

Application for Approval to Expropriate, 11 Parliament Street (Stage 1)

Date: August 31, 2021

To: General Government and Licensing Committee

From: Executive Director, Corporate Real Estate Management

Wards: 10 - Spadina-Fort York

SUMMARY

This report seeks authority for the City of Toronto to initiate expropriation proceedings for 11 Parliament Street (the "Property"). The acquisition of the Property is to facilitate, the eastward extension of Queens Quay East to Cherry Street and the reconstruction of the Queens Quay East and Parliament Street intersection to further the Central Waterfront Secondary Plan, East Bayfront Precinct Plan and Keating Channel Precinct Plan.

This is the first stage of the expropriation process. If the application for approval to expropriate is authorized by City Council, in its capacity as the Approving Authority under the Expropriations Act, City staff will work with Waterfront Toronto to serve and publish a Notice of Application for Approval to Expropriate on all registered owners as set out in the Waterfront Expropriation Protocol. Registered owners are entitled to request a hearing in accordance with the Expropriations Act.

If no inquiry is requested, City Council may approve the expropriation through a subsequent Stage 2 report. At that time, staff will report to City Council with further details on the anticipated costs, based on appraisals. If City Council adopts the Stage 2 report in its capacity as the Approving Authority, City staff will work with Waterfront Toronto to prepare and register an Expropriation Plan and to serve the Notices of Expropriation on the appropriate parties, in accordance with the Waterfront Expropriation Protocol. Statutory offers of compensation must be served before the City can take possession of the expropriated Property.

RECOMMENDATIONS

The Executive Director, Corporate Real Estate Management recommends that:

1. City Council, as Approving Authority, authorize the Executive Director, Corporate Real Estate Management, to initiate expropriation proceedings, to acquire fee simple

ownership of the entire property municipally known as 11 Parliament Street, legally described in Appendix A and shown on Appendix B to facilitate the eastward extension of Queens Quay East to Cherry Street and the reconstruction of the Queens Quay East and Parliament Street intersection to further implement the Central Waterfront Secondary Plan, East Bayfront Precinct Plan and Keating Channel Precinct Plan.

2. City Council, as Approving Authority, direct the Executive Director, Corporate Real Estate Management, or their designate, to serve and publish Notices of Application for Approval to Expropriate the property municipally known as 11 Parliament Street, to forward any requests for hearing to the Chief Inquiry Officer, to attend any hearings in order to present the City of Toronto's position, and to report the Chief Inquiry Officer's recommendations to City Council for consideration.

FINANCIAL IMPACT

The costs to prepare, serve and publish the required Notice of Application for Approval to Expropriate, together with any costs related to attendance at the Hearing of Necessity, if any, will be funded by Waterfront Toronto as per the Waterfront Expropriation Protocol.

Prior to expropriation, a subsequent report will be submitted to the General Government and Licensing Committee and City Council identifying all anticipated costs stipulated under the Expropriations Act associated with expropriation of the Property. As per the Waterfront Expropriation Protocol, Waterfront Toronto will be responsible for all costs associated with the expropriation and will indemnify the City in respect of such costs. The costs of expropriation include the market value of the Property, disturbance costs (if any), interest, applicable taxes, and all other costs stipulated under the Expropriations Act.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial implications as identified in the Financial Impact section.

DECISION HISTORY

At its meeting on June 8 and 9, 2010, City Council adopted the report of May 4, 2010 from the Deputy City Manager titled "Waterfront Expropriation Protocol". The report outlined a Protocol between the City of Toronto and Waterfront Toronto to accelerate waterfront renewal by creating a common understanding of the requirements of the process, and the respective roles of both parties.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.EX44.9>

The following links provide the successive City Council Decisions for the planning documents and transit reports applying to the Property:

At its meeting on April 14, 15 and 16, 2003, City Council adopted the report of April 4, 2003 from the Planning and Transportation Committee titled "Central Waterfront

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Secondary Plan "Making Waves", the Proposed Secondary Plan for the Central Waterfront". The report describes the proposed planning framework for the Central Waterfront including land-use and proposed transportation network.
<http://www.toronto.ca/legdocs/2003/agendas/council/cc030414/plt5rpt/cl001.pdf>

At its meeting on December 5, 6 and 7, 2005, City Council adopted the report of November 16 from the Deputy City Manager titled "East Bayfront Precinct Plan and Class Environmental Assessment Master Plan". The report seeks Council's endorsement of the East Bayfront Precinct Plan (Jarvis Street to Parliament Street) and Class Environmental Assessment (E.A.) Master Plan.
<http://www.toronto.ca/legdocs/2005/agendas/council/cc051205/pof10rpt/cl002.pdf>

At its meeting on September 30 and October 1, 2009, City Council adopted the report of May 14, 2009 from the Deputy City Manager titled "Queens Quay Revitalization Environmental Assessment and East Bayfront Transit Environmental Assessment". The report seeks City Council's authority to issue a Notice of Completion following completion of Environmental Study Reports for revitalization of Queens Quay and East Bayfront transit expansion.
<http://www.toronto.ca/legdocs/mmis/2009/cc/decisions/2009-09-30-cc40-dd.htm>

At its meeting on July 6, 7 and 8, 2010, City Council adopted the report of May 31, 2010 from the Deputy City Manager titled "Lower Don Lands Project". The report seeks City Council's support for the planning vision for the Lower Don Lands which includes a more detailed land use and transportation vision for Keating Channel Precinct.
<http://www.toronto.ca/legdocs/mmis/2010/ex/bgrd/backgroundfile-30878.pdf>

At its meeting on July 12, 13, 14 and 15, 2016, City Council adopted the report of March 3, 2016 from the Deputy City Manager titled "Waterfront Transit Network Vision - Phase 1". The report presents a comprehensive review of waterfront transit initiatives and options and directs the initiation of Phase 2 of the Waterfront Transit "Reset."
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EX16.17>

At its meeting on January 31 and February 1, 2018, City Council adopted the report of January 10, 2018 from the Deputy City Manager titled "Waterfront Transit Network Plan". The report seeks City Council endorsement of the overall Waterfront Transit Network Plan.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EX30.1>

At its meeting on April 16 and 17, 2019, City Council adopted the report of April 3, 2019 from the Deputy City Manager titled "Toronto's Transit Expansion Program - Update and Next Steps". The City-wide transit report includes direction that staff commence the preliminary design and engineering phase of the Union Station-Queens Quay link and the extension of light rail transit to East Bayfront with a report back to Council when a Class 3 cost estimate and Level 3 schedule have been developed.
http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EX4.1&utm_source=All&utm_campaign

At its meeting on December 16, 17 and 18, 2020, City Council adopted the report of November 26, 2020 Chief Planner and Executive Director, City Planning and Executive Application for Approval to Expropriate, 11 Parliament Street

Director, Transit Expansion Office titled " Update on the City's Transit Expansion Projects - Fourth Quarter 2020". The report seeks City Council's authority to report back on the recommended schedule and funding requirements for the Union Station to Queens Quay Link and the East Bayfront Light Rail Transit section of the Waterfront Transit Network, including phasing options and an updated business case, prior to the 2022 Budget process.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.EX19.5>

COMMENTS

The use of the Property for the extension of Queens Quay East and the reconstruction of the Queens Quay East and Parliament Street intersection have been provided for in a series of planning documents dating back to 2003, when City Council adopted the Central Waterfront Secondary Plan. Subsequent detailed planning documents have addressed the future use of this site for the extension of Queens Quay East. These include the East Bayfront Precinct Plan, the Keating Channel Precinct Plan (as shown in Appendix C) and the companion East Bayfront and Keating Channel Environmental Assessment Master Plans. Key transit planning reports which identified this site as part of the planned alignment of the future Waterfront East Light Rail Transit line include the East Bayfront Transit Environmental Assessment, completed in 2009 and approved by the Province of Ontario in 2010, as well as subsequent reports to City Council advancing to completion of the 30 percent preliminary design and engineering phase for Queens Quay East and the associated transit infrastructure. The 30 percent phase is intended to be completed by the end of 2021.

Since 2007 Waterfront Toronto has been in ongoing discussions with the landowner to purchase the Property, with more active negotiations taking place since April 2020. With a number of developments in the East Bayfront nearing completion, attention has now turned to Quayside and to revitalization opportunities in the west end of the Keating Channel Precinct, including the extension of transportation infrastructure to the emerging waterfront east neighbourhoods. While a negotiated settlement is preferred, a parallel expropriation process is now required to maintain development timelines for the build-out of the East Bayfront and Keating Channel Precincts. The landowner is aware of Waterfront Toronto's timelines and has expressed their commitment and preference to a negotiated agreement rather than an expropriation. Regardless of how the matter is resolved, Waterfront Toronto and City staff are committed to ensuring fair compensation is provided to the landowner.

The Waterfront Expropriation Protocol was authorized by City Council in June 2010 and executed by the City and Waterfront Toronto on September 27, 2010. The Waterfront Expropriation Protocol provides a path forward for instances where consensual negotiations between Waterfront Toronto and private landowners do not lead to the acquisition of the lands required for municipal purposes in a timely manner. In these instances, Waterfront Toronto can request the City to exercise its expropriation power. Waterfront Toronto submitted a Property Expropriation Request Form and relevant documentation to the City on May 8, 2021. As per the Waterfront Expropriation Protocol,

Waterfront Toronto will be responsible for all costs associated with the expropriation process and will indemnify the City in respect of such costs.

CONTACT

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SIGNATURE

Patrick Matozzo, Executive Director, Corporate Real Estate Management

ATTACHMENTS

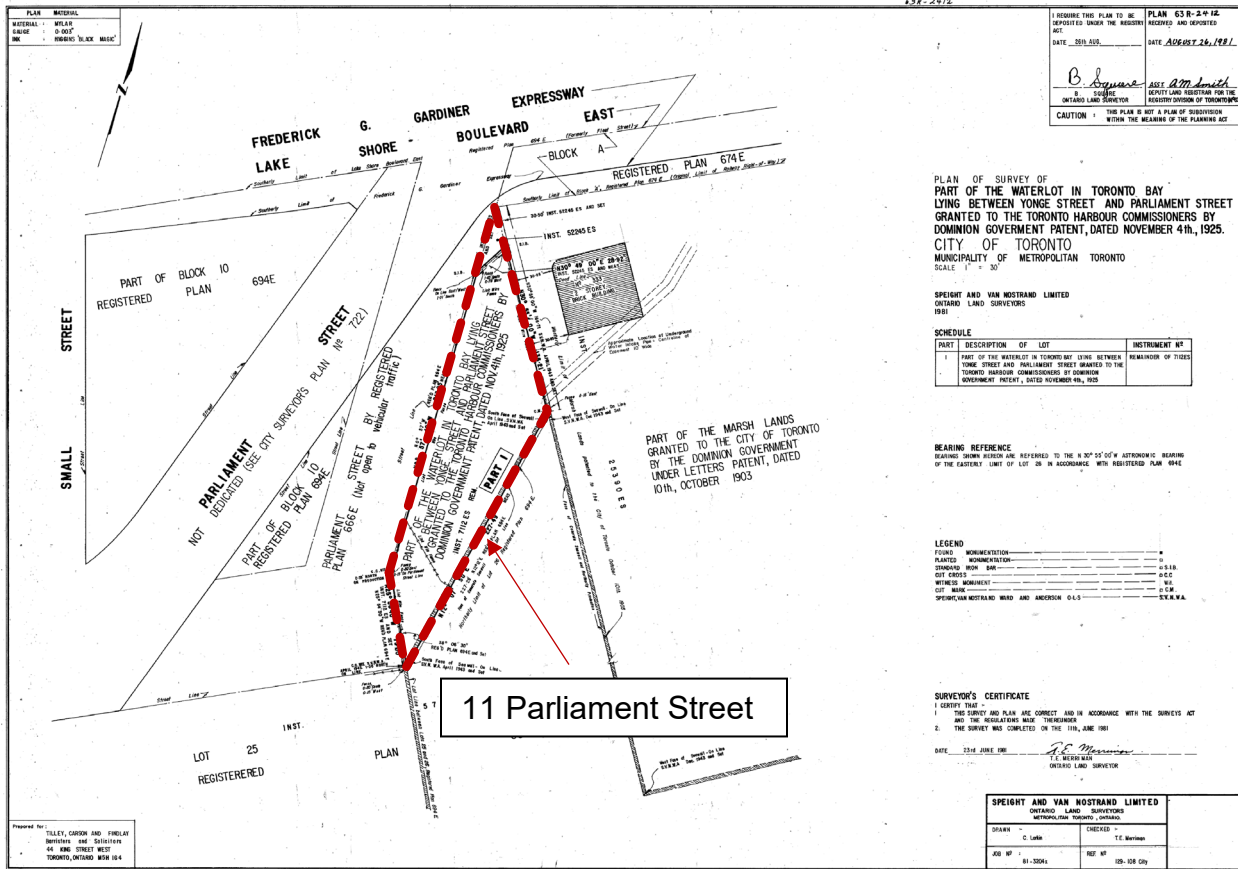
Appendix A - Legal Description
Appendix B - Site Map
Appendix C - Keating Channel Precinct Plan
Appendix D - Salient Property Details

Appendix A - Legal Description

PT WATER LTS IN TORONTO HARBOUR LYING S OF PL153E, E OF W/S OF SPADINA AV EXTENDING TO NEW HARBOUR HEADLINE TORONTO AS IN CA161692; TORONTO, CITY OF TORONTO

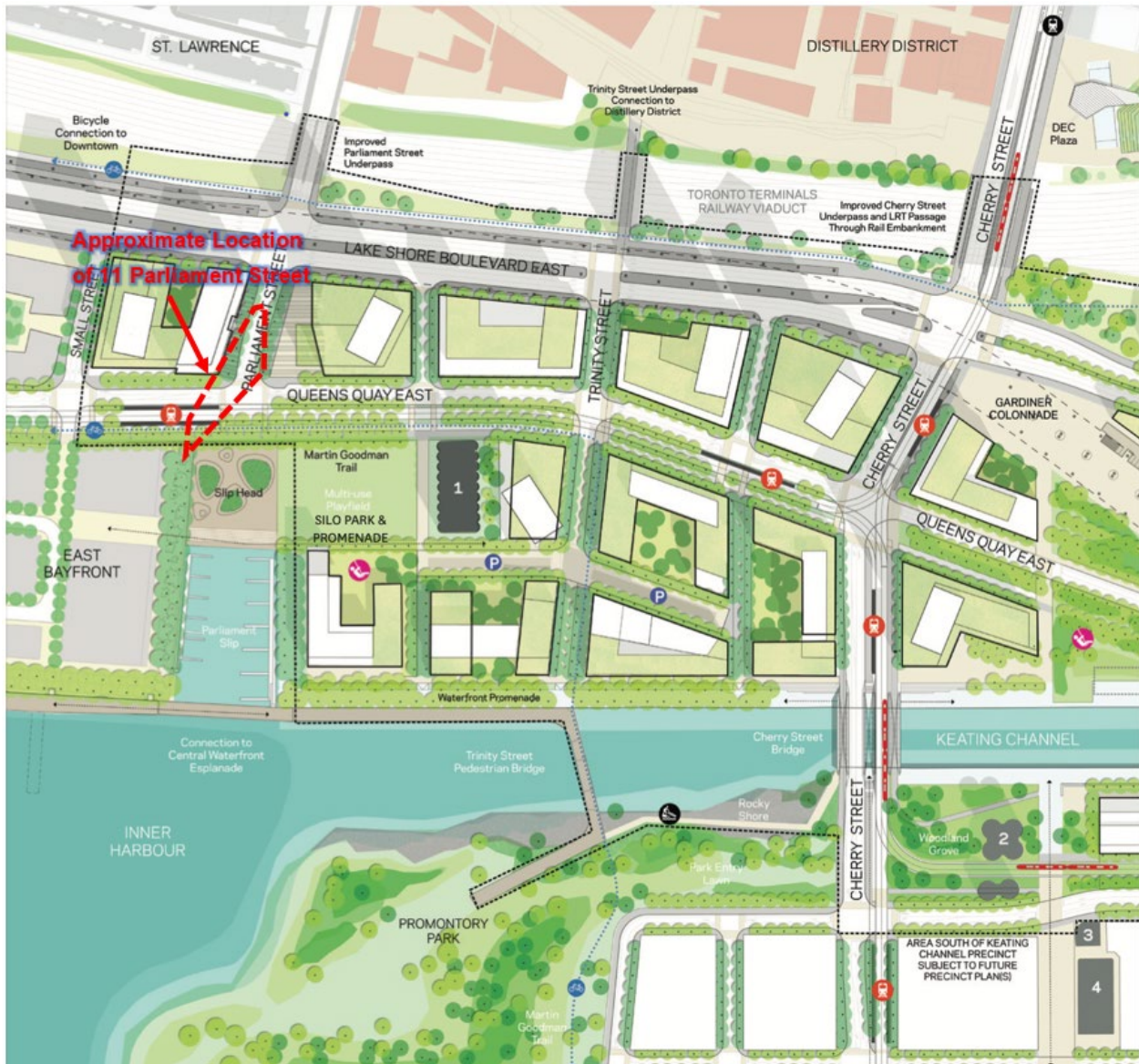
Said land and premises being all of PIN 21384-0091 (LT)

Appendix B - Site Map



Appendix C - Keating Channel Precinct Plan

Endorsed by Toronto Council at its meeting on July 6, 7 and 8, 2010



Appendix D - Salient Property Details

- Measures approximately 0.397 acres;
- Owned by The Royal Canadian Yacht Club;
- Used for sailing programs and boat storage;
- Situated on the north frontage of the Parliament Slip (located at the foot of historic Parliament Street along Queen Quay East); and
- Parliament Street runs north-east in a diagonal configuration connecting to Queens Quay East.