

## **33 Yorkville Avenue - Amendment to Pedestrian Tunnel Encroachment Agreement**

**Date:** April 10, 2026

**To:** Toronto and East York Community Council

**From:** Acting Director, Street Permits, Transportation Services

**Wards:** Ward 11 – University-Rosedale

### **SUMMARY**

---

This staff report is about a matter which Community Council has delegated authority from City Council to make a final decision.

This report seeks to amend the licence fee for the encroachment agreement authorized pursuant to Item TE19.27, adopted by Toronto and East York Community Council at its meeting on October 15, 2020.

### **RECOMMENDATIONS**

---

The Acting Director, Street Permits, Transportation Services, recommends that:

1. Toronto and East York Community Council amend Item TE19.27, adopted by Toronto and East York Community Council at its meeting held on October 15, 2020, by:

a. Deleting Part 1.h. in its entirety and replacing it with the following:

“1.h. the Owner shall pay (i) an annual licence fee in the amount of \$479.02 for the 17.51square metre encroachment area of the pedestrian tunnel, plus applicable HST, and (ii) any applicable real property taxes eligible. The licence fee shall increase annually throughout the term of the encroachment agreement in accordance with the City's User Fee Policy, as prescribed under Chapter 441, Fees and Charges, Appendix C – Schedule 2, Transportation Services, of the City's Toronto Municipal Code.”

## **FINANCIAL IMPACT**

---

The owner will be responsible for all associated costs for the reconstruction of the tunnel, as well as its maintenance, repair, and operation.

The owner shall pay an annual licence fee of approximately \$500.00 annually, which shall increase annually throughout the term of the encroachment agreement in accordance with the City's User Fee Policy, as prescribed under Chapter 441, Fees and Charges, of the City's Toronto Municipal Code.

## **DECISION HISTORY**

---

At its meeting on August 25, 26, 27 and 28, 2014, City Council approved applications to amend the Official Plan and Zoning By-law to permit two linked mix use towers of 62 storeys on Yorkville Avenue and of 40 storeys on Cumberland Street.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE34.32>

At its meeting on September 30, October 1 and 2, 2015, City Council approved amendments to Item TE34.32, including amongst other matters, that the applicant convey a road widening of 3.05 metres along the Cumberland Street frontage of the lands as a community benefit to the City.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.MM9.52>

By adoption of Item No. TE19.27 by TEYCC at its meeting on October 15, 2020, TEYCC authorized the City to enter into an encroachment agreement with the owner to grant the owner permission to re-construct, maintain, repair and operate a portion of a tunnel under the public highway.

<https://secure.toronto.ca/council/agenda-item.do?item=2020.TE19.27>

## COMMENTS

---

The previous owner of 33 Yorkville Avenue, 33 Yorkville Residences Inc., proposed a 68-storey mixed-use tower and a 42-storey residential condominium at 33 Yorkville Avenue and 50 Cumberland Street. The development was planned to include approximately 1079 residential units, with retail space on the ground and second floors, built above a six-level, below grade commercial parking garage operated by the Toronto Parking Authority.

As a part of this proposal, the previous owner submitted an application to reconstruct a portion of an existing below-grade tunnel at 33 Yorkville Avenue, located beneath Cumberland Street. This tunnel connects to the property at 65 Cumberland Street (2 Bloor Street West and 820 Yonge Street).

The section of the tunnel slated for reconstruction was originally located on the owner's lands. However, following a required conveyance to the City for a 3.047 metre road widening along the Cumberland Street frontage, this portion now lies beneath the public highway. This segment, referred to as the "Stub Portion", measures 3.047 metres in length and 5.746 metres in width. The Stub Portion is located at Parking Level 1 of the building and connects to the existing tunnel beneath Cumberland Street. Drawings of the Stub Portion are provided in Attachments 1 and 2.

Pursuant to Item TE19.27, the City was authorized to enter into an encroachment agreement with the property owner for the reconstruction, maintenance, repair, and operation of the Stub Portion of the tunnel located beneath the public highway.

33 Yorkville Residences Inc. subsequently went into receivership, and the Court-appointed receiver entered into an agreement of purchase and sale with PEM (Yorkville) Holdings Inc. ("PEM"). PEM became the registered owner of the property following a vesting order registered on title on March 29, 2021.

PEM has recently reactivated the application and submitted structural drawings of the Stub Portion of the tunnel. Upon review, it was determined that the license fee approved under Item TE19.27 was inadvertently calculated using a Corporate Real Estate Management (CREM) appraisal for the entire tunnel, rather than the Stub Portion alone. In addition, pursuant to Part 1.i. of Item TE19.27, the tunnel is required to remain publicly accessible for the duration of the encroachment agreement. Under the City of Toronto Municipal Code, Chapter 441 (Fees and Charges, Appendix C – Schedule 2, Ref. Nos. 13 and 14), license fees for publicly accessible tunnels are to be calculated based on a specific fee schedule, rather than an individual appraisal. This amendment ensures the license fee aligns with the requirements of the City of Toronto Municipal Code.

The purpose of this report is to seek Toronto and East York Community Council's authorization to amend the annual license fee previously approved under Item TE19.27.

All other terms and conditions authorized pursuant to Item TE19.27 will remain the same.

The Ward Councillor has been advised of the recommendations of this report.

## **CONTACT**

---

Elio Capizzano, Manager, Construction Activity  
Street Permits, Transportation Services  
Tel: 416-392-7878,  
Email: [Elio.Capizzano@toronto.ca](mailto:Elio.Capizzano@toronto.ca)

## **SIGNATURE**

---

---

Nazzareno A. Capano, P.Eng.  
Acting Director, Street Permits  
Transportation Services

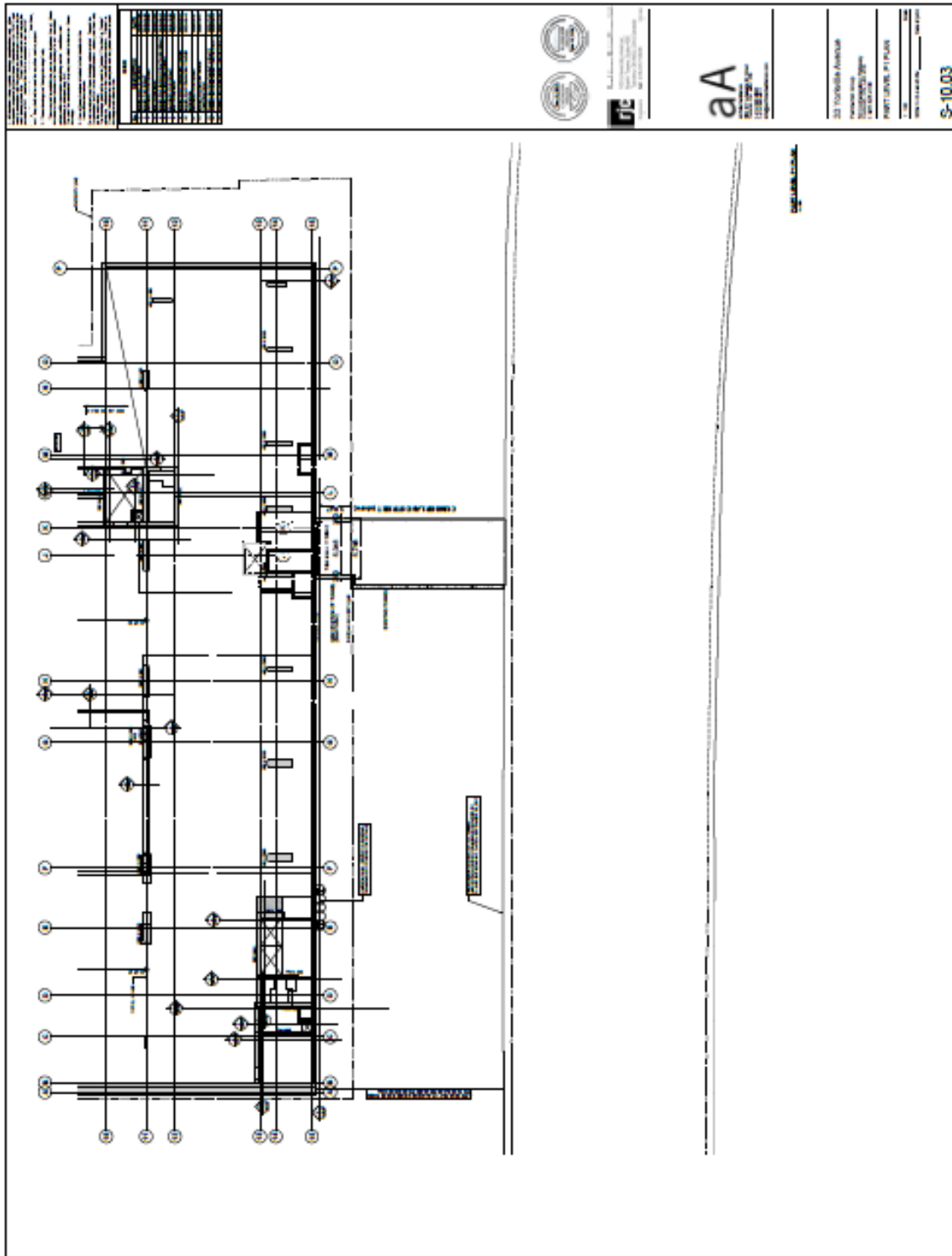
## **ATTACHMENTS**

---

Attachment 1 - Site Plans  
Attachment 2 - Cross Section Drawings

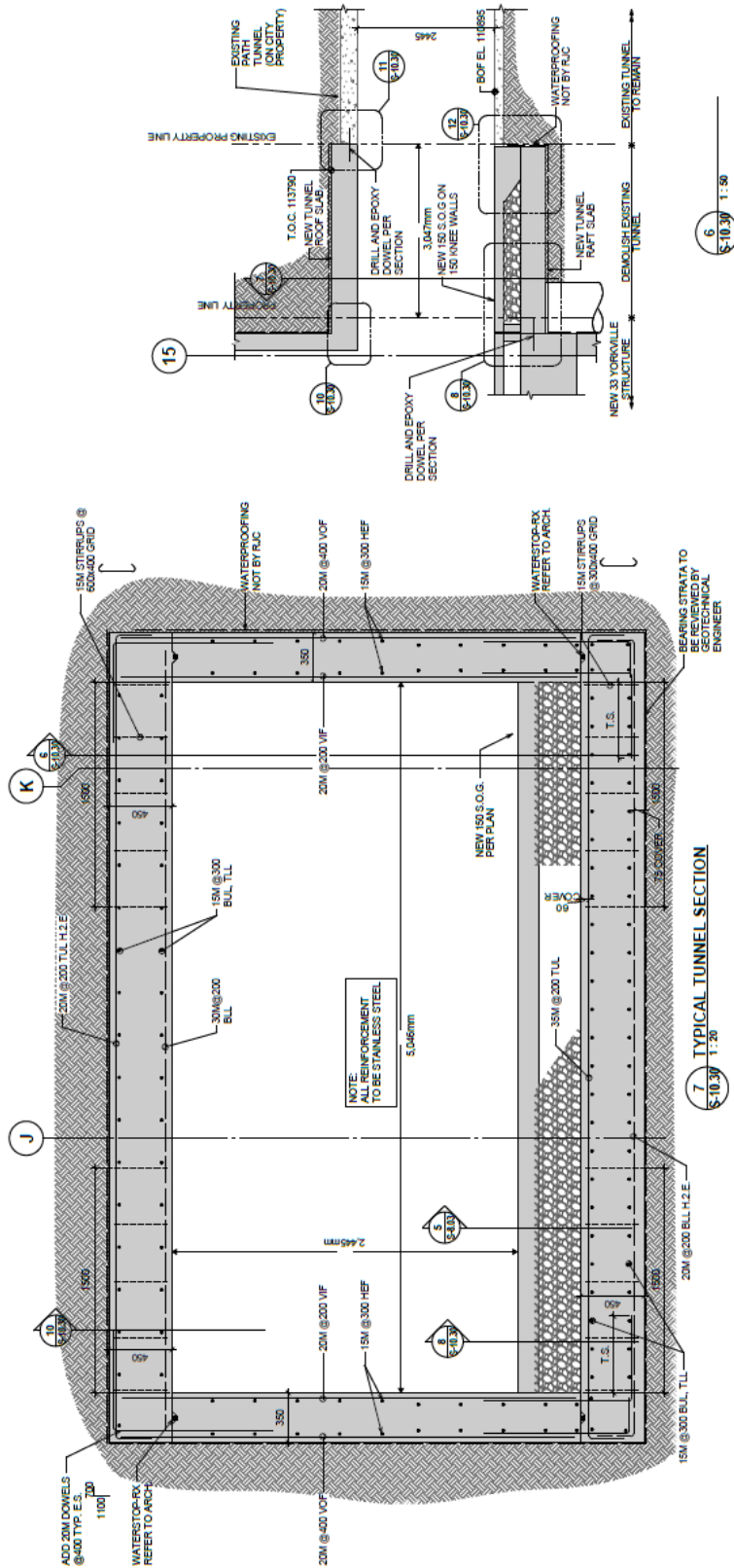
# Attachment 1 – Site Plans

Site Plan showing the Stub Portion of the tunnel beneath Cumberland Street which connects to the property at 33 Yorkville Avenue.









- 7 TYPICAL TUNNEL SECTION**  
 5-10-37 1:20
- NOTES:**
1. CLEAR COVER 40mm U.N.O.
  2. U.N.O. SHALL BE OF RESISTIVE STRENGTH
  3. TUNNEL SHALL CONFORM TO CSA S4-19.
  4. CHASSANT FLOORING PERMISSIBLE LOADS SHALL BE CONSIDERED IN THE TUNNEL DESIGN.