



**STAFF REPORT
ACTION REQUIRED**
with Confidential Attachment

**Real Estate Expropriations – Toronto-York Spadina
Subway Extension Project (South of Steeles):
1170 Sheppard Avenue West**

Date:	October 31, 2013
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.
Reference Number:	P:\2013\InternalServices\RE\Gm13028re (AFS#18475)

SUMMARY

On October 2, 3 and 4, 2012, City Council authorized City Staff to initiate expropriation proceedings, if necessary, to acquire a permanent easement in, over and through a portion of 1170 Sheppard Avenue West for vehicular and pedestrian access to and from an emergency exit building for maintenance purposes.

All 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 requirement identified in Appendix A to this report.

RECOMMENDATIONS

The Chief Corporate Officer recommends that:

1. City Council, as Approving Authority under the Expropriations Act, approve the expropriation of the property interest set out in Appendix A from 1170 Sheppard Avenue West, in connection with 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 services 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 the arbitration, appeal or settlement to the satisfaction of the City Solicitor.

Financial Impact

Total property acquisition costs for the Toronto-York Spadina Subway Extension Project were estimated preliminarily at \$125 million. Funding for property acquisition is shared by the Move Ontario Trust, the City and the Regional Municipality of York.

Funding for the easement identified in Appendix A is available in Council Approved 2013 Capital Budget and 2014-2022 Capital Plan within the Toronto-York Spadina Subway Extension Capital project.

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

DECISION HISTORY

On October 2, 3 and 4, 2012, City Council adopted Item GM16.8, authorizing the Director of Real Estate Services to negotiate and initiate expropriation proceedings to acquire a permanent surface easement at 1170 Sheppard Avenue West. City staff approached the owner to secure a voluntary acquisition of the necessary property requirements, however an agreement could not be reached. Notices of Application for approval to expropriate land have been published and served in accordance with the Expropriations Act.

The owner has 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.

This owner, through its legal counsel, has however contacted City staff to advise that they may wish to redevelop the property in the future. As a result, the owner has asked the City to add language onto the expropriation plan to permit the future release of the permanent easement should the owner wish to redevelop the property, provided that the owner provide the City with an equivalent easement to the satisfaction of the City and

TTC and provided that the owner pay all costs associated with providing the alternative easement. Neither City staff nor TTC staff have any objections to this. City staff will report back to Council should the owner make a formal request for the release of the permanent easement in the future.

This report seeks approval from City Council, as the approving authority under the Expropriations Act, to expropriate the property interest identified in Appendix A for the purpose identified 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

Joe Casali
Director, Real Estate Services
Tel: (416)392-7202
Fax: (416)392-4880
Email: jcasali@toronto.ca

Joanna Kervin
Director, Third Party Planning & Property
Tel: (416)393-7884
Fax: (416)338-0271
Email: Joanna.kervin@ttc.ca

SIGNATURE

Josie Scioli
Chief Corporate Officer

ATTACHMENTS

Confidential Attachment 1 – Confidential Information
Appendix A – Property Requirements table (Stage 2 Approval)
Appendix B – Reference Plans of Survey
Appendix C – Location Map