Real Estate Acquisition
TTC St. Clair West Subway Station – Easier Access Program

Date: July 24, 2014
To: Government Management Committee
From: Chief Corporate Officer
Wards: 21 - St. Paul’s
Reference Number: P:2014/Internal Services/RE/Gm14028re (AFS#19888)

SUMMARY

This report seeks authority to negotiate to acquire certain property interests (the "Property Interests") as defined in Appendix "A" and shown in Appendix "B" located at 396 St. Clair Avenue West, owned by Loblaw Properties Limited ("LPL"), a portion of which are leased to the Liquor Control Board of Ontario ("LCBO"). The Property Interests are required to install an elevator (the "Elevator") in the St. Clair West Subway Station (the "Subway Station") pursuant to the Toronto Transit Commission’s ("TTC") St. Clair Easier Access Program (the "Project").

Staff have been in lengthy discussions with both parties and to ensure construction scheduling and timelines for completion of the Project are met, this report seeks authority to initiate expropriation proceedings where necessary.

RECOMMENDATIONS

The Chief Corporate Officer recommends that City Council:

1. authorize the Director of Real Estate Services to negotiate to acquire the Property Interests as set out in Appendix "A" and to initiate expropriation proceedings, where necessary.
2. authorize to the Director of Real Estate to serve and publish Notices of Application for Approval to Expropriate the Property Interests, to forward to the Chief Inquiry Officer any requests for hearings that are received, to attend any hearings in order to present the City's position, and to report the Inquiry Officer's recommendations to City Council for its consideration.

Financial Impact

Funding the Property Interests identified in Appendix "A" is available in the Council Approved TTC 2014 Capital Project Budget and TTC 2015-2023 Capital Plan within the Easier Access Phase II & III Project.

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

ISSUE BACKGROUND

In order to meet the goal of making all of its subway stations accessible and to comply with the Accessibility for Ontarians with Disabilities Act, 2001, S.O. 2001 c. 32 ("AODA"), the TTC requires certain property interests including without limitation a permanent easement and temporary licenses at the Subway Station in order to install operate and maintain the Elevator from street level to the TTC bus and streetcar level as part of the Easier Access Program. The project includes installation of three elevators to accommodate the necessary accessibility within the existing station. The elevators are scheduled to be in service in 2016.

The TTC maintains and operates the Subway Station within an existing sub-surface easement affecting portions of the lands known municipally as 396 St. Clair Avenue West and owned by LPL. LPL owns the shopping centre located above the Subway Station. The Subway Station and the LPL shopping centre co-exist and operate, pursuant to a number of agreements, including the following: (i) reciprocal agreement, dated September 25, 1997, which is the paramount agreement between the parties setting out the rights and obligations of the parties, including the terms of the permanent easement (the "Reciprocal Agreement"); (ii) easement agreement, dated August 29, 1997, which sets out terms of the easement in favour of the City/TTC (the "Easement"); and (iii) encroachment agreement, dated May 24, 1999, which contemplates and allows for the current LPL encroachment upon portions of the subway easement (the "Encroachment Agreement").

The proposed location of the Elevator is within the LPL shopping centre, specifically within retail space currently leased by LPL to the LCBO. This location has been identified by the project team as the most feasible option from an engineering and customer service perspective. This will require compensation paid to both LPL and the LCBO for the Property Interests.
COMMENTS
To accommodate the requirements for the installation of the Elevator to provide passenger accessibility between street level and TTC bus and streetcar level it is necessary to acquire the Property Interests defined in Appendix "A" and shown in Appendix "B". Construction for the installation of the Elevator is proposed to commence in the first quarter of 2015.

This report seeks approval from City Council to negotiate to acquire the Property Interests, and where appropriate and necessary, to initiate expropriation proceedings to ensure the property requirements are secured to meet construction time lines.

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SIGNATURE
Josie Scioli, Chief Corporate Officer

ATTACHMENTS:
Appendix "A" - Private Property Requirements
Appendix "B" – Property Requirements and Location Map