

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

**TO:** Chair and Members of the Executive Committee  
Friday, September 13, 2024 Meeting

**FROM:** Kathryn Lockyer, Director, Legislative and Property Services

**RE: LEASE RENEWAL - MCMICHAEL CANADIAN ART  
COLLECTION**  
City of Vaughan, Regional Municipality of York, Humber River  
Watershed (CFN 23032)

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**KEY ISSUE**

Proposal from McMichael Canadian Art Collection to enter into a 20 year lease on Toronto and Region Conservation Authority (TRCA) owned and a portion of Ontario Heritage Trust (OHT) owned lands that are currently managed by TRCA, for passive recreational (trail) use located north of Major Mackenzie Drive and west of Pine Valley Drive, in the City of Vaughan, Regional Municipality of York, Humber River watershed (CFN 23032).

**RECOMMENDATION:**

**THAT pursuant to a land lease agreement for passive recreational (trail) use, McMichael Canadian Art Collection is the current tenant of the lands located on TRCA owned and on a portion OHT owned lands currently managed by TRCA (hereinafter the “Land”);**

**AND FURTHER THAT TRCA is in receipt of a request from McMichael Canadian Art Collection for a new lease agreement for recreational (trail) use of TRCA and OHT lands currently managed by TRCA, located north of Major Mackenzie Drive, and west of Pine Valley Drive, in the City of Vaughan, Regional Municipality of York, Humber River watershed;**

**THEREFORE LET IT BE RESOLVED THAT TRCA enter into a new land lease with McMichael Canadian Art Collection for passive recreational (trail) use of 25.88 hectares (63.96 acres), more or less, said land being Part of Lots 22 to 24, Concession 8, City of Vaughan, Regional Municipality of York, Humber River watershed;**

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**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 McMichael Canadian Art Collection in this instance;

**THAT** the lease with McMichael Canadian Art Collection be subject to the following terms and conditions:

- (i)** that the term of the lease be for 20 years;
- (ii)** that consideration be \$12.00 per annum throughout the term of the lease;
- (iii)** that the Tenant is to provide \$5 million dollars coverage in commercial general liability insurance;
- (iv)** that the Tenant is to be responsible for all applicable taxes and utilities;
- (v)** that the Tenant will comply with any applicable laws, directions, rules and regulations;
- (vi)** that the Tenant is to be responsible for all approvals and all costs required for construction and operation of the trail system;
- (vii)** that the Tenant is to be responsible for all costs associated with the removal of any fixtures/infrastructure on the lands under lease, at the end of the term, and to the satisfaction of TRCA; and
- (viii)** any other terms and conditions deemed appropriate by the TRCA staff and solicitor;

**THAT** said lease be subject to the approval of the Ministry of the Environment, Conservation and Parks in accordance with Section 21 (1) and Section 21(2) of the Conversation Authorities Act, R.S.O. 1990, Chapter C.27, as amended;

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

### BACKGROUND

In 1965, Robert and Signe McMichael donated their Canadian works of art collection, as well as their home and land, to the Province of Ontario and in 1966, the “McMichael Conservation Collection of Art” officially opened.

In 1985, TRCA entered into a ten-year lease agreement with the (now) McMichael Canadian Art Collection on TRCA owned, and OHT owned lands currently managed by TRCA, for passive environmental and recreational trail use, to enhance the experience available to visitors accessing their McMichael Canadian Art Collection facility on the adjacent property.

In 1999, TRCA’s Boyd North and Glassco Park Management Plan was approved by the Board, and has allowed for the preservation, protection and enhancement of the natural, cultural and heritage resources of the area, while directing the kinds of compatible and appropriate uses that may occur within them. Further, Glassco Park has been successfully managed by TRCA since 1969 on behalf of the Ontario Heritage Trust (OHT). Boyd North and Glassco Park contain significant forests and reforested areas, archeologically significant areas, trail systems, and lands under lease for residential, agricultural, and recreational use. The lands under lease with McMichael Canadian Art Collection are within the Boyd North and Glassco Park area.

On April 26, 1996, at TRCA’s Board of Director’s meeting, the original ten-year lease with McMichael Canadian Art Collection was renewed for an additional twenty-year term (Res. #A52/96), and all costs associated with the construction and operation of the trail system under lease to McMichael Canadian Art Collection being the sole expense of the tenant.

Today, the McMichael Canadian Art Collection is a major public gallery uniquely devoted to collecting the art of Canada, with a permanent collection consisting of over 7,000 artworks by Tom Thomson, the Group of Seven, their contemporaries, and First Nations, Métis, Inuit and contemporary artists who have contributed to the development of Canadian art. In order to enhance connectivity with the natural landscape both inside and out of the gallery for its visitors (“art is in our nature”), TRCA is in receipt of a request from the McMichael Canadian Art Collection to end the overhold period, and to renew their lease for passive recreational (trail) use

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on TRCA owned and OHT lands currently managed by TRCA, located north of Major Mackenzie Drive and west of Pine Valley Drive, City of Vaughan, Regional Municipality of York, Humber River watershed. Pending TRCA Board endorsement, McMichael Canadian Art Collection will proceed to their Board for approvals.

Attachment 1 is a site plan of the leased area.

Attachment 2 is an orthophoto of the leased area.

### **RATIONALE**

Renewing the lease agreement with McMichael Canadian Art Collection will continue to support the vision established in TRCA's Trail Strategy for the Greater Toronto Region ("Trail Strategy"): A complete regional trail network in greenspace and along the Lake Ontario shoreline that connects our growing communities to nature, to culture, and to each other, contributing to active living and enhancing our conservation legacy.

Further, the trail system included under lease to the McMichael Canadian Art Collection is not exclusive to their visitors and provides opportunities to public to connect to additional TRCA facilities such as the Kortright Centre for Conservation, the William Granger Greenway and Boyd Conservation Park, as well as City of Vaughan park space along the Humber Trail, enhancing partnership opportunities and community engagement. This section of the Humber Trail is part of the regional trail network within the Humber Valley Wilderness destination area identified in TRCA's Trail Strategy.

The terms and conditions of the new lease would continue to be in accordance with TRCA's Boyd North and Glassco Park Management Plan (1999), and in alignment with the Ontario Heritage Trust Stewardship Agreement, endorsed by the Board on June 21, 2019, and currently under negotiations with OHT.

TRCA staff is represented on McMichael Canadian Art Collection's Property and Buildings Committee of the Board of Trustees, which has a mandate to advise the Board of Trustees on matters related to the physical elements of the McMichael Canadian Art Collection and its grounds, and to undertake periodic review and studies related to the ongoing stewardship and improvements of the features of the McMichael Canadian Art

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Collection inclusive of main buildings, outbuildings, site and landscape plans and infrastructure. This provides TRCA the opportunity to have input on how McMichael Canadian Art Collection-managed and TRCA-managed lands integrate, looking for areas of collaboration and synergy that support TRCA programs and services, as both a landlord and a neighbour with shared interests.

TRCA supports opportunities for the community to connect to natural, cultural heritage and recreational experiences on our lands, and renewing the lease with McMichael Canadian Art Collection will continue to provide such opportunities to their visitors and the community, that have been available for forty years.

### **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 3 Community Prosperity:**

3.1 Connect communities to nature and greenspace

#### **Pillar 3 Community Prosperity:**

3.2 A culture of diversity, equity and inclusion contributing to community well-being

#### **Pillar 4 Service Excellence:**

4.4 Transparent decision making and accountable results

### **FINANCIAL DETAILS**

This lease is net and carefree to TRCA, with no financial obligations and nominal rents received.

**Report prepared by: Lisa Valente, Supervisor, Facilities**

**Email: [lisa.valente@trca.ca](mailto:lisa.valente@trca.ca)**

**For Information contact: Alexander Schuler, (437) 880-1950**

**Email: [alexander.schuler@trca.ca](mailto:alexander.schuler@trca.ca)**

**Date: July 12, 2024**

**Attachments: 2**

Attachment 1: Site Plan Part of Lots 22-24, Concession 8, Vaughan

Attachment 2: Orthophoto Part of Lots 22-24, Concession 8, Vaughan