

City Council

Motion without Notice

MM32.33	ACTION			Ward: 12
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Off-Site Parkland Dedication for 289 to 299 Balliol Street and 305 Balliol Street - by Councillor Josh Matlow, seconded by Councillor Rachel Chernos Lin

** 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 Toronto and East York Community Council. A two-thirds vote is required to waive referral.
* This Motion has been deemed urgent by the Chair.*

Recommendations

Councillor Josh Matlow, seconded by Councillor Rachel Chernos Lin, recommends that:

1. City Council request the Owner to make reasonable commercial efforts to identify, in consultation with the General Manager, Parks and Recreation, a suitable off-site parkland dedication as a substitution for cash-in-lieu of parkland dedication that:
 - a. is accessible to the area where the subject site is located;
 - b. is a good physical substitute for any on-site parkland dedication;
 - c. is free and clear, above and below grade, of all easements, encumbrances, and encroachments;
 - d. is in an acceptable environmental condition; and
 - e. the value of the off-site parkland dedication shall not exceed the estimated value of the cash-in-lieu parkland dedication that would otherwise be required, which value may include the cost of acquiring the land, land transfer tax, typical closing cost and reasonable real estate commissions of up to 5 percent, all to the satisfaction of the General Manager, Parks and Recreation.
2. Should the General Manager, Parks and Recreation and the Owner agree to a property as a substitution for cash-in-lieu of parkland dedication, City Council accept the off-site parkland dedication, in full or partial fulfilment of the parkland dedication requirements, pursuant to Section 42 of the Planning Act, with conveyance to the City to occur prior to the issuance of the first above grade building permit in accordance with the following:
 - a. in the event that the value of the off-site parkland dedication is less than the value of the cash-in-lieu parkland dedication, the Owner shall pay cash-in-lieu of parkland for the

shortfall in the value of the off-site parkland dedication in accordance with Chapter 415 Article III of the Municipal Code; and

b. in the event that the Owner is unable to provide a substituted off-site parkland dedication to the satisfaction of the General Manager, Parks and Recreation, the Owner will be required to satisfy the parkland dedication requirement through the payment of cash-in-lieu prior to the issuance of first above grade building permit in accordance with Chapter 415 Article III of the Municipal Code.

3. Should a substituted off-site parkland dedication be accepted by the General Manager, Parks and Recreation, City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the Owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks and Recreation; the development charge credit shall be in an amount that is the lesser of the cost to the Owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, Parks and Recreation, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.

Summary

On January 22, 2025, the Ontario Land Tribunal issued its Final Order regarding an application to amend City-wide Zoning By-law 569-2013 for a 31-storey mixed use development on lands located at 289 to 299 Balliol Street and 305 Balliol Street. City Council had previously accepted a settlement offer, and instructed the City Solicitor to attend at the Ontario Land Tribunal in support of the settlement ([Item 2023.CC11.13](#)).

The Owner of the Lands has indicated a desire to pursue off-site parkland dedication instead of cash-in-lieu. Staff are working with the Owner and the Ward Councillor to identify potential sites that would meet Parks and Recreation requirements.

This motion will authorize and direct City staff to work with the Owner to seek an off-site parkland dedication and accept an off-site parkland dedication, or in the alternative, cash-in-lieu, in accordance with Section 42 of the Planning Act.

The reason for urgency is that the approval is required for Parks staff to direct the acquisition of off-site parkland, with specific deadlines for the agreement and purchase sale.

Background Information (City Council)

Member Motion MM32.33