

Authority: Government Management Committee Item GM13.21, as adopted by City of Toronto Council on July 12, 13, 14 and 15, 2016

CITY OF TORONTO

BY-LAW No. 736-2016

To expropriate land for municipal purposes, namely improvements to Runnymede TTC Station Easier Access Project and Masonry Repairs Project.

Whereas in accordance with the provisions of the *Expropriations Act*, an application has been submitted to the Council of the City of Toronto as approving authority for approval to expropriate the interests in lands hereinafter described; and

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

Whereas a notice in writing indicating a desire for a hearing of necessity with respect to the said proposed expropriation was not received from any owner or interested party of the said lands and the time for giving such notice has expired; and

Whereas City of Toronto and Toronto Transit Commission Staff are in negotiations with such owners and interested parties for the acquisition of the property interests, identified in Appendix "A" and shown in Appendix "B" attached hereto (the "Property Interests"), required for improvements to public transit transportation systems, namely Runnymede TTC Station; and

Whereas the Council of the City of Toronto, as approving authority, at the same meeting at which it is enacting this by-law, did approve the said application and gave leave to introduce and enact this by-law;

The Council of the City of Toronto enacts:

1. Authority for the City of Toronto to enter into agreements, an offer to sell or a Section 30 Agreement under the *Expropriations Act*, with owner(s) and/or interested party(ies) of the Property Interests and any such other related and required agreements on terms and conditions acceptable to the Chief Corporate Officer of the City of Toronto, together with such other terms as may be deemed appropriate by the Chief Corporate Officer of the City of Toronto and in a form satisfactory to the City Solicitor of the City of Toronto.
2. The expropriation of the Property Interests set forth in section 3 are hereby approved by City Council as expropriating authority, pursuant to sections 7, 8 and 9 of the *City of Toronto Act, 2006*.
3. In the event that the City of Toronto is unable to reach an agreement with an owner or interested party of a Property Interest, such property interest is hereby expropriated and taken for the municipal purpose of public transportation system improvements, namely improvements to Runnymede TTC Station.
4. Authority is hereby granted for the signing, sealing and registration in the proper Land Registry Office of the plans showing the lands to be expropriated, including the payment of all expenses incidental thereto.

5. City of Toronto staff are hereby authorized to sign and serve on the registered owners of the lands to be expropriated the 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 of Toronto 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 authorized and directed to execute all documents necessary in that behalf and affix the corporate seal of the City of Toronto to all such documents.

Enacted and passed on July 15, 2016.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

APPENDIX "A"
Table of Property Requirements

Property Address	Part of PIN No. (LT)	Draft Plan No.	*Property Interest
2218 Bloor St W	21370-0468	1	PE/TE/MTE
		2	PE/TE
		35	PSE/TE
		3	FS
2216 Bloor St W	21370-0052	4	PSE/TE/MTE
		5	FS
2214 Bloor St W	21370-0053	6	PSE/TE/MTE
	21370-0040	7	FS
		8	PSE/TE
2212 Bloor St W	21370-0041	9	FS
	21370-0041	10	PSE/TE
	21370-0054	11	FS
	21370-0054	12	PSE/TE/MTE
2210 Bloor St W	21370-0042	13	FS
		14	PSE/TE
	21370-0055	34	FS
	21370-0055	15	FS
2208 Bloor St W	21370-0055	33	PSE/TE/MTE
		16	PE/TE
2206 Bloor St W	21370-0043	17	PE/TE/MTE
	21370-0056		
2204 Bloor St W	21370-0057	19	MTE
2202 Bloor St W	21370-0058	21	MTE
2200 Bloor St W	21370-0059	23	MTE
2198 Bloor St W	21370-0060	25	MTE
2196 Bloor St W	21370-0061	27	MTE
2194 Bloor St W	21370-0062	29	MTE
	21370-0063	31	MTE

Property Requirements Legend:

FS - Fee Simple interest and all other right, title and interest in the lands for the installation, construction and operation of an elevator below grade and relocation of sewer/utility infrastructure.

PSE - Permanent Support Easement for access, operation, use, replacement, installation, maintenance, repair, support for and for the safe operation of subsurface transit and/or other municipal system(s), including, without limitation, for an elevator and sewer/utility infrastructure, and for all works and uses ancillary thereto (collectively the "Subsurface System") (to expire after 999 years from the date of registration of the Permanent Support Easement on title to the permanent support easement lands, in the event that perpetual duration of the Permanent Support easement is precluded by statute or common law). The owner:

- a) shall retain rights to alter the permanent support easement lands of effect changes to the use thereof provided that:
- i) no load or part thereof or therefrom may bear directly or indirectly on the Subsurface System;
 - ii) no current load on the Subsurface System may be removed; and
 - iii) no direct or indirect support (whether lateral, vertical or otherwise) may be removed;

so as to adversely impact the existence, operation, repair, maintenance and/or safety of the Subsurface System;

- b) shall not:
- i) commence or perform any work, including excavation, construction, grading, drilling, digging, demolition, deconstruction or other material alteration of the permanent support easement lands or improvements in, on, over or through the permanent support easement lands; or
 - ii) effect any change in use of the permanent support easement lands which may affect the load on and/or safety of the Subsurface System;

or permit any of the foregoing to occur, without first having obtained the written consent of the City of Toronto and the Toronto Transit Commission or their successors or assigns, which consent, shall not be unreasonably withheld or delayed and which may be provided subject to terms and conditions. The City of Toronto and the Toronto Transit Commission shall determine, in its sole discretion, whether the proposed change in use, construction or other work may load or unload or bear directly or indirectly on or from the Subsurface System and/or otherwise adversely impact the Subsurface System; and

- c) shall not store or permit the storage of any explosive or flammable materials in, on, over or through the permanent support easement lands, including the movement of explosive or flammable materials in, on, over or through the permanent support easement lands, by means of pipelines or any other works or structures, without first having obtained the written consent of the City of Toronto and the Toronto Transit Commission.

PE - Permanent Easement for access for the installation, operation, use, maintenance, repair and replacement of the adjoining Subsurface System (to expire after 999 years from the date of registration of the Expropriation Plan in the event that such perpetual duration is precluded by statute or common law).

TE - Temporary Easement for improvements to the subway station facility and the access, construction, installation, relocation, operation, use, maintenance, inspection, removal, replacement, repair, enlargement, expansion, reconstruction of the Subsurface System and all works and uses ancillary thereto, including the right to erect hoarding, enter and occupy the Temporary EAP Easement Lands with all such vehicles, materials, machinery, tools and equipment as may reasonably be necessary for such purposes during the construction and restoration of adjacent lands for a period of two (2) years to commence upon 90 days written notice, but not to extend beyond December 31, 2021.

MTE - Masonry Temporary Easement for improvements to the subway station facility, including maintenance and repair of the masonry wall and all works and uses ancillary thereto, including the right to enter and occupy the Temporary MRP Easement Lands with all such vehicles, materials, machinery, tools and equipment as may reasonably be necessary for such purposes during the construction and restoration of adjacent lands for a period of one (1) year to commence upon 90 days written notice, but not to extend beyond December 31, 2021.

APPENDIX "B"

