

Authority: Government Management Committee Item 3.12,  
as adopted by City of Toronto Council on May 17, 18 and May 19, 2011  
Enacted by Council: May 19, 2011

## CITY OF TORONTO

### BY-LAW No. 606-2011

**To expropriate land for the use by the Toronto Transit Commission being a subsurface fee simple interest to construct a subway tunnel and operate the subway and permanent easement for support for the safe operation and protection of the subway tunnel, in connection with the construction of a portion of the Toronto-York Spadina Subway Extension.**

WHEREAS in accordance with the provisions of the *Expropriations Act*, an application has been submitted to the Council of the City of Toronto ("City Council") as approving authority for approval to expropriate the interest in land as described in section 2; and

WHEREAS Notices of such Application have been published and have been served on the registered owners of the said lands and interest in land; and

WHEREAS a notice in writing of a desire for a hearing with respect to the said proposed expropriation was not received from any owner of the said lands and interest in land and the time for giving such notice has expired; and

WHEREAS the City Council, as approving authority, adopted Government Management Committee Item 3.12, at its meeting on May 17, 18 and May 19, 2011, and thereby approved the said Application for Approval to Expropriate and gave leave to introduce and enact this by-law; and

WHEREAS the City of Toronto by the adoption of Government Management Committee Item 3.12, has been authorized as expropriating authority, to proceed with the expropriation of the interest in land as described in section 2;

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

1. The expropriation of a fee simple interest and a permanent easement for support of the subway tunnel for the purposes of the construction of and protection of the subway tunnel and the tunnel boring machine boring through the tunnel alignment on a portion of the Toronto-York Spadina Subway Extension, in connection with the construction of a portion of the Toronto-York Spadina Subway Extension and for all works and uses ancillary thereto on a portion of the (the "Lands"), as set forth in section 2, is hereby authorized by Council as the expropriating authority, pursuant to sections 7, 8 and 9 of the *City of Toronto Act*, 2006 S.O. 2006 Chapter 11, Schedule A.
2. The expropriation of a fee simple interest and a permanent easement for support of the subway tunnel for the purposes of the construction of and protection of the subway tunnel and the tunnel boring machine boring through the tunnel alignment on a portion of the Toronto-York Spadina Subway Extension, in connection with the construction of a portion of the Toronto-York Spadina Subway Extension and for all works and uses ancillary thereto on a portion of the "Lands", being described as:

PIN 10180-0139 (LT), Pt Lt 1 Plan 3672 North York Part 1 & 2 64R13624; Toronto (North York), City Of Toronto and shown as Part 1 for a subsurface fee simple interest to construct and operate a transit or other municipal systems(s), and all works and uses ancillary thereto, and also shown as Part 2 for a permanent easement for the support for, and the safe operation of, the subsurface transit and/or other municipal systems and all works and uses ancillary thereto and to not store and to prevent the storage of flammable liquids, [note: The Owner will retain rights, subject to the prior written approval of the relevant transit and/or municipal authority, to alter the easement lands or effect changes to the use thereof provided that the safety or stability of the subsurface systems is not adversely impacted, such approval not to be unreasonably withheld or delayed], on Draft Plan of Survey prepared by Toronto Transit Commission TYSSE Department, identified by Drawing Number: A0328-G0340.

3. Authority is hereby granted for the signing, sealing and registration in the proper Land Registry Office of the expropriation plan(s) of the lands and interest in land expropriated pursuant to section 2 hereof, including the payment of all expenses incidental thereto.
4. City Staff are hereby authorized to sign and serve onto the former registered owners of the properties described in section 2, the Notices of Expropriation (along with copies of Notices of Election as to the date for compensation), Notices of Possession and Offers of Compensation as contemplated by the *Expropriations Act*.
5. 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 Chief Financial Officer and Treasurer are hereby directed to execute all documents as necessary in that behalf, and the City Clerk is hereby authorized and directed to affix the corporate seal of the City to all such documents as necessary.

ENACTED AND PASSED this 19th day of May, A.D. 2011.

FRANCES NUNZIATA,  
Speaker

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)