



STAFF REPORT ACTION REQUIRED

Expropriation of Additional Lands at 228-230 Queens Quay West for the Reconstruction of the York/Bay/Yonge Off-Ramp from the F.G. Gardiner Expressway

Date:	August 18, 2016
To:	Government Management Committee
From:	Chief Corporate Officer
Wards:	Ward 20 – Trinity Spadina
Reference Number:	P:\2016\Internal Services\RE\Gm16035re (AFS# 23490)

SUMMARY

The purpose of this report is to seek authorization from City Council to commence proceedings for the expropriation of certain additional lands that form part of the condominium property known municipally as 228-230 Queens Quay West that are required for the reconstruction and realignment of the York/Bay/Yonge off-ramp from the F.G. Gardiner Expressway (the "Project").

Given the large number of condominium units involved, it will be necessary to acquire the required lands by expropriation to avoid jeopardizing the construction schedule for the Project.

RECOMMENDATIONS

The Chief Corporate Officer recommends that:

1. City Council grant authority to initiate the expropriation process for the lands shown as Parts 18 and 19 on the draft Reference Plan of Survey attached as Appendix "A" (the "Additional Property").

2. City Council grant authority to serve and publish Notices of Application for Approval to Expropriate the Additional Property, 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 2016 Council Approved Capital Budget for Transportation Services, account CTP814-56-02 (Gardiner York-Bay-Yonge Re-Configuration).

Funding for the market value of the Additional Property, 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 requested through the 2017 Capital Budget submission for Transportation Services. The detailed funding amounts will form part of a subsequent report to Committee and Council seeking final approval for the expropriation.

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

DECISION HISTORY

At its meeting of December 9 and 10, 2015, City Council directed the Director of Real Estate Services to continue discussions with the property owners at 228-230 Queens Quay West and 250-270 Queens Quay West for the acquisition of certain lands required for the Reconstruction of the York/Bay/Yonge Off Ramp from the F. G. Gardiner Expressway and authorized the initiation of the expropriation process for the required lands, if deemed necessary by the Director of Real Estate Services. The Council decision associated with this approval can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.GM8.19>

At its meeting of January 21, 2015, the Bid Committee awarded a contract pursuant to Request for Proposal No. 9117-14-5073 to MMM Group Limited for professional engineering services for the preliminary and detailed design for the F.G. Gardiner Expressway – York/Bay/Yonge Off-ramp Reconstruction. The Bid Committee Decision associated with this award can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.BD8.5>

At its meeting on July 8, 9, 10 and 11, 2014, City Council approved an increase to the 2014 Capital Budget for Transportation Services, to be fully funded by the Section 37 funds secured in the development at 90 Harbour Street and 1 York Street, to fund the procurement of the detailed design for the F.G. Gardiner Expressway – York/Bay/Yonge Off-ramp Reconstruction. The Council Decision associated with this approval can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.MM54.5>

At its meeting on July 11, 12 and 13, 2012, City Council authorized an amendment to the York/Bay/Yonge Interchange Reconfiguration Environmental Assessment Study to exclude the north-south street between Queens Quay West and Harbour Street, east of York Street. The Council Decision associated with this approval can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PW16.1>

At its meeting on August 25, 26 and 27, 2010, City Council authorized the General Manager of Transportation Services to issue a Notice of Completion and to file the Environmental Study Report for the "Modifications to York/Bay/Yonge Ramps to the Gardiner Expressway – Class Environmental Assessment Study" and City Council directed that the plans for the new off-ramp show a three lane cross section with standard shoulder widths. The Council Decision associated with this approval can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.PW35.12>

At its meeting on July 15, 16 and 17, 2008, City Council authorized the General Manager of Transportation Services to undertake a Class Environmental Assessment Study to examine potential modifications to the York/Bay/Yonge Streets eastbound off-ramp and the Bay Street eastbound on-ramp of the Gardiner Expressway. The Council Decision associated with this approval can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2008.EX22.2>

ISSUE BACKGROUND

In December 2015, City Council approved the initiation of expropriation proceedings for certain lands forming part of 228-230 Queens Quay West, as shown on a sketch attached to that staff report as Appendix "A", and certain lands at the rear of 250-270 Queens Quay West, as shown on a sketch attached to that staff report as Appendix "B", if the Director of Real Estate Services deemed it necessary to do so following discussions with the affected owners. The sketch that was attached to the report as Appendix "A" was prepared by the City's consultant for the Project and was based on the assumption that the existing fence on the west side of Lower Simcoe Street was located on the property boundary between Lower Simcoe Street and 228-230 Queens Quay West. However, further surveying work was subsequently carried out by City Survey and Mapping staff, which confirmed that this is not the case. The existing fence is actually located west of the property boundary, which means the City needs to acquire an additional parcel of land between the fence and the western boundary of Lower Simcoe Street for the Project.

COMMENTS

The lands at 228-230 Queens Quay West that were shown on the sketch attached as Appendix "A" to the staff report that was before City Council in December, 2015 are shown as Parts 8 to 17 on the draft Reference Plan of Survey attached as Appendix "A". The Additional Property that is required for the Project is shown as Parts 18 and 19 on the draft Reference Plan of Survey attached as Appendix "A". The location of the required lands is shown in Appendix "B". Further details about the Additional Property are summarized in the chart below:

Address	Legal Description	Additional Site Area (approx.)	Property Description
Part of 228-230 Queens Quay West	Part of common elements on Toronto Standard Condominium Plan No. 1536, Condominium Block 12536, City of Toronto	37.18 m2 (400.2 sq ft)	Vacant Lands

The Additional Property forms part of the common elements of two condominium towers at 228 and 230 Queens Quay West, which are governed by one condominium corporation. Pursuant to the *Condominium Act*, a condominium corporation is prohibited from selling part of the common elements of a condominium unless at least 80% of the unit owners vote in favour of the sale and at least 80% of those persons who have registered claims against the common elements to be sold consent in writing to the sale. Given the large number of units in these two buildings (over 500 units), it will be extremely difficult to achieve the 80% threshold that is required before the condominium corporation can sell the necessary land to the City.

The expropriation process was commenced in May, 2016 for the lands for which City Council's approval was granted in December, 2015. Accordingly, it is recommended that the expropriation process now be commenced for the Additional Property so that the construction schedule for the Project is not jeopardized.

CONTACT

Joe Casali, Director of Real Estate Services, Tel.: (416) 392-7202;
Email: jcasali@toronto.ca

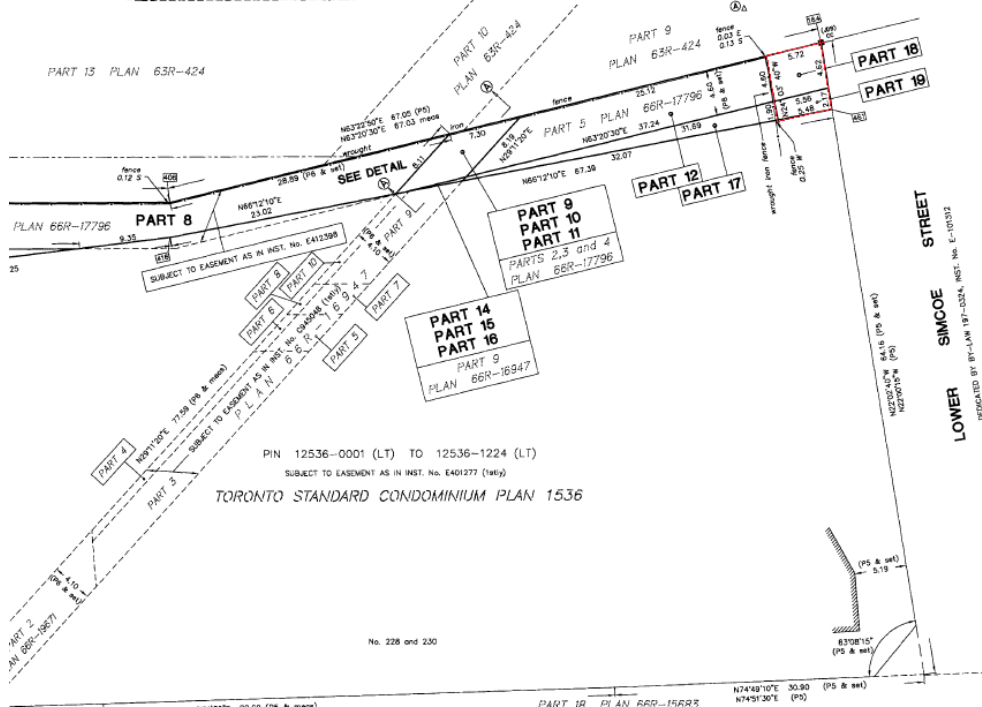
SIGNATURE

Josie Scioli
Chief Corporate Officer

ATTACHMENTS

Appendix "A" – Additional Property Requirement – Draft Reference Plan of Survey
Appendix "B" – Location Map

Draft Reference Plan of Survey



POINT ID	NORTHING	EASTING
A	4833367.297	314213.113
B	4833332.123	314124.359
C	4833287.878	313939.070

Appendix "B"

Location Map

