

Section II – Items for Executive Committee Action

TO: Chair and Members of the Executive Committee
Friday, May 9, 2025 Meeting

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

On Behalf of John MacKenzie, Chief Executive Officer

**RE: REQUEST FOR A RELEASE OF CONSERVATION
EASEMENT AT 50 LAKE FOREST DRIVE, RICHMOND
HILL, REGIONAL MUNICIPALITY OF YORK (CFN 71367)**

KEY ISSUE

Request from owner of the property at 50 Lake Forest Drive to free the property title from a TRCA easement and a restrictive covenant in order to pursue development of the vacant portions of the property with another single-family dwelling. Pursuant to Sections 4.2 and 4.3 of the Conservation Land Act, Conservation Authorities require the consent of the Minister for the release of the easement and discharge of a restrictive covenant.

RECOMMENDATION:

WHEREAS TRCA is in receipt of a request from Mr. Mauro Brancato, the owner of 50 Lake Forest Drive, to free the property and title from a TRCA easement and a restrictive covenant as part of his effort to secure planning approvals for this property;

AND WHEREAS pursuant to Sections 4.2 and 4.3 of the Conservation Land Act the release of the easement and discharge of a restrictive covenant require the consent of the Minister of Natural Resources (Minister);

AND WHEREAS staff have reviewed the request and deem that the proposed development will not result in any negative environmental impact related to TRCA's mandated areas of review;

THEREFORE IT IS RECOMMENDED THAT TRCA staff proceed with a request to the Minister for a consent for the disposition of the easement and discharge of the restrictive covenant;

AND THAT, if the Minister grants consent pursuant to Sections 4.2 and 4.3 of the Conservation Land Act, that TRCA receive compensation of \$459,000, in addition to the proponent paying all legal, survey, and other costs that may be required for closing;

AND FURTHER THAT, if the Minister grants consent pursuant to Sections 4.2 and 4.3 of the Conservation Land Act, 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

Easement description and acquisition history

The easement encompassing a total area of 0.156 acres (0.063 hectares) and identified as Part of Lot 1 on Plan 65M-3824 designated as Part 8 on Registered plan 65R-28085 YR692433 (Attachment 1), is municipally known as 50 Lake Forest Drive, Richmond Hill, Regional Municipality of York. The easement also has a restrictive covenant that restricts changes to the grade and landscaping, erection of buildings, and other restrictions associated with the purposes of the conservation easement. The easement was originally acquired by TRCA from Zavala Developments Inc. pursuant to the Conservation Land Act for a total consideration of the sum of two dollars (\$2.00), with no municipal or provincial funding involved in the acquisition.

Request and review from the adjacent landowner

Mr. Mauro Brancato is the owner of the larger parent property, which includes a single-family house adjacent to the easement to TRCA-owned lands. Mr. Brancato wishes to purchase the easement from TRCA with the goal of eventually re-zoning the lot and developing it for a new single-family dwelling, contingent upon securing the necessary construction and rezoning permits. To support the request, Mr. Brancato has submitted technical reports that demonstrate the lands subject to the easement are adequately set back from the wetland and related features in compliance with the Living City Policies for development within TRCA's watershed.

TRCA's planning and technical staff have reviewed the reports commissioned to TRCA staff and concur with the findings that the proposed development will not result in any negative environmental impact related to TRCA's mandated areas of review.

As a result, if the necessary Provincial approvals are obtained, TRCA Property staff may proceed with the disposition of the easement and discharge of the above-mentioned restrictive covenant on these lands. According to Sections 4.2 and 4.3 of the Conservation Land Act, the release of the easement and discharge of a restrictive covenant require the consent of the Minister. The owner will be responsible for obtaining all required municipal approvals.

Appraisal and negotiated compensation

TRCA has commissioned an appraisal for the easement that affects only a portion of the larger property. In such instances, 50% of the land's value-in-contribution is commonly identified, and thus in this instance the easement acquisition is valued at \$459,000. Accordingly, pending approval from the Minister under Section 4.3 of the Conservation Land Act, TRCA will obtain \$459,000 in compensation from the proponent, as well as any other required closing costs.

RATIONALE

Board of Directors approval is required for the disposition. Upon approval, TRCA will formally request for consent from the Minister in accordance with Sections 4.2 and 4.3 of the Conservation Land Act.

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 4 Service Excellence:

4.4 Transparent decision making and accountable results

Pillar 4 Service Excellence:

4.3 Responsive relationships and a trusted brand with a reputation for excellence

Pillar 1 Environmental Protection and Hazard Management:

1.1 Deliver provincially mandated services pertaining to flood and erosion hazards

FINANCIAL DETAILS

The negotiated compensation for selling the easement and lifting the restrictive covenant is \$459,000. All associated legal, survey, and other transaction costs will be borne by Mr. Brancato.

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Date: April 17, 2025

Attachment 1: R-Plan 65R-28085

Attachment 2: Property Aerial Image