

Authority: Government Management Committee Item 33.15,  
as adopted by City of Toronto Council on August 25, 26 and 27, 2010  
Enacted by Council: August 27, 2010

**CITY OF TORONTO**

**BY-LAW No. 985-2010**

**To expropriate interests at 1170 Sheppard Avenue West in connection with the  
Toronto-York Spadina Subway Extension.**

WHEREAS in accordance with the provisions of the *Expropriations Act*, an application has been submitted to City Council as approving authority for approval to expropriate the lands and interests in land hereinafter described; and

WHEREAS Notice of such Application has been published and has been served on the registered owners of the said lands and interests in land; and

WHEREAS a notice in writing of a desire for a hearing of necessity with respect to the said proposed expropriation was received and such hearing was held before an inquiry officer on May 14, 2010 pursuant to section 7 of the *Expropriations Act*, at which the parties agreed to amend the area of the required temporary easement; and

WHEREAS the Council of the City of Toronto, as approving authority, has considered the report of the said inquiry officer recommending approval of the revised application to expropriate the interests in land therein, approved the said Application for Approval to Expropriate and given leave to introduce and enact this by-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The expropriation of interests in parts of the lands municipally known as 1170 Sheppard Avenue West, being parts of PINs 11673-0001 to 11673-0056 (LT) and described as parts of the common elements of Metropolitan Toronto Condominium Plan No. 673, City of Toronto (formerly North York) (the "Lands") as set forth in sections 2, 3, 4, 5 and 6, is hereby approved by Council as the expropriating authority, pursuant to sections 7, 8 and 9 of the *City of Toronto Act, 2006*, in connection with the Toronto-York Spadina Subway Extension Project.
2. A subsurface fee simple interest and all other right, title and interest in the lands designated as Parts 1 and 2 on draft Plan of Survey Job Number 09-080-C673 prepared by Mackay, Mackay & Peters Limited, as revised July 23, 2010, is hereby expropriated and taken for the purpose of constructing and operating transit and/or other municipal systems, and for all works and uses ancillary thereto.
3. A limited interest in the lands designated as Parts 3, 4, 10, 11, 12 and 13 on draft Plan of Survey Job Number 09-080-C673 prepared by Mackay, Mackay & Peters Limited, as revised July 23, 2010, being a permanent easement in, on, over and through such part, is hereby expropriated and taken for the support and safe operation of subsurface transit and/or other municipal systems, including rights to restrain alterations to such lands, changes in use,

and storage of materials which may impact the load on the subsurface systems or otherwise impact their safe operation.

4. A fee simple interest and all other right, title and interest in the lands designated as Part 7 on draft Plan of Survey Job Number 09-080-C673 prepared by Mackay, Mackay & Peters Limited, as revised July 23, 2010, is hereby expropriated and taken for the purpose of constructing and operating an emergency exit building.
5. A limited interest in the lands designated as Part 8 on draft Plan of Survey Job Number 09-080-C673 prepared by Mackay, Mackay & Peters Limited, as revised July 23, 2010, being a permanent subsurface easement, is hereby expropriated and taken for the purpose of constructing, accessing, operating, and maintaining elements of transit and/or other municipal systems in and through such lands.
6. A limited interest in the lands designated as Parts 4, 5, 6, 8, 9 and 13 on draft Plan of Survey Job Number 09-080-C673 prepared by Mackay, Mackay & Peters Limited, as revised July 23, 2010, being a temporary easement for a limited time, is hereby expropriated and taken for the purpose of constructing elements of transit and/or other municipal systems, and for all works and uses ancillary thereto, including the right to pass over and occupy the lands with all personnel, materials and equipment for a period of thirteen months from the date that construction is to commence on the property.
7. Authority is hereby granted for the signing, sealing and registration in the proper Land Registry Office of the plans showing the lands and interests in land to be expropriated, including the payment of all expenses incidental thereto.
8. City staff are hereby authorized to serve on the former registered owners of the lands and interests in land described in sections 2, 3, 4, 5 and 6 hereof, the Notices of Expropriation (along with copies of Notices of Election as to a Date for Compensation) and the Notice of Possession as contemplated by the *Expropriations Act*.
9. The Mayor and the proper officers of the City are hereby authorized and directed to do all things necessary to give effect to this by-law, and the City Clerk and City Treasurer are hereby directed to execute all documents necessary in that behalf, and the said Treasurer is hereby authorized and directed to affix the corporate seal of the City to all such documents.

ENACTED AND PASSED this 27th day of August, A.D. 2010.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)