

## Section III – Items for the Information of the Board

**TO:** Chair and Members of the Board of Directors  
Meeting #8/19, Friday, September 27, 2019

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

**RE:** **TORONTO AND REGION CONSERVATION AUTHORITY (TRCA)**  
**ADMINISTRATIVE OFFICE BUILDING PROJECT**  
Update on negotiations related to securing site access

---

### KEY ISSUE

Update on discussions with Tennis Canada to facilitate the shared use of the intersection of Shoreham Drive and Murray Ross Parkway.

### RECOMMENDATION

**WHEREAS** Toronto and Region Conservation Authority (TRCA) has approved a Project for the construction of a new administrative office building at 5 Shoreham Drive;

**AND WHEREAS** the City of Toronto owns the closed road allowance south of Shoreham Drive adjacent to the east of TRCA's 5 Shoreham Drive property;

**AND WHEREAS** the City of Toronto leases the west half of the closed road allowance to Tennis Canada for vehicular access to their facilities and for parking, which access forms part of the signalized intersection at Shoreham Drive and Murray Ross Parkway;

**AND WHEREAS** TRCA's site plan application for the construction of the new administrative office proposes a parking lot on the east half of the closed road allowance and proposes access to the parking lot from the signalized intersection at Shoreham Drive and Murray Ross Parkway through the City of Toronto lands leased to Tennis Canada;

**THEREFORE THE BOARD OF DIRECTORS RECOMMENDS THAT** TRCA enter into a lease with City of Toronto, for construction and operation of the parking lot, access and other uses, being Part of Lot 24, Concession 4, West of Yonge Street and designated as Parts 1 and 2 on a draft plan of survey prepared by J.D. Barnes under their reference no. 14-22-391-01(RP) containing 0.34 hectares (0.84 acres), more or less located in the City of Toronto;

**THAT** TRCA enter into a sublease with Tennis Canada subject to the City of Toronto agreement, for construction and use of access to the administrative office parking lot from the signalized intersection at Murray Ross Parkway and Shoreham Drive, being Part of Lot 24, Concession 4, West of Yonge Street and designated as Part of Part 1 on Reference Plan 66R-20607, containing 0.05 hectares (0.12 acres), more or less located in the City of Toronto;

**THAT** the lease be based substantially on the principles set out in this staff report dated September 27, 2019;

**THAT** the final terms and conditions of the lease be satisfactory to TRCA staff and solicitors;

## Item 9.3

**THAT authorized TRCA officials be directed to take whatever actions may be required to give effect thereto including the obtaining of necessary approvals and the signing and execution of any documents;**

**AND FURTHER THAT the City of Toronto Planning Department and Tennis Canada be so advised.**

### **BACKGROUND**

At Authority Meeting #5/16, held on June 24, 2016, Resolution #A85/16 approved the construction of an administrative office building at 5 Shoreham Drive in Toronto and directed staff to take the necessary action to complete the Project, including the submission of formal requests for approval to the participating municipalities and the Province of Ontario. On February 24, 2017, staff reported at Authority Meeting #1/17 that all six of TRCA's participating municipalities, by way of their respective Councils, had approved the Project.

The selection of the 5 Shoreham site for the new administration building meant the site access would be at the intersection of Shoreham Drive and Murray Ross Parkway as directed by the City of Toronto Official Plan that requires, wherever possible, vehicular access to properties be consolidated at intersections. Tennis Canada uses this intersection for access to their facilities. So as to ensure compatibility with Tennis Canada operational needs TRCA throughout the design process consulted with Tennis Canada. TRCA design consultants were instructed to include design measures to address Tennis Canada's concerns in the site plan layout. Furthermore, TRCA very early in the design process met with Tennis Canada and began very preliminary discussions on a shared use agreement for the intersection at Shoreham Drive and Murray Ross Parkway. Tennis Canada currently leases from the City of Toronto the Eastern half of the closed road allowance of Murray Ross Parkway South of Shoreham Drive. TRCA similarly will be entering into a lease agreement with the City of Toronto for the western half of the closed road allowance. For TRCA to enter onto the 5 Shoreham Drive property TRCA traffic must traverse a portion of the Tennis Canada leased lands. Furthermore, a small portion of the Tennis Canada leased lands need to be altered to form the drive access to the parking lot of the new TRCA administrative building.

TRCA met with Tennis Canada approximately ten times from 2015 to 2019. At each stage of the design TRCA accommodated Tennis Canada concerns. TRCA staff met with Tennis Canada on June 21, 2019 and presented the final vehicular site access upon which the shared use agreement negotiations were based. TRCA staff and Tennis Canada have now come to a mutual understanding on the shared use/lease Term Sheet.

### **RATIONALE**

General Terms and Conditions of the TC sublease:

1. TRCA shall, except in emergency situations, have no use of the Shared Access to a maximum of 9 consecutive days during the TC's Annual Tournament and TRCA will not object to other events held at the Aviva Centre;
2. TRCA and TC shall enter into a mutual operating agreement to ensure that the Shared Access is maintained including snow removal at TC's cost. In return for TC accepting the maintenance costs, TRCA will allow exclusive use of 5 Shoreham Drive parking lot during TC's Annual Tournament;

## Item 9.3

3. TRCA agrees not to construct or institute a fixed parking gate to control access to its facility;
4. TRCA shall seek input from TC in preparation of the Construction Management Plan and make reasonable efforts not to materially impact the use of the Aviva Centre by TC during construction;
5. TRCA acknowledged that there will be no audible construction noise during TC's Annual Tournament and TRCA will make reasonable efforts to minimize construction noise during the other events held at the Aviva Centre;
6. TRCA shall be fully responsible for all costs associated with the construction of the new access to TRCA's 5 Shoreham Drive property.
7. During TC's Annual Tournament, TRCA will make available an agreed number of parking spaces in the BCPV parking lot at 50% of the cost they are made available to the public;
8. Each Party shall indemnify and save harmless the other from all claims, actions, damages etc. arising from each other's use of the Shared Access.
9. The term shall extend to the date being the earlier of when TC is no longer occupant of the Aviva Centre or when TRCA no longer requires access to 5 Shoreham Drive through the shared access and the land leased from the City.

### **Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan**

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

**Strategy 10 – Accelerate innovation**

**Strategy 1 – Green the Toronto region's economy**

### **DETAILS OF WORK TO BE DONE**

Staff will finalize the lease agreement with Tennis Canada and the City of Toronto for the westerly portion of the closed ROW. This lease agreement will then become part of the required Site Plan agreement between TRCA and the City of Toronto.

**Report prepared by: Michael Fenning, extension 5223**

**Emails: [mike.fenning@trca.on.ca](mailto:mike.fenning@trca.on.ca)**

**For Information contact: Jed Braithwaite, extension 5345**

**Emails: [jed.braithwaite@trca.on.ca](mailto:jed.braithwaite@trca.on.ca)**

**Date: September 27, 2019**