

PARKS, FORESTRY AND RECREATION

23. Prior to the issuance of first above grade building permit, the Owner shall convey the 1,115.52 square metres of Parkland (Block 5) to the satisfaction of the General Manager, Parks, Forestry and Recreation (PFR). The subject parkland conveyance is to be free and clear, above and below grade of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, PFR.
24. Prior to the issuance of the first above grade building permit, the Owner shall pay the remaining balance of the parkland dedication (386.25 square metres) as a payment of cash-in-lieu of parkland.
25. The Owner shall pay for the costs of the preparation and registration of all relevant documents. The Owner shall provide to the satisfaction of the City Solicitor all legal descriptions and applicable reference plans of survey for the new parkland.
26. Prior to the transfer of fee simple of the Park Block to the City, the Park Block shall nonetheless be deemed to be parkland in respect of the limiting distance requirements of the Ontario Building Code Act, 1992. The Owner must design the building to achieve Ontario Building Code (OBC) setbacks related to fire separation on their own site on the portions of the building that abut the park. A 5 metre setback will apply to any building located next to the Park or, the required setbacks which meet the OBC for fire separation, whichever is greater. Prior to the issuance of any above grade building permit, the applicant will be required to demonstrate adequately that the OBC requirements have been achieved to the satisfaction of the General Manager, PFR.
27. Prior to conveying the parkland to the City, the applicant must:
 - a) Submit a Qualified Person Preliminary Statement Letter, that is dated and signed by the applicant's Qualified Person, as defined in Ontario Regulation 153/04, as amended, describing the lands to be conveyed to the City, and identifying what environmental documentation will be provided to the City's peer reviewer to support this conveyance; all environmental documentation consistent with O. Reg. 153/04 requirements shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with O. Reg. 153/04, as amended, insurance requirements or such greater amount specified by the Chief Engineer and Executive Director of Engineering & Construction Services (ECS) and copy to the General Manager, PFR;
 - b) Pay all costs associated with the City retaining a third-party peer reviewer including all administrative costs to the City (7%), and submit an initial deposit of \$8,000.00 towards the cost of the Peer Review in the form of a certified cheque, to the Chief Engineer and Executive Director, ECS. Submit further deposits when requested to cover all costs of retaining a third-party peer reviewer;

c) Submit, to the satisfaction of the City's peer reviewer, all Environmental Site Assessment reports prepared in accordance with the Record of Site Condition Regulation (O. Reg. 153/04, as amended) describing the current conditions of the land to be conveyed to the City and the proposed Remedial Action Plan based on the site condition standards approach, to the Chief Engineer and Executive Director, ECS;

d) At the completion of the site assessment/remediation process, submit a Statement from the Qualified Person based on the submitted environmental documents, to the Chief Engineer and Executive Director, ECS for peer review and concurrence which states:

In the opinion of the Qualified Person:

It is either likely or unlikely that there is off-site contamination resulting from past land uses on the development site that has migrated onto adjacent City lands that would exceed the applicable Site Condition Standards; and

To the extent that the opinion of the Qualified Person is that past migration is likely, it is either possible or unlikely that such off-site contamination on adjacent City lands poses an adverse effect to the environment or human health.

e) Land to be conveyed to the City meets either: the applicable Ministry Generic Site Condition Standards (Tables 1, 2, 3, 6, 7, 8 and 9; subject to applicable exemptions as stated in O. Reg. 153/04) for the most environmentally sensitive adjacent land use; or the Property Specific Standards as approved by the Ministry for a Risk Assessment / Risk Management Plan which was conducted in accordance with the conditions set out herein.

f) The Qualified Person's statement will include a Reliance Letter that is dated and signed by the applicant's Qualified Person, as defined in O. Reg. 153/04, as amended, confirming that both the City and the City's peer reviewer can rely on the environmental documentation submitted, consistent with O. Reg. 153/04 requirements, and the Qualified Person's opinion as to the conditions of the site; all environmental documentation consistent with O. Reg. 153/04 requirements and opinions shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with O. Reg. 153/04, as amended, insurance requirements or such greater amount specified by the Chief Engineer and Executive Director, ECS.

g) For conveyance of lands requiring a Record of Site Condition (RSC): File the Record of Site Condition (RSC) on the Ontario Environmental Site Registry; and Submit the Ministry's Letter of Acknowledgement of Filing of the RSC confirming that the RSC has been prepared and filed in accordance with O. Reg. 153/04, as amended, to the Chief Engineer and Executive Director, ECS and to the General Manager, PFR.

28. The applicant, at their expense, will be responsible for the base construction and installation of the parkland to the satisfaction of the General Manager, PFR. The Base Park Improvements include the following:
- a) Demolition, removal and disposal of all existing materials, buildings, foundations and associated servicing;

- b) Grading inclusive of 300mm depth topsoil supply and placement. Where lands have been environmentally risk assessed in accordance with MECP regulations, the required depth profile of the environmental soil / soft cap will be 1.5 m of engineered fill compacted to 95% SPD and certified by the consulting engineer;
 - b.i) In the case of a risk-assessed site, all materials brought on site shall comply with the site-specific standards outlined in the Certificate of Property Use. In the case where no risk assessment of the site was required, all materials brought on site shall comply with the Ontario Reg. 153/04 Table 3 RPI standards;
 - c) Sodding #1 nursery grade;
 - d) Fencing, where deemed necessary;
 - e) Sanitary and storm service connections with manholes at streetline;
 - f) Water and electrical service connections; (minimum water: 50mm to the street line including backflow preventers, shut off valves, water meter and chamber; electrical connection to the street line and electrical panel in a lockable cabinet (200 Amp service));
 - g) Street trees along all public road allowances abutting City-owned parkland; and
 - h) Standard park sign (separate certified cheque required).
29. Prior to the issuance of the first above grade building permit, the applicant shall submit a cost estimate and any necessary plans for the Base Park Improvements, to the satisfaction of the General Manager, PFR.
30. Prior to issuance of the first above grade building permit, the applicant shall post an irrevocable Letter of Credit in the amount of 120% of the value of the Base Park Improvements for the parkland to the satisfaction of the General Manager, PFR. No credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with Base Park Improvements.
31. The construction of the Base Park Improvements to the Public Park shall be completed within six (6) months after first residential occupancy of the New 37-Storey Building, and in any event, no later than three (3) years after issuance of the first Above-Grade Permit for the New 37-Storey Building to the satisfaction of the General Manager, PFR. Unforeseen delays (e.g. weather) resulting in the late completion of the Base Park Improvements shall be taken into consideration and at the discretion of the General Manager, PFR when determining a revised date for completion of the Base Park Improvements.

Temporary Fencing

32. Prior to conveyance of the parkland, the applicant shall be responsible for the installation and maintenance of temporary fencing around the parkland and its maintenance until such time as the development of the park block is completed.

Parkland Grading and Drainage

33. Prior to conveyance of the parkland, the applicant shall ensure that the grading and drainage of the adjacent development blocks are compatible with the grades of the parkland to the satisfaction of the General Manager, PFR.

