



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### Expropriation of Permanent and Temporary Easement, 500 Dawes Road

**Date:** December 18, 2017

**To:** Government Management Committee

**From:** Director, Real Estate Services

**Wards:** 31 - Beaches East York

#### **REASON FOR CONFIDENTIAL INFORMATION**

---

This report is about a proposed or pending land acquisition by the City or one of its agencies or corporations.

#### **SUMMARY**

---

In October 2017, City Council authorized the initiation of expropriation proceedings for a permanent and temporary easement at the property municipally known as 500 Dawes Road (the "Property Interests"). The purpose of the permanent easement is for a pedestrian walkway connecting the Cedarcrest Boulevard to the Joshua Cronkwright Parkette and the temporary easement is to allow for the construction of the walkway.

This report seeks approval from City Council, as the approving authority under the *Expropriations Act*, to expropriate the Property Interests, shown as Parts 1, 2 and 3 on Draft Expropriation Plan in Appendix "B".

#### **RECOMMENDATIONS**

---

**The Director, Real Estate Services recommends that:**

1. City Council, as approving authority under the *Expropriations Act*, approve the expropriation of the permanent and temporary easement at 500 Dawes Road, as legally described in Appendix "A" and shown as Parts 1, 2 and 3 on the Draft Expropriation Plan, attached as Appendix "B" (the "Property Interests").
2. City Council authorize the City, as expropriating authority under the *Expropriations Act*, 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 service of Notices of Expropriation, Notices of Election as to a Date for Compensation, and Notices of Possession.

3. City Council authorize the public release of the confidential information contained in Confidential Attachment 1 once there has been a final determination of all claims for compensation for the Property to the satisfaction of the City Solicitor.

## **FINANCIAL IMPACT**

---

Confidential Attachment 1 to this report identifies the initial estimated value of the Property.

Funding to acquire the Property Interests has been approved by Council in the 2017 Capital Budget and 2018-2026 Capital Plan for Parks, Forestry & Recreation. The 2018 Preliminary Capital Budget for Parks, Forestry and Recreation includes previously approved funding in 2017 for the "Expropriation of Easement Area, 500 Dawes Road" in the "Parkland Acquisition FY2017" sub-project in the Land Acquisition project, with funding from the Parkland Acquisition South District Land Acquisition Reserve Fund (XR2208), to cover all costs for this transaction.

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

## **DECISION HISTORY**

---

At its meeting of October 2, 3 and 4, 2017, City Council directed the Director of Real Estate Services to continue discussions with the property owner at 500 Dawes Road for the acquisition of the amended permanent and temporary easement and authorized the initiation of the expropriation process for the required lands, if deemed necessary by the Director of Real Estate Services. The Council decision associated with this approval can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.GM22.30>

At its meeting of December 9 and 10, 2015, City Council directed the Director of Real Estate Services to continue discussions with the property owner at 500 Dawes Road for the acquisition of a permanent and temporary construction easement required for the pedestrian walkway and authorized the initiation of the expropriation process for the required lands, if deemed necessary by the Director of Real Estate Services. The Council decision associated with this approval can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.GM8.20>

## **COMMENTS**

---

Staff from Real Estate Services have been in discussions with the owner of 500 Dawes Road in an effort to reach mutually acceptable terms regarding the acquisition of the Property Interests since 2015. As it appears that a negotiated settlement cannot be reached, expropriation of the Property Interests is recommended.

Pursuant to Council's authority and in accordance with the *Expropriations Act*, Notices of Application for Approval to Expropriate the Property Interests were served on the registered owners and published in the newspaper. The City has not received notice requests for a hearing of necessity and the time limitation set out in the *Expropriations Act* for giving notice of such a request to the City has expired.

It is recommended that City Council, as approving authority under the *Expropriations Act*, approve the expropriation of the Property and that City Council authorize the City, as expropriating authority under the *Expropriations Act*, to take all necessary steps to proceed with the expropriation of the Property Interests.

## **CONTACT**

---

Tim Park, Manager, Acquisitions & Expropriations, Real Estate Services  
Tel.: (416) 392-5838; Email: [Tim.Park@toronto.ca](mailto:Tim.Park@toronto.ca)

## **SIGNATURE**

---

David Jollimore  
Director, Real Estate Services

## **ATTACHMENTS**

---

Attachment 1 - Confidential Attachment  
Appendix "A" - Property Interests  
Appendix "B" - Draft Expropriation Plan  
Appendix "C" - Location Map

## Appendix "A"

### Property Interests

Property Address	Owner	Legal Description	Property Requirements
Part of 500 Dawes Road, shown as Part 2 on Draft Expropriation Plan	Havcare Investments Inc.	Part of PIN 10442-0323(LT)	Permanent easement over and area of 513.4m <sup>2</sup> for the pedestrian walkway
Part of 500 Dawes Road, shown as Parts 1 and 3 on Draft Expropriation Plan	Havcare Investments Inc.	Part of PIN 10442-0323(LT)	Temporary easement over an area of 1,892.8m <sup>2</sup> , required for the construction of the pedestrian walkway, for a term of 3 years to commence on date of possession



# Appendix "C"

## Location Map

