



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

Expropriation of Property Interests for the Eglinton - Scarborough Crosstown Transit Project

Date:	January 4, 2013
To:	Government Management Committee
From:	Chief Corporate Officer
Wards:	16 – Eglinton – Lawrence and 21 – St Paul's
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:\2013\Internal Services\Re\GM13004re (AFS - 16998)

SUMMARY

This report seeks authority to expropriate the property requirements identified in Appendix "A" and illustrated in Appendix "B" for the purpose of constructing and operating the Eglinton Scarborough Crosstown Transit Project (the "Project").

RECOMMENDATIONS

The Chief Corporate Officer recommends that:

1. City Council, as approving authority under the *Expropriations Act*, approve the expropriation of property requirements set out in Appendix "A" for the Project.
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 a Expropriation Plans 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 Confidential Attachment 1 once there has been a final determination of all property transactions and claims for compensation related to the Project to the satisfaction of the City Solicitor.

Financial Impact

Funds for property acquisition for the Project are available in the City of Toronto Internal Order No. 99000055 for Metrolinx funded initiatives, 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.

Confidential Attachment 1 to this report identifies the initial estimates of value for the property requirements.

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.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2009.CC42.7>

At a special meeting held on February 8, 2012, City Council, adopted Item CC17.1, reaffirming its support for LRT priority plan for Toronto and the early implementation of the following projects: (a) Finch West LRT from the Spadina Subway extension to Humber College, (b) Eglinton Crosstown LRT from Jane Street to Kennedy Station, and (c) Scarborough RT conversion to LRT from Kennedy Station to Sheppard Avenue, with an extension to Malvern Town Centre as funds become available.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.CC17.1>

On March 5, 6 and 7, 2012, City Council adopted the recommendations of Government Management Report GM11.8, authorizing 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.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.GM11.8>.

At its meeting on October 30, 31 and November 1, 2012, City Council adopted Item CC27.6, as amended, which, among other matters, approved a Master Agreement among Metrolinx, the City and the Toronto Transit Commission for the implementation of the LRT projects.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.CC27.6>

COMMENTS

Pursuant to Council's authority and in accordance with the *Expropriations Act*, Notices of Application for Approval to Expropriate the required property interests were served on the registered owners and published in the newspaper. Two of the property owners requested a Hearing of Necessity within the time frame set out in the *Expropriations Act*, however both owners later withdrew these requests.

Negotiations are still underway with the owners to acquire the necessary property requirements on mutually acceptable terms. However, in order to preserve the construction schedule, this report recommends that Council continue with the expropriation proceedings and authorize all necessary steps to proceed with the expropriation in compliance with the *Expropriations Act*. Although the Project has been handed over to Metrolinx, these proceedings were commenced in the name of the City and starting new proceedings in the name of Metrolinx could result in property interests not being secured on time and could result in costly delays in the construction schedule.

All necessary steps, including payment of the required compensation, will be undertaken by City staff pursuant to delegated authority as applicable. The lands would be transferred to Metrolinx as set out in the real estate principles outlined in the Master Agreement.

CONTACT

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SIGNATURE

Josie Scioli
Chief Corporate Officer

ATTACHMENTS

Confidential Attachment 1 – Confidential Information
Appendix "A" – Table of Property Requirements
Appendix "B" – Site Map