



**STAFF REPORT  
ACTION REQUIRED  
with Confidential Attachment**

**Expropriation – TTC Sheppard East LRT Project  
Kennedy Road To West Highland Creek**

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| <b>Date:</b>                                | July 29, 2010  |
| <b>To:</b>                                  | Government Management Committee  |
| <b>From:</b>                                | Chief Corporate Officer  |
| <b>Wards:</b>                               | 40 – Scarborough-Agincourt   |
| <b>Reason for Confidential Information:</b> | This report is about a proposed or pending land acquisition by the City or one of its agencies, boards, and commissions. |
| <b>Reference Number:</b>                    | P:\2010\Internal Services\Re\Gm10066re (AFS – 12494)   |

**SUMMARY**

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In July 2008, City Council approved the recommendations in the Sheppard East Light Rail Transit (the “Line”) Environmental Assessment Study for this first Transit City light rail line. In October 2008 and March 2010, City Council authorized the acquisition of various property interests from west of Birchmount Road to east of McCowan Road for the widening of Sheppard Avenue East to comply with the 36 metre width as set out in the City of Toronto Official Plan and for the construction of a grade separation at the Agincourt GO station.

This report seeks authority to expropriate the property requirements set out Appendix “A” (the “Properties”) and illustrated in Appendix “B” for the purposes of widening Sheppard Avenue East and constructing the Line.

**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 Properties set out in Appendix “A” for construction of the Line and for the widening of Sheppard Avenue East.

2. City Council, as expropriating authority under the *Expropriations Act*, authorize all necessary steps to comply with 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. Leave be granted for introduction of the necessary Bill in Council to give effect thereto.
4. City Council authorize the public release of the confidential information contained in Attachment 1 once there has been a final determination of the compensation payable for the Properties by arbitration, appeal or settlement to the satisfaction of the City Solicitor.

### **Financial Impact**

Funding for the Properties identified in Appendix “A” is available in the 2010 approved Capital Budget, in project CTT135.

Confidential Attachment 1 to this report identifies the initial appraised values for the Properties.

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

### **DECISION HISTORY**

On July 15, 16 and 17, 2008, City Council adopted the recommendations of Report PG17.8, whereby staff were authorized to submit the Line’s Environmental Assessment Study to the Province of Ontario, begin detailed design as soon as possible and be in a position to begin construction of the Line in 2009.

On October 29 and 30, 2008, City Council adopted the recommendations of Report GM18.13, whereby staff were authorized to negotiate to acquire and if unsuccessful, 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.

On March 31 and April 1, 2010, City Council adopted the recommendations of Report GM29.16, whereby staff were authorized to negotiate to acquire, and if unsuccessful, initiate expropriation proceedings, with respect to properties west of Birchmount Road to east of McCowan Road for construction of the Line and for the widening of Sheppard Avenue East.

## COMMENTS

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

Staff have contacted all property owners and three have responded. In order to secure the Properties in a timely manner and thus avoid costly delays in the construction schedule, this report recommends that Council approve the proposed expropriation of the Properties 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".

## CONTACT

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## SIGNATURE

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Bruce Bowes, P.Eng.  
Chief Corporate Officer

## ATTACHMENTS

Attachment 1 – Confidential Attachment  
Appendix "A" – Private Property Requirements To Be Expropriated  
Appendix "B" – Excerpts from Draft Expropriation Plans  
Appendix "C" – Site Map