

**City Council****Motion without Notice**

<b>MM14.18</b>	<b>ACTION</b>			Ward: 13
----------------	---------------	--	--	----------

**1-25 Defries Street - Amendment to Section 37 Agreement - by Councillor Chris Moise, 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 Chris Moise, seconded by Councillor Paula Fletcher, recommends that:

1. City Council authorize the City Solicitor to amend the Section 37 Agreement, registered on title of the subject lands, satisfactory to the Interim Chief Planner and Executive Director, City Planning, and the City Solicitor to secure the following matters:
  - a. revisions to the clause requiring the completion of a staircase and accessible ramp to provide access to Bayview Avenue, to delete reference to the staircase; and
  - b. revisions to the clauses regarding financial contributions to require a \$177,658.37 additional cash contribution in lieu of constructing the staircase payable upon execution of an Amending Section 37 Agreement.
2. City Council authorize the City Solicitor and any appropriate City Officials to take such actions as are necessary to implement City Council's decision, including execution of the Section 37 Amending Agreement.

**Summary**

In an Order dated October 23, 2020, the Local Planning Appeal Tribunal approved an Official Plan Amendment and Zoning By-law Amendment to permit a 37-Storey residential building. As part of the approval of the application, a Section 37 agreement was registered on title to secure provision of financial contributions, facilities, services, and other matters. Part of the Agreement required the owner to construct an accessible ramp and staircase to provide access from the site and nearby streets down to Bayview Avenue. The ramp is currently in the final stages of construction, however the construction of the staircase would necessitate a more elaborate construction than was originally contemplated due to the slope of the ravine, and require the relocation of utilities including Toronto Water infrastructure, and Enbridge Gas lines. In lieu of constructing the staircase, the owner has agreed to provide a cash contribution.

City Planning is supportive of the amendments to the Section 37 Agreement and is satisfied that the ramp being constructed will provide access to Bayview Avenue in a manner that was originally contemplated during the approval of the development application.

This is an urgent matter since registration of the condominium is imminent and obligations associated with site construction need to be resolved.

**Background Information (City Council)**

Member Motion MM14.18