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**City Council**

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**Notice of Motion**

MM40.4	ACTION			Ward: 38
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**Amendment of Section 37 Agreement with Equinox Development / the Goldman Group - by Councillor De Baeremaeker, seconded by Councillor Thompson**

- *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**

Councillor De Baeremaeker, seconded by Councillor Thompson, recommends that:

1. City Council amend the current Section 37 agreement with the Equinox developer/builder to allow the existing funding commitment to be used as follows:
  - a. \$400,000 for upgrades to the Scarborough Civic Centre library including enlarged public washrooms and change room areas as well as a sculpture garden;
  - b. \$100,000 grant to the Cliffcrest Community Centre to improve the daycare facilities and children's playground equipment; and
  - c. \$300,000 for playground and park improvements at North Bendale Park and Churchill Heights Park.
2. The City ensure the Equinox developer provide easements that ensure future public access to any future pedestrian bridge that may be built.
3. City staff be authorized to use the \$800,000 letter of credit to fund these projects and that these projects be included in the appropriate 2010 capital budget submissions with a net zero impact on the city's budget.

**Summary**

Scarborough Community Council and the City of Toronto approved a Section 37 agreement with the Goldman Group/Equinox Development prior to November 2003 which required the developer to build a pedestrian tunnel into the Scarborough Town Centre LRT station. The City holds an \$800,000 line of credit to secure the work.

It has been over six years since the agreement was signed and the bridge is still not built. It appears that the City could now be immersed in a very lengthy legal dispute with the developer over the bridge which means the bridge may not be built for several years; if ever. Meanwhile, other projects such as the new public library at the Scarborough Civic Centre are moving ahead.

As the local councillor I support reallocating the \$800,000 letter of credit the city holds to other projects such as the new library that actually will be built down the street from this condo in 2010 and other parks improvements.

(City Council did not waive notice of Motion MM38.17 at its August 5 and 6, 2009 meeting. This Notice of Motion is resubmitted to City Council on September 30, 2009 as MM40.4)