



# Toronto and Region Conservation Authority

## Board of Directors Meeting Revised Agenda

January 29, 2021  
9:45 A.M.

The meeting will be conducted via a video conference  
Members of the public may view the livestream at the following link:  
<https://video.isilive.ca/trca/live.html>

### Pages

1. ACKNOWLEDGEMENT OF INDIGENOUS TERRITORY
2. MINUTES OF THE BOARD OF DIRECTORS MEETING, HELD ON NOVEMBER 20, 2020  
[Meeting Minutes Link](#)  
*(November 20, 2020 Closed Session Minutes will be circulated to Board Members separately)*
3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF
4. DELEGATIONS
5. PRESENTATIONS
6. CORRESPONDENCE
7. SECTION I - ITEMS FOR BOARD OF DIRECTORS ACTION
  - 7.1. APPOINTMENTS TO TORONTO AND REGION CONSERVATION  
AUTHORITY BOARD OF DIRECTORS  
City of Toronto

<b>7.2.</b>	<b>NEW ADMINISTRATION OFFICE BUILDING PROJECT UPDATE</b>	<b>9</b>
	Project Update on Current COVID-19 regulations and Lease Extension at 101 Exchange Avenue	
<b>7.3.</b>	<b>APPROVAL OF PROPERTY AND RISK MANAGEMENT POLICIES</b>	<b>11</b>
<b>7.4.</b>	<b>EXTENSION OF ENCROACHMENT AGREEMENT</b>	<b>65</b>
	Request from the City of Toronto for concurrence to enter into an extension of an encroachment agreement affecting Authority owned lands, managed by the City of Toronto at the rear of 122 Camborne Avenue, City of Toronto, Humber River Watershed (CFN 28685)	
	<i>Referred from October 2, 2020 Executive Committee meeting (RES.#B63/20)</i>	
<b>7.5.</b>	<b>REQUEST FOR DISPOSAL OF TORONTO AND REGION CONSERVATION AUTHORITY OWNED LAND</b>	<b>69</b>
	Former Tompion Limited Property, City of Markham, Regional Municipality of York, Rouge River Watershed (CFN 61935)	
	<i>Referred from January 15, 2021 Executive Committee. Updated. (RES.#B89/20)</i>	
<b>7.6.</b>	<b>ROTARY FRENCHMANS BAY PARK WEST</b>	<b>76</b>
	Master Plan Update	
<b>7.7.</b>	<b>2021 FEE SCHEDULE FOR PUBLIC FACILITIES AND PROGRAMMING</b>	<b>85</b>
<b>7.8.</b>	<b>LOCAL PLANNING APPEAL TRIBUNAL</b>	<b>108</b>
<b>8.</b>	<b>SECTION III - ITEMS FOR THE INFORMATION OF THE BOARD</b>	
<b>8.1.</b>	<b>2021 COST OF LIVING ADJUSTMENT AND ANNUAL PERFORMANCE STEP PROGRESSION INCREASES</b>	<b>114</b>
<b>8.2.</b>	<b>UPDATE ON THE PICKERING AND AJAX DYKE RESTORATION CONSERVATION ONTARIO CLASS ENVIRONMENTAL ASSESSMENT</b>	<b>118</b>
<b>8.3.</b>	<b><i>OUTDOOR EDUCATION TASK FORCE MINUTES</i></b>	
	Meeting #4/20, held on November 30, 2020 - <a href="#">Meeting Minutes Link</a>	
<b>8.4.</b>	<b><i>PARTNERS IN PROJECT GREEN EXECUTIVE MANAGEMENT COMMITTEE MINUTES</i></b>	
	Meeting #3/20, held on November 17, 2020 - <a href="#">Meeting Minutes Link</a>	
<b>8.5.</b>	<b><i>REGIONAL WATERSHED ALLIANCE MINUTES</i></b>	
	Meeting #4/20, held on November 18, 2020 - <a href="#">Meeting Minutes Link</a>	
<b>9.</b>	<b>MATERIAL FROM JANUARY 15, 2021 EXECUTIVE COMMITTEE MEETING</b>	
	<a href="#">Meeting Minutes Link</a>	
<b>9.1.</b>	<b>SECTION I – ITEMS FOR BOARD OF DIRECTORS ACTION</b>	

**9.1.1. SECTION 28 REGULATION MAPPING**

To seek Board of Directors' endorsement of the annual update to TRCA's Section 28 Regulation mapping based upon the most current information available related to regulated natural hazards and natural features.

*(Executive Committee RES.#B82/20)*

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**9.1.2. 2020 COMPENSATION SUMMARY REPORT**

Second annual report to the Executive Committee on Toronto and Region Conservation Authority's (TRCA) Ecosystem Compensation Program using summary statistics from TRCA's ecosystem compensation database. The report contains a summary of outcomes and performance of the program with recommendations for improvement where needed.

*(Executive Committee RES.#B83/20)*

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**9.1.3. VENDOR OF RECORD ARRANGEMENT FOR HERITAGE RESTORATION AT BLACK CREEK PIONEER VILLAGE**

Award of Request for Proposal (RFP) No.10033027 for a Vendor of Record (VOR) arrangement for heritage restoration work required at Black Creek Pioneer Village.

*(Executive Committee RES.#B84/20)*

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**9.1.4. REQUEST FOR TENDER FOR SUPPLY AND DELIVERY OF VARIOUS AGGREGATE FOR THE ASHBRIDGES BAY TREATMENT PLANT LANDFORM PROJECT**

Award of Request for Tender (RFT) No. 10035223 – Supply and Delivery of 30,600 tonnes of 100 - 700 mm Core Stone. Award of Request for Tender (RFT) No. 10035225 – Supply and Delivery of 35,300 tonnes of 4 - 6 tonne Armour Stone. Award of Request for Tender (RFT) No. 10035226 – Supply and Delivery of 9,200 tonnes of 3 - 5 tonne Armour Stone.

*(Executive Committee RES.#B85/20)*

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**9.1.5. REQUEST FOR PERMANENT EASEMENT (CITY OF RICHMOND HILL)**

Receipt of a request from the City of Richmond Hill for a permanent easement of Toronto and Region Conservation Authority-owned lands located on southside of Maple Grove Avenue of street and west of Yonge Street, in the City of Richmond Hill, Regional Municipality of York, required for the reconstruction of Maple Grove Avenue, Humber River watershed (CFN 64050).

*(Executive Committee RES.#B86/20 and RES.#B87/20)*

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**9.1.6. CONVEYANCE OF LAND AND PERMANENT EASEMENT  
(REGIONAL MUNICIPALITY OF YORK)**

Receipt of a request from the Regional Municipality of York, for a conveyance and permanent easements of Toronto and Region Conservation Authority owned lands located along Rutherford Road from west of Keele to Ilan Ramon Blvd (east of Bathurst), in the City of Vaughan, Regional Municipality of York, required for Rutherford Road widening, Don River watershed (CFN 64051).

*(Executive Committee RES.#B88/20)*

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**9.1.7. GREENSPACE ACQUISITION PROJECT 2021-2030**

Update to Toronto and Region Conservation Authority's (TRCA) acquisition of a partial taking from a property located east of Peel Regional Road 50 and south of Gibson Lake Road, in the Town of Caledon, Regional Municipality of Peel, under the "Greenspace Acquisition Project for 2021-2030," Flood Plain and Conservation Component, Humber River watershed (CFN 64362).

*(Executive Committee RES.#B90/20)*

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**9.1.8. DECLARATION OF SURPLUS LANDS AND PROPOSED  
APPROACH TO ADD VALUE PRIOR TO DISPOSITION IN  
SUPPORT OF WATERFRONT TRAIL AND SHORELINE  
RESTORATION OBJECTIVES**

Declaration of surplus lands, municipally known as 805 & 809 St. Martins Drive, City of Pickering, Regional municipality of Durham, Frenchman's Bay Watershed and proposed approach to work with the City of Pickering to add value to the property prior to disposition in support of joint City and TRCA Lake Ontario Waterfront Trail and shoreline restoration objectives (CFN 64096).

*(Executive Committee RES.#B91/20)*

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**9.2. SECTION II - ITEMS FOR EXECUTIVE ACTION (BOARD INFORMATION)**

**9.2.1. SNOW AND ICE MANAGEMENT SERVICES FOR VARIOUS  
PROPERTIES**

Extension of Contract #10022070 for snow and ice management services for various Toronto and Region Conservation Authority (TRCA) properties for the remainder of the 2020/2021 winter season.

*(Executive Committee RES.#B92/20)*

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**9.3. SECTION III - ITEMS FOR THE INFORMATION OF THE BOARD**

**9.3.1. 2020 NINE MONTH FINANCIAL REPORT (SEPTEMBER 30, 2020)**

Receipt of Toronto and Region Conservation Authority's (TRCA) unaudited expenditures as of the end of the third quarter, September 30th, 2020, for informational purposes.

*(Executive Committee RES.#B93/20)*

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**9.3.2. 2020 COVID-19 UPDATE**

To provide an update to Toronto and Region Conservation Authority's (TRCA) Board of Directors regarding the financial impacts of COVID-19.

*(Executive Committee RES.#B94/20)*

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**9.4. SECTION IV - ONTARIO REGULATION 166/06, AS AMENDED**

Receipt of Ontario Regulation 166/06, as amended, for applications 10.1-10.3, which were approved or received at the January 15, 2021 Executive Committee Meeting.

*(Executive Committee RES.#B95/20 and RES.#B96/20)*

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**9.5. JANUARY 15, 2021 EXECUTIVE COMMITTEE CLOSED SESSION ITEMS**

*(Executive Committee RES.#B97/20)*

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*(January 15, 2021 Closed Session Minutes will be circulated to Board Members separately)*

**9.5.1. ADVANCING PICKERING WATERFRONT TRAIL CONNECTIVITY AND SHORELINE WORKS THROUGH A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF PICKERING AND A VALUE-ADDED DISPOSITION**

*(Executive Committee RES.#B97/20)*

*(January 15, 2021 Closed Session Minutes will be circulated to Board Members separately)*

**10. CLOSED SESSION**

*(Closed Session reports will be circulated to Board Members separately)*

**10.1. CHABAD LUBAVITCH OF AURORA INC., AND HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO AS REPRESENTED BY THE MINISTER OF GOVERNMENT AND CONSUMER SERVICES**

Pursuant to subsection C.4.(2)(l) of TRCA's Board of Directors Administrative By-Law, as the subject matter pertains to a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of TRCA.

**10.2. LOCAL PLANNING APPEAL TRIBUNAL**

Status of Hearings June 2019 to December 2020

Pursuant to subsection C.4.(2)(e) of TRCA's Board of Directors Administrative By-Law, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals (e.g. Local Planning Appeal Tribunal), affecting TRCA.

## 11. NEW BUSINESS

NEXT MEETING OF THE BOARD OF DIRECTORS TO BE HELD ON FEBRUARY 26,  
2021 AT 9:30 A.M. VIA VIDEOCONFERENCE

John MacKenzie, Chief Executive Officer

/am

### Section I – Items for Board of Directors Action

**TO:** Chair and Members of the Board of Directors  
Friday, January 29, 2021 Meeting

**FROM:** John MacKenzie, Chief Executive Officer

**RE:** **APPOINTMENTS TO TORONTO AND REGION CONSERVATION  
AUTHORITY BOARD OF DIRECTORS**  
City of Toronto

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#### KEY ISSUE

The Secretary-Treasurer advises that seven appointees to Toronto and Region Conservation Authority (TRCA), representing the City of Toronto, have been duly appointed and are entitled to sit as members of this Board of Directors until the 2021 annual meeting, when all appointments for the period from the Annual Board of Directors Meeting for 2021 to the Annual Board of Directors Meeting for 2022 will be confirmed, unless a successor is appointed.

#### RECOMMENDATION

**THAT Councillors Paul Ainslie, Shelley Carroll, Paula Fletcher, Mike Layton, Josh Matlow, James Pasternak and Anthony Perruzza be recognized as the City of Toronto members of Toronto and Region Conservation Authority (TRCA) until November 14, 2022 and until the successors are appointed, and as such are duly appointed and entitled to sit as members of this Board of Directors until the Annual Board of Directors Meeting scheduled to be held on February 26, 2021, or until their successor are appointed;**

**AND FURTHER THAT Councillor Cynthia Lai be thanked for her service.**

#### BACKGROUND AND RATIONALE

At the Toronto City Council meeting on December 16, 17 and 18, 2020, Council approved the mid-term appointment of seven (7) Council appointees to TRCA for a term of office from January 1, 2021 to November 14, 2022 and until successors are appointed. Councillors Paul Ainslie, Shelley Carroll, Paula Fletcher, Mike Layton, James Pasternak and Anthony Perruzza were re-appointed to their previously held positions. Councillor Josh Matlow was appointed to replace Councillor Cynthia Lai on TRCA's Board of Directors.

Each year, at the annual meeting, the Secretary-Treasurer advises who is entitled to sit as members of the Board of Directors for the upcoming year. Due to the change in membership, such advisory needs to be provided at the January 29, 2021 meeting, to be effective until the Annual Meeting, scheduled to be held on February 26, 2021. As a result, the Secretary-Treasurer is advising that Councillors Paul Ainslie, Shelley Carroll, Paula Fletcher, Mike Layton, Josh Matlow, James Pasternak and Anthony Perruzza are duly appointed to sit as members of the Board of Directors, effective January 29, 2021.

#### Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategy set forth in the TRCA 2013-2022 Strategic Plan:  
**Strategy 7 – Build partnerships and new business models**

## Item 7.1

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Date: January 22, 2021

### Section I – Items for Board of Directors Action

**TO:** Chair and Members of the Board of Directors  
Friday, January 29, 2021 Meeting

**FROM:** Michael Tolensky, Chief Financial and Operating Officer

**RE:** **NEW ADMINISTRATION OFFICE BUILDING PROJECT UPDATE**  
Project Update on Current COVID-19 regulations and Lease Extension at 101 Exchange Avenue

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#### KEY ISSUE

An update on New Administration Office Building Project status relating to COVID-19 Provincial Regulations and a lease extension at 101 Exchange Avenue to align with the construction schedule for the Project.

#### RECOMMENDATION

**WHEREAS Board of Directors Resolution #A232/19 authorized staff to extend the lease at 101 Exchange Avenue to February 2022 at the current lease rate and ensure overlap with the New Administration Building project occupancy period;**

**AND WHEREAS Board of Directors Resolution #A193/20 stated that schedule delays have resulted in a revised occupancy period into the summer of 2022;**

**THEREFORE, LET IT BE RESOLVED THAT due to COVID-19 and municipal approval delays, that staff be authorized to extend the lease at 101 Exchange Avenue to December 2022 at the current lease rate and ensure overlap with the New Administration Office Building occupancy period.**

#### BACKGROUND

On February 27, 2015 Res. #A23/15 approved 5 Shoreham Drive as the preferred site for the new TRCA administration building. On June 24, 2016 Res. #A85/16 approved a project budget of \$70M with \$60M provided by participating municipalities and the remaining funds from land disposition funds. On February 24, 2017 Authority Res. #A14/17 staff reported that all six of TRCA's participating municipalities had approved the Project and the allocation of \$60M in new and existing capital funding. On May 25, 2018 Authority Res. #A79/18 staff reported that the Minister of Natural Resources and Forestry granted approval to use \$3,538,000 in disposition proceeds from land sales, for a revised overall budget of \$63,538,000 and, if possible, that the disposition funds be used to reduce the overall term of the required financing. The revised approved upper limit of the project budget of \$60M was not increased at that time, as the decision was made to wait until the tendering process was complete in mid-2019 to determine a more accurate budget for the project. On Friday July 26, 2019 Board of Directors Res.#A145/19 staff provided an update on the budget for TRCA's Administrative Office Building project and were directed to award contracts based on the approval of the budget upper limit being increased from \$60,000,000 to \$65,538,000 which reflected the available sources of funding from stakeholders. This increase reflected that the project had qualified for a \$2,000,000 grant from NRCan.

On Friday January 24, 2020 Board Meeting Res.#A232/19 authorized staff to extend the lease at 101 Exchange Avenue at the existing lease rate to February 2022 because of approval delays moving the building occupancy period to Nov. 2021/Jan. 2022.

## Item 7.2

On Friday April 24, 2020 Board Meeting Res.#A44/20 received an update on the delay to the project related to COVID-19.

On November 20, 2020 RES.#A193/20 received an update on the schedule and construction progress of the New Administrative Office Building. The building occupancy period has moved to June 2022 as a result of approval and construction delays.

### **RATIONALE**

On January 12, 2021 the Ontario Provincial Government issued Ontario Regulation 10/21 amending the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020. O. Reg. 82/20 The 10/21 amendment included Part 43. Construction which made provisions for certain construction projects to be exempt from closure. The January 15, 2021 consolidation of Ontario Regulation 82/20 amendments clarified the exemptions. Staff understand the New Administration Office Building project is exempt from closure under the following clause:

*43. Construction activities or projects and related services, including land surveying and demolition services, that:*

- (I) are funded in whole or in part by,*
  - (i) the Crown in right of Canada or in right of Ontario,*
  - (ii) an agency of the Crown in right of Canada or in right of Ontario, or*
  - (iii) a municipality;*

Municipal approval delays due to Tennis Canada agreement negotiations combined with construction delays, including those related to the COVID-19 pandemic have moved the building occupancy period to the summer of 2022. Due to this delay, TRCA staff are requesting authorization to finalize a lease extension with the Landlord of 101 Exchange Avenue, QuadReal. Staff have been discussing with the landlord a second lease extension at 101 Exchange from the first extension of February 2022 to the end of December 2022 at the current lease rate and the landlord is amenable to an extension with the same terms and conditions. Quadreal has also suggested that if necessary, an extension to December 2023 would be available. While the lease will be extended to December 2022 the lease has a 30-day cancellation clause allowing TRCA to move into the new administration building when available without incurring a lease cancellation penalty. It should be noted that the lease extension is cost neutral to the project because the operating costs of the new administration building are anticipated to be approximately equal to the lease cost at 101 Exchange Avenue. Staff will continue to work with the facilities manager of 101 Exchange Avenue to ensure a smooth transition.

### **Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan**

This report supports the following strategy set forth in the TRCA 2013-2022 Strategic Plan:

#### **Strategy 7 – Build partnerships and new business models**

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**Date: January 6, 2021**

### Section I – Items for Board of Directors Action

**TO:** Chair and Members of the Board of Directors  
Friday, January 29, 2021 Meeting

**FROM:** Michael Tolensky, Chief Financial and Operating Officer

**RE:** **APPROVAL OF PROPERTY AND RISK MANAGEMENT POLICIES**

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#### KEY ISSUE

Approval of updated Acquisition, Disposition, Encroachment and Contaminated Site policies, as well as approval of the amendments to the Board of Directors Administrative By-Law regarding indemnity provisions for Board members, officers and employees.

#### RECOMMENDATION

**WHEREAS** Toronto and Region Conservation Authority (TRCA) continues to review, update and manage its corporate policies;

**AND WHEREAS** staff have now reviewed, and updated key policies related to the administration of current and future land holdings;

**AND WHEREAS** TRCA's 1987 *Indemnification* policy requires a review and update according to the policy review schedule;

**THEREFORE, LET IT BE RESOLVED THAT** the updated and new Acquisition, Disposition, Encroachment and Contaminated Sites policies be approved;

**THAT** proposed amendment to the section B.17 Indemnification of the Board Members of the Board of Directors Administrative By-Law, as amended, be approved;

**AND FURTHER THAT** the approved amended TRCA Board of Directors Administrative By-law, as amended, be forwarded to the Minister of Environment, Conservation and Parks, Conservation Ontario, and be posted on TRCA's website.

#### BACKGROUND AND RATIONALE

TRCA staff are actively engaged in the review of existing and creation of new policies as part of its policy program. Over the last two years TRCA made significant strides toward a more modern suite of relevant policies, through the establishment and work of an internal Policy Committee – a group of subject matter experts from across TRCA divisions tasked with a systematic and comprehensive review and update of TRCA's existing policies as well as development of new policies, procedures and standard operating procedures (SOPs) intended to fill identified policy gaps.

The approval of the majority of TRCA's operational policies and procedures is delegated to the Chief Executive Officer. Under the Board of Directors Terms of Reference (ToR), contained in the Board of Directors Administrative By-Law, the Board of Directors is responsible for the approval of governance-related policies impacting any of the Board of Directors' responsibilities, including those listed in the terms of reference; policies that provide staff with benefits in excess of those provided by the *Employment Standards Act*; Investment and Reserve policies; and policies that concern fees charged by TRCA.

## Item 7.3

Section 4 of the Board of Directors ToR discusses Board of Directors responsibilities as they relate to the approval of proposed acquisition and disposition of land. While the ToR do not explicitly speak to the Board of Directors' role in regard to the review and approval of encroachments and contaminated sites, all major encroachments and matters concerning site contamination are brought to the Board for its approval. As a major responsibility of the Board, any policies related to land management matters are brought forward for Board approval.

Property and Risk Management business staff have developed new CS-5.13-P Acquisition of Lands and CS-5.16-P Contaminated Sites policies and reviewed and updated the 1995 Surplus TRCA Land Sales policy, approved by the Authority at the January 27, 1995 meeting (Res.#A289/94) and 1977 Encroachments onto TRCA Owned-Lands policy approved by the Authority at the April 22, 1977 Authority meeting (Res.#40). Further, Property and Risk Management and the Clerk's Office undertook the review of the 1987 Indemnification policy previously approved by the Authority at the August 11, 1987 meeting (Res.#164). The results of the policy review are summarized below, first informed by the context of each respective program area. Pending approval of policies, staff have attached sample draft internal SOPs, which are approved by the CFOO, which operationalize the policies. The SOPs are included for information only and do not require Board approval.

### **Acquisition of Lands**

TRCA began its land acquisition program in the 1950's and now owns over 15,000 ha of land within its' jurisdiction. The first acquisitions were made to further early conservation projects including flood control efforts outlined in the 1959 Plan for Flood Control. TRCA's most recent land securement strategy is outlined in the Greenspace Acquisition Project 2021-2030, as approved by the Board of Directors in RES #A28/20 ("GAP"). Among other things, GAP outlines the criteria and methods under which properties will be secured by TRCA. The criteria for securement within GAP are derived from TRCA's Greenspace Strategy, Valley and Stream Corridor Management Program, Terrestrial Natural Heritage System Strategy and various integrated watershed management plans. Other criteria for securement include provincial plans such as the Niagara Escarpment Plan, Oak Ridges Moraine Conservation Plan, Greenbelt Plan and Clean Water Act. TRCA acquires property rights in one or a combination of the following ways: fee simple, conservation easements, covenants, leases and agreements. The tools for securement include the planning process, donations, exchanges, municipal land transfers, expropriations, extended tenancies, right of first refusals, joint ownership arrangements, purchase and resale arrangements, and land management agreements.

### **CS-5.13-P Acquisition of Lands Policy**

CS-5.13-P Acquisition of Lands policy (**Attachment 1**) ensures that any acquisition of Land by TRCA is undertaken in a consistent, transparent, and effective manner, with appropriate consultation and accountability, in alignment with TRCA's strategic direction, core values, and the regulatory and legislative environment in which it operates. Acquisition of property will follow the following principles:

- Fairness: Ensure an open, transparent, and impartial process.
- Value Capture: Maximize the value for TRCA.
- Risk Management: Limit TRCA's exposure to risk and liabilities.

The policy further provides direction on roles and responsibilities for property acquisition and requires that all acquisitions be undertaken further to a Board of Directors resolution.



**Attachments 2 and 3** represent draft internal SOPs, which provide step-by-step instructions for achieving purposes of the policy.

### **Sale and Disposition of Real Property**

TRCA has sizable land holdings across its jurisdiction. Frequently, TRCA is requested from member municipalities, and other government agencies, to dispose of certain interests in lands to support, federal, provincial, or municipal projects, infrastructure, and utilities. Infrastructure/and utilities on TRCA-owned property are generally registered through usage easements. Examples of municipal infrastructure easements include those associated with water/sewer services crossing through TRCA holdings. Other government dispositions may be fee-simple to support government projects, such as the disposition for the Rouge National Park, Bolton Bypass, Caledon EMS Station #302, and others.

As a conservation authority, TRCA does not typically sell or dispose of property into private ownership. However, there may be instances where lands may become surplus to TRCA and partner needs. In these instances, TRCA and partner conservation efforts may be advanced by the disposition of surplus property and attributing the revenue generated for TRCA projects (including the acquisition of conservation lands, managed/agreement forest lands or ecologically significant lands).

### **CS-5.14-P Sale and Disposition of TRCA Real Property Policy**

CS-5.14-P Sale and Disposition of TRCA Real Property Policy (**Attachment 4**) carries forward and expands on the current policy for the sale and disposition of TRCA-owned land. The policy establishes the framework for sale and disposition of land and ensures that legislative and provincial policy requirements continue to be met, that TRCA fulfills its obligations to all parties that may be impacted, that the disposition of real property is undertaken in a consistent, transparent, and effective manner, and that the objects of TRCA are being met. The updated policy now incorporates provincial policy requirements for the disposition of conservation authority property. Sale or Disposition of land is subject to a Board of Directors resolution.

**Attachment 5** represents a draft internal SOP, which provides step-by-step instructions for achieving purposes of the policy.

### **Encroachment onto TRCA Property**

Lands secured by TRCA are from time to time subject to encroachment by adjacent landowners. Minor encroachments may consist of owners attempting to extend their lots onto adjacent TRCA tableland, planting of gardens, storage of chattel, or other minor instances. Major encroachments are where adjacent landowners substantially alter the TRCA lands, typically through the construction of built structures or altering grading/placing fill. While encroachments exist throughout TRCA's ownership, they are especially prevalent in historical residential areas adjacent to valley and stream corridors where boundary lines are not fenced or are not clearly demarcated.

Encroachments are of concern to TRCA because they:

- restrict or limit the use and enjoyment of public lands, previously acquired by TRCA for the benefit of all residents;
- may pose a safety hazard to the public and give rise to liability claims from resultant injuries;
- may compromise the integrity of natural heritage features and functions of the property;
- may compromise the integrity of cultural heritage values of the property;

## Item 7.3

- may lead to claims of adverse possession and the loss of public assets;
- may destabilize public lands with resultant damage to adjacent private lands;
- may result in costs to restore degraded TRCA lands and private lands that are subsequently damaged; and
- may create an unfavorable precedent.

Enforcement of encroachment is difficult. Pragmatically, lands under management agreement with member municipalities are investigated and enforced by said municipality, subject to funding. TRCA lands not under management agreement, are managed internally subject to funding. TRCA's Greenspace Conservation Inventory and Audit program in the years 2018-2020 summarizes the encroachments found in Table 1. Encroachments in the City of Toronto are still under review by City and TRCA staff and have been reported on in previous reports related to encroachments in the City of Toronto.

Table 1: Staff Identified Encroachments on TRCA Land By Year				
Year	Peel	York	Durham	Total
2018	1	26		27
2019	20	57		77
2020	0	42	11	53

### CS-5.15-P Encroachment onto TRCA Owned Lands Policy

CS-5.15-P Encroachment onto TRCA Owned Lands policy (**Attachment 6**) carries forward and expands on the current policy to resolve identified encroachments:

Removal - The preferred method to resolve encroachments as it allows the land to be reverted to its intended use.

Use of Encroachment Agreements - An interim arrangement to establish temporary permission for the encroachment. Although this is less preferable option, this may be the best method to address major encroachments.

Sale or Land Exchange - The least preferable option, and only considered when it is determined that a parcel of land is not required for TRCA purposes.

In addition, the updated policy sets out internal roles and responsibilities for implementation of the policy. Encroachment agreements greater than 5 years are subject to Board of Directors resolution.

Encroachments that are not resolved in accordance with the above methods, may require litigation and are subject to legal limitations and financial constraints.

### Contaminated Sites

TRCA started using environmental investigations prior to property acquisition in the late 1980's. By the 2000's, a satisfactory Phase 1 Environmental Site Assessment ("ESA") completed by a Qualified Person under the *Environmental Protection Act*, was a consistent requirement prior to acquisition of land. In 2016 and 2017 staff undertook a review of all available property acquisition records to assess the contamination status of TRCA land holdings. Based on a review of available data, staff have categorized TRCA's property holdings into categories summarized in Table 2.

Table 2: TRCA Properties by Known Contamination Status	
Category	Hectares
Cat 1: Satisfactory Phase 1 ESA undertaken.	1,642.6

## Item 7.3

Cat 2: Satisfactory documentation present to clear site.	192.9
Cat 3: Phase 2/follow-up recommended, found, and clear.	106.3
Cat 4: Phase 2/follow-up recommended was recommended, or indicated contamination	409.7
Cat 5: No ESA located	901.5
Cat 6: ESA not required (i.e. erosion control project)	89.6
Cat 7: No ESA but historic landfill exists on property	1,851.5
Cat 8: No ESA but adjacent land has contamination that most likely continues into subject property	6.3
No information available	9,914.1
<b>Total</b>	<b>15,114.5</b>

TRCA's land holdings are broad and are made up of riverine environments as well as many other ecological land classifications as well as hazard lands. Some areas, like for example the Don River Valley, have a long history of industrialization. In earlier urbanized areas of the jurisdiction (e.g. ravines in Toronto) additional unknown sites of contaminants may also be present or may affect TRCA lands. Some other potential sources of contamination that affect TRCA property include current, past, onsite and neighboring uses. These include 79 known historic landfills that intersect with TRCA land.

The precise location and severity of any contamination is not revealed until targeted sampling is undertaken by TRCA, a municipal partner or a third-party project proponent. Except in cases where there is a Certificate of Property Use ("CPU"), Environmental Compliance Approval ("ECA") or other requirement tied to TRCA property, or where TRCA might seek to change a property use from a higher to a lower risk use, TRCA does not have any obligations to undertake monitoring of contaminants on its lands nor does TRCA have any obligations with regard to reporting these potential contaminants to the Ministry of Environment Conservation and Parks ("MECP"), for audit purposes or otherwise. Monitoring obligations under most CPUs or ECAs registered to TRCA land (for example with closed landfills) are undertaken by TRCA's municipal partners.

### **CS-5.16-P Contaminated Sites Policy**

CS-5.16-P Contaminated Sites policy (**Attachment 7**) formalizes TRCA's position on the acquisition, management and reporting of contaminated sites within its holdings. The policy is guided by the procedures outlined within O.Reg.153/04 Records of Site Conditions for properties contemplating high risk property use changes and sets Phase 1 ESAs as a minimum requirement prior to acquisition. Any identified contaminants are to be declared to the Board of Directors prior to closing of any property acquisition. The policy also provides direction on how TRCA will manage known and newly found contaminated sites in its possession.

### **Update to the Board of Directors Administrative By-Law**

Section B.17 of TRCA's Board of Directors Administrative By-Law, as amended, states that "TRCA shall maintain an Indemnification policy with respect to Board Members, Officers and employees, which shall be reviewed by staff at minimum every five years".

TRCA's Indemnification policy was approved by the Authority at the August 11, 1987 meeting (Res.#164). The policy indemnified the Authority Members, Officers and Employees, their heirs and legal representatives, where they acted honestly, in good faith with a view to the best interests of TRCA and within the scope of their duties and responsibilities. The 1987 policy did not discuss the process and procedures associated with the indemnification.

The Clerk's Office and Property and Risk Management staff reviewed the Indemnification policy

## Item 7.3

with a goal to clarify the existing document by clarifying the scope and documenting processes and procedures associated with the submission and review of indemnification requests. During the internal review process through the Policy Committee and the Senior Leadership Team, it was further decided that the existing policy should be split into two separate documents: an internal operational policy specific to TRCA employees and requests for indemnification by employees (*CS-5.12-P Indemnification*), approved by the Chief Executive Officer and a policy governing indemnification requests by TRCA's Board of Directors and advisory board members (s.B.17 of the Administrative By-Law), approved by the Board of Directors.

The two policies provide equal protections but have slight differences in the scope and procedure. For example, the proposed subsection B.17(3) discuss proceedings commenced under the *Municipal Conflict of Interest Act*, a subsection which would not be applicable to TRCA employees. Further, requests for indemnification by the Board Members and advisory board members under the proposed amendments would be reviewed by TRCA's Legal Counsel, who would be responsible for providing a report and a recommendation to the Executive Committee and to Board of Directors for their consideration. In the case of employee indemnification, the Chief Executive Officer, on advice of Legal Counsel or Chief Human Resources Officer, for matters arising for employment practices, is responsible for determining whether or not indemnity will be provided to the individual by TRCA. The Chair of the Board of Directors is responsible for determining if indemnity will be provided on behalf of the Chief Executive Officer.

**Attachment 8** provides proposed amendments to section B.17 of Board of Directors Administrative By-Law.

### **Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan**

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

**Strategy 4 – Create complete communities that integrate nature and the built environment**

**Strategy 7 – Build partnerships and new business models**

**Strategy 11 – Invest in our staff**

### **FINANCIAL DETAILS**

Sources of funding for property acquisition are project specific. Typically, revenue from sale or disposition of TRCA lands is required to be refunded to the body that funded the original acquisition (e.g., Province, municipal partner, etc.). However, when opportunities present themselves TRCA seeks to obtain approvals from the Province and partners to use the proceeds of sales to further various TRCA operations or projects as reported to the Board of Directors. Funds for monitoring of encroachments for TRCA land holdings within Peel and York are funded through their respective Land Care program accounts. Funding for encroachment monitoring in Durham is funded through Durham land management accounts. The majority of TRCA lands within the City of Toronto are under management agreement with City of Toronto. Costs associated with undertaking studies associated with the Contaminated Sites policy are borne by the project proponent. Costs associated with managing a contaminated site on TRCA land are allocated to the applicable land management account associated with the contaminated site.

### **DETAILS OF WORK TO BE DONE**

Upon approval, each of the attached policies will be published on TRCA's Policies and Procedures database and circulated to all affected staff.

## Item 7.3

Upon the approval, the amended By-law will be posted on TRCA's website and circulated to the Minister of Environment, Conservation and Parks, and Conservation Ontario.

**Report prepared by: Brandon Hester, extension 5767, Alisa Mahrova, extension 5381, Trina Seguin, extension 6433, Adam Szaflarski, extension 5596,  
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**Date: January 14, 2021**

**Attachments: 8**

Attachment 1: CS-5.13-P Acquisition of Lands Policy

Attachment 2: CS-5.13-S1 Acquisition of Lands SOP

Attachment 3: CS-5.13-S2 Valuation of Lands SOP

Attachment 4: CS-5.14-P Sale and Disposition of TRCA Real Property Policy

Attachment 5: CS-5.14-S1 Disposition of TRCA Real Property SOP

Attachment 6: CS-5.15-P Encroachment onto TRCA Owned Lands Policy

Attachment 7: CS-5.16-P Contaminated Sites Policy

Attachment 8: Proposed Amendments to the section B.17 of the Board of Directors Administrative By-Law, as amended.

## **CORPORATE POLICY & PROCEDURE**

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**POLICY TITLE:** ACQUISITION OF LANDS  
**POLICY NO.:** CS-5.13-P

<b>Chapter:</b>	Corporate Services		
<b>Section:</b>	5. Property and Risk Management		
<b>Effective Date:</b>	January 29, 2021	<b>Last Review Date:</b>	January 29, 2021
<b>Approval Authority:</b>	Board of Directors		
<b>Issued to:</b>	All TRCA Employees		
<b>Policy Owner:</b>	Property and Risk Management		

### **1. PURPOSE**

- 1.01. The purpose of this Policy is to guide the acquisition of Land by Toronto and Region Conservation Authority (TRCA).
- 1.02. This Policy is intended to ensure that any acquisition of Land by TRCA is undertaken in a consistent, transparent, and effective manner, with appropriate consultation and accountability and in alignment with TRCA's strategic direction, core values, and the regulatory and legislative environment in which it operates.
- 1.03. The Policy is based on the following principles:
  - (a) Fairness: Ensure an open, transparent, and impartial process.
  - (b) Value Capture: Maximize the value for TRCA.
  - (c) Risk Management: Limit TRCA's exposure to risk and liabilities.

### **2. SCOPE**

- 2.01. This Policy applies to situations where TRCA is acquiring Land, including through negotiation and through the development approval process under the *Planning Act*.

### **3. POLICY**

- 3.01. TRCA will acquire Land in accordance with this Policy and associated Standard Operating Procedures.
- 3.02. Land acquisition by TRCA will be undertaken in accordance with any Board of Directors resolutions regarding Land acquisition approved from time to time and the following TRCA documents, as amended from time to time:
  - (a) *Greenlands Acquisition Project* or any subsequent project approved by the Minister;
  - (b) *The Living City Policies*; and

(c) *Erosion Risk Management Program.*

3.03. All Land acquisitions must comply with the *CS-5.16-P Contaminated Sites Policy*.

#### **4. RESPONSIBILITY**

4.01. The **Board of Directors** is responsible for approving any proposed acquisition of Lands.

4.02. The **Executive Committee** is responsible for reviewing and making recommendations to the Board of Directors on any proposed acquisition of Lands.

4.03. **Property and Risk Management** staff are responsible for:

- (a) Identifying potential acquisitions in accordance with the *Greenlands Acquisition Project* or any subsequent project approved by the Minister;
- (b) Advising Development and Engineering Services staff of any concerns and development proponent costs associated with potential acquisitions upon circulation of development applications and other proposed Land acquisitions;
- (c) Negotiating with Landowners with respect to the conveyance of Land to TRCA;
- (d) Reporting to the Board of Directors for approval of all Land acquisitions; and
- (e) Approval of conditions related to the acquisition of Land.

4.04. **Development and Engineering** staff are responsible for:

- (a) Identifying potential acquisitions related to development applications in accordance with *The Living City Policies*;
- (b) Gaining approval from Property and Risk Management staff prior to issuing conditions to development application and other project proponents that involve the acquisition of Land;
- (c) Gaining approval from Property and Risk Management staff prior to finalizing the terms and conditions of any proposed Land acquisition through the development approval process;
- (d) Advising development application proponents of the timelines associated with the approval of any Land conveyances by TRCA; and
- (e) Assisting Property and Risk Management staff in the preparation of reports to the Board of Directors for approval of such Land acquisitions.

4.05. **Project Managers** leading projects that may involve the conveyance of Land to TRCA are responsible for:

- (a) Consulting with Property and Risk Management staff prior to entering into discussions regarding the acquisition of Land;
- (b) Gaining approval with Property and Risk Management staff prior to finalizing the terms and conditions of any proposed Land acquisition; and
- (c) Assisting Property and Risk Management staff in the preparation of reports to the Board of Directors for approval of such Land acquisitions.

4.06. On motion from TRCA's Board of Directors, TRCA may accept, revise or rescind this Policy.

**Policy Title: ACQUISITION OF LANDS**

**Policy No.: CS-5.13-P**

## 5. PROCEDURE

- 5.01. For Acquisition projects, there may be an overall project lead from another department (e.g. TRCA client program delivery, early works, development planning, etc.), however, the Property and Risk Management will manage all acquisitions and will be responsible for maintaining records.
- 5.02. Acquisition process shall be conducted pursuant to the associated Standard Operating Procedures (SOPs).

## 6. DEFINITIONS

- 6.01. “**Land**” means any estate, term, easement, right or interest in, to, over or affecting Land.

## 7. ADMINISTRATION

*Administered by the Clerk’s Office*

Review Schedule:	5 Years	Next Review Date:	January 29, 2026
Supersedes:	N/A		
Related Legislation, Regulations and Guidelines:	Ontario's <a href="#">Conservation Authorities Act, R.S.O. 1990, c. C.27</a> Ontario's <a href="#">Planning Act, R.S.O. 1990, c. P.13</a>		
Related Policies and Policy Tools:	CS-5.13-S1 Acquisition of Lands CS-5.13-S2 Valuation of Land CS-5.16-P Contaminated Sites Greenlands Acquisition Project for 2016-2020 The Living City Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority TRCA's Erosion Risk Management Program		
Revision History			
Version Number	Version Date	Description	
1	January 29, 2021	Policy went into effect.	



## STANDARD OPERATING PROCEDURE

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**SOP TITLE:** ACQUISITION OF LANDS

**SOP NO.:** CS-5.13-S1

<b>Chapter:</b>	Corporate Services		
<b>Section:</b>	5. Property and Risk Management		
<b>Effective Date:</b>	January 29, 2021	<b>Last Review Date:</b>	January 29, 2021
<b>Approval Authority:</b>	Chief Financial and Operating Officer		
<b>Issued to:</b>	Property and Risk Management		
<b>SOP Owner:</b>	Property and Risk Management		

### 1. PURPOSE

- 1.01. The purpose of this Standard Operating Procedure (SOP) is to guide acquisition by Toronto and Region Conservation Authority (TRCA) of all Real Property and may apply to the Acquisition of Real Property not to be included under the administration and control of the TRCA ("Non-TRCA Acquisitions"). To the extent Non-TRCA Acquisitions are subject to other laws, regulations, policies, orders or directives that deal in whole, or in part, with the subject matter of these procedures, TRCA will comply as applicable. TRCA shall only assist in Non-TRCA Acquisitions upon written direction from the Chief Financial and Operating Officer.

### 2. SCOPE

- 2.01. The SOP consist of three key steps:
- Confirm that requirements for an Acquisition have been established
  - Select and evaluate properties for Acquisition
  - Execute the Acquisition approach

For Acquisition projects there may be an overall project lead from another department (e.g. TRCA client program delivery, early works, development planning, etc.), however, the Property & Risk Management team ("R&RM") will project manage the procedures noted in this document, and will be responsible for maintaining records with the key documentation noted.

### **3. DEFINITIONS**

- 3.01. **"Acquisition"** means the act of acquiring an interest in realty. It refers to a transaction that transfers a Real Property Asset by sale, transfer or exchange to Government, from a third party other than Government.
- 3.02. **"Agreement of Purchase and Sale"** means TRCA's standard agreement for the Acquisition of Real Property.
- 3.03. **"Class Environmental Assessment"** means, for the purposes of these procedures, refers to the Class Environmental Assessment process, which TRCA is responsible for implementing. Through the Class Environmental Assessment, TRCA takes into account and assesses the potential effects of its realty activities on the environment. This includes consideration of the natural, social, cultural, and economic environments and their interactions.
- 3.04. **"External Appraisal"** means an adequately supported written opinion of Market Value of the Real Property Asset on a specified date that evaluates the Real Property Asset involved according to accepted appraisal practices and is obtained from and signed by a person who is a real property appraiser accredited by the Appraisal Institute of Canada either as an AACI or CRA, as required.
- 3.05. **"Government"** means the same meaning as in the *Ministry of Infrastructure Act, 2011* as amended from time to time, and was as of June 6, 2012 defined as:
- (a) The Government of Ontario and the Crown in right of Ontario;
  - (b) A ministry of the Government of Ontario;
  - (c) A Crown Agency;
  - (d) Any board, commission, authority or unincorporated body of the Crown; and
  - (e) A municipality.
- 3.06. **"Market Value"** means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming that the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:
- (a) buyer and seller are typically motivated;
  - (b) both parties are well informed or well advised, and acting in what they consider their best interests;
  - (c) a reasonable time is allowed for exposure in the open market;
  - (d) payment is made in terms of cash in Canadian Dollars or in terms of financial arrangements comparable thereto; and
  - (e) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales or concessions granted by anyone associated with the sale. (Note: this does not preclude TRCA from offering/accepting special or creative financing, provided that the Market Value is adjusted to account for the special or creative financing arrangement, subject to appropriate approvals).

Market Value shall be determined by the P&RM. Criteria considered by TRCA for establishing Market Value may include (but are not limited to): current market conditions; a reasonable exposure period for the specific local market; business cases; latent conditions and unforeseen events impacting the value of a given Real Property Asset; A latent condition is a hidden condition or defect that is not readily ascertained by reasonable inquiries and research.

- 3.07. **"Project Information Management System"** means TRCA's system for managing realty projects.
- 3.08. **"TAM"** means TRCA's internal Tangible Asset Management committee, or otherwise delegated.

#### **4. PROCEDURE**

##### **Confirm that Requirements for an Acquisition have been Established**

- 4.01 P&RM shall prepare and administer the Greenspace Acquisition Plan (GAP) on a multi-year basis. In addition to GAP, TRCA departments are responsible for defining and submitting their real property acquisition requests to support their operations.

In general, TRCA departments acquisition requests should confirm the established requirements for an Acquisition, which include:

- (a) TRCA divisions to advise P&RM of available acquisition.
- (b) Confirm that Board of Directors approval has been obtained, including previous budgetary and/or GAP authorizations, if any;
- (c) P&RM shall perform:
  - A draft property value estimation from available data;
  - Coordinate the creation of a corporate intake and Real Estate Options Analysis (prepared by TRCA client program delivery) for consideration by TAM; and
  - Provide initial recommendation to TAM;

##### **Evaluation by the Tangible Capital Management (TAM) committee**

- 4.02 Confirm that a Real Estate Options Analysis and corresponding Real Estate Advice with a recommended realty solution, has been approved by the Board;
- 4.03 Confirm that the TRCA portfolio planning team has identified that no suitable unused realty exists in TRCA's portfolio;
- 4.04 Establish a business plan regarding the acquisition, namely:
- (a) Determine the Lifecycle Costs regarding the Acquisition;
  - (b) Determine revenue generation possibilities regarding the Acquisition;
  - (c) Identify ongoing management process and costs for the Acquisition;
  - (d) Estimate all transactions costs associated with a new Acquisition, including the final purchase price and all due diligence costs; and
  - (e) Identify budgetary controls, as recommended by the CFOO;

- 4.05 An Acquisition project is set up in the Project Information Management System.
- 4.06 TAM makes recommendation to Board of Directors or designate regarding Acquisition.
- 4.07 Board of Directors confirms or denies Acquisition.

#### **Negotiation & Due Diligence Phase**

- 4.08 P&RM negotiate terms and conditions of offer, and confer with Legal Counsel regarding the preparation of an Agreement of Purchase and Sale (APS). Standard conditions include:
  - (a) Conditional on Board approval;
  - (b) Condition on Ministerial approval, if required; and
  - (c) Conditional on applicable due diligence requirements for parcel.
- 4.09 P&RM manages processes the agreement as follows:
  - (a) Determination of Market Value;
  - (b) TRCA legal prepares Agreement of Purchase and Sale;
  - (c) Submit Agreement of Purchase and Sale to the seller;
  - (d) Seller signs Agreement of Purchase and Sale;
  - (e) Preparation and approval of acquisition advice form, pursuant to delegated authority as per TRCA Policies and Procedures;
  - (f) Execution of the Agreement of Purchase and Sale;
  - (g) Deposit cheque (or electronic fund transfer) is requisitioned from TRCA finance, and is forwarded to seller with signed original copies of the Agreement of Purchase and Sale;
  - (h) Complete all outstanding due diligence activities and satisfy any other conditions during inspection period, including confirmation that Minister's consent has been obtained.
- 4.10 P&RM will undertake and analysis of required due diligence for the parcel, depending on Acquisition from private individual or Government, and which may include:
  - (a) **Archaeology Study** – Carry out site assessments to identify any significant archaeological features;
  - (b) **Duty to Consult** – Determination if a duty to consult is required pursuant to legal advice.
  - (c) **Mapping/Survey Review/Title Search** – Prepare property map, review available property boundary information and determine whether survey is required, conduct title search;
  - (d) **Legal** – Title confirmation (legal opinion confirming the ownership of the property including any title encumbrances).
  - (e) **Planning** – Confirmation of land use planning information for the property, prepared by a registered professional planner;
  - (f) **Cultural Heritage** – Identifying and evaluating built heritage and cultural landscapes, as per the Standards and Guidelines for Conservation of Provincial Heritage Properties;
  - (g) **Geotechnical** – Review geotechnical site characteristics (if required);
  - (h) **Environmental Site Assessment**–
    - Carry out environmental site assessments;
    - Conduct the Class Environmental Assessment process;

- (i) **Environmental Assessment** – Review an Environmental Assessment for a TRCA undertaking, if necessary.
- (j) **Appraisal** – Ensuring there is data supporting the asking and offering price (e.g. External Appraisal or Internal Valuation derived from the most current TRCA valuation services guidelines, with consideration provided in the definition of Market Value). The following should be considered for appraisals:
  - The Market Value thresholds that would determine number and type of Appraisals required in accordance with the most current TRCA valuation services guidelines;
  - Subject to consultation with TRCA valuation Services, an appraisal update may be required in accordance with the most current TRCA valuation services guidelines.
- (k) **Designated Substances Survey** – Determination of exposure of Acquisition to designated substances, including asbestos.

### **Approval Phase**

- 4.11 P&RM draft report submission and recommendations to Agenda Review Team for ratification and inclusion on the Executive Committee agenda.
- 4.12 P&RM present the report to the Executive Committee for adoption and recommendation.
- 4.13 P&RM coordinates the report for ratification of the Board of Directors.

### **Close-out Phase**

- 4.14 TRCA legal counsel completes transaction, including:
  - (a) Notification of completed transaction sent from TRCA legal to all department heads involved in due diligence and to TRCA Asset Manager;
  - (b) The project is closed out in the Project Management Information System and records are also organized as per the TRCA retention schedule.

## **5. RESPONSIBILITY**

- 5.01. The **Property Agent or Senior Property Agent** is responsible for:
  - (a) Coordinating property Acquisition on behalf of TRCA in conformance with TRCA policies and this procedures;
  - (b) Ensuring communication is documented for the record;
  - (c) Presenting acquisitions to TAM;
  - (d) Drafting of required reports; and
  - (e) Other duties as assigned.
- 5.02. The **Associate Director, Property and Risk Management** is responsible for:
  - (a) Ensure compliance to this procedure;
  - (b) Approving Acquisitions to TAM;
  - (c) Presenting Acquisition to boards and committees;

**SOP TITLE: ACQUISITION OF LANDS**

**SOP NO.: CS-5.13-S1**

- 5.03. The **Tangible Capital Management** (TAM) committee is responsible for:
- (a) The analysis and recommendation of pending Acquisitions;

## 6. ADMINISTRATION

Review Schedule:	5 Years	Next Review Date:	January 29, 2026
Supersedes:	NEW		
Related Documents:	CS-5.13-P Acquisition of Lands		
	CS-5.13-S2 Valuation		
Revision History			
Date	Description		
January 29, 2021	New SOP is approved.		

## STANDARD OPERATING PROCEDURE

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**SOP TITLE:** VALUATION OF LAND  
**SOP NO.:** CS-5.13-S2

<b>Chapter:</b>	Corporate Services		
<b>Section:</b>	5. Property and Risk Management		
<b>Effective Date:</b>	January 29, 2021	<b>Last Review Date:</b>	January 29, 2021
<b>Approval Authority:</b>	Chief Financial and Operating Officer		
<b>Issued to:</b>	Property and Risk Management		
<b>SOP Owner:</b>	Property and Risk Management		

### 1. PURPOSE

- 1.01. The purpose of this Standard Operating Procedure (SOP) is to establish and maintain appropriate appraisal Procedures to support the acquisition, disposition and strategic analysis of Real Property by Toronto and Region Conservation Authority ("TRCA").
- 1.02. To provide credible Valuation advice to guide the decision-making process with respect to Real Property dispositions, acquisitions and strategic analysis:
- (a) To obtain accurate, current and appropriate market-based information
  - (b) To aid operational and strategic planning for individual properties and the portfolio
  - (c) To maximize value to TRCA and protect its interests when acquiring or disposing of real property
  - (d) To provide the most cost-effective means of procuring Valuation or Consulting advice from qualified professionals

### 2. SCOPE

- 2.01. These Procedures apply to TRCA staff, third-party service providers hired by TRCA staff requesting advice from TRCA Vendor or Records for Appraisal.

### 3. DEFINITIONS

- 3.01. **"AACI"** means Accredited Appraiser Canadian Institute designation.

- 3.02. **"Appraisal Report Types"** mean the following reports:
- (a) Narrative – comprehensive and detailed;
  - (b) Short Narrative – concise and briefly descriptive;
  - (c) Form – a standardized format combining check off boxes and narrative comments.
- 3.03. **"CRA"** means Canadian Residential Appraiser designation.
- 3.04. **"Consulting"** means the act or process of analysis of real estate data and recommendations or conclusions on diversified problems in real estate, other than an appraisal or appraisal review.
- 3.05. **"CUSPAP"** means Canadian Uniform Standards of Professional Appraisal Practice, as amended from time to time.
- 3.06. **"Depreciation"** means a loss in property value from any cause.
- 3.07. **"External Appraisal"** means an adequately supported written opinion of Market Value of the Real Property Asset on a specified date that evaluates the Real Property Asset involved according to accepted appraisal practices and is obtained from and signed by a person who is a real property appraiser accredited by the Appraisal Institute of Canada either as an AACI or CRA, as required.
- 3.08. **"Extraordinary Assumption"** means an assumption, directly related to a specific assignment, which, if found to be false, could alter the appraiser's opinions or conclusions.
- 3.09. **"Highest and Best Use"** means the reasonably probable and legal use of property that is physically possible, appropriately supported and financially feasible, and that results in the highest value.
- 3.10. **"Intangible Property (Intangible Assets)"** mean nonphysical assets, including but not limited to franchises, trademarks, patents, copyrights, goodwill, equities, mineral rights, securities, and contracts, as distinguished from physical assets such as facilities and equipment.
- 3.11. **"Intended Use"** means the use or uses of an appraiser's reported appraisal, consulting, or review assignment opinions and conclusions, as identified by the appraiser based on communication with the client at the time of the assignment.
- 3.12. **"Intended User"** means the client and any other party as identified, by name or type, as users of the appraisal, consulting, or review report, by the appraiser based on communication with the client at the time of the assignment.
- 3.13. **"Internal Valuation"** means an internal review of the available property characteristics for the purposes of developing an estimate of value. May be used for determining Market Value for properties with an estimated value under \$50,000. It is not considered an Appraisal as defined by the Appraisal Standard Rules per CUSPAP.
- 3.14. **"Valuation"** means either an External Appraisal or Internal Valuation.



- 3.15. **"Lease"** means a legal agreement which grants to another the right to use, occupy, or control all or part of a property for a stated period of time at a stated rental.
- 3.16. **"Limiting Condition"** means a statement in the appraisal identifying conditions that impact the value conclusion.
- 3.17. **"Market Analysis"** means a study of real estate market conditions for a specific type of property.
- 3.18. **"Market Value"** means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming that the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing the title from seller to buyer under conditions whereby:
- (a) buyer and seller are typically motivated;
  - (b) both parties are well informed or well advised, and acting in what they consider their best interests;
  - (c) a reasonable time is allowed for exposure in the open market;
  - (d) payment is made in terms of cash in Canadian Dollars or in terms of financial arrangements comparable thereto; and
  - (e) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales or concessions granted by anyone associated with the sale.
- 3.19. **"Personal Property"** means identifiable portable and tangible objects which are considered by the general public as being "personal," e.g. furnishings, artwork, antiques, gems and jewelry, collectibles, machinery and equipment; all property, tangible and intangible, that is not classified as real estate.
- 3.20. **"P&RM"** means the Property and Risk Management department within TRCA
- 3.21. **"Real Estate"** means land, buildings, and other affixed improvements, as a tangible entity.
- 3.22. **"Real Property"** means the interests, benefits, and rights inherent in the ownership of real estate.
- 3.23. **"Scope of Work"** means the type and extent of research and analysis in an assignment. Scope of work includes, but is not limited to, the following:
- (a) the degree to which the property is inspected or identified;
  - (b) the extent of research into physical or economic factors that could affect the property;
  - (c) the extent of data research; and
  - (d) the type and extent of analysis applied to arrive at opinions or conclusions.
- 3.24. **"Senior Management"** means Associate Director of Property and Risk Management, and above.

#### **4. PROCEDURE**

##### **Application**

- 4.01. All External Appraisals and Internal Valuations must be conducted in accordance with these Appraisal Procedures.
- 4.02. Valuation for replacing natural features lost through the development and/or infrastructure planning processes shall follow the Guideline for Determining Ecosystem Compensation protocol, as amended.
- 4.03. P&RM performs Valuation work for a variety of clients within TRCA and parts of TRCA as requested from time to time. It is the role of Valuation Services to estimate Market Value for real property assets to support the requesting client's needs and requirements.

##### **Appraisal Requirements**

##### **Transactions (Sales, Acquisitions and Easements)**

##### **Open Market and Direct Transactions**

- 4.03. In accordance with the most recent Real Estate Sales Process, for each Open Market or Direct Transaction, Valuation requirements are as follows:
  - (a) Transactions Under \$50,000 - One Internal Valuation
  - (b) Transactions Over \$50,000 - One External Appraisals (Narrative)

##### **Direct Transactions at nominal consideration**

- 4.04. In accordance with the most recent Real Estate Sales Process, for Direct Transaction at nominal consideration, Valuation requirements are as follows:
  - (a) Transactions Under \$50,000 - One Internal Valuation
  - (b) Transactions Over \$50,000 – One External Appraisal (Narrative)
- 4.05. Valuation Services will provide a review of the Valuation as required by Sales and Acquisitions and provide an opinion on:
  - (a) Confirm the Market Value reported is substantially consistent with Terms of Reference and Scope of Work contained in Attachment 1 herein.
  - (b) Confirm the level of reporting meets the applicable External Appraisal requirements for the requesting department, as outlined herein.
  - (c) Highlight any extraordinary assumptions or limiting conditions identified by the appraiser.
  - (d) Form an opinion as to whether the analysis, opinions and conclusions expressed are appropriate and reasonable.

## **Deliverables**

### **External Appraisal Reports**

- 4.06. External Appraisal reports shall be prepared by appraisal firms selected from the Appraisal VOR, in accordance with TRCA policies and procedures, unless written approval is provided by Senior Management to procure an Appraisal Report through an alternative procurement ,after considering a written justification. In the event that a situation is encountered that requires deviation from the Appraisal VOR, then procurement will proceed in accordance with the TRCA Procurement Policy.
- 4.07. External Appraisal reports shall follow industry standard formats, as appropriate for the Intended Use and Intended User and shall be prepared in accordance with the Terms of Reference and Scope of Work contained in Attachment 1. Unless directed otherwise by the requestor, the Appraisal Report Type will be Narrative.
- 4.08. External Appraisal reports may be relied on to establish Market Value for all TRCA properties, regardless of the use of the report.

### **Internal Valuation**

- 4.09. Consistent with appraisers' professional rules of practice, Internal Valuations may be relied upon for the following situations when prepared by or co-signed with an in-house TRCA Appraiser in accordance with Section 9.0 herein:
  - (a) Non-Market Oriented Transactions (including Direct Sales) where a property is being acquired or sold for nominal consideration to other levels of Government, provincial agencies or corporations:
  - (b) Estimated Market Value less than \$50,000 for properties being acquired or disposed on the open market.
  - (c) Written approval has been provided by Senior Management after considering a written justification.
  - (d) High level estimates of Market Value for simple property types as requested (generally for planning purposes).
- 4.10. It is recognized that an Internal Valuation does not meet the definition of an Appraisal as defined by CUSPAP but is considered to provide adequate support to establish Market Value under the situations noted above.

### **Market Analysis/Consulting Reports**

- 4.11. Valuation Services will arrange a meeting with the requestor to determine the purpose of the Market Analysis or Consulting Report and appropriate Scope of Work required prior to a formal request of Valuation Services is processed.

### **Acceptance of Non-TRCA Commissioned (3<sup>rd</sup> Party) Appraisals**

- 4.12. TRCA Valuation Services staff may, at the discretion of the Senior Appraiser, review and accept External Appraisal reports commissioned by outside parties in support of a sale or acquisition provided they substantially meet the requirements of these policies.

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Such review should:

- (a) Confirm the Market Value reported is substantially consistent with Terms of Reference and Scope of Work contained in *Attachment 1* herein.
- (b) Confirm the report otherwise meets the requirements of TRCA.
- (c) Confirm the level of reporting meets the applicable External Appraisal requirements for the requesting department, as outlined herein.
- (d) Highlight any extraordinary assumptions or limiting conditions by the Appraiser.
- (e) Form an opinion as to whether the analysis, opinions and conclusions expressed are appropriate and reasonable.
- (f) External Appraisal reports must be signed by either an AACI (for commercial properties) or by a CRA (for residential properties).

**Valuation Services will not amend the Market Value provided by a 3rd Party External Appraisal.**

#### **Validity of Valuations and Appraisal Updates**

- 4.13. As a general rule, a Valuation will be valid for so long as it appropriately reflects the factors that supported the determination of value and will not be invalidated or require updating merely as a result of the passage of time within 12 months of the Valuation date. Requestors are strongly discouraged from requesting appraisals well in advance of when required as this may incur unnecessary update appraisal costs.
- 4.14. If the requestor believes there is a material change (+/-10%) in market conditions within the first 12 months that will require an update to the Valuation, the requestor shall provide their rationale in writing to Valuation Services for consideration. The guiding principle in determining whether a Market Value requires updating is that generally market conditions do not change quickly during a 12 month period of time without significant market dislocation that would be readily apparent to the casual observer.
- 4.15. After 12 months from the Valuation date, the determination of whether or not a Market Value requires updating will ultimately be made by Valuation Services, in consultation with the applicable requestor and External Appraiser (as applicable).
- 4.16. It is recognized that an Appraisal is an opinion of value and not a fact. The best indication of Market Value is between a knowledgeable seller and purchaser interacting in the market after appropriate negotiations. There shall be no requirement to update Market Value after the date of agreement ("the meeting of the minds") unless provided for in the Agreement of Purchase and Sale.
- 4.17. P&RM shall maintain a register of property valuation, including previous purchase price (book value) as indicated on parcel registers, initial/draft appraisals, 3<sup>rd</sup> party appraisals, updates to appraisals, and final purchase/selling price.

#### **Responsibilities of Requestor**

- 4.18. Valuations are only as good as the quality and completeness of the property information provided. In order to ensure that Valuations are completed accurately and meet the requirements of the requestor, at the time of making the STS request, the

requestor must complete an Information Request Form (Attachment 2) to identify any property conditions that may impact value and provide supporting documentation/links at the time of making the STS request.

4.19. **STS requests will not be accepted or scheduled without a fully completed Information Request Form and will be returned to the requestor.** Missing information provided after a Market Value has been produced will not be accepted.

4.20. Examples of items that commonly affect value are:

- (a) Environmental Contamination
- (b) Easements
- (c) Heritage Status / Archaeology
- (d) Leases
- (e) Property Condition/Depreciation
- (f) Hypothetical Conditions / Extraordinary Assumptions

**The list above is provided for illustrative purposes and is not meant to be an exhaustive list.**

4.21. **It is the responsibility of the requestor to outline the required scope of work and properly instruct Valuation Services at the outset of the assignment to avoid unnecessary updates/delay.**

4.22. Although Valuation Services will attempt to accommodate proposed delivery dates, Valuation Services will establish the appropriate forecast completion date, in consultation with the requestor. Although requestors are encouraged not to request services too far in advance, they are also encouraged not to wait until delivery time will not be reasonable.

## 5. RESPONSIBILITY

5.01 P&RM is responsible for the managing and adherence to this policy.

## 6. ADMINISTRATION

Review Schedule:	5 Years	Next Review Date:	January 29, 2026
Supersedes:	NEW		
Related Documents:	CS-5.13-P Acquisition of Lands		
	CS-5.13-S1 Acquisition of Lands		
Revision History			
Date	Description		
January 29, 2021	New SOP is approved.		

## **Attachment 1**

### **TERMS OF REFERENCE**

#### **Deliverables**

- The successful Respondent (“appraiser”) will provide an electronic copy of the preliminary Draft report in PDF format within the specified time period to be reviewed by TRCA (see further details in NOTE 1 ).
- Upon addressing details as per NOTE 1, the appraiser shall then also supply a signed electronic copy of the Final version of the report and one signed hard copy.

Assignments<sup>1</sup> prepared on behalf of Toronto and Region Conservation Authority (TRCA) require compliance with the Canadian Uniform Standards of Professional Appraisal Practice (CUSPAP) of the Appraisal Institute of Canada.<sup>2</sup> In addition to compliance with CUSPAP, in each report the appraiser must provide the following:

#### **Purpose of the Assignment or Type of Opinion Requested**

- A statement as to the purpose of the Assignment or type of opinion requested, as instructed by TRCA (market value, use value, market rent, etc., consistent with the property rights appraised and/or intended use of the appraisal)

#### **Intended Use of the Appraisal**

- A statement as to the intended use of the appraisal, as instructed by TRCA (disposition, acquisition, financing, financial reporting, arbitration, litigation, appraisal review, lease negotiation, etc.)

#### **Intended User(s)**

- A statement identifying the intended user(s) or user group(s) of the appraisal report as instructed by TRCA.

#### **Property-Specific Requirements**

TRCA’s property-specific requirements will depend upon the stated *Purpose of the Assignment or Type of Opinion Requested*, and require the appraiser to include some or all of the following, as applicable:

- TRCA Project Reference Number must also be included in the report
- Identify the property being appraised (legal description, municipal address, location)
- Assessment Roll Number, Assessment and Taxes (if available)
- Property Identification Number (PIN)
- History of the property, including any sales and/or listings of the property during the minimum 3-year period prior to the effective date of the appraisal
- Identify and define the property rights being appraised (fee simple, leased fee, leasehold)
- Effective date of the appraisal (current date, prospective date, retrospective date)
- Definition of value, including source of definition
- Physical description of the parcel/site (dimensions, size, configuration, topography, access)
- Photographs, site plan, survey, aerial photo, etc., of the property
- Physical description of the improvements (dimensions, size, use, functionality, condition, age, building materials, equipment)
- Building plans, sketches, etc, of the property
- Title Search with a copy of the abstract included in the appraisal report
- Summary of any easements, restrictive covenants, leases, etc., registered against title
- Reference Plans, Plans of Subdivision or Surveys registered on title

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- Type and adequacy of services
- Adverse environmental factors on or off the property
- Lease(s) synopsis
- Land Use Controls (zoning, site-specific by-law, official plan, secondary plan, etc.) and provisions (setback requirements, parking requirements, height restrictions, density, coverage, etc.), including statement of compliance or non-compliance of the subject property
- Definition of Highest and Best Use, including source of definition, and analysis and statement of Highest and Best Use, taking into consideration any potential or prospective changes in land use regulations.
- Any other property-specific factors (legal, physical, economic, etc.) considered relevant to the Assignment

### **Scope of Work**

A Scope of Work section must be included in every report disclosing the type and extent of research, and analysis conducted in the preparation of the Assignment and achieving TRCA's objectives in the context of the Intended Use of the appraisal. The disclosures should address the following, as applicable to the *Intended Use*.

- Municipal, Provincial and Federal governmental agencies/departments and Crown Corporations contacted, including names and phone numbers of contacts
- Non-governmental companies contacted or retained to assist in the preparation of the Assignment, including names and phone numbers of contacts
- Studies and reports relied upon in the preparation of the Assignment (environmental audit, building condition audit, planning report, etc.)
- Market analysis, consistent with the Intended Use, discuss relevant macro- and micro-market conditions, trends and other factors that impact value of the subject property, provide TRCA with an awareness of property and market risks that are pertinent to the subject.
- Sources of transactional data relied upon (Marsh Report, RealTrack, RealNet, Geowarehouse, MLS, in-house records, trade publications, other professionals, etc.); geographic (market) area searched; and time-frame covered
- Confirmation of transactional data in the Land Titles/Registry Office (Disclosure also required if transactional data not confirmed in the Land Titles/Registry Office)
- Physical inspection of the subject property, including extent and date(s) of inspection (Disclosure also required if subject property not inspected, accompanied by an explanation)
- Physical inspection of the comparable sales and/or leases, and sale and/or lease offerings, including extent of inspection (Disclosure also required if comparables not inspected, accompanied by an explanation)
- Methods and techniques relied upon in reaching the opinions of value or conclusions, including appropriateness in achieving Assignment objectives
- Adverse environmental influences evident either on or off the property
- Any other factors (legal, physical, economic, etc.) considered relevant to the proper completion of the Assignment

### **Special Case - Non-viable Parcel/Site**

A parcel/site that is landlocked and/or of a size and configuration for which there is no independent highest and best use must be appraised in contribution to an adjoining property (i.e., the Larger Parcel) in its highest and best use. Depending on the locational attributes of the

subject property, there may be more than one *Larger Parcel*, and a requirement for a value opinion in contribution to each adjoining property.

**Comparable Sale/Listing Summary Sheet**

A separate summary sheet must be provided in the valuation section for every comparable sale/listing relied upon in developing an opinion of value for the subject property. If a sales transaction is more than one year old, the appraiser will explain why it has been included in the analysis as well as the economic and market conditions under which it occurred.

The summary sheet for each comparable sale/listing should include the following list of items, as applicable:

- Address and/or Location (with Photograph)
- Sale Date/Registration Date
- Instrument/Document No.
- Legal Description/Property Identification Number (PIN)
- Vendor
- Purchaser
- Source of Data and Contact (name and/or company and telephone number)<sup>3</sup>
- Type of property and use
- Building area
- Land area, including dimensions
- Availability of Services
- Income particulars
- Zoning category, Official Plan and/or Secondary Plan designations
- Sale Price, including details of any existing and vendor-take-back mortgages/charges. For a Listing provide Asking Price
- Days on Market, if available
- Provide appropriate physical and/or economic unit(s) of comparison (price per acre, price per square foot of land/building, price per square foot of permitted density, gross income multiplier, overall capitalization rate, discount rate, etc.)
- Cash-equivalent Sale Price (atypical financing must be adjusted to a cash-equivalent amount)
- Any environmentally sensitive and/or undevelopable land must be identified and accounted for in the analysis of the transaction
- A “remarks” section providing a brief narrative of the relevant attributes of the comparable (i.e., legal, physical, economic, etc.)
- The rationale employed should reflect the way active market participants would approach this valuation exercise.

**Direct Comparison Analysis**

In the Direct Comparison Approach provide a narrative commentary discussing the degree of comparability of each comparable sale as well as the reasoning and justification behind required adjustments. The adjusted sale price must be given for each comparable. The commentary should state which sale or sales are considered as the best indication of value for the subject and the reasoning for the appraiser’s final estimate of value. The valuation analysis should lead the reader to a logical understanding of the value conclusion.

- The Direct Comparison Approach should provide the following commentary for each comparable sale/listing in the appraisal report:
  - i. Brief description of the comparable
  - ii. How the sale/listing compares to the subject property
  - iii. Description of the adjustments
  - iv. Reasoning and justification behind required adjustments



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- v. Adjusted sale price
- The commentary should state which sale(s)/listing(s) are considered to reflect the best indication of value for the subject and the reasoning for the appraiser's final estimate of value.
- The valuation analysis should lead the reader to a logical understanding of the value conclusion.

The Comparable Sale/Listing Summary Sheet should be found in this section

#### **Comparable Sale/Listing Adjustment Grid**

The adjustment grid may be qualitative or quantitative, but should summarize the appraiser's overall adjustment factors of each sale in relation to the Subject. From the grid a final analysis of the value/value range can be achieved. An adjustment grid must be included in the valuation section with every appraisal report.

#### **Comparable Sale/Listing Location Map**

A map showing the location of the comparable sales/listings in relation to each other and the subject property must be included in the valuation section with every appraisal report.

#### **Note 1**

##### **Preliminary Completion Date for Delivery of Draft Report**

A "draft" report must be emailed or delivered/couriered to the TRCA representative by the preliminary completion date for the Assignment. Failure to complete an Assignment on time may result in a review of your status on the TRCA list of approved appraisers. Failure to complete an Assignment on time will have an impact on the appraisers Vendor Performance rating. The appraiser is encouraged to contact the TRCA representative during the preparation of the Assignment should any aspect of the Assignment require clarification and/or additional documentation from TRCA, so as to facilitate successful and timely completion of the Assignment. If there are extenuating circumstances that preclude completion of the Assignment on a timely basis, you must contact the IO representative responsible for commissioning the Assignment prior to the scheduled preliminary completion date for further instructions. Your "draft" report will be reviewed by an TRCA representative and/or third-party representative retained to act on behalf of TRCA to ascertain compliance with CUSPAP and TRCA requirements in the context of the Purpose of the Assignment/Type of Opinion Requested and Intended Use.

You may be required to discuss your Assignment opinions and/or conclusions with an TRCA representative either by phone or in person.

TRCA may request amendments prior to finalizing your "draft" report for a variety of reasons, including the following:

- Non-compliance with TRCA Assignment instructions
- Non-compliance with CUSPAP
- Non-compliance with TRCA Assignment requirements
- Errors of commission and/or omission
- Unsupported opinions or conclusions
- Use of inappropriate methods and/or techniques
- Failure to produce credible results

Repeated Assignment shortcomings, including untimely Assignment completion and delivery, may be cause for removal from the TRCA list of approved appraisers.

**Attachment 2****Valuation Services - Information Request Form**

<b>Project Name / Region</b>		
<b>Project # (D, N and/or P), as applicable</b>		

**Property Description (please complete &/or provide links to reports)**

<b>Property Size (Acreage)</b>		
<b>Teranet PIN / Assessment Roll #</b>		
<b>Site Plan / Survey / Aerial Imagery</b> - provide link / document		
<b>Address / Location</b> - if no address, include nearest intersection		
<b>Site Description</b> - indicate any improvements, topography, vegetation, water bodies, fencing, signage, other significant features		
<b>Buildings / Improvements</b> - total number & size (s.f.) or none - provide a building condition report if available		
<b>Planning Status / Zoning</b> -provide planning report, if none available, please enclose Official Plan and Zoning Info		
<b>Registered Encumbrances on Title</b> - easements, covenants, etc.		
<b>Environmental Considerations</b> - indicate any contamination issues, environmentally sensitive/non-developable areas - provide reports/cost estimates		
<b>Heritage Status</b> (provide report)		
<b>Archaeological Status</b> -assessment undertaken, Aboriginal consultation, if any		
<b>Leases / Rent Rolls / Operating Cost/Expense information</b>		
<b>Contact for inspection, if External Appraisal required</b> -name, phone number, e-mail		
Please provide details of any Extraordinary Assumption, Hypothetical Condition or special valuation instructions to be considered by the appraiser		

## CORPORATE POLICY & PROCEDURE

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**POLICY TITLE:** SALE AND DISPOSITION OF REAL PROPERTY  
**POLICY NO.:** CS-5.14-P

<b>Chapter:</b>	Corporate Services		
<b>Section:</b>	5. Property and Risk Management		
<b>Effective Date:</b>	January 29, 2021	<b>Last Review Date:</b>	January 29, 2021
<b>Approval Authority:</b>	Board of Directors		
<b>Issued to:</b>	All TRCA Employees		
<b>Policy Owner:</b>	Property and Risk Management		

### 1. PURPOSE

- 1.01. The purpose of this Policy is to provide a framework to guide the Sale and Disposition of Toronto and Region Conservation Authority (TRCA) Property to ensure that TRCA fulfills its obligations to all parties that may be impacted by the Sale and Disposition of TRCA Real Property.
- 1.02. This Policy is intended to ensure the Sale and Disposition of TRCA Real Property is undertaken in a consistent, transparent, and effective manner, with appropriate consultation and accountability and in alignment with TRCA's strategic direction, core values, and the regulatory and legislative environment in which it operates.
- 1.03. The disposition process is based on the following principles:
  - Fairness: Ensure an open, transparent, and impartial process.
  - Value Capture: Maximize the value for TRCA.
  - Risk Management: Limit TRCA's exposure to risk and liabilities.

### 2. SCOPE

- 2.01. This Policy applies to the Sale and Disposition of TRCA Real Property.
- 2.02. This Policy applies to all TRCA employees who participate in the process of receiving, reviewing, advising, and processing Real Property Sale and Disposition inquiries or transactions.

### 3. POLICY

- 3.01. Sale and Disposition of TRCA Real Property must fulfill the objects of TRCA in compliance with the *Conservation Authorities Act* and applicable provincial policies.
- 3.02. The Sale and Disposition of Real Property shall not negatively impact Provincially Significant Conservation Lands or Ecologically Significant Lands. Where Provincially

**Policy Title: SALE AND DISPOSITION OF REAL PROPERTY**

**Policy No.: CS-5.14-P**

Significant Conservation Lands and Ecologically Significant Lands may be impacted, mitigative measures shall be implemented to protect those features.

**Staff Review**

- 3.03. Internal/external inquiries and proposals for the Sale and Disposition of TRCA Real Property will be provided to the Associate Director, Property and Risk Management.
- 3.04. Property and Risk Management staff shall undertake a detailed review to ensure that the proposed Sale and Disposition of TRCA Real Property meets legislative and provincial Policy requirements and the Real Property is not required for any TRCA operations, programs or projects.
- 3.05. The terms of the original acquisition shall be reviewed for compliance.

**Leases**

- 3.06. Leases and any renewals thereof should generally be less than five (5) years. Leases that are greater than five (5) years are considered a Sale and Disposition of Real Property and may require Minister's approval. Leases exceeding twenty (20) years are subject to the *Planning Act*.

**Reference Plan**

- 3.07. The Lands for Sale or Disposition must be accurately defined by a deposited reference plan, completed by a registered Ontario Land Surveyor and should be no more than five (5) years old.

**Appraisal**

- 3.08. Once the scope of the Property is defined by a reference plan, an Appraisal shall be completed for Property with estimated value that exceeds \$50,000. No Appraisal is required for proposed nominal dispositions to municipal, provincial and federal government agencies for infrastructure and utility purposes.

**Costs**

- 3.09. The party initiating the proposal will bear the costs of investigating the feasibility of a Real Property Sale and Disposition, including the reference plan and Appraisal, unless otherwise approved by the Associate Director, Property and Risk Management.

**Partner Consultation**

- 3.10. If required, proposed Sales and Dispositions of Real Property shall be circulated to the partner municipal, provincial and federal government agencies, notifying them of TRCA's intent to declare the Property surplus and to identify partners' interest in acquiring the lands. Partners shall be given ample opportunity to consider their interest.

**Policy Title: SALE AND DISPOSITION OF REAL PROPERTY**

**Policy No.: CS-5.14-P**

### **Declaration of Surplus Property, In Fee**

- 3.11. Except for transfers to municipalities, utility companies, the province or provincial agencies, TRCA Real Property to be disposed of in fee shall first be Declared as Surplus by the TRCA Board, and approval shall be obtained to offer the Lands for Sale and Disposition.

### **Public Process**

- 3.12. The Public Notification process will begin once the Property has been Declared as Surplus.
- 3.13. Adjacent landowners, the public, and interest groups shall be given reasonable notification about all proposed property dispositions. For any Sale and Disposition of TRCA Real Property that will be offered to the public, the Property shall be advertised through an open Public Process with Public Notification.
- 3.14. Subject to applicable exemptions, Real Property shall be advertised on the Open Market for a minimum of two weeks prior to accepting any offers or submissions.

### **Exemptions from Public Process**

- 3.15. The following are exemptions to the Public Process for disposition and are not required to be advertised on the Open Market:
- (a) Dispositions to municipalities or any “broader public sector organization” as defined in the *Broader Public Sector Accountability Act, 2010, SO 2010, c 2*, as amended;
  - (b) Where the property is landlocked or not separately viable and is proposed to be sold or leased to adjacent property owners;
  - (c) Where land is being exchanged where TRCA is acquiring other lands in interest;
  - (d) Where the property is required to re-establish access to property severed by road alignment or closure;
  - (e) If lands are acquired by TRCA through expropriation or donation, lands being disposed to the original or subsequent owners; or
  - (f) If otherwise required through contractual or legislative requirements.

### **Purchase and Sale Process**

- 3.16. All offers must be accompanied by a deposit of no less than 5% of the purchase price, with a minimum deposit amount of \$10,000.
- 3.17. Except for transfers to municipalities, minimum disposition price for lands, including easements, is \$10,000.
- 3.18. Offers to purchase that are lower than a 10% difference of the Fair Market Value identified in an Appraisal shall not be accepted unless there is a justification.
- 3.19. Where open Public Process has resulted in competing offers, TRCA staff shall recommend the offer that represents a combination of the highest value and the best terms and conditions for TRCA.

**Policy Title: SALE AND DISPOSITION OF REAL PROPERTY**

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3.20. Any notice of the Sale and Disposition of Property shall contain notice that TRCA Board approval, and Ministerial approval if applicable, is required.

3.21. Agreements of Purchase and Sale shall include provisions that:

- (a) TRCA Board approval is required; and,
- (b) Ministerial approval is required, if applicable.

**Approval of Sale and Disposition of TRCA Real Property**

3.22. TRCA Board shall approve all Sale and Disposition of TRCA Real Property with a resolution identifying how the Sale and Disposition fulfills the objects of TRCA.

**Minister's Approval**

3.23. Property and Risk Management shall prepare and submit an application for Ministerial approval of the Sale and Disposition of Property, if applicable.

**4. RESPONSIBILITY**

4.01. The **Board of Directors** is responsible for approving any proposed Sale and Disposition of Real Property.

4.02. The **Executive Committee** is responsible for reviewing and making recommendations to the Board of Directors on any proposed Sale and Disposition of Real Property.

4.03. **Property and Risk Management** is responsible for reviewing property disposition proposals and coordinating the process for the Sale and Disposition and TRCA Real Property.

4.04. All **Employees** are responsible for:

- (a) Promptly notifying the Associate Director, Property and Risk Management, of any proposals for the Sale and Disposition of TRCA Real Property; and
- (b) Providing timely review and response to proposed Sale and Disposition of TRCA Real Property proposals.

4.05. On motion from TRCA's Board of Directors, TRCA may accept, revise or rescind this Policy.

**5. PROCEDURE**

5.01. Procedures are addressed in *CS-5.14-S Disposition of Real Property Standard Operating Procedure*.

**Policy Title: SALE AND DISPOSITION OF REAL PROPERTY**

**Policy No.: CS-5.14-P**

## **6. DEFINITIONS**

- 6.01. **“Appraisal”** means a written opinion of value providing information sufficient to satisfy the Chief Financial and Operating Officer, or designate, that the opinion is reasonable.
- 6.02. **“Declared as Surplus”** means that Property is deemed to be in excess, more than what is needed, or no longer necessary to TRCA operations, projects or programming.
- 6.03. **“Ecologically Significant Lands”** means valley lands, hazard lands, other wetlands, headwater recharge and discharge areas, forested areas and any other lands which support provincial interests identified within the provincial Policy statements (i.e. hazard/natural heritage).
- 6.04. **“Fair Market Value”** means the purchase price that a property might be expected to realize if offered for sale on the Open Market by a willing seller to a willing buyer.
- 6.05. **“Fixed Assets”** means any buildings, permanent structures or works which are fixed to the land. This includes administrative, education and interpretation buildings, recreational facilities, workshops, dams, dykes, constructed channels, weirs, berms and reservoirs.
- 6.06. **“Land”** means any estate, term, easement, right or interest in, to, over or affecting land.
- 6.07. **“Open Market”** means one or several of public tender, public auction, call for proposals, invitational tender or Multiple Listing Service.
- 6.08. **“Provincially Significant Conservation Lands”** mean Provincially Significant Wetlands, Provincially Significant Areas of Natural and Scientific Interest (ANSI's), habitat of endangered species, managed/agreement forest lands.
- 6.09. **“Public Notification”** means one of the following: advertisements, a posting on TRCA's website, and/or signage at the property. The process of declaring a property surplus and providing a report to the TRCA Board of Directors for approval is also considered Public Notification.
- 6.10. **“Public Process”** means the act of providing notice and reasonable opportunity for input and expression of interest by members of the general population.
- 6.11. **“Real Property”** means all Land (including all rights and interests thereto) and Fixed Assets.
- 6.12. **“Sale and Disposition”** means the selling, exchanging, granting of right and interests, (including easements), transfer or release of a limited interest, a disposition land in conjunction with the acquisition of other lands as part of a land exchange transaction, or otherwise disposing of Property. Includes all leases over 5 years in duration (and any renewals over 5 years in duration) where the ownership or interest in the property is altered.

**Policy Title: SALE AND DISPOSITION OF REAL PROPERTY****Policy No.: CS-5.14-P****7. ADMINISTRATION***Administered by the Clerk's Office*

Review Schedule:	5 Years	Next Review Date:	January 29, 2026
Supersedes:	Surplus TRCA Land Sales (1995-01-27)		
Related Legislation, Regulations and Guidelines:	Ontario's <a href="#">Conservation Authorities Act, R.S.O. 1990, c. C.27</a>		
	Ontario's <a href="#">Planning Act, R.S.O. 1990, c. P.13</a>		
Related Policies and Policy Tools:	CS-5.14-S Disposition of Real Property		
Revision History			
Version Number	Version Date	Description	
1	January 29, 2021	Policy went into effect.	



## STANDARD OPERATING PROCEDURE

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**SOP TITLE:** DISPOSITION OF REAL PROPERTY

**SOP NO.:** CS-5.14-S1

<b>Chapter:</b>	Corporate Services		
<b>Section:</b>	5. Property and Risk Management		
<b>Effective Date:</b>	January 29, 2021	<b>Last Review Date:</b>	January 29, 2021
<b>Approval Authority:</b>	Chief Financial and Operating Officer		
<b>Issued to:</b>	Property and Risk Management		
<b>SOP Owner:</b>	Property and Risk Management		

### 1. PURPOSE

- 1.01. The purpose of this Standard Operating Procedure (SOP) is to guide disposition of all Toronto and Region Conservation Authority (TRCA) Surplus Real Property.

On an on-going basis, the P&RM assesses TRCA accommodation needs, reviews real estate development and value enhancement opportunities, and analyzes acquisition programs to identify Surplus Real Property. The Realty Portfolio Plan (RPP) identifies the pool of Surplus Real Property for a multi-year period and additional properties are added to the pool as they are identified. The RPP also establishes the anticipated revenue and liability reduction targets for a multi-year period. Based on the RPP, an annual sales plan is prepared to ensure sound planning to achieve yearly performance objectives.

### 2. SCOPE

- 2.01 The SOP guides disposition of all Surplus Real Property under the administration and control of TRCA. It may also be applied to the Disposition of Surplus Real Property not under the administration and control of the TRCA ("non-TRCA assets") and to the Disposition of non-Government real property or interests in real property ("non-Government assets"). To the extent non-TRCA assets and/or non-Government assets are subject to other laws, regulations, policies, orders or directives that deal in whole, or in part, with the subject matter of these procedures, TRCA will comply as applicable. TRCA shall only assist in the Disposition of non-TRCA assets and non-Government assets upon written direction from the Chief Financial and Operating Officer.
- 2.02. The SOP consist of three key steps:
- (a) Establish an annual sales plan, based on the realty portfolio plan (see description below)
  - (b) Prepare the Surplus Real Property for Disposition

- (c) Execute the Disposition approach

Unless otherwise stated, the Property & Risk Management department ("P&RM") at TRCA will project manage the procedures and are responsible for maintaining records with the key documentation noted.

### **3. DEFINITIONS**

- 3.01. **"AACI"** means Accredited Appraiser Canadian Institute designation.
- 3.02. **"Agreement of Purchase and Sale"** means IO's standard agreement for the Disposition of Surplus Real Property.
- 3.03. **"Class Environmental Assessment"** for the purposes of this SOP means the Class Environmental Assessment process, which TRCA is responsible for implementing. Through the Class Environmental Assessment, TRCA takes into account and assesses the potential effects of its realty activities on the environment. This includes consideration of the natural, social, cultural, and economic environments and their interactions.
- 3.04. **"Delegations of Authority"** means the approval structure for all transactions that commit TRCA or its clients to purchase goods, services and Real Property, sell or grant rights to or acquire rights of Real Property, from related or non- related parties..
- 3.05. **"Direct (Non-Competitive) Sales"** mean that Real Property not offered for sale on the open market and which comply with the following cases:
- (a) Is being transferred directly to another level of government, a utility company, a conservation authority, or any entity that has indicated an interest in acquiring the Real Property via the circulation process;
  - (b) Lacks public access or is not separately viable. Under these circumstances the Real Property may be sold to an adjacent property owner;
  - (c) Is needed to restore access or frontage to an adjacent property cut off by realignment or closure of a road;
  - (d) Is being exchanged for another property for provincial program purposes; or
  - (e) Was expropriated and is being offered back to the previous owner.
- 3.06. **"Disposition"** means a transaction that transfers a Real Property by sale, transfer or exchange to a party other than Government. For the purposes of these Procedures, Disposition does not include a transfer of administration and control over a Real Property from TRCA to another ministry or Agency. "Dispose", "Disposal" and similar terms have a corresponding meaning.
- 3.07. **"Easement"** means an interest in land owned by another person, consisting of the right to use or control the lands or an area above or below it, for a specific limited purpose.
- 3.08. **"Expropriation"** means the definition in the *Expropriations Act*. All expropriated land shall be disposed of in accordance with the *Expropriations Act*. In accordance with section 42 of the *Expropriations Act*, IO shall not dispose of lands expropriated by the

Government after December 20, 1968 which are no longer required for its purposes, unless it first obtains the approval of the ministry that authorized the expropriation, without giving the owner(s) from whom the land was taken the first chance to repurchase the lands, and shall comply with any other applicable agreements and policy directives.

- 3.09. **"External Appraisal"** means an adequately supported written opinion of Market Value of the Real Property Asset on a specified date that evaluates the Real Property Asset involved according to accepted appraisal practices and is obtained from and signed by a person who is a real property appraiser accredited by the Appraisal Institute of Canada either as an AACI or CRA, as required.
- 3.10. **"Government"** means the same meaning as in the *Ministry of Infrastructure Act, 2011* as amended from time to time, and was as of June 6, 2012 defined as:
- (a) The Government of Ontario and the Crown in right of Ontario
  - (b) A ministry of the Government of Ontario
  - (c) A Crown Agency
  - (d) Any board, commission, authority or unincorporated body of the Crown; and
  - (e) A TRCA member Municipality
- 3.11. **"Internal Valuation"** means internal review of the available property characteristics for the purposes of developing an estimate of value. May be used for determining Market Value for properties with an estimated value under \$50,000. It is not considered an Appraisal as defined by the Appraisal Standard Rules per CUSPAP.
- 3.12. **"Market Value"** means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming that the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:
- (a) buyer and seller are typically motivated;
  - (b) both parties are well informed or well advised, and acting in what they consider their best interests;
  - (c) a reasonable time is allowed for exposure in the open market;
  - (d) payment is made in terms of cash in Canadian Dollars or in terms of financial arrangements comparable thereto; and
  - (e) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales or concessions granted by anyone associated with the sale.

Market Value shall be determined by the TRCA Valuation Services Group. Criteria considered by TRCA for establishing Market Value may include (but are not limited to): current market conditions; a reasonable exposure period for the specific local market; business cases; latent conditions and unforeseen events impacting the value of a given Real Property; A latent condition is a hidden condition or defect that is not readily ascertained by reasonable inquiries and research.

Disposition of Real Property (both Open Market and Direct Sales) is to be based on Market Value unless a Government-approved program provides an exception

- 3.13. **"Minister"** means the Minister of Infrastructure.
- 3.14. **"Nominal Transfers"** mean Real Property that are Disposed at nominal value based on direction from CFOO. Nominal transfers may be triggered by program transfers, special interest groups, site plan and/or infrastructure requirements, etc.
- 3.15. **"Open Market (Competitive) Sales"** mean Real Property offered for sale and placed on the open market.
- 3.16. **"Profit Participation Clause"** as part of any sale below Market Value, means the Agreement of Purchase and Sale that will include clauses that specify the following:
- (a) If the Real Property is not used within the timeframe set out for the purposes for which it was originally purchased, the Real Property will be returned to TRCA in its original condition at TRCA's option;
  - (b) If, within a specified period of time, the purchaser sells the Real Property, all proceeds in excess of the original purchase price (plus allowable expenses, as specified in the Agreement of Purchase and Sale) will be returned to TRCA.
  - (c) If, within a specified period of time, the purchaser proposes to sell the Real Property, TRCA has the option to repurchase the Real Property at the original purchase price paid by the purchaser to TRCA, plus an amount for capital improvements after the sale, as specified in the Agreement of Purchase and Sale. If this option is exercised, the sales lead will work with TRCA client program delivery and TRCA portfolio planning to determine what to do with the Real Property;
- 3.17. **"Project Information Management System"** means TRCA's system for managing realty projects.
- 3.18. **"Real Property"** means any patented land owned by the TRCA and whatever structures are affixed to it, and any interests, benefits, and rights arising from it.
- 3.19. **"Surplus Real Property"** means any Real Property that is no longer required by a ministry or Agency to support delivery of its operations, programs or services, or is otherwise surplus and not required for TRCA purposes.

#### **4. PROCEDURE**

##### **Establish an Annual Surplus Property List**

- 4.01. P&RM shall develop an annual sales plan for consideration by TAM by November 1<sup>st</sup> each year. The following steps are undertaken:
- (a) Review the Surplus Real Property pool to identify properties that are well positioned for Disposition within the following 12 months;
  - (b) Compile the list of Real Property for consideration to designate as surplus by TAM.
  - (c) Review the list, identify and recommend whether the Disposition approach will be Open Market or Direct Sale;
  - (d) For information and planning purposes, identify any potential:
    - Easements;

- Encroachments;
  - Nominal Transfers.
- (e) Share the list with internal stakeholders and MOI for comments, make any required amendments, then distribute final list to all stakeholders.
- 4.02. TAM shall review and analyze the proposed annual sales plan for:
- (a) Confirm that the revenue and liability reduction targets are consistent with those identified in the RPP;
  - (b) Determine whether proposed Disposition will materially affect service levels;
  - (c) Identify budgetary impacts, including the impact of the Disposition of the Asset Management Plan;
  - (d) Recommend whether revenue from Disposition should be apportioned to a specific project.
  - (e) Direct P&RM to distribute the list with external stakeholders for comments.
  - (f) Recommend properties to be declared as surplus and included within the Surplus Real Property list.
- 4.03. A Disposition project is set up in the Project Information Management System.
- 4.04. TAM makes recommendation to the Board of Directors, or designate, regarding Disposition.

### **Due Diligence Phase**

- 4.06. P&RM will undertake and analysis of required due diligence for the parcel, depending on Disposition from private individual or Government, and which may include:
- (a) **Archaeology Study** – Carry out site assessments to identify any significant archaeological features;
  - (b) **Duty to Consult** – Legal review to determine whether a duty to consult is required and proceed in conformance;
  - (c) **Mapping/Survey Review/Title Search** – Prepare property map, review available property boundary information and determine whether survey is required, conduct title search;
  - (d) **Legal** – Title confirmation (legal opinion confirming the ownership of the property including any title encumbrances);
  - (e) **Planning** – Confirmation of land use planning information for the property, prepared by a registered professional planner;
  - (f) **Cultural Heritage** – Identifying and evaluating built heritage and cultural landscapes, as per the Standards and Guidelines for Conservation of Provincial Heritage Properties;
  - (g) **Geotechnical** – Review geotechnical site characteristics (if required);
  - (h) **Environmental** –
    - Carry out environmental site assessments;
    - Conduct the Class Environmental Assessment process;
  - (i) **Environmental Assessment** – Review an Environmental Assessment for a TRCA undertaking, if necessary.
  - (j) **Appraisal** – Ensuring there is data supporting the asking and offering price (e.g. External Appraisal or Internal Valuation derived from the most current TRCA valuation services guidelines, with consideration provided in the definition of

Market Value). The following should be considered for appraisals:

- The Market Value thresholds that would determine number and type of Appraisals required in accordance with the most current TRCA valuation services guidelines;
- Subject to consultation with TRCA valuation Services, an appraisal update may be required in accordance with the most current TRCA valuation services guidelines.

(k) **Designated Substances Survey** – Determination of exposure of Acquisition to designated substances, including asbestos.

### **Open Market Sales**

#### **Marketing Phase**

- 4.07. Project initiation form to engage TRCA's brokerage vendor of record (if the vendor of record is not being used, the most current procurement directive and policy will be followed to procure the required services).
- 4.08. Work with broker to determine marketing strategy.
- 4.09. Prepare listing agreement and obtain approval as per TRCA's Board of Directors.
- 4.10. Listing of the property for a minimum of 30 days and posting on TRCA website (any less than 30 days requires EVP approval).

#### **Evaluation & Negotiation Phase**

- 4.11. Prepare record of offer form.
- 4.12. Evaluation and negotiation of offers. Select best offer, negotiate, and receive deposit cheque (to be held in escrow in an TRCA trust account) and signed Agreement of Purchase and Sale from purchaser. An offer that is being recommended for acceptance by TRCA can be no less than the established Market Value (if the established Market Value is a range, then no less than the bottom end of the range). During this step apply risk management strategies (e.g. identification of proposed use, any restrictive covenants, safety concerns, Conflict of Interest).

#### **Agreement Phase**

- 4.13. Preparation and approval of the sales advice form as per TRCA Board of Director – once the sales advice form is approved by the delegated authority, and provided there are no subsequent changes, the remaining documentation that follows can be signed by TRCA signing officer as per TRCA Policies and Procedures.
- 4.14. Execution and distribution of the Agreement of Purchase and Sale.

### **Direct Sales and Nominal Transfers**

#### **Evaluation & Negotiation Phase**



- 4.15. Evaluate and negotiate offer and apply risk management strategies (e.g. identification of proposed use, any restrictive covenants, safety concerns, Conflict of Interest). An offer that is being recommended for acceptance by TRCA can be no less than the established Market Value (if the established Market Value is a range, then no less than the bottom end of the range).
- 4.16. Receive deposit cheque (to be held in escrow in an TRCA trust account) and signed Agreement Purchase and Sale from purchaser.

**Agreement Phase**

- 4.17. Preparation and approval of the sales advice form as per TRCA Delegations of Authority - once the sales advice form is approved by the delegated authority, and provided there are no subsequent changes, the remaining documentation that follows can be signed by TRCA signing officer under TRCA Policies and Procedures.
- 4.18. Obtain approval from CFOO if modifying the standard Profit Participation Clause or if applying it to a Market Value transaction.
- 4.19. Execution of the Agreement of Purchase and Sale.

**Approval Phase**

- 4.20. P&RM draft report submission and recommendations to Agenda Review Team for ratification and inclusion on the Executive Committee agenda.
- 4.21. P&RM present the report to the Executive Committee for adoption and recommendation.
- 4.22. P&RM coordinates the report for ratification of the Board of Directors.

**Close-out Phase**

- 4.23. TRCA legal counsel completes transaction, including:
  - (a) After all conditions are satisfied or waived and other pre-closing requirements are met, TRCA legal prepares closing documents and obtains sign-off from purchaser and sales lead; TRCA legal then receives payment from purchaser (certified cheque) and registers the transfer – payment is forwarded to finance for processing;
  - (b) Notification of completed transaction sent from TRCA legal to all department heads involved in due diligence and to TRCA Asset Manager;
  - (c) The project is closed out in the Project Management Information System and records are also organized as per the TRCA retention schedule.

## **5. RESPONSIBILITY**

- 5.01. The **Chief Financial and Operating Officer** is responsible for:
- (a) Approval of Dispositions based on the recommendation of the Tangible Capital Management committee, to be brought forward to the Board of Directors.
- 5.02. The **Associate Director, Property and Risk Management** is responsible for:
- (a) Ensuring compliance to this procedure;
  - (b) Approving Dispositions to TAM;
  - (c) Presenting Dispositions to boards and committees.
- 5.03. **Agent or Senior Property Agent** is responsible for:
- (a) Coordinating property Dispositions on behalf of TRCA in conformance with TRCA policies and these procedures;
  - (b) Ensuring communication is documented for the record;
  - (c) Presenting Dispositions to TAM;
  - (d) Drafting of required reports; and
  - (e) Other duties as assigned.
- 5.04. The **Tangible Capital Management** (TAM) committee is responsible for the analysis and recommendation of deeming property as surplus for pending Disposition.

## **6. ADMINISTRATION**

Review Schedule:	5 Years	Next Review Date:	January 29, 2026
Supersedes:	NEW		
Related Documents:	CS-5.14-P Sale and Disposition of Real Property		
Revision History			
Date	Description		
January 29, 2021	New SOP is approved.		



## **CORPORATE POLICY & PROCEDURE**

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**POLICY TITLE:** ENCROACHMENTS ONTO TRCA-OWNED LANDS  
**POLICY NO.:** CS-5.15-P

<b>Chapter:</b>	Corporate Services		
<b>Section:</b>	5. Property and Risk Management		
<b>Effective Date:</b>	January 29, 2021	<b>Last Review Date:</b>	January 29, 2021
<b>Approval Authority:</b>	Board of Directors		
<b>Issued to:</b>	All TRCA Employees		
<b>Policy Owner:</b>	Property and Risk Management		

### **1. PURPOSE**

- 1.01. The purpose of this Policy is to guide Toronto and Region Conservation Authority's (TRCA) responses to Encroachments on TRCA-owned lands.

### **2. SCOPE**

- 2.01. This Policy applies to situations where lands owned by TRCA are subject to an Encroachment.
- 2.02. This Policy applies to all TRCA owned land, including land covered by water.

### **3. POLICY**

- 3.01. TRCA will not permit Encroachments onto its lands except in accordance with this Policy.
- 3.02. TRCA shall continue to employ the following measures to resolve an Encroachment:
- (a) **Removal** – The preferred method to respond to Encroachments as it allows TRCA owned land to revert to its intended use including natural areas, open space or recreational areas. The person responsible for the Encroachment shall pay all costs, including survey, appraisal and legal costs associated with the removal of the encroachment.
  - (b) **Encroachment Agreement** – An interim arrangement to establish temporary permission for the Encroachment, including terms and conditions to address liability concerns and to eliminate the possibility of loss of the property through adverse possession. Upon expiry or termination of the agreement, the encroachment shall be removed and the TRCA lands restored to their natural condition. The person seeking the agreement shall pay all costs, including survey, appraisal and legal costs associated with the Encroachment, including payment of a license fee to TRCA based on fair market value of the use of

lands subject to the Encroachment. Encroachment agreements for Lands under municipal management agreements may be coordinated and recommended by the member municipality, subject to approval by the Board of Directors. Approval by the Board of Directors is required prior to the execution of any agreement to permit an encroachment for greater than five years.

- (c) **Sale or Land Exchange** – This option is considered when it is determined that the parcel of land is not required for TRCA purposes or the person responsible for the encroachment is willing to exchange lands with TRCA for lands that are more suitable for TRCA purposes, subject to any existing policies governing the sale and disposition of lands.

#### **4. RESPONSIBILITY**

- 4.01. The **Board of Directors** is responsible for approving proposed Encroachment resolutions as required.
- 4.02. **Property and Risk Management** staff are responsible for:
  - (a) Negotiating with the person responsible for the Encroachment where removal is not feasible and/or where the person requests permission to continue to the Encroachment on a temporary basis;
  - (b) Reporting to the Board of Directors, as required, with recommendations to resolve the Encroachment; and
  - (c) Consulting as required with member municipalities and other third parties who manage TRCA lands to review issues of encroachment and working with these managing authorities to resolve any identified issues
- 4.03. **Enforcement and Compliance** staff are responsible for
  - (a) Providing technical advice where Encroachments are in violation of applicable regulations; and
  - (b) Leading enforcement proceedings where they are deemed to be the recommended course of action to resolve the encroachment.
- 4.04. **Facility Managers** are responsible for:
  - (a) Identifying the nature and location of Encroachments;
  - (b) Acting as the first point of contact and giving notice to party in effort to resolve the encroachment;
  - (c) Advising the person responsible for the Encroachment of TRCA's Policy;
  - (d) Requesting removal of the Encroachment; and
  - (e) Advising Property and Risk Management, and Enforcement and Compliance staff of the Encroachment if the request for removal of the Encroachment was not successful at resolving the encroachment.
- 4.05. **Employees** who suspect an Encroachment are responsible for identifying it to the Facility Manager.
- 4.06. **Legal Counsel** is responsible for providing advice on title issues, drafting and review of encroachment agreements, and supporting enforcement efforts.
- 4.07. On motion from TRCA's Board of Directors, TRCA may accept, revise or rescind this Policy.

**Policy Title: ENCROACHMENTS ONTO TRCA-OWNED LANDS**

**Policy No.: CS-5.15-P**

**5. PROCEDURE**

TRCA staff shall follow department Standard Operating Procedures for encroachments and disposition of lands.

**6. DEFINITIONS**

- 6.01. **“Encroachment”** means an interference with or intrusion onto another’s property, including physical structures such as decks, pools, sheds and retaining walls, as well as non-structural such as storage of materials, gardens and grass cutting of an area greater than one meter onto TRCA lands.

**7. ADMINISTRATION**

*Administered by the Clerk’s Office*

<b>Review Schedule:</b>	5 Years	<b>Next Review Date:</b>	January 29, 2026
<b>Supersedes:</b>	<i>Encroachments onto TRCA-owned Lands Policy (1977-04-22)</i>		
<b>Related Legislation, Regulations and Guidelines:</b>	N/A		
<b>Related Policies and Policy Tools:</b>	N/A		
<b>Revision History</b>			
<b>Version Number</b>	<b>Version Date</b>	<b>Description</b>	
1	January 29, 2021	Policy went into effect.	

## **CORPORATE POLICY & PROCEDURE**

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**POLICY TITLE:** CONTAMINATED SITES  
**POLICY NO.:** CS-5.16-P

<b>Chapter:</b>	Corporate Services		
<b>Section:</b>	5. Property and Risk Management		
<b>Effective Date:</b>	January 29, 2021	<b>Last Review Date:</b>	January 29, 2021
<b>Approval Authority:</b>	Board of Directors		
<b>Issued to:</b>	All TRCA Employees		
<b>Policy Owner:</b>	Property and Risk Management		

### **1. PURPOSE**

- 1.01. The purpose of this Policy is to address the risk of contamination in the acquisition, disposition, and management of Toronto and Region Conservation Authority (TRCA) lands.

### **2. SCOPE**

- 2.01. The Policy applies to all staff involved with property acquisition, disposition, and management, the determination of financial liability, and annual audits as well as those involved in managing projects that might disturb or otherwise impact Contaminated Sites.

### **3. POLICY**

#### **Property Acquisition**

- 3.01. TRCA will not accept conveyance of Contaminated Sites unless it is done in conformity with this Policy or as otherwise directed by the Board of Directors.
- 3.02. Staff shall report to the Board of Directors any contamination risks associated with a proposed acquisition, appropriate measures to manage any identified risk and will seek corresponding direction from the Board of Directors with regard to the proposed acquisition.
- 3.03. A Phase I Environmental Site Assessment completed by a Qualified Person in conformity with Record of Site Condition requirements has to be circulated to the satisfaction of Property and Risk Management staff in advance of the closing of all property acquisitions.

**Policy Title: CONTAMINATED SITES**

**Policy No.: CS-5.16-P**

- 3.04. A Phase II Environmental Site Assessment will be required where recommended by the Phase I Environmental Site Assessment.
- 3.05. Where property to be acquired by TRCA is expected to undergo a change in property use which is restricted under the *Environmental Protection Act* or *O. Reg 153/04* (as amended), Record of Site Condition registration shall be required prior to property conveyance.

This requirement applies only where the actual property use changes from a higher intensity land use (for example, industrial) to a lower intensity land use (for example, residential) irrespective of a corresponding zoning by-law change (See Table 1).

- 3.06. Where a Phase I Environmental Site Assessment reveals history of contaminating activity, areas of potential environmental concern or that a Phase II Environmental Site Assessment shows presence of contaminants, TRCA may require that a record of site condition be registered prior to conveyance of the property.
- 3.07. The site condition standards of the property at the time of conveyance shall meet the standards of the intended land use or the standards of the most sensitive adjacent land uses, whichever are more stringent.
- 3.08. The Board of Directors shall approve the conditions of any Certificates of Property Use that might be binding upon TRCA prior to acquisition.
- 3.09. Submission of all environmental site assessments, Risk Assessments, records of site condition and any other reports upon which TRCA may need to rely shall be accompanied by:
- (a) A letter signed by the Qualified Person stating that TRCA can rely on the opinion of the Qualified Person; and
  - (b) Proof of professional liability insurance in the name of the Qualified Person in a form acceptable to TRCA.
- 3.10. Cost of compliance with any environmental studies, peer reviews, risk studies or costs of any kind further to a permitting or planning review process will be borne by the Project Proponent.

**Property Disposition**

- 3.11. TRCA will ensure appropriate terms and conditions including indemnities as may be applicable to protect TRCA's interests regarding any contamination that may be present on lands to be disposed.

**Known Contaminated Sites**

- 3.12. TRCA shall ensure that all property under its ownership that include known Contaminated Sites are managed in accordance with existing legislation and regulations.

**Policy Title: CONTAMINATED SITES**

**Policy No.: CS-5.16-P**

**Previously Unknown Contaminated Sites**

- 3.13. Upon discovery and identification of a Contaminated Site on property under TRCA ownership, TRCA shall manage that site in compliance with existing legislation and regulations.
- 3.14. The Facility Manager for the property upon which potential contaminants have been discovered (for example as a result of illegal dumping or spill) shall ensure that:
- (a) The potential contaminants are reported as per *CS-5.09-P Incident Reporting Policy*;
  - (b) The potential impacts to soil, groundwater, and surface water are assessed by a qualified professional in accordance with *O. Reg. 153/04*; and
  - (c) A corresponding contaminant management plan is developed.
- 3.15. The contaminant management plan shall consider the source (where known), nature and extent of impacts, risks associated with any identified contaminants and the strategy for mitigating impacts to human health and/or the environment. The contaminant management plan must also consider health and safety protocols as well as any regulatory or contractual requirements and sources of funding to implement any associated mitigation or remediation plan.

Sources of funding for consideration include any responsible third parties, followed by grants, recovery funds, insurance and finally land management budgets.

**Financial and Regulatory Reporting**

- 3.16. TRCA shall report liabilities and issues of contamination as required by law or public accounting standards.

**4. RESPONSIBILITY**

- 4.01. The **Board of Directors** is responsible for providing direction to staff with regard to any proposed acquisition associated with contamination risks.
- 4.02. **Development and Engineering Services** staff are responsible for informing development proponents of the requirements of this Policy and furthermore that that Phase I Environmental Site Assessments, for lands to be conveyed to TRCA, at a minimum must be submitted as part of a complete application during pre-consultation meetings.
- 4.03. **Property and Risk Management** staff are responsible for:
- (a) Ensuring compliance with this Policy in the course of any property acquisition process;
  - (b) Managing records of contamination in compliance with *Records Management Policy* and any associated policy tools; and
  - (c) Managing any claims associated with discovered potentially contaminating sources.
- 4.04. The **Facility Manager** for each property is responsible for ensuring compliance with this Policy while managing lands and facilities under their responsibility, including

**Policy Title: CONTAMINATED SITES****Policy No.: CS-5.16-P**

consulting with Health and Safety Specialists, and Property and Risk Management staff as may be applicable.

- 4.05. **Project Managers** are responsible for ensuring that planned works will not disturb known contaminated sites without proper authorization and shall ensure that health and safety as well as contamination risks are adequately addressed in any project workplans and shall consult with Health and Safety Specialists, and Property and Risk Management staff as may be applicable. Project managers are further responsible for ensuring that any materials being brought onto a project site comply with any applicable regulations, and where applicable, the soil management plan for their project site.
- 4.06. **Business Intelligence and Data Analytics** staff is responsible for ensuring that geospatial data on the presence of Contaminated Sites is adequately managed.
- 4.07. **Finance** is responsible for ensuring that TRCA reports on an annual basis any liabilities associated with known Contaminated Sites in accordance with PS3260.
- 4.08. On motion from TRCA's Board of Directors, TRCA may accept, revise or rescind this Policy.

**5. PROCEDURE**

- 5.01. Table 1 includes a list of restricted property use changes that require Record of Site Condition registration referred to in section 3.05.

<b>Table 1: Restricted Property Use Changes</b>		
<b>Existing Property Use</b>	<b>New Property Use</b>	<b>Enabling Section</b>
Industrial	Residential or Parkland	<i>Environmental Protection Act 168.3.1(1)</i>
Industrial	Agricultural or other (for example, conservation purposes)	<i>O. Reg. 153/04, s. 14, 1</i>
Industrial	Where there is more than one new property use, any or all of the following: i. Agricultural or other use. ii. Institutional use. iii. Parkland use. iv. Residential use.	<i>O. Reg. 153/04, s. 14, 2</i>
Industrial, including any other type or types of property uses.	Where there is more than one new property use, any or all of the following: i. Agricultural or other use. ii. Institutional use. iii. Parkland use. iv. Residential use.	<i>O. Reg. 153/04, s. 14, 3</i>

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<b>Table 1: Restricted Property Use Changes</b>		
<b>Existing Property Use</b>	<b>New Property Use</b>	<b>Enabling Section</b>
Commercial	Residential or Parkland	<i>Environmental Protection Act 168.3.1(1)</i>
Commercial	Agricultural or other, or an institutional use	<i>O. Reg. 153/04, s. 14, 4.</i>
Commercial	Where there is more than one new property use, any or all of the following: i. Agricultural or other use. ii. Institutional use. iii. Parkland use. iv. Residential use.	<i>O. Reg. 153/04, s. 14, 5.</i>
Commercial, including any other type or types of property uses.	Where there is more than one new property use, any or all of the following: i. Agricultural or other use. ii. Institutional use. iii. Parkland use. iv. Residential use.	<i>O. Reg. 153/04, s. 14, 6.</i>
Community	Agricultural or other, or an Institutional use, a parkland use or a residential use.	<i>O. Reg. 153/04, s. 14, 7.</i>
Community	Where there is more than one new property use, any or all of the following: i. Agricultural or other use. ii. Institutional use. iii. Parkland use. iv. Residential use.	<i>O. Reg. 153/04, s. 14, 8.</i>
Community, including any other type or types of property uses.	Where there is more than one new property use, any or all of the following: i. Agricultural or other use. ii. Institutional use. iii. Parkland use. iv. Residential use.	<i>O. Reg. 153/04, s. 14, 9.</i>
Industrial, commercial or community use other than a community use that:  i. falls within the classification of occupancies in Group A of Table 3.1.2.1. of Division B of the building code; and	Community uses that:  i. that fall within the classification of occupancies in Group A of Table 3.1.2.1. of Division B of the building code; and	<i>O. Reg. 153/04, s. 14, 10.</i>



<b>Table 1: Restricted Property Use Changes</b>		
<b>Existing Property Use</b>	<b>New Property Use</b>	<b>Enabling Section</b>
ii. is an indoor swimming pool, an indoor ice rink, an indoor arena, an enclosed stadium, an indoor sports field or an indoor gymnasium.	ii. are an indoor swimming pool, an indoor ice rink, an indoor arena, an enclosed stadium, an indoor sports field or an indoor gymnasium.	

## 6. DEFINITIONS

- 6.01. **“Certificate of Property Use”** means a certificate of property use issued under the s168.6 of the *Environmental Protection Act*.
- 6.02. **“Contaminant”** means any solid, liquid, gas, odor, heat, sound, vibration, radiation or combination of any of them resulting directly or indirectly from human activities that causes or may cause an adverse effect.
- 6.03. **“Contaminated Site”** means land at which contaminants occur in concentrations that exceed applicable Site Condition Standards.
- 6.04. **“Parkland”** means the use of land or a building on the property for:
- (a) Outdoor recreational activities, including use for a playground or a playing field,
  - (b) A day camp, an overnight camp or an overnight camping facility,
  - (c) An outdoor gathering of people for civic or social purposes, or
  - (d) In respect of the classification of occupancies in Table 3.1.2.1. of Division B of the building code, use that falls within Group A, Division 4, assembly occupancies in which occupants are gathered in the open air other than use for a stadium;
- 6.05. **“Project Proponent”** means the party undertaking the project or program that triggers the need for environmental investigations or registrations (for example the development applicant, municipality or in some cases TRCA if undertaking a project).
- 6.06. **“PS3260”** means *Public Sector Accounting Handbook Section PS 3260 - Liability for Contaminated Sites*, or any successor guideline.
- 6.07. **“Qualified Person”** means a person who meets the qualifications to be a qualified person described in the regulations governing the undertaking of environmental site assessments, registration of records of site condition and other related activities under the *Environmental Protection Act*.
- 6.08. **“Record of Site Condition”** means a record of site condition as defined by the *Environmental Protection Act* and its associated regulations.
- 6.09. **“Risk Assessment”** means a risk assessment as defined under the *Environmental Protection Act* and its associated regulations.

**Policy Title: CONTAMINATED SITES****Policy No.: CS-5.16-P**

- 6.10. **“Site Condition Standard”** means the full depth background site condition standards, full depth generic site condition standards and stratified site condition standards, as defined in *O.Reg. 153/04*, or any successor regulation.

## 7. ADMINISTRATION

*Administered by the Clerk’s Office*

Review Schedule:	5 Years	Next Review Date:	January 29, 2026
Supersedes:	N/A		
Related Legislation, Regulations and Guidelines:	Ontario's <a href="#">Environmental Protection Act, R.S.O. 1990, c. E.19</a> Ontario's <a href="#">O. Reg. 153/04: Records of Site Condition - PART XV.1 of the Act</a> under Environmental Protection Act, R.S.O. 1990, c. E.19 <i>Public Sector Accounting Handbook Section PS 3260 – Liability for Contaminated Sites</i>		
Related Policies and Policy Tools:	<i>CS-5.09-P Incident Reporting</i> <i>Records Management Policy</i>		
Revision History			
Version Number	Version Date	Description	
1	January 21, 2021	Policy went into effect.	

**B.17. Indemnification of Board Members, Officers and Employees**

~~TRCA shall maintain an Indemnification policy with respect to Board Members, Officers and employees which shall be reviewed by staff at minimum every five years.~~

- (1) TRCA will procure and maintain a program of insurance, including directors and officers liability, automobile liability and commercial general liability coverage in limits that are typical for an organization of TRCA's scale and operations for liabilities to which a Board Member or advisory board member ("Member") might ordinarily be exposed by reason of being a Member ("Insurance"). Insurance is the primary means by which TRCA will finance liabilities to which Members might be exposed as a result of their role as a Member.
- (2) Subject to Board of Directors approval and provided that the following criteria is met and continues to be met, TRCA shall indemnify and defend its Members and their heirs, in respect of any civil, criminal or administrative action, order, claim or proceeding, from and against all costs, charges and expenses, including all amounts paid to settle any real or potential action, claim, charge, order, or proceeding or satisfy any judgement reasonably incurred by any such Members to which any such individual is made a party by reason of being a TRCA Member ("Claim"), and to the extent only that such a Claim is not covered by Insurance when:
  - (a) A Member acted honestly, in good faith with a view to the best interests of TRCA, with due regard for the legality of their actions or omissions, and within the scope of their duties and responsibilities.
- (3) Notwithstanding the indemnity provided under 17(2), where a Member is charged with an offence under the *Criminal Code*, or under any other statutes(s), or a proceeding is commenced involving the member under the *Municipal Conflict of Interest Act* arising out of an act done in the performance of their official duties, indemnity under this By-law shall be subject to the Member's acquittal, and:
  - (a) The Member shall, in the first instance, be responsible for their own costs including the retaining of legal counsel or a paralegal.
  - (b) The Member must have had reasonable grounds for believing that the conduct was lawful.
  - (c) A request for indemnification shall be referred to the Executive Committee and the Board of Directors for their consideration on advice from the TRCA's Legal Counsel. The term "acquittal" shall be taken to be the same as a finding not to have contravened a statute, a dismissal of the charge(s) or proceeding and may, in appropriate circumstances, include the withdrawal of the relevant charge(s) or proceeding.
- (4) Whenever a circumstance that could give rise to a real or potential Claim is brought to the attention of a Member, the Member is to advise TRCA's Legal Counsel immediately. If requesting indemnification, the individual will provide a copy of all documents and information related to the matter. Any failure on the part of the individual to report the Claim or proceeding forthwith to Legal Counsel or to provide corresponding documentation or to cooperate in any subsequent investigation or defense of the claim may result in denial of the request for indemnity.

- (5) Where a request for indemnification has been made under this policy, TRCA's Legal Counsel shall provide a report and a recommendation to the Executive Committee and to Board of Directors for their consideration.
- (6) This policy does not apply to:
  - (a) Any Claims commenced by TRCA;
  - (b) Any Claims in which TRCA is a party adverse in interest;
  - (c) Any Claims commenced by a Member.

### Section I – Items for Board of Directors Action

**TO:** Chair and Members of the Board of Directors  
Friday, January 29, 2021 Meeting

**FROM:** Michael Tolensky, Chief Financial and Operating Officer

**RE:** **EXTENSION OF ENCROACHMENT AGREEMENT**  
Request from the City of Toronto for concurrence to enter into an extension of an encroachment agreement affecting Authority owned lands, managed by the City of Toronto at the rear of 122 Camborne Avenue, City of Toronto, Humber River Watershed (CFN 28685)

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#### KEY ISSUE

Receipt of a request from the City of Toronto for concurrence to enter into an extension of an encroachment agreement affecting Toronto and Region Conservation Authority-owned land managed by the City of Toronto at the rear of 122 Camborne Avenue, City of Toronto located on the north side of Camborne Avenue and east of Jane Street, Humber River watershed.

#### RECOMMENDATION

**WHEREAS** Toronto and Region Conservation Authority (TRCA) is in receipt of a request from City of Toronto for concurrence to enter into an extension of an encroachment agreement as a means of resolving encroachment problems on the lands owned by the Toronto and Region Conservation Authority in the vicinity of 122 Camborne Avenue, City of Toronto, Humber River watershed;

**AND WHEREAS** this is an extension of an encroachment agreement entered into by the homeowner, the City of Toronto and Toronto and Region Conservation Authority and registered on May 14, 1999;

**AND WHEREAS** it is in the opinion of TRCA that it is in the best interest of TRCA in furthering its objectives, as set out in Section 20 of the *Conservation Authorities Act*, to cooperate with the City of Toronto in this instance;

**THEREFORE, LET IT BE RESOLVED THAT** TRCA concur to enter into an extension of an encroachment agreement with the City of Toronto and the homeowner for the encroachment of 37 square metres (.009 acres), more or less, said land being Lot 259 on Plan 4439 in the City of Toronto (Formerly City of North York) as registered in Land Registry Office #66 municipally known as 122 Camborne Avenue, City of Toronto;

**AND FURTHER THAT** authorized TRCA officials be directed to take the necessary action to finalize the transaction, including obtaining any necessary approvals and the signing and execution of documents.

#### BACKGROUND

At Authority Meeting #2/99, held February 26, 1999, Resolution #A46/99, was approved to allow TRCA to enter into an encroachment agreement with the City of Toronto and the homeowner at 122 Camborne Avenue, City of Toronto, to resolve encroachment issues on TRCA-owned land managed by the City of Toronto.

## Item 7.4

This encroachment agreement requires an extension and City of Toronto is requesting TRCA concur with the extension of said agreement as the encroachments onto TRCA-owned lands remain in the form of: part of existing concrete in-ground swimming pool, stone patio, part of wooden fence, part of black wrought iron fence, block retaining walls.

Attachment 1 is a sketch illustrating the location of the encroachment area. Attachment 2 is an orthophoto illustrating the location of the encroachment area.

### **Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan**

This report supports the following set forth in the TRCA 2013-2022 Strategic Plan:

### **Strategy 7 – Build partnerships and new business models**

### **FINANCIAL DETAILS**

The subject lands are under management agreement with the City of Toronto. All expenses and revenue related to this matter will accrue to the City of Toronto.

**Report prepared by: Cheryl Waters, extension 5859**

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**For Information contact: Cheryl Waters, extension 5859 or Daniel Byskal, extension 6452**

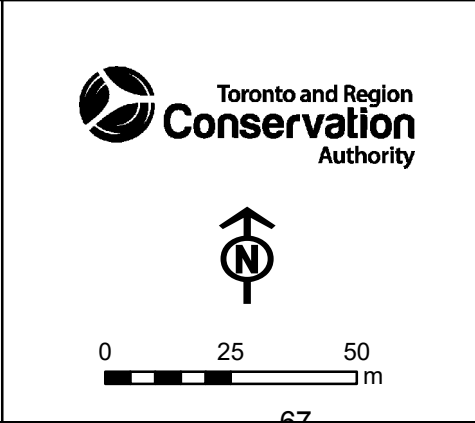
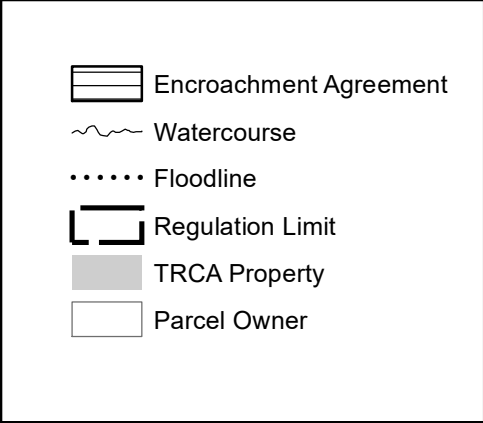
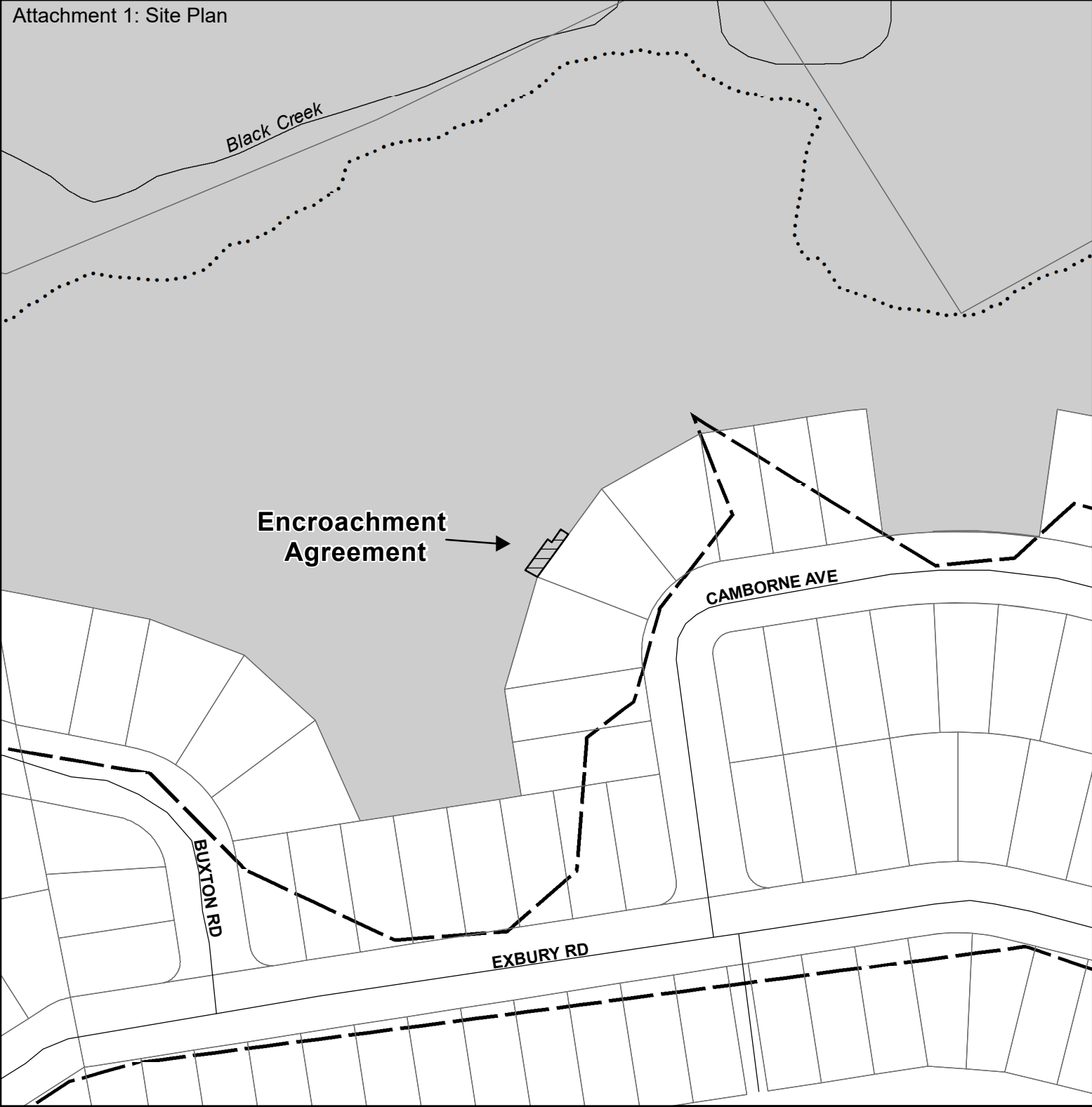
**Emails: [cheryl.waters@trca.ca](mailto:cheryl.waters@trca.ca) or [daniel.byskal@trca.ca](mailto:daniel.byskal@trca.ca)**

**Date: September 16, 2020**

**Attachments: 2**







Attachment 1: Site Plan

Attachment 2: Orthophoto



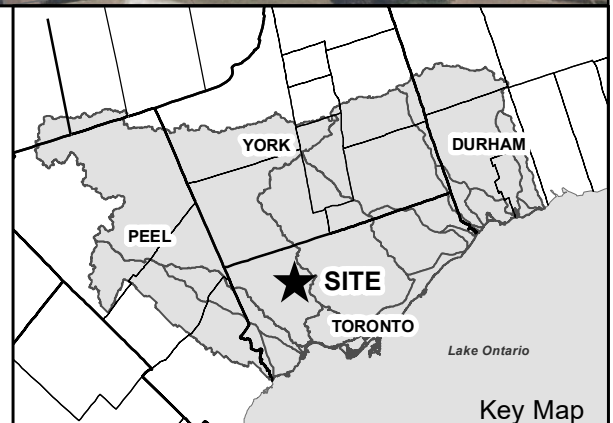




-  Encroachment Agreement
-  Watercourses
-  Floodline
-  Regulation Limit
-  TRCA Property
-  Parcel Owner



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### Section I – Items for Board of Directors Action

**TO:** Chair and Members of the Executive Committee  
Friday, January 15, 2021 Meeting

**FROM:** Michael Tolensky, Chief Financial and Operating Officer

**RE:** **REQUEST FOR DISPOSAL OF TORONTO AND REGION CONSERVATION AUTHORITY OWNED LAND**  
Former Tompion Limited Property, City of Markham, Regional Municipality of York, Rouge River Watershed (CFN 61935)

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#### KEY ISSUE

Update on a request from Remington (Parkview) Lands Inc., for the conveyance of Toronto and Region Conservation Authority (TRCA) owned lands located north of Steeles Avenue East and west of Ninth Line, in the City of Markham, Regional Municipality of York, Rouge River watershed.

#### RECOMMENDATION

**WHEREAS** at TRCA's Board of Directors meeting held on November 29, 2019, it was resolved to enter into an agreement whereby TRCA is to convey 1.13 hectares (2.78 acres) of the former Tompion Limited lands to Remington (Parkview) Lands Inc. and acquire 20.92 hectares (51.7 acres) of lands owned by Bluecrown Holdings Limited in close proximity to Albion Hills Conservation Area (AHCA), with Remington to pay TRCA the difference in market value, consideration of \$4,282,000, which would be invested in TRCA projects in the Regional Municipality of York within the Rouge River watershed as well as all legal, survey and other costs (Res.#A219/19);

**AND WHEREAS** the transfer of the majority of the 16.5 hectares of former Tompion Limited lands including the main Rouge River Valley and lands west to Ninth Line to Parks Canada for the Rouge National Urban Park and Regional Municipality of York for road widenings is completed;

**AND WHEREAS** the Ministry of Natural Resources and Forestry, the Regional Municipality of York and the City of Markham were requested to concur with the exchange of lands and allow TRCA to retain the net proceeds from the land exchange in accordance with an agreement dated December 12, 2002;

**AND WHEREAS** developments in the waiving of repayment process have led to changes in the negotiation that are not represented by RES #A219/19;

**AND WHEREAS** TRCA staff recommend that a sale of the former Tompion Limited lands would be in the best interest of TRCA in furthering its objectives as set out in Section 20 of the *Conservation Authorities Act*;

**THEREFORE, LET IT BE RESOLVED THAT** TRCA convey 1.13 hectares (2.78 acres), the former Tompion Limited lands, to Remington (Parkview) Lands Inc. for consideration of \$5,232,000 as well as all legal, survey and other costs to be paid by Remington (Parkview) Lands Inc.;

## Item 7.5

**THAT** in the alternative to the requirement to repay proceeds pursuant to the original acquisition agreement dated December 12, 2002, TRCA request that, York Region staff bring a report to Regional Council recommending that the Regional share of the land sale proceeds (as per existing agreement) be directed into a Regional reserve to be used for future environmental land acquisition and City of Markham bring a report before City Council recommending that the municipal share of proceeds from the sale of surplus lands be invested into priority projects for the Region and City in the Rouge watershed and that the Ministry of Natural Resources and Forestry waive repayment for acquisitions within the jurisdictions of the Municipality of York and City of Markham;

**THAT** the firm Gardner Roberts LLP, be instructed to complete the transaction at the earliest possible date. All reasonable expenses incurred incidental to closing for land transfer tax, legal costs, and disbursements are to be paid by Remington (Parkview) Lands Inc.;

**AND FURTHER THAT** authorized TRCA officials be directed to take the necessary action to finalize the transaction, including obtaining any necessary approvals and the signing and execution of documents.

### **BACKGROUND**

This request was brought to the attention of the Board of Directors at its meeting #10/19, held on November 19, 2019, where Resolution #A219/19 was adopted in part as follows:

*WHEREAS at Authority Meeting #7/18 held on September 28, 2018, Resolution #A159/18, Toronto and Region Conservation Authority (TRCA) staff was requested to report back on lands north of Steeles Avenue E. west of Ninth Line and the main Rouge River;*

*...THEREFORE, LET IT BE RESOLVED THAT TRCA enter into an exchange of land with Remington (Parkview) Lands Inc. and Bluecrown Holdings Limited, on the following basis...*

*...THAT TRCA receive consideration of \$4,282,000.00 as well as all legal, survey and other costs to be paid by Remington (Parkview) Lands Inc. which would be invested in TRCA projects in York Region within the Rouge River watershed;*

*...THAT the Ministry of Natural Resources and Forestry, the Regional Municipality of York and the City of Markham be requested to concur with the exchange of lands and allow TRCA to retain the net proceeds from the land exchange in accordance with an agreement dated December 12, 2002; ...*

Remington (Parkview) Lands Inc. (Remington) owns a 1-hectare triangular parcel of land located on the north side of Steeles Avenue East, immediately west of and abutting the TRCA's former Tompion Limited lands as well as the lands north of the railway. Remington has approached TRCA inquiring if TRCA would be interested in selling the westerly 1.13 hectares (2.78 acres) of the former Tompion Limited lands as Remington was interested in incorporating said lands into the development they are proposing. Staff support this since the Remington parcel contains the only access to TRCA lands.

The former Tompion Limited lands were acquired by TRCA from Tompion Limited on December 18, 2002. The property is 16.5 hectares, more or less, in size and is traversed by the main Rouge River. The original purchase was funded one-third by City of Markham, one-third by the

## Item 7.5

Regional Municipality of York and one-third by Ministry of Natural Resources through their Ecological Land Acquisition Program.

At the time of the Tompion Limited lands acquisition, TRCA entered into two agreements. The first was an option agreement with the Regional Municipality of York for the following portions of the property:

- a) Land required for the Markham By-Pass including any portions required for road, rail and water crossings as determined in accordance with any Environmental Assessment;
- b) 8 meters along the east limit of the property with such additional widths at road, rail and water crossings and grade separations and any other locations that require additional physical structure or grading, along the east limit;
- c) 8 meters along the south limit of the property with such additional widths at road, rail and water crossings and grade separations and any other locations that require additional physical structure or grading, along the south limit.

Staff have completed the Regional Municipality of York's requests in conveying lands for the Steeles Avenue E and Ninth Line road widenings.

The second agreement was a five-party agreement between City of Markham, Regional Municipality of York, Ministry of Natural Resources (MNR), Rouge Park Alliance (the Rouge Park Alliance was dissolved effective July 31, 2012) and TRCA. A clause in this agreement provided that TRCA may dispose of the following part of the property:

- a) referred to in the Option Agreement to the Region;
- b) west of 30 metres from the top of the bank on the west side of the Rouge River, provided the proceeds, after deducting TRCA's reasonable costs, are paid equally to MNR, Markham and the Region.

TRCA staff approached the Ministry of Natural Resources and Forestry (MNR), Regional Municipality of York and the City of Markham to discuss whether they would waive the requirement for re-payment of the net proceeds. In the initial discussions with Regional Municipality of York and City of Markham officials, they had indicated they would look favourably on waiving the requirement if the difference in market value was invested in TRCA projects nearby subject to receiving Board direction.

Formal letters were sent to staff of the Regional Municipality of York, City of Markham and MNR requesting to concur with the exchange of lands and resolve to allow TRCA to retain the net proceeds from the land sale in accordance with an agreement dated December 12, 2002. While no formal determination has been made by any party, during our discussions, York staff indicated that they will require TRCA repay its third, with a possibility TRCA will have access to the funds through regular budgetary processes. City of Markham staff suggested that TRCA repay the third and the City hold the funds for TRCA projects that will require the City's approval, while the Province through MNR has stated they are awaiting the Region's and City's position before deciding on the request to waive the one third repayment. Once determinations have been made, staff will work with all parties to ensure TRCA obligations are fulfilled.

## Item 7.5

After the report tabled at Executive Committee of TRCA on January 15, 2021, discussions have occurred with both Regional and City of Markham staff. York Region staff will be bringing a report to Regional Council that their share of the land sale proceeds (as per existing agreement) be directed into a Regional reserve to be used for future environmental land acquisition. Similar discussions with City of Markham staff resulted in an agreement to bring a report before City Council recommending that the municipal share of proceeds from the sale of surplus lands be invested into priority projects for the Region and City in the Rouge watershed.

Further developments in the waiving of repayment process have led to changes in the negotiation that are not represented by RES #A219/19. Regional Municipality of York and City of Markham staff have indicated that they will not support a land swap as the Bluecrown Holdings Limited as the lands to be acquired are outside of York Region. Based on the original appraisal, staff have negotiated the purchase of these lands, separately from the sale of the Tompion Limited lands. The acquisition of the Bluecrown Holdings Limited lands is now proposed to be a separate transaction, rather than tied to a land swap.

Through the repayment waiver discussions with Regional Municipality of York and City of Markham staff, a discussion on the appraised value of the Tompion Limited lands was held which led to both Regional Municipality of York and TRCA commissioning an additional appraisal each. Through multiple meetings with staff and the proponent regarding the value of the buffer lands, an additional \$250,000 was negotiated bringing the compensation for the Tompion Limited lands from \$4,982,000 to \$5,232,000.

**Attachments 1-2** are sketch and orthophoto illustrating the location of the former Tompion lands.

### **RATIONALE**

When TRCA originally acquired the subject the Tompion lands, it was contemplated that TRCA may consider disposing of the non-ecologically significant westerly portion of the site sometime in the future.

The three external vested parties (Regional Municipality of York, City of Markham and MNR) are aware of the land disposal and have made no objections. As per section 4.5.3 of the Conservation Authorities Policy and Procedure Manual (Policies and Procedures for the Disposition of Conservation Authority Property) this disposal did not follow an open process with public notification as the property is landlocked or not separately viable and is being sold to the adjacent owner.

### **Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan**

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

**Strategy 3 – Rethink greenspace to maximize its value**

**Strategy 7 – Build partnerships and new business models**

**Strategy 12 – Facilitate a region-wide approach to sustainability**

### **FINANCIAL DETAILS**

Funds related to the negotiation for the sale of the Tompion Limited lands will be deducted from the proceeds of the sale, with TRCA holding the funds until the repayment waiver has been resolved with Regional Municipality of York, City of Markham and MNR officials

## Item 7.5

### DETAILS OF WORK TO BE DONE

The following work will be completed

- Execute APSs with Remington (Parkview) Lands Inc.
- Close on transaction.
- Resolve waiving of one third repayment to York Region, City of Markham, and Ministry of Natural Resources and Forestry.

**Report prepared by:** Brandon Hester, extension 5767, Daniel Byskal, extension 6452

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**For Information contact:** Brandon Hester, extension 5767, Daniel Byskal, extension 6452

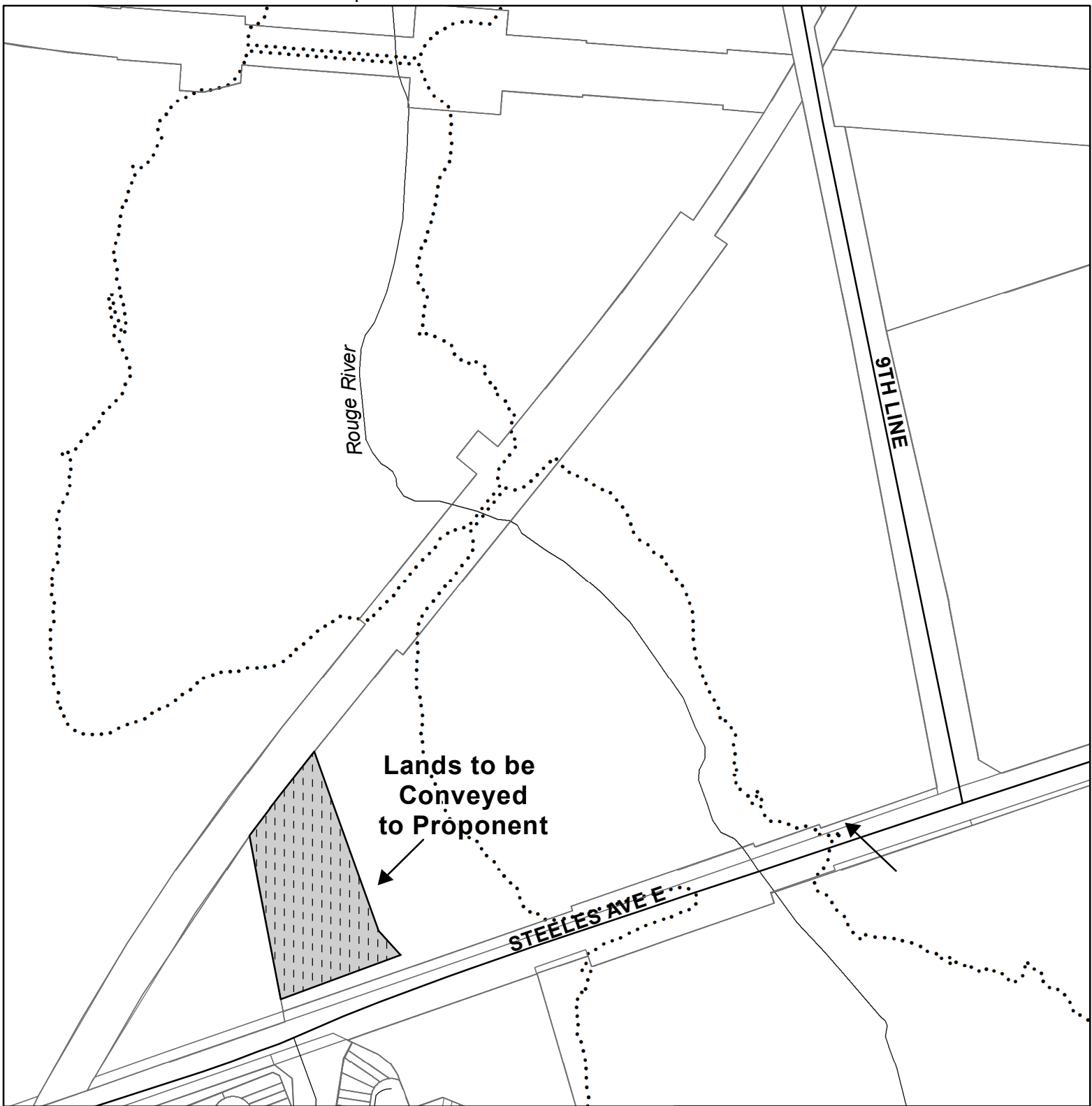
**Emails:** [Brandon.hester@trca.ca](mailto:Brandon.hester@trca.ca), [Daniel.byskal@trca.ca](mailto:Daniel.byskal@trca.ca)

**Date:** December 1, 2020






**Attachments:** 2

Attachment 1: Site Plan - Former Tompion Lands

Attachment 2: Orthophoto - Former Tompion Lands



### Legend

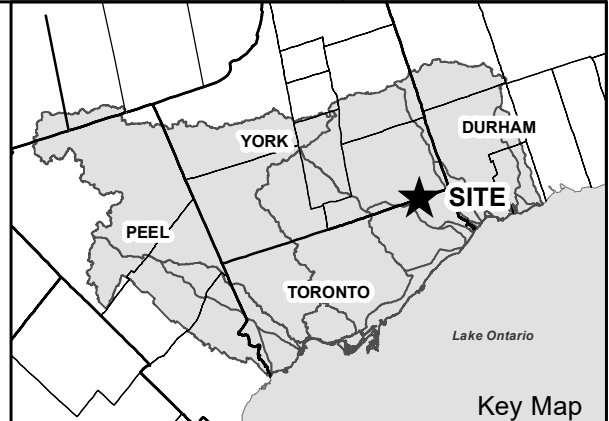
-  Lands to be Conveyed to Proponent
-  Watercourses
-  Floodline
-  TRCA Property
-  Parcel Assessment



Toronto and Region  
**Conservation**  
Authority



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Meters








Key Map





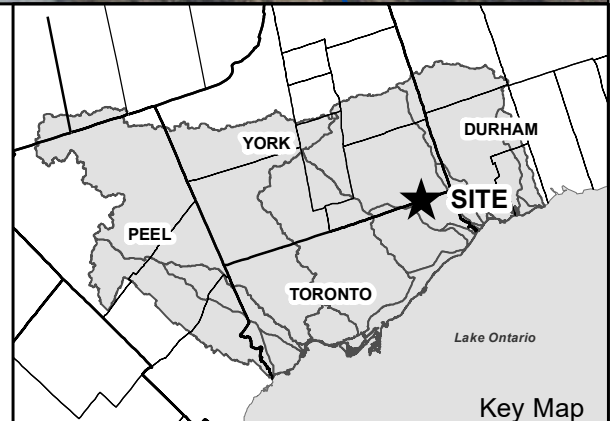
### Legend

-  Lands to be Conveyed to Proponent
-  Watercourses
-  Floodline
-  TRCA Property
-  Parcel Assessment



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Meters

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### Section I – Items for Board of Directors Action

**TO:** Chair and Members of the Board of Directors  
Friday, January 29, 2021 Meeting

**FROM:** John MacKenzie, Chief Executive Officer

**RE:** **ROTARY FRENCHMANS BAY PARK WEST**  
Master Plan Update

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#### KEY ISSUE

City of Pickering have been supported by the TRCA in the recent development of an updated Master Plan for the Rotary Frenchman's Bay Park West.

#### RECOMMENDATION

**WHEREAS** the Master Plan update was approved by City of Pickering Council, Resolution #464/20 Item 9.2 on November 23, 2020;

**AND WHEREAS** City of Pickering Council directed City staff to provide a copy to Toronto and Region Conservation Authority (TRCA) to inform them of Councils' decision;

**AND WHEREAS** City of Pickering Council directed City staff to coordinate with TRCA to prepare the detailed design in preparation for construction;

**AND WHEREAS** the TRCA Board of Directors has historically approved both TRCA and municipality initiated Master Plans on TRCA lands;

**THAT** the Board of Directors receive this report for their endorsement of the updated Rotary Frenchman's Bay Master Plan prepared by the City of Pickering in collaboration with TRCA staff;

**THAT** staff continue to work with the City and Region to advance funding proposals to senior levels of government to support Master Plan implementation.

**AND FURTHER THAT** the City of Pickering be so advised.

#### BACKGROUND

Rotary Frenchman's Bay West Park (RFBWP) is located east of West Shore Boulevard and south of Sunrise Avenue and includes the west spit of the entrance to Frenchman's Bay as shown in Attachment # 1. The Rotary Frenchman's Bay West Park Master Plan being presented in this report is an update of the Frenchman's Bay Waterfront Master Plan that was endorsed by TRCA Board of Directors on February 22, 2013, through Report #CS 39-12 and approved by Board Resolution #A38/13 as follows:

*THAT the Frenchman's Bay Waterfront Master Plan be approved;*

*THAT Toronto and Region Conservation Authority (TRCA) staff be directed to work with the City of Pickering to look for external project partners and funding sources to assist with the implementation of the Frenchman's Bay Waterfront Master Plan;*

*THAT staff work with the City of Pickering and park stakeholders to prepare detailed designs in preparation for construction;*



*AND FURTHER THAT the City of Pickering be so advised.*

The 2012 version of the Master Plan included RFBWP, the harbour entrance and the east spit over to Millennium Square. The current Master Plan update is specific to RFBWP. Over the years, the Master Plan for this park has gone through a number of revisions. In the early 1990's, TRCA, with the assistance from the local community, developed a park plan for this area. The plan was revisited in 2002 and again in 2012.

In December 2015, The MBTW Group was retained by the City of Pickering to prepare design drawings to implement the 2012 plan. After consultation with local residents and TRCA, a number of minor changes were made to the 2012 Master Plan, still keeping the general intent of the 2012 Master Plan in place. The plans were finalized in early 2017 (Attachment #2).

During the spring and summer of 2017, lake water levels reached an all-time high, exceeding all previous records. The Pickering shoreline saw areas of excessive erosion and physical damage caused by the high-water level and wave action. Public vehicular access to the boat launch and west spit area of the park has been restricted since 2017 due to the extremely high lake levels of 2017 and 2019 and construction during 2018. Similarly, access to the Pickering Rouge Canoe Club (PRCC) site and use of their facility on the west spit was limited during this time period with much of their site being flooded for an extended period in 2017 and 2019. The City of Pickering and Toronto and Region Conservation Authority (TRCA) have advised the Pickering Rouge Canoe Club (PRCC) that they will not be permitted to continue to use the west spit location for their club facilities and as such the PRCC is in the process of seeking another suitable site for their club facilities.

### **Completion of Phase I**

Implementation of the first phase of the Master Plan was completed in 2018 which focused on work east of West Shore Boulevard to approximately the existing parking lot and was approved under TRCA permit C-180770. This included the reconstruction of Beachpoint Promenade complete with lay-by parking, upgrades to the existing parking lot, construction of a traffic turn-around area, new off-road waterfront trail connections, construction of a naturalized picnic area, interpretive area, shelter/kiosk and restoration of the disturbed site.

### **Master Plan Updates**

This updated Master Plan (Attachment #3) reflects changes to the proposed use of the west spit, where the new high-water levels could pose a risk to active public uses and built structures. As a result, a more natural and passive approach is being taken along the west spit. Changes include the elimination of a washroom/change room and water sports facility associated with the PRCC, elimination of public vehicular access and parking, and simplification of the boat launch and dock area to non-motorized boats only.

Within the Phase 1 area, a park washroom and staff maintenance facility are proposed adjacent to the parking lot and additional shoreline protection is proposed along the lakefront adjacent to the picnic area and interpretive kiosk.

The proposed Features as shown in the Master Plan update (Attachment #3) are intended to be implemented under the second phase of construction and are summarized as follows:

- A. **Enhanced Shoreline Protection (Feature 5)** – The shoreline adjacent to the existing picnic area and interpretive kiosk is littered with old cottage foundations and shore walls. Some of these structures are unsightly and could pose a risk to the public as wave action uncovers old steel reinforcing bars and other objects. This section of the shoreline, which has a larger vertical drop to the water's edge, is also experiencing a

## Item 7.6

faster rate of erosion from the high-water levels experienced over the past few years. The old foundations and shore walls are to be removed and natural rock placed along the shoreline, to stop the recession of the lake bank and to protect the park infrastructure that was installed in this area during the first phase of construction. This item is indicated on the Master Plan drawing as Feature 5.

- B. Park Washroom Facility and Staff Area (Feature 13)**– In the previous version of the Master Plan, this facility was to be located on the west spit in association with a storage facility for the PRCC. The facility has been relocated to be north of the existing parking lot, away from any shoreline and wave uprush hazards. This location is convenient for park patrons as they enter or exit the park, and for those using the picnic area, west section of the beach or passing by on the waterfront trail. The facility would include gender neutral and fully accessible washroom units, as well as a small park “office” for Public Works staff and a room to store maintenance equipment. This item is indicated on the Master Plan drawing as Feature 13.
- C. Barrier Free Beach-Front Access (Feature 11)**– This will be provided in close proximity to the parking area and will allow persons using mobility devices to gain access to the beach area. The design would include the installation of Mobi-mats or similar devices that are rolled-out on to the beach sand during park hours and rolled up and stored during the evenings and off-seasons. This item is indicated on the Master Plan drawing as Feature 14.
- D. Accessible Non-motorized Boat Launch Area (Feature 15)**– An accessible non-motorized boat launch is proposed in place of the previously proposed small watercraft launch area. This facility will be designed to provide an accessible launch area for canoes, kayaks and similar small boats that can be carried from the parking area. This change eliminates the need for vehicular access through this area of the park. It also significantly reduces the need to dredge Frenchman’s Bay to construct the launch and maintain a channel for larger motorized boats. Due to the fluctuation of water levels in Frenchman’s Bay, a floating dock is proposed to ensure that the dock will be at a desirable and consistent height above the water level for accessibility. This item is indicated on the Master Plan drawing as Feature 15.
- E. Service Vehicle Turn-Around and Enhanced Shoreline Protection (Feature 16)**– Adjacent to the boat launch area is an existing parking area that is currently the lowest point on the west spit. During high water and storm events, the waves from Lake Ontario overtop the spit and flow into Frenchman’s Bay at this location. Shoreline protection is being proposed in this area, raising the elevation of the spit on the back side of the beach with an armourstone shore wall in order to minimize the wave overtopping and possible damage that could occur to the proposed boat launch area and pedestrian trail on the north side of the spit. A service vehicle turn-around area is also proposed at this location. For public safety reasons, Public Works staff prefer not to have to back their vehicles up. This turn-around will also act as a pedestrian path to gain access to the beach at this location. This item is indicated on the Master Plan drawing as Feature 16.
- F. Elevated Viewing/Seating Area with Shade Structure (Feature 17)** – East of the boat launch area, which marks the halfway point between the parking area and harbour entrance, an elevated viewing/seating area is proposed. This area will act as a rest area that will provide views to both Frenchman’s Bay and Lake Ontario and the opportunity to sit and watch boat, water sport activities and wildlife within Frenchman’s Bay and Lake Ontario. A shade structure is proposed over a portion of the seating area, to give park users a break from the hot summer sun. The installation of interpretive signage will be

## Item 7.6

considered for this location. This item is indicated on the Master Plan drawing as Feature 17.

- G. **Beach Access Links (Feature 18)** – Beach access links will be located at various points along the main pedestrian trail. Providing formal access points to and from the beach will prevent park users from disturbing the dune grasses that help to reinforce the sand dunes located on the back side of the beach. Consideration will be made to have several of the beach access points along the spit be accessible. The beach access links are indicated on the Master Plan drawing as Feature 18.
- H. **Passive Waterfront Recreation Node (Feature 20)** – This feature will be developed in the area that was previously inhabited by the PRCC and will be constructed as part of their site restoration works. It will include opportunity along the water's edge for passive recreation activities such as fishing, seating for viewing and gathering for natural interpretation. The installation of interpretive signage will be considered for this location. This item is indicated on the Master Plan drawing as Feature 20.
- I. **Secondary Pedestrian Paths (Feature 21)** – Pedestrian paths will be provided as off-shoots from the primary pedestrian trail, taking park users to the waterfront recreation node and to the north end of the west harbour entrance breakwater. These paths will be accessible as they will be constructed of hard-packed granular material, similar to the primary pedestrian trails, but narrower. These paths are indicated on the Master Plan drawing as Feature 21.
- J. **Maintenance Vehicle Area (Feature 22)** – This area will be used for maintenance vehicle turn-around and more specifically for the Region of Durham maintenance contractor to gain access to the sanitary sewer infrastructure located under the harbour entrance. This item is indicated on the Master Plan drawing as Feature 22.
- K. **Waterfront Interpretive Node (Feature 23)** – Adjacent to the harbour entrance exists a replica of the original harbour entrance breakwater structure and interpretive signage. This area would be more formalized and additional interpretive signage placed, speaking to the ecosystems in the area. This item is indicated on the Master Plan drawing as Feature 23.
- L. **Roadside Multi-Use Pathway (Feature 24)** – An asphalt surface multi-use path is proposed along the east side of West Shore Boulevard, from Sunrise Avenue to Beachpoint Promenade, connecting the West Shore neighborhood to the waterfront trail system. This pathway may be installed as part of the widening and reconstruction of West Shore Boulevard. This item is indicated on the Master Plan drawing as Feature 24.

### RATIONALE

The update to the Rotary Frenchman's Bay Park West Master Plan exemplifies the partnership and collaborative process that TRCA has with partner municipalities. This partnership also aligns with the current discussions regarding the development of a Memorandum of Understanding and Service Level Agreement with the City of Pickering to continue TRCA's important work on projects and programs that are of mutual benefit to both parties. It should be noted that all proposed works are within TRCA regulated areas and on TRCA owned lands, currently under management agreement with the City of Pickering.

### **Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan**

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

**Strategy 7 – Build partnerships and new business models**

**Strategy 2 – Manage our regional water resources for current and future generations**

**Strategy 4 – Create complete communities that integrate nature and the built environment**

### **FINANCIAL DETAILS**

The cost for the park upgrades as indicated on the updated Master Plan, has been estimated by The MBTW Group, Landscape Architects, at approximately \$2.84 million. This includes the construction costs for the completion of shoreline protection works, servicing and construction of the park washroom and staff maintenance facility within the Phase 1 area, the balance of work along the west spit (Phase 2 area) and consulting costs for detailed design and contract administration. The estimated cost does not include the construction of the multi-use path along West Shore Boulevard. The project will be considered for approval in the City's 2021 Capital Budget process.

Where possible, TRCA will offer services to undertake implementation of features listed above, that are within TRCA's area of expertise through Letter Agreements with the City of Pickering. Additionally, permitting through TRCA will be required as all Master Plan components are in TRCA regulated lands and permit fees will be applied. Discussions with Property and Risk Management Team will also be included, as the proposed works are on TRCA lands under management agreement with the City of Pickering.

### **DETAILS OF WORK TO BE DONE**

It is intended that the implementation of the above list of park features (with exception of the West Shore Boulevard multi-use path), could be completed as the final phase of the Master Plan works, though there may be desire by the City of Pickering to tender the park washroom facility separately. Implementation could proceed in 2021, pending budget approval.

TRCA will continue to work with the City of Pickering through the design and permit stages of the listed features to provide necessary insight and guidance. The TRCA Infrastructure, Planning and Permits team will work with the City of Pickering through the permitting process for all proposed works. TRCA teams within the Restoration and Infrastructure Division will offer support and implementation services on a fee for service basis through a Letter Agreement, as well as complete necessary archaeological investigations as required. TRCA staff will also continue to work with the Region and City to advance funding proposals to senior levels of government to fund Waterfront Trail and shoreline restoration objectives.

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**Date: January 22, 2021**

**Attachments: 3**

Attachment 1: Location Map

Attachment 2: Rotary Frenchman's Bay West Park Master Plan drawing, prepared by The MBTW Group, dated February 2017

Attachment 3: Rotary Frenchman's Bay West Park Proposed Master Plan Update, Figure 1 & 2, prepared by the MBTW Group, dated September 2020



Engineering Services  
Department

SCALE:  
1:7,500

DATE:  
Oct. 13, 2020

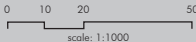
# **Rotary Frenchman's Bay West Park Location Map**

City of  
**PICKERING**















### Section I – Items for Board of Directors Action

**TO:** Chair and Members of the Board of Directors  
Friday, January 29, 2021 Meeting

**FROM:** Darryl Gray, Director, Education and Training  
Richard Ubbens, Director, Parks and Culture

**RE: 2021 FEE SCHEDULE FOR PUBLIC FACILITIES AND PROGRAMMING**

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#### KEY ISSUE

Approval of the Toronto and Region Conservation Authority (TRCA) 2021 Fee Schedule for Public Facilities and Programming.

#### RECOMMENDATION

**THAT the 2021 Fee Schedule for Public Facilities and Programming be approved as set out in Attachment 1 and become effective February 1, 2021.**

#### BACKGROUND

Staff conduct an annual review of the Fee Schedule for Public Facilities and Programming to determine if any changes are required. The review considers the value provided to customers through TRCA programs and facilities and current market conditions, such as comparable fees imposed by other public authorities, local municipalities and other conservation authorities. Proposed fee changes are brought forward for Board of Directors consideration to ensure TRCA's ecological and social practices are maintained, which include providing inclusive recreation and education experiences to diverse communities while protecting natural and cultural assets.

At Board of Directors Meeting #11/19, held on January 24, 2020, RES.#A226/19 was approved as follows:

*THAT the 2020 Fee Schedule for Public Facilities and Programming be amended as set out in Attachment 1 and become effective February 1, 2020.*

Through the review process, TRCA staff are proposing to increase fees in keeping with inflation and restructure fee ranges for select items to facilitate financially sustainable program offerings.

The 2021 TRCA/Credit Valley Conservation (CVC) Parks and Attractions Membership Program and associated fees was approved by the Board of Directors on November 20, 2020 (RES.#A188/20).

#### RATIONALE

The following outlines proposed amendments for the 2021 Fee Schedule for Public Facilities and Programming. The proposed changes to the 2020 Fee Schedule for Public Facilities and Programming is displayed in **Attachment 1**. A copy of the proposed 2021 Fee Schedule for Public Facilities and Programming to be shared publicly is provided as **Attachment 2**. The Access to TRCA Public Facilities Policy is included as **Attachment 3**.

An inflationary increase of two percent (2%) is proposed on most fees, unless notable changes are anticipated or required for the offerings. Increasing by inflation will ensure continued

## Item 7.7

coverage for annual inflationary increases in programming and delivery costs such as Cost of Living Allowance adjustments, utility increases, contract service increases, and material costs.

Financial sustainability of TRCA's public use facilities and education centres remains of paramount importance given recent amendments to the Conservation Authorities Act, potential new Conservation Authorities Act regulations, and the ongoing impacts of COVID-19 to operations. Adjusting fees by inflation helps ensure that revenues are aligned with increasing expenditures.

Fee increases above the 2% inflation rate are proposed in the following areas:

- Adult, senior, and student general admission fees at Albion Hills, Boyd, Bruce's Mill, and Glen Haffy Conservation Parks; and
- Winter vehicle storage fee for seasonal campers at Albion Hills and Indian Line Campgrounds.

As demand for access to greenspace and passive park use increases, it is important that revenues not fall behind inflationary increases. The proposed fee changes will assist TRCA in remaining competitive in providing accessible greenspace and programs for public enjoyment.

The following are new fees being proposed in order to reflect demand and anticipated changes to business:

- Winter personal equipment storage fee (trailer/RV) for seasonal campers at Albion Hills and Indian Line Campgrounds applicable for 2021/2022 winter season;
- Single rider power cart rentals at Bathurst Glen Golf Course;
- Youth Frequent Player Pass at Bathurst Glen Golf Course;
- Virtual Education and Group Programs and Camps at BCPV and Conservation Field Centres;
- Outdoor Family Experiences Program at Black Creek Pioneer Village or Kortright Centre for Conservation;
- Virtual Day Camps at Conservation Field Centres; and
- Albion Hills Christmas Program.

Programing across TRCA has been and will continue to be significantly impacted as a result of COVID-19. The proposed fee adjustments allow for the additional flexibility required to remain viable due to COVID-19 restrictions and uncertainties. Limits on our program's participation numbers will require flexibility in the design and offering of each program. In 2020, staff have been creative and adjusted program delivery accordingly to meet Province of Ontario COVID-19 regulations and guidelines at the time of participation. This effort to remain viable required rate adjustments throughout the year to ensure that program value was matched to the fees. Based on experience gained through 2020, staff have developed fee ranges for program offerings in order for fees to cover program delivery costs and also reflect the value of the program to our participants. Fee ranges will allow staff to adjust programs and fees in year thereby avoiding having to seek last minute approvals for programs and fees.

Ranges for various educational programing are proposed on an adjusted basis to provide flexibility in programming costs, including:

- Homeschool Day Program and Workshops, Ticketed Special Programs, Public Programs at Black Creek Pioneer Village (BCPV);
- Corporate programs and the Homeschool Program at Kortright Centre for Conservation (KCC);

## Item 7.7

- TRCA Led Day Camper, TRCA Led Overnight Camper, Overnight Weekend Program Participant, and Overnight School Group Program Participant at Conservation Field Centres; and,
- The Specialist High Skills Major Certification programs at KCC, BCPV, Tommy Thompson Park and Conservation Field Centres.

### **Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan**

This report supports the following strategy set forth in the TRCA 2013-2022 Strategic Plan:

### **Strategy 7 – Build partnerships and new business models**

### **FINANCIAL DETAILS**

The 2020 operating year was unique due to the impacts of COVID-19. Apart from golf operations, budgeted revenues were negatively impacted. However, fees have been generally supported by the public we serve. As a result, major changes to fees have been avoided other than the few minor adjustments noted in this report including an adjustment to ensure inflationary costs are met. The anticipated revenue projections for 2021 are unknown as a result of the uncertainties of COVID-19 restrictions since attendance is highly dependent on pandemic related restrictions.

### **DETAILS OF WORK TO BE DONE**

Following Board of Directors consideration and approval, TRCA will notify its partner municipalities of the changes to the 2021 Fee Schedule. Parks and Culture and Education and Training staff will work with internal partners Corporate Services partners, including Marketing and Communications and ITRM to ensure all required updates are adopted in updated publications and materials. Also, the 2021 Fee Schedule for Public Facilities and Programming will be updated on the TRCA public website.

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**Date:** January 8, 2021

**Attachments:** 3

Attachment 1: Changes to the 2020 Fee Schedule for Public Facilities and Programming

Attachment 2: 2021 Fee Schedule for Public Facilities and Programming

Attachment 3: Access to TRCA Public Facilities

Attachment 1: Changes to the 2020 Fee Schedule for Public Facilities and Programming

Item		Description	2020 Base	2021 Base	2021 Base Rounded	% Base Increase
1		<b>General admission at Conservation Areas, per day;</b>				
	1.1	Albion Hills, Boyd and Glen Haffy, toddler	0.00	0.00	0.00	0.00%
	1.2	Albion Hills, Boyd and Glen Haffy, child	3.98	3.98	4.00	0.00%
	1.3	Albion Hills, Boyd and Glen Haffy, adult	5.75	6.19	6.20	7.65%
	1.4	Albion Hills, Boyd and Glen Haffy, senior/student	4.87	5.31	5.30	9.03%
	1.5	Bruce's Mill, toddler	0.00	0.00	0.00	0.00%
	1.6	Bruce's Mill, child	3.98	3.98	4.00	0.00%
	1.7	Bruce's Mill, adult	6.19	6.64	6.65	7.27%
	1.8	Bruce's Mill, senior/student	5.31	5.75	5.75	8.29%
	1.9	Petticoat Creek and Heart Lake, toddler	0.00	0.00	0.00	0.00%
	1.10	Petticoat Creek and Heart Lake, child	3.98	4.06	4.05	2.00%
	1.11	Petticoat Creek and Heart Lake, adult	6.64	6.77	6.75	2.00%
	1.12	Petticoat Creek and Heart Lake, senior/student	5.75	5.87	5.85	2.00%
2		<b>Fishing at Glen Haffy per day, exclusive of general admission;</b>				
	2.1	toddler angling fee	0.00	0.00	0.00	0.00%
	2.2	child angling fee	2.52	2.57	2.55	2.00%
	2.3	adult/senior/student angling fee	5.09	5.19	5.20	2.00%
	2.4	for the use of a fishing pond and picnic shelter, for up to 75 participants, <u>inclusive</u> of general admission and angling fee Monday through Friday, excluding holidays	895.00	912.90	912.90	2.00%
3		<b>Permit for the use of a fishing pond at Headwaters Trout Ponds, inclusive of general admission and use of row boats;</b>				
	3.1	up to 75 persons, per day	1,145.00	1,167.90	1,167.90	2.00%
	3.2	each additional participant, per day	10.00	10.20	10.20	2.00%
	3.3	Headwaters Fly Fisher's Club membership	525.00	535.50	353.50	2.00%
4		<b>Rental of a pedal boat or rowboat at Heart Lake;</b>				
	4.1	rental per hour	17.70	18.05	18.05	2.00%
	4.2	rental per half day (4-hours)	44.25	45.14	45.15	2.00%
5		<b>Permit to occupy an un-serviced campsite, inclusive of general admission;</b>				
	5.1	Albion Hills, per night	37.50	38.25	38.25	2.00%
	5.2	Albion Hills, per month (28 nights)	750.00	765.00	765.00	2.00%
	5.3	Indian Line, per night	42.00	42.84	42.85	2.00%
	5.4	Indian Line, per month (28 nights)	840.00	856.80	856.80	2.00%
	5.5	Glen Rouge, per night	42.00	42.84	42.85	2.00%

Item		Description	2020 Base	2021 Base	2021 Base Rounded	% Base Increase
6		<b>Permit to occupy a serviced campsite, with water and 15/30 amp hydro hook-ups, inclusive of general admission;</b>				
	6.1	Albion Hills, per night	43.00	43.86	43.85	2.00%
	6.2	Albion Hills, per month (28 nights)	860.00	877.20	877.20	2.00%
	6.3	Albion Hills, per season	3,311.00	3,377.22	3,377.20	2.00%
	6.4	Indian Line, per night	48.00	48.96	48.95	2.00%
	6.5	Indian Line, per month (28 nights)	960.00	979.20	979.20	2.00%
	6.6	Indian Line, per season	3,840.00	3,916.80	3,916.80	2.00%
	6.7	Glen Rouge, per night	48.00	48.96	48.95	2.00%
7		<b>Permit to occupy a serviced campsite, with water and 50 amp hydro hook-ups, inclusive of general admission;</b>				
	7.1	Indian Line, per night	52.50	53.55	53.55	2.00%
	7.2	Indian Line, per month (28 nights)	1,050.00	1,071.00	1,071.00	2.00%
	7.3	Indian Line, per season	4,200.00	4,284.00	4,284.00	2.00%
	7.4	Glen Rouge, per night	52.50	53.55	53.55	2.00%
8		<b>Permit to occupy a serviced campsite with water, hydro, and sewage hook-up inclusive of general admission;</b>				
	8.1	Indian Line, with 30 amp hydro service, per night	53.00	54.06	54.05	2.00%
	8.2	Indian Line, with 30 amp hydro service, per month (28 nights)	1,060.00	1,081.20	1,081.20	2.00%
	8.3	Indian Line, with 30 amp hydro service, per season	4,240.00	4,324.80	4,324.80	2.00%
	8.4	Indian Line, with 50 amp hydro service, per night	57.50	58.65	58.65	2.00%
	8.5	Indian Line, with 50 amp hydro service, per month (28 nights)	1,150.00	1,173.00	1,173.00	2.00%
	8.6	Indian Line, with 50 amp hydro service, per season	4,600.00	4,692.00	4,692.00	2.00%
9		<b>Additional camping fees as specified in items 5.0, 6.0, 7.0, 8.0;</b>				
	9.1	permit to park an additional vehicle, per night	12.00	12.24	12.25	2.00%
	9.2	permit to park an additional vehicle, per season	75.00	76.50	76.50	2.00%
	9.3	each additional person occupying a campsite over and above the campground's specified site limit, per night	10.00	10.20	10.20	2.00%
	9.4	on a statutory holiday or other designated date, in addition to the basic permit fees	3.00	3.06	3.05	2.00%
	9.5	visitor pass to be purchased by the seasonal camper, for their guests to be able to enter the campground	75.00	76.50	76.50	2.00%
	9.6	security deposit for a seasonal campsite for the following year, per seasonal campsite	200.00	200.00	200.00	0.00%
	9.7	site cleanup fee, per campsite	200.00	200.00	200.00	0.00%
	9.8	winter personal equipment storage fee (trailer/RV)	N/A	300.00	300.00	New
	9.9	winter vehicle storage, per vehicle	177.00	300.00	300.00	69.49%
	9.10	reservation fee, per reservation made through call centre or at the park	10.62	10.83	10.85	2.00%
	9.11	reservation fee, per reservation made online	9.73	9.92	9.90	2.00%

Item		Description	2020 Base	2021 Base	2021 Base Rounded	% Base Increase
	9.12	cancellation fee, per reservation cancelled through call centre or at the park	12.39	12.64	12.65	2.00%
	9.13	cancellation fee, per reservation cancelled online	10.62	10.83	10.85	2.00%
	9.14	change fee, per reservation changed through call centre or at the park	7.08	7.22	7.20	2.00%
	9.15	change fee, per reservation changed online	6.19	6.31	6.30	2.00%
10		<b>Permit to occupy a group campsite, exclusive of general admission.</b>	200.00 – 550.00	204.00 - 561.00	204.00 - 561.00	2.00%
11		<b>Permit for the use of a group picnic site, exclusive of general admission.</b>	155.00 – 550.00	158.10 - 561.00	158.10 - 561.00	2.00%
12		<b>Aquatic facilities admission, exclusive of general admission, per day;</b>				
	12.1	Albion Hills, ages 2 and over	3.32	3.39	3.40	2.00%
	12.2	Petticoat Creek and Heart Lake, ages 2 and over	4.20	4.28	4.30	2.00%
13		<b>Use of cross-country ski trails at Albion Hills, inclusive of general admission, per day;</b>				
	13.1	toddler	0.00	0.00	0.00	0.00%
	13.2	child	9.07	9.25	9.25	2.00%
	13.3	adult	15.27	15.58	15.60	2.00%
	13.4	senior/student	12.39	12.64	12.65	2.00%
	13.5	family living in the same household, with no more than two adults, and their children	39.82	40.62	40.60	2.00%
14		<b>Rental of a cross-country ski equipment;</b>				
	14.1	package consisting of skis, boots and poles, child	12.39	12.64	12.65	2.00%
	14.2	package consisting of skis, boots and poles, adult/senior/student	18.58	18.95	18.95	2.00%
	14.3	package consisting of skis, boots and poles, child, in a group with a reservation, including trail fees, subject to a minimum group size of twenty participants	13.27	13.54	13.55	2.00%
	14.4	package consisting of skis, boots and poles, adult/senior/student, in a group with a reservation, including trail fees, subject to a minimum group size of twenty participants	26.55	27.08	27.10	2.00%
	14.5	skis, child	6.75	6.89	6.90	2.00%
	14.6	skis, adult/senior/student	8.25	8.42	8.40	2.00%
	14.7	boots, child	5.75	5.87	5.85	2.00%
	14.8	boots, adult/senior/student	6.75	6.89	6.90	2.00%
	14.9	poles, child	4.75	4.85	4.85	2.00%
	14.10	poles, adult/senior/student	5.75	5.87	5.85	2.00%
	14.11	helmet, child	2.00	2.04	2.05	2.00%
		90				

Item		Description	2020 Base	2021 Base	2021 Base Rounded	% Base Increase
	14.12	helmet, adult/senior/student	2.00	2.04	2.05	2.00%
15		<b>Use of cross-country ski trails and rental of cross country ski equipment, for organized groups, weekdays only;</b>				
	15.1	group trail fee only, child	7.08	7.22	7.20	2.00%
	15.2	group trail fee only, adult	13.27	13.54	13.55	2.00%
	15.3	group trail fee and ski equipment package, child	13.27	13.54	13.55	2.00%
	15.4	group trail fee and ski equipment package, adult	26.55	27.08	27.10	2.00%
16		<b>Golfing green fees at Bathurst Glen Golf Course;</b>				
	16.1	weekday, 18 holes, open - 1:00 pm	35.40	36.11	36.10	2.00%
	16.2	weekday, 18 holes, 1:00 pm - twilight	29.20	29.78	29.80	2.00%
	16.3	weekday, 18 holes, twilight - close	24.78	25.28	25.30	2.00%
	16.4	weekday, 9 holes, any time of day	22.12	22.56	22.55	2.00%
	16.5	weekend, 18 holes, open - 1:00 pm	38.94	39.72	39.70	2.00%
	16.6	weekend, 18 holes, 1:00 pm - twilight	35.40	36.11	36.10	2.00%
	16.7	weekend, 18 holes, twilight - close	26.55	27.08	27.10	2.00%
17		<b>Golf equipment rentals at Bathurst Glen Golf Course;</b>				
	17.1	18 holes power cart (single rider)	N/A	19.47	19.45	New
	17.2	9 holes power cart (single rider)	N/A	15.93	15.95	New
	17.3	18 holes power cart (2 riders)	28.32	28.89	28.90	2.00%
	17.4	9 holes power cart (2 riders)	21.24	21.66	21.65	2.00%
	17.5	pull cart	7.08	7.22	72.20	2.00%
	17.6	club set	22.12	22.56	22.55	2.00%
18		<b>Driving range fees at Bathurst Glen Golf Course;</b>				
	18.1	small bucket	11.50	11.73	11.75	2.00%
	18.2	large bucket	14.16	14.44	14.45	2.00%
	18.3	jumbo bucket	26.55	27.08	27.10	2.00%
19		<b>Golf tournaments at Bathurst Glen Golf Course;</b>	35.00 - 80.00	35.70 - 92.21	35.70 - 92.20	2.00%
20		<b>Driving range fees at Bruce's Mill;</b>				
	20.1	small bucket	9.73	11.50	11.50	18.18%
	20.2	large bucket	13.27	14.16	14.15	6.67%
	20.3	jumbo bucket	23.01	26.55	26.55	15.38%
21		<b>Frequent player passes at Bathurst Glen Golf Course;</b>				
	21.1	Bathurst Glen Golf Course, Frequent Player Unlimited Pass	1,799.00	1,834.98	1,835.00	2.00%
	21.2	Bathurst Glen Golf Course, Twilight Pass	599.00	610.98	611.00	2.00%
	21.3	Bathurst Glen Golf Course, Youth Pass	N/A	530.09	530.10	New
	21.4	Bathurst Glen Golf Course, Junior Pass	300.00	306.00	306.00	2.00%

Item		Description	2020 Base	2021 Base	2021 Base Rounded	% Base Increase
	21.5	Bathurst Glen Golf Course, Driving Range Pass	599.00	610.98	611.00	2.00%
	21.6	Bathurst Glen Golf Course, 10 Round Golf Pass	325.00	331.50	331.50	2.00%
22		Driving range frequent player pass at Bruce's Mill;	499.00	530.09	530.10	6.23%
23		General admission to Black Creek Pioneer Village, per day;				
	23.1	toddler	0.00	0.00	0.00	0.00%
	23.2	child	11.00	11.22	11.20	2.00%
	23.3	adult	15.00	15.30	15.30	2.00%
	23.4	senior	12.00	12.24	12.25	2.00%
	23.5	student	12.00	12.24	12.25	2.00%
24		Participation in educational programs at Black Creek Pioneer Village;				
	24.1	half day educational program	240.00 – 310.00	244.00 - 316.20	244.00 - 316.20	2.00%
	24.2	full day educational program	300.00 – 400.00	306.00 - 408.00	306.00 - 408.00	2.00%
	24.3	for the Dickson's Hill School program	280.00 – 400.00	286.60 - 408.00	286.60 - 408.00	2.00%
	24.4	Virtual education program	150.00 - 250.00	150.00 - 250.00	150.00 - 250.00	New Range
	24.5	for the Homeschool Day Program and Workshops, ages 4+	0.00 - 19.00	15.00 - 19.00	15.00 - 19.00	New Range
25		Specialized programs and workshops at Black Creek Pioneer Village;				
	25.1	Heritage Trade Workshop, per individual	94.95	96.85	96.85	2.00%
	25.2	Virtual Group Programs, per group	75.00 - 250.00	75.00 - 250.00	75.00 - 250.00	0.00%
	25.4	TRCA Led Day Camper, for a week of summer camp, per camper	220.00 - 330.00	224.40 - 336.60	224.40 - 336.60	2.00%
	25.5	Ticketed Special Programs	16.36 - 36.95	16.69 - 37.69	16.70 - 37.70	New Range
	25.6	Public Programs, per individual	14.00	14.28 - 19.38	14.30 - 19.40	New Range
	25.7	Guided Public Programs, as part of a tour group with a reservation	240.00 – 400.00	240.00 – 400.00	240.00 – 400.00	New Range
26		Parking at Black Creek Pioneer Village, exclusive of special events;				
	26.1	Black Creek Pioneer Village visitor parking, per vehicle, per day, exclusive of general admission	7.52	7.67	7.60	2.00%
	26.2	non-visitor parking, per non-commercial vehicle, per day	8.85	8.85	8.85	0.00%
	26.3	non-visitor weekly parking pass, per non-commercial vehicle, per week	39.82	39.82	39.80	0.00%
	26.4	non-visitor monthly parking pass, per non-commercial vehicle, per	80.00	80.00	80.00	0.00%
27		General admission at the Kortright Centre, per day;				
	27.1	toddler	0.00	0.00	0.00	0.00%
	27.2	child	2.65	2.70	2.70	2.00%
	27.3	adult	7.52	7.67	7.65	2.00%
	27.4	senior	5.75	5.87	5.85	2.00%



Item		Description	2020 Base	2021 Base	2021 Base Rounded	% Base Increase
28		<b>For participation in a weekend or evening public program at Kortright Centre;</b>				
	28.1	child	6.64	6.77	6.75	2.00%
	28.2	adult	12.83	13.09	13.10	2.00%
	28.3	senior	6.64	6.77	6.75	2.00%
29		<b>Participation in camps, programs, workshops, or parties, at Kortright Centre;</b>				
	29.1	TRCA Led Day Camper, for a week of summer camp	216.00 - 280.00	216.00 - 280.00	216.00 - 280.00	0.00%
	29.2	half day education program, to a maximum number of thirty participants	200.00 - 250.00	200.00 - 280.00	200.00 - 280.00	0.00%
	29.3	full day education program, to a maximum of thirty participants	375.00 - 410.00	375.00 - 410.00	375.00 - 410.00	0.00%
	29.4	same day bookings for groups using facility for self-guided activities, during non-programming time, to a maximum of thirty participants	50.00	50.00	50.00	0.00%
	29.5	adult courses, per participant	169.00 - 459.00	169.00 - 459.00	169.00 - 459.00	0.00%
	29.6	adult workshops, per participant	10.00 - 79.00	10.00 - 79.00	10.00 - 79.00	0.00%
	29.7	children's birthday parties, to a maximum of fifteen children and three adults	300.00	300.00	300.00	0.00%
	29.8	Nature School Program, per participant	55.00 - 2600.00	60.00 - 2,800.00	60.00 - 2800.00	New Range
	29.9	Little Saplings Parent and Tot Program	65.00 - 130.00	140.00	140.00	New Range
	29.10	Growing with Nature Program	25.00	25.00	25.00	0.00%
	29.11	corporate programs, per participant, for a minimum of 20-30 participants	11.00 - 20.00	11.00 - 25.00	11.00 - 25.00	New Range
	29.12	Homeschool Program	80.00 - 130.00	140.00	140.00	New Range
30		<b>Magical Christmas Forest at Kortright Centre;</b>				
	30.1	toddler - ages 1 and under	0.00	0.00	0.00	0.00%
	30.2	child - ages 2 and over	24.00	24.00	24.00	0.00%
	30.3	adult/senior/student	29.00	29.00	29.00	0.00%
31		<b>Outdoor Family Experiences Program, at TRCA Facilities;</b>	70.00 - 120.00	70.00 - 120.00	70.00 - 120.00	New Range
32		<b>Day visit at a Conservation Area, Black Creek Pioneer Village or Kortright Centre, per Third Party Led Day Camper;</b>	3.99 – 20.00	4.07 - 20.40	4.05 - 20.40	2.00%
33		<b>Virtual Programs</b>				
	33.1	Virtual education program	150.00 - 250.00	150.00 - 250.00	150.00 - 250.00	New Range
	33.2	Virtual Specialist High School Major Certification program, per local or international participant	N/A	75.00 - 120.00	75.00 - 120.00	New Range
	33.3	Virtual Group Programs, per group	75.00 - 250.00	75.00 - 250.00	75.00 - 250.00	New Range
	33.4	Virtual Family Program	24.00	20.00 - 40.00	20.00 - 40.00	New Range
		93				

Item		Description	2020 Base	2021 Base	2021 Base Rounded	% Base Increase
34		<b>Maple Syrup Festival at Bruce's Mill and Kortright Centre;</b>				
	34.1	toddler	0.00	0.00	0.00	0.00%
	34.2	child	5.75	5.75	5.75	0.00%
	34.3	adult	8.85	8.85	8.85	0.00%
	34.4	senior	5.75	5.75	5.75	0.00%
	34.5	guided tour, as part of a tour group up to a maximum of thirty participants	220.00 - 255.00	220.00 - 255.00	220.00 - 255.00	0.00%
	35.6	daily parking, per vehicle, exclusive of admission fees	3.54	3.54	3.55	0.00%
35		<b>Each TRCA Led Day Camper, at a Conservation Field Centre;</b>				
	35.1	per participant, per day	50.00	50.00 - 54.00	50.00 - 54.00	New Range
	35.2	per participant, per week	225.00	225.00 - 234.00	225.00 - 234.00	New Range
	35.3	Lake St. George Field Centre, per week (includes canoeing)	280.00	280.00 - 291.20	280.00 - 291.20	New Range
	35.4	virtual day camp, per day	20.00	20.00 - 20.80	20.00 - 20.80	New Range
	35.5	virtual day camp, per week	100.00	100.00 - 104.00	100.00 - 104.00	New Range
36		<b>Each TRCA Led Overnight Camper, at a Conservation Field Centre;</b>				
	36.1	per participant, per night	120.00	120.00 - 124.80	120.00 - 124.80	New Range
	36.2	per participant, per week	720.00	720.00 - 748.80	720.00 - 748.80	New Range
37		<b>Overnight Weekend Program Participant, at a Conservation Field</b>				
	37.1	child, Friday to Sunday	145.00	145.00 - 150.80	145.00 - 150.80	New Range
	37.2	adult, Friday to Sunday	155.00	155.00 - 161.20	155.00 - 161.20	New Range
38		<b>Overnight School Group Program Participant at a Conservation Field</b>				
	38.1	child, Monday to Wednesday	188.50	188.50 - 195.00	188.50 - 195.00	New Range
	38.2	youth, Wednesday to Friday	174.00	174.00 - 180.00	174.00 - 180.00	New Range
	38.3	adult, Monday to Wednesday	188.50	188.50 - 195.00	188.50 - 195.00	New Range
	38.4	adult, Wednesday to Friday	174.00	174.00 - 180.00	174.00 - 180.00	New Range
39		<b>General admission to Albion Hills Christmas Program;</b>				
	39.1	per personal use vehicle	40.00	40.00 - 50.00	40.00 - 50.00	New Range
	39.2	per personal vehicle with addition purchase of wreath kit	70.00	70.00 - 85.00	70.00 - 85.00	New Range
40		<b>Each participant in a public program at Conservation Field Centre,</b>	12.00 - 39.00	12.24 - 39.78	12.25 - 39.80	2.00%
41		<b>TRCA led Specialist High Skills Major Certification programs, at Kortright Centre, Black Creek Pioneer Village, Tommy Thompson Park and Conservation Field Centres;</b>				
	41.1	per participant, full day, with meals	75.00	75.00 - 80.00	75.00 - 80.00	New Range
	41.2	per participant, full day, without meals	65.00	65.00 - 70.00	65.00 - 70.00	New Range
	41.3	per participant, half day, with meals	45.00	45.00 - 50.00	45.00 - 50.00	New Range

Item		Description	2020 Base	2021 Base	2021 Base Rounded	% Base Increase
	<b>41.4</b>	per participant, half day, without meals	35.00	35.00 - 40.00	35.00 - 40.00	New Range
	<b>41.5</b>	per participant, overnight, with meals	150.00	150.00 - 155.00	150.00 - 155.00	New Range
42		<b>TRCA/CVC Parks and Attractions Membership Pass Program, valid for general admission to all TRCA and CVC conservation areas, Black Creek Pioneer Village, Kortright Centre, and Tommy Thompson Park inclusive of parking fees;</b>				
	<b>42.1</b>	individual membership pass	75.00	75.00	75.00	0.00%
	<b>42.3</b>	senior/student membership pass	N/A	60.00	60.00	New
	<b>42.4</b>	family & friends membership pass (admission for up to six)	135.00	135.00	135.00	0.00%
43		<b>Any Commercial Fees;</b>	to be negotiated with third party			

## Attachment 2 – TRCA 2021 Fee Schedule Public Facilities and Programming

All fees listed in this Schedule take effect February 1, 2021, unless otherwise noted.

Note: Updated material may be distributed periodically to include supplementary fees which are related to specific program activities, or to reflect changes to the schedule.

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## **Definition of Terms**

### **1 COVID-19**

Programing across TRCA has been, and may continue to be, impacted as a result of COVID-19. Program participation minimum and maximum numbers will remain flexible and may be adjusted accordingly to meet the current Province of Ontario COVID-19 regulations and guidelines at the time of participation. Costs associated with programming may vary due to COVID-19.

### **2 Age categories**

Five general age groups are used throughout the fee schedule as follows, unless otherwise described:

- i) Toddler – any person three years of age or under;
- ii) Child – any person from four to thirteen years of age;
- iii) Adult – any person from fourteen to sixty-four years of age;
- iv) Senior – any person sixty-five years of age or over;
- v) Student – any person with a valid high school, university or college student ID.

Some exceptions to this general age categorization apply to specific fee schedule items and are indicated in within the item section. A Child and/or a Toddler must be accompanied by a paying guardian.

### **3 General admission**

General admission allows for basic access to a specified TRCA venue(s) during a designated operating period(s). Other fees may be charged in addition to, or in lieu of, general admission fees for certain facilities, programs or operating periods, as identified in this fee schedule or under various operating policies.

### **4 Facilities**

Applies to Conservation Areas, Conservation Field Centres, Black Creek Pioneer Village, Tommy Thompson Park, Kortright Centre for Conservation, and Bathurst Glen Golf Course.

### **5 Conservation Area**

Applies to Albion Hills, Bruce's Mill, Boyd, Glen Haffy, Heart Lake and Petticoat Creek. Also included in this definition are the campgrounds at Albion Hills, Glen Rouge and Indian Line.

### **6 Conservation Field Centres**

Applies to Albion Hills Field Centre, Lake St. George Field Centre and Claremont Nature Centre.

### **7 Camping Permit**

This permit states that camping fees include camping for six individuals or a family, per campsite.

### **8 Group Camper**

Applies to members of an organized group staying overnight at a Conservation Area by permit.

### **9 TRCA Led Day Camper**

Applies to day camp participants in TRCA led camp programs at a facility, during regular operating hours.

### **10 Third Party Led Day Camper**

Applies to members of day-cares, day camps, or the like, who are visiting a facility during regular operating hours but are operated by an outside organization.

### **11 TRCA Led Overnight Camper**

Applies to overnight camp participants in TRCA led camp programs. Includes supervision, indoor accommodations, all meals and programs.

### **12 Third Party Led Overnight Program Participant**

Applies to members of an organized group staying overnight at a facility. Includes indoor accommodations, all meals and programs.

### **13 Supervisory Adults**

Group in-person program participants will be provided with one adult admission for free per every ten students or campers. Any additional adults will be required to pay the full adult admission rate, which varies dependent on the facility.

### **14 Tour Group**

Applies to a pre-arranged, pre-paid program for a group.

### **15 Twilight**

Twilight refers to a time of day that varies depending on the seasons, which is used to determine certain golf fees. From the beginning of the golf season to May 31, twilight is 3:00 pm. June 1 to August 31, twilight is 5:00 pm. September 1 to the end of golf season, twilight is also 3:00 pm.

### **16 Operating Policies**

This fee schedule is provided as a general summary of fees applied by TRCA at its public use facilities and venues. It does not provide, nor is it intended to provide, complete information as to the various regulations and operating policies in effect at these facilities and venues which may relate to individual fee schedule items.

### **17 Discounts, premiums and promotions**

Any fee may be subject to a discount, premium or promotion at the discretion of the respective Manager. Standard discounts include but are not limited to:

- D.1** At Black Creek Pioneer Village and Kortright Centre for Conservation, fifteen percent (15%) discount for regular per person admission fees, subject to a minimum group size of twenty persons, exclusive of guided tours.
- D.2** At Bathurst Glen Golf Course, ten percent (10%) discount for child and seniors for green fees and the use of the driving range.
- D.3** Twenty percent (20%) discount for corporate purchases of Conservation Park memberships.
- D.4** A support person accompanying a person with a disability will receive free general admission to a maximum ratio of 1:1, at all facilities and events including aquatic facilities and special events.
- D.5** Free general admission for Active Transportation users to TRCA Conservation Areas and the Kortright Centre for Conservation as per TRCA Admittance Policy

### **18 Supplementary fees**

Not all fees are part of TRCA's fee schedule as approved by the Board of Directors. The sale of retail merchandise or the provision of incidental services represents the most common examples of such fees.

### **19 Surge Pricing**

Fees may be increased during periods when it is an increased demand or special events. High demand periods include but are not limited to camping fees on long weekends, and parking events at Black Creek Pioneer Village, such as York University Convocation and the Rogers Cup.

### **20 TRCA/CVC Parks and Attractions Membership Program**

Membership to TRCA public use facilities and venues, as well as Credit Valley Conservation Conservation Areas. Membership to all eight TRCA attractions, including TRCA's six conservation parks, Kortright Centre for Conservation and Black Creek Pioneer Village, as well as Credit Valley Conservation's four conservation parks. Offers exclusive discounts on select in-person and virtual special events and programming, camping, golf, cross country-skiing and much more.

## **21 Golf Frequent Player Passes at Bathurst Glen Golf Course and Bruce's Mill**

### **i) Frequent Player Unlimited Pass**

Allows pass holder to play a round of golf at Bathurst Glen Golf Course anytime (weekdays, weekends, holidays) and receive 20% off merchandise and food. Does not include use of power cart. Non-transferable.

### **ii) Twilight Pass**

Allows pass holder to play a round of golf at Bathurst Glen Golf Course during twilight hours only, as defined above. Does not include use of power cart. Non-transferable.

### **iii) Youth Pass**

For players 13 – 17 years old. Allows pass holder to play a round of golf at Bathurst Glen Golf Course weekdays after twilight. 50% off primetime green fees. Does not include use of power cart. Non-transferable.

### **iv) Junior Pass**

For players 13 and under, with paying adult. Allows pass holder to play a round of golf at Bathurst Glen Golf Course anytime (weekday, weekend, holiday). Does not include use of power cart. Non-transferable.

### **v) Driving Range Pass**

Allows pass holder use of Bathurst Glen Driving Range or Bruce's Mill, anytime (weekdays, weekends, holidays), up to 3 large buckets a day. Non-transferable.

### **vi) 10 Round Golf Pass**

Pre-paid, transferable rounds of golf at Bathurst Glen Golf Course. Redeemable anytime (weekdays, weekends, holidays).

## **22 Commercial Fees**

To be negotiated and are dependent on various factors such as the location, scale of production or event, if it is during regular operating hours, and associated staff time, including but not limited to filming, photography, outreach programs, and third party event/vendor fees.

Item		Description	Base Fee (excluding HST)
<b>1</b>		<b>General admission at Conservation Areas, per day;</b>	
	<b>1.1</b>	Albion Hills, Boyd and Glen Haffy, toddler	0.00
	<b>1.2</b>	Albion Hills, Boyd and Glen Haffy, child	4.00
	<b>1.3</b>	Albion Hills, Boyd and Glen Haffy, adult	6.20
	<b>1.4</b>	Albion Hills, Boyd and Glen Haffy, senior/student	5.30
	<b>1.5</b>	Bruce's Mill, toddler	0.00
	<b>1.6</b>	Bruce's Mill, child	4.00
	<b>1.7</b>	Bruce's Mill, adult	6.65
	<b>1.8</b>	Bruce's Mill, senior/student	5.75
	<b>1.9</b>	Petticoat Creek and Heart Lake, toddler	0.00
	<b>1.10</b>	Petticoat Creek and Heart Lake, child	4.05
	<b>1.11</b>	Petticoat Creek and Heart Lake, adult	6.75
	<b>1.12</b>	Petticoat Creek and Heart Lake, senior/student	5.85
<b>2</b>		<b>Fishing at Glen Haffy per day, exclusive of general admission;</b>	
	<b>2.1</b>	toddler angling fee	0.00
	<b>2.2</b>	child angling fee	2.55
	<b>2.3</b>	adult/senior/student angling fee	5.20
	<b>2.4</b>	for the use of a fishing pond and picnic shelter, for up to 75 participants, <u>inclusive</u> of general admission and angling fee Monday through Friday, excluding holidays	912.90
<b>3</b>		<b>Permit for the use of a fishing pond at Headwaters Trout Ponds, inclusive of general admission and use of row boats;</b>	
	<b>3.1</b>	up to 75 persons, per day	1,167.90
	<b>3.2</b>	each additional participant, per day	10.20
	<b>3.3</b>	Headwaters Fly Fisher's Club membership	353.50
<b>4</b>		<b>Rental of a pedal boat or rowboat at Heart Lake;</b>	
	<b>4.1</b>	rental per hour	18.05
	<b>4.2</b>	rental per half day (4-hours)	45.15
<b>5</b>		<b>Permit to occupy an un-serviced campsite, inclusive of general admission;</b>	
	<b>5.1</b>	Albion Hills, per night	38.25
	<b>5.2</b>	Albion Hills, per month (28 nights)	765.00
	<b>5.3</b>	Indian Line, per night	42.85
	<b>5.4</b>	Indian Line, per month (28 nights)	856.80
<b>6</b>		<b>Permit to occupy a serviced campsite, with water and 15/30 amp hydro hook-ups, inclusive of general admission;</b>	
	<b>6.1</b>	Albion Hills, per night	43.85
	<b>6.2</b>	Albion Hills, per month (28 nights)	877.20
	<b>6.3</b>	Albion Hills, per season	3,377.20
	<b>6.4</b>	Indian Line, per night	48.95
	<b>6.5</b>	Indian Line, per month (28 nights)	979.20
	<b>6.6</b>	Indian Line, per season	3,916.80



<b>7</b>		<b>Permit to occupy a serviced campsite, with water and 50 amp hydro hook-ups, inclusive of general admission;</b>	
	<b>7.1</b>	Indian Line, per night	53.55
	<b>7.2</b>	Indian Line, per month (28 nights)	1,071.00
	<b>7.3</b>	Indian Line, per season	4,284.00
<b>8</b>		<b>Permit to occupy a serviced campsite with water, hydro, and sewage hook-up inclusive of general admission;</b>	
	<b>8.1</b>	Indian Line, with 30 amp hydro service, per night	54.05
	<b>8.2</b>	Indian Line, with 30 amp hydro service, per month (28 nights)	1,081.20
	<b>8.3</b>	Indian Line, with 30 amp hydro service, per season	4,324.80
	<b>8.4</b>	Indian Line, with 50 amp hydro service, per night	58.65
	<b>8.5</b>	Indian Line, with 50 amp hydro service, per month (28 nights)	1,173.00
	<b>8.6</b>	Indian Line, with 50 amp hydro service, per season	4,692.00
<b>9</b>		<b>Additional camping fees as specified in items 5.0, 6.0, 7.0, 8.0;</b>	
	<b>9.1</b>	permit to park an additional vehicle, per night	12.25
	<b>9.2</b>	permit to park an additional vehicle, per season	76.50
	<b>9.3</b>	each additional person occupying a campsite over and above the campground's specified site limit, per night	10.20
	<b>9.4</b>	on a statutory holiday or other designated date, in addition to the basic permit fees	3.05
	<b>9.5</b>	visitor pass to be purchased by the seasonal camper, for their guests to be able to enter the campground	76.50
	<b>9.6</b>	security deposit for a seasonal campsite for the following year, per seasonal campsite	200.00
	<b>9.7</b>	site cleanup fee, per campsite	200.00
	<b>9.8</b>	winter personal equipment storage fee (trailer/RV)	300.00
	<b>9.9</b>	winter vehicle storage, per vehicle	300.00
	<b>9.10</b>	reservation fee, per reservation made through call centre or at the park	10.85
	<b>9.11</b>	reservation fee, per reservation made online	9.90
	<b>9.12</b>	cancellation fee, per reservation cancelled through call centre or at the park	12.65
	<b>9.13</b>	cancellation fee, per reservation cancelled online	10.85
	<b>9.14</b>	change fee, per reservation changed through call centre or at the park	7.20
	<b>9.15</b>	change fee, per reservation changed online	6.30
<b>10</b>		<b>Permit to occupy a group campsite, exclusive of general admission.</b>	204.00 - 561.00
<b>11</b>		<b>Permit for the use of a group picnic site, exclusive of general admission.</b>	158.10 - 561.00
<b>12</b>		<b>Aquatic facilities admission, exclusive of general admission, per day;</b>	
	<b>12.1</b>	Albion Hills, ages 2 and over	3.40
	<b>12.2</b>	Petticoat Creek and Heart Lake, ages 2 and over	4.30
<b>13</b>		<b>Use of cross-country ski trails at Albion Hills, inclusive of general admission, per day;</b>	
	<b>13.1</b>	toddler	0.00
	<b>13.2</b>	child	9.25
	<b>13.3</b>	adult	15.60
	<b>13.4</b>	senior/student	12.65
	<b>13.5</b>	family living in the same household, with no more than two adults, and their children	40.60

<b>14</b>		<b>Rental of a cross-country ski equipment;</b>	
	<b>14.1</b>	package consisting of skis, boots and poles, child	12.65
	<b>14.2</b>	package consisting of skis, boots and poles, adult/senior/student	18.95
	<b>14.3</b>	package consisting of skis, boots and poles, child, in a group with a reservation, including trail fees, subject to a minimum group size of twenty participants	13.55
	<b>14.4</b>	package consisting of skis, boots and poles, adult/senior/student, in a group with a reservation, including trail fees, subject to a minimum group size of twenty participants	27.10
	<b>14.5</b>	skis, child	6.90
	<b>14.6</b>	skis, adult/senior/student	8.40
	<b>14.7</b>	boots, child	5.85
	<b>14.8</b>	boots, adult/senior/student	6.90
	<b>14.9</b>	poles, child	4.85
	<b>14.10</b>	poles, adult/senior/student	5.85
	<b>14.11</b>	helmet, child	2.05
	<b>14.12</b>	helmet, adult/senior/student	2.05
<b>15</b>		<b>Use of cross-country ski trails and rental of cross country ski equipment, for organized groups, weekdays only;</b>	
	<b>15.1</b>	group trail fee only, child	7.20
	<b>15.2</b>	group trail fee only, adult	13.55
	<b>15.3</b>	group trail fee and ski equipment package, child	13.55
	<b>15.4</b>	group trail fee and ski equipment package, adult	27.10
<b>16</b>		<b>Golfing green fees at Bathurst Glen Golf Course;</b>	
	<b>16.1</b>	weekday, 18 holes, open - 1:00 pm	36.10
	<b>16.2</b>	weekday, 18 holes, 1:00 pm - twilight	29.80
	<b>16.3</b>	weekday, 18 holes, twilight - close	25.30
	<b>16.4</b>	weekday, 9 holes, any time of day	22.55
	<b>16.5</b>	weekend, 18 holes, open - 1:00 pm	39.70
	<b>16.6</b>	weekend, 18 holes, 1:00 pm - twilight	36.10
	<b>16.7</b>	weekend, 18 holes, twilight - close	27.10
<b>17</b>		<b>Golf equipment rentals at Bathurst Glen Golf Course;</b>	
	<b>17.1</b>	18 holes power cart (single rider)	19.45
	<b>17.2</b>	9 holes power cart (single rider)	15.95
	<b>17.3</b>	18 holes power cart (2 riders)	28.90
	<b>17.4</b>	9 holes power cart (2 riders)	21.65
	<b>17.5</b>	pull cart	72.20
	<b>17.6</b>	club set	22.55
<b>18</b>		<b>Driving range fees at Bathurst Glen Golf Course;</b>	
	<b>18.1</b>	small bucket	11.75
	<b>18.2</b>	large bucket	14.45
	<b>18.3</b>	jumbo bucket	27.10
<b>19</b>		<b>Golf tournaments at Bathurst Glen Golf Course;</b>	35.70 - 92.20
<b>20</b>		<b>Driving range fees at Bruce's Mill;</b>	
	<b>20.1</b>	small bucket	11.50
	<b>20.2</b>	large bucket	14.15
	<b>20.3</b>	jumbo bucket	26.55

<b>21</b>		<b>Frequent player passes at Bathurst Glen Golf Course;</b>	
	<b>21.1</b>	Bathurst Glen Golf Course, Frequent Player Unlimited Pass	1,835.00
	<b>21.2</b>	Bathurst Glen Golf Course, Twilight Pass	611.00
	<b>21.3</b>	Bathurst Glen Golf Course, Youth Pass	530.10
	<b>21.4</b>	Bathurst Glen Golf Course, Junior Pass	306.00
	<b>21.5</b>	Bathurst Glen Golf Course, Driving Range Pass	611.00
	<b>21.6</b>	Bathurst Glen Golf Course, 10 Round Golf Pass	331.50
<b>22</b>		<b>Driving range frequent player pass at Bruce's Mill;</b>	530.10
<b>23</b>		<b>General admission to Black Creek Pioneer Village, per day;</b>	
	<b>23.1</b>	toddler	0.00
	<b>23.2</b>	child	11.20
	<b>23.3</b>	adult	15.30
	<b>23.4</b>	senior	12.25
	<b>23.5</b>	student	12.25
<b>24</b>		<b>Participation in educational programs at Black Creek Pioneer Village;</b>	
	<b>24.1</b>	half day educational program	244.00 - 316.20
	<b>24.2</b>	full day educational program	306.00 - 408.00
	<b>24.3</b>	for the Dickson's Hill School program	286.60 - 408.00
	<b>24.4</b>	Virtual education program	150.00 - 250.00
	<b>24.5</b>	for the Homeschool Day Program and Workshops, ages 4+	15.00 - 19.00
<b>25</b>		<b>Specialized programs and workshops at Black Creek Pioneer Village;</b>	
	<b>25.1</b>	Heritage Trade Workshop, per individual	96.85
	<b>25.2</b>	Virtual Group Programs, per group	75.00 - 250.00
	<b>25.4</b>	TRCA Led Day Camper, for a week of summer camp, per camper	224.40 - 336.60
	<b>25.5</b>	Ticketed Special Programs	16.70 - 37.70
	<b>25.6</b>	Public Programs, per individual	14.30 - 19.40
	<b>25.7</b>	Guided Public Programs, as part of a tour group with a reservation	240.00 - 400.00
<b>26</b>		<b>Parking at Black Creek Pioneer Village, exclusive of special events;</b>	
	<b>26.1</b>	Black Creek Pioneer Village visitor parking, per vehicle, per day, exclusive of general admission	7.60
	<b>26.2</b>	non-visitor parking, per non-commercial vehicle, per day	8.85
	<b>26.3</b>	non-visitor weekly parking pass, per non-commercial vehicle, per week	39.80
	<b>26.4</b>	non-visitor monthly parking pass, per non-commercial vehicle, per month	80.00
<b>27</b>		<b>General admission at the Kortright Centre, per day;</b>	
	<b>27.1</b>	toddler	0.00
	<b>27.2</b>	child	2.70
	<b>27.3</b>	adult	7.65
	<b>27.4</b>	senior	5.85
<b>28</b>		<b>For participation in a weekend or evening public program at Kortright Centre;</b>	
	<b>28.1</b>	child	6.75
	<b>28.2</b>	adult	13.10
	<b>28.3</b>	senior	6.75

<b>29</b>		<b>Participation in camps, programs, workshops, or parties, at Kortright Centre;</b>	
	<b>29.1</b>	TRCA Led Day Camper, for a week of summer camp	216.00 - 280.00
	<b>29.2</b>	half day education program, to a maximum number of thirty participants	200.00 - 280.00
	<b>29.3</b>	full day education program, to a maximum of thirty participants	375.00 - 410.00
	<b>29.4</b>	same day bookings for groups using facility for self-guided activities, during non-programming time, to a maximum of thirty participants	50.00
	<b>29.5</b>	adult courses, per participant	169.00 - 459.00
	<b>29.6</b>	adult workshops, per participant	10.00 - 79.00
	<b>29.7</b>	children's birthday parties, to a maximum of fifteen children and three adults	300.00
	<b>29.8</b>	Nature School Program, per participant	60.00 - 2800.00
	<b>29.9</b>	Little Saplings Parent and Tot Program	140.00
	<b>29.10</b>	Growing with Nature Program	25.00
	<b>29.11</b>	corporate programs, per participant, for a minimum of 20-30 participants	11.00 - 25.00
	<b>29.12</b>	Homeschool Program	140.00
<b>30</b>		<b>Magical Christmas Forest at Kortright Centre;</b>	
	<b>30.1</b>	toddler - ages 1 and under	0.00
	<b>30.2</b>	child - ages 2 and over	24.00
	<b>30.3</b>	adult/senior/student	29.00
<b>31</b>		<b>Outdoor Family Experiences Program, at TRCA Facilities;</b>	70.00 - 120.00
<b>32</b>		<b>Day visit at a Conservation Area, Black Creek Pioneer Village or Kortright Centre, per Third Party Led Day Camper;</b>	4.05 - 20.40
<b>33</b>		<b>Virtual Programs</b>	
	<b>33.1</b>	Virtual education program	150.00 - 250.00
	<b>33.2</b>	Virtual Specialist High School Major Certification program, per local or international participant,	75.00 - 120.00
	<b>33.3</b>	Virtual Group Programs, per group	75.00 - 250.00
	<b>33.4</b>	Virtual Family Program	20.00 - 40.00
<b>34</b>		<b>Maple Syrup Festival at Bruce's Mill and Kortright Centre;</b>	
	<b>34.1</b>	toddler	0.00
	<b>34.2</b>	child	5.75
	<b>34.3</b>	adult	8.85
	<b>34.4</b>	senior	5.75
	<b>34.5</b>	guided tour, as part of a tour group up to a maximum of thirty participants	220.00 - 255.00
	<b>35.6</b>	daily parking, per vehicle, exclusive of admission fees	3.55
<b>35</b>		<b>Each TRCA Led Day Camper, at a Conservation Field Centre;</b>	
	<b>35.1</b>	per participant, per day	50.00 - 54.00
	<b>35.2</b>	per participant, per week	225.00 - 234.00
	<b>35.3</b>	Lake St. George Field Centre, per week (includes canoeing)	280.00 - 291.20
	<b>35.4</b>	virtual day camp, per day	20.00 - 20.80
	<b>35.5</b>	virtual day camp, per week	100.00 - 104.00
<b>36</b>		<b>Each TRCA Led Overnight Camper, at a Conservation Field Centre;</b>	
	<b>36.1</b>	per participant, per night	120.00 - 124.80
	<b>36.2</b>	per participant, per week	720.00 - 748.80
<b>37</b>		<b>Overnight Weekend Program Participant, at a Conservation Field Centre;</b>	

	<b>37.1</b>	child, Friday to Sunday	145.00 - 150.80
	<b>37.2</b>	adult, Friday to Sunday	155.00 - 161.20
<b>38</b>		<b>Overnight School Group Program Participant at a Conservation Field Centre, per participant, effective September 1, 2020;</b>	
	<b>38.1</b>	child, Monday to Wednesday	188.50 - 195.00
	<b>38.2</b>	youth, Wednesday to Friday	174.00 - 180.00
	<b>38.3</b>	adult, Monday to Wednesday	188.50 - 195.00
	<b>38.4</b>	adult, Wednesday to Friday	174.00 - 180.00
<b>39</b>		<b>General admission to Albion Hills Christmas Program;</b>	
	<b>39.1</b>	per personal use vehicle	40.00 - 50.00
	<b>39.2</b>	per personal vehicle with addition purchase of wreath kit	70.00 - 85.00
<b>40</b>		<b>Each participant in a public program at Conservation Field Centre, per day;</b>	12.25 - 39.80
<b>41</b>		<b>TRCA led Specialist High Skills Major Certification programs, at Kortright Centre, Black Creek Pioneer Village, Tommy Thompson Park and Conservation Field Centres;</b>	
	<b>41.1</b>	per participant, full day, with meals	75.00 - 80.00
	<b>41.2</b>	per participant, full day, without meals	65.00 - 70.00
	<b>41.3</b>	per participant, half day, with meals	45.00 - 50.00
	<b>41.4</b>	per participant, half day, without meals	35.00 - 40.00
	<b>41.5</b>	per participant, overnight, with meals	150.00 - 155.00
<b>42</b>		<b>TRCA/CVC Parks and Attractions Membership Pass Program, valid for general admission to all TRCA and CVC conservation areas, Black Creek Pioneer Village, Kortright Centre, and Tommy Thompson Park inclusive of parking fees;</b>	
	<b>42.1</b>	individual membership pass	75.00
	<b>42.3</b>	senior/student membership pass	60.00
	<b>42.4</b>	family & friends membership pass (admission for up to six)	135.00
<b>43</b>		<b>Any Commercial Fees;</b>	to be negotiated with third party

## **Attachment 3 – ACCESS TO TRCA PUBLIC FACILITIES**

### **BACKGROUND**

Toronto and Region Conservation Authority (TRCA) recognizes and promotes the full participation of all residents in educational, cultural and recreational programs and services, as per TRCA's Admittance Policy. Through a variety of offerings, TRCA's public-use facilities engage diverse user groups, including persons with disabilities, financially challenged individuals and groups, children and Active Transportation users.

TRCA continually strives to promote inclusion and access for all. The following outlines several programs that TRCA has implemented to help alleviate barriers to participation and encourage greater access to nature-based cultural and recreational experiences.

### **Programs with regional public libraries**

CVC and TRCA's program with the City of Brampton and Town of Caledon Public Libraries provides access to financially challenged individuals and groups. Conservation Parks Family and Friends Memberships are available for "checkout" at Brampton and Caledon public libraries. This program offers free access to TRCA and CVC parks, promoting inclusivity, encouraging nature-based experiences, supporting healthy communities, and increasing awareness of parks.

Black Creek Pioneer Village participates in both Toronto Public Library's Museum + Arts Pass program, which provides free access to Toronto museums and cultural attractions, and a similar program with Vaughan Public Library to promote equitable access to the site. Individuals may borrow a pass from participating library branches which provides them with free general admission to the site. These programs ensure that all residents of Toronto and Vaughan may explore the story of the Toronto region at Black Creek Pioneer Village.

### **Program with the Region of Peel**

In partnership with CVC, TRCA has been collaborating with the Region of Peel Healthy Communities Initiative to "get more kids, more active, more often". TRCA and CVC have provided free admission opportunities to students and their families. This program has increased access to the outdoors to promote lifelong engagement. Staff teams work together to develop new programs that encourage more students to participate more often in nature based recreational and cultural experiences.

### **Canoo (formerly known as the Cultural Access Pass program)**

TRCA participates in the Institute for Canadian Citizenship's *Canoo* program, which celebrates multiculturalism by offering new Canadian citizens free general admission to Canada's natural and cultural treasures. As a participating cultural attraction, Black Creek Pioneer Village welcomes Canoo members every year. This initiative has been extended to TRCA's parks to provide Canoo members with greater access to TRCA facilities.

### **Active Transportation Policy**

TRCA continues to work with municipal and industry partners to formalize additional trail access points to Conservation Areas and to expand trail connections. This encourages more people to enjoy nature-based recreation more often and helps people stay active.

### **Free Admission Programs**

At all TRCA public-use facilities, free general admission is offered to toddler ages 0-3. Through the Ontario Teacher's College membership, teachers receive free admission at all facilities. Participants of Vaughan Culture Days and Doors Open Toronto receive free admission to the Kortright Centre and Black Creek Pioneer Village, respectively. In October, the Kortright Centre also offers a Family Adventure Walk in the Forest where families can participate free of charge and children are encouraged to participate in "forest school inspired" activities. TRCA also waives admission fees for support persons accompanying visitors with disabilities to alleviate barriers to experiencing culture and nature-based outdoor recreation.

TRCA continues to explore new opportunities that help people engage with nature. Inclusivity and accessibility are priorities at our facilities. Staff is committed to expanding current initiatives and providing diverse communities with even more opportunities in years to come.

**Community Learning Activities**

TRCA provides community learning activities in local greenspaces and neighbourhoods to support local engagement in nature-based activities. These programs are focused on improving opportunities for local residents and families to participate in free activities that help improve local knowledge about ecosystems and watersheds while contributing to ecological health. These programs are supported through municipal funding and government and private grants and free to the end user. Information on Community Learning events and activities is available on TRCA's events webpage.

**Environmental Leaders of Tomorrow**

TRCA works with local schools to provide integrated learning experiences for students from eligible schools to access the Environmental Leaders of Tomorrow program at one of TRCA's three overnight centres. Focused on improving student knowledge, understanding and action related to the environment, the Environmental Leaders of Tomorrow program provides subsidized experiences for classes from schools in priority areas of TRCA's watersheds. This program is supported through municipal funding and private grants. TRCA works closely with area school boards to identify schools that would benefit from this program.

### Section I – Items for Board of Directors Action

**TO:** Chair and Members of the Board of Directors  
Friday, January 29, 2021 Meeting

**FROM:** Sameer Dhalla, Director, Development and Engineering Services  
Barbara Montgomery, Legal Counsel, Risk Management

**RE: LOCAL PLANNING APPEAL TRIBUNAL**

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#### KEY ISSUE

Authorization to appear before the Local Planning Appeal Tribunal (LPAT) and Toronto Local Appeal Body (TLAB) on recent LPAT and TLAB appeals within the Toronto and Region Conservation Authority jurisdiction.

#### RECOMMENDATION

**THAT authorization be given to Toronto and Region Conservation Authority staff to obtain Party or Participant status at the LPAT or TLAB to protect TRCA's mandate and other provincial and municipal interests related to TRCA's technical expertise regarding the appeals described in Attachment 1;**

**THAT TRCA staff continue to work cooperatively with TRCA's municipal partners, the appellants, and other parties to ensure TRCA's interests are protected as part of the LPAT or TLAB process;**

**AND FURTHER THAT the LPAT or TLAB and all parties to the hearings be so advised.**

#### BACKGROUND

Policy 7.5.2 (p) of the Board approved Living City Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority (LCP) requires that “TRCA staff obtain authorization from TRCA’s Authority/Executive Committee to appear before tribunals on planning and development matters”. Staff is seeking authorization to appear before the Local Planning Appeal Tribunal (LPAT) or the Toronto Local Appeal Body (TLAB), and if needed, retain legal counsel on appeals within the TRCA jurisdiction. TRCA is currently a Party to twenty-six (26) LPAT or TLAB appeals across our jurisdiction. TRCA is actively trying to settle appeals but is often in the position of awaiting a resubmission by applicants or resolution of land use or density issues tied to an appeal. There are nine (9) new or recently activated LPAT appeals, including one in Durham Region, three (3) in the Region of Peel, three (3) in the City of Toronto, and two (2) in York Region discussed in this report.

Procedures applying to the LPAT were revised under the recent Bill 108 (More Homes, More Choice Act), and are now akin to the former Ontario Municipal Board process including hearings de-novo. This change due to Bill 108 is expected to result in an increased number of appeals over that of the previously existing LPAT process. In addition, in 2017 the City of Toronto Council passed Toronto Municipal Code Chapter 142 and created the TLAB. The TLAB is an independent quasi-judicial tribunal that hears appeals of Committee of Adjustment decisions for minor zoning variances and land severances (consents).

TRCA staff is seeking either “Party” or “Participant” status in these appeals at LPAT or TLAB, as TRCA has an interest from a policy and regulatory perspective. In many cases, TRCA is



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assisting municipal partners by providing technical review advice through existing Memorandums of Understanding (MOU's) with partner municipalities.

Recently passed Bill 229 applies limitations on the ability for a Conservation Authority to appeal certain applications made under the Planning Act or to be added as "Parties" to an appeal, except where an appeal is made under or an issue is related to a prescribed natural hazard risk. However, this section of Bill 229 has yet to be proclaimed and therefore staff continue to pursue Party status on matters of importance to our mandate and/or our Memorandums of Understanding with our municipal partners including those relating to natural heritage and water until such time as the relevant section of Bill 229 is proclaimed.

"Party" status refers to a person or organization that requests full involvement in the hearing and is recognized by the Tribunal. Parties take part in the hearing by exchanging documents, presenting evidence, questioning witnesses and making submissions to the Tribunal. Procedures and the level of effort varies whether the appeal is under the former LPAT, new LPAT or TLAB rules. Parties may also request costs, adjournments or a review of the decision.

"Participant" status refers to a person or organization that participates by making a written statement to the Tribunal on some or all of the issues at a hearing. A Participant may attend all or only part of the proceedings. Participants are not required to make submissions to a municipal Council before becoming involved in an LPAT or TLAB matter. Participants cannot otherwise participate in the proceedings, and cannot ask for costs, adjournments or request a review of the decision.

In most cases, TRCA seeks Party Status and Development and Engineering Services (DES) staff and in-house legal counsel represent the interests of TRCA during the LPAT or TLAB process. However, in certain circumstances, TRCA retains external legal counsel to ensure TRCA's interests are protected and addressed during the course of the LPAT or TLAB proceedings. In these cases, DES staff first engage TRCA's in-house legal counsel. However, for complex and time-consuming cases, TRCA may retain external legal counsel from the law firms that TRCA has retainer agreements with. In all cases, TRCA staff and legal counsel will continue to work with Parties to the hearing to resolve TRCA's issues, scope TRCA's involvement and to reduce external legal fees to the greatest extent possible. TRCA is also investigating sharing counsel for hearings where the municipality and TRCA as Parties are aligned. In most cases, settlements are reached with little or no additional cost beyond staff time.

Certain appeals require significant resources to represent the interests of TRCA at LPAT. A key reason for this extensive expenditure of effort is an increase in the number of appeals and hearings and the length of time spent to complete these hearings. Hearings also require the involvement of several staff from multiple technical disciplines (i.e., planning, ecology, engineering, geotechnical engineering, hydrogeology, etc.) to represent the interests of TRCA. Appeals continue to be more technically complex as applications move into more sensitive landscapes. When development is proposed within sensitive landscapes our response often requires a multi-disciplinary and inter-departmental representation at LPAT or TLAB hearings. Appeals with environmental and/or natural hazard issues can divert TRCA review efforts away from the standard review stream due to Tribunal imposed timelines, which are often short. Appeals at LPAT or TLAB involve many of the same team members at TRCA involved in the technical review of applications, infrastructure studies and permit reviews. Also, through existing Memorandum of Understandings (MOUs) with municipalities, TRCA is expected to provide technical and scientific expertise in support of the environmental planning function of

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municipalities in LPAT or TLAB processes. TRCA also represents the Provincial interest on the natural hazard policies of the Provincial Policy Statement (PPS) as part of larger government review agency teams. As a result, staff are expected to appear before the Tribunal to fulfill these roles and responsibilities for our municipal and government review agency partners. This situation of competing demands and workloads is currently being examined as part of a streamlining review of the TRCA Development Planning and Permits process.

### **RATIONALE**

Attachment 1 includes a summary of each appeal organized by municipality. Staff is requesting authorization to appear before the Tribunal as a Party for each of these appeals and will continue to bring forward future requests as per the direction within TRCA's LCP. In some cases, due to timing, staff will request retroactive authorization for appeals in which TRCA has obtained Party or Participant status. Staff will also make all reasonable effort to resolve TRCA's interests in the appeals, while supporting municipal partners.

### **Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan**

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

**Strategy 2 – Manage our regional water resources for current and future generations**

**Strategy 4 – Create complete communities that integrate nature and the built environment**

**Strategy 12 – Facilitate a region-wide approach to sustainability**

### **FINANCIAL DETAILS**

Account Code 110-99 has been established to provide for TRCA's legal services fees related to Development Planning and Permit matters. This account is funded by a small percentage of development application fees.

### **DETAILS OF WORK TO BE DONE**

Staff and internal legal counsel will continue to represent the interests of TRCA during any pre-hearing, negotiation and mediation processes. External legal counsel will be retained as required to ensure TRCA's interests are protected and addressed. TRCA staff and legal counsel will continue to work with Appellants and Parties to resolve TRCA's issues in advance of a hearing.

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**Date: January 29, 2021**

**Attachments: 1**

Attachment 1: Chart of Appeals

Attachment 1: Chart of Appeals

Municipality	Region	Watershed	LPAT/TLAB #	CFN	Staff Contact	Proponent and Appellant	Description	Status
Pickering	Durham	Waterfront	PL200388	60787.01	Steve Heuchert	Pickering Harbour Company Limited	Official Plan Amendment and Zoning By-law Amendment at 591 Liverpool Road to permit two 15-storey mixed-use buildings. The development is located on an existing boat storage yard adjacent to the mouth of the Krosno Creek, and includes floodplain and shoreline hazards, and Provincially Significant Wetland. The appropriate buffer from the wetland has been provided, and the floodplain matters addressed; however, the shoreline hazard has not been addressed. The application was refused by the Municipality.	A Case Management Conference is scheduled for February 1, 2021. TRCA staff will seek party status to ensure the natural hazard issues are addressed.
Caledon	Peel	Humber	PL190619	60782.02	Adam Miller	A & D. Acchione	Official Plan Amendment and Zoning By-law Amendment at 84 Nancy Street to permit an eight-storey residential condominium building containing 159 units, with three-storeys of underground parking. The amendments propose to redesignate the lands from Environmental Policy Area (EPA) to High Density Residential and rezone the lands from Environmental Policy Area 1 (EPA1) and Environmental Policy Area 2 (EPA2) to a site-specific Multiple Residential Exception zone (RM-XX). The application was appealed by the proponent for lack of decision by the Municipality	TRCA was granted Party status on October 5, 2020. A second prehearing will be scheduled for early 2021. The Town, Region and TRCA have identified that the proposed amendments are not consistent with the Provincial Policy Statement (PPS) and are not in conformity with the Town of Caledon and Region of Peel Official Plans.
Caledon	Peel	Humber	PL200067	60739	Jason Wagler	336 Kings Ridge Inc. - Averica Land Development	Official Plan Amendment, Zoning Bylaw Amendment, Site Plan and Condominium at 336 King Street East to ultimately facilitate construction of 16, 4-Storey townhouses. The development is located adjacent to the Humber River valley. A slope stability assessment has been prepared, however, the proposal has not incorporated an appropriate setback from the LTSTOS to be consistent with TRCA's LCP. application was appealed by the proponent for lack of decision by the Municipality	A hearing has not been scheduled. TRCA staff will seek party status to not only protect our interests, but also to fulfill our role as the delegated authority on ensuring consistency with the natural hazard policies of the PPS.
King	Peel	Humber	PL190494	60668	Stephen Bohan & Jason Wagler	King Keele Developments LP - Stateview Homes	Official Plan Amendment, Zoning Bylaw Amendment and Condominium at 13151-13211 Keele Street to facilitate development of a 56 freehold townhome development with a private condominium road on the Oak Ridges Moraine. A valley corridor traverses the northeast corner of the site. Significant woodland contiguous with the valley corridor is the constraint adjacent to the development. Reductions to the ORMCP significant woodland Vegetation Protection Zone (MVPZ) have been proposed, but additional buffer areas are proposed to compensate for any reductions based on the latest April 2020 submission. The application was appealed by the proponent for lack of decision by the Municipality.	TRCA was granted Party status on October 7, 2020. A Case management Conference is scheduled for February 9, 2021 and a full hearing has been scheduled for June 9 - 25, 2021, if necessary.

Attachment 1: Chart of Appeals

Municipality	Region	Watershed	LPAT/TLAB #	CFN	Staff Contact	Proponent and Appellant	Description	Status
Toronto (Etobicoke-York Community Council Area)	Toronto	Humber	TBD	59096.04	Nicole Moxley	Sterling Homes (Weston Road) Inc.	Zoning By-law Amendment at 2996 Weston Road to facilitate an infill development consisting of 6 single family residential dwellings. TRCA matters are for the most part resolved. TRCA requested that the natural feature and the buffer to be appropriately zoned and conveyed as part of this approval. The application was appealed by the proponent for lack of decision by the Municipality.	A Case Management Conference has not been scheduled. TRCA staff will request party status to ensure our interests are maintained.
Toronto (North York Community Council Area)	Toronto	Don	PL190536	59046.02	Nicole Moxley & Steven Heuchert	41 Chatsworth GP Inc.	Official Plan Amendment and Zoning By-law Amendment application at 41 Chatsworth Road to facilitate construction of 4-storey residential condominium building. The south end of the site abuts Duplex Park within the Chatsworth Ravine. This is part of a greater valley corridor of the Don River watershed which was historically modified. The associated tributary, Burke Brook, is now piped and runs west to east, just south of the subject site. It is not clear if the proposal has incorporated appropriate setbacks consistent with TRCA's LCP. The application was appealed by the proponent for lack of decision by the Municipality.	A Case Management Conference was held virtually on October 6, 2020 and party status was granted. Another Case Management Conference is scheduled on January 21, 2021 with a 12-day hearing requested for Spring 2021. TRCA staff are confident that with on-going negotiations between parties that our issues will be resolved in advance of the hearing.
Toronto (North York Community Council Area)	Toronto	Don	PL200441	62545.01	Anna Lim	Devine Park LLP/Easton's Group/Gupta Group	Official Plan Amendment and Zoning By-law Amendment at 4050 Yonge Street to permit two high rise buildings, 21 and 25 storeys, and a 6 storey podium connecting these two buildings. The proposal will include 5 levels of underground parking. The proposed 21 storey building will have non-residential uses including office, retail, restaurant and a hotel. The proposed 25 storey building includes 290 residential units. An OPA Amendment is required to permit the proposed height and gross floor area. The site is currently designated as Mixed Use and Natural Areas and the designation permits the proposed uses contemplated by this application. A ZBA is required to the former City of North York Zoning By-law No. 7625 (as amended by the site specific Zoning Bylaw No. 1093-2016) to permit the proposal as the site is currently zoned C1(132) and O1(45). This property is not currently included in the Zoning By-law 569-2013 and is proposed to be included through this ZBA. The application was appealed by the proponent for lack of decision by the Municipality.	A case management conference has not been scheduled. Staff will request Party status if the issues are not resolved. A resubmission has been made to the City of Toronto which will be reviewed by TRCA staff in January 2021.

Attachment 1: Chart of Appeals

Municipality	Region	Watershed	LPAT/TLAB #	CFN	Staff Contact	Proponent and Appellant	Description	Status
Richmond Hill	York	Rouge & Don	PL180073	57138	Anthony Sun	10870 Yonge Street Limited, Saad Askandar, Dogliola Developments Inc., Richmond Hill Retirement Inc. et al; and others	Yonge Bernard Secondary Plan area contains two watercourses. The area is bound by a tributary of the Rouge River to the north, Elgin Mills Rd. W. to the south, the East Don River to the west (and in some areas Yonge Street) and Yorkland St. to the east. Portions of the KDA area are highly urbanized but flood prone. Various landowners appealed the Secondary Plan based upon a number of transportation and density related issues, but issues were also raised about the appropriateness of the buffer and Greenway designations.	Party status was granted at the December 17, 2018 pre-hearing. A number of pre-hearing conferences have occurred since 2018 and the appeal has now been split into two phases. Natural Heritage policies will be dealt with in Phase 2. Scheduling for Phase 2 still being worked out for Spring 2021. In the meantime, staff are monitoring Phase 1.
Vaughan	York	Don	PL200219	59105.01	Stephen Bohan & Adam Miller	Dufcen Construction Inc.	Official Plan and Zoning By-Law Amendment at 7850 Dufferin Street to facilitate the development of six blocks of townhouses and two mid-rise apartment buildings for a total of 582 residential units. The site is located within a spill area associated with a tributary of the Don River. The application was appealed by the proponent for lack of decision by the Municipality.	Party status was granted on October 27, 2020. A second Case Management Conference is scheduled for January 15, 2021. TRCA staff are undertaking analysis of the flood spill area and will be working with the proponent's consulting team to develop an appropriate remediation measure.

### Section III – Items for the Information of the Board

**TO:** Chair and Members of the Board of Directors  
Friday, January 29, 2021 Meeting

**FROM:** Natalie Blake, Chief Human Resources Officer  
Michael Tolensky, Chief Financial and Operating Officer

**RE:** **2021 COST OF LIVING ADJUSTMENT AND ANNUAL PERFORMANCE STEP PROGRESSION INCREASES**

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#### KEY ISSUE

To provide an update on the Executive Committee's request to conduct an environmental scan on information related to Cost of Living Adjustments (COLA) and annual step progression increases for partner municipalities of TRCA.

#### RECOMMENDATION

**IT IS RECOMMENDED THAT the 2021 Cost of Living Adjustment and Annual Performance Step Progression Increases report be received.**

#### BACKGROUND

TRCA staff brought forth a report on the *2018 Operating and Capital Budget and 2019-2022 Cost of Living Adjustment*, at the Board of Directors Meeting #4/18, held on May 25, 2018, where Resolution #A66/18 was approved as follows:

*WHEREAS the Conservation Authorities Act (CA Act) provides that a conservation authority, in establishing its annual levy, shall have the power to determine the proportion of the total benefit afforded to all the participating municipalities that is afforded to each of them;*

*THEREFORE LET IT BE RESOLVED THAT, subject to such regulations under the CA Act as may be approved by the Lieutenant-Governor-in-Council:*

- (i) all participating municipalities be designated as benefitting for programs included in the 2018 Operating Budget;*
- (ii) Toronto and Region Conservation Authority's (TRCA) share of the cost of the programs included in the 2018 Operating Budget shall be raised from the participating municipalities as part of the general levy;*
- (iii) the 2018 general levy be apportioned to the participating municipalities in the proportion that the modified current value assessment (CVA) of the whole is under the jurisdiction of TRCA, unless otherwise provided in the levy or a project;*
- (iv) appropriate TRCA officials be directed to advise the participating municipalities, pursuant to the CA Act and the regulations made thereunder, and to levy the said municipalities the amount of the general levy set forth in the 2018 Operating Budget, and to levy the said municipalities the amount of the project and special levy set forth in the 2018 Capital Budget and in the approved projects of TRCA;*

## Item 8.1

*THAT the 2018 Operating and Capital Budget, and all projects therein, be adopted;*

*THAT TRCA staff be authorized to amend the 2018 Operating and Capital Budget, to reflect actual 2018 provincial transfer payment allocations in order to set the amount of matching levy required by the CA Act;*

*THAT the cost of property taxes imposed by municipalities be included as additional levy to the participating municipalities where the lands are located, excluding the cost of property taxes which are passed on to a third party under a lease or similar agreement;*

*THAT, except where statutory or regulatory requirements provide otherwise, TRCA staff be authorized to enter into agreements with private sector organizations, non-governmental organizations or governments and their agencies for the undertaking of projects which are of benefit to TRCA and partner municipalities and funded by the sponsoring organization or agency, including projects that have not been provided for in the approved budget;*

*THAT, as required by Ontario Regulations 139/96 and 231/97, this recommendation and the accompanying budget documents, including the schedule of matching and non-matching levies, be approved by recorded vote;*

*THAT the presentation of 2017 budget comparisons and related actuals be amended to conform to the presentation adopted in the 2018 budget document;*

*THAT TRCA staff make provision for a cost of living adjustment (COLA) on wages of two percent (2.00%) annually effective April 1 for each of the four years 2019 through 2022;*

*AND FURTHER THAT authorized TRCA officials be directed to take such action as may be necessary to implement the foregoing, including obtaining approvals and the signing and execution of documents.*

TRCA has budgeted and accounted for the multi-year COLA approval and performance step progression increases up to and including 2022 based on the Board approval. These increases have been built into TRCA municipal levies and multi-year fee for service agreements with TRCA funders, primarily our partner municipalities. This has provided our funders with the ability to accurately forecast financial requirements and has allowed TRCA to provide financial stability in terms of resource planning to complete desired programs and services.

To provide transparency for staff, support ongoing recruitment and retention, as well as to reflect input received during employee engagement, salary schedules for the approved four-year COLA increases have been posted and are accessible on TRCA's intranet site. These salary schedules form the basis for the organization's full costing model.

TRCA's annual salary adjustments consist of a 2% COLA increase, in addition to a prescribed step progression increase, tied to performance, within a predefined six (6) step banding system. The annual salary adjustments are consistent for all TRCA employees, including both individual contributors and people leaders, there is no differential in compensation program amongst the levels of staff.

## Item 8.1

TRCA's salary schedule, sample illustrated below, contains six (6) steps with a 2% differential between steps consistent across the entire salary schedule. The composition of this type of compensation program is intended to recognize gained experience and increased skills within a predefined scope (step progression), compared to other compensation structures that provide greater discretion and latitude for reaching and exceeding job rates and recognizing performance. Employees at step six (6) of the salary schedule are not eligible for any progression increase. Therefore, employee eligible for a step progression are restricted to the 2% increase from one step to the next. Approximately 37% of TRCA employees are at step six (6) or red-circled, therefore making them ineligible for any step progression increase.

Band	Step 2	Step 3	Step 4	Step 5	Step 6
7	\$ 74,157	\$ 75,670	\$ 77,215	\$ 78,790	\$ 80,398
6	\$ 69,178	\$ 70,591	\$ 72,041	\$ 73,501	\$ 75,001
5	\$ 63,560	\$ 64,856	\$ 66,180	\$ 67,531	\$ 68,909

### RATIONALE

TRCA staff conducted an environmental scan with our municipal partners as well as our peer Conservation Authorities, to assess their plans and actions with respect to COLA and performance step increases.

Based on an environmental scan of municipalities within TRCA's watersheds, the following was noted. As some municipal partners are currently in the 2021 budget planning process, their budgets are not final until approved by their respective councils, and are therefore subject to change:

- City of Brampton: 1.75% Economic Adjustment (EA) and employees will be eligible for 2020 performance increases for management and excluded employees.
- City of Markham: No determination at this time.
- City of Toronto: 2021 Budget currently assumes 0% COLA for all management staff (non-union), and all pay for performance programs have been cancelled. City Council has also requested that all city agencies and corporations apply this methodology, which does not include TRCA.
- City of Vaughan: 0% COLA and management and excluded staff are eligible for step increases.
- Durham Region: No determination at this time.
- King Township: No determination at this time.
- Region of Peel: 2021 Budget currently assumes 1.75% COLA for all levels of staff.
- Town of Aurora: No determination at this time.
- Town of Caledon: 2021 Budget proposal of 1.75% non-union COLA increase and continuation of the merit/step increases.
- York Region: No determination at this time.

Based on a review of TRCA's fellow Conservation Authorities (14), all reported providing or proposing (subject to annual budget approval) to provide COLA in 2021. In addition, 83.33% of those respondents indicated that employees, who met eligibility requirements, would continue to be eligible for a step progression/merit increase, with the average differential between steps being 3.75%.

It is important to remember that TRCA's total compensation program does not compare easily to municipalities. TRCA's compensation structure is based on the 50<sup>th</sup> and 60<sup>th</sup> percentile of our



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defined comparator market, which comprises of a mix of organizational types, with our benefits lagging those of partner municipalities. For example, most municipalities in our jurisdiction have considerably greater total compensation packages taking into account salary and benefits. In addition, senior management remuneration and benefits in government partner agencies and corporations with comparable responsibilities tend to be considerably higher than TRCA, creating some challenges in retaining highly qualified staff. Much of this stems from the comparison organizations referenced in our previous compensation strategy, the mix and weighting of comparators in the market, and consideration of the jurisdictional landscape that TRCA employees work and live within. These factors are being examined and considered in planning for a future compensation review.

### **Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan**

This report supports the following strategy set forth in the TRCA 2013-2022 Strategic Plan:  
**Strategy 11 – Invest in our staff**

### **FINANCIAL DETAILS**

The 2021 COLA and annual performance step progression are already built into TRCA's draft operating and capital budget, including levy asks from its partner municipalities, which fall within the municipal budget envelopes, multi-year funding agreements, and programs and projects for the year, which have already commenced.

**Report prepared by: Michael Tolensky, extension 5965 and Natalie Blake, extension 5374**

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**Date: January 29, 2021**

### Section III – Items for the Information of the Board

**TO:** Chair and Members of the Board of Directors  
Friday, January 29, 2021 Meeting

**FROM:** Sameer Dhalla, Director, Development and Engineering Services

**RE:** **UPDATE ON THE PICKERING AND AJAX DYKE RESTORATION  
CONSERVATION ONTARIO CLASS ENVIRONMENTAL ASSESSMENT**

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#### KEY ISSUE

An update on the completion of the Pickering and Ajax Conservation Ontario Class Environmental Assessment.

#### RECOMMENDATION

**IT IS RECOMMENDED THAT the update on the Pickering and Ajax Dyke Restoration Environmental Assessment be received;**

**AND THAT TRCA and municipal partner staff continue to work with all levels of government to fund the proposed works to address the EA findings.**

#### BACKGROUND

At Board of Directors Meeting #5/20, held on June 26, 2020, Resolution #A89/20 was approved as follows:

*WHEREAS the Village East and the Notion Road/Pickering Village area is the fourth highest ranked flood vulnerable cluster within TRCA's jurisdiction in terms of flood risk;*

*AND WHEREAS Toronto and Region Conservation Authority (TRCA) has completed a number of technical studies, and last reported on flood risk in the Pickering Village/Notion Road area including next steps in pursuing an Environmental Assessment for dyke restoration at Authority meeting #5/18 held on June 22, 2018;*

*THEREFORE, LET IT BE RESOLVED THAT the Pickering and Ajax Dyke Restoration Conservation Ontario Class Environmental Assessment Update on Progress be received;*

*AND FURTHER THAT TRCA report back to the Board of Directors in the fall of 2020 to provide an update on the status of the project and next steps.*

#### RATIONALE

TRCA, as proponent of the Pickering and Ajax Dyke Restoration Conservation Ontario Class Environmental Assessment (PADR EA), can confirm that the 60-day public review period has passed without receiving any significant comment from the public or key stakeholders. As of October 26, 2020, subject to funding for detailed design and construction the TRCA can proceed with the Project in the manner it was developed and designed. The Notice of Project Approval was posted to TRCA's website in November 2020.

### **Preferred Dyke Restoration Alternatives**

To meet the technical and design requirements of the EA process, TRCA retained KGS Group to provide consulting services in rehabilitation planning and design of the Pickering and Ajax Flood Control Dykes. The design objectives established through the EA process will ensure that the dykes meet current engineering standards and factors of safety (FOS), and reduce the associated risk to public safety and property.

Recognizing the input from stakeholders and the public through the EA process, the preferred alternative solutions include two components:

- A “hard engineering” solution, consisting of dyke configurations that include a hard structural component such as sheet piles (corrugated metal plates) driven through the dyke and rock embankments to achieve the required stability FOS for the dykes. This was selected for those areas of the Pickering Dyke where there is limited space for the rehabilitation works between the creek and private properties. The design concept for the hard engineering solution can be found in **Attachment 1**.
- A “soft engineering” solution, consisting of dyke configurations that do not include a hard structural component for stability; but instead rely on providing earthen embankment slopes that are stable and more gradual than those of the existing dykes. This was selected for areas of the Pickering Dyke where the space available for the rehabilitation work was wide enough to accommodate this solution without impacting private properties or the watercourses. This alternative solution was also selected as preferred for the entire Ajax Dyke. The design concept for the soft engineering solution can be found in **Attachment 1**.

Recommendations were provided for further development of the design concepts during the detailed design phase.

The estimated capital cost of the preferred design concepts, including contingency values appropriate for a 30% level of design, were:

- \$7.0 Million for the hard engineering solution on the segment of the Pickering Dyke with restricted space for the rehabilitation work
- \$3.0 Million for the soft engineering solution on the segment of the Pickering Dyke without restricted space for the rehabilitation work
- \$2.6 Million for the soft engineering solution of the Ajax Dyke

Preliminary dyke footprints for the Pickering and Ajax Dykes can be viewed in **Attachment 1**.

### **Implications on Adjacent Development Opportunities**

TRCA Development Planning and Permits staff is currently working with several landowners downstream of the dyke and will continue to include the results of the EA technical studies in their review of any development proposals.

### **Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan**

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

**Strategy 2 – Manage our regional water resources for current and future generations**

**Strategy 4 – Create complete communities that integrate nature and the built environment**

### **FINANCIAL DETAILS**

Funding for the Pickering and Ajax Dyke Restoration EA was made available through a fee for service delivery agreement with the Region of Durham, and the National Disaster Mitigation Program within account 107-69.

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While the detailed design and implementation of this project is currently not funded, TRCA is exploring funding opportunities including future Disaster Mitigation and Adaptation Fund intakes, and infrastructure funding through government stimulus packages, with the intent of bringing the project closer to implementation. Discussions are also underway with the City of Pickering, Town of Ajax and the Region of Durham on whether portions of the project could be funded municipally in order to better position the project for investment by senior levels of government.

### **DETAILS OF WORK TO BE DONE**

TRCA will work with the City of Pickering and Town of Ajax to coordinate press releases and social media updates communicating the approval of the Environmental Assessment to the public and key stakeholders. Further, TRCA will continue to work with municipal partners on future funding applications to senior levels of government which would allow the project to continue to progress to detailed design and ultimately implementation.

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**Date: January 29, 2021**