

## **250 Wincott Drive and 4620 Eglinton Avenue West – Authority to Amend Section 37 Agreement to Reflect the Minor Variance Decision of the Committee of Adjustment**

**Date:** November 29, 2023

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 2 - Etobicoke Centre

### **SUMMARY**

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On July 14, 2021, City Council approved Site-Specific Zoning By-laws 834-2021 and 835-2021 (the "Zoning By-laws") permitting the development of lands known as 250 Wincott Drive and 4620 Eglinton Avenue West (the "Site").

On April 18, 2023, the applicant submitted a minor variance application to the Committee of Adjustment seeking relief from the provisions of the Zoning By-laws relating to the unit mix and minimum unit sizes within the development (the "Minor Variance Application"). On November 9, 2023 the Committee of Adjustment approved the Minor Variance Application (the "Committee of Adjustment Decision").

The Section 37 Agreement registered on title as Instrument AT5918477 on November 23, 2021 (the "Section 37 Agreement") similarly includes provisions relating to the mix of two and three-bedroom units, and the minimum sizes of each. In light of the Committee of Adjustment Decision, the Section 37 Agreement will need to be amended to reflect the revised timing as approved by the Committee of Adjustment.

### **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council authorize the appropriate City officials to enter into and register on title an agreement to amend the Section 37 Agreement dated October 4, 2021, registered as Instrument AT5918477 on November 23, 2021 to implement the revised timing for the design and construction of municipal infrastructure improvements as approved by the Committee of Adjustment Decision dated November 9, 2023.

2. City Council authorize the City Solicitor to make any other such amendments determined necessary to implement City Council's decision on this matter, on terms satisfactory to the Chief Planner and Executive Director, City Planning and in a form satisfactory to the City Solicitor.

## **FINANCIAL IMPACT**

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Adopting this report will have no financial impact beyond what has already been approved in the current year's budget.

## **DECISION HISTORY**

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On July 14, 2021, City Council adopted the recommendations of Community Planning staff to approve the Zoning Amendment to permit development on the site consisting of an 11-storey building, two 13-storey buildings, and a retained commercial plaza collectively containing approximately 587 residential units, of which 54 would be purpose-built affordable rental dwelling units. City Council's decision may be found at the following link:

<https://secure.toronto.ca/council/agenda-item.do?item=2021.EY25.1>

On June 15, 2022 City Council permitted the owner to make application for minor variance within a statutorily protected two-year period following adoption of the zoning by-law to permit to reduce the number of loading spaces in a portion of the development. City Council's decision may be found at the following link:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.EY32.23>

On January 6, 2023 the applicant submitted a Zoning By-law Amendment to amend site-specific zoning By-laws 834-2021 and 835-2021 to increase the approved building heights and densities on the site. This application is currently under review and will be reported to City Council for its decision.

## **COMMENTS**

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Prior to the Committee of Adjustment's Decision, the Zoning By-laws required the owner to provide a minimum of 35 percent of the total number of dwelling units on the Lands as two-bedroom units, of which 15 percent must achieve a minimum unit size of 87 square metres. It also required that a minimum of 17 percent of the total number of dwelling units on the Lands as three or more bedroom units, of which 10% must achieve a minimum unit size of 101 square metres.

The minor variance reduced the percentage of these larger units and minimum unit size, but by permitting a larger number of units would achieve approximately the same number of these larger units.

Staff from Community Planning, Engineering and Construction Services, Transportation Services and Toronto Building staff reviewed and supported the Minor Variance application. Staff's report on the Minor Variance Application is found in Attachment 1.

On November 8, 2023 the Committee of Adjustment approved the Minor Variance Application. The Committee of Adjustment Decision is found in Attachment 2.

The Section 37 Agreement registered as Instrument AT5918477 on November 23, 2021 (the "Section 37 Agreement") secures the previously approved unit mix and minimum size. The Section 37 Agreement will need to be amended to reflect the revised unit mix and size as approved by the Committee of Adjustment. This report seeks City Council's authority to amend those provisions and permit the City Solicitor to make any other such amendments determined necessary to implement City Council's decision on this matter.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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1. Public Attachment 1 - Staff Report on 250 Wincott Drive and 4620 Eglinton Avenue West Committee of Adjustment Application, dated October 30, 2023
2. Public Attachment 2 - Committee of Adjustment Decision regarding File A0180/23TEY, dated November 9, 2023