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**City Council**

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**Motion without Notice**

MM16.14	ACTION			Ward:38
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**Proposed Revised Preconditions to introducing the Official Plan amendment and Zoning By-law for 1 and 2 Meadowglen Place - by Councillor Glenn De Baeremaeker, seconded by Councillor Michael Thompson**

*\* This Motion has been deemed urgent by the Chair.*

*\* This Motion requires a re-opening of Item SC10.20. A two-thirds vote is required to re-open the Item.*

**Recommendations**

Councillor Glenn De Baeremaeker, seconded by Councillor Michael Thompson, recommends that:

1. City Council amend Item SC10.20, adopted, as amended, by Council at its meeting on October 24 and 25, 2011, as follows:
  - a Amend Part 4:
    - i. By deleting the phrase "before introducing the necessary Bills to City Council for enactment", thereby removing the requirement that entering into an agreement under section 37 of the Planning Act is a precondition to the introduction of the Official Plan amendment and the zoning by-law for consideration by Council.
    - ii. By deleting reference to use of the financial contributions under section 37 of the Planning Act for improvements to Centennial Community Centre and the installation of a splash pad at Greenbrae Park.
    - iii. To provide that the Phase 1 cash contribution under section 37 of the Planning Act shall be staged such that the \$100,000 portion is required prior to the issuance of any building permits for the townhouse component of Phase 1 and the \$200,000 portion is required prior to the issuance of any building permits for the residential condominium apartment component of Phase 1.
  - b. Amend Parts 6, 7, 8, 9 and 11 by inserting as an additional condition, the requirements outlined in Part 4 as revised by this Motion, such that entering into

and registering an agreement under section 37 of the Planning Act is a precondition to the permissions outlined in Parts 6, 7, 8, 9 and 11.

3. Before introducing the necessary Bills for enactment, City Council require the owner to register a restriction under a section 118 of the Land Titles Act to the satisfaction of the City Solicitor agreeing not to transfer or charge any part of the lands without the written consent of the Chief Planner and Executive Director, City Planning Division or his designate, to assist with securing the registration of the agreements under section 37 of the Planning Act and section 111 of the City of Toronto Act.

### **Summary**

On October 24 and 25, 2011 City Council adopted item SC10.20 of the Scarborough Community Council. That resolution approved an Official Plan amendment, zoning by-law, rental housing and *Planning Act* demolition applications and a proposed plan of subdivision. The development proposal would construct a total of 818 residential units, including 146 residential rental apartment units and a public park, on 1.4 hectares of land. (The prior Council decision is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.SC10.20>)

As a precondition to submission of the bills, the owner was required to enter into a section 37 agreement. It secured, among various community benefits, the replacement of 141 existing residential apartment units. Staff and the owner have finalized most elements of the section 37 agreement. However, the rental protection elements involve focusing considerable attention on matters such as the tenant relocation process. The owner and staff have agreement on such matters, but haven't completed drafting the required agreement provisions. The applicant advises that obtaining passage of the bills is of critical importance at this time. Staff advise that, in this circumstance, there are a number of protections that will ensure the agreement is completed and registered before the development proposal can proceed.

Protections in this circumstance include the fact that a restriction under section 118 of the *Land Titles Act* will be registered. The owner will not be in a position to convey, encumber or adjust financial security taken against the lands without the written consent of the Chief Planner. In addition the recommendations of this Motion make completion and registration of the section 37 agreement a pre-condition to the issuance of the two demolition permits (under the *Planning Act* and under the *City of Toronto Act*) required by the applicant. Nor will release of the applicant's proposed plan of subdivision be possible.

This motion also adjusts the timing of payment of the Phase 1 section 37 contribution as described below and clarifies the intent of Scarborough Community Council with respect to the use of the s37 financial contributions.

For these reasons, after consultation with Legal and Planning staff, I recommend this motion to Council.

### **REQUIRES RE-OPENING**

Scarborough Community Council Item SC10.20, adopted by City Council on October 24 and 25, 2011

(Submitted to City Council on February 6 and 7, 2012 as MM16.14)