

City Council

Motion without Notice

MM22.29	ACTION			Ward: 14
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1117 Danforth Avenue and 1125 Danforth Avenue: Exemption to Fair Market Value Requirement for Limiting Distance Agreement and Construction Licences - by Councillor Paula Fletcher, seconded by Councillor Gord Perks

** 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 Paula Fletcher, seconded by Councillor Gord Perks, 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 a limiting distance agreement, construction staging licence agreement and/or crane swing licence agreement (collectively, the “Agreements”) regarding the property municipally known as 1125 Danforth Avenue between:

(i) the City of Toronto (and if deemed necessary by the City Solicitor, the Toronto Transit Commission in its capacity as owner of 1125 Danforth, and

(ii) Houselink and Mainstay Community Housing and/or 1117 Danforth Avenue Development not-for-profit, in its capacity as owner of the abutting property municipally known as 1117 Danforth Avenue provided the foregoing value is secured in the municipal housing facility agreement (“Contribution Agreement”) between the City and Houselink and Mainstay Community Housing and/or 1117 Danforth Avenue Development not-for-profit.

Summary

This Motion seeks authority to enable staff to exempt the non-profit proponent from the payment of charges related to the Agreements under General Condition E of Appendix B of the Toronto Municipal Code Chapter 213. This will be achieved by waving 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 Agreements will be secured through the authority delegated pursuant to Chapters 213 and 363 of the Toronto Municipal Code.

The proposed development at 1117 Danforth Avenue is a 14-storey mixed-use development consisting of 108 affordable and rent-controlled market units, including 27 social housing replacement units by Houselink and Mainstay Community Housing. This project is supported through the City's Rental Housing Supply Program (the “Program”), which provides City

incentives to eligible rental housing units such as exemptions from development charges, parkland dedication fees, community benefit charges, if not exempted by provincial legislation, and waivers of planning application and building permit fees, to eligible housing developments. The Program does not include the exemptions of fees and charges collected through real estate agreements. If City Council approves this motion authorizing the exemption to the fair market value requirement for the Agreements, the value will be secured through the Contribution Agreement.

To maximize affordable housing, the 1117 Danforth Avenue development is proposed to be built to the property line shared with 1125 Danforth Avenue, which Toronto Transit Commission owns in its capacity as agent of the City and which includes a below-ground Toronto Transit Commission tunnel and an above ground childcare centre operated by Children's Services. A limiting distance agreement is an option under the Ontario Building Code to permit residential units facing the childcare centre to have operable windows and ensure sufficient separation between 1117 Danforth Avenue and any future redevelopment of 1125 Danforth Avenue. A limiting distance agreement will need to be in place to meet the Ontario Building Code and prior to issuance of a building permit. The potential need for a construction staging licence agreement and/or a crane swing licence agreement is currently under evaluation.

Houselink and Mainstay Community Housing is a not-for-profit supportive housing agency with limited capacity to take on debt. The proposed exemption for this affordable housing project is a matter of financial viability.

As of the date of this motion, Houselink and Mainstay Community Housing is the registered owner of 1117 Danforth Avenue. It is the intention of Houselink and Mainstay Community Housing to transfer title for this building to its related not-for-profit entity, 1117 Danforth Avenue Development not-for-profit prior to executing the Contribution Agreement.

Background/Decision History:

City Council adopted MM11.3 - New Housing Opportunities on the Danforth – by Councillor Paula Fletcher, seconded by Councillor Frances Nunziata on October 11 and 12, 2023: <https://secure.toronto.ca/council/agenda-item.do?item=2023.MM11.3>

City Council adopted PH13.8 - Launching the Rental Housing Supply Program on June 26 and 27, 2004: <https://secure.toronto.ca/council/agenda-item.do?item=2024.PH13.8>

This Motion is urgent as the aforementioned limiting distance agreement is required prior to the issuance of any building permit(s), anticipated in the first quarter of 2025.

Background Information (City Council)

Member Motion MM22.29