
City Council

MOTION WITHOUT NOTICE

MM31.15	ACTION			Ward: 28
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Revised Railway Lands Precinct Agreements District Energy Phase 4 - Mayor Miller, seconded by Councillor McConnell

•This Motion has been deemed urgent by the Chair. Council has added this Motion to the agenda for debate.

Recommendations

Mayor Miller, seconded by Councillor McConnell, recommends:

1. That the City of Toronto acknowledges and agrees that upon receipt of satisfactory evidence that Canadian Pacific Properties Inc. ("FHR") and Centre Court General Partners Inc. (now MLSE), have entered into agreement with Enwave with respect to the provision of district energy as contemplated in the Revised Precinct B and Precinct R Agreements, that FHR and MLSE shall be deemed to have satisfied their respective obligations with respect to the Phase IV East and West TDHC Infrastructure under the terms of Section 4.5 of the Revised Precinct B Precinct Agreement and Section 4.5 of the Revised Precinct R Precinct Agreement.
2. That authority be granted for City officials to execute the necessary amendments to the Precinct R and the Revised Precinct B Agreements, in a form satisfactory to the City Solicitor.

Summary

When the former CP Railway Lands were re-zoned there was a desire to expand the Toronto District Heating Corporation (now Enwave) district energy system in general, and to facilitate the development of TDHC's Deep Lake Water Cooling project in particular. Canadian Pacific Properties Inc. (now "FHR"), and Centre Court General Partners Inc., (now MLSE), agreed with the City of Toronto to pay the costs of the Phase IV East and West TDHC Infrastructure, as described in Section 4.5(e) of the Revised Precinct B and Precinct R Agreements, each dated the 29th day of November 1996. Section 4.5 (j) of the Revised Precinct B and Precinct R Agreements provides that "the City acknowledges and agrees that CP Properties (FHR) and Centre Court (MLSE) may enter into an agreement with TDHC (Enwave)" for the provision of the contemplated district energy Infrastructure. Enwave, FHR and MLSE have reached agreement in respect of the provisions for district energy infrastructure as contemplated in the Revised Precinct B and Precinct R Agreements which satisfies the obligations of all three parties.

(Submitted to City Council on February 23 and 24, 2009 as MM31.15)