

City Council

Motion without Notice

MM31.29	ACTION			Ward: 13
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Request to Accept In-Kind Community Benefits for 49 Ontario Street Rental Housing Development - by Councillor Chris Moise, seconded by Mayor Olivia Chow

** 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 Chris Moise, seconded by Mayor Olivia Chow, recommends that:

1. City Council accept the offer dated June 25, 2025, set out in Appendix 1 in respect of in-kind community benefits for the proposed development of 49 Ontario Street (the “Site”);
2. City Council allow the owner of the Site to convey land to the City, to the satisfaction of the Executive Director, Development Review and the General Manager, Parks and Recreation, as an in-kind contribution pursuant to subsection 37(6) of the Planning Act to be dedicated as parkland, in accordance with the following terms:
 - a. the proposed conveyance shall be seventy-four square metres (74 m²) in size;
 - b. the configuration and location of the proposed conveyance shall be to the satisfaction of the General Manager, Parks and Recreation;
 - c. the proposed conveyance shall be in an acceptable environmental condition to the satisfaction of the General Manager, Parks and Recreation; and,
 - d. the proposed conveyance shall be free and clear of all liens and encumbrances.
3. City Council attribute a value to the in-kind contribution set out in Recommendation 2 equal to thirty-three percent (33 percent) of 4 percent of the value of the land (net of any exclusions or exemptions authorized under the Community Benefits Charge By-law), as determined the day before the day the building permit is issued in respect of the development and direct staff to advise the owner of such valuation.
4. City Council authorize the Executive Director, Development Review to enter into an agreement pursuant to subsection 37(7.1) of the Planning Act (the "In-kind Contribution Agreement") to address the provision of the in-kind contribution identified in Recommendation 2 to the satisfaction of the Executive Director, Development Review and the City Solicitor,

with such agreement to be registered on title to the lands, which agreement shall be evidence of arrangements for the provision of the in-kind contribution that are satisfactory to City Council.

5. City Council authorize the City Solicitor to take all necessary actions to implement City Council's decision.

Summary

On May 10, 11 and 12, 2023, City Council adopted an amendment to zoning by-law 569-2013, to permit three buildings of 11, 39 and 44 storeys containing 1,099 square metres of retail, 15,206 square metres of office and 1,094 dwelling units, retention of existing heritage rowhouses, an east-west mid-block connection and a 581 square metre public park at 49 Ontario Street and 72-94 Berkeley Street. At the time of the application, the proposed tenure for the residential units was not specified.

The current site plan application consists of three buildings of 9, 45 and 49 storeys containing 764 square metres of retail, 6,152 square metres of office and 1,226 dwelling units (including approximately 246 affordable housing units), retention of the heritage row houses, an east-west mid-block connection and a 581 square metre public park along Berkeley Street.

Among other changes proposed, the Owner of the Site has proposed to convert the tenure of the entire residential component to rental and applied to obtain incentives to develop the additional rental housing through the City's Rental Housing Supply Program and Purpose-Built Rental Incentives Stream. In converting to rental tenure under this stream, the Owner is eligible for a reduction in the amount of parkland dedication they would be required to convey under section 42 of the Planning Act. In turn, to maintain the same size of park while providing purpose-built rental and affordable units, the Owner has also offered to convey to the City parkland as an in-kind community benefit pursuant to Section 37 of the Planning Act. The land value of the contribution would be credited against the 4 percent Community Benefits Charge for the development.

The City's Real Estate Management team has appraised the proposed in-kind parkland contribution and has determined that its value is equivalent to 33 percent of the 4 percent that would otherwise have to be paid as a community benefit charge pursuant to section 37 of the Planning Act. Community Planning and Parks and Recreation staff support accepting the conveyance of the land under section 37 of the Planning Act as an in-kind contribution of parkland.

This motion is being filed without notice to support the timely provision of purpose-built rental housing through incentives under the Rental Housing Supply Program.

Background Information (City Council)

Member Motion MM31.29

Attachment 1 - Letter dated June 25, 2025 from Dream Impact Master LP & MPCT Berkeley Street Inc. re: 49 Ontario Street

(<https://www.toronto.ca/legdocs/mmis/2025/mm/bgrd/backgroundfile-256711.pdf>)