

City Council**Motion Without Notice**

MM24.24	ACTION			Ward: 8
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4050 Yonge Street - Amendment to Section 37 Agreement - by Councillor Mike Colle, seconded by Councillor James Pasternak

** Notice of this Motion has not been given. A two-thirds vote is required to waive notice.*
** This Motion is subject to referral to the North York Community Council. A two-thirds vote is required to waive referral.*
** This Motion has been deemed urgent by the Chair.*

Recommendations

Councillor Mike Colle, seconded by Councillor James Pasternak, recommends that:

1. City Council authorize the City Solicitor to support a request by the applicant/appellant at the Ontario Land Tribunal to revise Schedule A, Section 37 Provisions of Zoning By-law 788-2022(OLT) to permit the conveyance of the Conservation Lands defined as the part of the lot zoned Open Space (ON) by Zoning By-law 788-2022 (OLT) to occur at the earlier of:
 - a. the completion of the Site Specific Risk Assessment and acknowledgement of the Record of Site Condition by the Ministry of the Environment, Conservation and Parks; for a condominium building, prior to first condominium registration; and
 - b. for a rental building, prior to first occupancy, in accordance with the City's Policy for Accepting Potentially Contaminated Lands to be Conveyed to the City under the Planning Act, together with such related revisions as may be required, including a requirement that access easements in respect of the existing pedestrian tunnel connection (Parts 1 to 16 on Registered Plan 66R-34386) located within the Conservation Lands be conveyed to the City prior to the first above grade building permit for the development.
2. Should the Ontario Land Tribunal agree to the requested revisions, City Council instruct the City Solicitor to request that the Tribunal's Order on the revised Zoning By-law Amendment be withheld until the City Solicitor has advised that an Amending Agreement amending the Section 37 Agreement (dated June 27, 2022, and registered on title as Instrument AT6119798) has been registered on title that implements the revisions contemplated in Recommendation 1 above.
3. Should the Ontario Land Tribunal agree to the requested revisions, City Council direct the City Solicitor to prepare, and authorize the Executive Director, Development Review or their designate to enter into an Amending Agreement with the owner pursuant to Section 37 of the Planning Act to amend the Section 37 Agreement (dated June 27, 2022, and registered on title as Instrument AT6119798) to reflect the change in timing for the conveyance of the Conservation Lands and for the conveyance of access easements in respect of the existing pedestrian tunnel connection as contemplated in Recommendation 1 above.

Summary

The site is comprised of the land on the North-West Corner of Yonge Street and Wilson Ave and includes portions of the Don River.

In 2022, a Zoning By-law amendment ([By-law 788-2022 \(OLT\)](#)) was finalized permitting two residential towers as part of a mixed-use development containing office and retail uses and associated accessible connection to the existing below grade pedestrian tunnels connecting to York Mills subway station.

The Zoning By-law secured the conveyance of the defined “Conservation Land” which includes part of an existing pedestrian tunnel connection to York Mills subway station that serves an existing office complex to the north and includes a 10 metre buffer from the established long-term stable top of slope as identified and confirmed by the Toronto Region Conservation Authority. The By-law and the Section 37 Agreement required the Owner to be responsible at its sole cost and expense for compliance with the City's internal policies and requirements as it pertains to the land conveyance, including the environmental site assessment and adherence to various environmental policies.

In order to ensure the conveyed Conservation Lands meet the City's internal policies and requirements for land conveyances, applicable Ministry of the Environment, Conservation and Parks, and other applicable requirements, and to allow sufficient time for the owner to complete the Site Specific Risk Assessment, the applicant has requested a change in timing of the conveyance of the Conservation Lands. This request is due to the Ministry of the Environment, Conservation and Parks requiring a more extensive risk assessment process than was originally anticipated.

As such, the applicant is proposing to delay the conveyance of the Conservation Lands from prior to the first above grade building permit to the earlier of completion of the Site Specific Risk Assessment and acknowledgement of the Record of Site Condition, or first condominium registration.

This change in timing will allow the applicant to satisfy the City's internal policies and requirements, and the Property Specific Standards as approved by the Ministry of the Environment, Conservation and Parks for a Site Specific Risk Assessment/Risk Management Plan to be completed in accordance with Provincial Regulations prior to the conveyance of the Conservation Lands to the City.

All other matters with respect to the conveyance of the Conservation Lands secured by the Section 37 agreement and Zoning By-law, as varied, remain unchanged.

This motion is deemed urgent in order to amend the applicable zoning by-law to facilitate a more timely commencement of this development to create desperately needed new housing to help achieve the City’s housing target of 285,000 homes by 2031.

Background Information (City Council)

Member Motion MM24.24

(<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-251582.pdf>)

By Law 788-2022

(<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-251604.pdf>)