
City Council

MM5.49	ACTION			
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55 - 65 Broadway Avenue - Off-site Parkland Conveyance - Amendment to Item 2017.CC34. 7 by Councillor Josh Matlow, seconded by Councillor Gord Perks

** 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 Josh Matlow, seconded by Councillor Gord Perks, recommends that:

1. City Council amend its previous decision on Item 2017.CC34.7 by:

a. deleting Part 3 of the confidential instructions to staff in Confidential Attachment 1 to the report (October 30, 2017) from the City Solicitor, made public upon adoption by City Council:

Part to be deleted:

3. City Council approve an off-site parkland dedication for a 530 square metre proposed park at 70 to 76 Soudan Avenue as the parkland dedication requirement for the development at 55 - 65 Broadway Avenue. The parkland to be transferred to the City shall be free and clear, above and below grade, of all easements, encumbrances, and encroachments to the satisfaction of the General Manager, Parks, Forestry, and Recreation.

and replacing it with the following new Part 3:

3. City Council approve an off-site parkland dedication for a 530 square metre proposed park at 70 to 76 Soudan Avenue as the parkland dedication requirement for the development at 55 - 65 Broadway Avenue on the following terms:

a. the parkland to be transferred to the City shall be free and clear, above and below grade, of all easements, encumbrances, and encroachments, with the exception of a temporary vehicular easement at the rear of the future parkland benefitting the lots at 60 - 76 Soudan Avenue, to the satisfaction of the General Manager, Parks, Forestry, and Recreation;

b. authority is granted by City Council to permit the parkland conveyance to the City with the temporary vehicular easement encumbrance that would not be permitted by the requirements of Municipal Code Section 415-26 B;

c. the owner shall delete the vehicular easement instrument from title to the lands at 60 to 68 Soudan Avenue upon the purchase of the lots at 60 and 62 Soudan Avenue; and

d. prior to the conveyance of the parkland to the City, the owner shall provide the City with a Letter of Credit in a form to the satisfaction of the City Solicitor, and in an amount to be determined by the General Manager, Parks, Forestry and Recreation to secure the removal of the vehicular easement from title to the lands at 60 to 68 Soudan Avenue.

Summary

At its meeting on November 7, 8 and 9, 2017, City Council adopted the confidential instructions in Item 2017.CC34.7, the Request for Further Direction report (October 30, 2017) from the City Solicitor that accepted a without prejudice settlement offer for the Zoning By-law amendment appeal to the former Ontario Municipal Board for the lands at 55 - 65 Broadview Avenue. In Confidential Instruction 3, City Council approved an off-site parkland dedication for a 530 square metre park to be located at 70 to 76 Soudan Avenue (the "Off-site Park"). The Off-site Park was to be conveyed to the City free and clear, above and below grade, of all easements, encumbrances, and encroachments to the satisfaction of the General Manager, Parks, Forestry, and Recreation. The Section 37 provisions in the Zoning By-law amendment and the Section 37 Agreement require the conveyance to occur prior to the issuance of an above grade building permit for the development at 55 - 65 Broadway Avenue.

A vehicular access easement with reciprocal rights is registered on the rear portion of all of the lots in this block, namely 60 to 76 Soudan Avenue. This easement will be removed from title to the lands at 60 to 68 Soudan Avenue when the owner of 55 - 65 Broadway Avenue completes the purchase of the lots at 60 and 62 Soudan Avenue on May 30, 2023. The owner of 55 - 65 Broadway Avenue already owns the lots at 64 to 68 Soudan Avenue and since the City would be the sole owner of the only lands the easement would remain on title to, the easement would lapse and have no effect on the Off-site Park. This Motion authorizes the conveyance of the Offsite Park to the City with the vehicular access easement which is a departure from Municipal Code Section 415-26 B that requires parkland conveyances to be free and clear of all liens and encumbrances. Even though this easement is temporary in nature, this Motion directs the General Manager, Parks, Forestry and Recreation to require the owner to provide a Letter of Credit to the City to secure the future removal of the easement from title.

Urgent consideration is being requested as the developer at 55 - 65 Broadway Avenue is required to convey the Off-site Park to the City in order to receive an above grade building permit and will suffer further financial losses if the Off-site Park conveyance is delayed.

Background Information (City Council)

Member Motion MM5.49

(<https://www.toronto.ca/legdocs/mmis/2023/mm/bgrd/backgroundfile-235536.pdf>)