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**City Council**

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**Notice of Motion**

MM52.17	ACTION			Ward: 25
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**2489 Bayview Avenue – OMB Hearing and Other Development Approvals - by Councillor Jenkins, seconded by Councillor Walker**

*\* Notice of this Motion has been given.*

*\* This Motion is subject to referral to the North York Community Council. A two thirds vote is required to waive referral.*

*\* This Motion has been deemed urgent.*

**Recommendations**

Councillor Jenkins, seconded by Councillor Walker, recommends that:

1. City Council direct the City Solicitor and other appropriate staff to work with the covenant holders to provide information with respect to both the long-term plans for the subject lands of both the Canadian Film Centre (CFC) and the City of Toronto and to negotiate and prepare appropriate site-specific Official Plan and Zoning By-law amendments to protect, for the long term, preservation of the subject lands as public parkland in recognition of the intent of the original conveyance.
2. City Council direct the City Manager and City Solicitor to ensure that no further approvals are granted by the City of Toronto, including the finalization of the amended lease for the subject property, until the consent of the covenant holders is obtained.
3. City Council direct the City Solicitor to advise the Ontario Municipal Board that the City does not support the motion to dismiss being advanced by the CFC.

**Summary**

The lands municipally known as 2489 Bayview Avenue were conveyed to the City of Toronto (then the City of North York) to be used as a park and for other public purposes. The conveyance was subject to restrictive covenants for the benefit of the owners of lands abutting the subject lands along Country Lane requiring that those owners must be consulted in respect of any development proposal for the subject lands and must consent to same.

The City entered into a lease with the Canadian Film Centre (CFC) to permit the use of the existing buildings on the subject lands for education and training conducted by the CFC. On June 23, 2010, the CFC obtained approval from the North York Committee of Adjustment to expand the existing legal non-conforming use of the subject property in order to permit the development of approximately 100,000 square feet of additional development, and an expanded

parking area.

That application was made without the consent of all of those residents whose lands benefit from the restrictive covenant and whose consent is required, resulting in an appeal by a resident of the Committee of Adjustment decision to the Ontario Municipal Board.

The CFC has advised residents and the City that it intends to bring a motion to dismiss the appeal and has scheduled a hearing date of September 16, 2010.

The CFC also requires additional approvals from the City for the development proposal to proceed, including the finalization of an amended lease, permits issued under the Ontario Heritage Act, and site plan approval.

(Submitted to City Council on August 25 and 26, 2010 as MM52.17)