

Authority: Administration Committee Report No. 6, Clause No. 20,
as adopted by City of Toronto Council on July 19, 20, 21 and 26, 2005
Enacted by Council: July 21, 2005

CITY OF TORONTO

BY-LAW No. 715-2005

**To expropriate certain lands for the Dufferin Street Jog Elimination at Queen Street West
- Proposed Dufferin Street Underpass Project.**

WHEREAS notice of an application to the Council of the City of Toronto for approval to expropriate certain lands for the purpose of the construction of the Dufferin Street Underpass Project and all works and uses ancillary thereto has been served on the registered owners thereof and has been published pursuant to the provisions of the *Expropriations Act*; and

WHEREAS notice in writing of a desire for a hearing of necessity was received from each of two registered owners of such lands and a hearing was held before an Inquiry Officer on April 4 and 5, 2005 pursuant to section 7 of the *Expropriations Act*;

WHEREAS it was recommended to the Council of the City of Toronto that the lands described in sections 2 and 3 hereof and shown on the draft Plan of Survey (the "Draft Survey") prepared by City of Toronto, Survey and Mapping Section, labelled "Dufferin Street from Peel Avenue to CNR Railway", Job Number 2001-1311 (dated 2003-05-06), a reduced copy of which is attached and a full copy of which is on file with City of Toronto, Survey and Mapping Section, be expropriated; and

WHEREAS the Council of the City of Toronto has considered the report of the Inquiry Officer recommending that the City take less lands than the lands described in sections 2 and 3 hereof and has approved the expropriation of the lands described in sections 2 and 3 hereof;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The expropriation, for the purpose of the construction of the Dufferin Street Underpass Project and all works and uses ancillary thereto, of the lands described in sections 2 and 3 hereof is hereby authorized pursuant to sections 6, 8 and 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25.
2. The fee simple interest, together with all other right, title and interest, in the following lands is hereby expropriated and taken for the purpose of the construction of the Dufferin Street Underpass Project and all works and uses ancillary thereto:
 - (a) the whole of the property known municipally as 405 Dufferin Street, Toronto, legally described as part of PIN 21297-0078 (R), being part of Park Lot 28, Concession 1 From The Bay of the original Township of York, City of Toronto, designated as Part 1 on the Draft Survey; and
 - (b) a portion of the property known municipally as 390-444 Dufferin Street, Toronto, legally described as part of PIN 21304-0069 (LT), being part of Lot 7, Plan 294, City of Toronto, designated as Part 2 on the Draft Survey.

3. A temporary working easement over a portion of the property known municipally as 390-444 Dufferin Street, Toronto, legally described as part of PIN 21304-0069 (LT), being part of Lot 7, Plan 294, City of Toronto, designated as Parts 3 and 4 on the Draft Survey, for the duration of the demolition/construction, for a period of one (1) year following the date the City takes possession of the said land, for the purpose of demolishing the portion of the building located on Part 2 on the Draft Survey and reconstructing the wall of the remaining portion of the building located on Parts 3 and 4 on the Draft Survey, is hereby expropriated and taken for the purpose of the construction of the Dufferin Street Underpass Project and all works and uses ancillary thereto.
4. Authority is hereby granted for the signing, sealing and registration in the proper Land Registry Office of the plans showing the lands expropriated pursuant to sections 2 and 3 hereof, including the payment of all expenses incidental thereto.
5. The Executive Director of Facilities and Real Estate or the Director of Real Estate Services is hereby authorized to sign and serve on the registered owners of the lands described in sections 2 and 3 hereof, the Notices of Expropriation (along with copies of Notices of Election as to a Date for Compensation) and the Notices of Possession as contemplated by the *Expropriations Act*.
6. The Mayor and the proper officers of the City are hereby authorized and directed to do all things necessary to give effect to this by-law and the City Clerk and the Deputy City Manager and Chief Financial Officer are hereby authorized and directed to execute all documents necessary in that behalf and to affix the corporate seal of the City to all such documents.

ENACTED AND PASSED this 21st day of July, A.D. 2005.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

City Clerk

Draft Survey

