



**STAFF REPORT  
ACTION REQUIRED**

**Grade Separation at Agincourt GO Station - TTC  
Sheppard East LRT Project**

<b>Date:</b>	June 10, 2009
<b>To:</b>	Government Management Committee
<b>From:</b>	Chief Corporate Officer
<b>Wards:</b>	Ward 39 – Scarborough- Agincourt and Ward 41 - Scarborough Rouge River
<b>Reference Number:</b>	P:\2009\Internal Services\F&re\Gm09052F&re - (AFS – 10253)

**SUMMARY**

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This report relates to property requirements for the purposes of constructing a grade separation at the Agincourt GO Station, itself a prerequisite for the proposed Toronto Transit Commission (“TTC”) Sheppard East LRT, and seeks approval for the expropriation of properties as identified in Appendix “A” (the “Property”).

This report also seeks approval to amend previously approved property boundaries as identified in Appendix “B”.

**RECOMMENDATIONS**

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**The Chief Corporate Officer recommends that:**

1. City Council, as approving authority under the *Expropriations Act*, approve the expropriation of the Property, set out in Appendix “A”;
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 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. City Council authorize the amendments to the property requirements, as set out in Appendix “B” of this report, for the purposes of constructing the grade separation at the Agincourt GO Station itself a pre-requisite for the proposed Toronto Transit Commission Sheppard East LRT Project.

### **Financial Impact**

Funding for the Properties identified in Appendix A is available in the 2009 Approved Capital Budget, in project CTT135.

On May 15, 2009 the Federal and Provincial governments announced joint funding of \$950 million for this project. Details regarding this funding and eligible costs will be the subject of future discussions with the Federal and Provincial governments. The acquisition of those properties identified in Appendix B will not proceed until this exercise has been completed. This report seeks authority to amend technical property boundary information in relation to those properties for the sole purpose of allowing the project to proceed in a timely manner once the funding issues have been resolved.

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

### **DECISION HISTORY**

On October 29 and 30, 2008, City Council adopted the recommendations of Report GM18.13, whereby staff were authorized to negotiate to acquire, or initiate expropriation proceedings, with respect to properties required for constructing a grade separation at the Agincourt GO Station, and for the widening of Sheppard Avenue East, subject to obtaining project cashflow and commitment funding in the TTC 2009-2013 Capital Program.

<http://www.toronto.ca/legdocs/mmis/2008/gm/reports/2008-10-21-gm18-cr.pdf>

## **COMMENTS**

### **Expropriation of Property**

Pursuant to Council's authority and in accordance with the *Expropriations Act*, Notices of Application for Approval to Expropriate was published and served on the registered owners of 4, 6, 8 and 10 Agincourt Drive. No request for a Hearing of Necessity, which is permitted under the *Expropriations Act*, has been received from the owners and the time limitation for the receipt of such request, as set out in the *Expropriations Act*, has expired.

Voluntary acquisitions through negotiations are continuing with each of the impacted owners, but that process does not ensure that the property interests will be secured within the timeframe required for the project. In order to secure the property interests in a timely manner for the commencement of the TTC's construction program for the rail realignment this report recommends that Council approve the proposed expropriation of the property interests and authorize all necessary steps to proceed with the expropriation in compliance with the *Expropriations Act*. Details of the properties to be expropriated are set out in Appendix "A". Funding is available for this expropriation, as identified in the financial impact section of this report.

### **Refinement of Property Boundaries**

At the time of reporting to Council in October 2008, TTC staff had identified privately owned properties that were required, in whole or in part and either temporarily or permanently, for the construction of the Agincourt GO grade separation. Since that time, more detailed design work has been undertaken, resulting in the development of more accurate information, and therefore, in the requirement to amend eight (8) of the previously approved property boundaries as recommended in this report.

The provincial and federal governments have jointly pledged \$950 million for the construction of the Sheppard East LRT (May 15, 2009). Although the underlying details relating to the pledged funding have not yet been determined, adopting the revision to the previously established property boundaries will allow the project to proceed in a timely manner once the funding issues have been resolved.

## **CONTACT**

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## **SIGNATURE**

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Bruce Bowes, P.Eng.  
Chief Corporate Officer

## **ATTACHMENTS**

Appendix “A” –Property Details;  
Appendix “B” – Table of Amendments to Private Property Requirements  
Site Maps