



**STAFF REPORT  
ACTION REQUIRED**

**1001 Queen Street West, Centre for Addiction and Mental Health – Proposed Amendment to Subdivision Agreement and Heritage Easement Agreement**

<b>Date:</b>	November 21, 2008
<b>To:</b>	City Council
<b>From:</b>	City Solicitor
<b>Wards:</b>	19 – Trinity-Spadina
<b>Reference Number:</b>	

**SUMMARY**

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The Centre for Addiction and Mental Health (“CAMH”) has requested an amendment to the Subdivision Agreement for the development at 1001 Queen Street West in order to permit the transfer of a portion of the proposed Shaw Park (“Block 41”) to the City at a later phase in the development. CAMH has also requested an amendment to a provision of the Subdivision Agreement that requires the filing of a Record of Site Condition (“RSC”) on the Ministry of the Environment’s Environmental Site Registry for any public road or park block that is to be conveyed to the City. CAMH wants the RSC filing requirement to be discretionary to the City.

The General Manager, Parks, Forestry, and Recreation and the Director of Community Planning, Toronto and East York District support the amendment to the timing of the transfer of Block 41 provided that CAMH provides the City with a Letter of Credit to secure base park improvements for Block 41 prior to amending the Subdivision Agreement. CAMH has agreed to added provisions in the Subdivision Agreement that will ensure public access to Block 41 and provide a maintenance obligation to CAMH. CAMH will also provide the City with a Letter of Credit to secure the costs of maintenance and stabilization of the portion of a heritage wall located within Block 41. The Executive Director, Technical Services supports the proposed amendment to the provision in the Subdivision Agreement that requires CAMH to file an RSC on all transfers to the City.

An amendment to the Heritage Easement Agreement (“HEA”) is required to ensure any work stipulated in the HEA is completed on Block 41 and Block 6 prior to conveyance of these blocks to the City.

The matter is urgent and should not be sent to the Toronto and East York Community Council because the application process and construction of the next phase of the CAMH development will be delayed if the amendments are not made as soon as possible.

## **RECOMMENDATIONS**

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1. City Council approve amendments to the Subdivision Agreement and the Heritage Easement Agreement to:
  - (a) require the conveyance of Block 41 to the City prior to the issuance of the first above-grade building permit for a new building fronting on to Queen Street West on Block 5;
  - (b) require the filing of a Record of Site Condition on the Ministry of the Environment’s Environmental Site Registry for the conveyance to the City of a public road or park block only if required by the Executive Director, Technical Services; and
  - (c) require any necessary restoration work to be completed on Blocks 6 and 41 prior to conveyance to the City.
2. City Council authorize the City Solicitor to prepare an implementing Amending Subdivision Agreement and Amending Heritage Easement Agreement once the following are provided to the City:
  - (a) a Letter of Credit to secure the base park improvements of Block 41 in an amount satisfactory to the General Manager, Parks, Forestry, and Recreation;
  - (b) an updated condition assessment including a maintenance strategy for the heritage wall segment in Part 21 on Reference Plan 66R-22560 to the satisfaction of the Acting Manager, Heritage Preservation Services; and
  - (c) a Letter of Credit to secure the cost of the maintenance strategy for the heritage wall segment in Part 21 on Reference Plan 66R-22560 in an amount satisfactory to the Acting Manager, Heritage Preservation Services.

## **FINANCIAL IMPACT**

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The Recommendations will have no financial impact beyond what has already been approved in the current year’s budget.

## **DECISION HISTORY**

City Council at its meeting May 18, 19 and 20, 2004 adopted Clause 5 of Report No. 4 of the Toronto South Community Council, recommending a settlement at the Ontario Municipal Board on applications for an Official Plan Amendment, a Zoning Amendment, and a Draft Plan of Subdivision. Clause 5 can be found at the following link:

<http://www.toronto.ca/legdocs/2004/agendas/council/cc040518/ts4rpt/cl005.pdf>

Recommendation 1 of Clause 5 amended Condition (48) of the April 16, 2004 report from the Director, Community Planning, South District, amending the timing of when the northerly portion of Block 6, now Block 41, should be conveyed to the City. Conditions 62 to 66 set out the heritage requirements for the development including the execution of a HEA.

Phases 1A and 1B of the CAMH development have reached the site plan stage. Item TE20.30, a progress report on the approval process and the site plan review committee, from the Acting Director, Community Planning, Toronto and East York District, dated October 17, 2008, will be in front of City Council at the December 1 and 2 meeting. The report can be found at the following link:

<http://www.toronto.ca/legdocs/mmis/2008/te/bgrd/backgroundfile-16574.pdf>

## **ISSUE BACKGROUND**

The Subdivision Agreement requires the transfer of approximately one-third of the park, Block 41, to the City prior to the issuance of above grade building permits for the proposed buildings on either Blocks 4 or 5 of the CAMH development site. Alternatively, the agreement requires the conveyance of Block 41 in escrow. An amendment to the timing of the conveyance in the Subdivision Agreement is preferred over conveying in escrow as the amendment will allow for the insertion of maintenance and access provisions in the Subdivision Agreement.

CAMH proposes that Block 41 be conveyed to the City at a similar time as Blocks 6 and 39, the remaining portions of Shaw Park. If the conveyance of Block 41 was to occur as currently scheduled the required base park improvements and accompanying heritage wall repairs would have to be funded from CAMH's operational budget. If the conveyance were deferred to a later phase of the development, the base park and heritage wall repair work would be eligible for cost-sharing with the Ministry of Health. This represents a considerable savings to CAMH.

Preservation Services require the completion of any restoration or stabilization work within Block 6 and 41 prior to their conveyance to the City. Blocks 6 and 41 contain portions of the heritage wall located on Parts 20 and 21 on Reference Plan 66R-22560. Presently, the HEA does not require the completion of this work prior to the conveyance of the park blocks, therefore, an amendment to the HEA is required.

CAMH's request for an amendment to the Subdivision Agreement to make the filing of a RSC on the Ministry of the Environment's Environmental Site Registry for any public road or park block that is to be conveyed to the City discretionary is satisfactory.

## **COMMENTS**

A deferral to the conveyance of Block 41 until building permit issuance for the first building on Block 5 allows for all three portions of Shaw Park to be conveyed to the City during the same phase of development. This was the recommendation of staff in the April 16, 2004 report from the Director, Community Planning, South District. The recommendation by the Toronto South Community Council to change the conveyance timing for Block 41 was initiated by CAMH. The proposed amendment reflects more closely the timing initially proposed by staff.

CAMH has agreed to provide the required Letter of Credit to secure the base park improvements for Block 41 upon execution of an Amending Subdivision Agreement. They have also agreed to provide an initial Letter of Credit to secure the maintenance and stabilization of the wall segment in Block 41, until full conservation is undertaken prior to the conveyance. CAMH will provide an updated condition assessment to Preservation Services for this portion of the wall.

The filing of an RSC is no longer a requirement of the City for conveyances of land to the City to be used as a park if the previous use of the land was residential, parks, or institutional. The lands at 1001 Queen Street West have been used as a hospital and are therefore deemed institutional under the policy. The proposed amendment to the Subdivision Agreement removes the mandatory filing of the RSC for all road and park conveyances to the City and leaves the decision on whether or not an RSC should be filed to the discretion of the Executive Director, Technical Services.

## **CONTACT**

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## **SIGNATURE**

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Anna Kinastowski, City Solicitor