
City Council

Motion without Notice

MM38.39	ACTION			Ward: 15
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Conveyance of Parkland - 100 Broadway Avenue and 223-233 Redpath Avenue, and 110-120 Broadway Avenue - by Councillor Ana Bailão, seconded by Councillor Paula Fletcher

** 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 Ana Bailão, seconded by Councillor Paula Fletcher, recommends that:

1. City Council require the owners of the lands at 100 Broadway Avenue and 223 – 233 Redpath Avenue, and 110 – 120 Broadway Avenue, to enter into and register, in priority, against title to their respective lands an Amended Section 37 Agreement, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor, in accordance with the following terms:

- a. prior to the issuance of the any above grade building permit(s), including any conditional above-grade building permits, the Owners shall:
 - i. post Financial Security in the amount of the value of the parkland as appraised by the Executive Director, Corporate and Real Estate Management in the form of a Letter of Credit and such security shall not be released until the parkland is conveyed to the City in a manner satisfactory to the General Manager, Parks, Forestry and Recreation; the Financial Security shall be paid in a form satisfactory to the City, and from the date the Financial Security is first paid to the City to such time as the parkland is conveyed to the City, be indexed annually in accordance with the appropriate Statistics Canada index to the satisfaction of the General Manager, Parks, Forestry and Recreation; and
 - ii. register in priority a Section 118 Restriction, pursuant to the Land Titles Act against title to the parkland to be conveyed to the City, that prohibits the transfer or charge of the parkland without the prior written consent of the General Manager, Parks, Forestry and Recreation, to the satisfaction of the City Solicitor, concurrent with the registration of the Amending Section 37 Agreement on title to 100 Broadway Avenue and 223 – 233 Redpath Avenue, and 110 – 120 Broadway Avenue; and

b. no later than six (6) months after the issuance of the first Above-Grade Building Permit, including any conditional above-grade building permits, for 100 Broadway Avenue and 223 – 233 Redpath Avenue, and 110 – 120 Broadway Avenue, whichever is first:

i. the 100 Broadway Avenue and 223 – 233 Redpath owners shall convey to the City a minimum 92.3 square metres of the lands for public parkland purposes, to the satisfaction of General Manager, Parks, Forestry and Recreation, pursuant to Section 42 of the Planning Act; this conveyance and the conveyance of 148 square metres of parkland at 174 – 180 Broadway Avenue, which has already been conveyed to the City, shall satisfy the Owners' Statutory Parkland Dedication requirement;

ii. the 110 – 120 Broadway Avenue owners shall convey to the City a minimum 567.6 square metres of the lands for public parkland purposes, to the satisfaction of General Manager, Parks, Forestry and Recreation, pursuant to Section 42 of the Planning Act, which shall satisfy the Owners' Statutory Parkland Dedication requirement;

iii. the 110 – 120 Broadway Avenue owners shall convey an additional 86.1 square metres of the lands for public parkland purposes, to the satisfaction of the General Manager, Parks, Forestry and Recreation, pursuant to Section 37 of the Planning Act; where the conveyances of Parts 1.b.i., ii, and iii above, combined together form a minimum of 894 square metres of land for public parkland purposes;

iv. the 100 Broadway Avenue and 223 – 233 Redpath owners and the 110 – 120 Broadway Avenue owners shall complete the conveyances referred to above to be free and clear above-grade and below-grade of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, to the satisfaction of General Manager, Parks, Forestry and Recreation and the City Solicitor;

v. the 100 Broadway Avenue and 223 – 233 Redpath owners and the 110 – 120 Broadway Avenue owners shall complete the environmental obligations as outlined in the Section 37 Agreement registered on title; and

vi. in no event shall there be any residential occupancy or registration of any condominium on any part of the lands under the Condominium Act until such a time as the all of parkland identified above is conveyed to the City.

2. City Council direct the City Solicitor to prepare such amendments to the registered Section 37 Agreement and any other such amendments determined necessary to implement City Council's decision on this matter to the satisfaction of the General Manager, Parks Forestry and Recreation and the City Solicitor.

Summary

100 Broadway Avenue is a purpose-built rental building that includes over 300 replacement units for the site itself, and for those units that City Council has permitted to be demolished at 117-127 Broadway Avenue, 110 – 120 Broadway Avenue, and 174-180 Broadway Avenue. It also includes 50 new affordable units secured as part of the 110 – 120 Broadway re-zoning application. As presently approved and agreed to, the parkland dedication for the 100 Broadway site is required, prior to the Owner being issued an Above-Grade Building Permit for

the 100 Broadway building, in accordance with the Municipal Code. The Owner is not yet ready to convey the parkland, because the environmental work to allow for the conveyance in accordance with City policy has been unexpectedly delayed; whereas the Owner is expected to be ready to request an Above Grade Building Permit for the 100 Broadway building in March, 2022 (before the environmental work is completed). A delay in being permitted to request an Above Grade Building Permit for the building at 100 Broadway will mean a delay in constructing and delivering the replacement and new affordable rental housing units, which will impact not only new tenants of the building looking for an affordable unit, but also tenants who have been displaced looking to return to a new unit in the new building. Further, if the issuance of an above grade permit is delayed, the conveyance of the park may also be delayed, as the requirement to complete the park is within 3 years after the issuance of an above grade permit. Amendments to the registered Section 37 Agreements for the 100 and 110-120 Broadway Avenue redevelopments are required, prior to the Owner being able to apply for the Above-Grade Building Permit for the 100 Broadway building. This motion is urgent because, if adopted at the December 15 and 16, 2021 City Council meeting, it will allow for Amending Section 37 Agreement(s) to be drafted and registered in time for the Owner to apply for an Above Grade Building Permit for the 100 Broadway building by March, 2022.

Background Information (City Council)

Member Motion MM38.39

<http://www.toronto.ca/legdocs/mmis/2021/mm/bgrd/backgroundfile-174467.pdf>