
City Council

Motion without Notice

MM14.27	ACTION			Ward:25
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Expropriation-Covenants held by 26 Country Lane Prohibiting Canadian Film Centre's Proposed Improvements to 2489 Bayview Avenue - by Councillor David Shiner, seconded by Councillor Karen Stintz

- * *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*

Confidential Attachment - Land Acquisition**Recommendations**

Councillor David Shiner, seconded by Councillor Karen Stintz, recommends that:

1. City Council adopt the recommendations contained in the report (November 22, 2011) from the Chief Corporate Officer.

Summary

In August 2010, City Council, as landlord of Windfield Park's buildings leased to the Canadian Film Centre (the "CFC") at 2489 Bayview Avenue, approved the CFC's proposed improvements, which included additional ground floor area of about 2,067 sq.ft. for the Gate House and 4,495 sq.ft. for the Actors' Conservatory (23 ft high), as well as 24 additional parking spaces.

As approval to those improvements was also required from five Country Lane property owners adjacent to the Park, due to restrictive covenants on title to the Park, Council also authorized staff to request such approvals and, if any approval(s) were refused, to commence a time-limited expropriation of that property's covenants, to commence upon the date of registration of the Expropriation Plan and to end on December 31, 2013.

Four of the five Country Lane property owners approved CFC's proposed improvements but, as the former and current owner of 26 Country Lane have both refused their approval, notice has been given of the City's intention to expropriate that property's covenants, in accordance with Council approval in August 2010. To implement the next step in such expropriation, it is being recommended that Council adopt the recommendation set out in the report, with confidential attachment, from the Chief Corporate Officer (Dated November 22, 2011) to

approve the time-limited expropriation of the restrictive covenants specified in this report from the 26 Country Lane property and its property owner.

The matter is urgent because the infrastructure funding received by the CFC for the proposed improvements has a deadline of March 31, 2013 and the year-long construction schedule will be comprised unless the tenant can obtain site plan approval and required building permits by the end of March 2012. These approvals cannot be issued without expropriation of the covenants being approved by the City, as approving authority, as consent from the owner of 26 Country Lane has been refused.

(Submitted to City Council on November 29 and 30, 2011 as MM14.27)