

Section I – Items for Board of Directors Action

TO: Chair and Members of the Executive Committee
Friday, November 8, 2024 Meeting

FROM: Kathryn Lockyer, Director, Legislative and Property Services

RE: GREENSPACE ACQUISITION PROJECT (2021-2030 (2 KEVI LANE))
Flood Plain and Conservation Component, Mimico Creek Watershed 2 Kevi Lane, Toronto (CFN 71342)

KEY ISSUE

Acquisition of property located east of Martin Grove Road and north of Rathburn Road, municipally known as 2 Kevi Lane, in the City of Toronto under the “Greenspace Acquisition Project for 2021-2030,” Flood Plain and Conservation Component, Mimico Creek watershed.

RECOMMENDATION:

IT IS RECOMMENDED THAT a total of 0.01 hectares (0.03 acres), more or less, of vacant land, located at the rear of 2 Kevi Lane, said land being Part 1 on Draft Plan created by ERTL-HUNT Surveyors, December 2023 under file name A-035515-RPLAN.DWG; Etobicoke, City of Toronto, be acquired from the landowner under the Greenspace Acquisition Project 2021-2030 and that PART 2, on the same Draft Plan have restrictive covenants registered as required by the Erosion Risk Management Business Unit;

THAT the purchase price be \$2.00;

THAT Toronto and Region Conservation Authority (TRCA) receive conveyance of the lands at 2 Kevi Lane, City of Toronto, free from encumbrance, 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 up to One Thousand Five Hundred Dollars (\$1,500) are to be paid by TRCA;

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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 2 Kevi Lane since the July 2013 severe weather event, following reports of a slope failure. TRCA retained Cole Engineering to complete a geotechnical study of the property in 2015. TRCA then retained Terraprobe to conduct a Slope Stability and Erosion Risk Assessment (SS&ERA) in 2018. The purpose of the SS&ERA was to determine the extent of risk to essential structures at this site. The scope of work included developing conceptual design options to protect the private residential property determined to be at risk through the assessment. TRCA's Erosion Risk Management Program (ERMP) continued to monitor the site annually.

In 2022, TRCA retained Terraprobe Inc. to develop detailed designs for an upper slope stabilization solution that will provide long-term protection for the dwelling private property located at, 2 Kevi Lane.

The works at 2 Kevi Lane are tentatively scheduled to commence in 2025 subject to final designs and obtaining remaining permits & approvals. The proposed scope of work includes construction of a retaining wall, fence installation, and landscape restoration including comprehensive plantings.

Under the ERMP, the process for undertaking works and the acquisition of property can be quite lengthy as there are several variables which can impact when an erosion mitigation project can move from preliminary monitoring, geotechnical analysis, conceptual design, homeowner negotiations, detailed design, execution of the Erosion Control Agreement (ECA), project implementation and construction. As the landowner has just recently executed the ECA and TRCA staff are attempting to expedite the project, this acquisition represents a significant milestone in the successful completion of the project.

In 2023, and per TRCA's Contaminated Site Policy, TRCA retained OHE Consultants to complete 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 land on 2 Kevi Lane.

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The Phase I ESA Report completed by OHE flagged the potential presence of fill material of unknown quality to be contributing to an Area of Potential Environmental Concern on the subject properties. The presence of fill material triggered the need for a Phase II ESA. The Phase II report identified one (1) parameter which exceeded the MECP Table 3.1 Standards, which was Electrical Conductivity (EC). The EC value was reported at 1.00 mS/cm, the Table 3.1 Standard is 0.7 mS/cm. OHE noted that this exceedance may potentially be related to the use of road salt on the driveway of the property.

Negotiations have been conducted by Robyn Cox, Project Manager, Erosion Risk Management, with the owner 2 Kevi Lane, City of Toronto.

Access to the subject lands will be achieved from City of Toronto owned valley lands, at Ravencrest Park behind 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 fall within TRCA's plan for acquisition as outlined in the approved Greenspace Acquisition Project for 2021-2030, and the subject properties are required for construction of the 2 Kevi Lane Slope Stabilization Project.

The TRCA funding policy for works carried out on private lands stipulates that benefiting 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; and
- c) To foster the expansion of public lands where erosion and slope instability hazards have been identified through the ERMP.

The landowner of 2 Kevi Lane has 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 legally binding Erosion Control Agreements with TRCA and transferring lands prior to construction.

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Restrictive covenants, of an area and with specific covenants as identified by the design engineering consultant, will be registered on the landowner's property following substantial completion of construction. These lands are the "Restrictive Covenant" lands identified on attachments 1 & 2 below. 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.

The Owner shall not use the Covenant Lands, or do any act or thing to make, cause or effect directly or indirectly any of the following:

- (a) There are to be no additional loads on the tableland of 2 Kevi Lane within 5 metres of the segmental Retaining Wall/remediated slope crest, except for pedestrian traffic. Examples of restricted loads include (but are not limited to): new pools/hot tubs/ponds, new structures (sheds, decks), and additional fill or grade raising, storing equipment, storing bags of topsoil/concrete/gravel, or stockpiling landscaping materials. However, minor landscaping can be allowed;
- (b) Any change to the site grading or drainage on the tableland of 2 Kevi Lane must be designed to prevent direct concentrated or channelized surface runoff from flowing towards the Segmental Retaining Wall or over the slope crest and down the slope face. Water drainage from down-spouts, sumps, swimming pools, and the like are only permitted to flow directly to the front yard or else directly to the toe of slope;
- (c) No removal, addition or alteration of any of the elements of Segmental Retaining Wall or approved equivalent along the slope crest can be conducted unless approved by an engineer licensed in the Province of Ontario with expertise in geotechnical design, and by TRCA. Elements of the Segmental Retaining Wall or approved equivalent include (but are not limited to): granular fill, geotextile, geogrid, facing units, drainage swale and pipes and splash pads. Although the proposed slope stabilization (Segmental Retaining Wall or approved equivalent) works will be within the backyard/side yard of 2 Kevi Lane and TRCA land/land to be conveyed to TRCA, no removal, addition or alteration of any of the elements of Segmental

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Retaining Wall or approved equivalent can be conducted as noted above;

- (d) The Segmental Retaining Wall shall not be used to provide temporary or permanent support to any structure except for the fence post; and
- (e) Any repairs to the Segmental Retaining Wall must be reviewed by a professional geotechnical engineer.

Ultimately, this acquisition is a requirement under the ERMP, as the homeowner is required to either convey lands or make a cash contribution towards the project. In this instance TRCA ERMP staff have recommended the conveyance of the hazardous lands.

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

FINANCIAL DETAILS

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

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Date: October 24, 2024

Attachments: 2

Attachment 1: Site Plan – 2 Kevi Lane, City of Toronto

Attachment 2: Orthophoto – 2 Kevi Lane, City of Toronto