposal have been satisfied by the Minutes;**

**THEREFORE BE IT RESOLVED that Toronto Community Council recommend that the Minutes of Settlement set out in Appendix A be approved by Council, provided that the Minutes of Settlement form part of the OMB’s approval of the subject proposal.”**

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(Minutes of Settlement, Ontario Municipal Board)

In the matter of an appeal by 271 Front Street Inc. (“the Applicant”) to the Ontario Municipal Board under subsection 45(12) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended from a decision of the Committee of Adjustment of the City of Toronto to dismiss application A288/00T0, respecting 271 Front Street East (“the subject site”).OMB File No. V000274

## MINUTES OF SETTLEMENT

The parties hereto agree as follows:

1. Under the direction of the Manager of the City of Toronto's Heritage Preservation Services ("the Manager"), a modified Stage 2 archaeological assessment ("the assessment"), in accordance with Provincial Guidelines, shall be undertaken by a qualified licensed archaeologist, retained by the City's Commissioner of Economic Development Culture and Tourism, to determine the impact of the subject proposal on the archeological resources located on the subject site;
2. The Applicant shall contribute one third of the cost of the assessment for the combined addresses (265 and 271 Front Street East) up to a maximum of \$10,000.00 or half the cost of the assessment for 271 Front Street East up to a maximum of \$10,000.00;
3. For the purpose of conducting the assessment, the Applicant shall provide the Manager with building permit, or equivalent, drawings relating to the proposed construction. The drawings shall indicate areas where the soil will be disturbed, including any construction work with respect to the interceptors/separators;
4. The Applicant shall provide the Manager with 48 hours notice of any soil disturbance on the subject site;
5. Upon the granting of the appeal by the Ontario Municipal Board, or at an earlier date agreed to between the City and the Applicant, the Applicant shall allow the licensed archaeologist and any City Heritage Preservation Services and Provincial staff working in association with the licensed archaeologist reasonable access to the subject property for the purpose of conducting the assessment fieldwork. The assessment fieldwork shall not result in any unreasonable disruption of the Applicant's regular business operation, will be co-ordinated with the Applicant, acting reasonably, and will be completed as expeditiously as possible.
6. The City, acting reasonably, shall ensure that any material displaced or damage incurred as a result of the assessment is replaced or repaired to a standard of reasonable repair. The City shall carry adequate insurance against any property damage and personal liability associated with the assessment, naming the Applicant as a named insured. Removal of any contaminated soil shall remain the responsibility of the Applicant;
7. Upon the granting of the appeal by the Ontario Municipal Board and receipt of complete building permit drawings satisfactory to the Commissioner of Urban Development Services, the City agrees to expeditiously process and issue the building permit. To ensure that the assessment fieldwork is undertaken before the soil has been disturbed, the Applicant shall provide notice to the licensed archeologist in accordance with paragraph 4 of these Minutes. The Applicant shall also undertake any reasonable mitigation measures required by the archeologist in relation to the soil disturbance, including, but not limited to, changing the location of any construction/excavation and submitting to the City for approval revised building permit drawings to reflect any such change. Should

revised drawings be required, the City shall process same in as expeditious a manner as possible;

8. The Applicant, in consultation with the City's Commissioners of Urban Development Services and Economic Development, Culture and Tourism ("the Commissioners"), shall design and install streetscape improvement measures, which shall include a historic site interpretation feature, to the satisfaction of the Commissioners, and acceptable to the Applicant, on a portion of the frontage of the subject site agreed to between the Applicant and the Commissioners. The Applicant shall contribute up to \$10,000.00 toward the cost of the streetscape improvement measures; and
9. The Citizens for the Old Town, the Corktown Residents and Business Association, St. Lawrence Works, the St Lawrence Neighbourhood Association and the Town of York Historical Society hereby agree to withdraw any objection they have to the subject application and, on the basis of these Minutes of Settlement, to support the approval of the required variances by the Board.