Expropriation of 49 Sheppard Avenue East, 4, 6, 8, 12, 14, 16, 18, 20, 22 and 24 Bonnington Place for the North York City Centre Service Road

<table>
<thead>
<tr>
<th>Date:</th>
<th>June 3, 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>To:</td>
<td>Government Management Committee</td>
</tr>
<tr>
<td>From:</td>
<td>Chief Corporate Officer</td>
</tr>
<tr>
<td>Wards:</td>
<td>Ward 23 – Willowdale</td>
</tr>
<tr>
<td>Reference Number:</td>
<td>P:\2014\Internal Services\RE\Gm14016re (AFS # 19838)</td>
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</tbody>
</table>

**SUMMARY**

This report seeks authority to commence expropriation proceedings for the properties municipally known as 49 Sheppard Avenue East, 4, 6, 8, 12, 14, 16, 18, 20, 22 and 24 Bonnington Place. These properties are required to further complete the southern portion of North York City Centre Service Road (“NYSR”).

Negotiations with the owners of these properties have been ongoing since January 2010. The negotiations thus far have led staff to conclude that terms of an agreement to acquire these properties by means of a negotiated settlement may jeopardize the construction schedule for the "NYSR". In order to avoid further delay in acquiring these lands, expropriation is necessary.

**RECOMMENDATIONS**

The Chief Corporate Officer recommends that:

1. City Council grant authority to initiate the expropriation process for the taking of the properties know as 49 Sheppard Avenue East, 4, 6, 8, 12, 14, 16, 18, 20, 22 and 24 Bonnington Place in the event that an offer to sell (agreement) cannot be reached.
2. City Council grant authority to serve and publish Notices of Application for Approval to Expropriate the properties known as 49 Sheppard Avenue East, 4, 6, 8 12, 14, 16, 18, 20, 22 and 24 Bonnington Place and to forward to the Chief Inquiry Officer any requests for hearing that are received, to attend the hearing to present the City's position and to report the Inquiry Officer's recommendations to City Council for its consideration.

3. The appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Financial Impact

The possible acquisition of these properties will result in expenditures for the purchase price of the properties as well as disturbance, interest, and land transfer tax costs, and all other cost associated and in accordance with the guidelines of the Expropriation Act in the Province of Ontario. Currently, there are no funds available in the 2014 Capital Budget and 2015 - 2023 Capital Plan for Transportation Services. Section 37 funding has been secured for the future land acquisitions to complete the North York Service Road (NYSR). Once the negotiated agreements are reached between the City and the owners of these properties, staff will seek Council authority to adjust the 10-Year Capital Budget and Plan for Transportation Services through the budget submission or separate staff report.

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

DECISION HISTORY

The “Strategy for the Implementation of the North York Centre Plan Service Road-North York Centre”, North York Community Council Report No. 8, Clause No. 20, being a joint report (July 10, 1998) from the Commissioner of Works and Emergency Services and the Commissioner of Urban Planning and Development Services was approved by City Council on July 29, 30 and 31, 1998. The Report included the following recommendations:

“a property acquisition strategy and reporting mechanism be developed to ensure a continuance of a program to initiate the construction of the Service Road in stages and that the matter be referred to the Property Division of the Corporate Services Department for implementation;” and

“the property acquisition strategy include the powers granted to the City under the Expropriations Act to ensure that contiguous land assemblies are successfully acquired in a reasonable time frame to enable the annual road construction program to be implemented.”
In accordance with this property acquisition strategy, the City has acquired a number of properties to construct the NYSR. The proposed acquisition of the properties known municipally as 49 Sheppard Avenue East, 4, 6, 8, 12, 14, 16, 18, 20, 22, 24 Bonnington Place is in accordance with this property acquisition strategy.

ISSUE BACKGROUND

As part of the North York Centre Secondary Plan, an Environmental Assessment was completed for NYSR to support the approved levels of development. An addendum of the EA was approved by the Ministry of Environment & Energy in April, 1998. A plan to construct NYSR was adopted to facilitate development levels.

A further amendment to the 1998 addendum was completed in May 2014 which further confirms the need for the aforementioned properties on Bonnington Place and Sheppard Avenue East.

COMMENTS

The properties municipally identified as owner 49 Sheppard Avenue East, 4, 6, 8, 12, 14, 16, 18, 20, 22 and 24 Bonnington Place, are required for the purpose of the NYSR. A stage one expropriation report is required to be approved by Council in order to secure these properties in the event negotiations cannot be concluded.

CONTACT

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SIGNATURE

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Josie Scioli
Chief Corporate Officer

ATTACHMENTS

Appendix "A" Property Descriptions
Appendix "B" Property Location Map
APPENDIX “A”
PROPERTY DESCRIPTIONS

49 Sheppard Avenue East, 4, 6, 8, 12, 14, 16, 18, 20, 22 and 24 Bonnington Place.

<table>
<thead>
<tr>
<th>Address</th>
<th>Legal Description</th>
<th>Site Area (SF)</th>
<th>Building Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>49 Sheppard Ave. E</td>
<td>PLAN 3421 PT LOT 20</td>
<td>3,684.96</td>
<td>Office Use Converted from House</td>
</tr>
<tr>
<td>24 Bonnington Pl.</td>
<td>PLAN 3421 LOT 19</td>
<td>4,746</td>
<td>Office Use Converted from House</td>
</tr>
<tr>
<td>22 Bonnington Pl.</td>
<td>PLAN 3421 LOT 18</td>
<td>4,746</td>
<td>Single-Family Detached</td>
</tr>
<tr>
<td>20 Bonnington Pl.</td>
<td>PLAN 3421 LOT 17</td>
<td>4,746</td>
<td>Single-Family Detached</td>
</tr>
<tr>
<td>18 Bonnington Pl.</td>
<td>PLAN 3421 LOT 16</td>
<td>4,746</td>
<td>Single-Family Detached</td>
</tr>
<tr>
<td>16 Bonnington Pl.</td>
<td>PLAN 3421 LOT 15</td>
<td>4,746</td>
<td>Single-Family Detached</td>
</tr>
<tr>
<td>14 Bonnington Pl.</td>
<td>PLAN 3421 LOT 14</td>
<td>4,746</td>
<td>Single-Family Detached</td>
</tr>
<tr>
<td>12 Bonnington Pl.</td>
<td>PLAN 3421 LOT 13</td>
<td>4,746</td>
<td>Single-Family Detached</td>
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<td>8 Bonnington Pl.</td>
<td>PLAN 3421 LOT 11</td>
<td>4,746</td>
<td>Single-Family Detached</td>
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<td>6 Bonnington Pl.</td>
<td>PLAN 3421 LOT 10</td>
<td>4,746</td>
<td>Single-Family Detached</td>
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<td>4 Bonnington Pl.</td>
<td>PLAN 3421 LOT 9</td>
<td>4,746</td>
<td>Single-Family Detached</td>
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</tbody>
</table>
APPENDIX "B" - PROPERTY LOCATION MAP

Expropriation of 49 Sheppard Ave E and 4-8, 12-24 Bonnington Place