



**STAFF REPORT
ACTION REQUIRED**

**Authority for Licence Agreement with Toronto
Community Housing Corporation for Construction on
Blocks 32 and 36 of the Railway Lands**

Date:	October 21, 2009
To:	Executive Committee
From:	Chief Corporate Officer and Deputy City Manager Responsible for the Affordable Housing Office
Wards:	20 - Trinity-Spadina
Reference Number:	P:\2009\Internal Services\F&re\Ec09099F&re – (AFS 10822)

SUMMARY

The purpose of this report is to obtain Council’s authority to enter into a non-exclusive licence agreement with Toronto Community Housing Corporation on a City-owned, unopened portion of Fort York Boulevard, east of Bathurst Street, and to enter into a separate licence for Block 32 and 36 of the Railway Lands. The licences are required to facilitate the construction of affordable housing on Blocks 32 and 36 of the Railway Lands, which is slated to commence by December 1, 2009.

The purpose of the licence for Fort York Boulevard is to provide a construction staging area for a three (3) year term with a one (1) year renewal option while the licence for Blocks 32 and 36 will allow for construction activities to start for a building that will contain 220 units of affordable housing. Both licences are to be at a nominal cost as the proponent is a non-profit corporation, wholly owned by the City of Toronto.

RECOMMENDATIONS

The Chief Corporate Officer and the Deputy City Manager responsible for the Affordable Housing Office recommend that:

1. Council authorize a licence agreement (the “Licence Agreement”) with Toronto Community Housing Corporation (“TCHC”) for construction staging and access at Fort York Boulevard east of Bathurst Street on an area shown on Appendix “C”, for a three (3) year term with a one (1) year renewal option, substantially on

the terms and conditions outlined in Appendix “A” to this report and on such other terms and conditions as approved by the Chief Corporate Officer, or his or her designate, and in a form acceptable to the City Solicitor.

2. Council authorize a licence agreement (the “Blocks 32 and 36 Licence Agreement”) with TCHC to facilitate the beginning of the affordable housing development on Blocks 32 and 36 of the Railway Lands on the area shown on Appendix “C” to this report for a period of six months or until the lands are transferred to TCHC, substantially on the terms and conditions outlined in Appendix “B” to this report and on such other terms and conditions as approved by the Chief Corporate Officer, or his or her designate, and in a form acceptable to the City Solicitor.
3. The Chief Corporate Officer be authorized to administer and manage the Licence Agreement and Blocks 32 and 36 Licence Agreement and any extension thereof, including the provision of any consents, approvals, notices and notices of termination provided that the Chief Corporate Officer may, at any time, refer consideration of such matters (including their content) to City Council for its determination and direction.
4. Each of the Chief Corporate Officer and the Director of Real Estate Services be authorized severally to execute the Licence Agreements on behalf of the City.

Financial Impact

The proposed license agreements are for a nominal fee. TCHC will be responsible for all taxes, maintenance and operating costs.

The Deputy City Manager and Chief Financial Officer has reviewed this report and concurs with the financial impact information.

DECISION DOCUMENT

At its meeting July 16, 17, 18 and 19, 2007, City Council adopted EX10.34 which granted authority to fund TCHC for the development of affordable housing on Blocks 32 and 36 on the Railway Lands and to enter into an Offer to Sell the land to TCHC.

ISSUE BACKGROUND

An Offer to Sell was completed with TCHC for Blocks 32 and 36 of the Railway Lands and the transfer of the lands was intended to take place on October 28, 2009. TCHC has proceeded through pre-development activities and is now ready to start construction by December 1, 2009. The most cost-effective and appropriate site for staging of construction given the existing grading is a part of the unopened and future road allowance, which is to become Fort York Boulevard adjacent to what will be the intersection with Bathurst Street as shown on Appendix “C”.

Due to the development of the roadways and blocks by Concord Adex, the transfer of the lands to TCHC has been delayed until certain site related issues can be resolved.

In light of these considerations two licences are required in order to proceed with construction this year as planned on City lands.

COMMENTS

This report is in response to requests from TCHC for access to City lands by December 1, 2009 so that it is able to proceed with the construction of affordable housing on Blocks 32 and 36 of the Railway Lands. The report recommends that a licence for six months or until the lands are transferred to TCHC be authorized for Blocks 32 and 36 and that a licence for three years or until the City needs the land for public road access purposes be authorized for on an unopened portion of Fort York Boulevard to provide access for the staging of construction. Both licences would be at nominal cost as the proponent is a non-profit corporation.

The issuing of these two licences will ensure that the development of affordable housing can proceed on Blocks 32 and 36 of the Railway Lands without incurring extra costs for delay.

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SIGNATURE

Bruce Bowes, P. Eng.
Chief Corporate Officer

Sue Corke
Deputy City Manager

ATTACHMENTS

Appendix "A" – Terms and Conditions of Licence Agreement for a Portion of Fort York Boulevard

Appendix "B" – Terms and Conditions of Blocks 32 and 36 Licence Agreement

Appendix "C" - Site Maps