

NOTICE OF MOTION

Amending TE22.3 - 72 Perth Avenue - Zoning By-law Amendment Application - Decision Report - Approval

Moved by: Councillor Bravo

Seconded by: Councillor Perks

SUMMARY:

At its meeting on May 21 and 22, 2025, City Council adopted Item TE22.3, approving a Zoning By-law Amendment application for the property at 72 Perth Avenue, which included a recommendation requiring an on-site parkland dedication having a minimum area of 134 square metres located along the western property boundary, directly adjacent to and an expansion of the West Toronto Railpath. The remaining parkland dedication is to be satisfied through payment of cash-in-lieu. There have been subsequent council approvals to increase the height and density of the development, however the parkland dedication size remained the same. Through detailed review of the related Site Plan Control application, it has come to staff's attention that the on-site parkland dedication area illustrated on the submitted site plan drawings is less than the required 134 square metres, with the actual size being 131 square metres.

The applicant has informed parks staff that the proposed building associated with the Zoning By-law Amendment approval may have openings along the western wall that may trigger a Building Code requirement for the need for a Limiting Distance Agreement to be registered on a the eastern portion of the parkland to be transferred to the City that would prevent the erection of a buildings or structures within the limiting distance lands. The affected land is 131 square metres in area. If the Limiting Distance Agreement encumbrance is acceptable to the Executive Director, Development Review, the encumbrance would be subject to the payment of compensation to the City.

This Motion seeks authority from City Council to accept the reduced on-site parkland dedication with the difference being satisfied through cash-in-lieu payment and to add a Limiting Distance Agreement as a permitted encumbrance to the parkland to be conveyed to the City.

REQUIRES RE-OPENING:

2025.TE22.3 (May 21 and 22, 2025), as it relates to Part 6 and 8.

RECOMMENDATIONS:

1. City Council amend its previous decision on Item 2025.TE22.3 by:
 - a. Deleting the words “134 square metres” in Part 6 and replacing them with the words “131 square metres”, so that Part 6 now reads as follows:
 6. City Council approve that in accordance with Section 42 of the Planning Act prior to the issuance of the first above grade building permit, the owner shall convey to the City an on-site parkland dedication, having a minimum size of 131 square metres, to the satisfaction of the General Manager, Parks and Recreation and the City Solicitor.
 - b. adding to the end of Part 8 the words “the owner may propose the exception of an encumbrance of a registered limiting distance agreement that would encumber the 131 square metres of the parkland dedication, where such an encumbrances is deemed acceptable by the Executive Director, Development Review, in consultation with the City Solicitor; and such an encumbrance will be subject to the payment of compensation to the City, in an amount as determined by the Executive Director, Development Review and the Executive Director, Corporate Real Estate Management”, so that Part 8 now reads as follows:
 8. 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; the owner may propose the exception of an encumbrance of a registered limiting distance agreement that would encumber the 131 square metres of the parkland dedication, where such an encumbrances is deemed acceptable by the Executive Director, Development Review, in consultation with the City Solicitor; and such an encumbrance will be subject to the payment of compensation to the City, in an amount as determined by the Executive Director, Development Review and the Executive Director, Corporate Real Estate Management.

Date: March 25, 2026