
City Council**Notice of Motion**

MM18.12	ACTION			Ward: 13
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Tie-Back Encumbrances - 245-285 Queen Street East, 348-412 Richmond Street East, 78-106 Ontario Street and 8-12 Brigden Place - by Councillor Chris Moise, seconded by Councillor Paula Fletcher

** 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 Chris Moise, seconded by Councillor Paula Fletcher, recommends that:

1. City Council approve the acceptance of on-site parkland dedication, as previously authorized in Item 2018.CC44.6 adopted by City Council on July 23, 2018, for the lands municipally known as 245-285 Queen Street East, 348-412 Richmond Street East, 78-106 Ontario Street and 8-12 Brigden Place, subject to the owner transferring the parkland to the City free and clear, above and below grade, of all easements, encumbrances, and encroachments, in an acceptable environmental condition; the owner may propose the exception of encumbrances of tiebacks, where such an encumbrance is deemed acceptable by the General Manager, Parks, Forestry and Recreation, in consultation with the City Solicitor; and such an encumbrance will be subject to the payment of compensation to the City, in an amount as determined by the General Manager, Parks, Forestry and Recreation, and the Executive Director, Corporate Real Estate Management.

Summary

At its meeting on July 23, 2018, City Council adopted confidential instructions for Item 2018.CC44.6 from the Request for Direction report (prepared by the City Solicitor and dated July 17, 2018) accepting a without prejudice settlement offer for the Zoning By-law Amendment appeal to the Ontario Land Tribunal for the lands at 245-285 Queen Street East, 348-412 Richmond Street East, 78-106 Ontario Street and 8-12 Brigden Place (the “Lands”). The offer proposed a mixed-use development on the Lands, including: three towers with heights of 25 storeys, 24 storeys and 32 storeys; a mix of residential, retail and office uses; a total of 1,341 residential units including a mix of rental and condominium tenure; a mid-block pedestrian connection between Richmond and Queen Streets; affordable housing; and an on-site parkland dedication. The accepted settlement offer was approved by the Ontario Land

Tribunal on October 31, 2018. The adopted Confidential Instructions from City Council did not include authority to allow tie-back encumbrances within the park.

The applicant has informed staff that tie-backs were installed within the lands to be conveyed as parkland. The existing tie-back encumbrances within the park are acceptable to staff, provided the owner fulfills the City's standard tie-back conditions including but not limited to, destressing the tie-backs prior to parkland conveyance and providing a payment of compensation to the City, in an amount as determined by the General Manager, Parks, Forestry and Recreation and the Executive Director, Corporate Real Estate Management.

A Section 37 Agreement was executed and registered on title on September 1, 2022 as Instrument AT6174449 to secure various matters, including the on-site parkland dedication.

Background Information (City Council)

Member Motion MM18.12