

City Council

Notice of Motion

MM6.8	ACTION			Ward: 18
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4841 to 4881 Yonge Street, 2 and 50 Sheppard Avenue East and 4 and 6 Forest Laneway - Authorization to Amend Section 37 Agreement - by Councillor John Filion, seconded by Councillor Shelley Carroll

** Notice of this Motion has been given.*

** This Motion is subject to referral to the North York Community Council. A two-thirds vote is required to waive referral.*

Recommendations

Councillor John Filion, seconded by Councillor Shelley Carroll, recommends that:

1. City Council amend the Section 37 Agreement to provide that the Owner shall complete the Child Care Facility and Social Facility and have them ready for occupancy and available to the City and/or the operator within forty (40) months of issuance of the first Above-Grade Building Permit for the Phase 1 Retail Renovations.
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

RK (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 (the "Sheppard Centre"). 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 Sheppard Centre 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 an Agreement pursuant to Section 37 of the Planning Act which required the Owner to construct and complete a Social Facility, along with a Child Care Facility.

The Section 37 Agreement was executed and registered on title on June 15, 2015. Since the Section 37 Agreement was registered, City Council authorized amendments to that agreement related to, among other matters, delaying the delivery of the Social Facility and the Child Care Facility. An Amending Section 37 Agreement was registered on title on January 22, 2019, which implemented those previously authorized amendments.

The Owner has requested that the delivery of the Child Care Facility and the Social Facility be delayed by a further five (5) months as a result of unanticipated weather-related construction delays and construction delays arising out of events beyond the Owner's control.

Children's Services Staff and Planning Staff are satisfied that the requested delays are acceptable.

The Section 37 Agreement must be amended to allow for these extensions of time.

This matter is time sensitive and urgent because without the requested extension of time for the delivery of the Child Care Facility and the Social Facility, the Owner will be in breach of its obligations pursuant to the Section 37 Agreement as of May 1, 2019, before the next meeting of City Council.

Background Information (City Council)

Member Motion MM6.8