

City Council

Motion without Notice

MM8.38	ACTION			Ward: 6
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9 Tippet Road Land Conveyance Relief - by Councillor James Pasternak, seconded by Councillor Mike Colle

** 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 James Pasternak, seconded by Councillor Mike Colle, recommends that:

1. City Council authorize City staff, in conjunction with the Site Plan Control Application for the lands known municipally as 9 Tippet Road, to provide relief from the “Policy for Accepting Potentially Contaminated Lands to be Conveyed to the City under the Planning Act, January 2015”, in accordance with Policy 5.1.3 of this Policy, and accept the following as a post-approval condition for the above-noted Site Plan Control Application, with the City of Toronto’s standard conditions related to such conveyances also being post-approval conditions to the above-noted Site Plan Control Application:

- a. The owner agrees to prepare all documents and convey to the City, at nominal cost, prior to condominium registration, the 9.25 metre portion of a future public road on the south side of the lands, the associated portion of the cul-de-sac, the associated 6.1 metre corner rounding, and any appurtenant rights-of-way in fee simple, such lands to be free and clear of all physical and title encumbrances, and subject to a right-of-way for access in favour of the Grantor until such time as said lands have been dedicated as a public highway, all to the satisfaction of the Executive Director of Engineering and Construction Services and the City Solicitor.

Summary

In 2015, with the support of the City, the Ontario Municipal Board approved By-law 381-2016 to permit the redevelopment of the lands known municipally as 9 Tippet Road (the “Site”). This project will include a minimum of 25 units of affordable housing.

As part of the development approval for the Site, the owner agreed to convey to the City at no cost a 9.25 metre wide portion of a future public road on the south side of the Site, the associated portion of the cul-de-sac, the associated 6.1 metre corner rounding, and any appurtenant rights-of-way in fee simple (the “Conveyances”). The future public road will not be constructed for some time because additional lands are required from the lands to the south,

which are currently owned by the Toronto District School Board. In the interim, these lands will be landscaped by the owner and maintained by the future condominium corporation until these lands are needed for the future public road.

At its meeting on February 10 and 11, 2015, City Council adopted Item PW6.1 headed "Policy for Accepting Potentially Contaminated Lands to be conveyed to the City under the Planning Act". Table 1 of the Policy requires conveyances for road widening purposes to occur prior to Final Site Plan Approval. Only City Council has the authority to amend or provide relief from the provisions of the Policy.

City staff are in the process of finalizing the pre-approval conditions for inclusion in the Notice of Approval Conditions for the Site. In accordance with the Policy, the draft Notice of Approval Conditions would contain a pre-approval condition requiring the Conveyances to occur prior to Final Site Plan Approval.

However, the Conveyances cannot occur prior to Final Site Plan Approval because remediation of the lands that are the subject of the Conveyances will not be completed until long after an above grade building permit has issued, even though a Record of Site Condition will not be required by the Ministry of the Environment for the Conveyances. To require remediation of these lands and the Conveyances to occur before Site Plan Approval would result in significant delays to construction and delivery of the 25 affordable housing units.

To avoid any delay in construction, and the completion of the 25 affordable housing units, it is appropriate to require the Conveyances as a post approval condition and to occur prior to condominium registration. There are no impacts to the road network because the future public road cannot be constructed until additional lands are secured by the City from adjacent landowners.

This matter is urgent because the owner is proceeding with construction and requires Site Plan Approval to enable the timely issuance of building permits and delivery of the affordable housing units.

Background Information (City Council)

Member Motion MM8.38