



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### **Expropriation of the property known as 1230 - 1234 Weston Road for a new Mount Dennis Early Learning and Child Care Facility**

**Date:** March 8, 2017

**To:** Government Management Committee

**From:** Chief Corporate Officer

**Wards:** Ward 11 York South - Weston

#### **REASON FOR CONFIDENTIAL INFORMATION**

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This report is about a proposed or pending land acquisition by the City or one of its agencies or corporations.

#### **SUMMARY**

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This report seeks approval from City Council, as the approving authority under the Expropriations Act, to expropriate the property known as 1230-1234 Weston Road, Toronto (the Property). The Expropriation of the Property is required for the new permanent site for the Mount Dennis Early Learning and Child Care Centre which replaces the former Hollis Early Learning and Child Care Centre (the "Project") site which was sold to Metrolinx as part of the Master Agreement for the development of the Eglinton Light Rapid Transit project.

#### **RECOMMENDATIONS**

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##### **The Chief Corporate officer recommends that:**

1. City Council, as approving authority under the Expropriations Act, having been advised by the Inquiry Officer that the Hearing of Necessity has been withdrawn, continue to approve the expropriation of 1230-1234 Weston Road, Toronto (the Property) legally described in Appendix "A".
2. City Council authorize the Director of Real Estate Services, or his designate, 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 Notices of Possession for the Property.

3. City Council authorize the Director of Real Estate Services, or his designate, to sign the Notices of Expropriation, Notices of Possession, Offers of Compensation and any other ancillary documents on behalf of the City.

4. City Council further authorize City staff to obtain an appraisal report to value the Property, updated to the date of expropriation; and to prepare and serve an Offer of Compensation on the registered owner of the Property, at the appraised value, in accordance with the requirements of the Expropriations Act.

5. City Council authorize the public release of Confidential Attachment #1 once there has been a final determination and closing of the compensation payable for the Property by arbitration, appeal or settlement, or otherwise to the satisfaction of the City Solicitor.

## **FINANCIAL IMPACT**

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The 2017-2026 Approved Capital Budget and Plan for Children's Services includes funding of \$9.0 million, fully funded from the Child Care Capital Reserve Fund (XR1103) for the replacement of the Hollis ELCCC.

All costs pertaining to the relocation and retrofit of the Hollis ELCCC program (now known as Mount Dennis ELCCC), including the interim relocation costs, as well as the acquisition or expropriation and construction costs of the new replacement property at 1230-1234 Weston Road, will be fully funded by Metrolinx with no financial impact to the City.

Negotiations with the affected Property owners will be continuing throughout the expropriation process. The City of Toronto hopes to achieve settlement before the Expropriation process is completed. Confidential Attachment 1 to this report identifies the estimated value of the Property.

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

## **DECISION HISTORY**

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On June 7th 2016 Council approved the creation of a capital project of \$9.0 million named Mount Dennis Early Learning and Child Care Centre for the permanent replacement of the Hollis Early Learning and Child Care Centre.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EX15.14>

On June 7<sup>th</sup>, 2016, City Council adopted Item GM12.7, granting authority to the Director of Real Estate Services to initiate the expropriation proceedings, if necessary, where negotiations are unsuccessful, for the acquisition of the fee simple interest at 1230-1234 Weston Road for the purpose of construction, development and permanent replacement of the former Hollis ELCC (the Project) in Ward 11 – South Weston.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.GM12.7>

## **COMMENTS**

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City staff sought to secure voluntary acquisition of the Property through negotiations with the impacted owner, but an agreement has not been reached. Pursuant to Council's authority and in accordance with the Expropriations Act, Notices of Application for Approval to Expropriate were served on the registered owners and published in the newspaper August 12<sup>th</sup> 2016.

A Hearing of Necessity was scheduled for January 11<sup>th</sup> 2017. However, the Inquiry Officer deemed the request to be withdrawn as the requestor did not attend the hearing. Therefore, to ensure that the Property is secured for the completion of the Project, this report recommends that Council approve the expropriation and authorize all necessary steps to proceed with the expropriation in compliance with the Expropriations Act. All such steps, including payment of the required compensation, will be undertaken by City staff pursuant to delegated authority as applicable.

## **CONTACT**

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

## **SIGNATURE**

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Josie Scioli  
Chief Corporate Officer

## **ATTACHMENTS**

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Confidential Attachment #1  
Appendix "A" Table of Private Property requirements  
Appendix "B" Location Map

APPENDIX "A"

TABLE OF PROPERTY REQUIREMENTS

PROPERTY ADDRESS	LEGAL DESCRIPTION	PROPERTY REQUIREMENTS
WARD 11 - York South- Weston		
	Address: All of 1230-1234 Weston Road, Toronto	Part Lot 1, Plan 2017 Township of York; Part Lot 2 Plan 2017 Township of York; Part Lot 3 Plan 2017 Township of York as in TB267889, TB268175 except CY187301; Toronto (York), City being all of PIN 010509-0173 (LT)  All right, title and interest the entire property, approximately 1,603 m <sup>2</sup> (17,225 ft <sup>2</sup> ) of land, as shown on Appendix "B"

APPENDIX "B" Location Map

