

## **Conveyance of Lands to Toronto and Region Conservation Authority - Lower Don Flood Protection**

**Date:** June 15, 2021

**To:** General Government and Licensing Committee

**From:** Executive Director, Corporate Real Estate Management

**Wards:** 13 - Toronto Centre

### **SUMMARY**

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The purpose of this report is to seek authority for the conveyance of certain lands to Toronto and Region Conservation Authority ("T.R.C.A."), for nominal consideration, in order to facilitate the operation of the Flood Protection Landform ("F.P.L.") constructed at Corktown Common, and to facilitate the implementation of the Port Lands Flood Protection and Enabling Infrastructure Project.

The lands to be conveyed to T.R.C.A. are remnant City of Toronto-owned lands located within the T.R.C.A.-owned 'wet side' of the F.P.L. (the area still at risk of flooding) located at Corktown Common, with a total combined area of 7,077 square meters, as described in Appendix A and shown in red on Sketch No. PS-2006-002-A and Sketch No. PS-2006-004-A attached as Appendices B-1 and B-2, respectively (collectively, the "Subject Lands").

### **RECOMMENDATIONS**

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The Executive Director, Corporate Real Estate Management, recommends that:

1. City Council authorize the City of Toronto (the "City") to enter into an agreement of purchase and sale with Toronto and Region Conservation Authority for the conveyance of the City-owned parcels of land described in Appendix A and shown shaded in red on Sketch No. PS-2006-002-A and Sketch No. PS-2006-004-A attached as Appendices B-1 and B-2, respectively, for the nominal sum of Two Dollars (\$2.00), subject to the reservation of an easement by the City over the Subject Lands for storm and sanitary sewer purposes, and on such other terms as may be satisfactory to the Executive Director, Corporate Real Estate Management, in consultation with the Director, Waterfront Secretariat, and in a form satisfactory to the City Solicitor.

## FINANCIAL IMPACT

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There are no financial implications arising from this report as the City will not be receiving any compensation from T.R.C.A. for the Subject Lands.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial implications as identified in the Financial Impact section.

## DECISION HISTORY

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On June 21, 2021, by Delegated Approval Form (Tracking No. 2021-154), the portion of the Subject Lands shown shaded in red on Sketch No. PS-2006-004-A attached as Appendix B-2 (the "Bayview Properties") were declared surplus, subject to the reservation by the City of an easement over the Bayview Properties for storm and sanitary sewer purposes, with the intended method of disposal to be by way of a nominal sum conveyance to T.R.C.A.

At its meeting of December 16, 17 and 18, 2020, City Council adopted Item TE21.1, entitled "City-initiated Official Plan Amendment - Lower Don Flood Protection - Final Report", and approved an Official Plan Amendment to enable certain lands in the Lower Don River to be conveyed to T.R.C.A.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE21.1>

At its meeting of July 6, 7 and 8, 2010, City Council adopted Item EX45.15, entitled "Lower Don Lands Project", and supported the preferred alternative of the Don Mouth Naturalization and Port Lands Flood Protection Environmental Assessment and its submission to the Minister of the Environment for approval.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.EX45.15>

The Project Highways were closed by City of Toronto By-law No. 382-2006 enacted on May 25, 2006.

<https://www.toronto.ca/legdocs/bylaws/2006/law0382.pdf>

At its meeting of January 31, February 1 and 2, 2006, City Council adopted without amendment, Motion J(27), thereby authorizing the closing of certain public highways within the West Don Lands Precinct, including those portions shown shaded in red on Sketch No. PS-2006-002-A attached as Appendix B-1 (the "Project Highways"), to facilitate the construction of the F.P.L. and the redevelopment of the West Don Lands Precinct. City Council also declared the Project Highways surplus to the City's requirements and authorized the Chief Corporate Officer to negotiate with Waterfront Toronto, Infrastructure Ontario, the Province, and/or T.R.C.A. for the ultimate disposal of parts of the Project Highways.

<https://www.toronto.ca/legdocs/2006/agendas/council/cc060131/cofa.pdf>

## COMMENTS

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In accordance with the City Council-approved West Don Lands Precinct Plan, and the Lower Don River West Remedial Flood Protection Project Class Environmental Assessment, Waterfront Toronto, in partnership with T.R.C.A., constructed the 8-hectare (20 acre) F.P.L. in order to unlock the area's development potential. The F.P.L., which was completed in 2012, removed the flood risk to 209.6 hectares (519 acres) of Toronto's downtown east end and a portion of Toronto's financial district. This critical piece of infrastructure also provides the foundation for Corktown Common, the area's signature park.

On December 14, 2009, it was agreed, as set out in Section 38 of Schedule B-1 to a Subdivision Agreement made between Her Majesty the Queen in Right of Ontario, as represented by the Minister of Energy and Infrastructure (the "Owner") and City of Toronto, registered as Instrument No. AT2305244 (the "Subdivision Agreement"), that once construction was complete, the 'dry side' of the F.P.L. (the area not prone to flooding) would be owned by the City, while the 'wet side' of the F.P.L. (the area still at risk of flooding) would be owned by T.R.C.A.

In 2015, the Owner conveyed all of its ownership interest in the 'wet side' of the F.P.L. to T.R.C.A., and conveyed all of its ownership interest in the 'dry side' of the F.P.L. to the City, as required pursuant to the terms of the Subdivision Agreement. However, the Subject Lands, located within the 'wet side' of the F.P.L. remained in City ownership, pending the satisfaction of the requirements set out in Article 1 of Toronto Municipal Code Chapter 213, and an Official Plan Amendment to dispose of lands designated as Parks and Open Space. Now that the Subject Lands have been declared surplus and an Official Plan Amendment has been adopted by City Council, the City is in a position to complete the conveyance to T.R.C.A.

T.R.C.A. requires the conveyance of the Subject Lands in order to grant an alternative utility easement to Enbridge Gas Inc. ("Enbridge"). The easement must be granted before December 31, 2021, prior to the removal of the Enbridge-owned utility bridge that spans the Don Channel. To effectively implement the Lower Don Flood Protection Plan, the Enbridge-owned utility bridge must be decommissioned and removed prior to the commencement of the Don Mouth Naturalization Project, which is expected to unlock value and development potential in the Port Lands.

Staff recommend that the Subject Lands be conveyed to T.R.C.A. to consolidate ownership of the 'wet side' of the F.P.L., as originally contemplated by the parties, and to facilitate the continued implementation by T.R.C.A. of the Lower Don Flood Protection Plan.

## **CONTACT**

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## **SIGNATURE**

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Patrick Matozzo  
Executive Director, Corporate Real Estate Management

## **ATTACHMENTS**

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Appendix A - Legal Description of Lands to be Conveyed to Toronto and Region  
Conservation Authority  
Appendices B-1 and B-2 - Sketches of Lands to be Conveyed to Toronto and Region  
Conservation Authority

## **Appendix A - Legal Description of Lands to be Conveyed to Toronto and Region Conservation Authority**

Part of Parts 1, 2, 3, 4, 5, 6, 7 and 9 on Plan 66R-28092, being part of Block 9 on Plan 66M-2473, City of Toronto, shown shaded in red on Sketch No. PS-2006-002-A and Sketch No. PS-2006-004-A attached hereto as Appendices B-1 and B-2, respectively; being all of the City of Toronto's fee simple interest in the lands described in PIN 21077-0356 (LT).

# Appendix B-1 and B-2 - Sketches of Lands to be Conveyed to Toronto and Region Conservation Authority

## Appendix B-1



