



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

**Real Estate Expropriation – Toronto-York Spadina
Subway Extension Project (South of Steeles):
1270 Finch Avenue West**

Date:	March 9, 2011
To:	Government Management Committee
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\Gm11009re (AFS 13425)

SUMMARY

On March 31 and April 1, 2010, City Council authorized City staff to initiate expropriation proceedings for property requirements needed for the construction of a portion of the Toronto-York Spadina Subway Extension Project (the “Project”) from 1270 Finch Avenue West. 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 1270 Finch Avenue West.

RECOMMENDATIONS

The Chief Corporate Officer recommends that:

1. City Council, as Approving Authority under the *Expropriations Act*, approve the expropriation of the property interests set out in Appendix A from 1270 Finch Avenue West for the purpose of widening Tangiers Road where it intersects with Finch Avenue West, 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 2011 Capital Budget and the 2012-2020 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

At its meeting on March 31 and April 1, 2010, City Council adopted Item GM29.17, thereby authorizing the Director of Real Estate Services to negotiate or initiate expropriation proceedings where necessary to acquire additional property requirements as a result of further refinement of the Project design from one newly identified property at 1270 Finch Avenue West. The report can be found at:

<http://www.toronto.ca/legdocs/mmis/2010/gm/bgrd/backgroundfile-28144.pdf>

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. The City of Toronto and York Region are each 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, the City's negotiator has approached the owner of the Property to secure voluntary acquisition, but agreement has not yet been reached. Notices of Application for Approval to Expropriate Land have been published and served in accordance with the *Expropriations Act*.

The owners have not requested an Inquiry and the time limitation set out in the *Expropriations Act* for the receipt of such request has expired. City Real Estate Services staff have reviewed the property requirements and initial appraisal estimates and are satisfied that they represent a fair estimate of the market value.

Therefore, this report seeks approval from City Council, as the Approving Authority under the *Expropriations Act*, to expropriate those property interests identified in Appendix A for the purposes described therein to ensure that ownership is secured to meet construction time lines. It directs the Director of Real Estate Services to serve the required Notices. All necessary steps to complete the expropriation process including payment of the required compensation will be undertaken by City staff pursuant to delegated authority as applicable.

CONTACT

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SIGNATURE

Bruce Bowes, P.Eng.
Chief Corporate Officer

ATTACHMENTS

Confidential Attachment 1 – Confidential Information
Appendix A – Property Requirements To Be Expropriated
Appendix B – Draft plan of survey
Appendix C – Location map