



## STAFF REPORT ACTION REQUIRED

### 101-115 Sherbourne Street – Section 45(9) Agreement

<b>Date:</b>	January 12, 2009
<b>To:</b>	City Council
<b>From:</b>	City Solicitor
<b>Wards:</b>	Ward 28 – Toronto Centre- Rosedale
<b>Reference Number:</b>	File No. 03 035053 STE 28 SA

#### SUMMARY

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The Ontario Municipal Board approved variances for 101-115 Sherbourne Street (the “Subject Property”) on condition that the owner enter into an agreement pursuant to Section 45(9) of the *Planning Act* to secure community benefits, being cash contributions for the purpose of rebuilding sidewalks on Sherbourne Street and for a Heritage Signage Interpretation Plan in accordance with the King-Parliament Community Improvement Plan. This Report recommends that Council authorize the execution of the Section 45(9) Agreement.

#### RECOMMENDATIONS

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1. Council authorize the City Clerk and Chief Financial Officer and Treasurer to execute an Agreement, entered into pursuant to Section 45(9) of the Planning Act, in a form satisfactory to the City Solicitor, to secure cash contributions for the purpose of rebuilding sidewalks on Sherbourne Street and a Heritage Signage Interpretation Plan, required as conditions to the minor variance approval granted by the Ontario Municipal Board for a 17 storey building at 101-115 Sherbourne Street.

#### FINANCIAL IMPACT

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The recommendations in this report have no financial impact.

#### ISSUE BACKGROUND

On September 18, 2003 the Ontario Municipal Board issued Order No. 1241 approving minor variances for the Subject Property pursuant to subsection 45(18) of the *Planning Act*, R.S.O. 1990, c. P.13, subject to conditions imposed pursuant to subsection 45(9) of

the Act, in order to facilitate the development of a 17 storey building containing 316 residential units and retail at grade.

Condition 1 required that prior to the issuance of a building permit, the owner provide a cash contribution in an amount satisfactory to the Commissioner of Urban Development Services (now the Chief Planner and Executive Director of City Planning), to rebuild the sidewalks on the west side of Sherbourne Street between Richmond Street East and Queen Street East and on the east side of Sherbourne Street between the northern limit of the site and Queen Street East.

Condition 2 required that prior to the issuance of a building permit, the owner provide the City with a \$100,000 cash contribution for the Heritage Signage Interpretation Plan as set out in the King-Parliament Community Improvement Plan.

The third and final condition required that conditions 1 and 2 be secured by way of an agreement between the owner and the City pursuant to Section 45 of the *Planning Act*.

## **COMMENTS**

Entry into a Section 45(9) Agreement is the appropriate legal mechanism to secure the cash contributions outlined above.

## **CONTACT**

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## **SIGNATURE**

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Anna Kinastowski  
City Solicitor