

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

**TO:** Chair and Members of the Executive Committee  
Friday, October 7, 2022 Meeting

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

**RE:** **ACQUISITION FROM 31, 33, 35, 37, 39 LAKELAND DRIVE, TORONTO**  
Greenspace Acquisition Project 2021 – 2030. Erosion Risk Management Project,  
Humber River Watershed (CFN 67924)

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#### KEY ISSUE

Acquisition of property located south of Lakeland Drive and east of Kipling Avenue, municipally known as 31, 33, 35, 37, and 39 Lakeland Drive, in the City of Toronto under the “Greenspace Acquisition Project for 2021-2030,” Flood Plain and Conservation Component, Humber River watershed.

#### RECOMMENDATION:

**THE EXECUTIVE COMMITTEE RECOMMENDS THAT 0.02808 hectares (0.0694 acres), more or less, of vacant land, located south of Lakeland Drive and south of Kipling Avenue, said land being Part of Lots 136, 137 & 138, municipally known as 31, 33, 35, 37, 39 Lakeland Drive, in the City of Toronto, be acquired from the landowners under the Greenspace Acquisition Project 2021-2030 and the Erosion Risk Management Program;**

**THAT 0.004719 ha (0.01166337 ac), more or less, of vacant land, located at the rear of 31 Lakeland Drive, said land being Part of Lot 136, designated as Part 3 on draft R-Plan by Ertl-Hunt Surveyors under job number 21623 part of PIN 07349-0056 (LT), located at the rear of 31 Lakeland Drive, be purchased from Vaishaliben Patel and Keyurkumar Patel;**

**THAT 0.005789 ha (0.0143074 ac), more or less, of vacant land, located at the rear of 33 Lakeland Drive, said land being Part of Lot 136, designated as Part 3 on draft R-Plan by Ertl-Hunt Surveyors under job number 21623, part of PIN 07349-0055 (LT), located at the rear of 33 Lakeland Drive, be purchased from Carlos Dacres and Marsha Dacres;**

**THAT 0.00576 ha (0.01423327 ac), more or less, of vacant land, located at the rear of 35 Lakeland Drive, said land being Part of Lot 137, designated as Part 3 on draft R-Plan by Ertl-Hunt Surveyors under job number 21623, part of PIN 07349-0054 (LT), located at the rear of 35 Lakeland Drive, be purchased from Clovis George Francis and Pearlin Francis;**

**THAT 0.00425 ha (0.01050198 ac), more or less, of vacant land, located at the rear of 37 Lakeland Drive, said land being Part of Lot 137, designated as Part 3 on draft R-Plan by Ertl-Hunt Surveyors under job number 21623, part of PIN 07349-0053 (LT), located at the rear of 37 Lakeland Drive, be purchased from Tome Romas and Aliki Romas;**

**THAT 0.00736 ha (0.01818696 ac), more or less, of vacant land, located at the rear of 39 Lakeland Drive, said land being Part of Lot 138, designated as Part 3 on draft R-Plan by Ertl-Hunt Surveyors under job number 21623, part of PIN 07349-0052 (LT), located at the rear of 39 Lakeland Drive, be purchased from Arnaldo Cesar Bustos and Maria Julia Bustos;**

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**THAT the purchase price for each of the parcels of land at 31, 33, 35, 37, 39 Lakeland Drive, City of Toronto, be \$2.00;**

**THAT Toronto and Region Conservation Authority (TRCA) receive conveyance of the lands at 31, 33, 35, 37, 39 Lakeland Drive, City of Toronto, free from encumbrance, subject to existing service easements;**

**THAT the transaction completed at the earliest possible date and all reasonable expenses incurred incidental to the closing for land transfer tax, legal costs, and disbursements are to be paid by TRCA;**

**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**

Resolution #A28/20 at Board of Directors Meeting #3/20, held on April 24, 2020, approved the Greenspace Acquisition Project for 2021-2030.

In 1973, a homeowner on Lakeland Drive expressed the first documented concerns of slope erosion on the south side of Lakeland Drive, the City of Toronto. From 1975 until 1976, TRCA obtained easements and rights to enter the properties at 37, 39, 41 and 43 Lakeland Drive and implemented a major slope stabilization treatment consisting of an Earth Fill Slope Treatment in 1976, identified as HR23 in TRCA's Stream Erosion and Infrastructure Database (SEID), to address stability concerns in this area. Multiple private property owners on the south side of Lakeland Drive have since expressed concern about the slope instability occurring at the southern portion of their properties. These properties are located on the tableland of a slope abutting the West Humber Parklands and the Humber River. Over the last few decades, concerns from other property owners have led to multiple geotechnical investigations in the area by individual landowners on a localized basis.

In 2019, TRCA retained Central Earth Engineering (CEE) to undertake a comprehensive slope stability and erosion risk assessment (SS&ERA) for the greater valley lands between 23 – 117 Lakeland Drive. The scope of work included developing conceptual design options to protect the private residential properties determined to be at risk through the assessment. The recommended solution for the focus area is a reinforced soil slope (RSS), and a segmental block retaining wall for the peripheral area. Of those properties that have opted-in to the project (31, 33, 35, 37, and 39 Lakeland Drive), CEE's SS&ERA (2019) confirmed long term risk from slope instability hazards to dwellings on 33, 35, and 37 Lakeland Drive.

In 2021, TRCA retained GEI Consultants Ltd. to develop detailed designs for slope stabilization in the rear yards of 31 – 39 Lakeland Drive and extending onto TRCA owned valley lands. The works at 31, 33, 35, 37, and 39 Lakeland Drive are tentatively scheduled to commence late fall/winter 2022 and includes proposed construction of an erosion control structure (RSS), fence installation, and restoration plantings.

In 2022, and per TRCA's Contaminated Site Policy, TRCA retained GEI Consultants Ltd. to complete Phase One and Two Environmental Site Assessments (ESA) in accordance with O. Reg. 153-04 pursuant to the Environmental Protection Act for the proposed conveyance lands on 31, 33, 35, 37, and 39 Lakeland Drive. The draft Phase One Report flagged a single Potentially Contaminating Activity (PCA), 'Importation of Fill Material of Unknown Quality',

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potentially contributing to an Area of Potential Environmental Concern on the subject properties and triggering the need for a Phase Two ESA. The draft Phase Two Report concluded that “no contaminants of concern are present at the Site in soil or groundwater”.

Negotiations have been conducted by Dan Dyce, Project Coordinator, Erosion Risk Management, with the owners of 31, 33, 35, 37, 39 Lakeland Drive, City of Toronto.

Access to the subject lands will be achieved through frontage on Kipling Avenue, City of Toronto.

Attachment 1 is a sketch illustrating the location of the subject lands. Attachment 2 is an orthophoto illustrating the location of the subject lands.

### **RATIONALE**

The subject lands fall within TRCA’s plan for acquisition as outlined in the approved Greenspace Acquisition Project for 2021-2030.

The subject properties are required for construction of the Lakeland Drive Major Maintenance and Slope Stability Project.

The TRCA funding policy for works carried out on private lands stipulates that benefitting landowners are required to contribute to the project, either financially, or through the transfer of lands subject to TRCA’s preference. Land conveyance was selected as the preferred contribution mechanism for reasons as outlined per Section 3.12 of DSP-7.01-P of the Private Landowner Contribution for Erosion Works policy, specifically:

- a) Ownership of the entire structure by one owner for future monitoring and maintenance through the ERMP;
- b) To limit future development of lands where erosion and slope instability hazards have been remediated through the ERMP; and,
- c) To foster the expansion of public lands where erosion and slope instability hazards have been identified through the ERMP.

Landowners of 31, 33, 35, 37, and 39 Lakeland Drive have verbally consented to convey lands to TRCA as their contribution towards the cost of the project. Proceeding with construction contract award and implementation is conditional upon landowners executing and adhering to the legally binding Erosion Control Agreements with TRCA and transferring lands prior to construction.

Restrictive covenants, of an area and with specific covenants as identified by the design engineering consultant, will be registered on title per property following substantial completion of construction. Landowners are required to sign legally binding Erosion Control Agreements prior to construction commencement committing to registering the same on title. Lands subject to Restrictive Covenants will remain within the private landowners’ ownership but will restrict developments and/or activities that could negatively impact the erosion control structure on the proposed conveyance lands.

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

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### **TAXES AND MAINTENANCE**

These parcels of land will be turned over to the City of Toronto under the terms of the existing management agreement, and the City will be responsible for any associated property taxes.

### **FINANCIAL DETAILS**

Funds for the costs related to this purchase are available in the TRCA Erosion Risk Management account.

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**Date: August 19, 2022**

**Attachments: 2**

Attachment 1: Site Plan - 31,33,35,37,39 Lakeland Drive, City of Toronto

Attachment 2: Orthophoto - 31,33,35,37,39 Lakeland Drive, City of Toronto