

## City Council

### Notice of Motion

MM18.23	ACTION			Ward: 9
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### **Authority to Accept the Conveyance of Land at 57-77 Wade Avenue for the Protection of the Toronto Transit Commission Tunnel - by Councillor Alejandra Bravo, seconded by Councillor Paula Fletcher**

*\* Notice of this Motion has been given.*

*\* This Motion is subject to referral to the General Government Committee. A two-thirds vote is required to waive referral.*

### **Recommendations**

Councillor Alejandra Bravo, seconded by Councillor Paula Fletcher, recommends that:

1. City Council exempt the stratified parcel of fee simple land at 55-77 Wade Avenue, Toronto, designated as Parts 14, 15, 16 and 17 and a negative support easement through Parts 1, 2, 3, 4 and 5 on Plan 66R-31574 (the "Conveyance Lands"), required to be conveyed to the City as a condition of development approval pursuant to the City of Toronto Act, 2006, by 77 WADE LP, by its general partner, 77 WADE GP INC. (the "Developer") from the application of the Policy for Accepting Potentially Contaminated Lands (the "Policy"), subject to the recommendations provided by the City's Peer Reviewer, PGL Environmental Consultants and including such other terms and conditions as deemed appropriate by the Executive Director, Corporate Real Estate Management (the "Executive Director"), and in a form satisfactory to the City Solicitor.
2. City Council authorize the conveyance of the Conveyance Lands defined in Recommendation 1 above, even though the Phase Two Environmental Site Assessment was limited based on the presence of the underlying Toronto Transit Commission infrastructure which restricted the investigation and the ability to meet the City's Conveyance Policy.
3. City Council authorize the Executive Director, Corporate Real Estate Management, or their designate, to enter into an indemnity agreement whereby the Developer assumes all responsibility and indemnifies the City from any and all liability associated with the acceptance of the Conveyance Lands defined in Recommendation 1.

### **Summary**

The lands at 57-77 Wade are being re-developed for the purpose of constructing a 7-storey commercial office building. The project is well underway having been re-zoned and having received initial Notice of Approval Conditions for Site Plan Control on June 18, 2020, with an amendment on September 23, 2021.

One of the conditions related to the Notice of Approval Conditions was the conveyance of a 3-metre sub-strata piece of land surrounding the Toronto Transit Commission tunnel which is

approximately 9 metres below grade. The Developer has agreed to provide the lands as per the Notice of Approval Conditions. However, City policy is that it cannot accept land that has not been tested and shown to be free of environmental contaminants. Unfortunately, the sub-strata land cannot safely be tested as it is within the buffer zone of the Toronto Transit Commission tunnel, and as such the Toronto Transit Commission does not permit any digging even for testing purposes deeper than 6 metres, which is 4-5 meters shy from the top of the Toronto Transit Commission tunnel.

To protect the tunnel structure and safety of the Toronto Transit Commission patrons, Toronto Transit Commission will not permit testing in the substrata fee simple area and therefore was not subject to physical sampling in the usual manner. Therefore, relief from the City's Conveyance Policy is being sought.

### **Background Information (City Council)**

Member Motion MM18.23