

Advancing Reconciliation and Justice - Assistance to Thunder Woman Healing Lodge

Date: July 7, 2021

To: City Council

From: City Manager

Wards: All

SUMMARY

This report seeks authority to acquire lands representing the land conveyance at 2217 Kingston Road at fair market value from Thunder Woman Healing Lodge Society (TWHLS) and provide financial relief from certain taxes, fees and charges towards the development of the future Thunder Woman Healing Lodge at 2217 Kingston Road.

Providing this financial relief and fair market compensation for the land is a tangible, meaningful action the City can take to advance reconciliation and fulfil its commitments to Indigenous Peoples.

RECOMMENDATIONS

The City Manager recommends that:

1. City Council authorize the Executive Director, Corporate Real Estate Management, to negotiate, approve and execute an agreement of purchase and sale on behalf of the City for the acquisition of 1.5 metre wide strip of land to the full extent of the site abutting the east limit of Kingston Road, and a 6.0 metre (radius) corner rounding at the south-east corner of the intersection of Kingston Road and Cliffside Drive from the widened Kingston Road for the purposes of widening the right-of-way adjoining the property known municipally as 2217 Kingston Road in their existing condition, at fair market value and otherwise on terms and conditions acceptable to the Executive Director, Corporate Real Estate Management and in a form satisfactory to the City Solicitor.
2. City Council authorize the Executive Director, Corporate Real Estate Management, to assume, or reimburse Thunder Woman Healing Lodge for, all costs and charges related to the conveyance of lands including, but not limited to, reasonable expenses related to

third party consultants, legal and surveying costs, and to waive any customary City related charges and fees associated with the conveyance of lands.

3. City Council direct the Executive Director, Corporate Real Estate Management, Director, Indigenous Affairs Office and Executive Director, Housing Secretariat, to review existing City programs and funding sources and explore additional forms of support to address the costs incurred by Indigenous affordable housing projects to acquire and develop land and property, and report to the Aboriginal Affairs Advisory Committee by the third quarter of 2022.

4. City Council authorize an increase to the 2021 - 2030 Council Approved Capital Budget and Plan for Transportation Services for \$115,000 gross and \$0 debt under a new capital project for the acquisition of the above noted land and associated costs and charges, funded from the Land Acquisition Reserve Fund (XR1012).

5. City Council direct the Executive Director, Corporate Real Estate Management, Director, Indigenous Affairs Office, the Chief Planner and Executive Director, City Planning, the General Manager, Parks, Forestry and Recreation, the General Manager, Transportation Services, and other City Divisions as required, to report to the Aboriginal Affairs Advisory Committee by the third quarter of 2022 on a proposed framework to guide future City acquisitions of properties with Indigenous community-related impacts, for municipal purposes, to ensure they are transacted at fair market value in a manner that is consistent with legislative requirements and are responsive to the needs of Toronto's diverse Indigenous communities.

6. City Council pass By-laws pursuant to Section 252 of the City of Toronto Act, 2006, providing authority to:

a. enter into a Municipal Capital Facility Agreement with Thunder Woman Healing Lodge Society for part of the property known as 2217 Kingston Road, for the ground floor space of approximately 46.3 square metres of space (the "Indigikwe Space") for the purposes of providing a Municipal Capital Facility related to the provision of social and health services; and

b. exempt the Indigikwe Space from taxation for municipal and school purposes, with the tax exemption to be effective from the latest of:

1. the day when the Indigikwe Space begins to be used for social services;
2. the date the Municipal Capital Facility Agreement is entered into; and
3. the date this Tax Exemption By-law is enacted.

c. exempt the Premises from development charges, with the exemption being effective from the latest of:

1. the date this by-law is enacted; or
2. the date the Municipal Capital Facility Agreement is entered into.

7. City Council direct the City Clerk to give written notice of the By-law to the Minister of Finance, the Municipal Property Assessment Corporation, the Toronto District School

Board, the Toronto Catholic District School Board, le Conseil scolaire Viamonde, and le Conseil scolaire catholique MonAvenir.

8. City Council authorize the Controller to cancel or refund any taxes paid after the effective date of the municipal capital facility agreement.

9. City Council authorize that the Indigikwe Space at 2217 Kingston Road be eligible for waivers of building permit applications, planning applications and parkland dedication fees.

10. City Council authorize the City Manager to direct staff to waive any City fees and charges set out in Municipal Code Chapter 441 and disbursements that would otherwise be payable by Thunder Woman Healing Lodge Society to the City in connection with the development and construction of the healing lodge at 2217 Kingston Road, including, without limitation, fees associated with permits, applications, inspections, testing, service connections, agreements and registrations, which may be waived under the authority of the City.

11. City Council authorize the City Manager to direct staff to waive City requirements to provide security that would otherwise be required for the development and construction of the healing lodge at 2217 Kingston Road, including, without limitation any security required in connection with landscaping, work in the City's right-of-way, tree protection and tree planting, which may be waived under the authority of the City.

12. City Council authorize the payment of any external pass through costs to the City that would otherwise be recovered through the collection of fees and disbursements waived under recommendation 10 up to \$200,000 in 2021, with any added impacts in 2022 to be brought forward for Council's consideration as part of the 2022 Budget process.

13. City Council request the Federal and Provincial Governments to support Calls to Action #21 and #35 of the Truth and Reconciliation Commission of Canada, and specifically support the construction of the Thunder Woman Healing Lodge.

FINANCIAL IMPACT

Through its adoption of PH8.3 "Open Door Program Call for Applications 2019. Support for 651 New Affordable Rental Homes" at its meeting of October 2 and 3, 2019, City Council approved Open Door Program contributions for the residential component of the Thunder Woman Healing Lodge Society development at 2217 Kingston Road in the form of capital funding and exemptions from development charges, building, planning and parkland dedication fees, and taxation for municipal and school purposes as shown in Chart A.

Chart A: Open Door Financial Contributions Previously Approved

Description of Premises	Primary Use	Eligible Premise	Capital Funding Request	Estimated Fees & Charges Exemptions	Estimated Net Present Value of Property Tax Exemption for 99 years
Affordable Housing	Affordable Housing	1468.8 sq. m	\$997,344	\$1,035,717*	\$632,104**
Total Approved Financial Incentives via PH8.3					\$2,665,165

* Updated to reflect increases in City benefits with the inclusion of a 2-bedroom in the revised unit mix and 2020 rates for development charges and planning fees (previously estimated at \$851,877 through item PH8.3).

** Updated to 2021 rates (previously estimated at \$522,555 through item PH8.3).

This report recommends the City exempt approximately 46.3 square metres of ground floor space, referred to as the "Indigikwe Space", at the property known as 2217 Kingston Road, from development charges and taxation for municipal and school purposes through a Municipal Capital Facility Agreement related to the provision of social and health services with Thunder Woman Healing Lodge Society. The development charges exemption is estimated to be \$20,513.

The property located at 2217 Kingston Road is owned by the Thunder Woman Healing Lodge Society Inc. Given that the property is under construction and values are difficult to determine with limited information, an estimated assessment value has been calculated based on the proposed square footage of the commercial space. The estimated annual property taxes are approximately \$7,989, comprised of a municipal portion of \$4,469 and a provincial education portion of \$3,520 based on an estimated 2021 Current Value Assessment (CVA) and 2021 tax rates.

Providing a property tax exemption for the property at 2217 Kingston Road will result in a net annual reduction in property tax revenue to the City of approximately \$4,469, representing the municipal portion of taxes that will be payable that will no longer be collected once the property is designated as a Municipal Capital Facility. The provincial education portion of property taxes of \$3,520 will no longer be required to be remitted to the Province once the exemption for the Leased Premises takes effect.

Land and associated costs and charges associated with purchase and sale on behalf of the City for acquisition of the of 1.5 metre wide strip of land to the full extent of the site abutting east limit of Kingston Road, and a 6.0 metre (radius) corner rounding at the south-east corner of the intersection of Kingston Road and Cliffside Drive from the widened Kingston Road for the purposes of widening the right-of-way adjoining the property known municipally as 2217 Kingston Road in their existing condition, at fair market value are estimated to be \$115,000 and resulting in an increase to the 2021 - 2030 Capital Budget and Plan for Transportation Services under a new capital project, funded from the Land Acquisition Reserve Fund (XR1012).

This report also recommends that the Indigikwe Space be provided waivers of building permit, planning application and parkland dedication fees. The value of these recommended exemptions and waivers is estimated to be \$3,763, as detailed below in Chart B.

This report further recommends that the City waive any additional City fees and charges and disbursements that would otherwise be payable in connection with the development and construction of the healing lodge at 2217 Kingston Road. These various fees are to include, but not be limited to, fees associated with permits, applications, inspections, testing, service connections, agreements and registrations, which may be waived under the authority of the City. The estimated value of these fees and charges is \$245,683 as detailed below in Chart B.

Chart B: Financial Relief Impacts

Description of Premises	Primary Use	Financial Impact	Description	Estimated Impact***
Indigikwe Space 46.3 sq. m	Social and Health Services	Foregone Revenue	Development Charge Exemption	\$20,513
			Fees Exemption	\$3,763
Entire 2217 Kingston Road	Affordable, supportive and transitional Housing, Social and Health Services	Foregone Revenue	Fees Exemption	\$146,759
		Incremental Cost	Payable to 3rd party	\$98,924
Total Estimated Impact of Financial Relief				\$269,959

***Materially impacted divisions are ECS, PFR, Transportation Service, Toronto Water and Toronto Building.

Funding is available in the 2021 Approved Operating Budget for all City 2021 one-time costs. Any added costs for 2022 will be included in the 2022 Operating Budgets of impacted Divisions for Council approval. Funding for the water and sewer service connections will be drawn from Toronto Water Capital Account CPW600-02

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

At its meeting on June 8, 2021, City Council unanimously adopted [Member Motion 34.42](#), which "requested the Director, Indigenous Affairs Office, in consultation with relevant staff, to report to the Aboriginal Affairs Advisory Committee and the Executive Committee on what further actions are needed to advance truth, reconciliation and justice, how the City will hold itself accountable to community in advancing these actions, and whether additional resources and funding are required to further the City of Toronto's work on reconciliation."

City Council at its meeting of October 2 and 3, 2019, adopted PH8.3 "Open Door Program Call for Applications 2019: Support for 651 New Affordable Rental Homes". Through this item City Council approved Open Door Program contributions for the residential component of the Thunder Woman Healing Lodge Society development at 2217 Kingston Road in the form of capital funding and exemptions from development charges, building, planning and parkland dedication fees, and taxation for municipal and school purposes.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH8.3>

At its meeting on December 9, 2015, City Council in consultation with the Aboriginal Affairs Committee, identified eight Calls to Action from the Truth and Reconciliation Commission of Canada's report as priorities for implementation.

[Agenda Item History - 2015.EX10.16 \(toronto.ca\)](#)

In July of 2010 Toronto City Council adopted the report Statement of Commitment to Aboriginal Communities in Toronto – Towards a Framework for Urban Aboriginal Relations in Toronto. In that report it was recommended that an Action Plan be developed in consultation with the Aboriginal Affairs committee to give effect to the commitments contained in the

report. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.EX45.5>

COMMENTS

Thunder Woman Healing Lodge Society (TWHLS) is an Indigenous not-for-profit, charitable organization dedicated to supporting the healing of Indigenous women after leaving correctional facilities. TWHLS has been working with the City since 2019 on the development of a healing lodge at 2217 Kingston Road. The facility will include:

- Space for mental health counselling, traditional ceremonies and support from traditional knowledge keepers including but not limited to Elders and Healers;
- 12 beds in dwelling rooms with shared facilities;
- 12 self-contained transitional housing apartments, that will prepare women for permanent housing and employment; and
- Community space providing community programming (including cultural presentations, speaking events, educational and community development sessions), and life skills and job training development programming for the residents of 2217 Kingston Road through an employment social enterprise (the "Indigikwe Space").

In October 2019, City Council approved financial support for the development at 2217 Kingston Road from the Open Door Affordable Rental Housing Program. TWHLS is now in the process of applying for support from the National Housing Strategy's Co-Investment Fund, delivered by Canada Mortgage and Housing Corporation (CMHC).

The project is currently in the site planning approval process. Construction is anticipated to begin on September 22, 2021, which is the fall equinox according to the lunar calendar.

City of Toronto's Commitments to Indigenous People

In 2010, the City adopted the [Statement of Commitment to the Aboriginal Communities of Toronto](#), and in 2015 City Council, in consultation with the Aboriginal Affairs Committee, identified eight [Calls to Action from the Truth and Reconciliation Commission's final report](#) as priorities for implementation by the City.

Included in this is the call to action for the federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) as the framework for reconciliation. Included in UNDRIP are the rights for Indigenous People to practice and revitalize cultures, ceremonies and traditions and participate in decision-making structures.

TWHL also responds to many of the Calls to Justice from the [National Inquiry on Missing and Murdered Indigenous Women and Girls](#), including specific calls for programs and policies to ensure that Indigenous women, girls and 2SLGBTQQIA people are provided cultural, health and housing supports.

Thunder Woman Healing Lodge will use traditional cultural practices and ceremony towards healing Indigenous women who are over represented in the corrections system. The TRC's final report calls on the federal government to provide sustainable funding for healing lodges, and to eliminate barriers to the creation of healing lodges within the federal correctional system (Calls to Action #21 and #35).

More recently, City Council unanimously adopted [Member Motion 34.42](#), which "requested the Director, Indigenous Affairs Office, in consultation with relevant staff, to report to the Aboriginal Affairs Advisory Committee and the Executive Committee on what further actions are needed to advance truth, reconciliation and justice, how the City will hold itself accountable to community in advancing these actions, and whether

additional resources and funding are required to further the City of Toronto's work on reconciliation." The Indigenous Affairs Office is currently in the process of co-developing a reconciliation action plan with other City Divisions and Indigenous leaders in Toronto that explicitly articulates actions the City can take to advance truth, reconciliation and justice. The reconciliation action plan is anticipated to be presented to City Council later in 2021.

Decolonizing City processes, programs and policies that create barriers and/or are offensive to Indigenous People and Indigenous organizations is critical in realizing true reconciliation. The recommendations in this report specifically intended for TWHL will be used as a starting point for a broader conversation with respect to applying a de-colonial lens to the City's planning and other processes, and how reconciliation can be realized through making changes, small and large to support Indigenous rights and self-determination.

Reconciliation through Financial Relief

In order to purchase the land at 2217 Kingston Road for this project, TWHLS has incurred significant debt, including mortgage and other costs. Fundraising efforts have taken place, but will not go far enough to cover these costs. The project is receiving or anticipated to receive, support through various programs from all levels of government, including support for capital and operating expenses.

As a not-for-profit, charitable, Indigenous run organization, whose purpose is to advance the healing of Indigenous women experiencing the inter-generational trauma borne out of hundreds of years of colonialism and racism, incurring significant costs (one time and ongoing) to operate this healing lodge represents a substantial financial burden to TWHL. Providing some relief through the waiving of certain costs as well as compensation for a conveyance of land are small, but significant actions the City can take to support Indigenous self-determination and advance reconciliation.

Land Conveyance

Through the site plan application process and as a condition of development approval, road widenings, where contemplated by the Official Plan, can be required to be conveyed to the City at nominal value in order to facilitate future infrastructure improvements. Such conveyances are at no cost to the City and must be in accordance with City environmental policy. At 2217 Kingston Road a 1.5 metre wide strip of land fronting Kingston Road and a 6.0 metre corner rounding conveyance at the south-east corner of the Kingston Road (as widened) and Cliffside Drive have been identified as being required. Typically, in connection with the City's review of TWHLS's site plan application, the City would require TWHLS to transfer these lands to the City for nominal consideration. This would essentially mean the City taking land that TWHLS acquired at market value, which can be viewed as analogous to the historic (and contemporary) removal of lands and culture from Indigenous People by colonial systems.

Because the conveyance of land from TWHLS to the City is necessary to satisfy a condition for City Planning approval to achieve a planned right-of-way width, the City

can fully compensate TWHLS for the value of the land required by the City by acquiring these lands at fair market value. Providing full compensation by transacting at fair market value for any land requirements is a tangible action the City can take to advance reconciliation.

Municipal Capital Facility Agreement and By-laws - Indigikwe Space

The "Indigikwe Space", a portion on the ground floor of the TWHL, is intended to serve as an Indigenous cultural connection for residents and members of the community, contributing to a healing process centred on the restoration of identity. The space will allow for community programming including cultural presentations, speaking events, educational and community development sessions, as well as life skills and market-relevant livelihood, skills and job training for the residents of 2217 Kingston Road through a social enterprise initiative. Any profits will be reinvested in the Indigikwe Space or other programming for residents at 2217 Kingston Road. The Indigikwe Space programming will promote an Indigenous holistic approach to housing stabilization.

This report seeks authority to enter into a Municipal Capital Facility Agreement with TWHLS for the provision of social and health services, which will enable the City to exempt the Indigikwe Space from development charges and from taxation for municipal and school purposes.

In addition to the development charges and tax waivers, this report recommends the Indigikwe Space be provided waivers of building permit, planning application and parkland dedication fees.

Fees, Charges and Other Costs

This report further recommends that the City waive any additional City fees and charges and disbursements that would otherwise be payable in connection with the development and construction of 2217 Kingston Road. These various waivers are to include, but not be limited to, fees associated with permits, applications, inspections, testing, service connections, agreements and registrations that are within the authority of the City to waive.

Conclusion

Providing TWHLS with compensation for the land conveyance and financial relief from taxes, fees and other costs is a tangible, meaningful and impactful action the City can take to translate its stated commitments to Indigenous Peoples into action to advance truth, reconciliation and justice.

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SIGNATURE

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