



**STAFF REPORT
ACTION REQUIRED**
with Confidential Attachment

**Expropriation – Portions of 4066 Sheppard Avenue East
TTC Sheppard East LRT - Grade Separation At
Agincourt GO Station**

Date:	July 29, 2010
To:	Government Management Committee
From:	Chief Corporate Officer
Wards:	39 – Scarborough-Agincourt
Reason for Confidential Information:	This report is about a proposed or pending land acquisition by the City or one of its agencies, boards, and commissions and deals with litigation or potential litigation that affects the City or one of its agencies, boards and commissions
Reference Number:	P:\2010\Internal Services\Re\Gm10065re (AFS – 12490)

SUMMARY

In July 2008, City Council approved the recommendations in the Sheppard East Light Rail Transit Environmental Assessment Study for this first Transit City light rail line. In October 2008 and August 2009, City Council authorized the acquisition of private property, in whole or in part, temporarily or permanently, to widen Sheppard Avenue East and to construct the grade separation at the Agincourt GO station, which is a prerequisite to constructing the Sheppard East Light Rail Transit (the “Line”).

This report seeks approval from City Council as the approving authority under the Expropriations Act to expropriate portions of 4066 Sheppard Avenue East (the “Property”) to widen Sheppard Avenue East and to facilitate construction of the grade separation.

RECOMMENDATIONS

The Chief Corporate Officer recommends that:

1. City Council, as approving authority under the *Expropriations Act*, approve the expropriation of the Property as set out in Appendix “A” for the purpose of widening Sheppard Avenue East and constructing a grade separation on Sheppard Avenue East at the Agincourt GO Station;
2. City Council, as expropriating authority under the *Expropriations Act*, authorize all necessary steps to comply with the *Expropriations Act*, including but not limited to the preparation and registration of an Expropriation Plan, service of Notices of Expropriation, Notices of Election as to a Date for Compensation and Notices of Possession;
3. Leave be granted to introduce the necessary Bill in Council to give effect thereto; and
4. City Council authorize the public release of the confidential information contained in Attachment 1 once there has been a final determination of the compensation payable for the subject property by arbitration, appeal or settlement to the satisfaction of the City Solicitor.

Financial Impact

Funding for this project is available in the 2010 Approved Capital Budget in project CTT135.

Confidential Attachment 1 to this report identifies the initial appraised value for the Property.

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

DECISION HISTORY

On July 15, 16 and 17, 2008, City Council adopted the recommendations of Report PG17.8, whereby staff were authorized to submit the Line’s Environmental Assessment Study to the Province of Ontario, begin detailed design as soon as possible and be in a position to begin construction of the Line in 2009.

On October 29 and 30, 2008, City Council adopted the recommendations of Report GM18.13, whereby staff were authorized to negotiate to acquire, or initiate expropriation proceedings, with respect to properties required for constructing a grade separation at the Agincourt GO Station, and for the widening of Sheppard Avenue.

On January 26 and 27, 2010, City Council in adopting the recommendations of Report GM27.4, thereby among other matters, amending the previously approved property requirements at 4066 Sheppard Avenue East in connection with widening Sheppard Avenue and constructing the grade separation at the Agincourt GO Station.

COMMENTS

As authorized by City Council, Notices of Application for Approval to Expropriate were published and served on the registered owners of the Property in accordance with the *Expropriations Act*. The owner requested an inquiry as to whether the proposed expropriation is fair, sound and reasonably necessary to achieve the City's objectives as provided in section 7 of the *Expropriations Act*.

Prior to the date set for the Hearing of Necessity, City and TTC staff met with the owner, the tenant and the owner's solicitor to find a mutual agreement for resolving or mitigating the concerns of the owner and tenant with respect to the property takings and construction scheduling. A course of action has been developed and the owner's solicitor has advised that in the spirit of continued co-operation as shown by City and TTC staff at our meeting, his instructions from his client is to withdraw the request for the Hearing of Necessity.

In order to secure the Property in a timely manner and thus avoid costly delays in the construction schedule, this report recommends that City Council approve the proposed expropriation of the Property and authorize all necessary steps to proceed with the expropriation in compliance with the *Expropriations Act*.

CONTACT

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SIGNATURE

Bruce Bowes, P.Eng.
Chief Corporate Officer

ATTACHMENTS

Attachment 1 – Confidential Attachment
Appendix “A” –Property Requirements To Be Expropriated
Appendix “B” – Excerpt from Draft Plan of Survey
Appendix “C” – Site Map