



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

**Real Estate Expropriations – Toronto-York Spadina
Subway Extension Project (South of Steeles):
3711 Keele Street (additional requirements)**

Date:	April 11, 2011
To:	Government Management Committee
From:	Chief Corporate Officer
Wards:	Ward 8 – York West
Reason for Confidential Information:	This report is about a proposed or pending land acquisition by the City or one of its agencies, boards, and commissions and deals with litigation or potential litigation that affects the City or one of its agencies, boards, and commissions.
Reference Number:	P:\2011\Internal Services\Re\Gm11015re (AFS 13614)

SUMMARY

On January 27 and 28, 2009, City Council authorized City staff to initiate expropriation proceedings for property requirements needed for the construction of a portion of the Toronto-York Spadina Subway Extension Project (the “Project”) from 3711 Keele Street. All the necessary steps required under the *Expropriations Act* have been taken and this report recommends that City Council, as Approving Authority under the *Expropriations Act*, approve the expropriation of the property requirements identified in this report for 3711 Keele Street.

RECOMMENDATIONS

The Chief Corporate Officer recommends that:

1. City Council, as Approving Authority under the *Expropriations Act*, approve the expropriation of the property interests set out in Appendix A from 3711 Keele Street for the purpose of constructing a subway tunnel and protecting the subway tunnel through the acquisition of a support easement, in connection with the construction of a portion of the Toronto-York Spadina Subway Extension.

2. City Council grant leave for introduction of the necessary Bill in Council to give effect thereto.
3. City Council authorize City staff to take 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.
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 to the owners by arbitration, appeal or settlement to the satisfaction of the City Solicitor.

Financial Impact

Funding is available in the Council Approved 2011 Capital Budget and the 2012-2020 Capital Plan within the Toronto-York Subway Extension Capital Project.

Confidential Attachment 1 to this report identifies the initial appraised value for the property interests recommended for expropriation. There is no additional financial impact associated with this report.

DECISION HISTORY

On January 27 and 28, 2009, City Council adopted Item GM20.4, thereby authorizing the Director of Real Estate Services to negotiate to acquire and initiate expropriation proceedings, if necessary, with respect to property requirements for thirty-two properties, including 3711 Keele St, for the purposes identified in that report. The report can be found at:

<http://www.toronto.ca/legdocs/mmis/2009/cc/decisions/2009-01-27-cc30-dd.pdf>

Since this approval was obtained, there were further design refinements and clarifications by TTC surveyors, and it was concluded that there was additional property required, which had been included in the January 2009 report. Negotiations were initiated for the necessary property requirements and Application of Approval to Expropriate Land was issued and the initial notices were served by the City on the property owners this year after negotiations did not result in an agreement.

ISSUE BACKGROUND

The \$2.6 billion Project involves an 8.6 km, 6 station extension of the TTC Spadina Subway system from the existing Downsview station to the Vaughan Corporate Centre at Highway 7 in York Region. Total property acquisition costs were estimated at \$125 million. The City of Toronto and York Region are each responsible for acquiring properties within its own geographical boundaries, and for resolving all related claims for compensation.

The City portion of the Project is 6.2 km in length, and includes four stations: Sheppard West, Finch West, York University, and Steeles West (this station crosses the municipal boundary). As the design progresses, TTC identifies its property requirements to the City for acquisition either by negotiation or expropriation to ensure City ownership in sufficient time for the commencement of construction.

TTC has identified the need to acquire additional property requirements from the property at 3711 Keele Street, identified in Appendix A (the "Property") in connection with the construction of the subway tunnels between the proposed Sheppard West and Finch West subway stations. This includes a permanent easement for support, as is required to maintain the structural integrity of the tunnels and other subsurface infrastructure which may be constructed. Details of the interests to be expropriated from each property are also set out in Appendix A.

COMMENTS

As authorized by City Council, the City's negotiator had approached the owner of the Property to secure voluntary acquisition of the necessary property requirements, but agreement has not yet been reached. Notices of Application for Approval to Expropriate Land have been published and served in accordance with the *Expropriations Act*.

The owners have not requested an Inquiry and the time limitation set out in the *Expropriations Act* for the receipt of such request has expired. City Real Estate Services staff have reviewed the property requirements and initial appraisal estimates, and are satisfied that they represent a fair estimate of the market value.

This report seeks approval from City Council, as the Approving Authority under the *Expropriations Act*, to expropriate those property interests identified in Appendix A for the purposes described therein to ensure that ownership is secured to meet construction time

lines. It directs the Director of Real Estate Services to serve the required Notices. All necessary steps to complete the expropriation process including payment of the required compensation will be undertaken by City staff pursuant to delegated authority as applicable.

CONTACT

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SIGNATURE

Bruce Bowes, P.Eng.
Chief Corporate Officer

ATTACHMENTS

Confidential Attachment 1 – Confidential Information
Appendix A – Property Requirements To Be Expropriated
Appendix B - Draft plan of survey
Appendix C– Location map