

## City Council

### Motion without Notice

MM35.24	ACTION			Ward:23
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**4841 to 4881 Yonge Street, 2 and 50 Sheppard Avenue East and 4 and 6 Forest Laneway - Allocation of Section 37 Funds and Authorization to Release Section 37 Funds - 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 amend the Section 37 Agreement for 4841 to 4881 Yonge Street, 2 and 50 Sheppard Avenue East and 4 and 6 Forest Laneway (the "Lands") to provide:
  - a. that the Owner shall register the executed lease agreement for the Child Care Facility prior to the completion of the Child Care Facility and, in any event, no later than the execution of a Site Plan Agreement in relation to the development of the Lands;
  - b. that the Owner shall register the executed lease agreement for the Social Facility, prior to completion of the Social Facility and, in any event, no later than the execution of a Site Plan Agreement in relation to the development of the Lands; and
  - c. for such further assurances that the Owner will fulfill these obligations in a timely fashion, as may be necessary, in the opinion of the City Solicitor.
2. City Council authorize the City Solicitor and any other necessary staff to take the necessary steps to carry out City Council's decision.

### Summary

RC (Sheppard Centre) Inc. (the "Owner") is the owner of lands municipally known as 4841 to 4881 Yonge Street, 2 and 50 Sheppard Avenue East, and 4 and 6 Forest Laneway. On March 31, 2015, City Council approved the Owner's applications for amendments to the Official Plan and Zoning By-law, Site Plan, and Rental Housing Demolition in order to permit the development of the Lands site with a 39 storey residential apartment with grade related retail commercial uses (the "Development"). The Development also includes the replacement of 25

existing residential rental units.

As a precondition to enacting the Zoning By-law Amendment, City Council required the Owner to enter into a financially secured Agreement pursuant to Section 37 of the Planning Act to secure community benefits. The Section 37 Agreement was executed and registered on title on June 15, 2015. It provides, among other matters:

- the Owner to construct, complete, finish, furnish and fully equip a child care facility (the "Child Care Facility") on the Lands, at its own expense, to be leased to the City free of charge, other than a nominal rent of Two (\$2.00) dollars; and
- the Owner to construct and complete a social facility (the "Social Facility"), at its own expense, in accordance with a number of base-building improvements related to floors, walls, ceilings, life safety systems, accessible washroom facilities, and doors, with any finishing, furnishing or equipping of the Social Facility beyond the base-building improvements to be the responsibility of the City. The Owner is required to lease the Social Facility to the City free of charge, other than a nominal rent of Two (\$2.00) dollars.

The Child Care Facility and the Social Facility are intended to be complementary uses to each other.

The Section 37 Agreement provides that the Owner is required to register the executed lease agreements for the Child Care Facility and the Social Facility no later than the issuance of a Building Permit for the 39-storey residential apartment building.

The City and the Owner have been engaged in discussions with respect to finishing, furnishing and equipping the Social Facility beyond the base-building improvements, to allow for the Social Facility to be finished, furnished and equipped in such a way as to better serve the community's needs. Those discussions are ongoing and will not be completed in time for the Building Permit for the 39-storey residential apartment building to be issued in a timely way, as the Section 37 Agreement is currently drafted. Amendments to the Section 37 Agreement to allow the Owner to register the executed lease agreements for the Child Care Facility and the Social Facility no later than the execution of a Site Plan Agreement for the development of the Lands, would allow the City and the Owner to complete their discussions with respect to finishing, furnishing and equipping the Social Facility beyond the base-building improvements, while simultaneously allowing the Owner to proceed with the development of the Lands in a timely fashion.

This matter is time sensitive and urgent due to the need to facilitate the timely construction of the Social Facility.

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

Member Motion MM35.24