



## STAFF REPORT ACTION REQUIRED

### Authorization for Execution of s45(9) Agreement – 450 Lake Shore Boulevard West

<b>Date:</b>	June 18, 2008
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	City Solicitor
<b>Wards:</b>	Trinity-Spadina (20)
<b>Reference Number:</b>	

#### SUMMARY

---

The Committee of Adjustment granted minor variances related to proposed mixed use development at 450 Lake Shore Boulevard West (A0270/08TEY). A condition was imposed requiring the owner to make a financial contribution to the community that was to be paid in instalments and utilized in a manner determined by the City. Payment will be secured in an agreement pursuant to Section 45(9) of the Planning Act, R.S.O. 1990, C. P.13, as amended. This report recommends authorization for the Chief Planner, or a designate, to execute the agreement prepared by the City Solicitor with City Staff.

#### RECOMMENDATIONS

---

The City Solicitor recommends that:

1. City Council authorize the Chief Planner, or a designate, to execute an agreement prepared by the City Solicitor in consultation with City staff pursuant to section 45(9) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to implement a condition of approval by the Committee of Adjustment (A0270/08TEY ) and secure payment of a \$750,000.00 financial contribution by the owner of 450 Lake Shore Boulevard West to be used for affordable housing and/or community parks purposes in the Railway Lands area at the discretion of the Chief Planner.

#### FINANCIAL IMPACT

---

The recommendations will have no financial impact beyond what has already been approved in the current year's budget.

## **DECISION HISTORY**

On May 14, 2008 the Committee of Adjustment (TEY) granted minor variances set out in application A270/08(TEY) in connection with proposed mixed use development at 450 Lake Shore Boulevard West. The variances related to height and a condition was imposed for payment of a financial contribution for community benefits.

## **ISSUE BACKGROUND**

Section 45(9) of the Planning Act permits the Committee of Adjustment to grant minor variances subject to conditions. In its decision the Committee imposed a condition requiring a financial contribution to the community in the amount of \$750,000.00. \$75,000.00 is to be payable upon the expiry of the appeal period for the variance decision and the remaining \$675,000.00 is to be payable prior to issuance of an above grade building permit. The contribution is for uses to be determined by the City, including for affordable housing and community parks in the Railway Lands area.

The payment of the financial contribution will be secured through an agreement pursuant to Section 45(9) of the Planning Act. There is no delegated authority in place for the execution of such agreements by the City and authorization of City Council is required. In accordance with the condition, staff have made a determination as to the manner in which the monies should be utilized.

## **COMMENTS**

Where the contribution contemplated is not a one time lump sum payment but is staged over a period of time, it is appropriate to secure the payments through an agreement pursuant to Section 45(9) of the Planning Act. This report authorizes execution of such an agreement by the Chief Planner, or a designate. In addition and as contemplated in the Committee of Adjustment condition, this report confirms the determination by staff as to how the monies are to be utilized consistent with the official plan policies - namely, for affordable housing, community parks or both, in amounts that are at the discretion of the Chief Planner. The lands are technically located within the Fort York Neighbourhood (Blocks 9/10) but the agreement will clarify that the Railway Lands area referred to in the condition and proposed to benefit from the financial contribution is the Railway Lands West.

## **CONTACT**

Leslie Forder, Solicitor  
Tel. (416) 392-1078, Fax: (416) 397-5624  
Email: [lforder@toronto.ca](mailto:lforder@toronto.ca)

## **SIGNATURE**

---

Anna Kinastowski, City Solicitor