

City Council**Motion without Notice**

MM9.57	ACTION			Ward: 16
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35-53 and 101-113 Valley Woods Road and 1213-1229 York Mills Road - Construction timing - by Deputy Mayor Denzil Minnan-Wong, seconded by Councillor Mike Colle

** 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

Deputy Mayor Denzil Minnan-Wong, seconded by Councillor Mike Colle, recommends that:

1. City Council authorize an amendment to the Section 37 Agreement between the City and Alit Don Valley Property Inc., dated August 20, 2013 and Section 111 Agreement dated December 30, 2013 between the City and Alit Don Valley Property Inc., to permit the issuance of a building permit for two of Buildings A, B, or C prior to Building E being ready for occupancy provided that the 140 replacement rental units to be located in Building E (Parcel A) shall be ready and available for residential use and occupancy prior to the issuance of any above-grade building permit for the last building on Parcels A or B, being Building A, B, C, or D.
2. City Council authorize an amendment to the Section 37 Agreement between the City and Alit Don Valley Property Inc., dated August 20, 2013, to allow the issuance of a conditional above grade structural permit in advance of the required sanitary sewer upgrades being installed and operational, provided that the owner has fulfilled the following conditions:
 - a. executed a subdivision agreement;
 - b. posted security, in an amount to be determined by the General Manager, Toronto Water, to secure the installation of the sanitary sewer upgrade;
 - c. completed all necessary approvals for the sanitary sewer upgrade to the satisfaction of the General Manager, Toronto Water; and
 - d. commenced construction of the sanitary sewer upgrade.
3. City Council authorize and direct the City Solicitor to prepare such amendment agreement as is required and to register the same on title to the subject lands in priority to other interests to

the satisfaction of the City Solicitor.

4. City Council authorize the appropriate City Officials to take necessary steps to implement recommendations 1, 2 and 3 above, including execution of an amending Section 37 and/or Section 111 Agreement.

5. City Council authorize the City Solicitor and any other necessary staff to take the necessary steps to carry out City Council's decision.

Summary

On July 13, 2012, City Council enacted site-specific By-laws 991-2012 and 992-2012 to permit the development of 1610 residential condominium units and 270 rental replacement units over four phases with built form ranging from 3-storey townhouses to 24-storey apartment buildings, as well as a significant Section 37 contribution. Prior to enactment of the zoning amendment, a Section 37 Agreement was entered into between the owner and the City dated August 20, 2013 and registered on title (AT3504327). An application for rental housing demolition and replacement was approved by City Council on September 21 and 22, 2011, and a Section 111 Agreement between the owner and the City was entered into to secure the rental housing conditions.

The Section 37 and Section 111 Agreement provisions included timing triggers for the owner to complete the Building E (the rental replacement units) on the north part of the site prior to obtaining a building permit for buildings A, B and C on the north site.

Building E is currently under construction. The owner has advised that in order to maintain its construction schedule in a timely fashion, it requires the issuance of a building permit for two of Buildings A, B or C on the north site prior to Building E being complete.

The Section 37 Agreement also included a requirement that all water mains and sanitary sewers be installed and operational prior to a building permit being issued for the north site. The owner has advised that based on the current anticipated timeline for installation of the sanitary sewer upgrade, there could be significant delay and result in a potential hiatus in construction. This Motion proposes to authorize the necessary amendments to the Section 37 Agreement to allow for the issuance of a conditional above grade structural permit in advance of the installation of the sanitary sewer upgrades. The owner will be required to satisfy certain conditions including commencing construction on the sanitary sewer upgrades prior to the issuance of any above-grade permit including a conditional permit.

This Motion recommends that Council authorize an amendment to the Section 37 Agreement and Section 111 Agreement, as applicable, as may be required to permit the adjustment in timing contemplated and directs the City Solicitor to prepare such an amending agreement. Authority for City execution of the amending agreement is also contemplated. Prior to any amending agreement being executed by the City, the owner shall be required to provide an undertaking confirming that it shall not apply for any further above-grade permits beyond a conditional structural permit until the sanitary sewer is installed and operational.

This Motion is urgent so that construction can proceed without delay.

Background Information (City Council)

Member Motion MM9.57

