



**STAFF REPORT
ACTION REQUIRED**

**Expropriation of Temporary Easements Over Portions of
4600 Dufferin Street - York University Busway Project**

Date:	May 29, 2008
To:	Government Management Committee
From:	Chief Corporate Officer
Wards:	Ward 8 – York West
Reference Number:	P:\2008\Internal Services\F&re\Gm08051F&re - (AFS 7122)

SUMMARY

This report seeks approval for the expropriation of temporary easements over portions of 4600 Dufferin Street, formerly part of 4590 Dufferin Street, hereafter the “Property”, for the purposes of removing an existing driveway and constructing a new driveway in a more southerly location to allow for greater separation between the Property’s driveway and the York University Busway (the “Busway”) that is under construction on the adjoining Hydro One Networks Inc. (“Hydro One”) corridor.

RECOMMENDATIONS

The Chief Corporate Officer recommends that:

1. City Council, as approving authority under the *Expropriations Act*, approve the expropriation of interests in the “Property”, legally described as part of PIN 10179-0107 (LT) in the City of Toronto, said interests being temporary easement rights for a period of fifteen months from the date of registration of the Expropriation Plan under the *Expropriations Act*, in those portions of the “Property” designated as Parts 1 and 2 on the attached draft Expropriation Plan, for the purpose of opening and constructing a new driveway (Part 1) for ingress to and egress from the “Property” and closing and removing the existing driveway (Part 2);
2. City Council as expropriating authority under the *Expropriations Act*, authorize all necessary steps to proceed with the said expropriation in compliance with all

- steps under the *Expropriations Act*, including but not limited to, the preparation and registration of an Expropriation Plan and the service of Notices of Expropriation, Notices of Election as to a Date for Compensation and Notices of Possession;
3. the Director of Real Estate Services or the Executive Director of Facilities and Real Estate be authorized to sign the Notices of Expropriation and Notices of Possession on behalf of the City;
 4. leave be granted for introduction of the necessary Bill in Council to give effect thereto; and
 5. the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Financial Impact

The expropriation of temporary interests in the “Property” for the purposes of the Bus Rapid Transit – Spadina Subway to York University Project was approved by City Council in 2006. Funding for this expropriation is available in the TTC 2008-2012 Capital Budget, Account CTT015.

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

DECISION HISTORY

On September 25, 26 and 27, 2006, City Council adopted Clause 33 of Report No. 6 of the Administration Committee, thereby authorizing staff to enter into negotiations to acquire the necessary property interests for the York University Busway Project and to initiate the expropriation process, where necessary and appropriate.

ISSUE BACKGROUND

On August 15, 2007, the Committee of Adjustment (North District) consented to the severance of 4590 Dufferin Street into two parcels. The most northerly parcel, now known municipally as 4600 Dufferin Street, and herein referred to as the “Property”, is located immediately south of the “Hydro One” corridor upon which the “Busway” construction is underway.

In order to ensure that there is safe egress from the “Busway” and safe access/egress to the “Property”, the existing driveway shown as Part 2 on the attached draft Expropriation Plan, must be relocated south to the location shown as Part 1.

COMMENTS

Pursuant to Council's authority and in accordance with the *Expropriations Act*, Notices of Application for Approval to Expropriate temporary easement interests in the "Property" were served on all registered property owners and published in the newspaper. No request for a Hearing of Necessity, which is permitted under the *Expropriations Act*, has been received from any owner within the thirty day period following the service and publication of the said Notices, as permitted under the *Expropriations Act*.

When City Council's authority was received, staff sought to secure mutually agreeable temporary easements from the owner of the "Property". Agreement has not been reached. In order to ensure that the driveway relocation can be completed prior to the opening of the "Busway" to TTC and regional bus traffic by the end of this year, this report recommends that Council approve the proposed expropriation of temporary easement interests in the "Property" and authorize all necessary steps to proceed with the said expropriation in compliance with the *Expropriations Act*

Details of the lands being expropriated are as follows:

Municipal Address:	4600 Dufferin Street
Registered Owner:	Veritas 4950 Dufferin Street Corp.
Legal Description:	Part of PIN No. 10179-0107 (LT) Described as part of Lot 21, Concession 3 West of Yonge Street, designated as part of Part 4 on Reference Plan 66R-22717 and shown as Parts 1 and 2 on the attached draft Expropriation Plan
Approximate Dimensions:	Part 1 Rectangular - Dufferin Frontage - 12.80 m (41.99 ft) - North Limit - 33.17 m (108.82 m) Part 2 Irregular - Dufferin Frontage - 15.77 m (51.74 ft) - North Limit - 33.14 m (108.72 m)
Approximate Site Area:	Part 1 450 m ² (4,843.75.19 ft ²) Part 2 530 m ² (5,704.87 ft ²)
Temporary Easements:	Part 1 – Construct a new driveway Part 2 – Remove the existing driveway
Term:	Fifteen (15) months from registration of the Expropriation Plan

Official Plan: Employment Area

Zoning: MC(H) Industrial Commercial

CONTACTS

Joe Casali, Director, Real Estate Services; Tel: (416) 392-7202; Fax: (416) 392-4880;
E-Mail: jcasali@toronto.ca

Domenic Garisto, Manager, TTC Property Development; Tel: (416) 393-6536; Fax: (416) 338-0211; E-Mail: Domenic.Garisto@ttc.ca

SIGNATURE

Bruce Bowes, P.Eng.
Chief Corporate Officer

ATTACHMENTS

Site Maps