

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

MM20.25	ACTION			Ward:20
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**Authorization to Release Section 37 Funds for Community Improvements to create Privately Owned Publicly Accessible Open Space on Central Technical School Lands at 693 Bathurst Street - by Councillor Joe Cressy, seconded by Councillor Mike Layton**

*\* Notice of this Motion has been given.  
\* This Motion is subject to referral to the Executive Committee. A two-thirds vote is required to waive referral.*

**Recommendations**

Councillor Joe Cressy, seconded by Councillor Mike Layton, recommends that:

1. City Council increase the approved 2016 Operating Budget for Non-Program by \$2,542.60 gross, plus any and all interest that may accrue in the source account, \$0 net, fully funded by Section 37 funds received from the development at 783 Bathurst Street (Source Account: XR3026-3700497) for public realm improvements at Central Technical School located at 693 Bathurst Street that include landscaping improvements abutting the northeast corner of Bathurst and Harbord Streets to create a form of Privately Owned Publicly Accessible Open Space.
2. City Council direct that the \$2,542.60 plus any and all interest that may accrue in source account XR3026-3700497 be forwarded to Raizenne Inc. directly, in accordance with the agreed upon payment schedule approved by the Director, Community Planning, Toronto and East York District.

**Summary**

On September 30, October 1 and 2, 2015, through approval of Motion MM9.38, City Council adopted an increase to the approved 2015 Operating Budget for Non-Program by \$462,762.21 gross, \$0 net, fully funded by Section 37 funds received from the development at 783 Bathurst Street for public realm improvements at Central Technical School. The improvements included landscaping improvements abutting the northeast corner of Bathurst and Harbord Streets to create a form of Privately Owned Publicly Accessible Open Space (POPS), removing and replacing a chain link fence with a new iron fence along the Bathurst Street frontage to be located to the east of the trees lining Bathurst Street as well as removing and replacing a chain link fence with a new iron fence along a portion of the Harbord Street frontage (collectively referred to as the "Public Realm Improvements"). In addition, City Council authorized the Director, Community Planning, Toronto and East York District, to negotiate and enter into a Shared Use Agreement with the Toronto District School Board and Raizenne Inc. for the Public Realm Improvements, in consultation with the Ward Councillor and to the satisfaction of the

City Solicitor.

The proposed new sports facility at Central Technical School was the subject of a lengthy Ontario Municipal Board-assisted mediation, involving a number of parties. The issues raised by the City and some of the other Parties in relation to the proposed facility included the lack of accessible green space in the vicinity of Central Technical School and the need to secure appropriate community access to the facility, as well as the opportunity for streetscape improvements along Bathurst Street and Harbord Street adjacent to the field.

The Council endorsed settlement included the requirement for certain public realm improvements to the school lands to create an accessible green space and streetscape improvements along Bathurst Street and Harbord Street adjacent to the new facility. To implement the settlement, authority was granted by City Council to release Section 37 funds to Raizenne Inc. to undertake these public realm improvements. Authority was also provided to enter into a Shared Use Agreement setting out the details with respect to public access, remediation, construction, and maintenance of the Public Realm Improvements.

This Motion seeks authorization to release the remaining balance of \$2,542.60, and any additional interest on those funds that may accrue up to the date the funds are transferred to Raizenne Inc. for the Public Realm Improvements, from the Section 37 Planning Act Reserve Account for the development at 783 Bathurst Street, so that the balance of this source account reaches zero dollars. These funds being requested to be released represent interest on the original deposit and accrued following Council's adoption of the original motion of September 2015. It was the intent of the original motion to allocate all available funds in the source account for the Public Realm Improvements. This Motion will ensure that the funds currently available, plus any additional interest that may accrue in the interim is transferred to deliver a much needed new open space for use by the wider community.

### **Background Information (City Council)**

Member Motion MM20.25