

**City Council****Notice of Motion**

<b>MM5.13</b>	<b>ACTION</b>			Ward:5
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**Site Plan Application for 5365 Dundas Street West - Revision to Section 37 Agreement - by Councillor Justin J. Di Ciano, seconded by Councillor John Campbell**

*\* Notice of this Motion has been given.*

*\* This Motion is subject to referral to the Etobicoke York Community Council. A two-thirds vote is required to waive referral.*

**Recommendations**

Councillor Justin J. Di Ciano, seconded by Councillor John Campbell, recommends that:

1. City Council direct that section 10.1 of the Section 37 Agreement dated March 1, 2005 entered into between the City of Toronto and the former Owner of 5365 Dundas Street West, Canadian Tire Corporation, be revised as between the City and the current Owner, Concert Real Estate Corporation, to delete the current section 10.1 and replace it with a new section 10.1 as follows:

"The Owner shall provide, to the satisfaction of the Executive Director of Engineering and Construction Services, detailed servicing, storm water management and site grading reports for his or her review prior to site plan approval under section 41 of the Planning Act and under section 114 of the City of Toronto Act with respect to any portion of the site. The Owner acknowledges that current servicing capacity issues must be resolved prior to site plan approval at such stage of phased site plan approval as the Executive Director of Engineering and Construction Services shall require. The Owner shall be responsible for the cost of addressing such capacity issues and shall enter into such development or servicing agreements to address this obligation as may be required. It is agreed and understood between the Parties, without deciding whether or not any such work is properly the subject of a development charge credit, that the provisions of this paragraph will not prejudice the right of the Owner to apply for development charge credits in respect of the works required by this paragraph."

**Summary**

By-law 735-2014(OMB) authorizes the development of the former Canadian Tire site at 5365 Dundas Street West for residential and commercial uses within 6 buildings ranging in height from 3 to 28 storeys for total of 1,590 units.

The Section 37 Agreement for the premises provides for a number of community benefits. In

addition, it addresses a number of functional matters pertaining to the development. One such matter required that, prior to any site plan approval, the owner resolve servicing capacity issues.

Staff are currently processing a site plan application for an initial phase of the development and have determined that there is servicing capacity for this initial phase.

This Motion proposes that the Section 37 Agreement be revised to provide that the owner shall submit detailed servicing reports for each subsequent phase of the development proposal and shall resolve servicing capacity issues when required to do so by staff.

This Motion is urgent on the basis that the applicant has significant financial, legal and contractual deadlines to address in relation to its site plan obligations before the next Council meeting.