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**City Council****Motion without Notice**

MM25.40	ACTION			Ward:28
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**Gooderham and Worts, Distillery District, proposed amendment to Section 37 agreement to permit occupancy of Clear Spirits Building - by Councillor Pam McConnell, seconded by Councillor Peter Milczyn**

- \* Notice of this Motion has not been given. A two-thirds vote is required to waive notice.*
- \* This Motion is subject to referral to the Executive Committee. A two-thirds vote is required to waive referral.*
- \* This Motion relates to a matter that is holding up the occupancy of a residential building and has been deemed urgent.*

**Recommendations**

Councillor Pam McConnell, seconded by Councillor Peter Milczyn, recommends that:

1. The Owner shall no later than twelve (12) months after the registration on title of the Sixth Amending Section 37 Agreement, submit to the satisfaction of the Manager of Heritage Preservation Services:
  - a. A "Restoration Plan" as defined in the section 37 agreement for Building 42 related to the redevelopment and adaptive re-use contemplated by the Official Plan amendment and zoning by-law applications submitted in 2011 by the Owner for 60 Mill Street; or
  - b. A Restoration Plan for Building 42 related to the restoration and conservation of Building 42 as a stand-alone project, with the conservation work detailed in the Restoration Plan to be completed within five (5) years of the registration on title of the Sixth Amending Section 37 Agreement.

**Summary**

The applicant has entered into a Section 37 agreement which limits the occupancy of more than 50,000 square metres of residential and non-residential gross floor area until specified designated heritage buildings are restored, rehabilitated and ready for occupancy.

The zoning by-law for the Distillery District provides that the Section 37 agreement may deem

heritage buildings to have been restored, rehabilitated and ready for occupancy upon achievement of such measures as are set out in the agreement;

The applicant has restored, rehabilitated and made ready for occupancy all specified heritage buildings with the exception of Rack House D, which building forms part of a current Official Plan amendment and zoning by-law application.

This matter is urgent as the applicant is not in a position to restore Rack House D prior to the scheduled occupancy of the Clear Spirits building by approximately 346 unit owners in the fall of 2012.

(Submitted to City Council on July 11 and 12, 2012 as MM25.40)

**Background Information (City Council)**

Member Motion MM25.40