



## **Staff Report for Committee of the Whole Meeting**

**Date of Meeting:** April 16, 2025

**Report Number:** SRPBS.25.046

**Department:** Planning and Building Services

**Division:** Policy Planning

**Subject:** SRPBS.25.046 – Request for Authorization –  
11300 Yonge Street (City Files D01-20018, D02-  
20033, D06-22074)

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### **Purpose:**

To seek authorization to enable the owners of 11300 Yonge Street to convey a small portion of encumbered parkland as part of the future Site Plan Agreements associated with their lands located at 11300 Yonge Street (City Files D01-20018, D02-20033, D06-22074).

### **Recommendation(s):**

- a) That the Mayor and Clerk be authorized to execute the Agreements required to enable the conveyance of the encumbered parkland legally described as Part 2 of Reference Plan 65R-40848 and municipally addressed as 11300 Yonge Street with all the requisite parties as described in SRPBS.25.046 upon the written recommendation of the Commissioner of Planning and Building Services.

### **Contact Person(s):**

- Michelle Dobbie, Manager, Park and Natural Heritage Planning, extension 2467
- Maria Flores, Director, Policy Planning, extension 5438
- Gus Galanis, Commissioner, Planning and Building Services, extension 2465

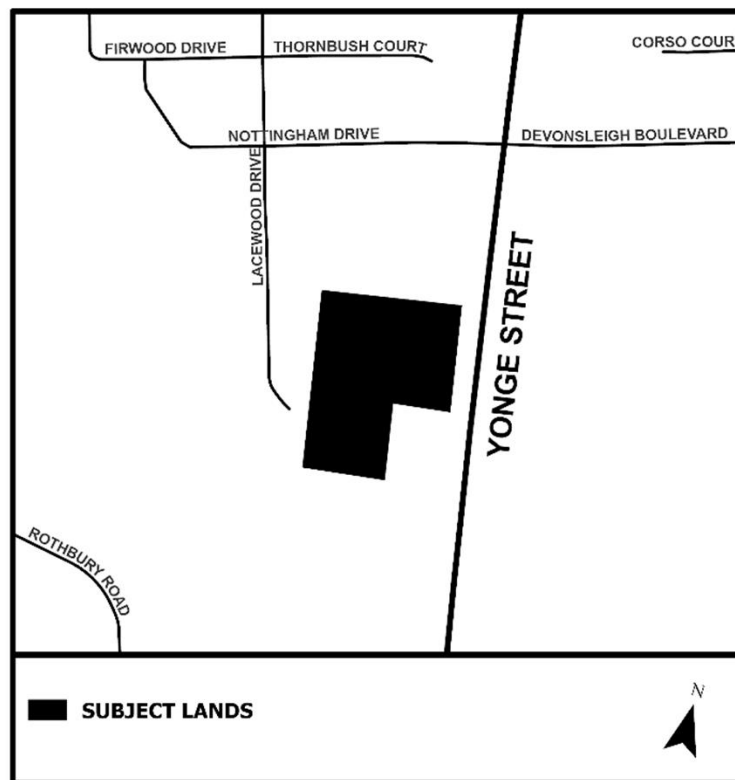
### **Report Approval:**

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

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### Background:

As part of future Site Plan approvals for the construction of an eight-storey long term care facility at 11300 Yonge Street (see Location Map below), Schlegel Villages Inc. has requested that the City consider accepting a small portion of encumbered parkland (see Attachment 1) given the findings outlined in the opinion letter from their legal counsel (see Attachment 2), which the City's Legal Division has reviewed. The encumbered lands are legally described as Part 2 of Reference Plan 65R-40848 (see Attachment 3).



As outlined in the legal opinion letter (Attachment 2), Part 2 of Reference Plan 65R-40848 is subject to a right-of-way encumbrance to permit the passage of vehicles, animals, and pedestrians per Instruments 37178, 61631, and 468386. The owner's legal counsel worked with a project surveyor to conduct a title search to determine what lands are benefiting from this right-of-way. In order to clear this right-of-way encumbrance from Part 2 of Reference Plan 65R-40848, the consent of every person and entity that has an interest in the right-of-way is required. It was determined from this title search that the benefiting/dominant lands whose owners have a right to make use of the right-of-way includes all of the lands in the Plan of Subdivision located immediately to the west of the subject lands (Plan 65M-4205). Based on a review of this Plan of Subdivision and a Google Earth search, it was found that at least one hundred and twenty four (124) homes have the right to use the right-of-way. Given the number of people that typically sign for a mortgage on a home (i.e. typically 1 or 2 people), the

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owner's legal counsel estimates that the consent of at least two hundred and fifty (250) owners and mortgagees would likely be required in order to register a release of this right-of-way. Given the number of parties from whom consent is required, the legal opinion letter concluded that it will be practically impossible to obtain the consent of each owner and mortgagee to enable the release of this right-of-way.

While the City does not typically accept encumbered parklands, as Richmond Hill continues to urbanize, landowners are more frequently making requests for the City to consider accepting encumbered parklands. Staff have found that it is important to review these requests on a case-by case-basis, with a focus on understanding the size and location of the parklands, along with considering the planned park uses or facilities for which the City intends to use the parklands. Staff have reviewed the documentation provided by the owner with respect to the request for the City to accept Part 2 of Reference Plan 65R-40848 as encumbered, and are supportive of accepting these parklands encumbered for the following reasons:

- the small size of the parcel (i.e. 4.8 square metres), which represents less than 1% of the total planned parkland conveyance, which is 619.7 square metres;
- the location of the lands at the southeast corner of the proposed parkland conveyance, which is beyond the extent of the planned trail in the linear park (see Phase 1 Site Plan at Attachment 4);
- the landscape elements planned on this portion of the linear park, namely sod and a portion of the fence along the property limit; and,
- the cost of attempting to remove the right-of-way encumbrance from this small piece of property.

On the basis of the preceding, it is recommended that the Mayor and Clerk be authorized to execute the necessary agreements required to enable the conveyance of the encumbered parkland legally described as Part 2 of Reference Plan 65R-40848 and municipally addressed as 11300 Yonge Street with all the requisite parties as described hereto upon the written recommendation of the Commissioner of Planning and Building Services.

### **Financial Implications:**

There are no financial/staffing/other implications associated with this report. Schlegel Villages Inc. will be required to pay the standard legal fees for the preparation and registration of the required Agreements as identified in the City's Tariff of Fees By-law.

### **Relationship to Strategic Plan 2024-2027:**

The recommendations in this report support the City's Strategic Plan Pillar 1, Growing a Livable, Sustainable Community. It specifically supports priority 1 by managing growth in a way that enables connectivity within the City, and priority 3 by making decisions that meet the needs of today's residents without compromising the ability of future generations to meet their own needs. The recommendations in this report also support

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Pillar 3, Strengthening our Foundations. It specifically supports priority 1 by making decisions that are evidence-based and data-driven to enable the City's long term financial sustainability, as well as social, environmental and economic sustainability, and priority 2 by focusing on quality customer service and a continuous improvement mindset to support innovation and be responsive to requests.

### **Attachments:**

The following attached documents may include scanned images of appendixes, maps and photographs. All attachments have been reviewed and made accessible. If you require an alternative format please call the contact person listed in this document.

- Attachment 1 – Request letter from Schlegel Villages Inc. dated March 14, 2025
- Attachment 2 – Opinion Letter from Craig Robson, Legal Counsel to Schlegel Villages Inc. dated December 24, 2024
- Attachment 3 – Reference Plan 65R-40848
- Attachment 4 – Phase 1 Site Plan for 11300 Yonge Street

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### Report Approval Details

Document Title:	SRPBS.25.046 - Request for Authorization - 11300 Yonge Street.docx
Attachments:	<ul style="list-style-type: none"><li>- Attachment 2 to SRPBS_25_046_Opinion Letter from Craig Robson - AODA.pdf</li><li>- Attachment 3 to SRPBS_25_046_Reference Plan 65R-40848.pdf</li><li>- Attachment 4 to SRPBS_25_046_Phase 1 Site Plan - AODA.pdf</li><li>- Attachment 1 to SRPBS_25_046_Request Letter - AODA.pdf</li></ul>
Final Approval Date:	Mar 24, 2025

This report and all of its attachments were approved and signed as outlined below:

**Maria Flores - Mar 24, 2025 - 8:41 AM**

**Antonio Dimilta - Mar 24, 2025 - 9:03 AM**

**Gus Galanis - Mar 24, 2025 - 11:27 AM**

**Darlene Joslin - Mar 24, 2025 - 1:08 PM**