



CITY CLERK  
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FILE No. - P46

Ulli S. Watkiss  
City Clerk

City Clerk's Office

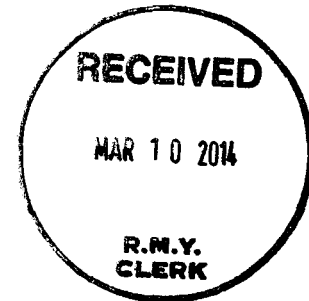
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**In reply please quote:  
Ref.: 14-EX38.4**

February 27, 2014

Mr. Denis Kelly  
Regional Clerk  
Regional Municipality of York  
P. O. Box 147  
17250 Yonge Street  
Newmarket, Ontario L3Y 6Z1



Dear Mr. Kelly:

**Subject: Executive Committee Item 38.4  
Rouge National Urban Park: Transfer of Lands to Parks Canada (Ward All)**

City Council on February 19 and 20, 2014, adopted this Item as amended, and among other things, has forwarded a copy of the report (January 21, 2014) from the Deputy City Manager, Cluster B, to Parks Canada, the Province of Ontario (Ministry of Infrastructure), the Region of York, the Region of Durham, the City of Markham, the City of Pickering and the Toronto and Region Conservation Authority.

Yours truly,

for City Clerk

M. Toft/sb

Attachment

Sent to: Prime Minister of Canada  
Minister, Minister of the Environment, Parks Canada, Government of Canada  
Minister of Infrastructure, Province of Ontario  
Deputy Mayor, City of Toronto  
City Clerk, City of Markham  
City Clerk, City of Pickering  
Regional Clerk/Director of Legislative Services,  
Regional Municipality of Durham  
Regional Clerk, Regional Municipality of York  
Chief Administrative Officer, Toronto and Region Conservation Authority  
All Interested Parties

c. City Manager

## Executive Committee

EX38.4		Amended		Ward:All
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### Rouge National Urban Park: Transfer of Lands to Parks Canada

#### City Council Decision

City Council on February 19 and 20, 2014, adopted the following:

1. City Council authorize the City of Toronto to enter into the Memorandum of Agreement providing for the transfer of City-owned lands, (set out in Schedule "C" to the Memorandum of Agreement), to Her Majesty the Queen in Right of Canada as represented by the Minister of the Environment for the purposes of the Parks Canada Agency ("Parks Canada"), substantially in the form of Attachment 1 to the report (January 21, 2014) from the Deputy City Manager, Cluster B, conditional upon:
  - a. Parks Canada, the Toronto and Region Conservation Authority (TRCA) and the City of Toronto entering into an agreement to allow for TRCA-owned lands which have been identified for future transportation infrastructure by the City of Toronto (approximately as described in Attachment 4 to the report (January 21, 2014) from the Deputy City Manager, Cluster B) to be transferred to the City of Toronto; and
  - b. Parks Canada, the Toronto and Region Conservation Authority, the Toronto Zoo and the City of Toronto entering into an agreement to collaborate per Council direction EX34.7 and to provide that TRCA-owned lands located in the vicinity of the Toronto Zoo will not be transferred to Parks Canada until the boundaries of the lands for use by the Toronto Zoo have been confirmed in a Tripartite Agreement among the City of Toronto, the Board of Management of the Toronto Zoo and Toronto and Region Conservation Authority.
2. City Council authorize the City of Toronto to enter into any agreements required by the Memorandum of Agreement, prior to the transfer of any City-owned lands to Parks Canada, including agreement(s) identifying the municipal services to be provided to the Rouge National Urban Park (RNUP) by the City together with the form and amount of compensation to be provided for such services.
3. City Council direct the City Clerk to notify the Toronto and Region Conservation Authority that the City of Toronto requests the transfer to the City of TRCA-owned lands identified for future transportation infrastructure (approximately as described in Attachment 4 to the report (January 21, 2014) from the Deputy City Manager, Cluster B) for nominal consideration.

4. City Council authorize the City of Toronto to enter into any agreements with the Toronto and Region Conservation Authority, and any other parties as may be necessary, to acquire the lands identified for future transportation infrastructure, for nominal consideration, on such terms and conditions as deemed appropriate by the Chief Corporate Officer in consultation with the General Manager of Transportation Services, and in a form acceptable to the City Solicitor.
5. City Council authorize an increase of \$222,000 to the 2014 Capital Budget for Transportation Services, fully funded from the Land Acquisition Reserve Fund (XR1012), for the release of the registered provincial interest in the Toronto and Region Conservation Authority owned lands identified for future transportation infrastructure, due diligence, provincial land transfer tax and registration fees.
6. City Council authorize the City of Toronto to enter into such agreements or documents necessary to give effect to Council's decision on terms and conditions deemed satisfactory (including deletions, additions, and revisions) by the appropriate officials, and in a form acceptable to the City Solicitor.
7. City Council authorize the City Solicitor to proceed with the steps necessary to complete the transactions authorized by the report (January 21, 2014) from the Deputy City Manager, Cluster B, including amending closing, due diligence and/or waiver dates and providing waivers and notices, on such terms as deemed appropriate.
8. City Council request the Deputy City Manager, Cluster B, to report back to the Parks and Environment Committee prior to any transfer of City owned lands on the proposed draft Rouge Park Management Plan to address its consistency with City Council's November 29, 2012 decision, and the environmental policies of longstanding Rouge Park Plans (1994 and 2001); the Rouge Natural Heritage Action Plan (2008); Provincial Greenbelt (2005) and the Oak Ridges Moraine Conservation Plans (2002) and remedial action plans, watershed plans, and Great Lakes Water Quality Agreements, to improve water quality in the Rouge Watershed along Toronto's Lake Ontario shoreline.
9. City Council request the Deputy City Manager, Cluster B, to report back on the feasibility of an educational facility and/or wildlife rehabilitation centre for Rouge National Urban Park.
10. City Council direct the City Clerk to forward a copy of the report (January 21, 2014) from the Deputy City Manager, Cluster B, to Parks Canada, the Province of Ontario (Ministry of Infrastructure), the Region of York, the Region of Durham, the City of Markham, the City of Pickering and the Toronto and Region Conservation Authority.
11. City Council congratulate Prime Minister Stephen Harper and his government for committing to create a National Park in the Rouge Valley area, for recognizing the extraordinary ecological wealth found within the Rouge Park and for contributing \$140 million towards establishing the Rouge National Park.
12. City Council request the Deputy Mayor to send a letter of congratulations and thanks to the Prime Minister for the Rouge Valley National Park initiative.
13. City Council welcome the Federal government and Parks Canada commitment to having a visible presence within the largest urban centre in Canada.

14. City Council request the Federal government include in any vision of the national park, the existing park vision, which states that:

The Rouge National Urban Park will be a special place of outstanding natural features and diverse cultural heritage in an urban-rural setting, protected and flourishing as an ecosystem in perpetuity. Human activities will exist in harmony with the natural values of the Park. The Park will be a sanctuary for nature and the human spirit.

15. City Council request the Federal government to respect conservation science, good planning principles and long-term park ecological health and visitor potential, by including the 100+ km<sup>2</sup> public land assembly within the Rouge and Duffins Creek watersheds as part of the Rouge National Urban Park study area, and to immediately include in the Rouge National Park an additional 6,000 acres of federally owned lands contained within the designated Greenbelt and Oak Ridges Moraine areas.
16. City Council request the Federal government and Parks Canada to ensure restoration of a large mixed-wood and Carolinian forest habitat system linking Lake Ontario to the Oak Ridges Moraine with public parkland and trails.
17. City Council support the Toronto and Region Conservation Authority decision to permit the Toronto Wildlife Centre to locate within the Rouge National Park and request the Federal government to consider contributing to the construction of the centre from the \$140 million pool of project funding set aside for Rouge National Park.
18. City Council support maintaining the following roads as two-lane rural roads and request the Deputy City Manager, Cluster B, to report back on the feasibility of creating a multi-use trail along these roads as well as any Official Plan Amendments that may be necessary to support maintaining the following roads as two lane rural roads:
  - Pickering Town Line
  - Meadowvale Road
  - Plug Hat Road
  - Beare Road
  - Old Finch Avenue
  - Finch Avenue Diversion
  - Twyn Rivers Drive

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### **Committee Recommendations**

The Executive Committee recommends that:

1. City Council authorize the City of Toronto to enter into the Memorandum of Agreement providing for the transfer of City-owned lands, (set out in Schedule "C" to the Memorandum of Agreement), to Her Majesty the Queen in Right of Canada as represented by the Minister of the Environment for the purposes of the Parks Canada Agency ("Parks Canada"), substantially in the form of Attachment 1 to the report (January 21, 2014) from the Deputy City Manager, Cluster B, conditional upon:

- a. Parks Canada, Toronto and Region Conservation Authority (TRCA) and City of Toronto entering into an agreement to allow for TRCA-owned lands which have been identified for future transportation infrastructure by the City of Toronto (approximately as described in Attachment 4 to the report (January 21, 2014) from the Deputy City Manager, Cluster B) to be transferred to the City of Toronto; and
  - b. Parks Canada, Toronto and Region Conservation Authority, the Toronto Zoo and the City of Toronto entering into an agreement to collaborate per Council direction EX34.7 and to provide that TRCA-owned lands located in the vicinity of the Toronto Zoo will not be transferred to Parks Canada until the boundaries of the lands for use by the Toronto Zoo have been confirmed in a Tripartite Agreement among the City of Toronto, the Board of Management of the Toronto Zoo and Toronto and Region Conservation Authority.
2. City Council authorize the City of Toronto to enter into any agreements required by the Memorandum of Agreement, prior to the transfer of any City-owned lands to Parks Canada, including agreement(s) identifying the municipal services to be provided to the Rouge National Urban Park (RNUP) by the City together with the form and amount of compensation to be provided for such services.
  3. City Council direct the City Clerk to notify the Toronto and Region Conservation Authority (TRCA) that the City of Toronto requests the transfer to the City of TRCA-owned lands identified for future transportation infrastructure (approximately as described in Attachment 4 to the report (January 21, 2014) from the Deputy City Manager, Cluster B) for nominal consideration.
  4. City Council authorize the City of Toronto to enter into any agreements with the Toronto and Region Conservation Authority, and any other parties as may be necessary, to acquire the lands identified for future transportation infrastructure, for nominal consideration, on such terms and conditions as deemed appropriate by the Chief Corporate Officer in consultation with the General Manager of Transportation Services, and in a form acceptable to the City Solicitor.
  5. City Council authorize an increase of \$222,000 to the 2014 Capital Budget for Transportation Services, fully funded from the Land Acquisition Reserve Fund (XR1012), for the release of the registered provincial interest in the Toronto and Region Conservation Authority (TRCA)-owned lands identified for future transportation infrastructure, due diligence, provincial land transfer tax and registration fees.
  6. City Council authorize the City of Toronto to enter into such agreements or documents necessary to give effect to the recommendations in the report (January 21, 2014) from the Deputy City Manager, Cluster B, on terms and conditions deemed satisfactory (including deletions, additions, and revisions) by the appropriate officials, and in a form acceptable to the City Solicitor.
  7. City Council authorize the City Solicitor to proceed with the steps necessary to complete the transactions authorized by the report (January 21, 2014) from the Deputy City Manager, Cluster B, including amending closing, due diligence and/or waiver dates and providing waivers and notices, on such terms as deemed appropriate.

8. City Council request the Deputy City Manager, Cluster B, to report back to the Parks and Environment Committee prior to any transfer of City owned lands on the proposed draft Rouge Park Management Plan to address its consistency with City Council's November 29, 2012 decision, and the environmental policies of longstanding Rouge Park Plans (1994 and 2001); the Rouge Natural Heritage Action Plan (2008); Provincial Greenbelt (2005) and the Oak Ridges Moraine Conservation Plans (2002) and remedial action plans, watershed plans, and Great Lakes Water Quality Agreements, to improve water quality in the Rouge Watershed along Toronto's Lake Ontario shoreline.
9. City Council request the Deputy City Manager, Cluster B, to report back on the feasibility of an educational facility for Rouge National Urban Park.
10. City Council direct the City Clerk to forward a copy of the report (January 21, 2014) from the Deputy City Manager, Cluster B, to Parks Canada, the Province of Ontario (Ministry of Infrastructure), the Region of York, the Region of Durham, the City of Markham, the City of Pickering and Toronto and Region Conservation Authority.

### **Committee Decision Advice and Other Information**

John Livey, Deputy City Manager, Cluster B and Jane Weninger, Senior Planner, Environmental Planning gave a presentation to the Executive Committee on Rouge National Urban Park: Transfer of Lands to Parks Canada.

### **Origin**

(January 21, 2014) Report from the Deputy City Manager, Cluster B

### **Summary**

In 2011 the Federal Government began the process of establishing a national urban park in the Rouge Valley area of Toronto. A Landholder's Table established by the federal government's representative, Parks Canada, and including the affected municipalities and the Toronto and Region Conservation Authority (TRCA) has developed a Memorandum of Agreement Respecting the Assembly of Lands for the Proposed Rouge National Urban Park (the Memorandum of Agreement). The Agreement identifies the lands to be included in the Park and the process for transferring these lands to the federal government.

This report describes progress to date in establishing the Rouge National Urban Park (RNUP) and seeks authority for the City to enter into the Memorandum of Agreement and transfer 26.8 ha (66.2 acres) of City-owned land to the federal government for the purpose of creating the RNUP. The Toronto Zoo, the former Beare Road Landfill site and existing roads, which are not included in the proposed Park, are subject to additional agreements as described in this report.

Parks Canada is preparing a draft Park Management Plan for public review. Following the execution of the Memorandum of Agreement, the Federal Minister of the Environment will proceed with legislation to establish the Park.

### **Background Information (Committee)**

(January 21, 2014) Report with Attachments 1 to 4, from the Deputy City Manager, Cluster B, on Rouge National Urban Park: Transfer of Lands to Parks Canada

(<http://www.toronto.ca/legdocs/mmis/2014/ex/bgrd/backgroundfile-66293.pdf>)

(February 4, 2014) Presentation from City Planning on Rouge National Urban Park: Transfer of Lands to Parks Canada

<http://www.toronto.ca/legdocs/mmis/2014/ex/bgrd/backgroundfile-66495.pdf>

### **Communications (Committee)**

(February 3, 2014) Submission from Pam Veinotte, Rouge National Urban Park (EX.New.EX38.4.1)

<http://www.toronto.ca/legdocs/mmis/2014/ex/comm/communicationfile-45089.pdf>

(February 3, 2014) Submission from Jim Robb, General Manager, Friends of the Rouge Watershed (EX.New.EX38.4.2)

<http://www.toronto.ca/legdocs/mmis/2014/ex/comm/communicationfile-45071.pdf>

### **Speakers**

Pam Veinotte, Rouge National Urban Park (Submission Filed)

Jim Robb, General Manager, Friends of the Rouge Watershed (Submission Filed)

Councillor Glenn De Baeremaeker

RECEIVED  
CITY CLERK'S OFFICE  
SECRETARIAT  
STAFF REPORT  
ACTION REQUIRED



**Rouge National Urban Park: Transfer of Lands to Parks Canada**

<b>Date:</b>	January 21, 2014
<b>To:</b>	Executive Committee
<b>From:</b>	Deputy City Manager
<b>Wards:</b>	All
<b>Reference Number:</b>	P:\2014\Cluster B\PLN\Executive Committee\EX14003

**SUMMARY**

In 2011 the Federal Government began the process of establishing a national urban park in the Rouge Valley area of Toronto. A Landholder's Table established by the federal government's representative, Parks Canada, and including the affected municipalities and the Toronto and Region Conservation Authority (TRCA) has developed a Memorandum of Agreement Respecting the Assembly of Lands for the Proposed Rouge National Urban Park (the Memorandum of Agreement). The Agreement identifies the lands to be included in the Park and the process for transferring these lands to the federal government.

This report describes progress to date in establishing the Rouge National Urban Park (RNUP) and seeks authority for the City to enter into the Memorandum of Agreement and transfer 26.8 ha (66.2 acres) of City-owned land to the federal government for the purpose of creating the RNUP. The Toronto Zoo, the former Beare Road Landfill site and existing roads, which are not included in the proposed Park, are subject to additional agreements as described in this report.

Parks Canada is preparing a draft Park Management Plan for public review. Following the execution of the Memorandum of Agreement, the Federal Minister of the Environment will proceed with legislation to establish the Park.



## RECOMMENDATIONS

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The Deputy City Manager recommends that:

1. City Council authorize the City of Toronto to enter into the Memorandum of Agreement providing for the transfer of City-owned lands, (set out in Schedule "C" to the Memorandum of Agreement), to Her Majesty the Queen in Right of Canada as represented by the Minister of the Environment for the purposes of the Parks Canada Agency ("Parks Canada"), substantially in the form of Attachment 1 to this report, conditional upon:
  - a. Parks Canada, TRCA and City of Toronto entering into an agreement to allow for TRCA-owned lands which have been identified for future transportation infrastructure by the City of Toronto (approximately as described in Attachment 4) to be transferred to the City of Toronto; and
  - b. Parks Canada, TRCA, the Toronto Zoo and the City of Toronto entering into an agreement to collaborate per Council direction EX34.7 and to provide that TRCA-owned lands located in the vicinity of the Toronto Zoo will not be transferred to Parks Canada until the boundaries of the lands for use by the Toronto Zoo have been confirmed in a Tripartite Agreement among the City of Toronto, the Board of Management of the Toronto Zoo and TRCA.
2. City Council authorize the City of Toronto to enter into any agreements required by the Memorandum of Agreement, prior to the transfer of any City-owned lands to Parks Canada, including agreement(s) identifying the municipal services to be provided to the RNUP by the City together with the form and amount of compensation to be provided for such services.
3. City Council direct the City Clerk to notify TRCA that the City of Toronto requests the transfer to the City of TRCA-owned lands identified for future transportation infrastructure (approximately as described in Attachment 4) for nominal consideration.
4. City Council authorize the City of Toronto to enter into any agreements with the TRCA, and any other parties as may be necessary, to acquire the lands identified for future transportation infrastructure, for nominal consideration, on such terms and conditions as deemed appropriate by the Chief Corporate Officer in consultation with the General Manager of Transportation Services, and in a form acceptable to the City Solicitor.
5. City Council authorize an increase of \$222,000 to the 2014 Capital Budget for Transportation Services, fully funded from the Land Acquisition Reserve Fund (XR1012), for the release of the registered provincial interest in the TRCA-owned lands identified for future transportation infrastructure, due diligence, provincial land transfer tax and registration fees.

6. City Council authorize the City of Toronto to enter into such agreements or documents necessary to give effect to the recommendations in this report, on terms and conditions deemed satisfactory (including deletions, additions, and revisions) by the appropriate officials, and in a form acceptable to the City Solicitor.
7. City Council authorize the City Solicitor to proceed with the steps necessary to complete the transactions authorized by this report, including amending closing, due diligence and/or waiver dates and providing waivers and notices, on such terms as deemed appropriate.
8. City Council direct the City Clerk to forward a copy of this report to Parks Canada, the Province of Ontario (Ministry of Infrastructure), the Region of York, the Region of Durham, the City of Markham, the City of Pickering and TRCA.

### **Financial Impact**

In order to obtain the release of the provincial interests in TRCA owned lands which are required by the City for future transportation infrastructure, as described in this report, the 2014 Capital Budget for Transportation Services will increase by \$222,000. This amount will also cover applicable taxes, environmental testing, other due diligence and registration fees. Funds are available for this purpose in the Land Acquisition Reserve Fund (XR1012).

In recent years, the City has contributed approximately \$8.1 million to the purchase of land within the RNUP area for parkland purposes. These lands, together with lands owned by the City of Toronto, will be transferred to Parks Canada for nominal consideration. With the transfer of lands to Parks Canada, the responsibility for maintenance of parkland areas will no longer be a financial responsibility of the City.

Properties within the TRCA lands which generate revenue through leases and revenue generating activities result in property taxes of \$96,837 per year being paid to the City. Parks Canada has indicated to TRCA that they will assume all existing tenancies. Once transferred, the future of these lands will be determined by Parks Canada.

Under the PILT legislation, federal property that is an urban park is exempt from both the payment of taxes and payment of PILTs unless it is a national park of Canada. In lieu of taxes or PILTs, Parks Canada has agreed to compensate the City for basic municipal services (such as Police, Fire and Emergency Services) provided to the Park and pay for water, sewer and solid waste management services, as well as any additional or specialized services that may be provided by the City. The City will enter into agreements with Parks Canada to determine the services to be provided and the amount of compensation to be provided for these services.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

## DECISION HISTORY

At its meeting on September 21 and 22, 2011 and May 11 and 12, 2010, City Council adopted motions endorsing the creation of a national park in the Rouge Valley areas and recognizing the extraordinary ecological wealth found in the Rouge Valley.  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.PE7.1#>  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.MM49.27#>

At its meeting on May 8 and 9, 2012, City Council endorsed a Statement of Intent to collaborate with the Government of Canada and other public landholders towards the establishment of a national urban park in the Rouge Valley. City Council also authorized the Deputy City Manager, and appropriate City staff, to represent the City in the national urban park establishment process and report back on the results of the establishment process, including how City interests have been addressed.  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.EX19.2>

At its meeting on November 27, 28 and 29, 2012, City Council adopted Official Plan Amendment 194 to exempt City-owned lands within or adjacent to the Park from policies in the Official Plan which prohibit the disposal of City-owned land in the Green Space System and City-owned land designated Parks and Open Space Areas provided the lands are transferred to the federal government for the purpose of establishing the RNUP. At the same meeting, Council adopted the following recommendations to encourage the Federal government to:

- i. Ensure that the concept, legislation and management plan for Rouge National Urban Park respects, strengthens and implements the vision, goals and objectives of the City approved Rouge Park Plans (1994 and 2001) and current Toronto Official Plan, the Provincial Greenbelt Plan (2005) and the Rouge Natural Heritage Action Plan (2008); including incorporating the existing park vision that:

*the Rouge National Urban Park will be a special place of outstanding natural features and diverse cultural heritage in an urban-rural setting, protected and flourishing as an ecosystem in perpetuity. Human activities will exist in harmony with the natural values of the Park. The Park will be a sanctuary for nature and the human spirit;*

- ii. Respect conservation science, good planning principles and long term park ecological health and visitor potential, by including the 100+ km<sup>2</sup> public land assembly within the Rouge and Duffins Creek watersheds as part of the Rouge National Urban Park study area;
- iii. Ensure restoration of a large mixed-wood and Carolinian forest habitat system linking Lake Ontario to the Oak Ridges Moraine with public parkland and trails; and

- iv. Include First Nations and other respected conservation NGOs on the Rouge National Urban Park Advisory Board.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PG19.3>

At its meeting on October 8, 2013, City Council considered the Response to Zoo Board Governance Report. Among other things, City Council adopted a recommendation directing the City Manager to finalize the terms and report back on a revised Tripartite Agreement among the City of Toronto, the Board of Management of the Toronto Zoo and TRCA. City Council also adopted a recommendation requesting Parks Canada to enter into an agreement with the Toronto Zoo, the City of Toronto and TRCA for ongoing collaboration, joint programming and shared facility management related to the RNUP. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EX34.7>

## **BACKGROUND**

In the 2011 Throne Speech, the Government of Canada committed to create Canada's first national urban park in the Rouge Valley and announced its intention to work with provincial, regional, municipal, Aboriginal and community stakeholders to establish the RNUP and assigned responsibility for this process to Parks Canada. Parks Canada established a process involving a Landholders Table and stakeholder consultation.

In May 2012, Parks Canada and the participants of the Landholders Table agreed to a Statement of Intent which was subsequently endorsed by City Council. The Statement of Intent identified the study area for the Park and established the following scope of cooperation during the Park establishment process:

- National urban park concept;
- Identification of lands to be included in or excluded from the Park;
- Infrastructure and its future management.
- Relationship to adjacent land uses (including the Toronto Zoo and Beare Road Landfill) and agricultural uses;
- Processes and conditions of any land transfer to Parks Canada subject to obtaining all necessary approvals;
- Public communications;
- Transition measures; and
- Roles and recognition of the Participants under the new governance model.

In January, 2013, the Government of Canada and the Province of Ontario entered into a Memorandum of Agreement relating to the transfer 2145 ha (5,300 acres) of land for the creation of the RNUP. This includes 648 ha (1,600 acres) of provincial land and 1,497 ha (3,700 acres) of land which was previously conveyed by the Province to TRCA. In June 2013, Transport Canada confirmed its intention to transfer nearly 2,024 ha (5,000 acres) of federal land in the northeast part of Markham to Parks Canada for the RNUP.

The remaining public landholders have now reached agreement on the lands to be included and excluded from the Park and the process by which lands will be included in the Park. This report describes progress to date in establishing the Park and seeks authority for the City to enter into a Memorandum of Agreement to transfer 26.8 ha (66.2 acres) of City-owned land to the federal government for the purpose of creating the RNUP.

## COMMENTS

### Memorandum of Agreement

The establishment of a national urban park requires that lands owned by various governments and TRCA be transferred to the federal government. The Landholders Table has drafted a Memorandum of Agreement Respecting Assembly of Lands for the Proposed Rouge National Urban Park (Attachment 1). The agreement describes the lands to be included and excluded from the proposed Park and the process by which lands will be transferred. Parties to the Memorandum of Agreement are:

- the Government of Canada (represented by the Parks Canada);
- the Toronto and Region Conservation Authority;
- City of Toronto;
- City of Markham;
- City of Pickering;
- The Regional Municipality of York; and
- The Regional Municipality of Durham.

The proposed park will extend from Lake Ontario to the Oak Ridges Moraine within the Rouge Valley and watershed. The Toronto Zoo, the former Beare Road Landfill site, existing infrastructure (e.g., rail corridors, hydro transmission corridors, existing roads, road allowances and storm water management facilities) and private lands are excluded from the Park.

The specific lands proposed to be included in the Park by the individual landholders are described in Schedules attached to the Memorandum of Agreement. Within the City of Toronto, most of the land proposed to be included in the Park is owned by TRCA; a few parcels are owned by the Province of Ontario. Lands owned by the City of Toronto which are proposed to be included in the Park are identified by property identification number (PIN) in Schedule C of the Memorandum of Agreement and described in more detail below.

All public lands to be transferred to Parks Canada will be transferred for nominal consideration. Parks Canada will reimburse each Party for any "out of pocket expenses" associated with effecting the transfer of its lands, including the cost of surveys and registrations, provided these cost are approved by Parks Canada in advance. The final description of the lands to be transferred will be determined after completion of due

diligence and survey work. Lands which are not designated by Federal statute as part of the Park within 5 years of transfer may, upon written notice, be returned to the originating Party without any charge.

The Memorandum of Agreement provides for a Party or Parties to enter into supplemental agreements with Parks Canada to establish terms and conditions that need to be satisfied prior to the conveyance of any of that Party's lands to Parks Canada. Any conditions that are required to precede the transfer of the lands will need to be satisfied or waived by the benefiting Party prior to the transfer.

In order to provide flexibility for future infrastructure, Parks Canada will recommend that the legislation for the proposed Park provide authority for Parks Canada to grant easements, enter into leases and dispose of land for public infrastructure and transportation needs. The disposition will be for nominal consideration if the lands were originally transferred to Parks Canada by the Party making the request. Parks Canada has advised that the total amount of land that may be removed from the Park for future infrastructure will be capped at approximately 4 per cent of the total Park area.

Under the Memorandum of Agreement, landholders continue to be responsible for lands they own until such time as the lands are transferred to Parks Canada. A Transition Advisory Committee chaired by Parks Canada will be established to provide advice and input on the Park establishment process and provide input on interim management direction until a permanent governance strategy is created. All parties to the Memorandum of Agreement will be represented on the Committee.

### **City-owned Land to be Transferred**

A total of 26.8 ha (66.2 acres) of City-owned land is proposed to be transferred to the federal government for the RNUP. This land consists of 25.5 ha (63 acres) of surplus road segments (mostly unopened) plus a few small parcels, totalling 1.3 ha (3.2 acres). Other City-owned land located within and abutting the proposed Park contains City-owned infrastructure which requires ongoing maintenance and/or is not suitable for inclusion in the Park.

All land proposed for transfer has been circulated to City Divisions, Agencies, and Corporations for comment. Parcels are all vacant land; one parcel is used as a walkway. Surplus road segments include both traveled and untraveled road segments. Littles Road has been temporarily closed to address illegal dumping and enforcement and is currently closed to general traffic. Littles Road and Passmore Avenue are identified in the Official Plan (e.g., Map 2, Schedule 1 and Site and Area Specific Policy 384). The other surplus road segments are not identified in the Official Plan. The relevant maps, schedules and policies will be appropriately amended to remove these road segments. Existing road allowances will need to be surveyed and, in some cases, permanently closed by by-law, before they can be transferred to Parks Canada. TRCA has tenants which may be affected by some road closures. City staff will work with TRCA to ensure that municipal services continue to be provided to any affected properties until leases expire.

At the time this report is considered by Committee and City Council, all steps necessary to comply with the City's real estate disposal process as set out in Chapter 213 of the City of Toronto Municipal Code will have been complied with.

## **Existing and Future Infrastructure**

Due to its location surrounded by a large urban area which continues to grow and the need to provide visitor access, the Park will need to accommodate existing and future infrastructure. Existing City-owned infrastructure such as roads and storm water management facilities are excluded from the proposed Park. Prior to transfer of any lands to Parks Canada, any necessary easements or other agreements will be put into place for access to storm water management facilities and to any water utilities that are owned by the City and located on lands to be included in the Park.

In addition to existing roads which are excluded from the Park, City staff have identified approximately 7.7 ha (19.1 acres) of land that is required for future transportation infrastructure, such as approved road widening, bike paths and safety improvements, along existing roads that pass through the proposed Park. Most of the additional lands are owned by TRCA. The affected roads and lands required are described below and in Attachment 4.

The following three roads are included in Schedule 1 of the Official Plan which identifies right-of-way widths and planned right-of-ways associated with various roads in the City. Steeles Avenue is also identified on Map 3 of the Official Plan which shows right-of-way widths associated with existing major streets.

- a) Steeles Avenue – Steeles Avenue is owned by the City of Toronto. The City's Official Plan provides for a 36 metres right of way. The existing right-of-way along Steeles Avenue is variable. Additional lands up to 36 metres are required to allow for the widening of Steeles Avenue as approved in the 1992 "Steeles Avenue Widening – McCowan Road to Pickering Townline Class Environmental Assessment". Most of the lands to be obtained are located on the south side of Steeles Avenue.
- b) Pickering Townline Road – The Official Plan provides for a 27 metre right-of-way along Pickering Townline. The existing right-of-way is 20 metres. Additional lands up to 27 metres are required for future road improvements. Pickering Townline is a boundary road between Toronto and the Region of Durham.
- c) Meadowvale/Plug Hat/Beare Road – The existing right-of-way is 20 metres. The Official Plan provides for a 27 metre right-of-way. Additional lands up to 27 metres are required to allow for the City to provide an extension of the existing multipurpose bike path (located on Meadowvale Road south of Finch Avenue) starting at Old Finch Avenue going north along Meadowvale Road, Plug Hat

Road and Beare Road to connect with Steeles Avenue. The proposed route has been identified since 2001 in the City's Bike Plan.

The following two roads do not have planned right-of-way widths identified in the Official Plan:

- d) Finch Avenue Diversion and Old Finch Avenue – The existing right-of-way is 20 metres. Additional lands are required to extend an existing multi-use bike path (located on Meadowvale Road south of Finch Avenue) and connect to Morningside bikeway. The proposed route has been identified since 2001 in the City's Bike Plan.
- e) Twyn Rivers Drive – The existing right-of-way is varied. Twyn Rivers Drive is the only potential location for a bike route that crosses the Park east-west and connects into Pickering. Additional lands are required to create a bike route, address existing pinch points on the curvilinear alignment and improve safety conditions for pedestrians. The proposed route has been identified since 2001 in the City's Bike Plan.

Generally, the City would obtain lands for transportation infrastructure through development applications or when funds for an approved project have been included in the capital budget. In this case, it is recommended that the lands be obtained from TRCA prior to TRCA transferring the balance of the lands to Parks Canada for inclusion in the national urban park. Discussions with TRCA staff have determined that, subject to concurrence by Parks Canada and a request from the City of Toronto, these lands can be transferred to the City. This report recommends that Parks Canada, TRCA and the City of Toronto enter into an agreement allowing TRCA-owned lands identified for future transportation infrastructure (approximately as described in Attachment 4) to be transferred to the City and requests TRCA to transfer the lands identified for future transportation infrastructure to the City.

Approximately 6.9 ha (17 acres) of the land identified for future transportation infrastructure is subject to provincial reversionary interest registered on title. These lands were originally conveyed to TRCA for nominal consideration by the Province in 2004 for use as parkland. In order to transfer the lands to the City for transportation use, it will be necessary to release the provincial interest. The estimated cost to release the provincial interest, undertake due diligence (including Phase 1 and, if necessary, Phase 2 Environmental Site Assessments), provincial land transfer tax and registration is \$222,000.

### **Relationship to the Toronto Zoo and former Beare Road Landfill Site**

The Toronto Zoo and the former Beare Road Landfill site are strategically located adjacent to and surrounded by the proposed Park and in close proximity to each other. The former Beare Road Landfill site is located south of Old Finch Avenue and east of Beare Road and is surrounded by the Park (Attachment 2). Due to its former use for



disposal of municipal waste, the site is not included in the proposed national park. The site is owned by the City and is proposed to be a municipal park. A management plan for the site is being prepared.

The Toronto Zoo is located along Meadowvale Road south of Old Finch Avenue (Attachment 2). It abuts the Park on three sides and is a major recreational and cultural destination that is complimentary to the Park. Approximately 80 per cent of the land occupied by the Toronto Zoo is owned by TRCA; the remaining lands are owned by the City.

There is a Tripartite Agreement among the Board of Management of the Toronto Zoo, the City of Toronto and TRCA which is a licence to operate a Zoo on the TRCA lands which form the majority of the Toronto Zoo. This agreement is currently being updated as requested by City Council in its consideration of the Response to Zoo Board Governance Report. Lands on the east side of Meadowvale, which are used for overflow parking and other Zoo facilities, are located within the Zoo licence area and within the study area for the Park. The boundary of the Zoo in relation to the Park will be determined through this updated Tripartite Agreement. This report recommends that Parks Canada, TRCA, the Zoo and the City of Toronto enter into an agreement to provide that TRCA-owned lands located in the vicinity of the Toronto Zoo will not be transferred to Parks Canada until the boundaries of the lands for use by the Toronto Zoo have been confirmed in the Tripartite Agreement among the City, the Board of Management of the Toronto Zoo and TRCA.

There is a significant opportunity for ongoing collaboration and partnership among the Zoo, the City, TRCA and Parks Canada around programming and possibly capital projects of mutual interest and benefit in relation to the Zoo, the Beare Road Landfill site and the RNUP. Discussions among City, Toronto Zoo, TRCA and Parks Canada staff towards the collaboration agreement, as requested by City Council in its consideration of the Response to Zoo Board Governance Report, are underway. This report recommends that Parks Canada, TRCA, the Zoo and the City enter into a collaboration agreement in advance of signing the Memorandum of Agreement.

## **Transition**

On July 31, 2012, the Memorandum of Agreement among TRCA, the Rouge Park Alliance and the Province of Ontario respecting the Rouge Park Alliance and the operation, administration and management of Rouge Park and Watershed was terminated.

Under an Interim Agreement with Parks Canada, TRCA is continuing to manage the day to day operations of the Park, as it did so under the previous management regime of the Rouge Park Alliance, until Parks Canada assumes operational control. Existing maintenance and management agreements between TRCA and City of Toronto will continue to remain in effect until TRCA owned lands have been transferred to Parks Canada or as mutually agreed to.

## Financial Considerations

Most of the land within the City of Toronto that will become part of the proposed Park is owned by TRCA and managed by the City of Toronto. The establishment of the RNUP requires the transfer of land owned by various governments and public agencies to the Federal Government. Once transferred, the maintenance and operation of these lands will be the responsibility of Parks Canada.

There will be a one-time cost of approximately \$222,000 to acquire and release the provincial interest in approximately 6.9 ha (17 acres) of land identified for future transportation infrastructure as described earlier in this report. The lands are currently owned by TRCA but were originally transferred to TRCA by the Province. Funds for this purpose are available in the Land Acquisition Reserve Fund (XR1012).

Between 1999 and 2010, the City contributed approximately \$8.1 million to the purchase of approximately 69 ha (170 acres) of land in the RNUP study area for parks purposes. These lands, which are owned by TRCA, together with 26.8 ha (66.2 acres) of City-owned land will be transferred to Parks Canada for nominal consideration. A national urban park designation will ensure that these lands continue to be protected for park purposes.

Most of the land within the City of Toronto that will comprise the Park is owned by TRCA and is exempt from taxation. Properties within TRCA lands which generate revenue through leases and revenue generating activities result in property taxes of \$96,837 per year being paid to the City. Parks Canada has indicated to TRCA that they will assume all existing tenancies. Once transferred, the future of these lands will be determined by Parks Canada. After the land transfers and the Park is established, MPAC will need to classify the lands that are included in the Park. It is expected that any lands that are leased to taxable tenants will be subject to taxes.

To compensate for services provided to federal-owned properties, municipalities may request federal entities to make discretionary payments in lieu of taxes or PILTs under the federal *Payments in Lieu of Taxes Act* (PILT). Under the PILT legislation, federal property that is an urban park is exempt from both the payment of taxes and payment of PILTs unless it is a national park of Canada. The Federal Government has indicated that they are going to create separate legislation to establish the RNUP. As a result, it appears the Park will not be subject to PILTs. Parks Canada has indicated that they will compensate municipalities for basic municipal services such as Police, Fire, Emergency Services and pay for additional or special services such as garbage collection, water, municipal services for special events, inspection and maintenance, and life guards where municipalities provide these services to the Park. This report requests authority to enter into agreements with Parks Canada, prior to the transfer of any City-owned lands to Parks Canada, identifying the municipal services that will be provided to the RNUP by the City and the form and amount of compensation that will be provided for these services.

## Relationship to Official Plan, Rouge Park and Provincial Policies

The establishment of a national urban park in the Rouge Valley area of Toronto is consistent with the City's long term vision for the area. The proposed RNUP will continue to be part of the City's *Green Space System* and function as parks and open space. A national urban park designation will ensure that this important area continues to be protected and that investments are made to maintain its significant character.

In May 2012, Parks Canada released a proposed concept for the RNUP <http://www.pc.gc.ca/eng/progs/np-pn/cnnp-cnpn/rouge/rouge1.aspx>. The proposed concept was developed through discussions with federal, provincial, municipal, First Nations partners, stakeholders (including a youth forum) and the public.

The proposed concept includes a vision for the Park, defines the study area and provides a broad overview of how the Park will be established, protected and managed. There will be no fee to use the Park. The vision describes the RNUP as "a people's park" and states:

*Rouge National Urban Park celebrates and protects, for current and future generations, a diverse landscape in Canada's largest metropolitan area. Linking Lake Ontario with the Oak Ridges Moraine, the Park offers engaging and varied experiences, inspires personal connections to its natural beauty and rich history, promotes a vibrant farming community and encourages us to discover Canada's national treasured places.*

The Park vision is consistent with the goal for the Rouge Park, as set out in the Provinces' 1994 *Rouge Park Management Plan*, which aims "to protect, restore and enhance the natural, scenic and cultural values of the Park in an ecosystem context, and to promote public responsibility, understanding, appreciation and enjoyment of this heritage." To fulfill the Park's goal, various objectives and principals were established to focus on the protection, restoration, conservation and management of the natural and cultural heritage features and land uses within the Park, as well as to promote natural heritage education and interpretation of the natural and cultural values of the Park and to provide appropriate recreational opportunities within the Park.

The Park vision is also consistent with the objectives of Site and Area Specific Policy (SASP) No. 141 which includes:

- to protect, restore or enhance the natural ecosystem and cultural heritage features;
- to ensure protection of these features;
- to use innovative planning, management and land use techniques;
- to promote knowledge and understanding of the natural and cultural values of the Rouge Park; and
- to provide opportunities for appropriate recreational enjoyment.

The policy currently applies only to the lands North of Twyn Rivers Drive and East of Staines Road. Once the Park has been established, City Planning Division will bring

forward an amendment to Site and Area Specific Policy 141 to Planning and Growth Management Committee to expand the application of this policy to coincide with the boundaries of the Park within the City, thereby recognizing the Park in the Official Plan.

Once lands are transferred, Parks Canada will be the Park management authority under the guidance of a management plan and park regulations. Parks Canada will use public input on the proposed concept and existing provincial plans, including the *Rouge Park Management Plan* (1994), the *Greenbelt Plan* (2005), the *Oak Ridges Moraine Conservation Plan* (2002), the *Growth Plan for the Greater Golden Horseshoe* (2006) and the *Big Move* (2008) regional transportation plan, to develop a Management Plan for the Park.

### **Next Steps**

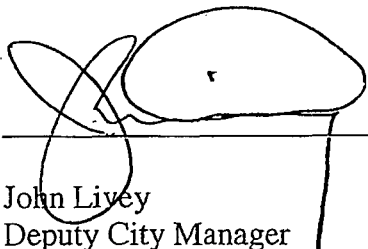
Parks Canada is preparing a draft Management Plan to guide the future management of the Park. The draft Management Plan will be released for public review before being submitted to the Minister of the Environment for approval and tabled in Parliament. The Park will be established through legislation to be tabled by the Federal Minister of the Environment.

City staff will continue to work with Parks Canada to facilitate the transfer of City-owned lands and provide input into the draft Park Management Plan. Once the draft Management Plan is available, City staff will prepare a report to Executive Committee with comments on the draft Management Plan.

### **CONTACT**

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E-mail: [jwening@toronto.ca](mailto:jwening@toronto.ca)

### **SIGNATURE**



John Livey  
Deputy City Manager

## ATTACHMENTS

Attachment 1: Memorandum of Agreement Respecting the Assembly of Lands for the Proposed Rouge National Urban Park.

Attachment 2: Location of City-owned Lands Proposed for Transfer.

Attachment 3: Description of City-owned Lands Proposed for Transfer

Attachment 4: Lands Identified for Future Transportation Infrastructure

[P:\2014\Cluster B\PLN\Executive Committee\EX14003]



AND WHEREAS the Parties have endorsed a Statement of Intent to collaborate with the Government of Canada and other public land holders towards the establishment of a national urban park in the Rouge Valley within the Study Area illustrated and bordered in red on the sketch attached hereto as Schedule "A";

AND WHEREAS on May 25, 2012, the Government of Canada announced an investment of \$143.7 million over ten years for park development and interim operations and \$7.6 million per year thereafter for ongoing operations;

AND WHEREAS the Government of Canada has committed to include in the Rouge National Urban Park all of those lands located in the Regional Municipality of York under the administration and control of the Department of Transport and currently part of the "Pickering Airport Lands";

AND WHEREAS a vision has been developed for the park which states that the "Rouge National Urban Park celebrates and protects, for current and future generations, a diverse landscape in Canada's largest metropolitan area. Linking Lake Ontario with the Oak Ridges Moraine, the park offers engaging and varied experiences, inspires personal connections to its natural beauty and rich history, promotes a vibrant farming community, and encourages us to discover Canada's national treasured places.";

AND WHEREAS Parks Canada will be making recommendations on matters to be included in any forthcoming legislation, including the development of a Management Plan containing a long-term vision for the park, a set of management objectives and provisions for performance evaluation which will provide guidance for the management of the Park, outline the integrated delivery of Parks Canada's mandate for protection, education and visitor experience and ensure that the dynamic park mosaic of natural, cultural and agricultural landscapes and the Park's enduring values are protected for future generations.

AND WHEREAS the Governments of Canada and Ontario, under date of January 26, 2013, reached agreement on the provincial lands proposed for inclusion in the proposed Rouge National Urban Park and the proposed release of any interest Ontario may have in lands owned by others within the proposed Park subject to the terms and conditions set out therein;

AND WHEREAS the Parties have reached agreement on the lands to be transferred for inclusion in the proposed Rouge National Urban Park subject to the terms and conditions set out herein;

NOW THEREFORE the Parties agree as follows:

#### ARTICLE 10 INTERPRETATION

1. In this Agreement the following words shall have the following meaning:
  - a) "Lands" means those lands under the ownership of each individual Party and proposed by the owner of such land for inclusion in the Park and described in the individual Schedules attached hereto:

Schedule "B" – Toronto and Region Conservation Authority

Schedule "C" – City of Toronto

Schedule "D" – The Corporation of the City of Markham

Schedule "E" – City of Pickering

The Regional Municipality of York may, in the near future, identify lands that will be available for transfer to Parks Canada for inclusion in the Park. If the Regional Municipality of York makes that determination, the lands will be described in a Schedule which will be attached to and form part of this Agreement.

- b) "Minister" means the Minister of the Environment for the purposes of the Parks Canada Agency or any person authorized to act on that behalf
- c) "Park" means the proposed Rouge National Urban Park that the Government of Canada will create in the Rouge Valley of the Greater Toronto Area which will include most of the current Rouge Park plus additional lands;
- d) "Parks Canada" means the Parks Canada Agency, a body corporate established under section 3 of the *Parks Canada Agency Act*, S.C. 1998, c. 31;
- e) "Party / Parties" means the Parties to this Agreement;
- f) "Pickering Airport Lands" means those lands expropriated by the Government of Canada for the purposes of the planned Pickering Airport;
- g) "Provincial Lands" means those lands under the administration and control of Ontario located within the area illustrated and bordered in red on the sketch attached hereto as Schedule "A" and proposed for inclusion in the Park, excluding Ontario's transportation and hydro transmission corridors;
- h) "Supplemental Agreement" means an agreement to be entered into by Parks Canada and a Party or Parties containing the terms and conditions that need to be satisfied prior to the conveyance of any of that Party's or Parties' Lands to Parks Canada.

#### ARTICLE 2.0 PARK ESTABLISHMENT

- 2.01 The Minister will recommend the establishment of the Park under the provisions of legislation to be created which will provide the specific authorities required to create, manage and administer a national urban park while also providing the flexibility to address requirements associated with the urban setting of the Park.
- 2.02 It is acknowledged that the Regional Municipality Durham will not be transferring any lands to Parks Canada under the terms and conditions of this Agreement and, as such, it is understood that none of the Articles dealing with the transfer of lands apply to or bind the Regional Municipality of Durham. It remains a signatory to the Agreement to confirm its support for the creation of the Park and to ensure its ongoing involvement in the interim protection and management of the Park as set out in Article 4.0.
- 2.03 If required, each Party agrees to undertake the process to obtain the necessary approval(s) for the transfer to Parks Canada of the Lands.
- 2.04 The Parties acknowledge that the final description of the Lands proposed for transfer to Parks Canada will be agreed to after the completion of the due diligence and survey work. If, following the due diligence, a Party's approval process determines it is unable or unwilling to transfer a portion of its Lands any portion so identified will remain in the ownership of that Party and not subject to any of the terms and conditions of this Agreement.



- 2.05 The Parties agree that all lands associated with existing infrastructure, including, but not limited to existing roads, road allowances, storm water management facilities, rail corridors and hydro transmission corridors will be excluded from the Park boundaries, unless otherwise agreed to by the Parties.
- 2.06 The Parties acknowledge and agree that:
- a) additional lands will be required to address future infrastructure needs that have already been identified in some of the Parties' Official Plans. These lands include, but, are not limited to, the lands that have been described and shown in heavy black line on the plan attached hereto as Schedule "F"; and
  - b) in planning for future transportation or public utility infrastructure they will attempt to limit and/or mitigate the impact on or the requirement for Park lands.
- 2.07 In order to provide the flexibility required for future above and below ground public infrastructure and transportation needs, the Minister will recommend for inclusion in the legislation in respect of the Park the authority to dispose of title in public lands in the Park to a federal, provincial or municipal authority, including a conservation authority established by and under a provincial statute. The Minister will recommend a cap on the amount of lands available for disposal under this authority.
- 2.08 The Parties agree that:
- a) if a Party requires additional lands for future transportation or public utility infrastructure as contemplated in Article 2.07 above, the Party will make a written request to Parks Canada and Parks Canada may grant the disposition of title to the lands subject to any duty at law to consult with and accommodate Aboriginals;
  - b) the disposition of title will be completed for nominal consideration if the lands to be disposed of were originally transferred to Parks Canada by the Party making the request. Parks Canada acknowledges and agrees that, for the purpose of qualifying for a disposition of title for nominal consideration contemplated by Article 2.08 a), the Party making the request does not need to be the Party that requires the lands for infrastructure purposes.
  - c) for greater certainty and without limitation, Parks Canada may refuse to grant a disposition of title to the Party for the specified infrastructure if to grant the disposition would be contrary to or inconsistent with law or policy applicable to the Park;
  - d) before Parks Canada makes a final determination to refuse to grant a disposition of title to a Party for the lands, Parks Canada will enter into discussions with the Party to attempt to resolve the matter to the satisfaction of both Parties in accordance with the process set out in Article 5.0; and
  - e) should the Parties be unable to resolve the matter, Parks Canada will provide the requesting Party with its reasons for refusing to grant the disposition in writing.

2.09 In order to provide further flexibility required for future above and below ground public infrastructure and transportation needs, the Minister will recommend for inclusion in the legislation in respect of the Park the unfettered authority to grant easements over, enter into leases and issue licenses for the occupation of public lands in the Park for above and below ground public infrastructure and transportation needs. The Minister's recommended cap on disposal of title, as set out in section 2.07 above, will not apply to its authority to enter into leases of, grant easements over and issue licenses of occupation relating to public lands in the Park.

2.10 The Parties agree that:

- a) if a Party requires any lands for future transportation or public utility infrastructure, the Party will make a written request to Parks Canada and Parks Canada will grant an easement to, enter into a long term lease with or issue a license of occupation to the Party for the specified transportation or public utility infrastructure;
- b) an easement, lease or license of occupation for the specified transportation or public utility infrastructure will be in the form as agreed to by the Parties acting reasonably, suitable for registration in the Provincial system and having consideration of Parks Canada's standard form at the time of the written request. Parks Canada agrees that in the event that Parks Canada grants the easement, lease or license of occupation to the requesting Party pursuant to this section, the Party being granted the interest in land from Parks Canada shall be entitled to register the notice of easement, lease or license of occupation on title of the affected lands at its sole cost and expense. Parks Canada shall execute any documents required to facilitate the registration of such notice on title;
- c) despite section 2.10 a):
  - i) Parks Canada may refuse to grant an easement to, enter into a long term lease with or issue a license of occupation to a Party for the specified transportation or public utility infrastructure if to grant an easement, enter into a long term lease or issue the license of occupation would be contrary to or inconsistent with law or policy applicable to the Park;
  - ii) before Parks Canada makes a final determination to refuse to grant an easement to, enter a long term lease with or issue a license of occupation to a Party for the specified transportation or public utility infrastructure, Parks Canada will enter into discussions with the Party to attempt to resolve the matter to the satisfaction of both Parties in accordance with the process set out in Article 5.0; and
  - iii) should the Parties be unable to resolve the matter, Parks Canada will provide the requesting Party with its reasons for refusing to grant the easement, enter into a long term lease or issue a license of occupation in writing.
- d) the obligation in section 2.10 a) to grant an easement to, enter into a long term lease with or issue a license of occupation to a Party is subject to any duty at law to consult with and accommodate Aboriginals.

2.11 Upon completion of all the required due diligence and survey work, a Party, upon receiving a written request from Parks Canada, will proceed on a reasonable basis with the transfer to Parks Canada of its part of the Lands as determined herein. The Party will deliver to Her Majesty the Queen in right of Canada a grant, in the form of a registerable Deed/Transfer of Land which shall be prepared by the Party in a form satisfactory to the Parties.

2.12 The obligation of a Party to transfer its Lands or any part thereof to Parks Canada is subject to the following conditions precedent:

- a) the Party will have secured its requisite approvals and authorities, including, without limitation, approval from its respective Board or Council to transfer its part of the Lands to Parks Canada;
- b) the Party will have entered into a Supplemental Agreement with Parks Canada, if it has in writing given notice to Parks Canada on or before the date of this Agreement or within thirty (30) days of this Agreement, that it requires a Supplemental Agreement with Parks Canada to establish further terms and conditions respecting the transfer of its part of the Lands to Parks Canada; and
- c) all conditions precedent to the transfer of Lands set out in a Supplemental Agreement will have been satisfied or waived by the Party benefiting from such condition.

2.13 When title to the Lands has been transferred to Her Majesty the Queen in right of Canada, Parks Canada will recommend the inclusion of the Lands in federal legislation to ensure their ongoing protection as part of the Rouge National Urban Park.

2.14 The Parties agree that:

- a) if, within five (5) years of the date Lands are transferred to Parks Canada by a Party, the Lands are not designated by a statute of Canada as part of the Park, the Party may on written notice to Parks Canada within six (6) months of that five (5) year anniversary request the return of the Lands, in which case Parks Canada will return the Lands to the Party without charge;
- b) if Lands transferred to Parks Canada by a Party are designated by a statute of Canada as part of the Park but such designation thereafter ceases to be effective, that Party may on written notice to Parks Canada within six (6) months of the designation ceasing to be effective request the return of the Lands, in which case Parks Canada will return the Lands to that Party without charge;
- c) should any portion of a Party's Lands, whether designated or not, be required to effect a disposal to a Party other than itself contemplated by Article 2.07, the provision for Parks Canada to transfer back to that Party referred to in Article 2.14 (a) above shall not apply to those lands; and
- d) all costs associated with any transfer contemplated by Article 2.14 a) and b) will be paid by Parks Canada unless related to a disposal contemplated in Article 2.07.

#### ARTICLE 3.0 DUE DILIGENCE/TRANSFER OF LANDS

3.01 The Parties agree that all transfers of land to Parks Canada will be completed at "nominal value".

3.02 Parks Canada agrees:

- a) to reimburse each Party its demonstrable, prepaid (out of pocket) costs associated with the due diligence required on the part of the Party to effect the transfer of its part of the Lands as well as the demonstrable, prepaid (out of pocket) and reasonable costs of the transfers provided Parks Canada has, acting reasonably, approved these costs in advance and in writing. These costs include, but, are not limited to:

- Environmental Assessments
- Property Valuation Costs (if required)
- Survey costs (if required to identify and describe the lands to be transferred)
- Federal Heritage Building Review (FHBRO)
- Legal Costs attributable to the transfer of the respective Parties' lands, including costs to amend existing agreements and closing costs

b) to reimburse a pre-approved cost within thirty (30) calendar days of receiving a request and the appropriate documentation from a Party.

c) Parks Canada will reimburse the costs in Article 3.02 a) regardless of the transfers being completed or not.

- 3.03 Parks Canada will, immediately following execution of this Agreement, proceed with all of the required due diligence associated with the transfers of the Lands.
- 3.04 The Parties agree to work cooperatively in completing the due diligence work in order to limit duplication of costs and will, whenever possible, complete one report or assessment that meets and satisfies their respective requirements.
- 3.05 The Parties agree to disclose to Parks Canada all known unregistered easements, covenants and agreements which may affect the title of the lands that they are transferring to Parks Canada and which the Parties are aware of to the best of their knowledge without conducting any investigations. Parks Canada shall not call for the production of any title, deed, abstract or other evidence of title to Lands except those that are in control and possession of the Parties.
- 3.06 The Parties acknowledge that there may be known unregistered easements over some of the Lands that provide for below ground infrastructure and agree that these easements will be documented and registered either prior to or immediately after the Lands are designated under a statute of Canada.
- 3.07 Parks Canada's will accept title to the Lands in an "as is where is" condition and subject to any existing easements, leases or licences. However, if, upon completion of the due diligence Parks Canada is not satisfied with the title and/or environmental condition of the Lands or any portion of the Lands, then Parks Canada retains the right to refuse to accept the transfer of any portion of the Lands in question in which case that portion of the Lands will not be included in the Park and Parks Canada's obligations in this Agreement in respect of that portion of the Lands will terminate.
- 3.08 On the date of transfer to Parks Canada by a Party of that Party's portion of the Lands, that Party will deliver vacant possession of that Party's portion of the Lands to Parks Canada subject to any existing tenancies that may exist at that time and, when and if required, existing leases of land will be assigned to and assumed by Parks Canada pursuant to an assignment and assumption agreement in form and content satisfactory to the Parties.
- 3.09 The Parties agree that at any time after the date of this Agreement, Parks Canada may, at its discretion, acquire on a willing buyer willing seller basis or by donation, other lands within the proposed Park boundary for addition to the Rouge National Urban Park. Parks Canada's primary interest in future acquisitions will be acquisitions that provide enhanced visitor access and further educational opportunities, visitor experience, ecological connectivity and habitat improvements.

**ARTICLE 4.0 INTERIM PROTECTION AND MANAGEMENT**

- 4.01 Until the transfer by a Party of its portion of the Lands is completed, all of that Party's portion of the Lands remain at the risk of that Party to the date of transfer to Parks Canada and thereafter shall be at the risk of Parks Canada. Prior to the completion of the transfers of the Lands, the Parties will not authorize or undertake any action that would materially diminish the value of their portion of the Lands for national urban park purposes.
- 4.02 Transition Measures will be developed to allow for interim governance of the proposed Park during the establishment process and until a permanent governance structure is created and the Lands have been transferred to Parks Canada. A Transition Advisory Committee will be created and chaired by Parks Canada and associated Terms of Reference will be developed for recommendation to the Minister. The Committee will ensure that the diversity of interests is reflected and will provide advice and input on the establishment process and any transition measures required. Parks Canada has recommended to the Minister that each Party to this Agreement have representation on the Committee.
- 4.03 Until the Lands are transferred to Parks Canada, the Toronto and Region Conservation Authority (TRCA) will continue to manage, as it did prior to the dissolution of the Rouge Park Alliance, the day to day operation of the current Rouge Park. Any agreements or arrangements established between the TRCA and any of the other Parties will remain in full force and effect with respect to the existing Rouge Park until the Lands have been transferred to Parks Canada unless otherwise mutually agreed to by TRCA and the other Party.

**ARTICLE 5.0 DISPUTE RESOLUTION**

- 5.01 In the event that one Party is not satisfied with the performance of another Party in carrying out any of the roles and responsibilities outlined in this Agreement, the Parties will work to resolve the issue or issues to their mutual satisfaction within a reasonable time. If the resolution attempts are unsuccessful and a Party remains unsatisfied, efforts will be made to amicably resolve the dispute through discussions between officials at similar levels, escalating to more senior level officials when necessary.

**ARTICLE 6.0 TERM**

- 6.01 This Agreement shall be effective once executed by all Parties and shall remain in full force and effect until January 24, 2028 at which time it will terminate and be fully at an end, except for Articles 2.06 b), 2.08, 2.10, 2.14, 3.09, 5.0 and 7.0 which will survive termination and continue to bind the Parties.

**ARTICLE 7.0 MISCELLANEOUS**

- 7.01 This Agreement constitutes the entire agreement between the Parties with respect to the subject matter of this Agreement and may not be modified except by subsequent written agreement executed by all Parties.

- 7.02 No term, condition, covenant or other provision of this Agreement will be considered to be waived by the Parties unless such waiver is expressed in writing by the Parties. The waiver by the Parties of any breach by the other Parties of any term, condition, covenant or other provision of this Agreement will not be construed as or constitute a waiver by any further or other breach of the same or any term, condition, covenant or other provision and the consent or approval of the Parties to any act by the other Parties requiring the consent or approval of the Party will not be considered to waive or render unnecessary such consents or approvals to any subsequent same or similar act by the other Parties.
- 7.03 All notices, documents or communications required or permitted to be given under this Agreement must be in writing and will be deemed to be given on the first business date of the recipient following delivery by hand or facsimile to the Parties to whom it is to be given as follows:
- to Parks Canada: Field Unit Superintendent  
Rouge National Urban Park  
3620 Kingston Road  
Toronto, ON. M1M 1R9
- to TRCA:
- to City of Toronto: Director, Real Estate Services  
55 John Street, 2<sup>nd</sup> Floor, Metro Hall  
Toronto, ON. M5V 3C6
- to The Corporation of the City of Markham:
- to City of Pickering:
- to Regional Municipality of York:
- to Regional Municipality of Durham: The Regional Municipality of Durham  
605 Rossland Road East  
Whitby, Ontario. L1N 6A3  
Attention: Regional Clerk
- 7.04 This Agreement is binding upon and enures to the benefit of the Parties and their successors and assigns.
- 7.05 The Schedules attached to this Agreement form part of this Agreement.
- 7.06 Nothing in this Agreement is to be construed as authorizing one Party to incur any obligation on behalf of any of the other Parties or to act as an agent for any of the other Parties, except where otherwise specifically provided herein.
- 7.07 The Parties covenant and agree that they shall at all times hereafter execute and deliver, at the request of any other Party, all such further documentation and instruments and shall do and perform all such acts as may be necessary to give full effect to the intent and meaning of this Agreement.
- 7.08 All monetary obligations of Parks Canada under this Agreement will be subject to the necessary appropriations required to meet such obligations being made available by the Parliament of Canada.
- 7.09 Any obligation of a Party under this Agreement is subject to that Party obtaining any necessary approvals and authorities that it may require.

7.10 The Parties agree that this Agreement and all related information will be subject to all applicable access to information and protection of privacy legislation.

7.11 This Agreement has been executed in the Province of Ontario and shall be construed in accordance with the laws of Ontario and the laws of Canada applicable therein.

IN WITNESS WHEREOF, the Parties have caused this to be executed by their duly authorized signing officers as of the date noted above.

HER MAJESTY THE QUEEN IN RIGHT OF CANADA as represented by the Minister of the Environment for the purposes of the Parks Canada Agency

Per: \_\_\_\_\_

\_\_\_\_\_  
Witness

TORONTO & REGION CONSERVATION AUTHORITY

Per: \_\_\_\_\_

\_\_\_\_\_  
Witness

CITY OF TORONTO,

Per: \_\_\_\_\_

\_\_\_\_\_  
Witness

THE CORPORATION OF THE CITY OF MARKHAM,

Per: \_\_\_\_\_

\_\_\_\_\_  
Witness

CITY OF PICKERING,

Per: \_\_\_\_\_

\_\_\_\_\_  
Witness

THE REGIONAL MUNICIPALITY OF YORK,

Per: \_\_\_\_\_

\_\_\_\_\_  
Witness

FINAL DRAFT MOA LAND ASSEMBLY  
January 21, 2014

THE REGIONAL MUNICIPALITY OF  
DURHAM,

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_  
Roger Anderson  
Regional Chair and Chief Executive Officer

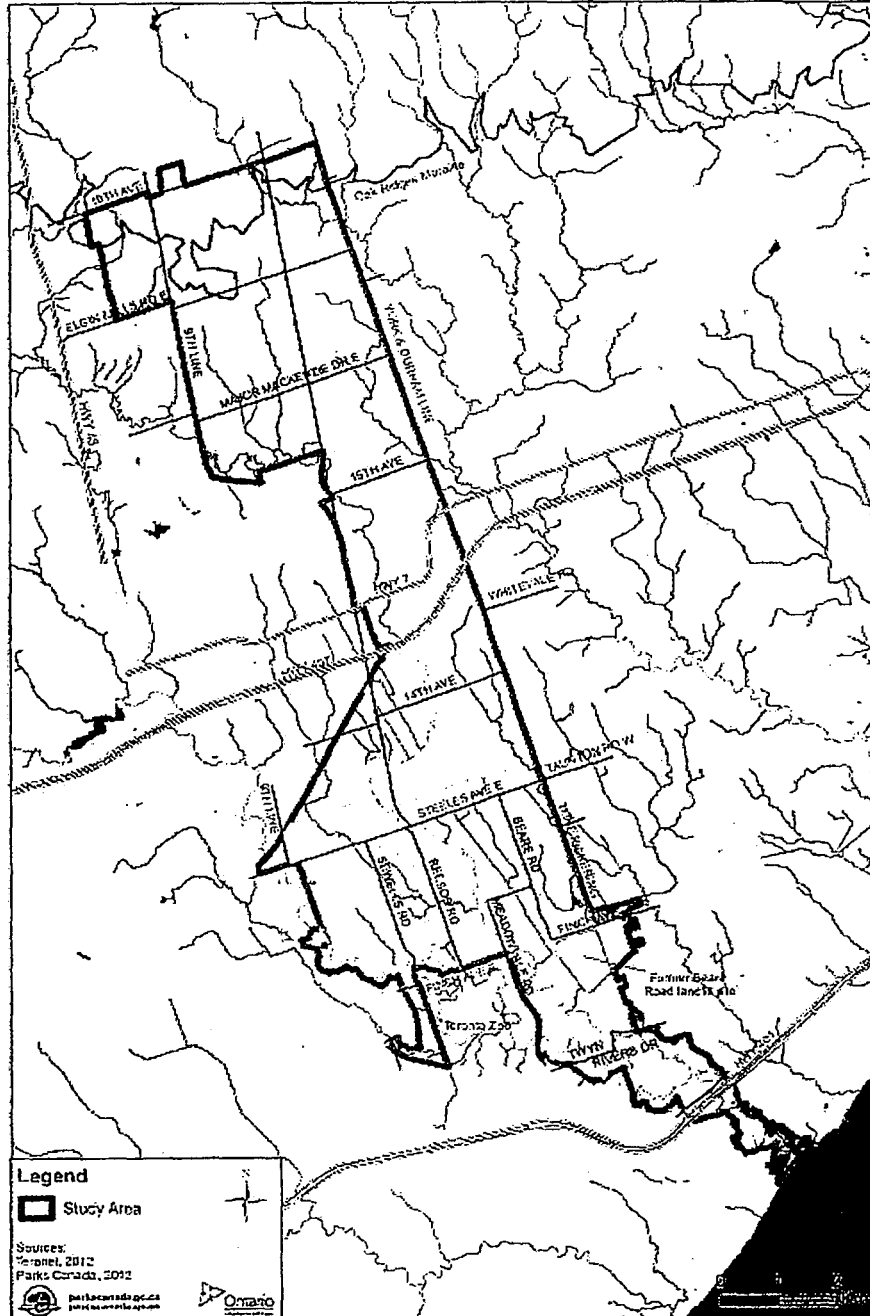
\_\_\_\_\_  
Witness

Per: \_\_\_\_\_  
Deborah Bowen  
Regional Clerk

DRAFT



### Schedule "A" Rouge National Urban Park Study Area



Note: The Study Area shows the lands currently under review for possible inclusions/exclusions to the national urban park. This map does not represent park boundaries. All private lands are excluded from the Study Area.

FINAL DRAFT MOA LAND ASSEMBLY  
January 21, 2014

## SCHEDULE "B"

## TORONTO AND REGION CONSERVATION AUTHORITY LANDS TO BE TRANSFERRED

## Parcel Identification Number

030641906	030641907	030641908	030641911
030641915	030641916	030641917	030641918
030644200	030650366	030650367	030650369
030650372	030650373	030650381	030652840
030652841	030653970	030653972	030653974
030653976	030653978	030653979	060530049
060530050	060530296	060530305	060530307
060530309	060530323	060530324	060530325
060530328	060530335	060530337	060530345
060530355	060530369	060530371	060530372
060530376	060530377	060530381	060530383
060530387	060530391	060530392	060530394
060530405	060530406	060530407	060530554
060530559	060533537	060540879	060540881
060540883	060540884	060540885	263690432
263690443	263690453	263690459	263700013 *
60530045	060530046	060530047	060530048
060530204	060530205	060530283	060530284
060530285	060530304	060530321	060530322
060530346	060530353	060530363	060530364
060530374	060530378	060530379	060530382
060530388	060530399	060530400	060530403
060530413	060530520	060530543	060530774
060531664	060531979	060531980	060533730
060533732	060540452	060540700	060540840 Part of

FINAL DRAFT MOA LAND ASSEMBLY  
January 21, 2014

## SCHEDULE "B" CONT

060540868	060540869	060540880	060540886
060540888	060540890	060541039	060541135
060541136	060542269	060542366	062090003
062090279	062090281	062090302	062090306
062090309	062090311	062090396	062100094
062100130	065070021	065070022	065070023
065070024	065070025	065070027	065070028
065070029	065070030	065070031	065070041
065080102	263000001	263000002	263000007
263000023	263000028	263000152	263000154
263000155	263000158	263000159	263000160
263000161	263010306	263010313	263100001
263100009	263100012	263100028	263100032
263100035	263100048	263100049	263109501
263110355	263110905 Part of	263690561	263700344

\*\*\* It is acknowledged that some of the Toronto and Region Conservation Authority's lands will be required by the City of Toronto for future public infrastructure purposes prior to any transfer to Parks Canada. The affected PIN numbers will be identified in the tripartite Supplemental Agreement to be entered into amongst Toronto and Region Conservation Authority, the City of Toronto and Parks Canada.

SCHEDULE "C"

CITY OF TORONTO LANDS TO BE TRANSFERRED

Parcel Identification Numbers

060530028 Part of

060530297

060530298

060530385 Part of

060530560

060540465

060540684

060540827 Part of

060540875 Part of

060540889

060540918

062090053 Part of

062090280

062090283

062090287

062090310

062100003

065070020

065070026

FINAL DRAFT MOA LAND ASSEMBLY  
January 21, 2014

SCHEDULE "D"

CORPORATION OF THE CITY MARKHAM LANDS TO BE TRANSFERRED

Parcel Identification Numbers

030641914

030645931

030645933

030645936

030650363

030650364

030650365

DRAFT

**SCHEDULE "E"**

**CITY OF PICKERING LANDS TO BE TRANSFERRED**

**Parcel Identification Numbers**

263000147 Part of

263000151

263000153

263000157

263010307

263690001

263690226 Part of

263690318

263690652

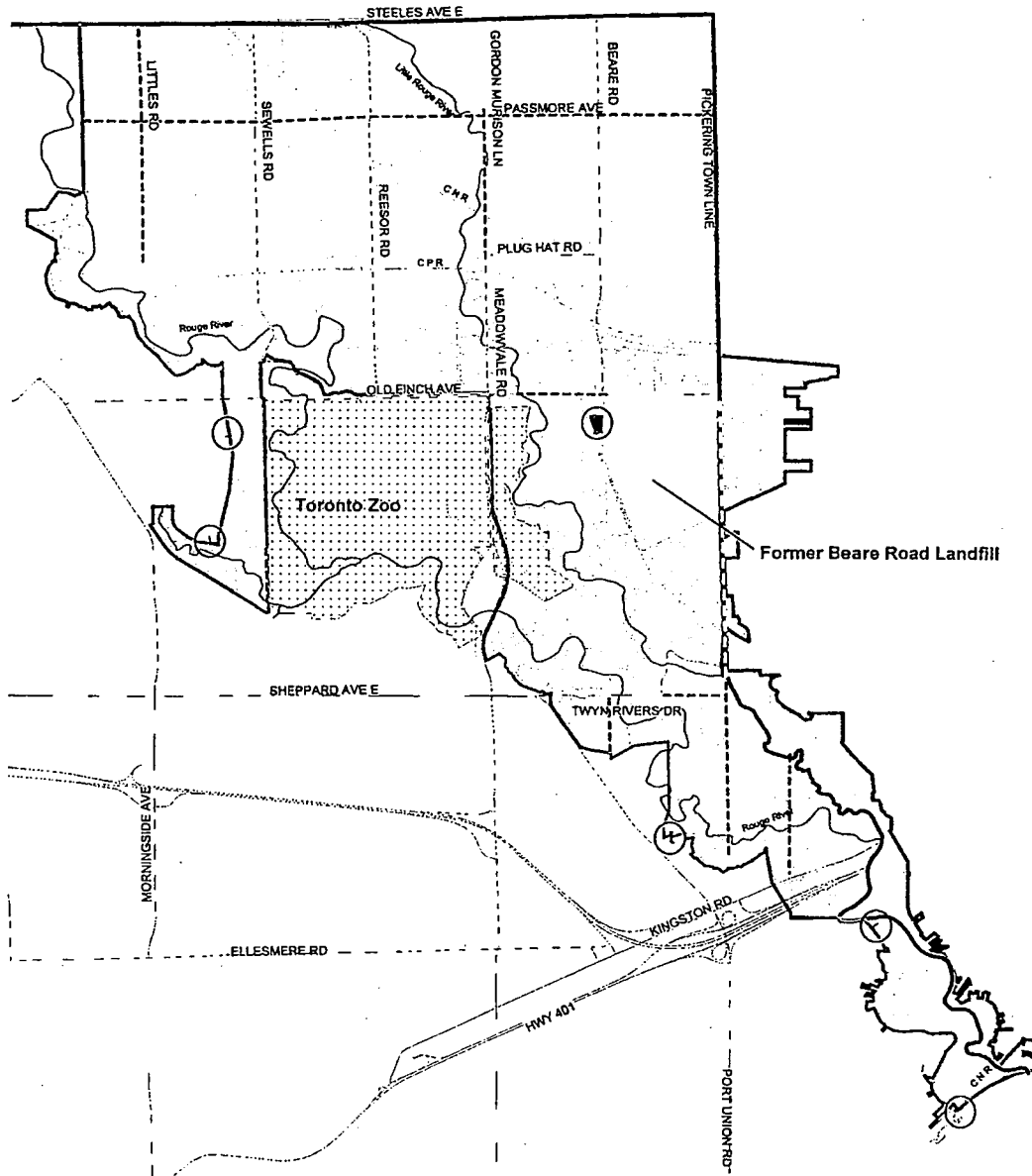
263700131







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FINAL DRAFT MOA LAND ASSEMBLY  
January 21, 2014



## Attachment 2: Location of City-owned Land Proposed for Transfer.



-  Rouge National Urban Park Study Area
-  Not Part Of Proposed Park
-  City Owned Parcels Proposed For Transfer
-  City Owned Road Allowances Proposed For Transfer
-  Toronto Zoo (From Tripartite Agreement)
-  City Of Toronto Boundary

↑  
Not to Scale  
14/01/2014



### Attachment 3: Description of City-owned Land Proposed for Transfer

Address	Property Identification Number	Site area	Current use	Official Plan Designation	Ward
Two parcels south of Ridgewood Rd and CNR, east of Rouge Hills Dr	065070020 060570026	243 m <sup>2</sup> 315 m <sup>2</sup>	Vacant land	Parks and Open Space	44
Portion of 2 John Graham Court between 12 & 17 John Graham Court	062090053 (part of)	1,303 m <sup>2</sup>	Vacant land	Parks and Open Space	44
0 Beare Rd adjacent to 1749 Meadowvale Rd.	060540889	10,522 m <sup>2</sup>	Vacant land	Parks and Open Space	42
Parcel between 59 and 63 Gennela Square	060540465	405 m <sup>2</sup>	Vacant land	Neighbourhoods	42
Parcel between 229 and 231 Morningview Trail	060540684	235 m <sup>2</sup>	Walkway	Neighbourhoods	42
Littles Road between Passmore Ave and Steeles Ave East, and untraveled public road between CPR right of way and Passmore Ave	060530298 060530297	37,525 m <sup>2</sup>	Vacant land	Parks and Open Space	42
Passmore Avenue between Rouge River and Pickering Townline	060530028 (part of) 060530560	89,953 m <sup>2</sup>	Vacant land	Parks and Open Space	42
Pickering Townline between Finch Ave East and Rouge River	060540918 062090283	68,289 m <sup>2</sup>	Vacant land	Parks and Open Space	42 and 44
Closed road allowance east of Raspberry Road, between Kingston Road and Little Rouge River	062090280	17,502 m <sup>2</sup>	Vacant land	Parks and Open Space	44
Untraveled portion of Finch Ave East between Meadowvale Road and Beare Rd	060540875 (part of)	12,204 m <sup>2</sup>	Vacant land	Parks and Open Space	42
Untraveled public road north of Sheppard Ave East and east of Water Tower Gate	060540827 (part of)	9765 m <sup>2</sup>	Vacant land	Parks and Open Space	42
Untraveled portion of Meadowvale Road between Plug Hat Road and Passmore Ave	060530385 (part of)	2286 m <sup>2</sup>	Vacant land	Parks and Open Space	42
Untraveled public road between Boydwood Lane and Twyn Rivers Drive	062090287	8370 m <sup>2</sup>	Vacant land	Parks and Open Space	44
Untraveled public road between Twyn Rivers Drive and Pickering Townline	062090310	8689 m <sup>2</sup>	Vacant land	Parks and Open Space	44
Untraveled public lane at rear of 515 Rouge Hills Drive	062100003	279 m <sup>2</sup>	Vacant land	Parks and Open Space	44

**Total Area of City Owned Land Proposed for Transfer = 267,885 m<sup>2</sup> (26.8 ha or 66.2 acres)**

#### Attachment 4: Lands Identified for Future Transportation Infrastructure

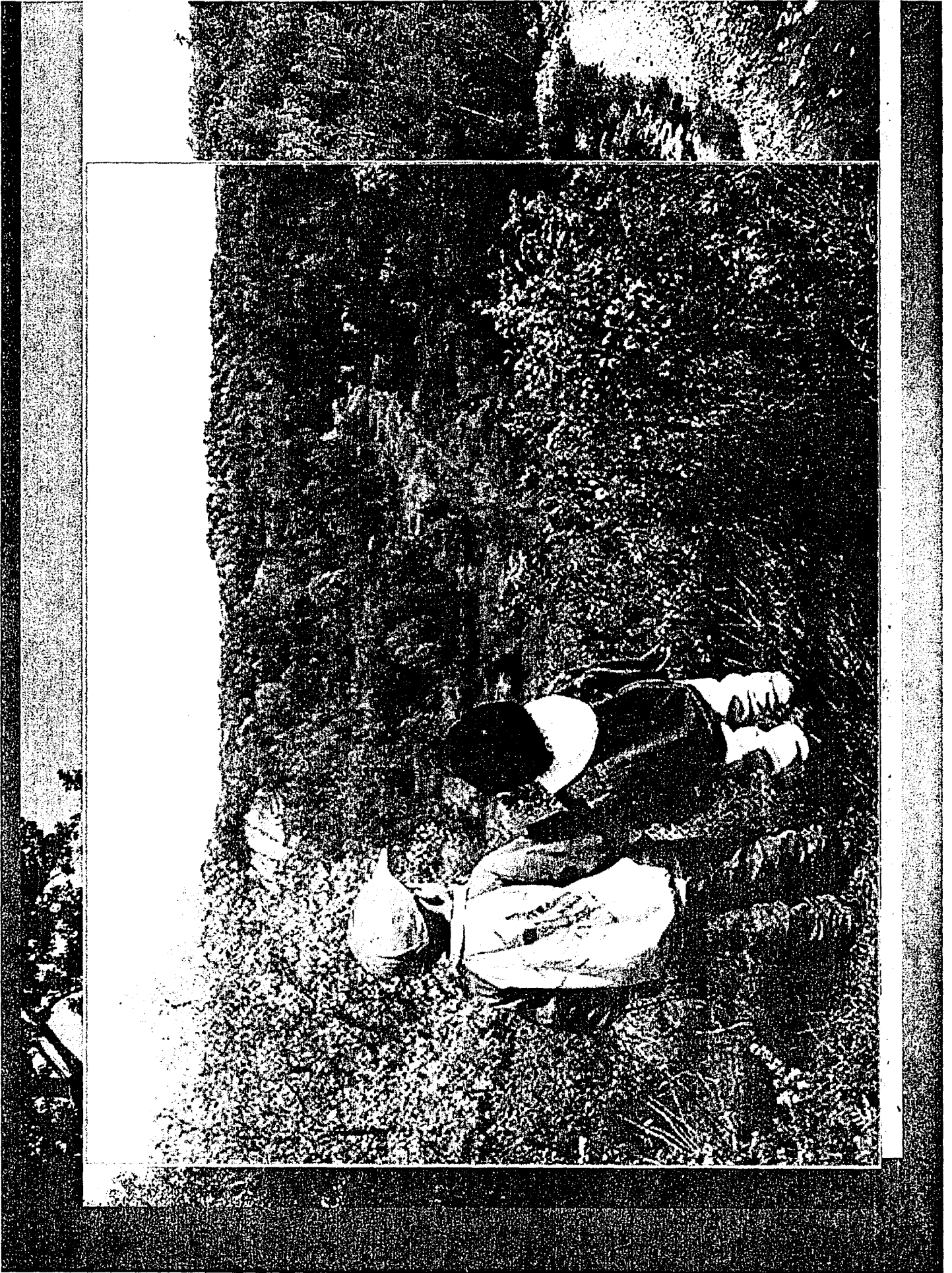
Road Segment	Existing ROW	OP ROW width	Additional ROW required	Approximate Land Area required	Notes
Steeles Avenue (Ninth Line to Pickering Townline)	varied	36 m	Existing to 36 m	23,000 sq.m. +/- South side only	Boundary road owned by City of Toronto  Widening of Steeles Avenue to 4 lanes was approved in the Steeles Avenue Widening – McCowan Road to Pickering Townline Class EA (City of Toronto 1992). EA update has been initiated. Estimated completion 2015  Included in City of Toronto/York Region 10 year Capital Plan.  Major connection between Toronto/York/Durham Regions.
Pickering Townline (Finch to Steeles)	20 m	27 m	Existing to 27 m	9,600 sq.m.+/- West side only	Boundary Road owned by City of Toronto
Meadowvale Road/Plug Hat/Bear Road (from Old Finch to Steeles)	20 m	27 m	Existing to 27 m	6,800 sq.m.+/- 5,400 sq.m.+/- 12,000 sq.m.+/-	Extension of existing multi-use bike path north along Meadowvale Road, Plug Hat and Bear Road to connect to Steeles Avenue.  Route identified in 2001 Bike Plan.
Finch Avenue Diversion (Sewells to Reesor)	20 m	Not in Official Plan	Existing to 27 m	6,600 sq.m.+/-	Extension of existing multi-use bike path on Meadowvale Road (south of Finch Avenue) west along Old Finch Avenue to connect to Morningside Avenue bikeway.  Existing pinch points.
Old Finch Avenue (Reesor to Meadowvale )	20 m	27 m	Existing to 27 m	5,600 sq.m.+/-	
Twyn Rivers Drive	varied	Not in Official Plan	Existing to 27 m	8,400 sq.m.+/-	Pedestrian safety  East west bike connection between City of Toronto and Durham Region  Route identified in 2001 Bike Plan.  Existing pinch points.
<b>Total</b>				<b>77,400 sq. m +/- 7.74 ha +/- 19.12 acres +/-</b>	

# **Rouge National Urban Park: Transfer of Lands to Parks Canada**

**Presentation to Executive Committee**

**February 4, 2014**

**by Toronto City Planning**





# Rivière Rouge to National Park

1700s - French explorers recorded it as Rivière Rouge on maps

1956 - portions of Rouge Valley were identified as public open space

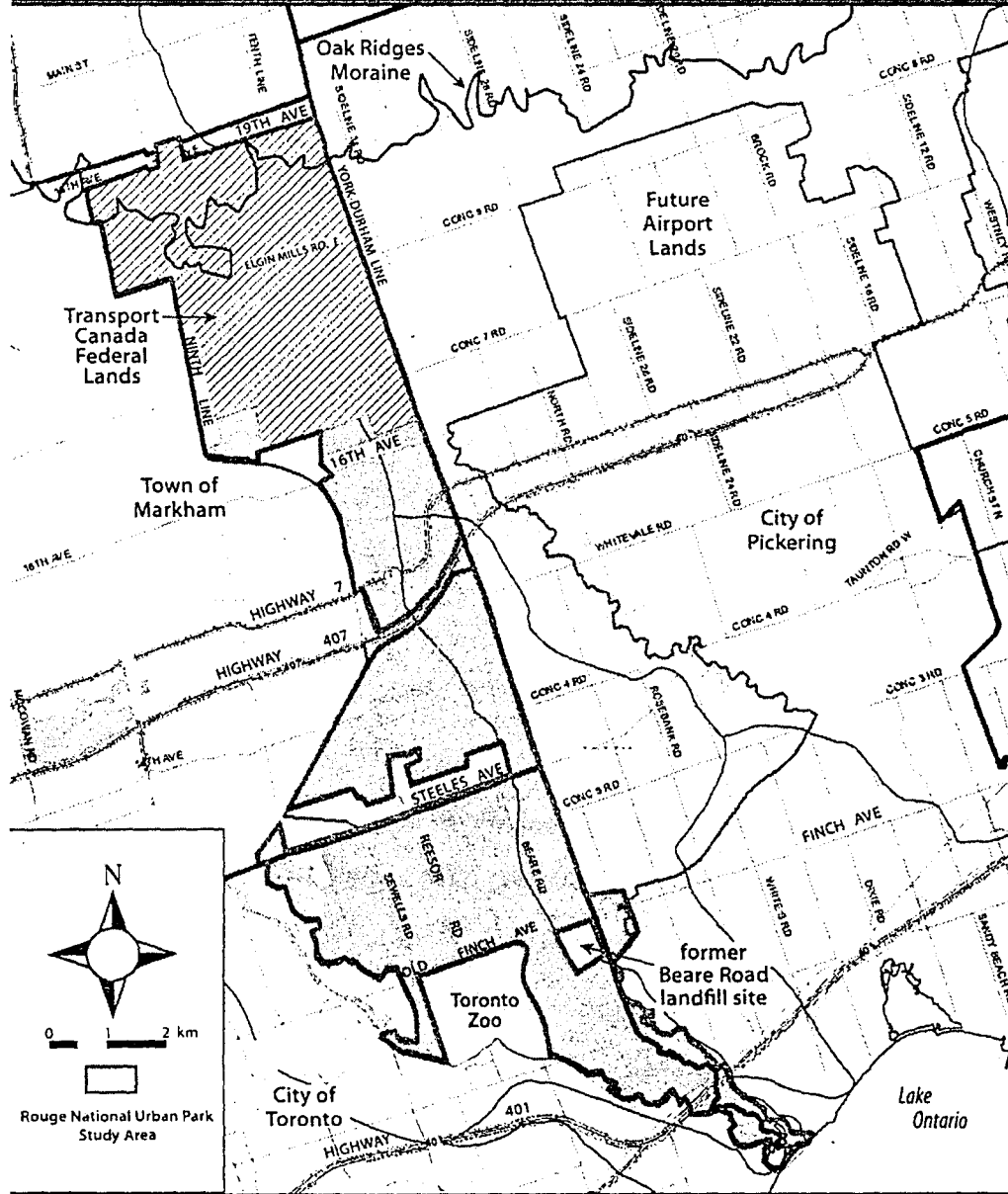
1994 - Province adopts Rouge Park Management Plan

1995 - Rouge Park Alliance established

2011 - Federal Government announces intention to create RNUP

2012 - Parks Canada and public landholders begin work of establishing park through Landholders Table

# Study Area and Landholders Table



Established by Parks Canada to bring together public land holders to discuss and come to agreement on the lands to be included in the Park and the process by which lands will be transferred.

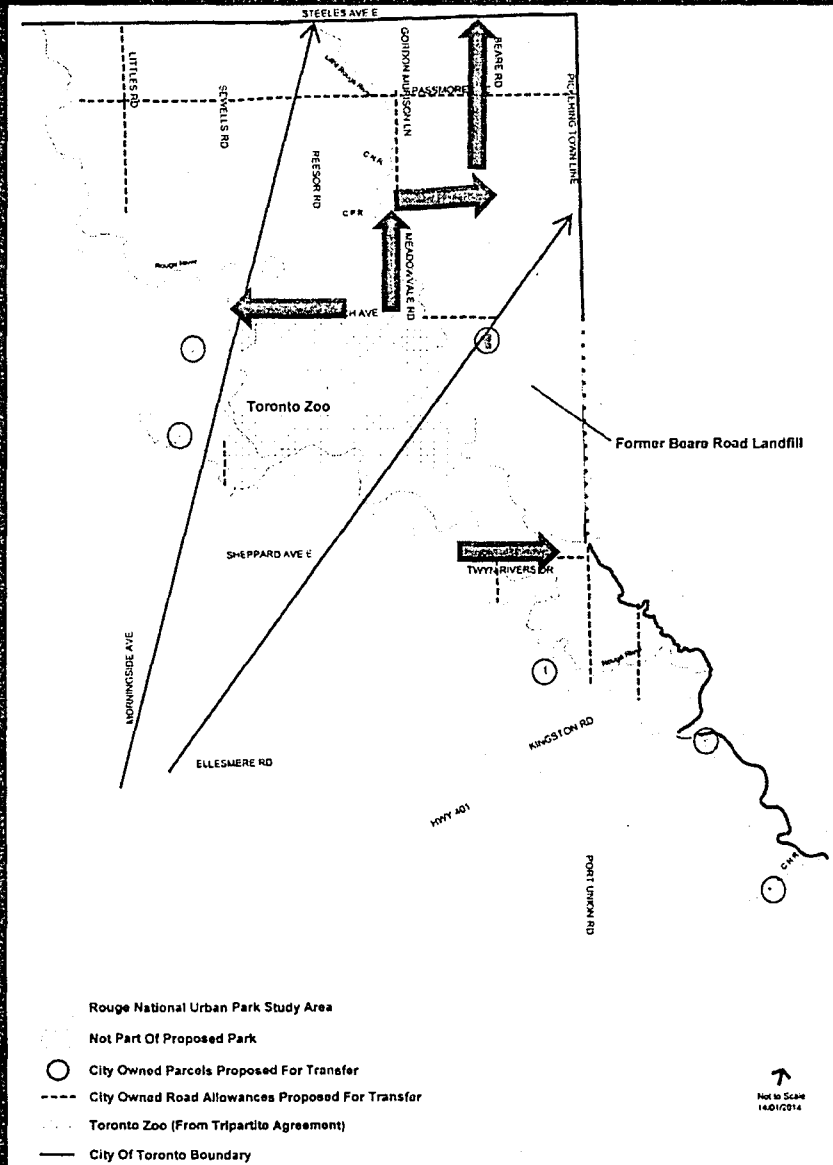








# Land for Future Transportation



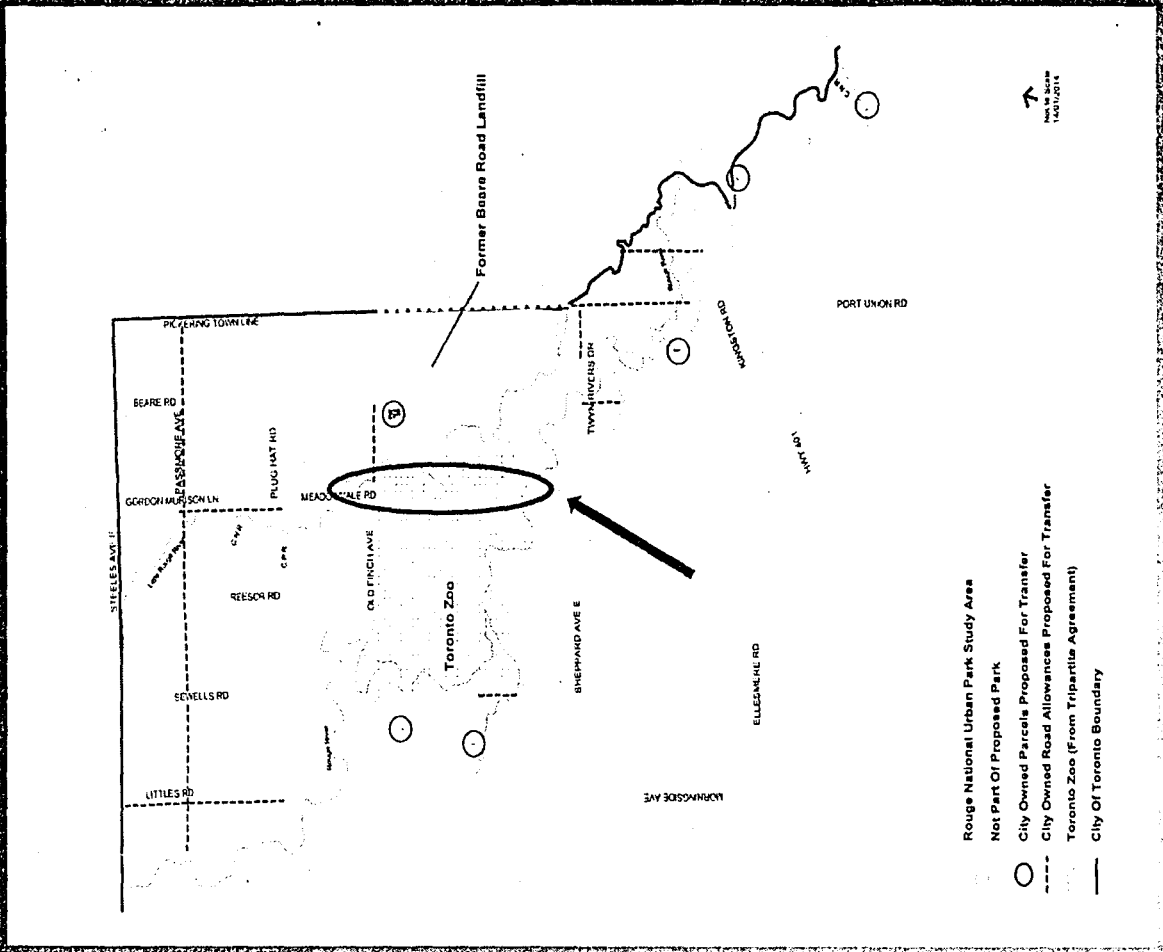
- 7.7 ha of TRCA-owned land along existing roads is required for future transportation needs:
  - Road widening
  - Bike lanes
  - Safety improvements
- TRCA to transfer land to the City

# Relationship to Zoo

Strategically located

Ongoing collaboration with  
Parks Canada

Boundary of Zoo to be  
secured by way of separate  
agreement before TRCA  
lands are transferred to  
Parks Canada



# Further Information

- Parks Canada web site:
- <http://www.pc.gc.ca/eng/progs/np-pn/cnnp-cnnp/rouge/index.aspx>
- Toronto, Parks Forestry and Recreation web site:
- <http://www.toronto.ca/parks/featured-parks/rouge-park/>