

Authority: CC Item 30.4,
as adopted by City of Toronto Council on February 20 and 21, 2013

CITY OF TORONTO

BY-LAW No. 233-2013

**To expropriate temporary easements at 1065 and 1071 Eglinton Avenue West for the
Eglinton-Scarborough Crosstown LRT Project.**

Whereas in accordance with the provisions of the *Expropriations Act*, an application has been submitted to City Council as approving authority for approval to expropriate interests in land at 1065 and 1071 Eglinton Avenue West as hereinafter described; and

Whereas Notices of such Application have been published and have been served on the registered owners of the said lands; and

Whereas a notice in writing of a desire for a hearing with respect to the proposed expropriation at 1065 Eglinton Avenue West was not received and the time for giving such notice has expired; and

Whereas a notice in writing of a desire for a hearing with respect to the said proposed expropriation at 1071 Eglinton Avenue West was received and such hearing was held before an inquiry officer on December 12, 2012 pursuant to section 7 of the *Expropriations Act*; and

Whereas the Council of the City of Toronto, as approving authority, has considered the report of the said inquiry officer recommending approval of the application to expropriate the interests in land at 1071 Eglinton Avenue West as further set out herein; and

Whereas the Council of the City of Toronto did approve the said application for approval to expropriate interests in land at both 1065 and 1071 Eglinton Avenue West and gave leave to introduce and enact this by-law;

The Council of the City of Toronto enacts:

1. The expropriation of the interests in land set forth in Sections 2 and 3 are hereby approved by Council, pursuant to sections 7, 8 and 9 of the *City of Toronto Act, 2006*.
2. Limited interests, being temporary easements, in, on, over and through the lands described in Schedule "A", are hereby expropriated and taken for the purpose of constructing and maintaining temporary sidewalks and concrete barriers and for all works and uses ancillary thereto, including the right to pass over and occupy the lands with all personnel, materials and equipment, for a period of 3 years and 6 months, to commence upon at least 3 months prior notice and in any event not to extend beyond December 31, 2017.
3. Limited interests, being temporary subsurface easements, in and through parts of the lands described in Schedule "B", are hereby expropriated and taken for the purpose of installing and maintaining tie-backs and for all works and uses ancillary thereto, including the right to pass over and occupy the lands with all personnel, materials and

equipment, for a period of 5 years, to commence upon at least 3 months prior notice and in any event not to extend beyond December 31, 2019.

4. Authority is hereby granted for the signing, sealing and registration in the proper Land Registry Office of a plan showing the said lands and the interests in land to be expropriated, including the payment of all expenses incidental thereto.
5. City staff are hereby authorized to serve on the registered owners of the affected properties Notices of Expropriation (along with copies of Notices of Election as to a Date for Compensation) and 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 the City Clerk and the Deputy City Manager and Chief Financial Officer are authorized and directed to execute all documents necessary in that behalf and affix the corporate seal of the City to all such documents.

Enacted and passed on February 21, 2013.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE "A"
SIDEWALK & BARRIER EASEMENTS

Municipal Address	Legal Description	Easement Lands
1065 Eglinton Avenue West	Part of PIN 10460-0004 (LT), Part Block Q, Plan 2599, Township of York, City of Toronto	Parts 1 and 3 on Draft Plan of Survey, Job No. 2013-0183, Plan No. 2, dated February 4, 2013
1071 Eglinton Avenue West	Part of PIN 10460-0003 (LT), Part Lot 206 Plan 2338 and Part Block Q Plan 2599, Township of York, City of Toronto	Parts 1 and 3 on Draft Plan of Survey Job No. 2013-0183, Plan No. 1, dated February 4, 2013

SCHEDULE "B"
TIE-BACK EASEMENTS

Municipal Address	Legal Description	Easement Lands
1065 Eglinton Avenue West	Part of PIN 10460-0004 (LT), Part Block Q, Plan 2599, Township of York, City of Toronto	Parts 2 and 3 on Draft Plan of Survey, Job No. 2013-0183, Plan No. 2, dated February 4, 2013
1071 Eglinton Avenue West	Part of PIN 10460-0003 (LT), Part Lot 206 Plan 2338 and Part Block Q Plan 2599, Township of York, City of Toronto	Parts 2 and 3 on Draft Plan of Survey Job No. 2013-0183, Plan No. 1, dated February 4, 2013