



## Member Motion

### City Council

#### Motion without Notice

MM37.50	ACTION			Ward:23
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**Release of Section 37 Funds for Construction of Non-Profit Community Centre and Non-Profit Childcare Facility, Lansing United Church, 49 Bogert Avenue - by Councillor John Filion, seconded by Councillor Joe Mihevc**

*\* This Motion has been deemed urgent by the Chair.*

*\* This Motion is not subject to a vote to waive referral.*

*\* This Motion has been added to the agenda and is before Council for debate.*

#### Recommendations

Councillor John Filion, seconded by Councillor Joe Mihevc, recommends that:

1. City Council increase the approved 2013 Operating Budget for Non-Program by \$6,837,922.21 gross, \$0 net, fully funded by Section 37 community benefits from the development at 4726-4750 Yonge Street, 9-31 Bogert Avenue, 2-28 Poyntz Avenue and 49 Bogert Avenue, (account: XR3026-3700388) for the purposes of constructing a non-profit, private community centre and a non-profit childcare facility, plus startup funds and operating reserves, at Lansing United Church, 49 Bogert Avenue.
2. City Council direct that the funds be forwarded to the Trustees of the Lansing Congregation of the United Church of Canada, 49 Bogert Avenue, once the Trustees have signed an Undertaking governing the use of the funds and the financial reporting requirements and an above-grade building permit has been issued which includes the community centre and childcare facilities in accordance with the Section 37 agreements.

#### Summary

Funds were secured and received through Section 37 from the development at 4726-4750 Yonge Street, 9-31 Bogert Avenue, 2-28 Poyntz Avenue and 49 Bogert Avenue in return for the increased density. The \$6,742,734.00 plus accrued interest of \$95,188.21 is for a "social facility" in accordance with the North York Centre Secondary Plan. Lansing United Church was part of the development lands. Density was transferred from the Lansing United Church site and the funds were secured in order that Lansing United Church could construct and operate a non-profit community centre and a non-profit childcare facility.

The Section 37 agreement specifies that the funds are to be held in trust by the City and should be forwarded to Lansing United Church to pay for the costs of construction and furnishing of the community centre and childcare facility, plus startup, maintenance and repair funds.

There are separate Section 37 agreements with the developer and with Lansing United Church, and the latter sets out the obligations of the Church in providing the above-mentioned facilities. Any funds left over after construction will go into a reserve fund for the ongoing maintenance and repair of the facilities. The agreement provides that the funds come to the City, are held in trust, and are conveyed to Lansing United Church once Lansing has obtained an above-grade permit for the facilities.

Lansing United Church will be required to sign an Undertaking, which will require that Lansing submit a brief audited financial statement to the City regarding the use of the Section 37 funds, at each year end until the funds plus any future accrued interest have been exhausted.

(Submitted to City Council on July 16 and 17, 2013 as MM37.50)

**Background Information (City Council)**

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