

## City Council

### Motion without Notice

MM9.46	ACTION			Ward:7
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**3406 Weston Road Official Plan Amendment and Rezoning - Ontario Municipal Board Hearing - by Councillor Giorgio Mammoliti, seconded by Councillor Frank Di Giorgio**

*\* 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.*

### Recommendations

Councillor Giorgio Mammoliti, seconded by Councillor Frank Di Giorgio, recommends that:

1. City Council delete Part 4.a.i of Item EY4.2 and replace it with the following new Part 4.a.i:

"4. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:

- a. The following community benefits are recommended to be secured in the Section 37 Agreement:

- i. A \$400,000 cash contribution towards local community improvements, including the construction of a public square and flag pole in the Emery Village area, prior to the issuance of the first building permit for the development."

### Summary

At its meeting of March 31, April 1 and 2, 2015, City Council adopted Item EY4.2, and in so doing, approved the Official Plan Amendment and Zoning By-law amendment for 3406-3434 Weston Road so as to permit a 10-storey mixed use building. City Council required a \$400,000 cash contribution towards local community improvements, with \$100,000 to be paid at the time of entering into the Section 37 agreement.

The owner agreed to the \$400,000 cash contribution but objected to the early payment of \$100,000 and on that basis, appealed to the Ontario Municipal Board ("OMB"). After discussions with the owner's solicitor, it was agreed that the owner would withdraw its appeal to the OMB provided that City Council delete the requirement of the early payment of \$100,000.

The OMB is in the process of scheduling a hearing in this matter. Therefore, it is urgent that City Council consider the matter at this Council meeting.

**Background Information (City Council)**

Member Motion MM9.46