

## City Council

### Motion without Notice

MM23.37	ACTION			Ward: 13
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**Re-opening and Amending Item 2024 CC20.26 - 10 Huntley Street - Ontario Land Tribunal Hearing - Request for Directions - by Councillor Chris Moise, seconded by Councillor Shelley Carroll**

*\* This Motion has been deemed urgent by the Chair.*

*\* This Motion is not subject to a vote to waive referral.*

*\*This Motion is subject to a re-opening of Item 2024.CC20.26 only as it pertains to Parts 3.b. and 4.*

*\*A two-thirds vote is required to re-open that Item. If re-opened, the previous Council decision remains in force unless Council decides otherwise.*

### Recommendations

Councillor Chris Moise, seconded by Councillor Shelley Carroll, recommends that:

1. City Council amend its previous decision on Item CC20.26 by:

a. deleting Part 3(b)(iv) of the instructions to staff:

3. City Council instruct the City Solicitor to request that the Ontario Land Tribunal withhold its Order on the zoning by-law amendment and official plan amendment until the City Solicitor has advised that:

b. the owner has at its sole cost and expense:

Part to be deleted:

iv. conveyed to the City an on-site parkland dedication with an approximate size of 85.0 square metres and an approximate frontage of 3.4 metres to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor; and

b. deleting Part 4 of the instructions to staff:

Part to be deleted:

4. City Council approve the acceptance of partial on-site parkland dedication, 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.

And adopting instead the following new Part 4:

4. In the event the Ontario Land Tribunal approves the proposed development, City Council accept that in accordance with Section 42 of the Planning Act and prior to the issuance of first above grade building permit, the Owner shall convey to the City an on-site parkland dedication having an approximate size of 85 square metres and width of 3.46 metres, to the satisfaction of General Manager, Parks, Forestry and Recreation and the City Solicitor and City Council approve the acceptance of on-site parkland dedication, 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.

### **Summary**

At its meeting on July 24 and 25, 2024, City Council adopted Item CC20.26 and accepted a without prejudice offer to settle an Ontario Land Tribunal appeal concerning 10 Huntley Street in Ward 13. Recommendations 3(b)(iv) and 4 do not accurately reflect the without prejudice settlement offer dated July 9, 2024 set out in Confidential Appendix A to the report (July 11, 2024), specifically with respect to the timing of the on-site parkland dedication that is secured. The Council decision contemplates the parkland conveyance as a pre-condition to the final order, whereas the offer and usual practice, in accordance with the Planning Act, would have the conveyance occur prior to first above grade building permit. The matter will be before the Ontario Land Tribunal for a settlement conference on November 19, 2024 and updated instruction is needed – as such this matter is urgent.

### **Requires Re-opening**

Item 2024.CC.20.26 (July 24 and 25, 2024 City Council Meeting) only as it pertains to Parts 3.b. and 4.

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

Member Motion MM23.37