



STAFF REPORT ACTION REQUIRED

WATERFRONT EXPROPRIATION PROTOCOL

Date:	May 4, 2010
To:	Executive Committee
From:	Richard Butts, Deputy City Manager
Wards:	14, 19, 20, 28, 30, 32
Reference Number:	P:\\2010\\ClusterB\\wf\\ec10002

SUMMARY

The purpose of this report is to seek Council approval of a Waterfront Expropriation Protocol between the City of Toronto and Waterfront Toronto (WT). Under the Toronto Waterfront Revitalization Corporation Act 2002, WT does not have the power or authority to expropriate land.

Through WT's revitalization activities in the Designated Waterfront Area (DWA), land acquisition requirements for municipal purposes such as roads, parks and services are determined. In instances when there is a risk that consensual negotiations between WT and private landowners are not leading to the acquisition of the required lands in a timely manner, WT has requested that the City exercise its powers under the Expropriations Act.

A protocol to govern WT and City roles regarding expropriation requests has been negotiated and is provided for City Council approval. This protocol will accelerate waterfront renewal by creating a common understanding of the requirements of the process, and the respective roles of both parties.

RECOMMENDATIONS

It is recommended that:

1. City Council authorize the execution of a Waterfront Expropriation Protocol, to be at no cost to the City, on terms and conditions contained in Attachment 1;
2. City Council authorize the City Solicitor to make such unsubstantive, stylistic and technical changes to the Protocol as may be required; and
3. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

FINANCIAL IMPACT

Adoption of the recommended Land Acquisition Protocol does not increase the City's financial responsibility with respect to WT. WT, through a Financial Commitment Letter, will be responsible for all costs associated with any expropriation. In addition, the City must make a specific decision concerning each proceeding.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

ISSUE BACKGROUND

WT, which is governed by the Toronto Waterfront Revitalization Corporation Act, 2002, has the mandate and responsibility for revitalizing the DWA, but does not have the power or authority under the Act to expropriate land.

WT, in conjunction with the City of Toronto as co-proponents, have commissioned various Environmental Assessments within the DWA as well as the completion of a number of precinct plans. These documents identify lands which may need to be acquired for municipal purposes including roads, transit, public spaces, parks, municipal facilities and municipal services.

As part of the implementation, it will be necessary for WT to engage in negotiations with impacted landowners to secure permissions to enter the lands and acquire ownership interests on behalf of the City. Its goal is to acquire required lands on a consensual basis. However, in instances where there is a risk that consensual negotiations will not lead to the acquisition of the required lands in a timely manner, the protocol allows WT to request the City of Toronto to exercise its power of expropriation.

By setting out the terms and conditions up front, the Waterfront Expropriation Protocol will provide for a streamlined and consistent process in which WT requests for expropriation are considered by the City.

COMMENTS

A copy of the protocol is contained in Attachment 1. The protocol does not, in any way, fetter City Council's discretion to expropriate, approve or not approve a proposed expropriation. All costs will be covered by WT, including environmental remediation where required. While WT cannot indemnify the City, the protocol relies on a potential package of securities similar to those provided by WT when the City acquired the TEDCO lands in East Bayfront.

The City Solicitor confirms that the City has the authority to undertake expropriations for the intended purpose, given the direct benefits to the City of the objectives for which lands will be required.

Legal Services and Real Estate Services have been consulted in the development of this report.

CONTACT

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SIGNATURE

Richard Butts
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ATTACHMENTS

Attachment 1 – Waterfront Expropriation Protocol