

## City Council

### Motion without Notice

MM31.32	ACTION			Ward:23
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**49 Bogert Avenue - City Initiated Amendment to a Section 37 Agreement - by Councillor John Filion, seconded by Councillor Joe Mihevc**

*\* Notice of this Motion has not been given. A two-thirds vote is required to waive notice.  
\* This Motion is subject to referral to the North York Community Council. A two-thirds vote is required to waive referral.  
\* This Motion has been deemed urgent by the chair.*

### Recommendations

Councillor John Filion, seconded by Councillor Joe Mihevc, recommends that:

1. City Council adopt the following recommendations contained in the report (June 27, 2017) from the Chief Planner and Executive Director, City Planning:
  1. City Council authorize the City Solicitor, in consultation with relevant City staff to amend the registered Section 37 Agreement between the Trustees of the Lansing Congregation of the United Church of Canada and the City of Toronto for the lands known municipally as 49 Bogert Avenue as follows:
    - a. Restructure the lease agreement for the future child care operator of the child care facility from, free of basic rent for the first 5 years of operation, to a discounted rate of market rent for the first 10 years of operation.
    - b. Reallocate the \$307,000.00 in reserve funds to maintain the operation of the community centre space and the \$100,00.00 dedicated to defray the operational deficits incurred in the first year of operation of the community centre space as a rent subsidy for years 11 through 20 in the amount of \$407,000.00 for the future child care operator of the child care facility;
    - c. Initiate a payment schedule for the \$100,000.00 reserve fund dedicated to maintain the child care facility which is to be paid in full over a three year period and the \$100,000.00 dedicated to defray the operational deficits incurred in the first year of operation of the child care facility which is to be paid in full on January 1, 2019.
2. City Council authorize the appropriate City officials to take the necessary action to give effect to the above, including execution of the amended Section 37 Agreement.

## **Summary**

On December 16, 2010 Toronto City Council enacted site specific Zoning By-law No. 23-2011 to permit a mixed use development with two residential condominium towers on the lands municipally described as 4726-4750 Yonge Street, 9-31 Bogert Avenue, and 2-28 Poyntz Avenue. The site specific zoning by-law also permitted the renovation and expansion of the existing Lansing United Church building for the establishment of a non-profit social facility with a non-profit child care facility and community meeting room space. Lansing United Church, located on the lands municipally described as 49 Bogert Avenue was included in the applications for zoning by-law amendment to permit the transfer of density arising from a provision in the North York Secondary Plan which included a density incentive for social facility space.

As part of the application, a Section 37 Agreement was registered which required the Trustees of the Lansing Congregation of the United Church of Canada to construct, provide, and maintain a social facility space consisting of a non-profit private community centre space and a non-profit child care centre. Details of the Section 37 Agreement include the provision of a child care facility that is free of basic rent for a minimum period of 5 years following occupancy, \$307,000.00 in reserve funds to maintain the operation of a community centre space, \$100,000.00 to defray operational deficits incurred in the first year of operation for the community centre space, \$100,000.00 in reserve funds to maintain the child care facility, and \$100,000.00 to defray operational deficits incurred in the first year of operation for the child care facility.

Following discussions between Planning staff and the appropriate staff of Children's Services and Parks, Forestry and Recreation Divisions, all parties have agreed to the proposed amendments.

The attached report (June 27, 2017) from the Chief Planner and Executive Director, City Planning recommends that the Section 37 Agreement be amended to restructure the lease agreement of the child care facility, redirect the funds originally allocated towards the community centre space as a rent subsidy for the future child care operator of the child care facility, and extend the payment schedule for the two \$100,000.00 reserve funds dedicated to the child care facility. The proposed amendments will allow Lansing United Church to begin accruing revenue in their first year of operation which will enable them to better provide necessary services in the community.

The matter is urgent because construction is nearing completion and the Section 37 Agreement must be signed before Children's Service can issue an Expression of Interest for a provider.

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

Member Motion MM31.32

(June 27, 2017) Report from the Chief Planner and Executive Director on 49 Bogert Avenue - City Initiated Amendment to a Section 37 Agreement

(<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-105534.pdf>)