



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

Expropriation of Permanent Easements at 685 Lansdowne Avenue, 699 Lansdowne Avenue and 478 St. Clarens Avenue

Date: December 18, 2017

To: Government Management Committee

From: Director, Real Estate Services

Wards: Ward 18 - Davenport

REASON FOR CONFIDENTIAL INFORMATION

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

SUMMARY

As part of the Easier Access Phase III Program (the "Project"), the Toronto Transit Commission (the "TTC") is proposing to construct three (3) new elevators at Lansdowne Subway Station that will provide access between street level and the below grade eastbound and westbound subway platforms. In order to facilitate the Project, permanent easements are required on three private properties.

This report seeks approval from City Council, as the approving authority under the Expropriations Act to expropriate the required permanent easements in, over and through a portion of the properties known municipally as 685 Lansdowne Avenue, 699 Lansdowne Avenue and 478 St. Clarens Avenue. The required properties are shown as Parts 1, 2 and 3 on the draft Reference Plan attached as Appendix "B" and on the maps attached as Appendix "C".

RECOMMENDATIONS

The Director, Real Estate Services recommends that:

1. City Council, as approving authority under the Expropriations Act, approve the expropriation of the property interests set out in Appendix "A" for permanent easements at 685 Lansdowne Avenue, 699 Lansdowne Avenue and 478 St. Clarens Avenue, and shown as Parts 1, 2 and 3, on the draft Reference Plan attached as Appendix "B" (the "Properties").

2. City Council authorize the City, as expropriating authority under the Expropriations Act, to take all necessary steps to comply with the Expropriations Act, including but not limited to, the preparation and registration of an Expropriation Plan and service of Notices of Expropriation, Notices of Election on a Date for Compensation and Notices of Possession.

3. City Council authorize the public release of the confidential information contained in Confidential Attachment #1 once there has been a final determination of all claims for compensation for all the Properties to the satisfaction of the City Solicitor.

FINANCIAL IMPACT

Confidential Attachment #1 to this report identifies the initial estimated value of the Properties.

Funding to acquire the Properties is available in the 2017 - 2026 Council Approved Capital Budget and Plan for the Toronto Transit Commission under account CTT028-1.

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

DECISION HISTORY

At its meeting held on July 4, 5, 6 and 7, 2017, City Council adopted the recommendations contained within GM 21.16 titled "Expropriation of Permanent Easements at 685 Lansdowne Avenue, 699 Lansdowne Avenue and 478 St. Clarens Avenue" granting authority to the applicable staff to continue negotiations for the acquisition of the applicable property interests and initiate the expropriation process if it is deemed necessary or appropriate by the applicable staff to proceed in that manner. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.GM21.16>

COMMENTS

The Project is an important part of the TTC Accessibility Plan (the "Plan"). The Plan's objective is to fulfill the provincially-legislated requirements in the Accessibility for Ontarians with Disabilities Act, 2005 ("AODA").

The acquisition of the Properties are necessary to enable the proposed TTC Project of constructing new elevators at Lansdowne Subway Station. These new elevators will provide barrier-free accessibility to and from the eastbound and westbound train platforms as well as to and from Lansdowne Avenue (street level). The proposed location for the new elevators was chosen due to the many benefits it provides including the close proximity to bus stops, the shortest barrier-free travel, and the least operational impact during the construction phase and future day-to-day operations.

The relevant property owners were contacted in the spring of 2016 to discuss the impact of the Project on their property and to obtain permission to enter their properties for a pre-assessment. Communications and negotiations have been ongoing with each impacted property owner and their legal representatives. Negotiations have not resulted in the acquisition of the Properties. Further delays in acquiring the Properties will jeopardize the TTC's ability to complete the proposed Project within the established schedule.

Pursuant to the authority obtained from City Council and in accordance with the Expropriations Act, Notices of Application for Approval to Expropriate the Properties were served to all applicable parties and published in the local newspaper. The City did not receive a notice for a hearing of necessity from any of the applicable parties within the stipulated timeframe as set out within the Expropriations Act.

It is recommended that City Council, as approving authority under the Expropriations Act, approve the expropriation of the Properties and that City Council authorize the City, as expropriating authority under the Expropriations Act, to take all necessary steps to proceed with the expropriation, to ensure that the construction schedule for the Project is preserved.

CONTACT

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SIGNATURE

David Jollimore
Director, Real Estate Services

ATTACHMENTS

Appendix "A" – Properties
Appendix "B" – Draft Reference Plan
Appendix "C" – Location Map
Confidential Attachment #1

Appendix "A" - Properties

| Municipal Address | Property Interests | Approx. Area |
|------------------------|---|--------------|
| 685 Lansdowne Avenue | Permanent Easement in the land labelled as "Part 3" in the draft Reference Plan located in Appendix "B" | 31m2 |
| 699 Lansdowne Avenue | Permanent Easement in the land labelled as "Part 1" in the draft Reference Plan located in Appendix "B" | 44m2 |
| 478 St. Clarens Avenue | Permanent Easement in the land labelled as "Part 2" in the draft Reference Plan located in Appendix "B" | 60m2 |

Appendix "C" - Location Map

