



## STAFF REPORT ACTION REQUIRED

### Applications for Approval to Expropriate – Eglinton Scarborough Crosstown Transit Project

<b>Date:</b>	February 7, 2012
<b>To:</b>	Government Management Committee
<b>From:</b>	Chief Corporate Officer
<b>Wards:</b>	Wards 11, 12, 15, 16, 17, 21, 22 and 26
<b>Reference Number:</b>	P:\2012\Internal Services\Re\Gm12003re (AFS #15094)

#### SUMMARY

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In November, 2009, City Council approved the recommendations contained in the Eglinton Crosstown LRT Transit Project Assessment Study and authorized staff to submit the Environmental Project Report to the Ministry of the Environment. The Report recommended a 25 km light rail transit line along Eglinton Avenue, including a 10.5 km underground tunnelled section between Black Creek Drive and Brentcliffe Road. In May, 2010 the Minister issued a Notice to Proceed. The Toronto Transit Commission is proceeding with the design of the underground section as approved through the Environmental Assessment.

An initial set of property requirements to construct the tunnels have been identified by TTC. This report seeks Council authority for staff to initiate expropriation proceedings if necessary where negotiations to purchase the property interests are unsuccessful for these initial identified properties and also for the remaining properties necessary to proceed with the tunnelled section of the Eglinton Scarborough Crosstown transit project.

#### RECOMMENDATIONS

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**The Chief Corporate Officer recommends that:**

1. City Council grant authority to the Director of Real Estate Services to initiate expropriation proceedings, if necessary where negotiations are unsuccessful, for the property requirements set out in the attached Appendix "A" for the purpose of constructing the tunnelled portion of the Eglinton Scarborough Crosstown transit project.

2. City Council grant authority to the Director of Real Estate Services to serve and publish Notices of Application for Approval to Expropriate the property requirements set out in the attached Appendix "A", to forward to the Chief Inquiry Officer any requests for hearing that are received, to attend the hearings to present the City's position and to report the Inquiry Officer's recommendations to City Council for its consideration.
3. City Council also grant authority to the Director of Real Estate Services to serve and publish Notices of Application for Approval to Expropriate the remaining property interests required to implement the tunnelled portion of the Eglinton Scarborough Crosstown transit project to forward to the Chief Inquiry Officer any requests for hearing that are received, to attend the hearings to present the City's position and to report the Inquiry Officer's recommendations to City Council for its consideration.

### **Financial Impact**

Funds for property acquisition for the Eglinton Scarborough Crosstown transit project are available in the City of Toronto Internal Order No. 99000055 for Metrolinx funded initiatives which are managed by TTC's Transit Expansion Department and which costs are recoverable from Metrolinx paid advances held in City reserves. The Province of Ontario, through Metrolinx, will fund 100% of the property acquisition costs for the Project.

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

### **DECISION HISTORY**

On November 30, December 1, 2, 4 and 7, 2009, City Council adopted the recommendations of Report CC42.7, approving the recommendations of a class environmental assessment study which included an underground light rapid transit line along Eglinton Avenue between Black Creek Drive and Brentcliffe Road found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2009.CC42.7>

### **COMMENTS**

TTC is proceeding with the detailed design of the tunnels and associated stations in connection with the tunnelled portion of the Eglinton Scarborough Crosstown transit project (the "Project"). The first set of property requirements have been identified as described in Appendix A. City staff always prefer to negotiate a purchase of the property requirements with the relevant property owners. However, City Council authority is being sought to initiate expropriation proceedings concurrently in order to protect the Project's construction schedule.

The expropriation process is mandated by the *Expropriations Act* and is a two step process. The first step is the service and publication of a Notice of Application for Approval to Expropriate Land which puts property owners on notice that the "Expropriating Authority" is applying for the approval of the "Approving Authority" to expropriate a property interest. This report deals with the first step and authorizes City staff (specifically the Director of Real Estate) to issue the Notices and commence the approval process for the property interests identified in Appendix "A". This first step does not approve the actual taking of the required property. A second approval of the expropriation by City Council as the "Approving Authority" is required before any property rights are impacted or any direct financial obligation is imposed.

The Project is funded 100% by the Province. It will require a large volume of property interests to be acquired as detailed design progresses. The tunnels and associated stations are at different stages of design such that new property requirements may be identified monthly. For these reasons, and because City Council must still approve any expropriation prior to property rights being impacted, staff are also requesting that a blanket authority to issue the Notices of Application for Approval to Expropriate be granted in respect of all upcoming property requirements for the tunnelled portion of the Project. Area councillors will be informed as property requirements are identified through the design process and will be notified prior to any Notices of Application being served on property owners.

## **CONTACT**

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## **SIGNATURE**

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Bruce Bowes, P. Eng.  
Chief Corporate Officer

## **ATTACHMENTS:**

- Appendix "A" - Private Property Requirements
- Appendix "B" - Site Map
- Appendix "C" - Sketch - 2322-2400 Eglinton Avenue East Property Requirements