

**City Council****Notice of Motion**

MM1.10	ACTION			Ward: 18
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**4841 to 4881 Yonge Street, 2 and 50 Sheppard Avenue East and 4 and 6 Forest Laneway - Authorization to Amend Section 37 Agreement and Direction to Amend Zoning By-law 527-2015 - by Councillor John Filion, seconded by Councillor Kristyn Wong-Tam**

*\* 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.*

**Recommendations**

Councillor John Filion, seconded by Councillor Kristyn Wong-Tam, recommends that:

1. City Council authorize an amendment to the Section 37 Agreement to provide that the Owner shall register the executed leases for the Child Care Facility and the Social Facility, obtain and deliver a title opinion, at the Owner's sole cost and expense in accordance with the requirements of the Section 37 Agreement, prior to the completion of the Child Care Facility and the Social Facility and, in any event, by no later than the date of the delivery of these facilities to the City.
2. City Council authorize an amendment to the Section 37 Agreement to provide that the Owner shall complete the Child Care Facility and Social Facility and have them ready for occupancy and available to the City and/or the operator within thirty-five (35) months of issuance of the first Above-Grade Building Permit for the Phase 1 Retail Renovations.
3. City Council direct the Chief Planner and Executive Director, City Planning to bring forward By-law amendments to Zoning By-law 527-2015 to the first meeting of North York Community Council in 2019, such amendments to permit a portion of the Monetary Contribution to be directed to furnishing and equipping the Child Care Facility.
4. City Council authorize the City Solicitor and any other necessary staff to take the necessary steps to implement City Council's decision.

**Summary**

RK (Sheppard Centre) Inc. (the "Owner") is the owner of lands municipally known as 4841 to 4881 Yonge Street, 2 and 50 Sheppard Avenue East, and 4 and 6 Forest Laneway (the "Sheppard Centre"). On March 31, 2015, City Council approved the Owner's applications for amendments to the Official Plan and Zoning By-law, Site Plan, and Rental Housing Demolition

in order to permit the development of the Sheppard Centre site with a 39 storey residential apartment with grade related retail commercial uses (the "Development"). The Development also includes the replacement of 25 existing residential rental units.

As a precondition to enacting the Zoning By-law Amendment, Council required the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act which secured, among other things, a monetary contribution (the "Monetary Contribution") and required the Owner to construct and complete a social facility (the "Social Facility"), along with a child care facility (the "Child Care Facility").

The Section 37 Agreement was executed and registered on title on June 15, 2015. The amount of the Monetary Contribution paid by the Owner to the City on January 28, 2018 was \$3,916,202.40.

Amendments to the Section 37 Agreement and Zoning By-law 527-2015 are now required as a result of changed circumstances.

First, the Owner has requested that the delivery of the Child Care Facility and the Social Facility be delayed by a further four (4) months. Second, the Owner has requested that the execution and registration of the leases between the Owner and the City for the Child Care Facility and for the Social Facility be timed to coincide with the delivery of these spaces to the City. Third, the owner has requested that a portion of the Monetary Contribution be directed toward furnishing and equipping the Child Care Facility.

Children's Services Staff are satisfied that the requested delays are acceptable. The Section 37 agreement must be amended to allow for these extensions of time, and Council must direct that the Zoning By-law be amended.

This matter is time sensitive and urgent because without the requested extension of time for the delivery of the Child Care Facility and the Social Facility, the Owner will be in breach of its obligations pursuant to the Section 37 Agreement as of December 31, 2018, before the next meeting of Council.

### **Background Information (City Council)**

Member Motion MM1.10