
City Council

**REVISED
NOTICE OF MOTION**

MM30.13	ACTION			Ward: 41
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5789-5951 Steeles Avenue East -The Landmark (Canada) Inc. Deferral of Development Charge Payments Due at Subdivision Registration Stage to Building Permit Issuance (File No. 05 141579 ESC 41 SB) - Moved by Councillor Lee, seconded by Councillor Walker

- Notice of this Motion has been given.*
- This Motion is subject to referral to the Scarborough Community Council. A two-thirds vote is required to waive referral.*

Recommendations

1. That the portion of Development Charges required to be paid at the time of subdivision registration for the development at 5789-5951 Steeles Avenue East (The Landmark (Canada) Inc.), Draft Plan of Subdivision file No. 05 141579 ESC 41 SB, be deferred and paid prior to the issuance of the individual building permits for each building to be constructed.
2. That City Council authorize the City Solicitor to take actions as necessary to give effect to Recommendation 1.

Summary

On November 10, 2006, the Ontario Municipal Board issued an order approving amendments to the Scarborough Official Plan and Zoning By-law and approving a Draft Plan of Subdivision application, to permit the development of the above property for commercial and prestige industrial uses, with a total gross floor area of approximately 63 510 m² (683,653 sq. ft.). These applications were supported by City Planning and endorsed by Council on September 25, 26, 27, 2006.

A standard requirement of the registration of a Plan of Subdivision is the payment of a portion of Development Charges related to development engineering infrastructure which amounts to approximately 69% of the overall payment. Due to the weak economy and current fiscal conditions, the applicant has requested a deferral of the DC payment due at subdivision registration. The applicant has requested that DC charges be paid prior to the issuance of building permits for each individual building. The applicant has indicated that this deferral will allow them to proceed with phase one of the project which includes many of the pad buildings

located on the Steeles Avenue East frontage. The proceeds from phase one will facilitate the development of phase two which includes a two level 31 587 m² (340,000 sq. ft.) commercial building.

The request of the applicant to defer DC payments is also consistent with staff recommendations contained the report to Executive Committee on February 2, 2009 (Report EX29.8 Development Charges – Discussion of Comments Received and Revisions to Proposed By-law). The proposed DC By-law deletes the early partial DC payment requirements related to plans of subdivision. All DC payments are proposed to be payable prior to issuance of a building permit.

City Planning and Finance staff support the request on the basis that the overall project will be more viable and to secure the Section 37 benefits which would flow with the issuance of building permits for the project.

City Council - January 27, 2009