

**0 St. Clair Ave. W. at Jane St.
Authority to Accept Lands outside of the Harmonized
Peer Review Process**

Date:	March 26, 2008
To:	Public Works and Infrastructure Committee
From:	Executive Director of Technical Services
Wards:	Ward 11, York South-Weston
Reference Number:	

SUMMARY

The purpose of this report is to obtain Council authority to accept lands to be conveyed to the City through the Planning Act development process in a manner that is different than that outlined in the Council-approved Harmonized Peer Review Process.

Canadian Pacific Railways (CPR) is in the process of remediating lands in the vicinity of St. Clair Avenue W. and Jane Street for the purpose of selling off a portion of these lands for development. In order to proceed with the sale of these lands CPR has submitted a consent application to create three distinct parcels of land. As a condition of approval for the consent CPR will be required to convey a strip of land ranging in width from 0 metres to 3.4 metres to the City along the St. Clair Ave. W. frontage of the property. However, due to ongoing remediation efforts CPR will not be able to provide the City with a Record of Site Condition (RSC) at the time of severance. As a result, this report seeks Council authority to take title to the top 3.5 metre strata of land prior to receiving a Record of Site Condition. CPR will provide RSC documentation to the City at the completion of their remediation. This would allow the City to take title to the lands required for any future extension of the St. Clair Ave. W. Streetcar right-of-way.

RECOMMENDATIONS

The Executive Director of Technical Services recommends that:

1. Public Works and Infrastructure Committee recommend to Council that the City take title to the top 3.5 metre strata of the approximately 0 metre to 3.4 metre wide conveyance along the St. Clair Ave. W. frontage of the 0 St. Clair Ave. W. property at Jane Street with no Record of Site Condition;
2. a condition of accepting this conveyance is that all Environmental Site Assessment Reports prepared on behalf of Canadian Pacific Railways for the lands to be conveyed to the City be submitted to the City's Peer Reviewer for review and concurrence, at Canadian Pacific Railways' expense;
3. a condition of accepting this conveyance is that Canadian Pacific Railways will provide the City with a Record of Site Condition once their remediation efforts have been completed and once they have completed a Risk Assessment to the satisfaction of the Ontario Ministry of the Environment and the City's Peer Reviewer;
4. that upon fulfilling recommendation 3 above, Canadian Pacific Railways will convey to the City the balance of the lands below the 3.5 metre top strata; and
5. Council authorize the City solicitor to enter into the appropriate agreements with Canadian Pacific Railways to give effect thereto

FINANCIAL IMPACT

There are no financial impacts arising from this report.

DECISION HISTORY

At its April 2006 and July 2007 meetings Council approved the updated Harmonized Peer Review and Risk Assessment process. This process defines the steps that must be followed in order for the City to accept conveyed lands through the Planning Act development process. The Harmonized Peer Review process requires applicants to prepare Environmental Site Assessment Reports, submit them to the City's Peer Reviewer for review and concurrence and file a Record of Site Condition with the Ontario Ministry of the Environment before the City can accept the conveyance. The complete Staff Reports outlining the process can be found at:

- <http://www.toronto.ca/legdocs/mmis/2007/pg/bgrd/backgroundfile-4977.pdf>; and
- <http://www.toronto.ca/legdocs/2006/agendas/council/cc060425/wks2rpt/cl018.pdf>

COMMENTS

Canadian Pacific Railways (CPR) has submitted a severance application to the Etobicoke York District's Committee of Adjustment seeking approval to sever the parcel of land known as 0 St. Clair Ave. West into three distinct parcels. Staff have advised CPR that as a condition of approval they will be required to convey to the City a strip of land ranging in width from approximately 0 metres to 3.4 metres along the St. Clair Ave. W. frontage of the site so that the City can obtain the right-of-way width that is identified in the City's Official Plan. CPR in turn has advised that a substrata portion of the lands to be conveyed to the City are contaminated as a result of the railway's historic use of the site, and that they are in the process of remediating these lands and will continue to do so for a number of years to come. As a result, CPR would not be able to file a Record of Site Condition with the Ontario Ministry of the Environment at this time as required by the Council-approved Harmonized Peer Review Process.

Given that the City has the intention of extending the St. Clair Ave. W. Streetcar right-of-way sometime in the future, staff believe that it would be prudent to take title to the top 3.5 metres of the lands in question at this time subject to the following conditions:

- (1) That CPR submit all Environmental Site Assessment reports prepared for the lands to be conveyed to the City's Peer Reviewer for review and concurrence with respect to the top 3.5 metre strata;
- (2) That CPR bears the costs of the City's Peer Reviewer; and
- (3) That once remediation of the lands is completed, the balance of the lands be conveyed to the City subject to the preparation of a Risk Assessment and acceptance of the Risk Assessment by both the Ontario Ministry of the Environment and the City's Peer Reviewer.

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SIGNATURE

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