



**STAFF REPORT
ACTION REQUIRED**
with Confidential Attachment

Toronto-York Spadina Subway Extension Project (South of Steeles): Expropriations for Finch West Subway Station

Date:	January 31, 2011
To:	City Council
From:	Chief Corporate Officer
Wards:	Ward 8 – York West
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:\2011\Internal Services\RE\Cc11005re (AFS # 13340)

SUMMARY

On August 27, 2010 and December 16, 2010, City Council authorized City staff to initiate expropriation proceedings for various property requirements needed for the construction of a portion of the Toronto-York Spadina Subway Extension Project (the “Project”) within the geographical boundaries of the City of Toronto (“City”). All the necessary steps required under the *Expropriations Act* have been taken and this report recommends that City Council, as Approving Authority under the *Expropriations Act*, approve the expropriation of the property requirements identified in this report for four of those properties.

RECOMMENDATIONS

The Chief Corporate Officer recommends that:

1. City Council, as the Approving Authority, approve the expropriation of interests in parts of the properties municipally known as, 1 Four Winds Drive, 3926-3932 Keele Street, 44-46 Romfield Drive and 1280-1300 Finch Avenue West, as set out in Appendix "A", in connection with the construction of a portion of the Toronto-York Spadina Subway Extension.

2. City Council grant leave for introduction of the necessary Bill in Council to give effect thereto.
3. City Council authorize City staff to take all necessary steps to comply with the *Expropriations Act*, including but not limited to, the preparation and registration of an Expropriation Plan and the service of Notices of Expropriation, Notices of Election as to a Date for Compensation and Notices of Possession.
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 to the Owners by arbitration, appeal or settlement to the satisfaction of the City Solicitor.

Financial Impact

Funding is available in the Council Approved 2010 Capital Budget and the 2011-2019 Capital Plan within the Toronto-York Subway Extension Capital Project.

Confidential Attachment 1 to this report identifies the initial appraised value for the property interests recommended for expropriation. There is no new financial impact associated with this report.

DECISION HISTORY

On August 27, 2010, City Council adopted the recommendations of Report GM33.12, thereby authorizing staff to negotiate to acquire, or initiate expropriation proceedings with respect to parts of the properties municipally known as 1 Four Winds Drive and 3940 Keele Street, in connection with the construction of a portion of the Toronto-York Spadina Subway Extension and to report the Chief Inquiry Officer's recommendations, if any, back to City Council. The report can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.GM33.12>

On December 16, 2010, City Council adopted the recommendations of Report CC2.3, whereby staff were authorized to negotiate to acquire, or initiate expropriation proceedings, with respect to five properties required in connection with the construction of a portion of the Toronto-York Spadina Subway Extension and that the appropriate City officials report directly to Council in the event any further authorizations are required.

The report can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.CC2.3>

ISSUE BACKGROUND

The \$2.6 billion Project involves an 8.6 km, 6 station, extension of the TTC Spadina Subway system from the existing Downsview station to the Vaughan Corporate Centre at Highway 7 in York Region. Each municipality will be responsible for acquiring properties within its own geographical boundaries, and for resolving all related claims for compensation.

The City portion of the Project is 6.2 km in length, and includes four stations: Sheppard West, Finch West, York University, and Steeles West (this station crosses the municipal boundary). As the design progresses, TTC identifies its property requirements to the City for acquisition either by negotiation or expropriation to ensure City ownership in sufficient time for the commencement of construction.

COMMENTS

As authorized by City Council, Notices of Application for Approval to Expropriate Land have been published and served in accordance with the *Expropriations Act*. The time limitation set out in the *Expropriations Act* for the property owners of 3926-3932 Keele Street, 44-46 Romfield Drive and 1280-1300 Finch Avenue West to request an Inquiry has expired and no requests were received for these properties, nor has agreement been reached to purchase the required property interests.

Discussions with the owners of 3940 Keele Street have resulted in an agreement to purchase the required property interests and so expropriation is not required.

An Inquiry was requested by the property owner of 1 Four Winds Drive, but it has subsequently been withdrawn. As a result of changes to the design and construction, TTC advises that the size of both the temporary and permanent property requirements at this location can be reduced from the areas identified in the previous Council reports. The owner has been so advised and it is the reduced areas that are identified on Appendix A for expropriation.

This report seeks approval from City Council, as the Approving Authority under the *Expropriations Act*, to expropriate interests in parts of the four properties as set out in Appendix "A" to ensure that ownership is secured to meet construction time lines.

CONTACT

Joe Casali, Director of Real Estate Services; Tel: (416) 392-7202; Fax: (416) 392-1880;
E-Mail: jcasali@toronto.ca

Joanna Kervin, Deputy Chief Project Manager, Third Party, Planning and Property
Spadina Subway Extension Department; TTC; Tel: (416) 393-7884;
Fax: (416) -338-0271; E-Mail: Joanna.Kervin@ttc.ca

SIGNATURE

Bruce Bowes, P.Eng.
Chief Corporate Officer

ATTACHMENTS

Appendix A – Property Requirements Table
Appendix B – Location map
Appendix C1-C4 – Property Acquisition Plans
Attachment 1 – Confidential Information