

City Council

Notice of Motion

MM20.23	ACTION			Ward: 9
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Limiting Distance Agreement for 128 Havelock Street - by Councillor Alejandra Bravo, seconded by Mayor Olivia Chow

** Notice of this Motion has been given.*

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

Recommendations

Councillor Alejandra Bravo, seconded by Mayor Olivia Chow, recommends that:

1. City Council authorize the exemption of General Condition E of Appendix B of Toronto Municipal Code Chapter 213, Real Property, in respect of the limiting distance agreement under negotiation between the City of Toronto, in its capacity as owner of Dufferin Grove, and the Neighbourhood Land Trust, in its capacity as owner of the property municipally known as 128 Havelock Street, provided the foregone value is secured in the Affordable Housing Contribution Agreement between the City and the Neighbourhood Land Trust.

Summary

This Motion seeks authority to provide an exemption to the requirement that any property interest granted pursuant to authority delegated pursuant to Chapter 213 of the Municipal Code reflect fair market value.

Since the other terms and conditions are under negotiation, authority to enter into the limiting distance agreement will be secured through the authority delegated pursuant to Chapters 213 and 363 of the Toronto Municipal Code.

The development at 128 Havelock Street is an affordable housing project by the Neighbourhood Land Trust in partnership with YWCA Toronto, which will operate the units. City Council, at its meeting on December 13, 2023 (2023.PH8.10), authorized Open Door Incentives to be provided for the development of 10 affordable units at 128 Havelock Street. The Housing Secretariat and City Legal are drafting a Contribution Agreement to secure the value of the Open Door incentives. If City Council approves the exemption to the fair market value requirement for this Limiting Distance Agreement, the value will be secured through the Contribution Agreement.

The Neighbourhood Land Trust has secured the necessary zoning approvals and has now submitted a building permit application for the project. The Limiting Distance Agreement is an option under the Ontario Building Code if the project cannot satisfy the alternative, which involves the addition of various fire mitigation measures on the north side of the building, including fire shutters, at a significant cost to the project owner, Neighbourhood Land Trust, a

registered charity with limited capacity to take on debt. The proposed exemption for this affordable housing project is a matter of financial viability.

The City of Toronto provides various financial and non-financial support for developing new affordable housing. This project is approved under the Open Door Affordable Housing Program, which did not include an exemption for fees for real estate agreements. The Rental Housing Supply Program, approved by Council on June 26, 2024 (2024.PH13.8), also does not include the exemption of fees and charges for real estate agreements.

This Motion is urgent as Neighbourhood Land Trust is awaiting building permit issuance and anticipates starting construction in the fall of 2024.

Background Information (City Council)

Revised Member Motion MM20.23