

City Council

Motion without Notice

MM44.62	ACTION			Ward:37
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1236 Birchmount Road and 2155 Lawrence Avenue East - Request for Authority to Enter Into and Release Section 37 Agreements - by Councillor Michael Thompson, 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 Michael Thompson, seconded by Councillor Ana Bailão, recommends that:

1. City Council authorize the City to enter into Section 37 agreements for the lands known as 1236 Birchmount Road and 2155 Lawrence Ave East as contemplated by Committee of Adjustment decisions A0159/17SC and A0161/17SC to the satisfaction of the Chief Planner, Executive Director City Planning in consultation with the City Solicitor.
2. City Council authorize the City to release the Section 37 agreement registered on title for 1236 Birchmount Road and 2155 Lawrence Ave East on February 11, 2008 as Instrument Number AT1708760 once the agreements contemplated in Recommendation 1 above have been registered on title.
3. City Council authorize the City Solicitor and any other necessary City staff to take the necessary steps to carry City Council's decision.

Summary

In 2004, Aldebrain Attendant Care Support Services of Toronto (Aldebrain), a registered charitable organization that provides support services and housing to persons with disabilities filed a re-zoning application to develop its property at 1236 Birchmount Road. 1236 Birchmount Road is immediately south and adjacent to 2155 Lawrence Avenue East, where Aldebrain owns and operates a 12-storey, 243-unit, affordable housing, rental building, with related ancillary uses and ground floor retail uses. A new 14 storey, 156-unit rental apartment building was proposed at 1236 Birchmount Road. All 156 dwelling units were intended to be affordable housing under CMHC guidelines and the residential building was to be developed in conjunction with the existing building at 2155 Lawrence Avenue East. At that time, both properties were under the single ownership of Aldebrain and the two sites were to form a "campus", providing affordable rental accommodation.

In 2006, Council enacted By-law 817-2006 to allow the redevelopment of this "campus". The zoning by-law, among other things provided for the execution and registration of a Section 37 Agreement to reflect shared obligations and amenities including parking and indoor/outdoor amenities and to secure the affordable rental units for the two sites.

The existing Section 37 Agreement is registered on title for the two properties and ties the two properties together. The Agreement secures the affordable housing on the 1236 Birchmount Road property, allows for a sharing of amenities between the two properties and secures the existing rental units on 2155 Lawrence Avenue East as Social Housing Units.

The 1236 Birchmount Road property has not been developed and Aldebrain has sold it. The new owner/developer (Birchmount Green Inc.) intends to develop the site as a 220 unit, affordable rental housing development, independent of the existing residential development at 2155 Lawrence Avenue East. The two property owners filed separate minor variance applications to "un-tie" the two properties and vary some of the performance standards associated with the two sites.

The Committee of Adjustment heard these applications (A0159/17SC and A0161/17SC) on February 15, 2018 and approved the requested variances subject to certain conditions. One of the conditions of approval was that the owner of each property is required to enter into a separate Section 37 Agreement with the City of Toronto, to the satisfaction of the Acting Chief Planner and Executive Director, City Planning and the City Solicitor, with each new agreement being registered on title, in order to replace the existing Section 37 agreement registered on title for 1236 Birchmount Road and 2155 Lawrence Avenue East on February 11, 2008 as Instrument No. AT1708760.

The new Section 37 Agreements are to secure the following obligations:

2155 Lawrence Ave East:

Maintenance of existing 243 social housing units until July 1, 2023 and no application to demolish or condo registration until July 1, 2023; and

1236 Birchmount Road:

Provision and maintenance of 156 affordable rental units for 20 years.

The City requires Council authority to enter into these new Section 37 agreements and to release the existing Section 37 agreement from title.

This Motion is urgent because without it, the City cannot enter into the required section 37 agreements necessary to allow the redevelopment of 1236 Birchmount Road.

Background Information (City Council)

Member Motion MM44.62

Committee of Adjustment Scarborough Panel Notice of Decision on Minor Variance/Permission for 1236 Birchmount Road

Committee of Adjustment Scarborough Panel Notice of Decision on Minor Variance/Permission for 2155 Lawrence Avenue East

