

555 Rexdale Boulevard – Zoning By-law Amendment Application – Supplementary Report

Date: February 26, 2021

To: City Council

From: Director, Community Planning, Etobicoke York District

Ward: 1 - Etobicoke North

Planning Application Number: *20 185079 WET 01 OZ*

SUMMARY

At its meeting of January 8, 2021, Etobicoke York Community Council (EYCC) adjourned and deferred consideration of the staff report dated December 14, 2020 from the Director, Community Planning, Etobicoke York District (Item EY21.2) to the March 3, 2021 Etobicoke York Community Council. EYCC also directed the Director, Community Planning, Etobicoke York District to continue discussions with the applicant and provide the outcome of the discussions to address matters described in the staff report dated December 14, 2020, including the means of legally and financially securing matters without the use of a Section 37 Agreement, and provide the outcome in a Supplementary Report for the continuation of the statutory meeting on March 3, 2021.

This report outlines options and alternatives of legally and financially securing transportation infrastructure improvements/matters without the use of a Section 37 Agreement. It also provides an analysis of the benefits, challenges and potential risks associated with the individual options. This report was prepared in consultation with the City Solicitor and the Chief Financial Officer and Treasurer.

Of the options identified in this report, staff continue to recommend the use of a Section 37 Agreement as the preferred way to secure the provision of off-site transportation improvements and public access to a future transit facility. As an alternative, any attempt to secure these matters solely pursuant to the approval of a Site Plan Control application, particularly those matters which may be considered "off-site", may expose the City to financial risk. As the applicant did not provide an analysis to support their consultant's transportation improvements, the true financial costs are unknown at this time. It is not standard City practice to use a Site Plan Control application to secure these matters or for the City to take on potential risks from private entities who may dispute what improvements are required to support their developments.

RECOMMENDATIONS

The City Planning Division recommends that:

1) City Council adopt Recommendations 1), 2), and 3) in the December 14, 2020 staff report from the Director of Community Planning, Etobicoke York District.

OR

1) City Council amend the former City of Etobicoke Zoning Code, as amended, and Site Specific Zoning By-laws No. 864-2007, 1260-2018 and 1261-2018 for the lands at 555 Rexdale Boulevard substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment No. 1 to this report.

2) City Council authorize the City Solicitor to make such stylistic and technical changes to the Draft Zoning By-law Amendment as may be required.

3) Before introducing the necessary Bills to City Council for enactment, City Council require the owner to:

- (i) Submit a revised Traffic Impact Study to the satisfaction of the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning for review and acceptance;
- (ii) Submit a cost estimate for any required transportation improvements to support a transportation use and/or facility determined through the revised Transportation Impact Study, to the satisfaction of the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning for review and acceptance;
- (iii) Revise their Site Plan Control application (File No. 20 205173 WET 01 SA) clearly indicating that the entirety of the lands is subject to the application; and
- (iv) Submit written confirmation from Metrolinx and Woodbine Entertainment Group (WEG), either in a joint letter or separately, confirming WEG shall grant a permanent easement in favour of Metrolinx over the subject property for public right-of-way for vehicular, pedestrian and cycling access to and from the transportation use and/or facility connecting to the surrounding municipal street network.

4) City Council direct staff to include the following matters in the review of the Site Plan Control application (File No. 20 205173 WET 01 SA), all to be secured in a Site Plan Agreement, and have the Director of Community Planning, Etobicoke York District report back to Etobicoke York Community Council on the full list of conditions to be included in the agreement and the Notice of Approval Conditions:

- (i) The design and construction of all upgrades or required transportation or road improvements to the existing municipal infrastructure should it be determined that improvements or upgrades are required to support the transportation use and/or

facility, and to financially secure same, pursuant to the Site Plan Control process for a transportation use and/or facility on the site to the satisfaction of the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning or his or her designate. The upgrades or improvements must be designed and constructed to the applicable City guidelines and engineering and design standards and must comply with the requirements of the Toronto Green Standard Version 3.0 Tier 1;

- (ii) The design and construction of all required new public and/or private streets including improvements to existing private streets on the site required to support and provide public access to the proposed transit facility (GO Station), all in accordance with City standards and specifications, to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services pursuant to the Site Plan Control process for the site, and all such improvements shall be constructed and operational prior to a transportation use and/or facility on the site being operational;
- (iii) Grants of easement in respect of all private streets which provide the public with means of vehicular, pedestrian and cycling ingress to and egress from a transportation use and/or facility and the existing municipal street network, together with indemnification of the City against all claims related to the use of all private streets subject to grants of easement to the satisfaction of the City Solicitor pursuant to the site plan application approval process; and
- (iv) The provision of Transportation Demand Management measures for the transportation use and/or facility, to the satisfaction of the Chief Planner and Executive Director, City Planning or his or her designate in consultation with the General Manager, Transportation Services pursuant to the site plan application approval process for the site, all of which shall be constructed and operational prior to a transportation use and/or facility on the site being operational.

FINANCIAL IMPACT

There is no financial impact to the City at this time, however should City Council use the Site Plan Control application process to secure off-site transportation improvements, there is potential risk that the City may be required to complete these improvements.

The City's authority under the *City of Toronto Act, 2006* to impose conditions of Site Plan Approval is limited to those matters specifically set out in that *Act*. With respect to transportation works to be provided off-site, the *City of Toronto Act, 2006* authorizes the provision of road-widenings as a condition of approval provided the required road-widening is identified in the City's Official Plan. All other authority under the *City of Toronto Act, 2006* to impose conditions of approval related to transportation matters is related to the provision of on-site transportation works to facilitate the movement of people and vehicles (motorized and otherwise) from abutting municipal streets to and from a proposed development. Furthermore, the City's authority to require the owner to grant easements in respect of public utilities does not extend to grants of easement to third-parties. If the required transportation improvements and requirement to provide public access to a third party, such as Metrolinx, were secured through a Site Plan

Agreement instead of a Section 37 Agreement, the City may be at risk should the owner claim the City does not have sufficient authority under the *City of Toronto Act, 2006* to require these matters as a condition of Site Plan Approval and the owner's obligation to implement the required off-site improvements may not be enforceable. Under these circumstances, the City may incur the financial costs of constructing any required off-site improvements and acquiring rights of access across the site once a future transit facility is operational (GO Station).

To date, the applicant has not provided a detailed analysis from a qualified transportation consultant recommending the required off-site transportation improvements to the existing road network to support a proposed future transit facility. Therefore staff are not in a position to confirm what off-site transportation improvements would be required and cannot comment or provide estimates at this time on the potential costs that may be incurred by the City should a Site Plan Control application process be used to secure these improvements. As such, a cost estimate, for any required transportation improvements to support a transportation use and/or facility as determined through a revised Transportation Impact Study, would be required if the Site Plan Control application process is used to secure off-site transportation improvements.

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

COMMENTS

Status of Transportation Improvements Required

As discussed in the staff report dated December 14, 2020 from the Director of Community Planning, Etobicoke York District, this application proposes to amend the applicable zoning-by laws to permit a transportation use on the site. Its approval would facilitate the development of a future transit facility, such as a GO Station, on the southeast portion of the site proposed through a separate but concurrent Site Plan Control application (File No. 20 205173 WET 01 SA).

Through the review of this application and the Site Plan Control application, staff identified a number of transportation related concerns related to lack of public access including pedestrian and cycling facilities and connections to allow access to the GO Station from the surrounding areas. Further, the Transportation Impact Study prepared by LEA Consulting Ltd. and submitted in support of the Site Plan Control application focused on the immediate site area and did not adequately assess the greater transportation impact of a transit facility on the surrounding road network, determine the improvements to infrastructure, service upgrades and mitigation measures, or identify an appropriate travel demand management strategy. This is despite the applicant, through their transportation consultants, identifying potential off-site improvements as part of the Environmental Project Report (EPR) and Transit Project Assessment Process (TPAP), as discussed in the December 14, 2020 staff report.

Since the January 8, 2021, EYCC meeting, the applicant has provided additional information for staff's review in response to the issues listed in the staff report dated December 14, 2020 report from the Director of Community Planning, Etobicoke York District. Staff provided comments to the applicant on January 6, 14 and 18, 2021

advising of additional outstanding material required to be submitted. Additionally, staff met with the applicant, and the applicant's transportation consultants on December 16, 2020, January 22, 2021, and February 2, 2021 to discuss and explore alternatives to address staff's concerns.

Staff identified a number of transportation impacts and deficiencies requiring further analyses and the need for an updated Transportation Impact Study. To date, an adequate analysis and the associated background information has not been provided.

The owner (WEG) submitted a letter, dated February 25, 2021 (Attachment 2: Consent to Include External Infrastructure Improvement Requirements) advising they would be agreeable to design, fund, and construct the following external infrastructure improvements should the technical review undertaken by City staff determine that the improvements are required to support the proposed GO Station and related facilities as a condition to the approval of Site Plan Control application (File No. 20 205173 WET 01 SA):

- Rexdale Boulevard/Queen's Plate Boulevard intersection signal modification;
- Rexdale Boulevard/Highway 27 intersection signal modification;
- Sidewalk connection from the train station to the existing sidewalk on the east side of Highway 27 at Bethridge Road; and
- Extension of the westbound left turn storage lane at the Rexdale Boulevard and Highway 27 intersection.

These off-site transportation improvements have been provided absent of a detailed transportation analysis or rationale prepared by a qualified transportation consultant. As the background information to support the analysis for these improvements was not provided, staff have been unable to verify if this information is correct or whether additional improvements would be needed. As such, staff continue to recommend the submission of a revised Transportation Impact Study and any required transportation improvements be secured through an appropriate agreement, such as a Section 37 Agreement.

Status of Public Access Matters

The owner proposes to grant an easement to Metrolinx for the purposes of public access to the GO Station as referenced in their letter, dated February 25, 2021 (Attachment 3: Public Right-of-Way Easements Letter – Woodbine Entertainment Group). Metrolinx submitted a letter acknowledging WEG would grant a permanent easement in favour of Metrolinx over the subject property for the purposes of operation, maintenance, and repair of the proposed transit facility. Staff continue to have concerns as the letter did not reference an easement for the purpose of public right-of-way for vehicular, pedestrian and cycling access to and from the transportation use and/or facility connecting to the surrounding municipal street network.

Staff continue to be of the opinion that the owner should provide a public street on-site in order to secure public access to the proposed transportation use and/or facility. Policy 3.1.1.17 of the Public Realm policies in the Official Plan requires that new streets should be public streets. It further states that private streets, where they are appropriate,

should be designed to integrate into the public realm and meet the design objectives for new streets. The intent of this policy is to permit private streets only in limited circumstances.

Policy 3.1.1.17 ensures that any new streets contribute to the public street network in order to achieve the Official Plan's broader public realm objectives. Public streets can provide access and connectivity to essential public services, including transit facilities, and ensures access to these public services are provided in an efficient, safe and secure manner. Public streets can also be managed, maintained and upgraded to respond to growth and development, and the evolving needs of the public. Although private streets can be made publicly accessible, they lack the flexibility described for public streets.

If an easement is to be considered in lieu of a dedicated public street, staff will need to assess its potential short and long-term implications, conditions and risks related to public access, public safety, implementation and indemnification of the City against all claims related to the use of all private streets, subject to grants of easement.

Options to Secure Improvements

At its meeting of January 8, 2021, Etobicoke York Community Council directed the Director, Community Planning, Etobicoke York District to report back on the means of legally and financially securing matters without the use of a Section 37 Agreement. Four options and their associated benefits, challenges, and potential risks are discussed below.

Official Plan Section 5.1.1 and Section 37 of the *Planning Act*

Section 5.1.1 of the Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the *Planning Act*. Section 37 of the *Planning Act* authorizes municipalities to grant increases in height and density of development, in exchange for the provision of facilities, services or matters. A Section 37 Agreement can also be entered into as a legal convenience to secure other matters including, but not limited to, transportation and other infrastructure improvements, capital facilities and financial securities.

Section 5.1.1.5 of the Official Plan states that irrespective of the size of the project or the increase in height and/or density, a Section 37 Agreement can be used as a mechanism to secure capital facilities required to support development.

Further, Section 5.1.1.6 of the Official Plan states that Section 37 community benefits can be capital facilities and/or cash contributions towards specific capital facilities, above and beyond those that would otherwise be provided under the provision of the *Planning Act* or the *Development Charges Act* or other statute, including:

- k) local improvements to transit facilities including rapid and surface transit and pedestrian connections to transit facilities.

The approval of this Zoning By-law Amendment application for a transportation use on the site would facilitate the development of a future transit facility. As such, any required off-site infrastructure improvements/matters required to support a future transit facility could be secured in a Section 37 Agreement as a legal convenience to support the proposed transit facility use and to allow for good planning.

The staff report dated December 14, 2020 from the Director, Community Planning, Etobicoke York District, recommended a Section 37 Agreement be entered into as a legal convenience to secure the following: the design and construction of all upgrades or required transportation or road improvements, the design and construction of a new public and/or private street, easements to provide public access, and the provision of Transportation Demand Management measures. The use of a Section 37 Agreement remains staff's recommended option.

A Section 37 Agreement as a legal convenience provides the City with the jurisdiction to appropriately secure these matters for the entirety of the site. Planning staff continue to recommend the use of a Section 37 Agreement as the preferred legal mechanism due to the lack of financial risk and obligation to the City. The applicant has advised that they are not agreeable to entering into a Section 37 Agreement and have not provided a rationale as to why they are reluctant to enter into this type of agreement or what hardships it may pose to the provision of a future transit facility.

Holding By-law

Under Section 36 of the *Planning Act*, City Council can add a holding symbol (referred to as an "H") to a zoning by-law adopted under Section 34 of that *Act*. The by-law must state what uses are permitted while the holding symbol is in place and conditions that must be met before the "H" symbol is removed. Once the conditions for removal of the "H" are met, the property owner may apply to City Council to lift the "H" symbol. Under the *Planning Act*, there is no requirement for public meetings prior to lifting of the "H" and no right of appeal to the Local Planning Appeal Tribunal (LPAT) in respect of the "H", except by the owner.

Section 5.1.2 of the Official Plan includes policies with respect to Holding By-laws. The use of the holding symbol ensures that necessary infrastructure and/or services are constructed and coordinated in advance of construction of a development. Section 5.1.2 provides policies to enable the application of a holding provision on lands where the ultimate desired use of the lands is specified but development cannot take place until conditions set out in the Plan or by-law are satisfied. Section 5.1.2.2 lists the conditions to be met prior to the removal of a holding provision, including but not limited to:

- Transportation or servicing improvements;
- Environmental protection, remediation or mitigation measures;
- Professional or technical studies to assess potential development impacts; and

- Entering into agreements, including Subdivision Agreements or agreements pursuant to Section 41 of the *Planning Act*, to secure any of the matters required to satisfy the conditions for removal of the holding provision.

Adding an "H" to the zoning by-law would require an additional City Council process and could delay the development of a future transit facility as all conditions would need to be satisfied before it could be lifted.

Site Plan Control

Under Section 114 of the *City of Toronto Act, 2006*, the City is granted authority to include in its Official Plan, areas to be designated as areas of Site Plan Control. Site Plan Control applications allows the City to implement policies of the Official Plan including encouraging well-designed, functional, sustainable, and universally accessible development.

The City's authority under the *City of Toronto Act, 2006* to impose conditions of Site Plan Approval is limited to those matters specifically set out in that *Act*. For Site Plan Control applications where conditions of approval are required, a Notice of Approval Conditions (NOAC) would be issued prior to Site Plan Approval being granted. A typical condition of a NOAC is entering and registering into a Site Plan Agreement to ensure the development is constructed as per the approved plans, drawings and supporting studies. The agreement is also used to secure financial securities and on-site improvements such as landscaping, post construction maintenance and streetscaping within the city boulevard directly adjacent to the development site. The City does not have the jurisdiction through Site Plan Control to require off-site transportation improvements other than road-widenings.

The owner, WEG, has submitted a letter advising they would agree to design, fund, and construct certain external infrastructure improvements as a condition of approval to their Site Plan Control application No. 20 205173 WET 01 SA, to support the future proposed GO Station and related facilities. As well as any other additional transportation infrastructure, to support the proposed GO station and all related facilities for lack of the City's authority to require them, but that any additional transportation infrastructure must be demonstrated as being necessary for the operation of the GO station and all related facilities (see Attachment 2: Consent to Include External Infrastructure Improvement Requirements).

The City of Toronto Act, 2006 sets out the City's authority on matters of Site Plan Control including the authority to require an owner of land to enter into a Site Plan Agreement to secure various matters related to the design and construction of a site. Typically, off-site transportation or infrastructure improvements are not secured under this Agreement. The risk with using this process and Agreement to secure off-site transportation improvements is the owner may challenge the off-site transportation improvements to be included in the Site Plan Agreement. If successful with that challenge, the City could then become financially burdened with the requirement to construct these improvements once a transit facility is operational. As the applicant has not provided an analysis of their identified improvements, the true financial costs are unknown at this time.

While the plan of survey submitted with the Site Plan Control application (File No. 20 205173 WET 01 SA) for the GO Station is for the entire site, the drawings provided in support of the Site Plan Control application suggests the development is scoped to the southeast of the site adjacent to the CNR rail corridor, which may give rise to a later position that "off-site" improvements, given their potential lack of proximity to the development area, are not related to the development. City staff have requested the applicant to formally confirm the entire site as the boundaries for the application and registration of future Site Plan Agreement.

Subdivision Agreement

Section 51 of the *Planning Act* grants the City authority to regulate the division of land through Plans of Subdivision. This authority is used to provide for the orderly servicing and development of large parcels of land in accordance with appropriate municipal regulations and standards. A Subdivision Agreement, registered on title, is used to ensure certain services are provided after the Draft Plan of Subdivision is registered, legally binding the owner to fulfill the conditions.

In 2017, an application for Draft Plan of Subdivision approval (File No. 17 158705 WET 02 SB) was submitted for the northern portion of the site to permit the creation of roads and blocks required for access and servicing to support the development of a Gaming Complex. A Notice of Decision for Draft Plan Approval was issued by the LPAT on May 8, 2019. The owner has signed a Subdivision Agreement and is in the process of fulfilling conditions required to be satisfied prior to the registration of the Plan and issuance of final approval.

The applicant has proposed amending the Subdivision Agreement to include conditions related to the provisions of any required transportation improvements to support a future transit facility. The Draft Plan of Subdivision application and the associated Agreement only applies to the lands illustrated on the Plan being the northern portion of the site and never contemplated any transportation improvements, upgrades, or mitigation measures related to a transportation or transit facility use. The subdivision application is not in any way related to this Zoning By-law Amendment application to permit a transportation use and the related Site Plan Control application. Staff do not believe it would be appropriate to use this application to resolve issues entirely and solely related to the proposed transportation use and/or facility.

The LPAT's Notice of Draft Plan Approval and the related Subdivision Agreement specifies a phased development approach to the build out of the northern lands which would need to be revisited to address the timing of improvements for a transit facility. Any amendments to the Subdivision Agreement may also necessitate an amendment to the Notice of Decision for Draft Plan Approval (approved by LPAT) and could potentially disrupt the phasing and sequencing of permits, create undue harm and hardship for the timing of the Gaming Complex, and further delay the City's ability to secure the community benefits required to support the Gaming Complex as outlined in the Community Benefits Agreement.

CONCLUSION

An analysis has been provided of the options to legally and financially secure transportation infrastructure improvements/matters without the use of a Section 37 Agreement. Of the options identified, Planning staff continue to recommend the use of a Section 37 Agreement as the preferred legal mechanism due to the lack of financial risk and obligation to the City. Should a Site Plan Agreement associated with the proposed GO Station be used, there are both financial and jurisdictional risks to the City if the owner is not agreeable to the process as well as the conditions to secure off-site transportation improvements. This report was prepared in consultation with the City Solicitor and Chief Financial Officer and Treasurer.

CONTACT

Ameena Khan, Planner
Tel. No. (416) 394-8208
E-mail: Ameena.Khan@toronto.ca

SIGNATURE

Sarah Henstock, MCIP, RPP
Acting Director of Community Planning
Etobicoke York District

ATTACHMENTS

City of Toronto Data/Drawings

- | | |
|---------------|--|
| Attachment 1: | Draft Zoning By-law Amendment - Former City of Etobicoke Zoning Code |
| Attachment 2: | Consent to Include External Infrastructure Improvement Requirements – Woodbine Entertainment Group |
| Attachment 3: | Public Right-of-Way Easements Letter – Woodbine Entertainment Group |

Attachment 1: Draft Zoning By-law Amendment - Former City of Etobicoke Zoning Code

Authority: Etobicoke York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend Chapters 304 and 324 of the Etobicoke Zoning Code, as amended, and Zoning By-laws 864-2007, 1260-2018 and 1261-2018 with respect to lands municipally known in the year 2020 as 555 Rexdale Boulevard

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. That despite Chapters 304 and 324 of the Etobicoke Zoning Code, and Zoning By-laws 864-2007, 1260-2018 and 1261-2018 the following development standards and uses shall also be applicable to the lands delineated by heavy lines on Schedule 'A' attached hereto.
2. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, as amended, the provisions of this By-law shall apply.
3. For the purposes of this By-law, the following definition shall apply:
 - (a) "Transportation Use" – means the use of premises or facilities for the operation of a mass transit system or a transportation system that is provided by, or on behalf of, the City of Toronto, Province of Ontario or Government of Canada, or is privately operated and Federally regulated.
 - (b) "Accessory" means a building, structure or use naturally and normally incidental to and subordinate to a permitted use.
4. In addition to the uses permitted in Chapters 304-31 and 304-34 of the Etobicoke Zoning Code and Zoning By-laws 864-2007, 1260-2018 and 1261-2018, the following uses are permitted:
 - (a) Transportation Use; and
 - (b) Uses and buildings Accessory to a Transportation Use, including Retail Store.

5. Despite Chapter 304-36.D, a building or structure used for a Transportation Use and accessory uses may be located 0 metres from a lot line where the lot line abuts a railway right-of-way or railway siding.
6. Notwithstanding any existing or future consent, severance, partition, division of the lot, or conveyance for municipal purposes, the provisions of this By-law shall apply to the whole of the lot as if no consent, severance, partition, division or conveyance occurred.
7. Chapter 324, Site Specifics, of the Etobicoke Zoning Code is hereby amended to include reference to this By-law by adding the following to Section 324-1, Table of Site Specific By-laws.

**BY-LAW NUMBER
AND ADOPTION DATE**

DESCRIPTION OF PROPERTY

PURPOSE OF BY-LAW

XXX-2020
XXX XXX, 2020

Lands municipally known as 555
Rexdale Boulevard.

To amend the Zoning Code
to permit Transportation
Uses and accessory uses,
with site-specific standards
related to setback from a
railway right-of-way.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Attachment 2: Consent to Include External Infrastructure Improvement Requirements – Woodbine Entertainment Group



February 25, 2021

By Email Only to luisa.galli@toronto.ca

City Planning Division
Community Planning
Etobicoke York District
2 Civic Centre Court, Third Floor
Toronto, ON
M9C 5A3

Attention: Luisa Galli, Manager

Dear Ms. Galli:

**Re: Woodbine Entertainment Group, 555 Rexdale Boulevard, Toronto
Confirmation of Consent to Include Infrastructure Improvements Requirements
Site Plan Control Application File No.: 20 205173 WET 01 SA
Zoning By-law Amendment application to add transportation use –
File No. 20 185079 WET 01 OZ.**

This letter is to confirm that Woodbine Entertainment Group ("Woodbine") agrees, as a condition of approval for Site Plan Control Application No. 20 205173 WET 01 SA, and should the technical review undertaken by City transportation staff determine that the improvements are required to support the proposed GO station and related facilities on Woodbine's lands to:

1. Design, fund and construct the following external infrastructure improvements including:
 - (a) Rexdale Boulevard/Queen's Plate Boulevard intersection signal modification;
 - (b) Rexdale Boulevard/Hwy. 27 intersection signal modification;
 - (c) Sidewalk connection from the train station to the existing sidewalk on the east side of Hwy. 27 at Bethridge Road; and
 - (d) Extension of the westbound left turn storage lane at the Rexdale Boulevard and Hwy. 27 intersection.
2. Design, fund and construct additional infrastructure within the entirety of Woodbine's current ownership known municipally as 555 Rexdale Boulevard, the limits of which are described and confirmed in the attached letter from our legal counsel for real property matters.

I further confirm that notwithstanding any severance of the site, the Woodbine Entertainment Group will not object to a site plan approval requirement for the provision of the transportation infrastructure described above, as well as any other additional transportation infrastructure, at the sole cost of Woodbine Entertainment Group to support the proposed GO station and all related facilities for lack of the City's authority to require them, but that any additional transportation infrastructure must be demonstrated as being necessary for the operation of the GO station and all related facilities.

DH 01677311 2



I trust that the forgoing provides the assurance requested. Should you require any further particulars, please do not hesitate to contact the undersigned.

Best regards,

A handwritten signature in blue ink that reads 'William G. Ford'.

Bill Ford
General Counsel and Corporate Secretary

Copy: Mark Piel, Solicitor, City of Toronto

DH 01677311 2

Attachment 3: Public Right-of-Way Easements Letter – Woodbine Entertainment Group



February 25, 2021

By Email Only to luisa.galli@toronto.ca

Luisa Galli
City Planning Division
Community Planning
Etobicoke York District
2 Civic Centre Court, Third Floor
Toronto, ON
M9C 5A3
Dear Luisa:

Re: Easements to be granted in connection with the transfer to Metrolinx of the Station Lands currently forming part of the land owned by Woodbine Entertainment Group
Zoning By-law Amendment to add transportation use – File No. 20 185079 WET 01 OZ
Site Plan Application for GO station – File No. 20 205173 WET 01 SA

Our counsel, Kim Beckman of Davies Howe LLP, has advised that you have requested comfort regarding easements to be granted in connection with the proposed transfer of the station lands (the “Station Lands”) currently owned by Woodbine Entertainment Group (“Woodbine”) to Metrolinx.

I can confirm that the commercial agreement between Woodbine and Metrolinx with respect to the construction of the station on the Station Lands and the transfer of the Station Lands to Metrolinx provides that Woodbine is required to, inter alia, grant to Metrolinx such easements over the Woodbine’s lands (the “Woodbine Lands”) as may reasonably be required in connection with the operation, maintenance and repair of the Metrolinx station located on the Station Lands, the rail corridor and transit operations (including, without limitation, access required to the rail corridor in the event of an emergency).

While the precise terms of the easements remain subject to negotiation between the parties, included in the easements that will be appurtenant to the Station Lands will be an easement in perpetuity that will allow Metrolinx and its invitees (including the public) to enjoy free uninterrupted and unobstructed access, ingress, egress and passage (with or without vehicles) to and from public thoroughfares in, over, through, under, along and upon the Woodbine Lands, so as to permit free access between such public thoroughfares and any structures, buildings and/or improvements constructed within or to be constructed within the Station Lands.

555 Rexdale Blvd, P.O. Box 156 Toronto ON, Canada M9W 5L2 Woodbine.com

I trust that the forgoing provides the comfort that you require, but should you have any questions regarding this matter, please let me know.

Best regards,

A handwritten signature in blue ink that reads "William G. Ford". The signature is written in a cursive style with a large, stylized 'W' and 'F'.

Bill Ford
General Counsel and Corporate Secretary

Copy: Mark Piel, Solicitor, City of Toronto

MT DOCS 21232389v1