



**STAFF REPORT
ACTION REQUIRED
Confidential Attachment**

Restrictive covenants – Railway Lands West – City Housing Blocks

Date:	November 30, 2009
To:	City Council
From:	City Solicitor
Wards:	Ward No. 20 – Trinity-Spadina
Reason for Confidential Information:	This report is about litigation or potential litigation that affects the City or one of its agencies, boards, and commissions and this report contains advice or communications that are subject to solicitor-client privilege.
Reference Number:	

SUMMARY

The purpose of this report is to obtain directions regarding litigation with respect to the restrictive covenants registered against the City owned housing blocks in the Railway Lands West.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council provide instructions to City staff based on the confidential recommendations contained in Attachment 1; and
2. City Council authorize the public release of the confidential recommendations in Attachment 1 if adopted by City Council.

FINANCIAL IMPACT

Adopting this report will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

At its meeting held on July 25, 26 and 27, 2006, City Council instructed City staff to negotiate for the possible release of the restrictive covenants that are registered against the City owned Housing Blocks 31, 32 and 36 in the Railway Lands West.

ISSUE BACKGROUND

In 1994 the City took title to Blocks 31, 32, 33 and 36 in the Railway Lands West, as shown on the attached map. The City has since transferred Block 33 to Wittington Properties Limited ("Wittington Properties") and will transfer Blocks 31, 32 and 36 to Toronto Community Housing Corporation ("T.C.H.C."). The transfer under which the City took title in 1994 imposed a 50 year restrictive covenant (from Oct. 21, 1994) under which the owner of the Blocks will,

- a. not use Block 36 and Block 33 except for residential uses, retail at grade and community services and facilities all as permitted by the Railway Lands West Zoning By-law (collectively, the Residential Uses) and for open public roads,
- b. not use Block 32 except for the said Residential Uses for low to moderate income householders including retail at grade and community services and facilities as permitted by the By-law and for open public roads, and
- c. not use Block 31 except for the said Residential Uses for low to moderate income householders etc. and for a school or for a school playground or for any combination of such uses.

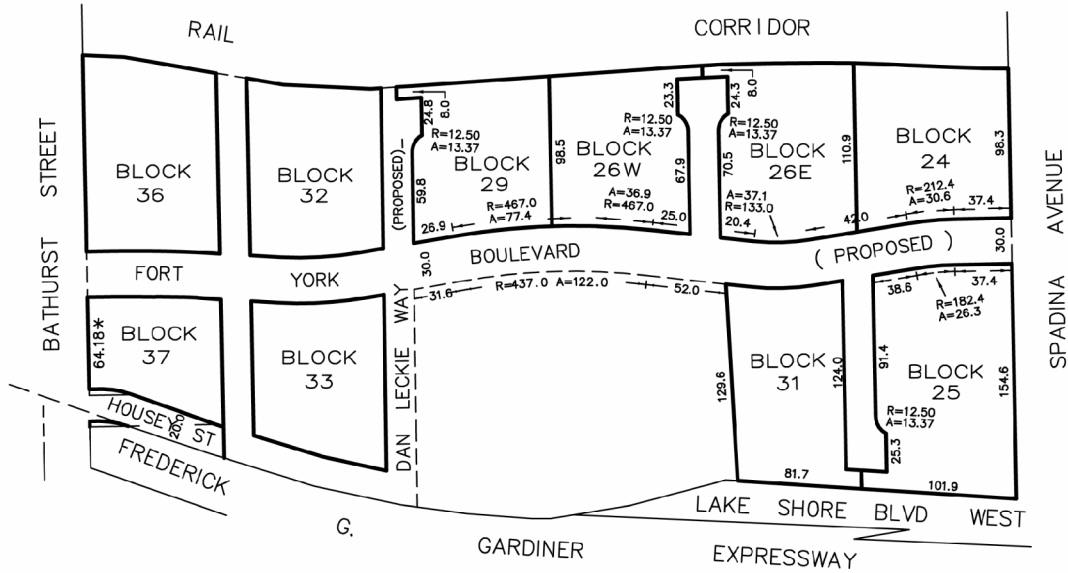
CONTACT

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SIGNATURE

Anna Kinastowski, City Solicitor

Attachments: Map and Attachment 1 – Confidential Information



□ BLOCK BOUNDARIES

* : MEASURED FROM THE NORTH LIMIT OF
PART 61 PLAN 64R-14891

--- PROPOSED PUBLIC HIGHWAYS

Map 2

4a Spadina Avenue & 100 Fort York Boulevard

Applicant's Submitted Drawing

Not to Scale 

File # 05_202742