



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

1797 St. Clair Avenue West Expropriation Settlement with Imperial Oil

Date: September 8, 2017
To: Government Management Committee
From: Chief Corporate Officer
General Manager, Transportation Services
Wards: Ward 17 Davenport

REASON FOR CONFIDENTIAL INFORMATION

This report is about a proposed or pending land acquisition by the City that has gone through the expropriation process.

SUMMARY

To authorize the settlement payment to Imperial Oil Limited pursuant to the provisions of the Expropriations Act, R.S.O. 1990 c.E.26 (the "Act"), as amended for road widening purposes to accommodate St. Clair Avenue West transit improvements.

RECOMMENDATIONS

The Chief Corporate Officer and the General Manager Transportation Services recommend that:

1. City Council authorize the Chief Corporate Officer to pay Imperial Oil a limited sum over and above the funds already paid pursuant to the Offer of Compensation under section 25 of the Act, as a full and final settlement for the OMB Compensation Claim in consequence of the expropriation of a portion of the property owned by Imperial Oil at 1797 St. Clair Avenue West, Toronto, being legally described as Part 1 on Expropriation Plan AT1797143 which settlement includes an all-in amount for market value, injurious affection, interest and costs as outlined in Confidential Attachment 1.

2. City Council authorize the reallocation of funds within Transportation Services' Approved 2017 Capital Budget, in the amount set out in Confidential Attachment 1, from the St Clair TMP: Keele to Old Weston project (CTP815-59) to the St. Clair (Phase 2) project (CTP806-30).

3. City Council authorize the public release of the information in Confidential Attachment 1 following the payment of the settlement amount.

FINANCIAL IMPACT

Funding will be reallocated within the 2017 Capital Budget for Transportation Services as detailed in Confidential Attachment 1.

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

DECISION HISTORY

On April 28 and 29, 2008, City Council adopted GM13.18, the expropriation of a portion of the property owned by Imperial Oil Limited (the "Owner") municipally known as 1797 St. Clair Avenue West, designated as Part 1 on Expropriation Plan AT1797143, registered on June 4, 2008 in the Land Titles Division of the Toronto Registry Office No. 66 (the "Expropriation").

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2008.GM13.18>

COMMENTS

The Owner commenced an OMB Compensation Claim as a result of the Expropriation and the failure of the City and the Owner to reach an agreement as to compensation.

The City and the Owner have attended at Board of Negotiation meetings and have completed the discovery process and have had extensive settlement discussions. The City and the Owner now wish to settle all outstanding claims for compensation costs and interest which the Owner has or may have as a result of the Expropriation and the

OMB Compensation Claim and have accordingly agreed to enter into Minutes of Settlement

CONTACT

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SIGNATURE

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Chief Corporate Officer

Barbara Gray
General Manager, Transportation Services

ATTACHMENTS

Confidential Attachment 1