

**1286-1294 Islington Avenue and 15-19 Cordova Avenue
– Change to Provisions of Section 37 Agreement**

Date:	April 28, 2010
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 5 – Etobicoke-Lakeshore
Reference Number:	08 205791 WET 05 SA and TA CMB 2002 0022

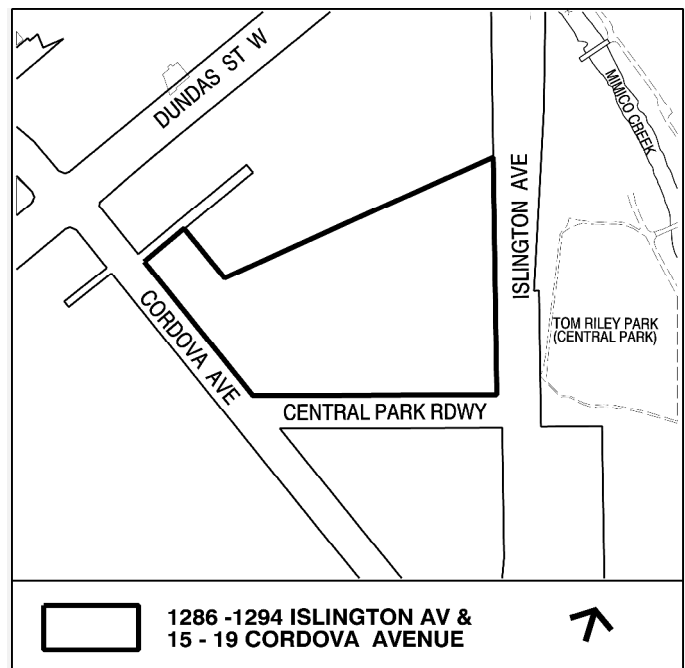
SUMMARY

The owner has made a request to amend the existing Section 37 Agreement for the lands at 1286-1294 Islington Avenue and 15-19 Cordova Avenue. The site was split into two parts through a severance application approved in September, 2009. The owner wishes to have the rental housing obligations of the Section 37 Agreement only apply to the site at 1286 and 1294 Islington Avenue.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council approve amendments to the Section 37 Agreement dated June 23, 2004, for the lands at 1286-1294 Islington Avenue and 15-19 Cordova Avenue, such that the owner of the two existing rental apartment buildings, known municipally as 1286 and 1294 Islington Avenue, will be solely responsible for the obligations respecting retention of the rental apartment buildings.



2. City Council authorize the City Solicitor to prepare an amendment to the existing Section 37 agreement, generally in accordance with the draft revisions attached to this report as Attachment 2, and in a form satisfactory to the City Solicitor; and take the necessary steps to have the executed agreement registered on title.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On November 8, 2002, Hollyburn Properties, the owner of the site, applied for Official Plan and Zoning Code amendments to permit a residential development of two apartment towers and townhouses on the western portion of the property containing a surface parking lot and garages. The Site Plan (Attachment 1) identifies the westerly portion of the site as Future Development Site. The parking was provided for the two existing 8-storey rental apartment buildings that occupy the eastern portion of the property, identified as Building Envelope 3 on the Site Plan.

The owner appealed the applications to the Ontario Municipal Board. The City of Toronto and The Toronto District School Board reached a settlement respecting the appeals. Official Plan Amendment 117-2003 and Site Specific By-law 7-2005 OMB were adopted, and a Section 37 Agreement, dated June 23, 2004, was executed and registered on title.

A Site Plan Approval Application was submitted on September 22, 2008 for the existing rental buildings. The proposal made changes to the landscape features and vehicle access to the future development site. Notice of Approval Conditions were issued on December 9, 2009, by the Director of Community Planning, Etobicoke York District. Letters of Credit have been received for on site landscaping, in lieu of providing trees on site and the construction of a median on Islington Avenue.

Applications for Consent to Sever (B29/09EYK) and Minor Variance (A183/09 EYK) were submitted to the Committee of Adjustment and were approved on September 24, 2009. The Consent was to sever the site into two lots so that the Future Development Site could be sold and developed separately. The minor variances were required as a result of the severance and to allow parking behind the landscaped open space facing Islington Avenue.

ISSUE BACKGROUND

The Section 37 Agreement covers the entire site and requires a number of guarantees including the retention of the existing apartment buildings as purpose built rental housing for 20 years after the date that the Official Plan and Zoning Code amendments were enacted.

Hollyburn Properties wish to sell the Future Development Site and do not want the purchaser to be responsible for retaining the rental units on the existing rental apartments' site. Section 8 of the Section 37 Agreement should be amended so that only the owner of the rental apartment site is responsible for retaining the units as purpose built rentals for 20 years. The Definitions Section should also be amended to identify the two sites.

COMMENTS

All of the other provisions in the Section 37 Agreement will continue to apply to both the development site and the rental buildings site. Section 8 will only apply to the rental apartment buildings site.

In order to enact these changes, two new definitions should be added to the Section 2 Definitions:

“Existing Rental Apartments Site” means the retained site upon which the 2 existing 8-storey rental apartment buildings are located at 1286 and 1294 Islington Avenue.

“Future Development Site” means the conveyed site located to the west of the “Existing Rental Apartment Site”.

A revised definition should be inserted for Owner:

“Owner” means one or more owners who own the Future Development Site and the Existing Rental Apartments Site.

Section 8 should be revised as follows:

8.1 The Owner *of the Existing Rental Apartments Site* agrees that there are 154 Existing Rental Units in the two existing rental buildings at the Site.

8.2 The Owner *of the Existing Rental Apartments Site* agrees that it shall maintain

8.3 Following the expiry of the twenty (20) year period noted above, the Owner *of the Existing Rental Apartments Site* shall be entitled to

8.4 The Owner *of the Existing Rental Apartments Site* agrees that it shall not demolish, nor shall apply for a demolition permit.....

8.5 The Owner *of the Existing Rental Apartments Site* agrees that it shall not apply to the Ontario Rental Housing Tribunal.....

The retention of the rental apartments will now become the sole responsibility of the owner of that part of the site. All owners will be responsible for the rest of the obligations in the Section 37 Agreement. City Planning has no objections to this arrangement as all of the Section 37 requirements still must be met.

These changes do not affect the Zoning By-law provisions. Notice for the agreement changes is not required.

CONTACT

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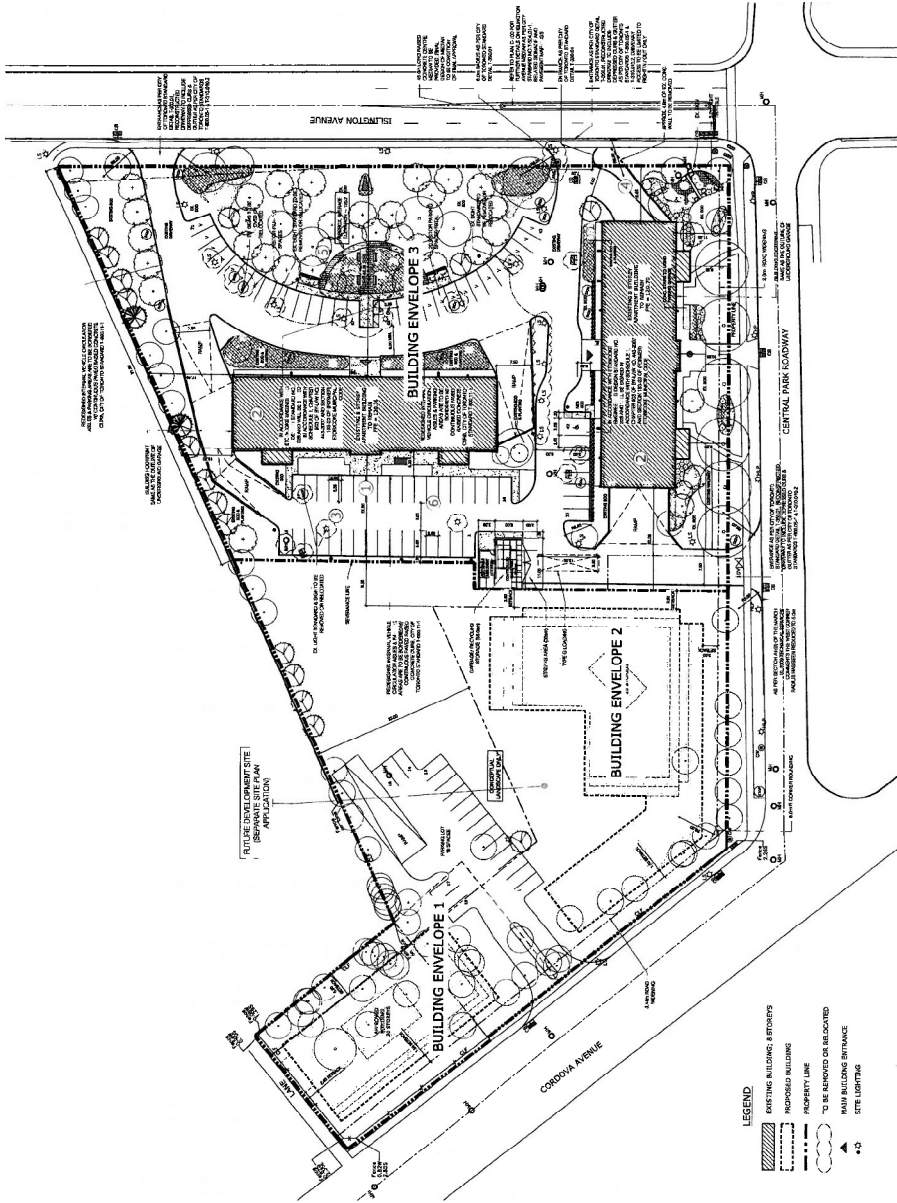
SIGNATURE

Gregg Lintern, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Proposed Revisions

Attachment 1: Site Plan



Site Plan
 Applicant's Submitted Drawing
 Not to Scale
 02/09/2010

1286 - 1294 Islington Avenue
 15 - 19 Cordova Ave
 File # 08 - 205791

Attachment 2: Proposed Revisions

- a) **“Existing Rental Apartments Site”** means the retained site upon which the 2 existing 8-storey rental apartment buildings are located at 1286 and 1294 Islington Avenue.
- b) **“Future Development Site”** means the conveyed site located to the west of the “Existing Rental Apartment Site”.
- c) **“Owner”** means one or more owners who own the Future Development Site and the Existing Rental Apartments Site.
- d) **Retention of Existing Apartment Buildings**
 - 8.1 The Owner *of the Existing Rental Apartments Site* agrees that there are 154 Existing Rental Units in the two existing rental buildings at the Site.
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 - 8.4 The Owner *of the Existing Rental Apartments Site* agrees that it shall not demolish, nor shall apply for a demolition permit.....;
 - 8.5 The Owner *of the Existing Rental Apartments Site* agrees that it shall not apply to the Ontario Rental Housing Tribunal.....;