



STAFF REPORT ACTION REQUIRED

Expropriation of 13 Barberrry Place and 23 Barberrry Place

Date:	October 23, 2015
To:	Government Management Committee
From:	Chief Corporate Officer
Wards:	Ward 24 - Willowdale
Reference Number:	P:\2015\Internal Services\RE\Gm15036re (AFS #21978)

SUMMARY

The purpose of this report is to seek authorization from City Council to commence proceedings for the expropriation of 13 Barberrry Place and 23 Barberrry Place. These land acquisitions are necessary to protect for the possible location of a proposed new east/west road running from Rean Drive to Kenaston Gardens. All other lands that are expected to be required to complete this road have already been conveyed to the City or are in the process of being conveyed to the City through the development approval process.

While negotiations with the owners of these properties continue, it appears unlikely that satisfactory terms can be achieved and acquisition of these properties by expropriation will likely be necessary.

RECOMMENDATIONS

The Chief Corporate Officer recommends that:

1. City Council direct the Director, Real Estate Services to continue negotiations for the acquisition of the whole of the properties known municipally as 13 Barberrry Place and 23 Barberrry Place (the "Properties"), depicted on the sketch in Appendix "A" and shown on the location map attached as Appendix "B", and if the negotiations are unsuccessful, grant authority to initiate the expropriation process for the Properties.

2. City Council grant authority to serve and publish Notices of Application for Approval to Expropriate the Properties, 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 Land Acquisition Reserve Fund (XR1012) as previously approved by City Council at its meeting held on August 25, 26, 27 and 28, 2014 (GM32.17).

In the event of expropriation, expenditures for the market value of the Properties, 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 Land Acquisition Reserve Fund (XR1012) as previously approved by City Council at its meeting held on August 25, 26, 27 and 28, 2014 (GM32.17).

A subsequent report will be submitted to Committee and Council seeking final approval for the expropriation. The report will request authority to create the capital project for expropriation, as well as amendment of the Capital Budget for Transportation Services. The detailed funding amounts and source of funds will also form part of this subsequent report.

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

DECISION HISTORY

At its meeting held on August 25, 26, 27 and 28, 2014, City Council adopted Item GM32.17, entitled "Required Land Acquisitions and Related Costs to Complete East-West Road between Rean Drive and Kenaston Gardens" and authorized the purchase of 13 Barberrry Place based on its current appraised value and the expropriation of 23 Barberrry Place in the event it could not be obtained for nominal consideration through the development process, if and when a development application was submitted. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.GM32.17>

On February 19 and 20, 2014, Member Motion MM48.34 was adopted by City Council. City Council requested the Director of Real Estate Services, in consultation with the Director of Transportation Services, North York District, the Director of Community Planning, North York District and the City Solicitor to identify the land acquisitions necessary to complete the east/west road running from Rean Drive to Kenaston Gardens and to report to Government Management Committee with respect to the means by which those lands could be acquired and the potential cost and source of funds to complete the acquisitions.

<http://www.toronto.ca/legdocs/mmis/2014/mm/bgrd/backgroundfile-67079.pdf>

ISSUE BACKGROUND

The purpose of a new east-west public road between Rean Drive and Kenaston Gardens is to improve pedestrian connections to the subway for all sites and for vehicular circulation. Transportation Services has advised that it will be proceeding with the environmental assessment for the proposed new road in the near future. As part of that process, the exact location of the new road will be determined.

Over the years, a large portion of the land that is expected to be required for the new road has been acquired and improved through the development approval process. Although these improved lands have not been dedicated as a public highway, they are currently being used by the public for vehicular access and parking. As the area is quite built up, this is creating significant traffic and parking problems. However, traffic and parking regulations cannot be enforced on these lands because they have not been dedicated as a public highway.

It was anticipated that the remaining land that is expected to be required for the new road could be acquired through the development approval process. In September, 2015, at the Ontario Municipal Board (OMB) hearing pertaining to 5, 7, 9, 11 and 15 Kenaston Gardens and 577 Sheppard Avenue East, the OMB approved a development proposal that includes the conveyance to the City of the southerly 16.5 metres of these properties for the proposed new road. Development applications have yet not been submitted to the City for the Properties, however, so it has not been possible to secure these lands for the proposed new road through the development approval process.

COMMENTS

Further details about the Properties are summarized in the chart below.

Address	Legal Description	Site Area (m ²)	Building Description
13 Barberrry Place	PT LT 1 PL 4797 NORTH YORK PT 4 64R5341; TORONTO (N YORK), CITY OF TORONTO	624	Single Family Residence
23 Barberrry Place	PT LT 15 CON 2 EYS TWP OF YORK AS IN NY301799; TORONTO (N YORK), CITY OF TORONTO	1,040	Single Family Residence

Real Estate Services staff have been in discussions with the owners of the Properties in an attempt to purchase the Properties. While 13 Barberry Place is currently listed for sale on MLS, the real estate broker has indicated that the owner is unwilling to entertain the City's offer to purchase at the current appraised value and anticipates being able to receive a higher price from a developer. Correspondence has been exchanged and staff have met with the real estate broker on numerous occasions in order to attempt to reach mutually acceptable terms. To date, the owners have not agreed to a sale on acceptable terms to the City. If further negotiations are unsuccessful, the commencement of expropriation proceedings for the Properties is recommended.

CONTACT

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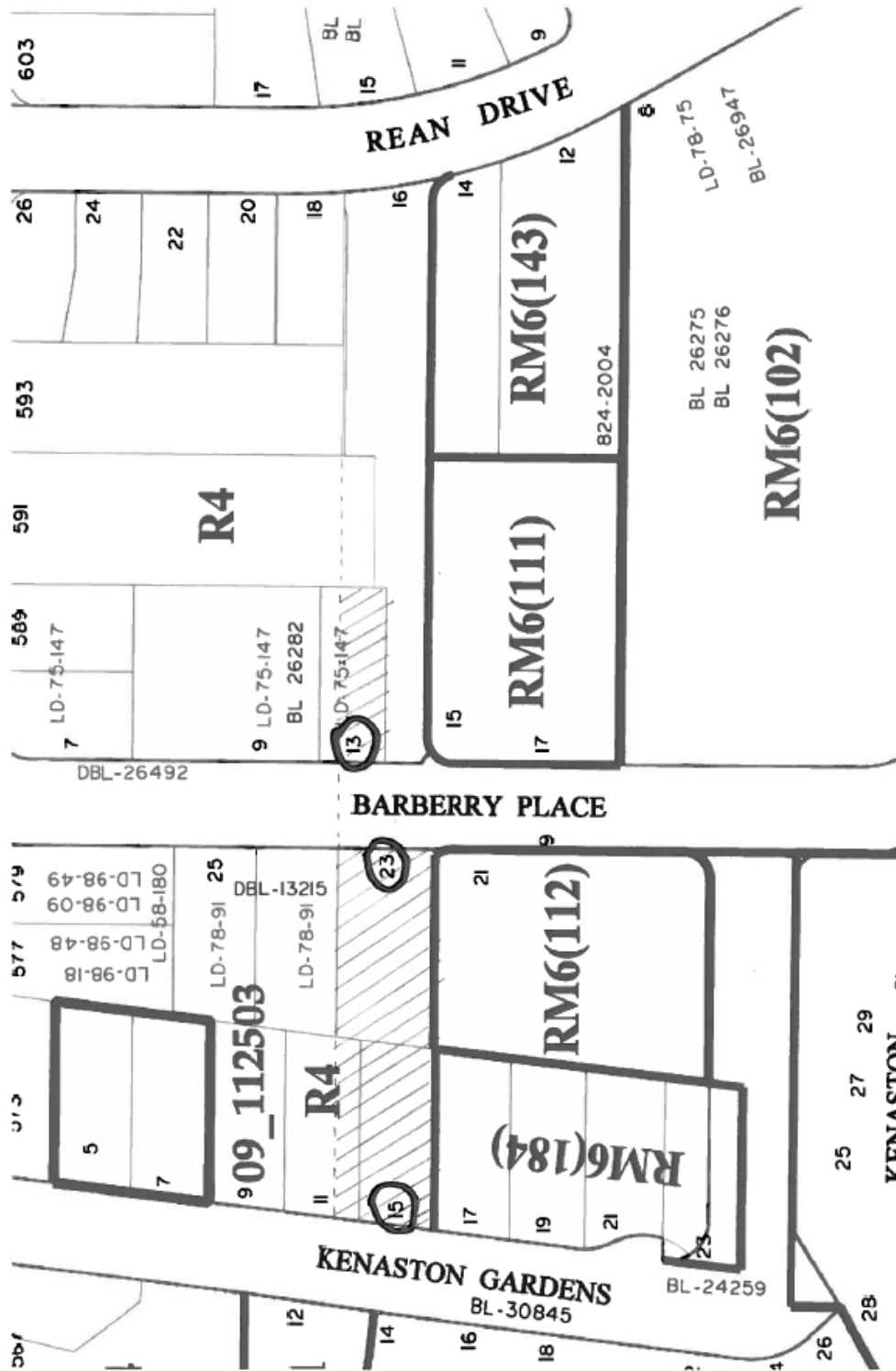
SIGNATURE

Josie Scioli
Chief Corporate Officer

ATTACHMENTS

Appendix "A" – Southeast Sheppard and Bayview Map
Appendix "B" – Location Map

Appendix "A" - Southeast Sheppard and Bayview Map



Appendix "B" - Location Map

