

## City Council

### Notice of Motion

MM18.14	ACTION			Ward: 13
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**Authorization to Release Section 37 Funds from the Development at 1-25 Defries Street to Amend the 2024-2033 Capital Budget and Plan for Parks, Forestry and Recreation for Improvements to the Labatt Avenue Right-of-Way - by Councillor Chris Moise, seconded by Councillor Paula Fletcher**

*\* Notice of this Motion has been given.*

*\* This Motion is subject to referral to the Executive Committee. A two-thirds vote is required to waive referral.*

### Recommendations

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

1. City Council amend Parks, Forestry and Recreation’s 2024 Capital Budget and 2025-2033 Capital Plan to create a new capital sub-project known as Labatt Avenue Right-of-Way Improvements, in the Park Development project, with a total project cost of \$850,000 gross and \$0 debt in 2024, with cash flow commitments in 2025, fully funded by the Section 37 funds received from 1-25 Defries Street (Source Account: XR3026-3701146) for public realm upgrades and park expansion into the Labatt Avenue Right-of-Way.
2. City Council authorize the General Manager, Parks, Forestry and Recreation to negotiate and execute an Agreement with Defries Developments Limited, for the construction of public realm upgrades and park expansion into the adjacent Labatt Avenue Right-of-Way, for a term of one (1) year commencing on or about July 1, 2024, with the City having the option to extend the agreement on a month-to-month basis at the sole discretion of the General Manager, Parks, Forestry and Recreation for up to one additional year, all on terms and conditions satisfactory to the General Manager, in a form satisfactory to the City Solicitor and in compliance with City of Toronto policies for Capital Projects.
3. Subject to entering into the agreement set out in Recommendations 1 and 2 with Defries Developments Limited, City Council authorize the General Manager, Parks, Forestry and Recreation to transfer up to \$850,000 from Parks, Forestry and Recreation's 2024 Capital Budget and 2025-2033 Capital Plan from the Labatt Avenue Right-of-Way Improvements sub-project in the Park Development project to Defries Developments Limited to fund the cost of the public realm upgrades and park expansion into the Labatt Avenue Right-of-Way.

### Summary

The Section 37 Agreement for 1-25 Defries Street (the Agreement), requires the Developer, Defries Developments Limited, to prepare a design and cost estimate for the proposed streetscape on the Labatt Avenue right-of-way between Defries Street and its termination east

of Bayview Avenue, in anticipation of its closure to vehicles and use as an open space. The Agreement allows the parties to elect to have the developer construct the right-of-way improvements, and contemplates allocating funds contributed by the developer under the Agreement to pay for the improvements. The expected cost of the improvements is \$850,000, and funding has been allocated for these improvements from the Section 37 Agreement for 1-25 Defries Street (Source Account: XR3026-3701146). These funds have been received and are eligible for these purposes.

This motion requests authority from City Council to amend the 2024-2033 Capital Budget and Plan for Parks, Forestry and Recreation to create a growth related capital sub-project called Labatt Avenue Right-of-Way Improvements, in the Park Development Project, to enter into a Construction Management Agreement with Defries Developments Limited to construct public realm improvements on the Labatt Avenue Right-of-Way, and to transfer up to \$850,000 from Parks, Forestry and Recreation's 2024-2033 Capital Budget and Plan to Defries Developments Limited to fund the public realm upgrades and park expansion into the Labatt Avenue Right-of-Way.

The Labatt Avenue Right-of-Way Improvements will extend the parkland dedication received from development at 1-25 Defries Street to the south onto Labatt Avenue, an adjacent dead-end street. The street will be closed to traffic, with service vehicle and emergency service vehicle access remaining. The closed street will be maintained by Parks, Forestry and Recreation, while under the jurisdictional ownership of Transportation Services.

Operating impacts of the space, if required, will be submitted through future budget processes for consideration.

### **Background Information (City Council)**

Member Motion MM18.14

<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-245752.pdf>