

Expropriation of a Portion of 5795 Yonge Street for Public Street Purposes

Date: December 14, 2020

To: General Government and Licensing Committee

From: Executive Director, Corporate Real Estate Management

Wards: Ward 18 - Willowdale

REASON FOR CONFIDENTIAL INFORMATION

This report deals with a proposed or pending acquisition or disposition of land by the City of Toronto.

SUMMARY

The purpose of this report is to seek reauthorization from City Council to recommence proceedings for the expropriation of the fee simple interest and all other title, right and interest in certain lands forming part of the condominium property known municipally as 5795 Yonge Street. Reauthorization is required as the timelines for the final registration of the expropriation plan shown in (Appendix B) were not met and City Staff are required to recommence the proceedings for the expropriation of the required interests. The land to be expropriated is a small irregular piece of property required for the construction, maintenance and future repairs of a public street (the "Project").

RECOMMENDATIONS

The Executive Director, Corporate Real Estate Management, recommends that:

1. City Council grant authority to initiate the expropriation process for the City to acquire part of the property at 5795 Yonge Street depicted on Appendix A (the "Lands") to complete the construction, maintenance and future repairs of a public street.
2. City Council grant authority to the Executive Director, Corporate Real Estate Management, or their designate, to serve and publish as required notices of Application

for Approval to Expropriate Land, to forward to the Chief Inquiry Officer any requests for hearing that are received, to attend the hearing to present the City's position, and to report the Inquiry Officer's recommendations to City Council for its consideration.

FINANCIAL IMPACT

Please see Confidential Attachment 1 attached to this report. There is no immediate financial impact of the recommendations of this report.

The Chief Financial Officer and Treasurer has been provided the financial impacts associated with this program for review as part of the 2021 budget process.

DECISION HISTORY

The expropriation process was started and approved by the Toronto City Council as seen by the links below.

City Council on July 12, 13, 14 and 15, 2016, adopted GM13.18, Expropriation of a Portion of 5795 Yonge Street for Public Street Purposes, initiating the expropriation for the City to acquire the Required Property Interests.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.GM13.18>

City Council on July 28, 2020, adopted GL14.10, Expropriation of a Portion of 5795 Yonge Street for Public Street Purposes, approving the expropriation for the City to acquire the Property Interests.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.GL14.10>

Reauthorization is required as the timelines for the final registration of the expropriation plan shown in (Appendix B) were not met and City Staff are required to recommence the proceedings for the expropriation of the subject interest.

COMMENTS

The lands at 5795 Yonge Street are located between the condominiums at 5791-5793 Yonge Street to the south and the Newtonbrook Plaza at 5799-5915 Yonge Street to the north. The City previously secured the right to acquire a small triangular piece of land from 5791-5793 Yonge Street, through the approvals for that development, for the purposes of a new public street. Certain lands from the future development of the Newtonbrook Plaza to the north are also being secured for a future public street through a City Council-adopted Ontario Municipal Board settlement. The Lands at 5795 Yonge Street are located between these two parcels and abut both. They are required to complete the new public street.

The lands at 5795 Yonge Street form part of the common elements of a condominium, which is governed by a condominium corporation known as Metro Toronto

Condominium Plan No. 805. Easement rights for access out to Yonge Street are also granted to the two abutting condominium buildings located at 5791-5793 Yonge Street known as Toronto Standard Condominium Plan No. 2048 and 2064 respectively.

The lands to be expropriated are part of the common elements of the condominium corporation located at 5795 Yonge Street and currently form part of a mutual driveway providing access to the existing residential condominiums located at 5791, 5793 and 5795 Yonge Street. The Project, once completed, will provide public street access for each of the condominiums.

Pursuant to the Condominium Act, a condominium corporation is prohibited from selling part of the common elements of a condominium unless at least 80 percent of the unit owners vote in favour of the sale and at least 80 percent of those persons who have registered claims against the common elements also consent in writing to the sale. Given the large number of units in the building located at 5795 Yonge Street, it would have been extremely difficult to achieve the 80 percent threshold that is required before the condominium corporation can sell the necessary land to the City. Similarly, the condominiums at 5791-5793 Yonge Street would also require an amendment to their condominium declaration to release their easement interest over the Lands. This requires an 80 percent approval from the registered unit owners which would also be extremely difficult to obtain. Therefore, it will be necessary to initiate expropriation proceedings to acquire the Lands.

CONTACT

Alison Folosea, Director, Transaction Services, Corporate Real Estate Management, 416-338-6943, Alison.Folosea@toronto.ca

Ashley Curtis, Director, Transportation Planning and Capital Program, Transportation Services, 416-392-0170, Ashley.Curtis@toronto.ca

SIGNATURE

Patrick Matozzo
Executive Director, Corporate Real Estate Management

ATTACHMENTS

Appendix A - Property Requirements

Appendix B - Draft Plan

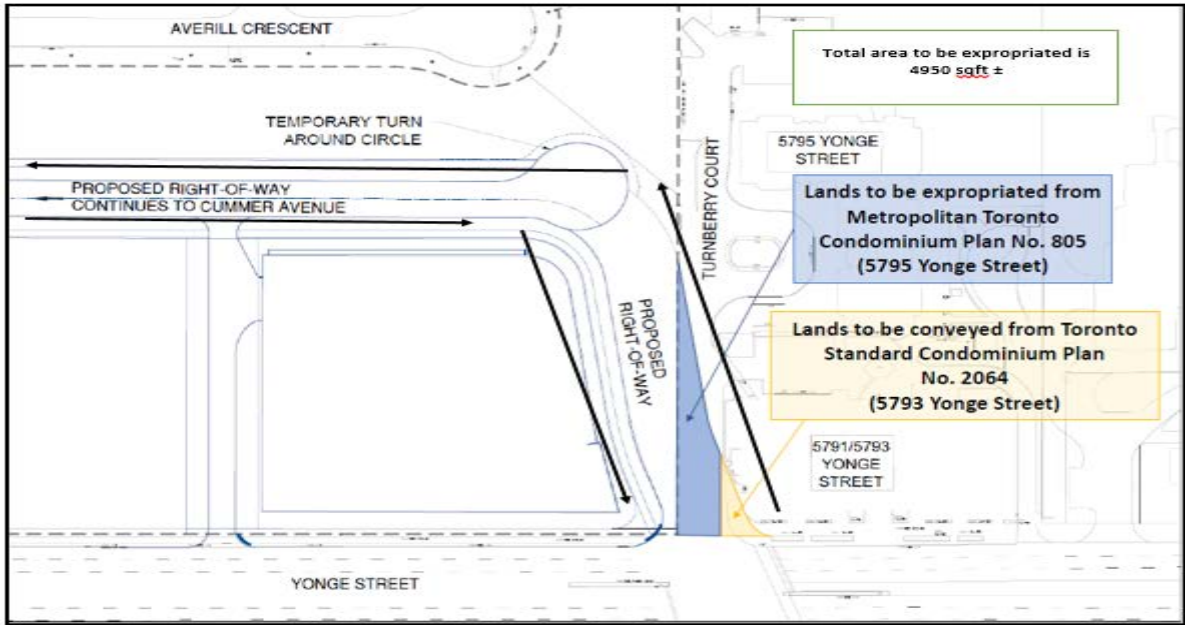
Appendix C - Location Map / Aerial View with Proposed Right of Way

Confidential Attachment 1

APPENDIX A – PROPERTY REQUIREMENTS

A fee simple interest and all right title and interest thereto, in those lands shown as Part 1 and 2 on draft reference plan attached in Appendix B, being part of those lands known municipally as part of 5795 Yonge Street, legally described as: Metro Toronto Condominium Plan No. 805 and its appurtenant interest, the description of the Condominium Property is: Part Lot 22, Con 1, EYS- Parts 1, 2 and 3 on 66R-15154 as described in Schedule A to D90986; City of Toronto in the Land Registry Office of Toronto in Land Titles Division.

APPENDIX C – LOCATION MAP/ AERIAL VIEW WITH PROPOSED RIGHT OF WAY



APPENDIX C – LOCATION MAP/ AERIAL VIEW WITH PROPOSED RIGHT OF WAY (CONTINUED)

