



**STAFF REPORT  
ACTION REQUIRED**  
with Confidential Attachment

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

<b>Date:</b>	August 22, 2014
<b>To:</b>	City Council
<b>From:</b>	Chief Corporate Officer and General Manager, Transportation Services
<b>Wards:</b>	<b>Ward 23 - Willowdale</b>
<b>Reason for Confidential Information:</b>	This report is about a proposed or pending acquisition or sale of land for municipal or local board purpose and litigation or potential litigation that affects the City or one of its agencies, boards and commissions.
<b>Reference Number:</b>	P:\2014\Internal Services\RE\Cc14036re

**SUMMARY**

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In July 2014, City Council authorized City staff to initiate expropriation proceedings, if necessary for property required for the construction of a portion of the North York Centre South Service Road (the "Project").

This report recommends that City Council increase the approved 2014 Capital Budget for Transportation Services by the amount indicated in Confidential Attachment 1 of this report and that City Council grant authority for the City to enter into agreements for the acquisition of the properties and where such negotiations are not successful that City Council authorize, as the approving authority under the *Expropriations Act*, approval of the expropriation of such properties in order to proceed with the development of the Project.

## RECOMMENDATIONS

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The Chief Corporate Officer and the General Manager, Transportation Services recommend that:

1. City Council increase the approved 2014 Capital Budget for Transportation Services (CTP-800-8) by the amount indicated in Confidential Attachment 1 by transferring the amounts from the Section 37 Community Benefits Source Accounts identified in Confidential Attachment 1 for the acquisition or expropriation of lands identified in Appendix A (each such property a "Property" and collectively the "Properties").
2. City Council, grant authority for the City to enter into agreements, an offer to sell or a Section 30 Agreement under the *Expropriations Act*, with the owner of each of the Properties (and any such other related and required agreements) to acquire each Property from such owner for consideration within the ranges identified for each Property in Confidential Attachment 1, on terms and conditions acceptable to the CCO, together with such other terms as may be deemed appropriate by the Chief Corporate Officer and in a form satisfactory to the City Solicitor.
3. City Council authorize the Chief Corporate Officer and the Director of Real Estate Services, jointly and severally, to execute such agreements referred to in Recommendation No. 2.
4. In the event that the City is unable to reach an agreement with an owner of a Property for the acquisition of such Property by the City as provided for in Recommendation No. 2, City Council:
  - a. as approving authority under the *Expropriations Act*, approve the expropriation of such Properties;
  - b. as the expropriating authority under the *Expropriation Act*, authorize City staff to take all steps necessary to comply with the *Expropriations Act*, including but not limited to, the preparation and registration of an Expropriation Plan and service of the Notices of Expropriation, Notices of Election as to a Date for Compensation and/or Notices of Possession for such Properties, as may be appropriate;
  - c. authorize City staff to obtain an appraisal report to value the Properties, updated to the date of expropriation or, if the owner so elects in accordance with the *Expropriation Act*, to the date of service of the Notices of Expropriation; and to prepare and serve offers of compensation on all registered owners, at the appraised value, all in accordance with the requirements in the *Expropriation Act*; and
  - d. authorize the Director of Real Estate Services to sign the Notices of Expropriation, Notices of Possession and the Offer of Compensation on behalf of the City for such Properties.

5. City Council authorize the public release of the confidential information contained in Confidential Attachment 1 once there has been a final determination of all property transactions and claims for compensation related to the Project to the satisfaction of the City Solicitor.
6. City Council grant leave for introduction of the necessary Bills in Council to give effect thereto.
7. City Council authorize the appropriate City Officials to take the necessary action to give effect hereto.

### **Financial Impact**

Confidential Attachment 1 to this report identifies the initial estimated value for each of the Properties recommended for acquisition or expropriation.

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.”

On July 8, 9, 10 and 11, 2014, City Council adopted the recommendations in Report GM31.24 dated June 3, 2014, granting authority to initiate the expropriation proceedings, if necessary for the full taking of the Properties for the purpose completing the Project.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.GM31.24>

## ISSUE BACKGROUND

As part of the North York Centre Secondary Plan, an Environmental Assessment was completed for the Project to support the approved levels of development. An addendum to the EA was approved by the Ministry of Environment & Energy in April, 1998. A plan to construct the Project was adopted to facilitate development levels. A further addendum to the 1998 addendum again confirmed, in May 2014, the need for the Properties to complete the Project.

## COMMENTS

Pursuant to Council's authority and in accordance with the *Expropriations Act*, Notices of Application for Approval to Expropriate the required property interests were served on the registered owners and published in the newspaper. The owners of the Properties, have not requested an inquiry and the time limitation set out in the *Expropriations Act* for the receipt of such requests has expired.

Negotiations are still underway with the owners to acquire the necessary property requirements on mutually acceptable terms. This report recommends that City Council increase the approved 2014 Capital Budget for Transportation Services by the amount indicated in Confidential Attachment 1 of this report by transferring such amount from the Section 37 Community Benefits Source Accounts identified in Confidential Attachment 1 of this report and that City Council grant authority for the City to enter into agreements for the acquisition of the Properties and where such negotiations are not successful that City Council grant the City authority, as the approving authority under the *Expropriations Act*, to approve the expropriation of such properties in order to proceed with the development of the Project.

## CONTACT

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## SIGNATURE

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Josie Scioli  
Chief Corporate Officer

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Stephen Buckley  
General Manager,  
Transportation Services

## ATTACHMENTS

Attachment 1– Confidential Attachment  
Appendix A – Table of Private Property Requirements  
Appendix B – Site Map

**APPENDIX "A"**

**TABLE OF PROPERTY REQUIREMENTS**

PROPERTY ADDRESS		LEGAL DESCRIPTION	PROPERTY REQUIREMENTS
<b>WARD 23 - Willowdale</b>			
1.	<u>Address:</u> All of 49 Sheppard Avenue East	PLAN 3421 PT LOT 20	All right, title and interest the entire property, approximately 342 m <sup>2</sup> (3,685 ft <sup>2</sup> ) of land, as shown on Appendix "B"
2.	<u>Address:</u> All of 24 Bonnington Pl.	PLAN 3421 PT LOT 19	All right, title and interest the entire property, approximately 441 m <sup>2</sup> (4,746 ft <sup>2</sup> ) of land, as shown on Appendix "B"
3.	<u>Address:</u> All of 22 Bonnington Pl	PLAN 3421 PT LOT 18	All right, title and interest the entire property, approximately 441 m <sup>2</sup> (4,746 ft <sup>2</sup> ) of land, as shown on Appendix "B"
4.	<u>Address:</u> All of 20 Bonnington Pl	PLAN 3421 PT LOT 17	All right, title and interest the entire property, approximately 441 m <sup>2</sup> (4,746 ft <sup>2</sup> ) of land, as shown on Appendix "B"
5.	<u>Address:</u> All of 18 Bonnington Pl	PLAN 3421 PT LOT 16	All right, title and interest the entire property, approximately 441 m <sup>2</sup> (4,746 ft <sup>2</sup> ) of land, as shown on Appendix "B"
6.	<u>Address:</u> All of 16 Bonnington Pl	PLAN 3421 PT LOT 15	All right, title and interest the entire property, approximately 441 m <sup>2</sup> (4,746 ft <sup>2</sup> ) of land, as shown on Appendix "B"

PROPERTY ADDRESS		LEGAL DESCRIPTION	PROPERTY REQUIREMENTS
7.	<u>Address:</u> All of 14 Bonnington Pl	PLAN 3421 PT LOT 14	All right, title and interest the entire property, approximately 441 m <sup>2</sup> (4,746 ft <sup>2</sup> ) of land, as shown on Appendix "B"
8.	<u>Address:</u> All of 12 Bonnington Pl	PLAN 3421 PT LOT 13	All right, title and interest the entire property, approximately 441 m <sup>2</sup> (4,746 ft <sup>2</sup> ) of land, as shown on Appendix "B"
9.	<u>Address:</u> All of 8 Bonnington Pl	PLAN 3421 PT LOT 11	All right, title and interest the entire property, approximately 441 m <sup>2</sup> (4,746 ft <sup>2</sup> ) of land, as shown on Appendix "B"
10.	<u>Address:</u> All of 6 Bonnington Pl	PLAN 3421 PT LOT 10	All right, title and interest the entire property, approximately 441 m <sup>2</sup> (6,943 ft <sup>2</sup> ) of land, as shown on Appendix "B"
11.	<u>Address:</u> All of 4 Bonnington Pl	PLAN 3421 PT LOT 9	All right, title and interest the entire property, approximately 441 m <sup>2</sup> (6,943 ft <sup>2</sup> ) of land, as shown on Appendix "B"

## APPENDIX "B" - PROPERTY LOCATION MAP

