



**STAFF REPORT  
ACTION REQUIRED**

**Surplus Land Declaration and Proposed Closing of a  
Below-Grade Portion of Bremner Boulevard**

<b>Date:</b>	March 12, 2007
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	General Manager, Transportation Services and Chief Corporate Officer
<b>Wards:</b>	Toronto Centre-Rosedale – Ward 28
<b>Reference Number:</b>	Ts07087te.top.doc

**SUMMARY**

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Transportation Services and Facilities and Real Estate staff request that a below-grade portion of Bremner Boulevard be closed and be declared surplus to the City’s requirements. In addition, Facilities and Real Estate staff are also requesting authorization to invite an offer to purchase the below-grade portion of Bremner Boulevard in exchange for privately owned lands below Bremner Boulevard, from York Bremner Developments Limited, representing premises No. 15 York Street.

**RECOMMENDATIONS**

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**Transportation Services and Facilities and Real Estate Services recommend that  
Toronto City Council:**

1. Permanently close the below-grade portion of Bremner Boulevard, shown as Part 1 on the attached Sketch No. PS-2006-112 (the “Highway”), as a public highway, subject to compliance with the requirements of the City of Toronto Municipal Code Chapter 162, and following City Council’s approval of the sale of the Highway;
2. Direct Transportation Services staff to give notice to the public of a proposed bylaw to close the Highway following City Council’s approval of the sale of the Highway, and that this be done in accordance with the requirements of Chapter 162 of the City of Toronto Municipal Code, and that the Toronto and East York

- Community Council hear any member of the public who wishes to speak to this matter during consideration of the proposed bylaw;
3. Declare the Highway surplus to the City's requirements and authorize the Chief Corporate Officer to invite an offer to purchase the Highway in exchange for the privately owned below-grade lands shown as Part 2 on the subject sketch, subject to permitted encroachments, from York Bremner Developments Limited, (the "Applicant");
  4. Direct Transportation Services staff to dedicate the private lands for public highway purposes upon acquisition by the City of the private lands; and
  5. Take all steps necessary to comply with Chapter 213 of the City of Toronto Municipal Code.

### **FINANCIAL IMPACT**

The subject closing and transfer will not incur any Capital costs to the City as the Applicant is required to pay all costs associated with the exchange of the subject lands.

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

### **DECISION HISTORY**

Due to the lengthy process required to permanently close and sell public highway lands, the Applicant submitted an application to Transportation Services for a permit to begin construction on the tunnel expansion below Bremner Boulevard, which would link 15 York Street (Maple Leaf Square) to 40 Bay Street (Air Canada Centre).

Accordingly, City Council, at its meeting of September 25, 26 and 27, 2006, adopted without amendment, Clause 104 of Toronto and East York Community Council Report No. 7, thereby authorizing the expansion of the existing tunnel below Bremner Boulevard. The permit (Application No. 339243) was issued February 16, 2007.

### **ISSUE BACKGROUND**

In conjunction with the above-noted Permit application, Transportation Services staff received a request from the Applicant to investigate the feasibility of permanently closing the below-grade portion of the Highway in order to expand the existing loading and service connection(s) linking the Air Canada Centre at 40 Bay Street to Maple Leaf Square at 15 York Street, in exchange for the private lands to form part of Bremner Boulevard.

### **COMMENTS**

Transportation Services staff has reviewed the feasibility of closing the Highway and has determined that the Highway can be permanently closed, declared surplus and sold in exchange for the subject below-grade private lands.

**Details of the Highway are as follows:**

Description:	Below-grade portion of Bremner Boulevard also shown as Part 1 on Sketch PS-2006-112
Approximate Area:	105 m <sup>2</sup> ± (1,130.25 ft <sup>2</sup> ±)
Zoning:	Mixed Use Commercial Residential (Block 5, Railway Lands East Area A)
Official Plan:	Mixed Use Area
Current Status:	Below-grade portion of road allowance

The private lands are encumbered by an Enwave steam chamber. However, this encroachment is acceptable to Transportation Services staff.

**Closing Process:**

In order to proceed with the disposal of the Highway, the City must comply with the procedures governing disposal of property. Specifically, before disposing of any property (including a lease of 21 years or longer), Council must declare the property to be surplus through a by-law or resolution. A notice of the proposed disposal and the manner of disposal must then be given to the public and at least one appraisal of the market value of the property must be obtained.

The closing process requires three separate approvals from City Council. The first approval initiates the process to close the Highway and declares the subject land(s) surplus. The second approval authorizes the terms and conditions of the exchange of the subject land(s). The third and final City Council approval authorizes the closing bylaw. In addition, the public has the opportunity to speak to the matter if they wish to do so at Toronto and East York Community Council during consideration of the draft bylaw.

The Municipal Class Environmental Assessment Act does not apply to the closure of the subject Highway because it is below-grade and not a travelled portion of the road allowance. The closure of the Highway is also exempt from the requirements of the Environmental Assessment Act.

## **CONTACT**

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## **ATTACHMENTS**

Sketch No. PS-2006-112 dated August 15, 2006

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