

MOTION WITHOUT NOTICE**201 Carlaw Avenue and 66 Boston Avenue – Authority to Amend Section 37 Agreement**

Moved by: Councillor Fletcher

Seconded by: Councillor Perruzza

SUMMARY:

City Council, by adoption of Clause No. 6 of Report No. 6 of the Toronto and East York Community Council at its meeting July 26, 27 and 28, 2006, authorized a zoning amendment to increase height and density subject to execution of a Section 37 Agreement related to 201 Carlaw Avenue and 66 Boston Avenue.

By-law No. 705-2006 was enacted. The zoning amendment required, among other things, payment of various financial contributions (total \$300,000.00) which included “a cash contribution in the amount of \$20,000.00 for facilities improvements at Matty Eckler Community Centre”.

A Section 37 Agreement dated August 3, 2006, was entered into between the Owner, The Printing Factory Lofts Inc., and the City of Toronto (the “Agreement”) and was registered on title. Section 3.1(c) of the Agreement specified that the purpose of the funds allocated to the Matty Eckler Community Centre was for basketball court re-surfacing.

It has now been determined, in consultation with staff of Parks, Forestry and Recreation, and the owner has agreed, that a preferred use of the \$20,000.00 contribution would be for a dance studio room.

The zoning amendment is not specific as to the allocation but the Section 37 Agreement requires amendment to facilitate this change.

Council authority is requested to authorize and direct staff to prepare the necessary amending agreement to effect this change and to authorize execution of the amending agreement by the appropriate City officials.

RECOMMENDATIONS:

1. That City Council authorize and direct staff to prepare an amendment to the Section 37 Agreement, dated August 3, 2006, between The Printing Factory Lofts Inc. and the City to reallocate the use of \$20,000.00 for Matty Eckler Community Centre from basketball court resurfacing to dance studio room.

2. That City Council authorize the appropriate City Officials to execute the amending Section 37 Agreement referred to in Recommendation 1, above, and to take all necessary action to give effect thereto, at no cost to the owner.

December 1, 2008

According to Chapter 27, Council Procedures:

Fiscal Impact Statement provided	
Should have Fiscal Impact Statement prior to debate	*
Requires two-thirds to waive requirement if Council wishes to debate	
Is before Council for debate	(v)
Chair agrees that the Motion Recommendations are Urgent	(v)

* Deputy City Manager and Chief Financial Officer to advise.