



STAFF REPORT ACTION REQUIRED

25 Wellesley Street East – Release of Agreement

Date:	June 11, 2007
To:	Toronto and East York Community Council
From:	City Solicitor
Wards:	Toronto Centre – Rosedale, Ward 27
Reference Number:	

SUMMARY

This report recommends release of an agreement between Cloverlawn Investments Limited and the City of Toronto pertaining to 25 Wellesley Street East dated December 15, 1978. The agreement was made pursuant to former City of Toronto Zoning By-law No. 758-78 which permitted the construction of a mixed residential-commercial building on the site containing a maximum of 45 units provided that the owner enter into an agreement with the City to provide any units in excess of 34 as part of an assisted housing program.

The Committee of Adjustment recently granted a variance to legalize and maintain the existing nine-storey apartment building without being required to provide assisted housing dwelling units. Given the granting of the variance, the Director of Community Planning does not oppose the release of the agreement. The Ward Councillor is also satisfied with the Committee of Adjustment decision.

RECOMMENDATIONS

The City Solicitor recommends:

1. the City Solicitor be authorized to release the agreement and take steps necessary to remove the agreement from title to the property in accordance with the Committee of Adjustment decision and in a manner satisfactory to the City Solicitor; and
2. the owner of 25 Wellesley Street East be required to pay all costs associated with the removal of the agreement from title to the property.

FINANCIAL IMPACT

There are no financial implications resulting from the adoption of this report.

ISSUE BACKGROUND

On December 15, 1978 Cloverlawn Investments Limited and the City of Toronto entered into an agreement pursuant to former City of Toronto By-law No. 758-78, a by-law respecting the redevelopment of the lands then known as 27 Wellesley Street East, now known as 25 Wellesley Street East, for mixed residential and commercial uses.

Section 2(8) of By-law No. 758-78 permitted the construction of a mixed residential-commercial building on the site containing a maximum of 45 units provided that the owner enter into an agreement with the City to provide any units in excess of 34 as part of an assisted housing program as defined in *The City of Toronto Act, 1975 (No. 2)*.

Although the owner entered into an agreement with the City and the property was built with 45 dwelling units, none of the units was ever part of an assisted housing program.

The owner recently applied to the Committee of Adjustment for a variance to correct this long standing discrepancy. On April 27, 2007 the Committee granted the variance to legalize and maintain the existing nine-storey apartment building without being required to provide assisted housing dwelling units. No appeal of the Committee's decision has been filed and it is therefore final and binding.

COMMENTS

Given the granting of the variance, the Director of Community Planning does not oppose the release of the agreement and its removal from title to the property. The Ward Councillor is satisfied with the terms of the variance.

It is appropriate that all costs associated with removal of the agreement from title be borne solely at the owner's expense.

CONTACT

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SIGNATURE

Anna Kinastowski, City Solicitor