



**STAFF REPORT
ACTION REQUIRED**
with Confidential Attachment

Expropriation of Portion of the rear properties at 2194 to 2218 Bloor Street West – TTC Runnymede Subway Station Easier Access & Masonry Repair Projects

Date:	May 25, 2016
To:	Government Management Committee
From:	Chief Corporate Officer
Ward:	13 – Parkdale – High Park
Reason for Confidential Information:	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
Reference Number:	P:\2016\Internal Services\RE\Gm16031re (AFS#20947)

SUMMARY

This report seeks approval from City Council, as the approving authority under the *Expropriations Act* to expropriate fee simple interests, permanent and temporary easements in, over and through a portion of the rear properties at 2194 to 2218 Bloor Street West, as identified in Appendix "A-1" and "A-2" (collectively the "Properties" and individually a "Property") in order to proceed with the construction of the new elevators to provide passenger accessibility from street level to the below grade subway platforms ("Easier Access Phase III Project") and repairs to the masonry wall along the south side of the station building ("Masonry Repair Project")(collectively the "Projects"). In order to facilitate the Projects, the Properties are required.

RECOMMENDATIONS

The Chief Corporate Officer recommends that:

1. 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 and/or interested party of each of the Properties and any such other related and required agreements to acquire each Property from such owner or party for consideration

within the budget set out in the Confidential Attachment 1 for all the Properties, on terms and conditions acceptable to the Chief Corporate Officer (CCO), together with such other terms as may be deemed appropriate by the CCO and in a form satisfactory to the City Solicitor.

2. 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.1.

3. In the event that the City is unable to reach an agreement with an owner or interested party of a Property for the acquisition of such Property by the City as provided for in Recommendation No. 1, City Council;
 - a. as approving authority under the Expropriations Act, approve the expropriation of such Properties:

 - b. as expropriating authority under the Expropriations 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 Expropriations 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 Expropriations Act and;

 - d. authorize the Director of Real Estate Services and the Manager of Acquisitions and Expropriations, jointly and severally, to sign the Notices of Expropriation, Notices of Possession, Offer of Compensation and any related document on behalf of the City for such Properties.

4. City Council authorize the public release of the confidential information contained in the 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.

Financial Impact

Funding for the Properties identified in Appendix "A" is available in the 2016 Council Approved Capital Budget and 2017-20254 Capital Plan for the Toronto Transit Commission (TTC) within the Easier Access Phase II & III Project.

Confidential Attachment 1 to this report identifies the initial appraised values for the Properties.

City staff will continue to attempt to negotiate a settlement with the owners of the lands through which the Properties are required rather than complete the expropriation process.

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

DECISION HISTORY

On August 25, 26, 27 and 28, 2014, City Council adopted the recommendations in Report GM32.14 dated July 24, 2014, granting authority to negotiate to acquire or, if unsuccessful, to initiate expropriation proceedings of the Properties.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.GM32.14>

COMMENTS

City staff sought to secure voluntary acquisition of the Properties as detailed in Appendix "A", through negotiations with the owners, but an agreement has not been reached. As authorized by City Council and in accordance with the *Expropriations Act*, Notices of Application for Approval to Expropriate were published and served on the registered owners of 2194 to 2218 Bloor Street West. No request for a Hearing of Necessity has been received from the owners of the Properties within the thirty day period following the service and publication of said Notices, as permitted under the *Expropriation Act*.

In order to secure the Properties in a timely manner and thus avoid costly delays in the construction schedule, this report recommends that Council approve the proposed expropriation of the Properties and authorize all necessary steps to proceed with the expropriation in compliance with the Expropriations Act. Details of the Properties to be expropriated are set out in Appendix "A".

CONTACT

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SIGNATURE

Josie Scioli
Chief Corporate officer

ATTACHMENTS

Attachment 1 – Confidential Attachment
Appendix “A-1” – Table of Private Property Requirements
Appendix “A-2” – Property Sketches
Appendix “B” – Site Map

Appendix "A-1"

Table of Private Property Requirements

Property Address	Part of PIN No.	Draft Plan No.	*Property Interest
2218 Bloor St W	21370-0468	1	PE/TE/MTE
		2	PE/TE
		35	PSE/TE
		3	FS
2216 Bloor St W	21370-0052	4	PSE/TE/MTE
		5	FS
2214 Bloor St W	21370-0053	6	PSE/TE/MTE
		7	FS
	21370-0040	8	PSE/TE
		9	FS
2212 Bloor St W	21370-0041	10	PSE/TE
	21370-0041	11	FS
	21370-0054	12	PSE/TE/MTE
	21370-0054	13	FS
2210 Bloor St W	21370-0042	14	PSE/TE

	21370-0042	34	FS
	21370-0055	15	FS
	21370-0055	33	PSE/TE/MTE
2208 Bloor St W	21370-0043	16	PE/TE
	21370-0056	17	PE/TE/MTE
2206 Bloor St W	21370-0057	19	MTE
2204 Bloor St W	21370-0058	21	MTE
2202 Bloor St W	21370-0059	23	MTE
2200 Bloor St W	21370-0060	25	MTE
2198 Bloor St W	21370-0061	27	MTE
2196 Bloor St W	21370-0062	29	MTE
2194 Bloor St W	21370-0063	31	MTE

Property Requirements Legend:

FS – Fee Simple interest and all other right, title and interest in the lands for the installation, construction and operation of an elevator below grade and relocation of sewer/utility infrastructure.

PSE – Permanent Support Easement for access, operation, use, replacement, installation, maintenance, repair, support for and for the safe operation of subsurface transit and/or other municipal system(s), including, without limitation, for an elevator and sewer/utility infrastructure, and for all works and uses ancillary thereto, (collectively the "Subsurface System") (to expire after 999 years from the date of registration of the Permanent Support Easement on title to the permanent support easement lands, in the event that perpetual duration of the Permanent Support Easement is precluded by statute or common law). The owner:

a) shall retain rights to alter the permanent support easement lands or effect changes to the use thereof provided that:

- i) no load or part thereof or therefrom may bear directly or indirectly on the Subsurface System
- ii) no current load on the Subsurface System may be removed and
- iii) no direct or indirect support (whether lateral, vertical or otherwise) may be removed,

so as to adversely impact the existence, operation, repair, maintenance and/or safety of the Subsurface System;

b) shall not;

- i) commence or perform any work, including excavation, construction, grading, drilling, digging, demolition, deconstruction or other material alteration of the permanent support

easement lands or improvements in, on, over or through the permanent support easement lands, or

- ii) effect any change in use of the permanent support easement lands which may affect the load on and/or safety of the Subsurface System;

or permit any of the foregoing to occur, without first having obtained the written consent of the City of Toronto and the Toronto Transit Commission or their successors or assigns, which consent, shall not be unreasonably withheld or delayed and which may be provided subject to terms and conditions. The City of Toronto and the Toronto Transit Commission shall determine, in its sole discretion, whether the proposed change in use, construction or other work may load or unload or bear directly or indirectly on or from the Subsurface System and/or otherwise adversely impact the Subsurface System; and

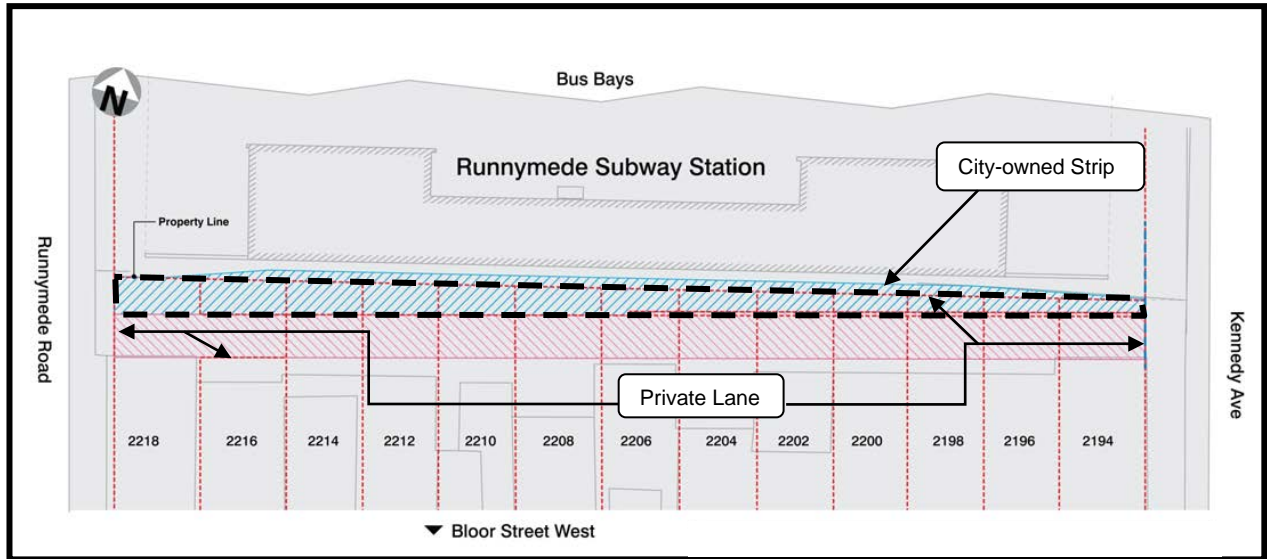
c) shall not store or permit the storage of any explosive or flammable materials in, on, over or through the permanent support easement lands, including the movement of explosive or flammable materials in, on, over or through the permanent support easement lands, by means of pipelines or any other works or structures, without first having obtained the written consent of the City of Toronto and the Toronto Transit Commission.

PE – Permanent Easement for access for the installation, operation, use, maintenance, repair and replacement of the adjoining Subsurface System (to expire after 999 years from the date of registration of the Expropriation Plan in the event that such perpetual duration is precluded by statute or common law).

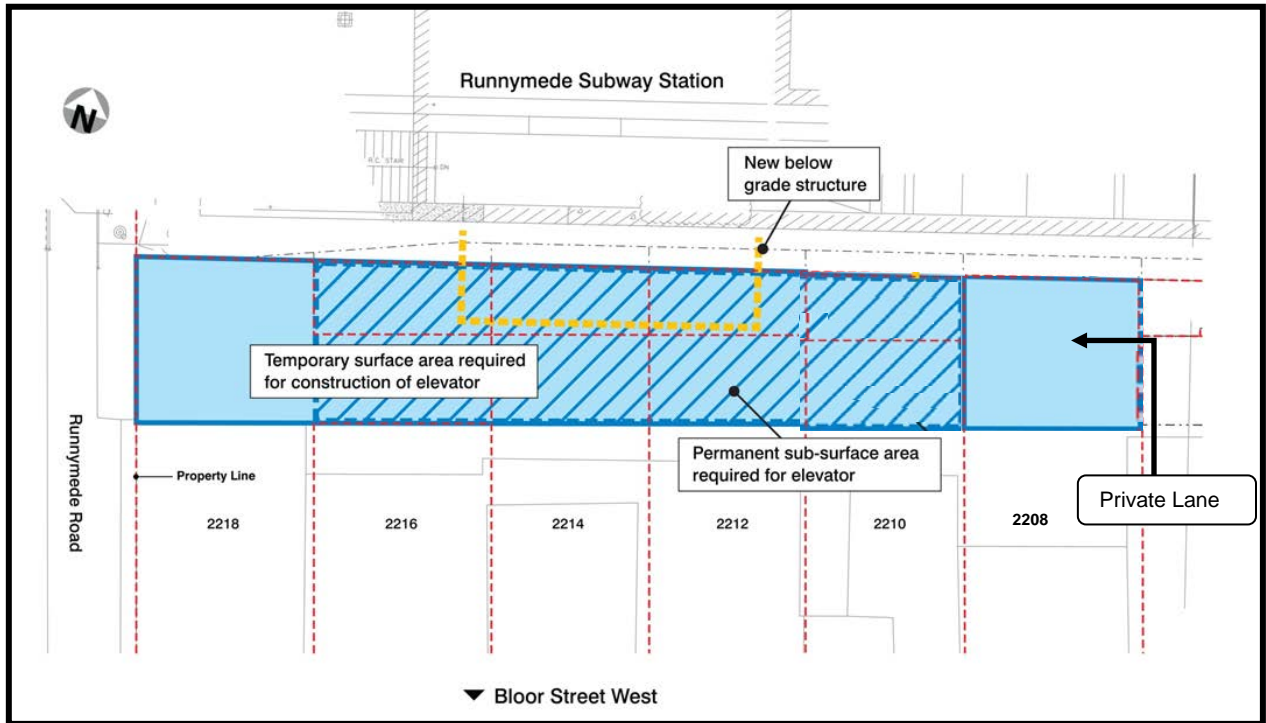
TE – Temporary Easement for improvements to the subway station facility and the access, construction, installation, relocation, operation, use, maintenance, inspection, removal, replacement, repair, enlargement, expansion, reconstruction of the Subsurface System and all works and uses ancillary thereto, including the right to erect hoarding, enter and occupy the Temporary EAP Easement Lands with all such vehicles, materials, machinery, tools and equipment as may reasonably be necessary for such purposes during the construction and restoration of adjacent lands for a period of two (2) years to commence upon 90 days written notice, but not to extend beyond December 31, 2021.

MTE – Masonry Temporary Easement for improvements to the subway station facility, including maintenance and repair of the masonry wall and all works and uses ancillary thereto, including the right to enter and occupy the Temporary MRP Easement Lands with all such vehicles, materials, machinery, tools and equipment as may reasonably be necessary for such purposes during the construction and restoration of adjacent lands for a period of one (1) year to commence upon 90 days written notice, but not to extend beyond December 31, 2021.

Appendix "A-2" Property Sketches



Temporary area required for masonry repair



- Fee simple below grade and permanent easement above
- Permanent easement for access
- Temporary construction area

Appendix "B" Site Map

