

Part 19 – Section 37 Provisions

Contained in this part are provisions or agreements outlining the facilities, services or matters that are subject of a by-law passed pursuant to Section 37 of *the Planning Act, R.S.O. 1990*. Section 37 of the act states: “The council of a local municipality may, in a by-law passed under section 34, authorize increases in the height and density of development otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law.

900 Albert Street

1. The following applies to 900 Albert Street:
 - (a) The City shall require that the owner of the lands at 900 Albert Street to enter into an agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Infrastructure and Economic Development, to secure the public benefits noted below. The agreement will comprise a combination of public benefits including works and monies to be completed by the applicant that would be paid to the City. Funds will be secured prior to the issuance of a building permit for above grade works. The total value of the monies to be secured being \$975,000.00 to the City, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.
 - (i) An indexed contribution of \$450,000.00 is to be provided to Ward 14. \$100,000.00 is to be directed towards the Ward 14 Community Garden Fund, and \$350,000.00 is to be directed towards the Ward 14 Community Parks Fund.
 - (ii) A payment of \$525,000.00 to the Ward 14 Affordable Housing Fund.
 - (iii) In addition, the following non-cash contributions will be provided:
 1. As part of the Site Plan Control approval process, the owner shall provide pedestrian, servicing and access easement over the site to the mutual satisfaction of the City of Ottawa and owner, as well as provide for the opportunity for an easement to allow for a future connection to the lands at 250 City Centre Avenue.
 2. As part of the Site Plan Control approval process, the construction of a new pathway along the southern property limit connecting to the existing multi-use pathway and an elevated walkway along the western wall of the new building which connecting from Albert Street to a new O-Train bridge.
 - (b) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured.
 - (c) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law, which identify the facilities, services and matters to be secured. (By-law 2012-336) (By-law 2018-346)

111, 115 and 121 Parkdale Avenue and 71 Burnside Avenue

2. The following applies to the properties at 111, 115 and 121 Parkdale Avenue and 71 Burnside Avenue:
 - (a) The City shall require that the Owner of the land at 111, 115, 121 Parkdale Avenue and 71 Burnside Avenue enter into an agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor and General Manger, Planning and Growth Management, to secure an indexed contribution of \$400,000 towards a community fund for the Mechanicsville neighbourhood as detailed below:
 - (b) The payment of Section 37 funds shall be within 24 months of the issuance of a building permit.
 - (c) The Owner of the site shall enter into and register on title to the lot one or more agreements with the City of Ottawa pursuant to Section 37 of the Planning Act, to the satisfaction of the City Solicitor, in consultation with the General Manager, Planning and Growth Management to create and contribute to a community fund for the Mechanicsville neighbourhood to be used for recreation and other community building needs.
 - (d) Notwithstanding the foregoing, the Owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the Owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured. (By-law 2013-109)

159, 163 and 167 Parkdale Avenue

3. The following applies to the properties at 159, 163 and 167 Parkdale Avenue:
 - (a) The City shall require that the Owner of the land at 159, 163 and 167 Parkdale Avenue enter into an agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning and Growth Management, to secure an indexed contribution of \$275,000 towards a community fund for the Mechanicsville neighbourhood as further detailed below.
 - (b) The payment of \$125,000 of Section 37 funds shall be provided prior to the issuance of a building permit, while the remaining \$150,000 shall be provided within 24 months of the issuance of a building permit.
 - (c) The Owner of the site shall enter into and register on title to the lot one or more agreements with the City of Ottawa pursuant to Section 37 of the Planning Act, to the satisfaction of the City Solicitor, in consultation with the General Manager, Planning and Growth Management to create and contribute to a community fund for the Mechanicsville neighbourhood to be used for recreation and other community building needs.
 - (d) Notwithstanding the foregoing, the Owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the Owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured. (By-law 2013-99)

265 Carling Avenue

4. The following applies to the property at 265 Carling Avenue:

- (a) The City requires that the Owner of the land at 265 Carling Avenue enter into an agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning and Growth Management, to secure an indexed contribution of \$215,828.67.
- (b) The payment of Section 37 funds shall be provided prior to the issuance of a building permit.
- (c) The Owner of the site shall enter into and register on title to the lot one or more agreements with the City of Ottawa pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City Solicitor, in consultation with the General Manager, Planning and Growth Management, to provide the following: 100% of the required funds to go towards improvements to Eugene Forsey Park and Dalhousie South Park.
- (d) Notwithstanding the foregoing, the Owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the Owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured. (LPAT Decision n° PL170303, issued May 25, 2018) (By-law 2017-41)

505 Preston Street

- 5. The following applies to the property at 505 Preston Street:
 - (a) Prior to the lifting of the holding provision, the City shall require that the Owner of the land at 505 Preston Street enter into an agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning and Growth Management, to secure an indexed contribution of \$1,150,700 towards public benefits as detailed below:
 - (i) 40% of the contribution shall go towards the design and construction of a future pedestrian and cycling bridge over the existing OTrain corridor at Hickory Street.
 - (ii) 40% of the contribution will be made to achieve implementation of area wide public realm improvements/benefits in accordance with the Strategic Directions report, with the specific items to be determined in consultation between all relevant stakeholders and the Councillor. The list of potential priority items as identified in the Strategic Directions for these Section 37 monies include but are not limited to the following.
 - (iii) The multi-use pathway along the west side of the OTrain between Beech Street and Carling Avenue.
 - (iv) Improvements to Ev Tremblay Park.
 - (v) Multi-purpose street initiative on Champagne Avenue South, south of Beech Street.
 - (vi) Streetscape and Sidewalk improvements along Carling, including the expansion and improvement of sidewalks on the Carling Avenue bridge over the OTrain tracks.
 - (vii) Streetscape and sidewalk improvements along Sidney Street.
 - (viii) A public square at Preston and Carling.
 - (ix) Traffic calming projects throughout the entire Preston-Carling District.

- (x) The purchase of lands at 1010 Somerset Street West to increase the size of Plouffe Park.
- (b) The remaining 20% of the contribution will be provided to achieve other potential community benefits as determined in consultation with the Ward Councillor and local community in accordance with the Strategic Directions report and/or public benefits as set out in Policy 11 of Section 5.2.1 of the Official Plan.
- (c) The payment of Section 37 funds shall be provided prior to the issuance of a building permit.
- (d) The Owner of the site shall enter into and register on title to the lot one or more agreements with the City of Ottawa pursuant to Section 37 of the Planning Act, to the satisfaction of the City Solicitor, in consultation with the General Manager, Planning and Growth Management, to secure facilities, services and matters set forth in this section.
- (e) Notwithstanding the foregoing, the Owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the Owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured. (By-law 2013-115)

460 St. Laurent Boulevard

- 6. The following applies to the property at 460 St. Laurent Boulevard:
 - (a) The City shall require that the owner of the land at 460 St. Laurent Boulevard enter into an agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor and General Manger, Planning and Growth Management, to secure funds in the amount of \$312,000 to provide local community benefits within the Cardinal Glen neighbourhood for recreational uses, such as bike/walking pathways, tree planting and park infrastructure.
 - (b) The payment of \$50,000 of Section 37 funds shall be provided prior to the issuance of a building permit, while the remaining \$262,000 shall be provided within 24 months of the issuance of a building permit.
 - (c) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured. (By-law 2013-275)

514, 516, 518, 530 and 532 Rochester Street

- 7. The following applies to the properties at 514, 516, 518, 530 and 532 Rochester Street:
 - (a) At least twenty percent (20%), of the total number of dwelling units, to be constructed in the building shall be capable of being designed as three bedroom units in compliance with the provisions of the Ontario Building Code. These units may be sold and/or constructed with fewer bedrooms with provisions in the condominium documentation to allow renovation to three bedroom units. For each dwelling unit below the 20% threshold, a further uplift contribution of \$10,000 per unit must be made to the City's affordable housing program.

- (b) An indexed payment of \$317,000, to be paid prior to the issuance of the first above-grade building permit. The funds are to be paid to the City's affordable housing program, to the satisfaction of the General Manager, Planning and Growth Management, in consultation with the Ward 14 Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.
- (c) The payment of Section 37 funds shall be provided prior to the issuance of an above-grade building permit.
- (d) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured. (By-law 2014-100)

1040 Somerset Street West

- 8. The following applies to the property at 1040 Somerset Street West:
 - (a) Design a public multi-use pathway along the western side of the O-train corridor between Somerset Street West and Gladstone Avenue to the satisfaction of the General Manager, Planning and Growth Management;
 - (b) Construct a public multi-use pathway in accordance with the approved design as noted above along the western edge of the O-train corridor for the length of the subject property to the satisfaction of the General Manager, Planning and Growth Management;
 - (c) An indexed payment of \$500,000, to be paid prior to the issuance of the first above-grade building permit. The funds are to be used for Tom Brown Arena improvements, including but not limited to a stairway connection to the Albert Street bridge, to the satisfaction of the General Manager, Planning and Growth Management in consultation with the local Ward 15 Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.
 - (d) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured. (By-law 2014-106)

845 Carling Avenue

- 9. The following applies to the property at 845 Carling Avenue:
 - (a) The City shall require that the Owner of the land at 845 Carling Avenue enter into an agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning and Growth Management, to secure the public benefits noted below that will comprise a combination of public benefits that will include facilities/works to be undertaken by the Owner and monies that would be paid to the City to be used by the City for defined capital projects with the total value of the benefits to be secured being \$3,350,300 to the City. The specific benefits to be secured and provided are:

- (i) The construction of the Sidney Street Woonerf, from the Subject property, east to Preston Street to an upset limit of \$585,000. Should the cost to construct this Woonerf exceed the up-set limit, monies may be transferred from the monies for the Adeline Woonerf to cover the additional costs so as to have the Sidney Woonerf completed by the applicant as part of the first phase of development should development be undertaken in phases with the remaining monies for the Adeline Woonerf then being provided to the City to implement this community benefit;
- (ii) The construction of the Adeline Street Woonerf, from the North/South public pathway east to Preston Street to an upset limit of \$1,232,500 to be constructed when the development along Adeline proceeds. Should the cost to construct this Woonerf exceed the up-set limit, monies up to the up-set limit will be provided to the City to implement this community benefit;
- (iii) As part of the implementation of the Woonerfs noted in i) and ii), undertaking the works to bury the overhead wires to an upset limit of \$1,182,500. Should the Owner determine as set out in ii) that the cost for the Owner to construct the Adeline Woonerf will exceed the upset limit noted whereby the owner will provide a payment to the City for the costs for this Woonerf for the City to undertake this work, the owner shall also provide to the City a cash payment for any monies not utilized from the \$1,182,500 noted herein for the burial of wires as part of the Sidney Woonerf to allow the City to implement the burial of wires along Adeline and for any other burial of wires that may be implemented;
- (iv) Providing a cash payment of \$350,300 to the City to be applied to the construction of the Hickory Street Bridge;
- (v) As part of the site development, the owner shall provide the following:
 - a) Granting of a surface easement to provide continuous public access to the plaza between the two tallest towers on the subject property, to the satisfaction of the General Manager of Planning and Growth Management;
 - b) Provision of a direct connection to the Carling OTrain Station from the tower located closest to Carling Avenue with direct access, both external and internal through the proposed development to the Carling OTrain Station, as well as improvements to the Carling OTrain Station and to the satisfaction of the General Manager of Planning and Growth Management.
 - c) The details for the community benefits noted in (a) and (b) above shall be determined and secured through the Site Plan Control Agreement that is to be registered prior to the issuance of any building permit.
- (b) Notwithstanding the foregoing, the Owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the Owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured.
- (c) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for the proposed development and may be provided to coincide with phased development in accordance with the phasing plan that will be required to be developed through the Site Plan Approval process should the project be developed in phases and that will also identify the works to be undertaken as part of each phase

which will also include implementation of public benefits. (By-law 2015-265)

192, 196 Bronson Avenue and 31 Cambridge Street North

10. (a) The City shall require that the Owner of the lands at 192, 196 Bronson Avenue and 31 Cambridge Street North enter into an agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning and Growth Management, to secure the public benefits noted below provided by monies to be paid to the City to deliver the defined capital projects with the total value of the benefits to be secured being \$355,120. The specific benefits to be secured and provided are:
- (i) The owner shall provide a payment of \$106,536 (30 per cent) to the City to create an urban agriculture fund for Somerset Ward (Ward 14), which will include improvements to Nanny Goat Hill Community Garden and the development of new urban agriculture at McNabb Park. The first payment of \$7,500 will be paid at the time of the Section 37 Agreement registration and the remainder shall be paid prior to the issuance of the first building permit and indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment. (By-law 2017-148)
 - (ii) The Owner shall provide a payment of \$106,536 (30 per cent) to the City for landscaping and pedestrian amenity improvements near the vehicle barrier on Cambridge Street North, immediately south of Somerset Street. The payment shall be paid prior to the issuance of the first building permit and indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.
 - (iii) The Owner shall provide a payment of \$142,048 (40 per cent) to contribute to the Ward 14 affordable housing reserve, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.
 - (iv) Any leftover monies remaining after the implementation of the identified projects from the ward urban agriculture fund or the Cambridge Street landscaping and pedestrian amenity improvements will be reallocated to the Ward 14 affordable housing reserve. (By-law 2017-148)
- (b) Notwithstanding the foregoing, the Owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the Owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured.
- (c) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for the proposed development. (By-law 2015-330)

151 and 153 Chapel Street

11. (a) The City shall require that the owner of the lands at 151 and 153 Chapel Street enter into an agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning and Growth Management, to secure the public benefits noted below, and which will comprise a

combination of public benefits including monies that would be paid to the City to be used for defined capital projects and facilities/works to be undertaken by the owner with the total value of the benefits to be secured being \$1,800,000 to the City, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment. The specific benefits to be secured and provided are:

- (i) Improvements to cycling infrastructure in the area with specific contribution to be determined by the Ward Councillor.
 - (ii) Improvements to Sir Wilfred Laurier Park located approximately 350 metres south of the subject site with specific contribution to be determined by the Ward Councillor.
 - (iii) Improvements to Jules Morin Park and MacDonald Gardens Park with specific contribution to be determined by the Ward Councillor.
 - (iv) The remainder of money towards public realm improvements in the area potentially including to cul-de-sacs at Friel and Augusta Streets, the walkway that links York Street and Beausoleil Drive from Chapel Street, improvements to the blank façade at 215 Wurtemberg Street and to celebrate heritage resources. Should significant public art be provided on the subject site or a minimum of 10 per cent of units in the project be three-bedroom, a draw-down factor may apply to a maximum upset limit of \$200,000 for either public art or 30 per cent of units in the project being three-bedroom units.
- (b) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured.
- (c) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for the proposed development. (OMB Order #PL150320, issued April 26, 2016)

2280 City Park Drive

12. The City shall require that the owner of the lands at 2280 City Park Drive enter into an agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning and Growth Management, to secure the public benefits noted below:
- (a) Monies paid to the City to be used for defined capital projects with the total value of the benefits to be secured being \$411,510 to the City, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment as follows:
 - (i) Improvements to the Beacon Hill North Community Centre with specific contribution to be determined by the Ward Councillor.
 - (ii) Improvements to Ken Steele Park to provide a football bunker and any other specific contributions to be determined by the Ward Councillor.
 - (b) The public benefits to be provided without a monetary contribution are:
 - (i) At least five per cent of the total number of dwelling units to be constructed in the building(s) on the portion of the lot zoned TD2[2350] shall be capable of being designed as three bedroom units or two bedroom plus den units in

compliance with the provisions of the Ontario Building Code.

- (c) The owner of the site shall enter into and register on title to the lot one or more agreements with the City of Ottawa pursuant to Section 37 of the Planning Act, to the satisfaction of the City Solicitor, in consultation with the General Manager, Planning and Growth Management, to secure facilities, services and matters set forth in this section.
- (d) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services, and matters to be secured.
- (e) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for any development proposed on the portion of the lot zoned TD2[2350].
- (f) The building permit for any development proposed on the portion of the lot zoned TD2[2350] shall not be issued unless the provisions of (b) above are met. (By-law 2016-250)

1960 Scott Street

- 13. The City shall require that the owner of the lands at 1960 Scott Street enter into an agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Infrastructure and Economic Development, to secure the public benefits noted below, and which will comprise a combination of public benefits including monies that would be paid to the City to be used for defined capital projects and facilities/works to be undertaken by the owner with the total value of the benefits to be secured being \$600,000 to the City, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.
 - (a) The specific benefits to be secured and provided are:
 - (i) \$100,000 for the Lions Park Puddle Rink Infrastructure;
 - (ii) \$300,000 in a Ward 15 specific fund for affordable housing. The use of funds within this Ward 15 fund is under the discretion of the General Manager of Community and Social Services; and,
 - (iii) \$200,000 in a Ward 15 specific fund for improvements to cycling infrastructure in the adjacent area.
 - (b) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured.
 - (c) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for the proposed development. (By-law 2017-113)

190 Richmond Road

- 14. (a) The City shall require that the owner of the lands at 190 Richmond Road enter into an agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Infrastructure and Economic Development, to secure the public benefits noted below, and which will comprise a combination of public benefits including monies that would be paid to the

City to be used for defined capital projects with the total value of the benefits to be secured being \$450,000 to the City. The specific benefits to be secured and provided are:

- (i) The owner shall provide a payment of \$400,000 to the City for the development of a new City park on the portion of the subject land generally in the area rezoned to Open Space (O1).
 - (ii) Any leftover monies remaining after the development of the said park will be reallocated to the Ward 15 Cash-in-Lieu of Parkland account.
 - (iii) The owner shall provide a payment of \$50,000 in a Ward 15 specific fund for affordable housing. The use of funds within this Ward 15 fund is under the discretion of the General Manager of Community and Social Services.
- (b) Notwithstanding the foregoing, the Owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the Owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured.
- (c) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for the proposed development. (By-law 2017-217)

979 Wellington Street

15. (a) The City shall require that the Owner of the lands at 979 Wellington Street West to enter into an agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Infrastructure and Economic Development Department, to secure the public benefits noted below. The agreement will comprise a combination of public benefits including works to be completed by the applicant, and monies that would be paid to the City. The total value of the monies to be secured being \$165,000.00 to the City, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.
- (i) The specific benefits to be secured and provided are: \$155,000.00 – Laroche Park field house reconstruction; \$10,000.00 – cycling improvements on Armstrong Street; Wellington Street West streetscape improvements to be implemented through the Site Plan Control approval; Public Art, to be implemented through the Site Plan Control approval; and, Provision of two affordable housing units through an agreement with the Affordable Housing Branch.
 - (ii) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured.
 - (iii) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for the proposed development. (By-law 2018-86)

320 McRae Avenue and 315 Tweedsmuir Avenue

16. The following applies to the properties at 320 McRae Avenue and 315 Tweedsmuir Avenue:

- (a) The City shall require that the owner of the lands at 320 McRae Avenue enter into an agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Infrastructure and Economic Development, to secure the public benefits noted below, and which will comprise a combination of public benefits including monies that would be paid to the City to be used for defined capital projects and facilities/works to be undertaken by the owner with the total value of the benefits to be secured being \$600,000 to the City, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.
- (b) The specific benefits to be secured and provided are:
 - (i) \$600,000 into a Ward 15 specific fund for improved lighting facilities along pedestrian and cycling pathways.
- (c) If there are unspent or unallocated funds from a cash payment for a period of three years after receipt of the funds, the funds may be redirected to a different community benefit without requiring an amendment to the site specific by-law provided that:
 - (i) The funds are redirected to a purpose that represents a reasonable planning relationship to the original development application; and
 - (ii) Concurrence is received by the Ward Councillor.
- (d) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law, which identify the facilities, services and matters to be secured.
- (e) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for the proposed development. (By-law 2018-204)