

City Council**Motion without Notice**

MM10.18	ACTION			Ward:33
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Agreement to Extend Time For Construction/Excavation at 2025-2045 Sheppard Avenue East - by Councillor Shelley Carroll, seconded by Councillor Ana Bailão

** 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 Shelley Carroll, seconded by Councillor Ana Bailão, recommends that:

1. City Council authorize the City Solicitor, the Chief Planner and Executive Director, City Planning, and other City officials as may be necessary, to complete and execute an agreement substantially in accordance with the attached Schedule A respecting amendments to the Section 37 Agreement, as amended, for lands municipally known as 2025-2045 Sheppard Avenue East.

Summary

The owners of the land municipally known as 2025-2045 Sheppard Avenue East entered into a Section 37 Agreement with the City dated November 7, 2007, which was later amended in 2011 and 2014. Pursuant to clause 2.4(a)(iii) of that agreement, the owner is required to commence construction and/or excavation for a building with characteristics described therein by December 31, 2015. If the work does not commence, the City currently must take certain steps to realize its security prior to March 1, 2016. The Agreement also allows the parties to otherwise agree in writing. Section 37 Agreement also provides for the building to be completed by December 31, 2016.

The owner has applied for a building permit but has yet to commence construction/excavation. The existing Site Plan application (for which Notice of Approval Conditions have been issued) and Building Permit application both reflect a building design that was specific to an end user that unexpectedly terminated its agreement respecting the property in late September of this year. Accordingly, the owner wishes to amend its Site Plan application and Building Permit plans to accommodate a modified building design and specifications required by a new, committed user, which will also make the building more desirable from the City's perspective. In order to implement the desired changes, more time is required to amend the Site Plan and Building Permit drawings.

The agreement set out in Recommendation 1, above, would extend the dates by which

construction/excavation must actually commence to June 30, 2016, and the date by which the building must be completed to July 31, 2017, and extend the dates by which the City may realize on its security, if the owner does not do so. It is expected that this approach will allow the work to commence and be completed in a timely way and make it unnecessary for the City to realize on the security.

The City Solicitor and the Chief Planner and Executive Director, City Planning have reviewed and approved the wording of this Motion.

This Motion is urgent because failing to obtain authorization to amend the terms of the current Section 37 Agreement for the subject property will frustrate the delivery of the Section 37 contributions, in particular, the construction of an employment building on the site, and this is the last meeting of Council at which such authorization can be obtained.

Background Information (City Council)

Member Motion MM10.18

Schedule A - Agreement

<http://www.toronto.ca/leqdocs/mmis/2015/mm/bqrd/backgroundfile-85527.pdf>