

2131 Yonge Street and 32 Hillside Avenue East - Request for Direction to Correct Parkland Conveyancing Error

Date: July 7, 2021

To: City Council

From: City Solicitor

Wards: Ward 12 - Toronto-St. Paul's

SUMMARY

The City was inadvertently conveyed surplus parkland as part of the development application at 2131 Yonge Street and 32 Hillside Avenue East (the "Transfer"). This report seeks instruction to correct the Transfer by re-conveying the surplus parkland back to the applicant.

On February 10, 2016, the City entered into agreement with 2131 Yonge Developments GP Limited (the "Applicant") under s.37 of the Planning Act (the "Section 37 Agreement"). Under the Section 37 Agreement, the Applicant agreed to provide facilities to the City in exchange for increases to the height and density permitted under the applicable zoning by-law. The facilities included providing the City with 1,100 square metres of parkland, to the satisfaction of the General Manager, Parks Forestry and Recreation of the City of Toronto. The parkland area was generally defined as Parts 4 to 11 on the draft reference plan attached to the Section 37 Agreement (the "Draft Reference Plan"). The Draft Reference Plan became Registered Reference Plan 66R-29414.

On May, 14, 2020, the Applicant conveyed the City Parts 4 - 13, and 15 on Registered Reference Plan 66R-29414. In late 2020, the Applicant's solicitor became aware that Parts 13, and 15 were inadvertently conveyed to the City and were not required to meet the obligations under the Section 37 Agreement. Following review by staff, it was determined that Part 15 contains gas meters, and Part 13 contains an encroaching garage.

Staff from Parks Forestry and Recreation and Legal Services have reviewed the original transfer and concur that Parts 13 and 15 should not form part of the parkland, and should be re-conveyed back to the Applicant. Staff from Parks, Forestry and Recreation do not want Parts 13 and 15 to be included in the parkland.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council authorize the City Solicitor to take the necessary steps to transfer the lands described as Parts 13 and 15 on Reference Plan 66R-29414 back to the Applicant, for nominal consideration, at the Applicant's expense and to the satisfaction of the City Solicitor.

FINANCIAL IMPACT

There are no financial impacts arising from the recommendations in this report.

DECISION HISTORY

At its meeting of December 16, 17, and 18, 2013, City Council authorized the City Solicitor to appear before the Ontario Municipal Board, as it was then known, and oppose the Official Plan Amendment and Zoning Amendment Applications for 2131 Yonge Street and 32 Hillside Avenue East. City Council also authorized staff to secure various services, facilities, or other matters pursuant to Section 37 of the Planning Act should the Application be approved in some form.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE28.10>

At its meeting of August 25, 26, 27, and 28, 2014, City Council approved a settlement with the Applicant for the Official Plan Amendment and Zoning Amendment Applications for 2131 Yonge Street and 32 Hillside Avenue East. The settlement provided for a Section 37 Agreement, which included, "park land over-dedication of approximately 372.5 square metres, delivered in base park condition, and consisting of a triangular shaped road widening of approximately 290 square metres in the northwest corner of the site, as shown on the Height Map."

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.CC55.11>

COMMENTS

The Section 37 Agreement states that the parkland conveyance shall not be less than 1,100 square meters. Staff have reviewed the proposed transfer of Parts 13 and 15 back to the Applicant. The parkland provided to the City pursuant to the Section 37 Agreement will still be greater than 1,100 square meters following the proposed transfer back to the Applicant.

Attachment 1 to this report is an excerpt from Reference Plan 66R-29414, which depicts the location of Parts 13 and 15. As depicted on Attachment 1, Parts 13 and 15 are

located on the outskirts of the parkland, abutting the neighbouring properties. As the lands described as Parts 13 and 15 on Reference Plan 66R-29414 were conveyed to the City in error, the City should convey those lands back to the Applicant, for nominal consideration, with the Applicant covering all costs, including conveyancing expenses.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Public Attachment 1 – Reference Plan 66R-29414 Excerpt