

Section I – Items for Board of Directors Action

TO: Chair and Members of the Executive Committee
Meeting #1/20, Friday, March 13, 2020

FROM: Michael Tolensky, Chief Financial and Operating Officer

RE: **REQUEST FOR EXCHANGE OF TORONTO AND REGION CONSERVATION
AUTHORITY-OWNED LAND**
99 Wakelin Court, Vaughan (CFN 61572)

KEY ISSUE

Report back on the request by the owner to acquire TRCA-owned lands located at the rear of 99 Wakelin Court, City of Vaughan, Regional Municipality of York, Humber River watershed via an exchange of land to resolve a historical encroachment from the previous owner.

RECOMMENDATION

THE EXECUTIVE COMMITTEE RECOMMENDS THAT WHEREAS Toronto and Region Conservation Authority (TRCA) is in receipt of a request from the owner of 99 Wakelin Court, City of Vaughan, for TRCA to enter into an exchange of land in order to resolve a historical encroachment by the previous owner;

AND WHEREAS 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 the owner of 99 Wakelin Court in this instance and proceed with the proposed exchange of land in a higher risk area of the same property;

THEREFORE LET IT BE RESOLVED THAT TRCA enter into an exchange of land with the owner of 99 Wakelin Court on the following basis:

1. The owner of 99 Wakelin Court will convey to TRCA a parcel of land containing 0.02 hectares (0.05 acres) more or less, of vacant lands, located at the rear of 99 Wakelin Court;
2. TRCA will convey to the owner of 99 Wakelin Court a parcel of land containing 0.02 hectares (0.05 acres) more or less of vacant lands abutting the rear of 99 Wakelin Court;
3. Market value of the exchange will be determined by an AACI accredited appraiser and if TRCA lands are of greater value than the 99 Wakelin Court lands the owner be required to pay TRCA the difference; and
4. All legal, survey, appraisal and all other costs including any fees required for the *Planning Act* approvals are to be paid by the owner of 99 Wakelin Court.

THAT the owner of 99 Wakelin Court be responsible for any *Planning Act* approvals required for the land exchange;

THAT TRCA receive conveyance of the land free from encumbrance, subject to existing service easements;

THAT the firm Gowling WLG, be instructed to complete the transaction at the earliest possible date;

Item 8.1

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

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

At Executive Committee Meeting #5/19, held on June 7, 2019, Resolution #B73/19 was approved as follows:

“THAT the potential disposal of a portion of Toronto and Region Conservation Authority owned lands located at the rear of 99 Wakelin Court, City of Vaughan, Regional Municipality of York, Humber River watershed, be referred to TRCA staff for review and discussion in accordance with established TRCA policies;

AND FURTHER THAT a report be brought forward to the Executive Committee at a future date recommending further action.”

The proposed land exchange involves the transfer of a portion of TRCA-owned lands municipally known as 8100 Islington Avenue, Vaughan (Doctors Mclean District Park) to the owners of 99 Wakelin Court in exchange for a portion of land at the rear of 99 Wakelin Court, which is abutting TRCA-owned lands at 8100 Islington Avenue, Vaughan.

The subject TRCA-owned lands were expropriated from Sinai Day Camp Limited, in 1962 for the Woodbridge Channelization Project.

In early 2019, as part of the review of a pool permit, TRCA staff identified a property encroachment issue that after review was determined to have been caused by the previous owner. On May 6, 2019, the owner of 99 Wakelin Court, formally requested that TRCA consider this historical encroachment being rectified by way of a land exchange with a portion of the property located in the south western corner of 99 Wakelin Court. The proposed land exchange follows the current fence line between TRCA land and 99 Wakelin Court. The lands that are proposed to be exchanged are in a higher risk, more erosion prone portion of the property. As a result, TRCA staff is supportive of this exchange as a means of resolving this historical encroachment. This land exchange will formalize the current occupation resulting from an encroachment by the previous owner.

Resolution #A161/15 at Authority Meeting #8/15, held on September 25, 2015, approved the Greenlands Acquisition Project for 2016-2020.

Access to the lands TRCA is acquiring will be achieved through the lands owned by TRCA at 8100 Islington Avenue, Vaughan.

Attached is a site plan and orthophoto showing the location of the subject lands.

RATIONALE

The lands TRCA is acquiring fall within TRCA's approved master plan for acquisition for the Humber River watershed as outlined in the approved Greenlands Acquisition Project for 2016-2020.

Item 8.1

The proposed land exchange was circulated to TRCA staff, the City of Vaughan, and the Regional Municipality of York. No parties had any objections to the exchange of land.

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 3 – Rethink greenspace to maximize its value

Strategy 4 – Create complete communities that integrate nature and the built environment

FINANCIAL DETAILS

All costs related to this land exchange are to be paid by the owner of 99 Wakelin Court.

DETAILS OF WORK TO BE DONE

Should the Board of Directors approve staff recommendations, staff will work with the owner to undertake the following steps; 1) commissioning an appraisal report by an AACI accredited appraiser satisfactory to staff, 2) enter into an Agreement of Purchase and Sale, 3) Depositing the necessary survey of the lands to be exchanged, 4) obtain a Phase 1 Environmental Site Assessment confirming satisfactory environmental condition of the lands to be conveyed to TRCA, 5) obtain approval of the City of Vaughan Committee of Adjustment, 6) obtain approval of the Ministry of Environment, Conservation, and Parks.

Report prepared by Brandon Hester, extension 5767

Emails: brandon.hester@trca.ca

For Information contact: Brandon Hester, extension 5767, Mike Fenning, extension 5223

Emails: brandon.hester@trca.ca, mike.fenning@trca.ca

Date: March 5, 2020

Attachments: 2

Attachment 1: Site Plan

Attachment 2: Orthophoto