

MOTION WITHOUT NOTICE

Re-Opening and Amending 2025.PH18.1

Moved by: Councillor

Josh Matlow

Seconded by: Councillor

Gord Perks

SUMMARY:

Through 2025.PH18.1 City Council approved a Zoning By-Law Amendment for 267-275 Merton Street, an affordable housing project on City-owned land that is being constructed and operated by Collecdev-Markee. In addition to amending the Zoning By-law, 2025.PH18.1 also approved that the Applicant (Collecdev-Markee) shall design, construct, and deliver a public park on site – to facilitate an improved mid-block connection between Merton Street and the Kay Gardner Beltline Trail.

The creation of an expanded mid-block pedestrian connection between Merton Street and the Beltline Trail is a key City objective for the redevelopment of the City-owned land at 267-275 Merton Street, implementing policy in the Yonge and Eglinton Secondary Plan. As part of the development deal negotiated by CreateTO on behalf of the City, Collecdev-Markee (the “Developer”) has committed to design and construct this mid-block connection, and also to maintain and operate it for a 99-year period (carrying all costs and responsibilities associated with doing so). These obligations are included in the 99-year Ground Lease, and through the recommendations in 2025.PH18.1 these obligations (which formerly related to a privately-operated Publicly Accessible Space, or “PAS”) were converted into an obligation to provide this mid-block connection as a public park encumbered by the housing project’s underground parking garage.

The City project team, CreateTO, and Collecdev-Markee have been working to advance this affordable housing project throughout 2025. The Developer submitted a Site Plan Application in May 2025 and began demolition of the existing structures in September 2025. They have also been working with City staff on the design of the public park and the terms of a Project Agreement that would be appended to the Lease to further secure the delivery of this park. Through this work, it has become clear that delivering this mid-block connection as a PAS instead of a public park would provide value and efficiencies for the following reasons:

- The land is already in City ownership, lessening the value of dedicating the space as public park;
- The Developer (not the Parks & Recreation division), through its Ground Lease obligations, will be the long-term stewards of the space, paying for its operations, upkeep, and maintenance. In this case, dedicating the space as a Park creates a duplicative administration and coordination layer for the duration of the Lease that can be simplified by delivering the space as a PAS.

The Developer shall meet their parkland dedication obligations for this project through cash-in-lieu. The Developer shall be obligated through the Site Plan Control process to provide the PAS that facilitates an improved mid-block connection to the same standard and size as previously envisioned. This amendment to the direction provided in 2025.PH18.1 will enable the City to achieve the envisioned creation of a new public space and improved mid-block connection, and all costs for construction and ongoing maintenance covered by the Developer, in a more efficient manner.

This motion is urgent as the project is currently under construction.

REQUIRES RE-OPENING:

Item 2025.PH.18.1 (February 5, 2025), as it relates to Parts 3, 4 and 5.

RECOMMENDATIONS:

That City Council amend its previous decision on Item 2025.PH.18.1 by deleting Parts 3, 4, and 5,

Parts to be deleted:

3. City Council approve that the Applicant shall design, construct, and deliver as part of the development, parkland in base and above-base condition, lands located along the west side of the site and to serve as a connection between Merton Street and the Key Gardner Beltline Trail, to the satisfaction of the General Manager, Parks and Recreation and the City Solicitor.

4. City Council approve the acceptance of the lands for public park purposes subject to the lands being free and clear, above and below grade, of all easements, encumbrances, and encroachments, in an acceptable environmental condition, save and except for the underground garage; the owner may propose the exception of encumbrances of tiebacks, where such an encumbrance is deemed acceptable, all to the satisfaction of the General Manager, Parks and Recreation, in consultation with the City Solicitor.

5. City Council request the General Manager, Parks and Recreation to enter into a Maintenance Agreement with the Applicant (or their heirs or assigns) for the duration of the lease for the ongoing maintenance and upkeep of the parkland and the maintenance obligations shall be finalized via separate agreement to the satisfaction of the General Manager, Parks and Recreation.

and adopt instead the following:

3. City Council require the Applicant to design, construct, and maintain a Publicly-Accessible Space with an approximate area of 313 square metres on lands located along the west side of the site to facilitate a midblock connection between Merton St. and the Kay Gardner Beltline Trail, the specific configuration, design and timing of delivery of which is to be determined during Site Plan Approval for the development, to the satisfaction of the Executive Director, Development Review.

4. City Council require the Applicant to provide a public access easement for the duration of the

99-year lease period in favour of the City over the approximately 313 square metre Publicly-Accessible Space to the satisfaction of the Executive Director, Development Review and the City Solicitor, prior to Site Plan Approval.

Date: December 16, 2025