

City Council

Notice of Motion

MM16.5	ACTION			Ward: 3
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64 - 70 Cordova Avenue - Section 37 Amending Agreement - by Councillor Mark Grimes, seconded by Councillor Frances Nunziata

**** Notice of this Motion has been given.***

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

Recommendations

Councillor Mark Grimes, seconded by Councillor Frances Nunziata, recommends that:

1. City Council authorize the following amendments to the Section 37 Agreement between The Residences of Islington Terrace Inc. and the City of Toronto, registered as instrument number AT4748979 on December 1, 2017:

a. Section 4.1.3 is deleted and replaced with the following:

4.1.3 The Owner shall construct the Staircase to the extent necessary to provide for its use for public pedestrian purposes and it shall be opened for such purposes subject to the City's notification that it may be so opened pursuant to Section 20 of Schedule G hereto prior to the condominium registration of the Development Phase 2 lands. The City will permit access, including temporary occupancy, to City-owned lands in the vicinity, including proportions of a public road allowance, for the purposes of such construction.

b. New clauses are added to Section 4.1:

4.1.10 The Owner agrees to be responsible for the irrigation, maintenance and/or replacement (as and when necessary) of all shrubs, plants, flowers and any other soft-landscaping elements or materials comprising part of (or situated within) the Staircase, including the fertilization, weeding and pruning thereof, and the replacement of any dead or decayed plants, as well as the removal of any garbage, litter and/or debris from the Staircase (with all of said obligations being hereinafter collectively referred to as the "Plant Maintenance and Irrigation Obligations") until such time as the Owner registers a condominium corporation on the Development Phase 3 lands, and to cause any condominium corporation registered by the Owner, or their successors and heirs, on the Lands, to assume all of the Plant Maintenance and Irrigation Obligations.

4.1.11 All condominium corporations registered on the Lands shall be obliged to pay (and be jointly and severally liable for) all costs and expenses incurred from time to time in connection with the performance and fulfillment of the Plant Maintenance and Irrigation Obligations to the satisfaction of the City of Toronto.

c. Schedule D is amended by replacing Drawing L620, to include notes and details on plant maintenance and irrigation responsibilities to be assumed by the Owner.

2. City Council authorize Community Planning staff to collect a financial guarantee from the Owner, prior to the condominium registration of the Development Phase 1 lands, in the form of an irrevocable Letter of Credit or certified cheque, made payable to the Treasurer, City of Toronto, to secure an irrigation system in the amount of \$18,204 to the satisfaction of the Director, Community Planning, Etobicoke District.

3. City Council authorize the changes to Drawing L620 to be substantially in accordance with and reflect the approved drawings as part of Site Plan Application File 14 255048 WET 05 SA, in a form satisfactory to the Director of Community Planning, Etobicoke York District.

4. City Council authorize the necessary City staff to execute the amending Section 37 Agreement.

Summary

At its meeting of July 8 to 11, 2014, Toronto City Council adopted Item EY34.2, approving the recommendations of the Report of the Director, Community Planning, Etobicoke York District to enact a proposed Zoning By-law amendment for the lands at 64-70 Cordova Avenue to permit a development proposing 1,200 residential units in three apartment towers of 45, 38 and 35 storeys, together with 711 square metres of retail space. Council's approval required a Section 37 Agreement to be entered into with the owner to secure a number of community benefits. A Section 37 Agreement was entered into between the City and The Residences of Islington Terrace Inc. on February 3rd, 2016 and registered on title as Instrument AT478979.

The Residences of Islington Terrace are to be constructed in three phases: Development Phase 1, Development Phase 2 and Development Phase 3. A staircase and ramp for the purpose of pedestrian connection is to be constructed and made open to the public prior to condominium registration of the Development Phase 1 lands.

Due to unforeseen delays in construction due to hardship with the contractor and inclement weather, the Staircase will not be fully constructed and open to the public until after the intended date of condominium registration of the Development Phase 1 lands.

A request has been made by the developer to delay the completion and opening of the Staircase to the condominium registration of the Development Phase 2 lands. This will enable condominium registration of the Development Phase 1 lands to occur without construction being completed on the Staircase. City staff do not have a concern with this request and the Section 37 Agreement should be amended accordingly.

Background Information (City Council)

Member Motion MM16.5

(<http://www.toronto.ca/legdocs/mmis/2020/mm/bgrd/backgroundfile-146308.pdf>)

