

City Council**Notice of Motion**

MM14.3	ACTION			Ward: 2
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Amending Item 2018.CC36.5 - 4000 Eglinton Avenue West - Timing of Parkland Conveyance - by Councillor Stephen Holyday, seconded by Councillor Frances Nunziata

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Etobicoke Community Council. A two-thirds vote is required to waive referral.*

Recommendations

Councillor Stephen Holyday, seconded by Councillor Frances Nunziata, recommends that:

1. City Council amend its previous decision on Item 2018.CC36.5 by adding new instructions to staff as follows:

1. City Council approve that in accordance with Section 42 of the Planning Act, prior to the earlier of Registration of Plan of Condominium or first residential occupancy of the first tower within the first phase and no later than fifteen (15) months after the issuance of the first Above Grade Building permit for the first phase, the owner shall convey to the City, an on-site parkland dedication located at the west end of the site having a minimum size of 2,756 square metres. The subject parkland conveyance is to be free and clear, above and below grade of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements.

2. Prior to the issuance of the first above grade building permit for the first phase of the development, City Council require the owner to register in priority a Section 118 Restriction, pursuant to the Land Titles Act against title to the future 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.

Summary

At its meeting on January 31 and February 1, 2018, City Council adopted the confidential instructions in Item 2018.CC36.5, the Request for Direction report (January 22, 2018) 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 4000 Eglinton Avenue West. The Confidential Instructions did not address the timing of the conveyance of parkland to be provided to the City under section 42 of the Planning Act.

Parks staff are seeking Council authority to amend the timing of the conveyance of parkland as required by the Municipal Code, so that the conveyance occurs at the same time as the

completion of base and above base park improvements. This motion seeks to provide clarity to the registered S37 Agreement (AT5572546) and registered amendment (AT5943788) in regards to the timing of the parkland conveyance.

This developer currently cannot have an above grade building issued because the parkland has not been conveyed to the City. This matter is urgent as the developer will be seeking first above grade building permit in one month and the park block is not ready for conveyance, as the environmental process and base park improvements have not been completed. Delay in construction will have economic impacts on the developer.

Background Information (City Council)

Member Motion MM14.3