

Committee of the Whole (2) Report

DATE: Tuesday, June 8, 2021

WARD: 4

**TITLE: AUTHORIZATION FOR AGENCY STATUS ON CITY-OWNED
LANDS – EXPO TOWER 5 DEVELOPMENT**

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek authorization for the City Clerk to execute the necessary documents to provide agency status to the abutting landowner Royal 7 Developments Ltd. in respect of a City-owned servicing connection to the Edgeley Pond (the 'Connection') and other City-owned lands for the purposes of submitting *Planning Act* and *Ontario Building Code* applications to allow for the construction of the Council-approved Expo Tower 5 development. In addition,, to seek authorization for the Mayor and the City Clerk to execute agreements necessary for construction of the Expo Tower 5 development and the Connection which will be redeveloped as a pedestrian mews linking Highway 7 to the Edgeley Pond and Park.

Report Highlights

- Site Development File DA.18.050 (Expo Tower 5) was approved by Council on June 12, 2019 to allow for a 60-storey mixed-use development consisting.
- Portions of the Expo 5 development encroaches onto City-owned lands.
- Real estate transactions and associated agreements are underway to convey a portion of the Connection and other rights in favour of Royal 7 to facilitate the Expo Tower 5 development and, as a result, a further agreement is required for reciprocal easements and the maintenance and operation of the future pedestrian mews.
- While the transactions and agreements are being finalized, in order to advance the construction of Expo Tower 5 development, the City Clerk requires authorization to execute the necessary documents to provide agency status to Royal 7, in respect of City-owned lands, to submit *Planning Act* and *Ontario Building Code* applications.
- Recent Expo Tower 5 development shoring construction resulted in encroachment onto other City-owned lands that are not subject to ongoing agreements and, as a result, an encroachment agreement between the City and Royal 7 is required to allow the temporary encroachment of construction tiebacks.

Recommendations

1. That the City Clerk be authorized to execute any necessary documents to provide agency status to the abutting landowner, Royal 7 Development Inc. ('Royal 7'), in respect of a City-owned pedestrian mews, legally described as Parts 2 and 4 on Reference Plan 65R-38333, Parts 1 to 8 on Reference Plan 65R-39315, and other City-owned lands legally described as Blocks 6 and 7 on Plan 65M-4490 as outlined on Attachments 2, 3 and 5 respectively, for the purposes of submitting *Planning Act* and *Ontario Building Code* applications, to the satisfaction of the VMC Program and Building Standard Departments, to allow for the construction of the Council approved Expo Tower 5 development;
2. That the Mayor and the City Clerk be authorized to execute an encroachment agreement between Royal 7 and the City, in a form satisfactory to the Deputy City Manager Administrative Services and City Solicitor, for purposes of a temporary encroachment of the Expo Tower 5 development on the subsurface portion of City-owned lands legally described as Part 4 on Reference Plan 65R-38333 and Part 8 on Reference Plan 65R-9447 as shown on Attachments 2 and 4 respectively, and required letter of credit to secure the distress and removal of the encroachment; and

3. That the Mayor and the City Clerk be authorized to execute a Reciprocal Easement, Maintenance and Operation Agreement(s), in a form satisfactory to the Deputy City Manager Administrative Services and City Solicitor, with Royal 7 and 2732129 Ontario Inc. in respect of the City-owned lands described as Parts 2 and 4 on Reference Plan 65R-38333 and Parts 1 to 8 on Reference Plan 65R-39315 as shown on Attachments 2 and 3.

Background

Royal 7 Developments Ltd. (Royal 7') is constructing the Expo Tower 5 development located in the northwest corner of Highway 7 and Maplecrete Road and municipally known as 2920 Highway 7, City of Vaughan. Council on June 12, 2019, enacted By-law 096-2019, and approved Site Development File DA.18.050 to permit the Expo Tower 5 development which represents the last phase (Phase 3) of the Royal 7 Developments master plan development shown on Attachment 1. The Council-endorsed Expo Tower 5 site plan is shown on Attachment 6.

Parts of the approved Expo Tower 5 development, including exit stairway to the underground parking, foundation wall, landscape, and internal driveway, are proposed to encroach onto adjacent City-owned properties, on both surface and sub-surface levels. To allow for the encroachment of the Expo Tower 5 development onto City-owned lands, a temporary encroachment agreement between Royal 7 and the City is required.

The City is the owner of an approximately 10-metre wide strip of land (the 'Connection') located between the west lot line of the Royal 7 Expo Tower 5 development and east of the lands owned by 2732129 Ontario Inc. (formerly Midvale Estates) as shown on Attachment 1, which links Highway 7 to the Edgeley Pond and Park and will be redeveloped as a future pedestrian mews. Pursuant to Minutes of Settlement dated December 28, 2016, the City agreed to sell one-half, divided east/west, of its land interests on the Connection to each abutting owner, such that the City will retain fee simple or easement interests to ensure public access through the future mews. This requirement is also reflected as a condition of approval of the Expo Tower 5 Site Development File DA.18.050.

Agency Status

In order to facilitate the construction of the Council approved Expo Tower 5 development, the City requires authorization to execute the necessary documents to provide agency status to Royal 7 in respect of the Connection, legally described as Parts 2 and 4 on Reference Plan 65R-38333 [Attachment 2], Parts 1 to 8 on Reference Plan 65R-39315 [Attachment 3], and other City-owned lands legally described as Blocks

6 and 7 on Plan 65M-4490 [Attachment 5], to the abutting landowner Royal 7. Such authorization for agency status will allow Royal 7 to submit *Planning Act* and *Ontario Building Code* applications on behalf of and to the satisfaction of the City to deal with any outstanding zoning non-compliance matters and to apply for building permit applications to advance construction of the Expo Tower 5 development.

The real estate transactions and necessary agreements to convey rights to Royal 7 are currently underway between the City and Royal 7 and will eventually be finalized as per the recommendations of this report and previous Council approval of the Expo Tower 5 Site Development application. Upon the completion of the necessary real estate transaction agreements, agency status to Royal 7 shall terminate.

Temporary Encroachment on Part 4 Reference Plan 65R-38333 and Part 8 on Reference Plan 65R-9447

Shoring and Excavation permits were issued by the Vaughan Building Standards Department for the Expo Tower 5 development. However, interim construction of the Expo Tower 5 shoring wall resulted in the installation of reinforcing horizontal rods to stabilize the shoring wall (known as tiebacks). Specifically, the tiebacks are encroaching onto subsurface portions of the Connection and the Edgeley Pond which are not subject to the ongoing sale to Royal 7.

The tiebacks are required in an interim basis until the shoring wall is stabilized by further construction of the building's foundation. In this regard, an agreement to allow for the temporary encroachment on the lands described as Part 4 on Reference Plan 65R-38333 [Attachment 2] and Part 8 on Reference Plan 65R-9447 [Attachment 4] is required until such time that the tiebacks are no longer necessary to stabilize the shoring wall, along with the necessary letter of credit to ensure that the tiebacks are destressed and removed upon completion of the underground parking garage. Staff is seeking authorization for the City to execute an encroachment agreement to this effect as a recommendation on this Report.

Sale of the Mews and Required Agreements

As part of the negotiations of the agreement(s) of purchase and sale of a portion of the Connection with both adjoining owners, Royal 7 and 2732129 Ontario Inc., the City will retain ownership of part of the surface of the future pedestrian mews, being Parts 5 and 7 on Reference Plan 65R-39315 as shown on Attachment 3. The City will also reserve a public access easement over a portion of the Connection that will be conveyed to the adjoining owners for the construction of a private road connecting Maplecrete Road to Jane Street. As a result, an agreement for reciprocal easements, maintenance and

operation of the future pedestrian mews and the future underground parking garage(s) is required, as per Recommendation 3 of this Report.

Previous Reports/Authority

The following link provides information related to the technical report that was ratified by Council associated with Royal 7 Development approvals:

[Item 10, Report No. 20, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 12, 2019.](#)

Financial Impact

There are no financial requirements for new funding associated with this report.

Broader Regional Impacts/Considerations

N/A

Conclusion

Staff recommend that Council give authorization to allow the City Clerk and the Mayor to execute the necessary documents to provide agency status to Royal 7 for City-owned lands, and to execute the necessary agreements to facilitate the sale of the Connection, which will facilitate development in the VMC, by advancing the construction of the Expo 5 Tower development in accordance with Council's approval.

For more information, please contact:

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Attachments

1. Royal 7 Development Master Plan
2. Development Reference Plan 65R-38333
3. Reference Plan 65R-39315
4. Reference Plan 65R-9447
5. Registered Plan 65M-4490
6. Expo Tower 5 Site Plan (File DA.18.050)

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