

City Council**Notice of Motion**

MM3.1	ACTION			Ward: 4
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Conveyance of Parkland - 35, 41, 63, 65 and 95 High Park Avenue and 66 and 102-116 Pacific Avenue - by Councillor Gord Perks, seconded by Councillor Ausma Malik

** Notice of this Motion has been given.*

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

Recommendations

Councillor Gord Perks, seconded by Councillor Ausma Malik, recommends that:

1. City Council amend Item 2019.CC13.10 by:

a. deleting Part 6:

"6. City Council accept an on-site parkland dedication of 1,832 square metres on the southern part of the Site, immediately adjacent to the existing green space, in satisfaction of the applicant's required parkland contribution pursuant to Section 42 of the Planning Act, generally as shown in Public Appendix C to the report (December 11, 2019) from the City Solicitor, with the final location and configuration of the on-site parkland to be to the satisfaction of the General Manager, Parks, Forestry and Recreation in consultation with the Ward Councillor; the on-site parkland to be transferred to the City shall be free and clear, above and below grade, of all easements, encumbrances, and encroachments and is to be conveyed to the City prior to the issuance of the first above-grade building permit to the satisfaction of the General Manager, Parks, Forestry, and Recreation and the City Solicitor."

and adopting instead the following new Part 6:

"6. City Council accept an on-site parkland dedication of 1,832 square metres on the southern part of the Site, immediately adjacent to the existing green space, in satisfaction of the applicant's required parkland contribution pursuant to Section 42 of the Planning Act, generally as shown in Public Appendix C to the report (December 11, 2019) from the City Solicitor, with the final location and configuration of the on-site parkland to be to the satisfaction of the General Manager, Parks, Forestry and Recreation in consultation with the Ward Councillor; the on-site parkland to be transferred to the City shall be free and clear, above and below-grade, of all easements, encumbrances, and encroachments."

b. deleting Part 9.x.:

"9.x. the above base improvements for the off-site parkland dedication referred in Part 6 above and the development charge credit referred to in Part 7 above;"

and adopting instead the following new Part 9.x.:

9.x. the above base improvements for the on-site parkland dedication referred to in Part 6 above and the development charge credit referred to in Part 7 above;"

c. amending Part 9 to include the following sub-Parts:

"9.x.i.v. prior to the issuance of the any above grade building permit(s), including any conditional above-grade building permits, the Owner shall:

1. 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

2. 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 Section 37 Agreement on title to 35, 41-63, 65 and 95 High Park Avenue and 66 and 102-116 Pacific Avenue."; and

d. adopting the following new Part 13:

"13. The parkland described in Part 6 shall be conveyed to the City prior to the earlier of (1) twelve months after the occupancy of Tower A, and (2) the issuance of any building permit for Tower B or Tower C."

Summary

As presently approved and agreed to, the required conveyance of land for parkland purposes, pursuant to Section 42 of the Planning Act, R.S.O. 1990. C. P. 13, for the 35, 41, 63, 65 and 95 High Park Avenue and 66 and 102-116 Pacific Avenue, must be completed prior to the issuance of any Above-Grade Building Permit for any building on the Site, in accordance with Chapter 415 of the Municipal Code.

The Owner is expected to be ready to request an Above Grade Building Permit for Tower A of the development early in 2023. However, the Owner is not yet ready to convey the parkland, because the waste management method currently in place for the nearly one thousand rental units on the Site is partially located on the parkland, and would be disrupted by the requirement to remove it to convey the parkland to the City. Delaying the conveyance of the parkland will allow minimal disruption and inconvenience to tenants of the dwelling units on the Site, and ensure the safety of operations staff, while allowing the Owner to proceed with construction of Tower A.

The public interest is served by allowing the Owner to construct Tower A, prior to the conveyance of the parkland, because the proposed development will deliver 37 new rental residential dwelling units at affordable rents, some of which will be located within Tower A. Allowing construction to proceed will allow for the timely delivery of those new affordable dwelling units. Moreover, if the issuance of an Above Grade Building Permit is delayed, the conveyance of the park may also be delayed beyond the date set out in Recommendation 1.d below.

The Section 37 Agreement for this development has not yet been finalized or registered, and as such, an Amending Agreement is not required, only revised instructions to staff in respect of the Section 37 Agreement that remains under negotiation.

Background Information (City Council)

Member Motion MM3.1

(<https://www.toronto.ca/legdocs/mmis/2023/mm/bgrd/backgroundfile-233968.pdf>)