

**West Don Lands Subdivision; Phase I, 66M-2473  
Authority to Accept Conveyance of Lands Outside of the  
Harmonized Peer Review Process**

<b>Date:</b>	October 18, 2011
<b>To:</b>	Public Works and Infrastructure Committee
<b>From:</b>	Executive Director, Technical Services
<b>Wards:</b>	Ward 28 – Toronto Centre-Rosedale
<b>Reference Number:</b>	P:\2011\Cluster B\TEC\PW11040 (AFS # 14679)

**SUMMARY**

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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 (HPRP).

Ontario Infrastructure and Lands Corporation (OILC; formerly known as the Ontario Realty Corporation), as part of the West Don Lands waterfront development, are to provide access for the construction of the Pan Am / Parapan Athletes' Village (PAAV) as part of their responsibilities under the Phase I subdivision agreement. Dundee Kilmer Developments Limited is the proponent that has been selected to construct the PAAV on behalf of the Province of Ontario. Their schedule is very challenging and the provision of an alternate traffic detour for Bayview Avenue to access King Street East is one of the key first steps in allowing them to initiate their work as soon as is possible.

The Harmonized Peer Review Process (HPRP) requires that all environmental issues be addressed prior to any conveyance of lands to the City. In order to avoid the risk of serious delay to the PAAV works, staff proposes to expedite only the timing of conveyance of the specific blocks on the rights-of-way (ROW) required for the detour by deferring the provision of environmental clearances to a later milestone within the subdivision process.

## **RECOMMENDATIONS**

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### **The Executive Director of Technical Services recommends that:**

1. City Council direct that the City take title to the lands described as Parts 1 through 12 on the attached Draft Reference Plan prior to the necessary environmental conditions being satisfied.
2. City Council direct that a condition of accepting these conveyances is that all Environmental Site Assessment Reports and agreements, (as defined in the HPRP and in the Subdivision Agreement Schedule B-1 Sections 25 to 32) prepared on behalf of the Ontario Infrastructure and Lands Corporation, for the Parts to be conveyed to the City, be submitted and concurred in by the City's Peer Reviewer prior to the conveyance of any or all additional lands within the subdivision.
3. City Council authorize the City Solicitor to enter into or alter the appropriate agreements with the Ontario Infrastructure and Lands Corporation (formerly known as the Ontario Realty Corporation), to give effect to the recommendation herein, including such revisions as necessary to the Subdivision Agreement for the West Don Lands Phase I.

### **Financial Impact**

The recommendations in this report are necessary to facilitate the timely development of the 2015 Pan/Parapan American Games Athletes' Village in the West Don Lands, and will not result in a direct financial impact to the City. Once the City assumes the roads and below grade infrastructure, it will be responsible for ongoing maintenance, funding for which will be included in appropriate programs budgets.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

### **DECISION HISTORY**

At its April 2006 and July 2007 meetings Council approved the updated Harmonized Peer Review and Risk Assessment Process. This procedure 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 Conditions (RSC) with the Ontario Ministry of Environment before the City can accept the conveyance.

Furthermore, additional environmental requirements regarding agreements and indemnities are defined within the West Don Lands Phase I, 66M-2473 Subdivision Agreement, Schedule B-1 Sections 25 to 32.

The complete staff reports regarding the HPRP 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**

Ontario Infrastructure and Lands Corporation (OILC; formerly known as the Ontario Realty Corporation), as part of the West Don Lands waterfront development, is now facing the provision of the Pan Am Athletes' Village (PAAV) as part of their responsibilities under the Phase I subdivision agreement. Dundee Kilmer Developments Limited is the proponent that has been selected to construct the PAAV on behalf of the Province of Ontario. Their schedule is very challenging and the provision of an alternate traffic detour allowing traffic access from Bayview Avenue to King Street East, via Lower River Street, is a key first step in allowing them to initiate their work on this site.

When the Phase I Subdivision Agreement was executed, Toronto had just been awarded the 2015 Pan Am / Parapan Games so the urgent need for this detour at this early juncture could not have been anticipated when the subdivision agreement was first signed.

Land to be conveyed to the City through the Planning Act must first satisfy all conditions of the Harmonized Peer Review Process before the City will accept ownership. While reasonable effort has been made by the applicant in this regard, it is clear that the portions of the proposed rights-of-way necessary for this detour will not be in a position to receive environmental sign-off for some time thus posing a serious threat to the successful and timely completion of the PAAV.

The lands in question here are identified as Parts 1 through 12 on attached Draft Reference Plan, Attachment 1.

The applicant has made a formal request to the City asking that the current Harmonized Peer Review Process be altered to allow only the lands necessary for this detour to be conveyed to the City in advance of the normal timing requirements for environmental approval. All necessary reporting and environmental requirements (as defined in the Subdivision Agreement Schedule B-1 Sections 25 to 32) for these lands will still be obtained following conveyance of the lands.

Staff in Technical Services, Transportation Services and Legal Services have assessed this request and have determined that the City can allow conveyance of the necessary lands prior to the applicant receiving the prescribed environmental sign-off with no additional risk to the City. All other requirements of the Harmonized Peer Review Process do remain in force with only the timing being altered. The timing for the blocks in question here will simply be altered to prior to the conveyance of any or all additional

lands within the subdivision, which provides effectively the same level of control over the environmental process.

## **CONTACT**

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## **SIGNATURE**

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Executive Director, Technical Services

## **ATTACHMENTS**

Attachment 1: Draft Reference Plan for Conveyance of Lands for Detour Route