

## SCHEDULE "B"

### Appendix 1 Section 37 Provisions to the Zoning By-law Amending By-law No. 438-86

#### Appendix 1

#### Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the *owner's* expense in return for the increase in height and density of the proposed development on the *lot* and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

1.
  - a. the construction, finishing, furnishing and equipping of a non-profit licensed child care facility to accommodate at least 52 children, including 10 infants, 10 toddlers and 32 preschoolers in two groups of 16, comprising 531 square metres of interior space and 254 square metres of exterior space adjacent to the interior space, including outdoor storage, and the provision of a minimum of 3 child care-pick-up and drop-off parking spaces and 3 parking spaces for child care facility staff adjacent to the child care facility;
  - b. prior to the issuance of the final building permit, the completion Child Care Facility and the entering into a lease agreement with the City for one 99-year term; and such facility shall be free of all rent, the cost of all utilities and municipal services supplied to the facility, caretaking costs, repair and maintenance costs, property damage, liability insurance, realty taxes and local improvement charges;
  - c. prior to the issuance of an above grade building permit, a one-time cash contribution of \$180,000 to a replacement reserve fund to replace appliances and large equipment for the child care facility due to wear and tear; and
  - d. prior to the issuance of an above grade building permit, a one-time cash contribution of \$150,000 to start-up costs for the defrayment of operational deficits during the child care facility's first year of operation.
2. Require that the amounts identified in 1. c. and d. above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment.
3. The following matters are also recommended to be secured in the Section 3 Agreement as a legal convenience to support development:
  - a. an easement for the provision of 6,060 square metres of privately owned, publicly accessible open space all located on the site.

- b. the Owner shall provide and maintain 177 existing dwelling units at 77 Dunfield Avenue and 575 existing dwelling units at 45 Dunfield Avenue on the site as rental housing for the period of at least 20 years, from the date of the Zoning By-Law being in-force and effect, with all the new and retained associated facilities and amenities of the buildings to be secured for the rental housing units, at no extra cost to the existing tenants, and with no applications for demolition or conversion from residential rental use, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor;
- c. the Owner shall provide and maintain 519 new rental units on the site as rental housing for the period of at least 10 years, with no application for demolition or conversion for a period of at least 10 years from the date of first occupancy;
- d. the Owner shall provide a Construction Mitigation Plan that includes provisions for special needs tenants, mitigation for tenants during construction periods, including compensation for the removal of facilities currently associated with the units, a respite room and other measures as may be deemed reasonable and appropriate to the satisfaction of the Chief Planner and Executive Director, City Planning Division, without cost-pass through to tenants; and
- e. the Owner shall provide a Tenant Communication Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division.