

### Establishing Ownership of the Eastern Gap Seawall and Adjacent Lands on Toronto Islands

**Date:** March 22, 2018  
**To:** Parks and Environment Committee  
**From:** Chief Engineer and Executive Director, Engineering and Construction Services  
**Wards:** Ward 28 Toronto Centre-Rosedale

#### SUMMARY

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This report is provided in response to City Council's adoption of MM35.25 at its meeting on December 5, 2017, requesting information about the ownership of a portion of the seawall on the west side of the Eastern Gap and identify the legal owner of the lands on Ward's Island immediately adjacent to the seawall.

The ownership was determined by Engineering and Construction Services in consultation with Legal Services, as follows:

- The northern portion of the seawall on the west side of the Eastern Gap is federally-owned by the Toronto Port Authority, which is reflected in the parcel register for PIN 21418-0263 (LT).
- The southern portion of the seawall on the west side of the Eastern Gap is federally-owned pursuant to the provisions of the *Act to Approve an Agreement between the Government of Ontario Respecting Public Harbours, An, 1962 S.O 455 (1962-1963)*.
- The lands immediately adjacent to the west side of the seawall are provincially-owned and form part of Ward's Island Park.

#### RECOMMENDATIONS

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The Chief Engineer and Executive Director, Engineering and Construction Services, recommends that:

1. The Parks and Environment Committee receive this report for information.

#### FINANCIAL IMPACT

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There are no financial implications resulting from adoption of the recommendation contained in this report. The Acting Chief Financial Officer has reviewed this report and agrees with the financial impact information.

## DECISION HISTORY

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On December 5, 2017 City Council adopted MM35.25 requesting the Director, Engineering Support Services, in consultation with the City Solicitor, to identify the legal owner of the seawall on the west side of the Eastern Gap and identify the legal owner of the lands on Ward's Island immediately adjacent to the seawall and to report the findings to the Parks and Environment Committee. The Council decision can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.MM35.25>.

This is the first time that this issue is before Parks and Environment Committee.

## COMMENTS

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### Background

In 1911, the Government of Canada created the Toronto Harbour Commission, now the Toronto Port Authority and operating as Ports Toronto, to manage Toronto Harbour and the waterfront. At that time, the Toronto Harbour lands were unpatented Crown lands, (i.e., no title documents registered in the Land Registry Office).

In 1963, the *Ontario Harbours Agreement Act* defined the extent of public harbours in Ontario under Federal jurisdiction, including Toronto Harbour. This Act illustrated the harbour and the eastern and western outer entrances on Plan T-1467, and shows the seawall as being within the "Limit of Federal Harbour".

In 1999, title to most of the unpatented Crown lands was formally granted to the Toronto Port Authority, and subsequently registered in the Toronto Land Registry Office in 2016. Some lands remain unpatented, but still fall within the "Limit of Federal Harbour" on Plan T-1467 under the *Act to Approve an Agreement between the Government of Ontario Respecting Public Harbours, An, 1962 S.O 455 (1962-1963)*.

### Legal Ownership

The ownership of the seawall on the west side of the Eastern Gap and the lands on Ward's Island immediately adjacent to the seawall was determined by Engineering and Construction Services in consultation with Legal Services, as follows:

- The northern portion of the seawall on the west side of the Eastern Gap is federally-owned by the Toronto Port Authority, which is reflected in the parcel register for PIN 21418-0263 (LT).
- The southern portion of the seawall on the west side of the Eastern Gap is federally-owned pursuant to the provisions of the *Act to Approve an Agreement between the Government of Ontario Respecting Public Harbours, An, 1962 S.O 455 (1962-1963)*.
- The lands immediately adjacent to the west side of the seawall are provincially-owned and form part of Ward's Island Park.

Attachment 1 contains Sketch No. 2018-023 showing the location of the concrete seawall and abutting lands.

- PART 1 on Sketch No. 2018-023 is that portion of seawall federally-owned by the Toronto Port Authority by virtue of the 1999 grant.
- PART 2 on Sketch No. 2018-023 is that portion of federally-owned seawall excluded from the 1999 grant, but within the "Limit of the Federal Harbour" on Plan T-1467, under the *Act to Approve an Agreement between the Government of Ontario Respecting Public Harbours, An, 1962 S.O 455 (1962-1963)*.
- PART 3 on Sketch No. 2018-023, is a portion of the seawall, the beach breakwater extending from the seawall into the eastern entrance to Toronto Harbour and part of Ward's Island beach and park and is federally-owned by the Toronto Port Authority by virtue of the 1999 grant.
- PART 4 on Sketch No. 2018-023 is a 60 metre strip of provincially-owned land, not registered in the Land Registry Office, which is being used as part of Ward's Island Park.

The Ward's Island lands lying to the west of PART 4 were expropriated from the City of Toronto by the Province of Ontario under the Toronto Islands Residential Community Stewardship Act, 1993. The Province subsequently leased the lands back to the City of Toronto.

City Legal Services assisted Engineering and Construction Services in obtaining and reviewing title for the subject lands.

## **CONTACT**

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## **SIGNATURE**

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Michael D'Andrea, M.E.Sc., P.Eng.  
Chief Engineer and Executive Director, Engineering and Construction Services

## **ATTACHMENT**

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Attachment 1 - Sketch No. PS-2018-023 showing the location of the concrete seawall and abutting lands.

