



**STAFF REPORT  
ACTION REQUIRED**

**Expropriation of Easement for Pedestrian Walkway,  
500 Dawes Road**

<b>Date:</b>	October 23, 2015
<b>To:</b>	Government Management Committee
<b>From:</b>	Chief Corporate Officer
<b>Wards:</b>	31- Beaches East-York
<b>Reference Number:</b>	P:\2015\Internal Services\RE\Gm15037re (AFS #21977)

**SUMMARY**

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This report seeks authority to initiate expropriation proceedings for a temporary construction easement and permanent pedestrian easement (the "Property Interests") for a pedestrian walkway over a portion of the property municipally known as 500 Dawes Road (the "Property").

Parks, Forestry and Recreation ("PF&R") is seeking to create a safe and accessible pedestrian connection from Cedarcrest Boulevard to the Joshua Cronkwright Parkette. The path will run along the northern edge of the existing parking lot located on the Property.

While negotiations with the Property owner continue, staff have concluded that it is unlikely that satisfactory easement terms can be agreed upon. In order to move the walkway project ahead, expropriation may be necessary.

**RECOMMENDATIONS**

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**The Chief Corporate Officer recommends that:**

1. City Council authorize the Director, Real Estate Services to continue negotiations to acquire and, if unsuccessful, City Council authorize initiation of the expropriation process for the Property Interests over the portion of the Property

set out in Appendix "A" and depicted as the shaded area on the sketch in Appendix "B" for the permanent easement and as the shaded area on the sketch in Appendix "C" for the temporary construction easement and shown on the location maps attached as Appendix "D".

2. City Council authorize staff to serve and publish Notices of Application for Approval to Expropriate Land for the Property Interests, 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.

### **Financial Impact**

The costs to serve and publish the required Notices of Application for Approval to Expropriate, together with any costs related to attendance at the Hearing of Necessity, if any, will be funded from the 2015 Council Approved Capital Budget (CPR115-44-01).

Should the ongoing negotiations with the Property owner prove to be successful, the agreement for the acquisition for the Property Interests would result in anticipated expenditures. Funding for this acquisition is budgeted and available in the PF&R Account CPR115-44-01. The funding amounts required and salient terms and conditions will form part of a subsequent authority which will be sought for the acquisition of the Property Interests.

In the event of expropriation, expenditures for the market value of the Property Interests as well as disturbance costs (if any), interest, land transfer tax costs, and all other associated costs stipulated under the *Expropriations Act* will also be funded from the 2015 Council Approved Capital Budget and 2016-2024 Capital Plan for Parks, Forestry & Recreation (CPR115-44-01). The detailed funding amounts will form part of a subsequent report to Committee and Council seeking final approval for the expropriation, if necessary.

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

### **DECISION HISTORY**

The City owns lands located at 49-53 Cedarcrest Boulevard (the "City Lands"), which abut the Property to the west. The City Lands were declared surplus by City Council at its meeting held on April 14, 15 and 16, 2003 by way of the Administration Committee Report No. 3 Clause 27, with the intended manner of disposition by way of sale on the open market.

<http://www.toronto.ca/legdocs/2003/agendas/council/cc030414/adm3rpt/agendain.pdf>

Due to requirements set out in a 1963 agreement between the then-current owner of the Property and the former East York (the "Development Agreement") affecting the City Lands, discussed below, the City rescinded the declare surplus designation on the City Lands on November 14, 2014, authorized by Government Management Committee Item No GM6.18, adopted as amended by City Council on July 16, 17, 18 and 19, 2007 and By-law No. 814-2007, enacted on July 19, 2007 (DAF Tracking No.: 2014-287). [https://www1.toronto.ca/City%20of%20Toronto/Real%20Estate%20Services/Divisional%20Profile/Delegated%20Approval%20Forms/PDF/2014-287-land%20btwn%2047%20and%2053%20Cedarcrest%20Blvd%20\(Rescind\).pdf](https://www1.toronto.ca/City%20of%20Toronto/Real%20Estate%20Services/Divisional%20Profile/Delegated%20Approval%20Forms/PDF/2014-287-land%20btwn%2047%20and%2053%20Cedarcrest%20Blvd%20(Rescind).pdf)

## **ISSUE BACKGROUND**

The City Lands were acquired by the former East York with the intention that they would be used for parks purposes and are in the operational jurisdiction of PF&R. The City Lands are subject to the Development Agreement which required that a pedestrian walkway between the City Lands and the apartment building located at the Property be developed and maintained by the former East York. The walkway was never built and the City Lands could not be sold as a result of this land use requirement.

That portion of the City Lands where the pedestrian walkway is to be built is a well-travelled route used by area residents, providing a shortcut between the Property and the residential neighbourhood to the west, including a public school. The walkway the City would like to build has a more moderate slope than the existing condition and will prove safer than the current informal footpath, particularly in wet or snowy conditions.

## **COMMENTS**

The new pedestrian pathway will provide a safe connection between the City Lands and the Joshua Cronkwright Parkette. Acquiring the Property Interests will allow for Staff to re-grade the severely sloped section of the Property adjacent to the City Lands and create a safer environment for area residents.

Staff from Real Estate Services have been in discussions with the owner of the Property in an effort to reach mutually acceptable terms regarding the acquisition of the Property Interests since March 2015. To date, the owner has not agreed to convey the required

Property Interests. The owner has been dealing extensively with Municipal Licensing & Standards on a number of property issues over the last few years. There is uncertainty as to when this required work will be fully completed, and the owner is unwilling to deal with more than one City Division at a time. As such, expropriation of the easement is recommended by staff if a negotiated settlement cannot be reached.

## **CONTACT**

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## **SIGNATURE**

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Josie Scioli  
Chief Corporate Officer

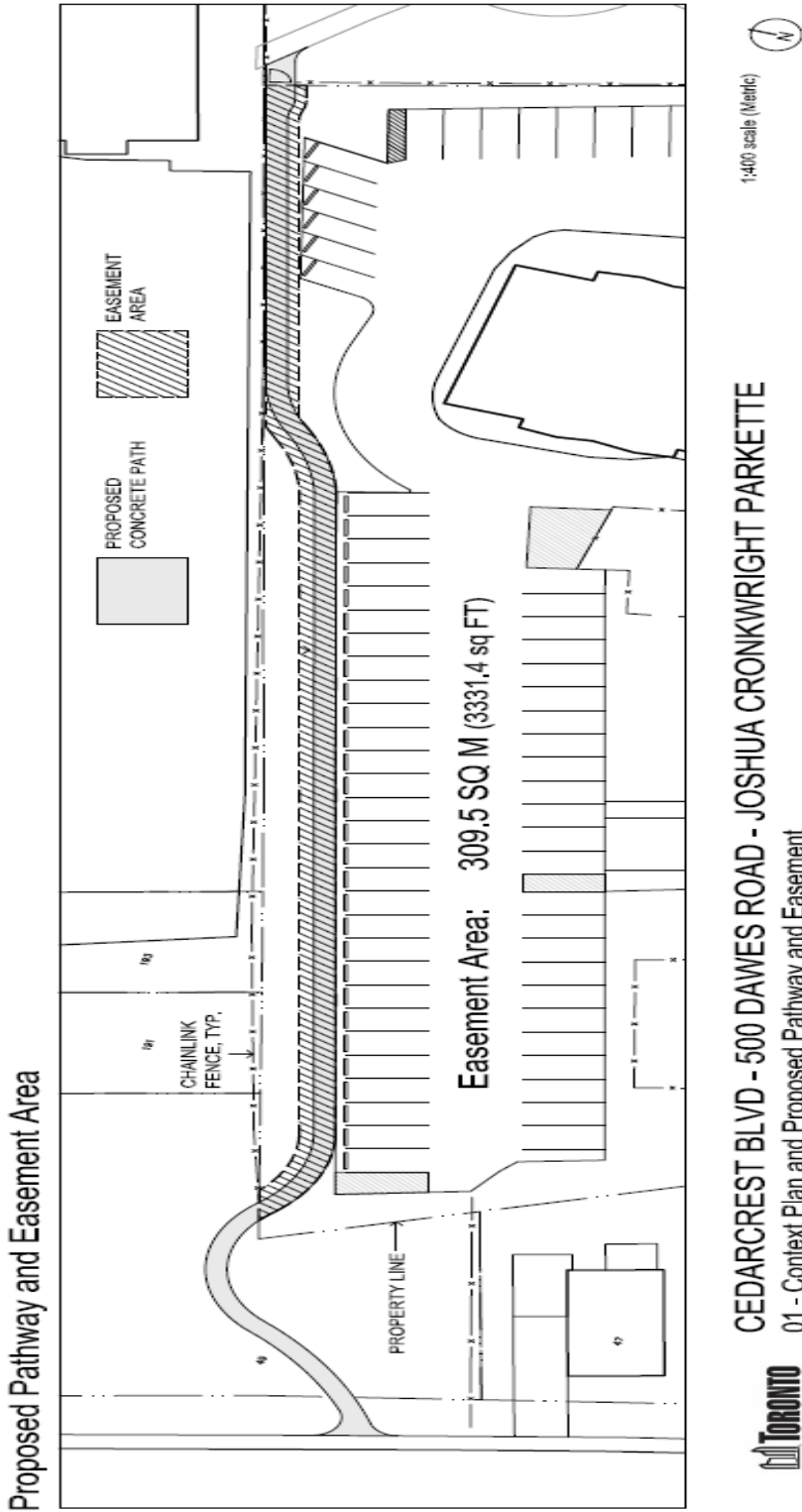
## **ATTACHMENTS**

Appendix "A" – Property Interests  
Appendix "B" – Property Interests: Permanent Easement  
Appendix "C" – Property Interests: Temporary Easement  
Appendix "D" – Location Maps

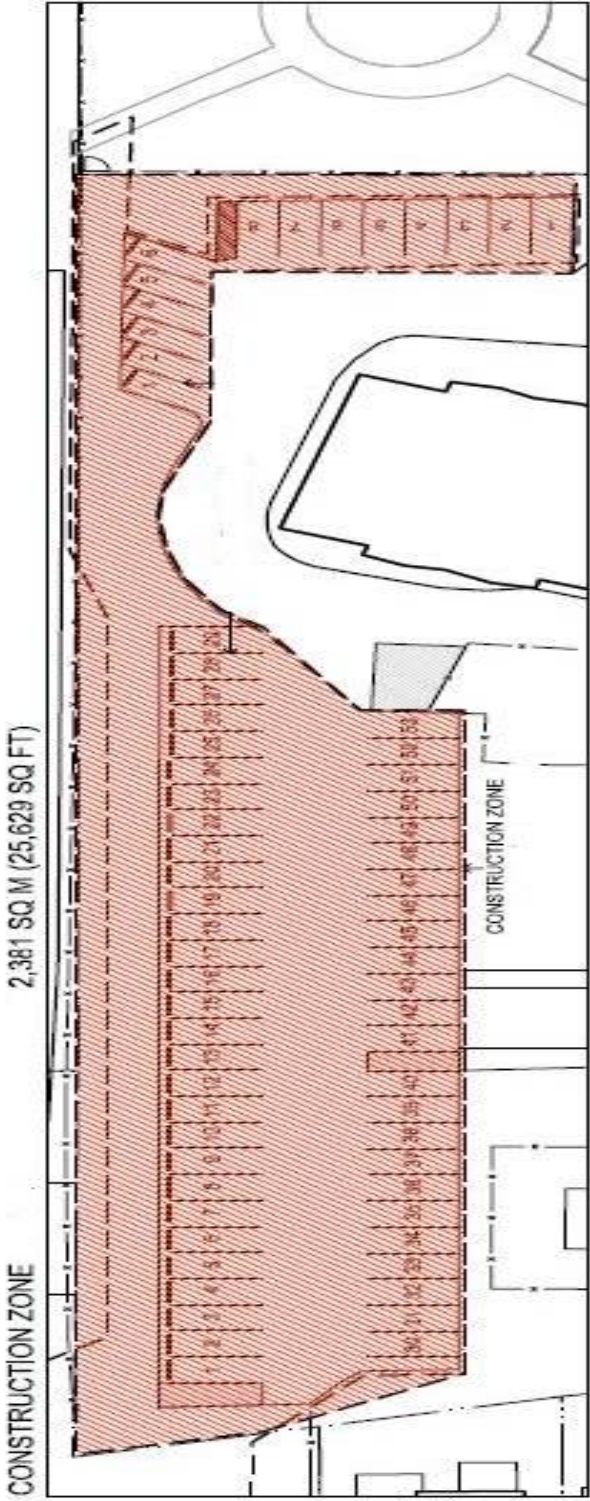
**Appendix "A"**  
**Property Interests**

<b>Property Address</b>	<b>Owner</b>	<b>Legal Description</b>	<b>Property Requirements</b>
Part of 500 Dawes Road	Havcare Investments Inc.	Part of PIN 10442-0323(LT)	Temporary easement over 2,381m <sup>2</sup> for construction lay down and hoarding for a period of 4 months
Part of 500 Dawes Road	Havcare Investments Inc.	Part of PIN 10442-0323(LT)	Permanent easement over 309.5m <sup>2</sup> for pedestrian passageway

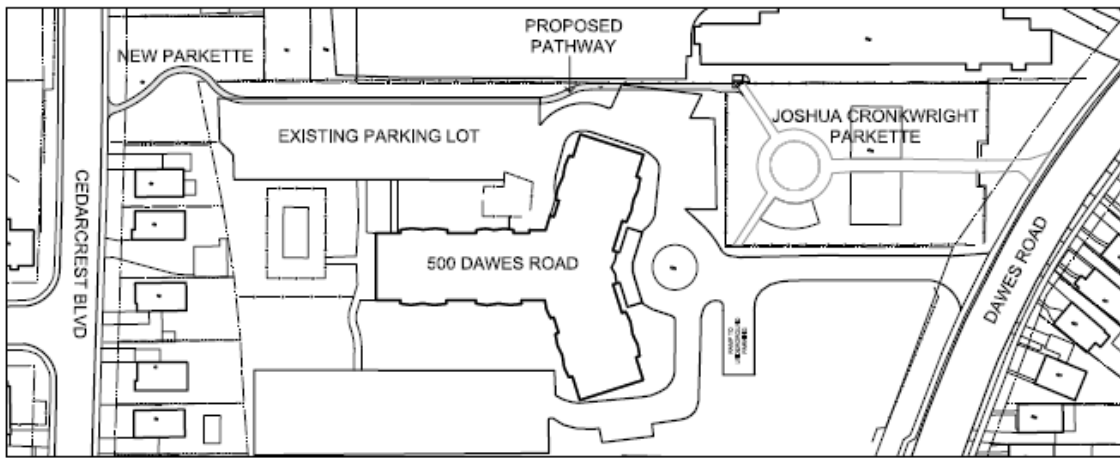
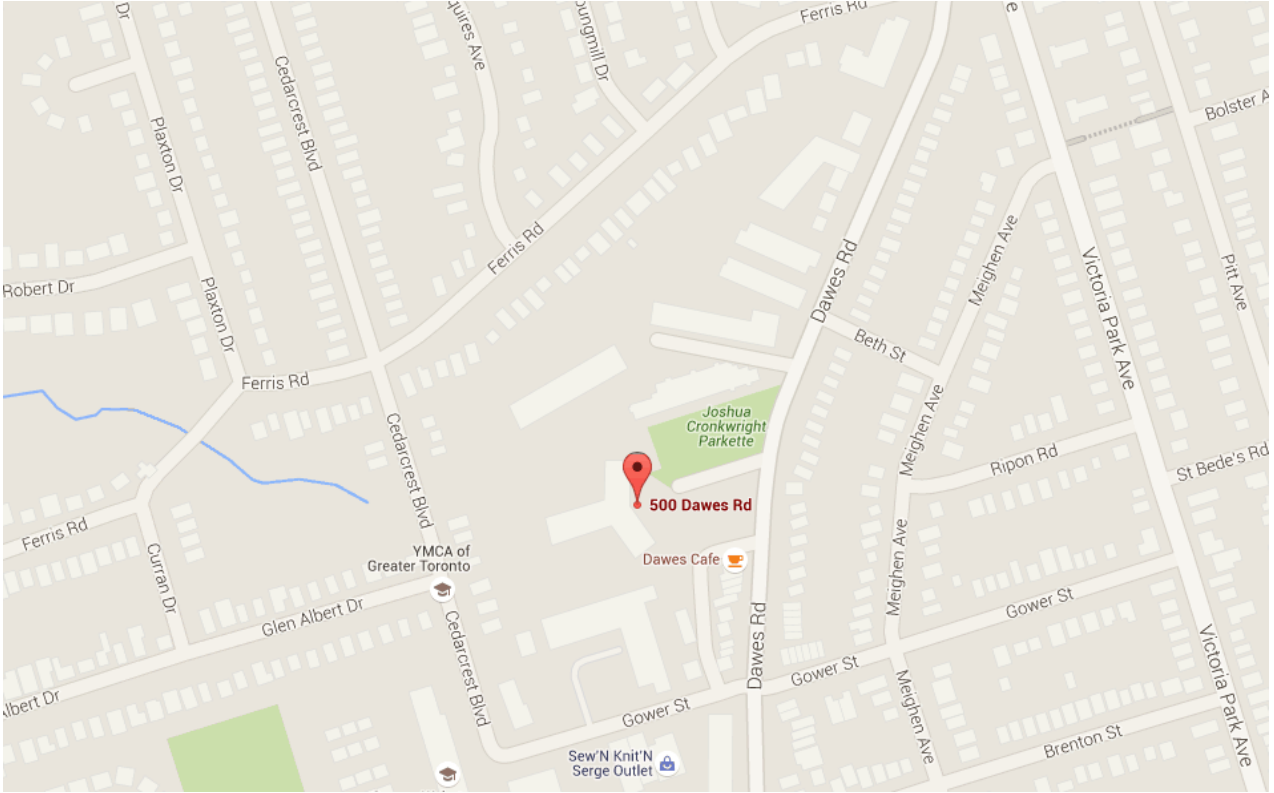
**Appendix "B"**  
**Property Interests: Permanent Easement**



Appendix "C"  
Property Interests: Temporary Easement



## Appendix "D" Location Maps



N.T.S