

## Section I – Items for Board of Directors Action

**TO:** Chair and Members of the Executive Committee  
Friday, April 5, 2024 Meeting

**FROM:** Alexander Schuler, Associate Director, Property and Asset Management

**RE:** **GREENSPACE ACQUISITION PROJECT FOR 2021-2030 (33, 35, 37, AND 39 TOPCLIFF AVENUE)**  
Flood Plain and Conservation Component, Humber River Watershed 33, 35, 37, and 39 Topcliff Avenue, Toronto (CFN 70876)

---

### KEY ISSUE

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

### RECOMMENDATION:

**THE EXECUTIVE COMMITTEE RECOMMENDS THAT 0.007648 hectares (0.018898 acres), more or less, of vacant land/improvements, located south of Finch Avenue W and east of Topcliff Avenue, said land being, Part of Lots 2 & 3 66R-1909, Part of Lots 4 & 5 66R-1892, Part of Lots 3 & 6 66R-1892, and Part of Lots 2 & 7 66R-1892, municipally known as 33, 35, 37, and 39 Topcliff Avenue, in the City of Toronto be acquired from the landowners under the Greenspace Acquisition Project 2021-2030 and the Erosion Risk Management Business Unit; THAT the purchase price be \$2.00;**

**THAT Toronto and Region Conservation Authority (TRCA) receive conveyance of the land free from encumbrances, subject to existing service easements;**

**THAT the transaction be 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

TRCA has been monitoring the slope behind 33-39 Topcliff Avenue since the July 2013 severe weather event, following reports of a slope failure. TRCA retained Cole Engineering to complete a geotechnical study of the properties in 2015. TRCA then retained Palmer Environmental Consulting Group (PECG) and Central Earth Engineering (CEE) to conduct an updated geomorphic and geotechnical investigation in 2019 to support a Class Environmental Assessment (EA), which was completed in 2021. The results of the Slope Stability and Erosion Risk Assessment (SS&ERA) confirmed the risk to dwellings. TRCA’s Erosion Risk Management Program (ERMP) continued to monitor the site annually.

## Item 8.5

As a part of these investigations, CEE and PEEG completed an assessment of proposed erosion control and slope stabilization alternatives. These alternatives were used in the Class EA. As a result of public consultation, the following alternatives were selected: the design and construction of a mechanically stabilized earth (MSE) or Reinforced Soil Slope (RSS) wall to address the slope stability issues, and the design and construction of channel realignment for Reach 1 of the tributary and the design and construction of an armourstone wall in Reach 2 of the tributary below Topcliff Avenue.

In 2023, and per TRCA's Contaminated Site Policy, TRCA retained Dynex Construction Inc. (and their sub-contractors), to complete detailed designs and the construction of the preferred solutions through a Design-Build contract. Included in Dynex's scope of work was the completion of a Phase I and II Environmental Site Assessments (ESA) in accordance with the Canadian Standards Association (CSA) documents CSA Z768-01 (Phase I ESA, R2012) and CAN/CSA Z769-00 (Phase II ESA, R2018) for the proposed conveyance lands on 33, 35, 37, and 39 Topcliff Avenue. The Phase I ESA Report completed by PEEG did not flag actual or potential on-site or off-site sources of soil or ground water contamination. The Phase I ESA Report does not recommend any further investigation at the site at this time.

Negotiations have been conducted by Courtney Munro, Project Manager, Erosion Risk Management, with the owners of 33, 35, 37, and 39 Topcliff Avenue, City of Toronto.

Access to the subject lands will be achieved from the TRCA-owned valley lands behind the subject lands.

Attachment 1 is a plan showing the location of the subject lands.

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

### **RATIONALE**

At Board of Directors Meeting #3/20 held on April 24, 2020 Resolution #A28/20 approved the Greenspace Acquisition Project for 2021-2030. The subject lands at 33, 35, 37, and 39 Topcliff Avenue fall within TRCA's plan for acquisition as outlined in the approved Greenspace Acquisition Project for 2021-2030 and are required for construction of the Topcliff Avenue Slope Stabilization 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, 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;

## Item 8.5

- c) To foster the expansion of public lands where erosion and slope instability hazards have been identified through the ERMP; and
- d) Proceeding with construction contract award and implementation is conditional upon landowners executing legally binding Erosion Control Agreements with TRCA and transferring lands prior to construction. Landowners have signed and returned Erosion Control Agreements.

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

### **Relationship to TRCA's 2023-2034 Strategic Plan**

This report supports the following Pillars and Outcomes set forth in TRCA's 2023-2034 Strategic Plan:

#### **Pillar 1 Environmental Protection and Hazard Management:**

- 1.1 Deliver provincially mandated services pertaining to flood and erosion hazards

#### **Pillar 1 Environmental Protection and Hazard Management:**

- 1.4 Balance development and growth to protect the natural environment ensuring safe sustainable development

### **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.

**Report prepared by: Brandon Hester, Senior Property Agent**

**Email: [brandon.hester@trca.ca](mailto:brandon.hester@trca.ca)**

**For Information contact: Brandon Hester, (416) 627-1248; Alexander Schuler, (437) 880-1950**

**Emails: [brandon.hester@trca.ca](mailto:brandon.hester@trca.ca); [alexander.schuler@trca.ca](mailto:alexander.schuler@trca.ca)**

**Date: February 29, 2024**

**Attachments: 2**

Attachment 1: Site Plan - 33, 35, 37, and 39 Topcliff Avenue, City of Toronto

Attachment 2: Orthophoto - 33, 35, 37, and 39 Topcliff Avenue, City of Toronto