



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

**Real Estate Expropriations - Toronto-York Spadina
Subway Extension Project (South of Steeles): 3875
Keele Street(additional subsurface requirement for EEB
stairwell)**

Date:	June 10, 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:\Internal Services\2010\RE\cc11021re – (AFS 14056)

SUMMARY

This report recommends that City Council, as Approving Authority under the *Expropriations Act*, approve the expropriation of the property requirements identified in this report at 3875 Keele Street.

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 3875 Keele Street for the purpose of constructing a subsurface stairwell for the emergency exit building and easement for TTC and City vehicles to access the emergency exit building, in connection with the construction of a portion of the Toronto-York Spadina Subway Extension.

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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 owner 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 additional financial impact associated with this report.

DECISION HISTORY

By its adoption of GM 26.31 on November 30, December 1, 2, 4 and 7, 2009 City Council authorized the Director of Real Estate Services to negotiate to acquire and initiate expropriation proceedings, if necessary, with respect to property requirements from 3875 Keele St, for an emergency exit building, a subsurface stairwell for the emergency exit building and a temporary construction staging site. The report can be found at:

<http://www.toronto.ca/legdocs/mmis/2009/cc/decisions/2009-01-27-cc30-dd.pdf>

Notices of Application for Approval to Expropriate Land were published and served in accordance with the *Expropriations Act*. The owners of 3875 Keele Street had initially requested an Inquiry but after discussions with City staff they had formally withdrawn their request. By its adoption of Item GM 32.11 on July 6, 7 and 8, 2010, City Council approved the expropriation of the identified property requirements from 3875 Keele Street. That report can be found at:

<http://www.toronto.ca/legdocs/mmis/2010/gm/bgrd/backgroundfile-31381.pdf>

By its adoption of GM 2.6 on April 12 and 13, 2011, City Council authorized the Director of Real Estate Services to negotiate to acquire and initiate expropriation proceedings, if necessary, with respect to additional property requirements from 3875 Keele St, for the purposes identified in that report. The report can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.GM2.6>

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. Total property acquisition costs were estimated at \$125 million. 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

TTC initially identified and the City expropriated property at 3875 Keele Street to construct an emergency exit building. TTC subsequently identified the need to acquire additional property interests to accommodate a design change of the subsurface stairwell for the emergency exit building and to allow a permanent right of way easement for TTC and City vehicles to access parking spots associated with the emergency exit building. Details of the additional property requirements to be expropriated are set out in Appendix A.

The City's negotiator has attempted to secure voluntary acquisition of the additional property requirements, but agreement has not yet been reached. TTC staff have identified that possession of the additional property requirements is needed immediately to allow contractors on the site. Notices of Application for Approval to Expropriate Land have been published and served in accordance with the *Expropriations Act*, as previously authorized by Council.

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 additional property requirements and initial appraisal estimates, and are satisfied that they represent a fair estimate of the market value.

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In summary, this report seeks approval from City Council, as the Approving Authority under the *Expropriations Act*, to expropriate the additional property requirements identified in Appendix A 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

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Bruce Bowes, P. Eng.
Chief Corporate Officer

ATTACHMENTS

Confidential Attachment 1 – Confidential Information
Appendix A – Property Requirements Table
Appendix B – Draft Plan of Survey