



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### **Real Estate Acquisitions - TTC Sherbourne Subway Station Easier Access Project - Expropriation of a portion of the property at 425 Bloor Street East**

**Date:** February 5, 2018

**To:** Government Management Committee

**From:** Director, Real Estate Services

**Wards:** Ward 28 - Toronto Centre - Rosedale

#### **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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As part of the Easier Access Phase III Project (the "Project"), the Toronto Transit Commission (TTC) is proposing to construct two (2) elevators at Sherbourne Subway Station providing accessibility to and from each of the eastbound and westbound platforms and street level.

Part of the new infrastructure is to be built on lands owned by the City of Toronto and leased to a third party under a long term ground lease. Negotiations for the acquisition of the property interests have been ongoing with the third party tenant (the "Lease Holder"), however in order to protect the Project timeline this report seeks approval from City Council, as the approving authority under the Expropriations Act to expropriate permanent and temporary easements in, over and through a portion of the property at 425 Bloor St East, as identified in Appendix "A" (collectively and individually the "Property Interest").

#### **RECOMMENDATIONS**

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**The Director, Real Estate Services recommends that:**

1. City Council, grant authority for the City to enter into agreements, an offer to sell or an agreement under the Expropriation Act, with respect to the Property Interests identified in Appendix "A" (the "Property Interests") on terms and conditions acceptable

to the Deputy City Manager, Internal Corporate Services and in a form satisfactory to the City Solicitor.

2. City Council authorize the Deputy City Manager, Internal Corporate Services and the Director of Real Estate Services jointly and severally, to execute such agreements identified in Recommendation No. 1.

3. In the event that the City is unable to reach an agreement with the owner for the acquisition of the Property Interest as provided for in Recommendation No 1, City Council:

a. as approving authority under the Expropriations Act, approve the expropriation of the Property Interest;

b. as expropriating authority under the Expropriations Act, authorize the Director, Real Estate Services 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 Notice of Expropriation, Notice of Election as to a Date for Compensation and/or Notice of Possession for the Property, as may be appropriate;

c. authorize the Director, Real Estate Services to obtain an appraisal report to value the Property Interest, 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 the Property Interest.

4.. City Council authorize the public release of Confidential Attachment 1 to the report (February 5, 2018) from the Director, Real Estate Services 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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Funding to acquire the Property Interests or to expropriate, if necessary, is included within the 2018-2027 Council Approved Capital Budget and Plan for the Toronto Transit Commission (TTC) under the capital account CTT028 Easier Access Phase II & III Project.

Confidential Attachment 1 to this report identifies an estimated value for the Property Interest.

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

## **DECISION HISTORY**

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The Easier Access Phase III program is an important part of the 2014-2018 TTC Accessibility Plan in its objective to fulfill the provincially legislated requirements in the Accessibility for Ontarians with Disabilities Act, 2005 (AODA). As part of the Project, the TTC is proposing to construct two (2) elevators at Sherbourne Subway Station, providing access from street level to platform level.

In order to protect construction time lines Real Estate Services and TTC is seeking authority to acquire the Property Interest, by agreement or expropriation.

On May 24, 2017, City Council adopted the recommendations in Report GM20.12, granting authority to negotiate to acquire or, if unsuccessful, to initiate expropriation proceedings of the Property Interests.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.GM20.12>

## **COMMENTS**

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In order to construct and maintain the elevator structures, at this location, it is necessary to acquire the Property Interest. The proposed location of the easier access elevator has been identified as the most feasible option from an engineering and customer service perspective.

Negotiations with the owner to acquire the Property Interest have been on-going. In order to ensure delivery of the property requirements to meet the Project construction schedule, it is now appropriate to seek City Council authority to acquire, through agreement or expropriation, the Property Interest.

## **CONTACT**

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## **SIGNATURE**

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David Jollimore  
Director, Real Estate Services

## **ATTACHMENTS**

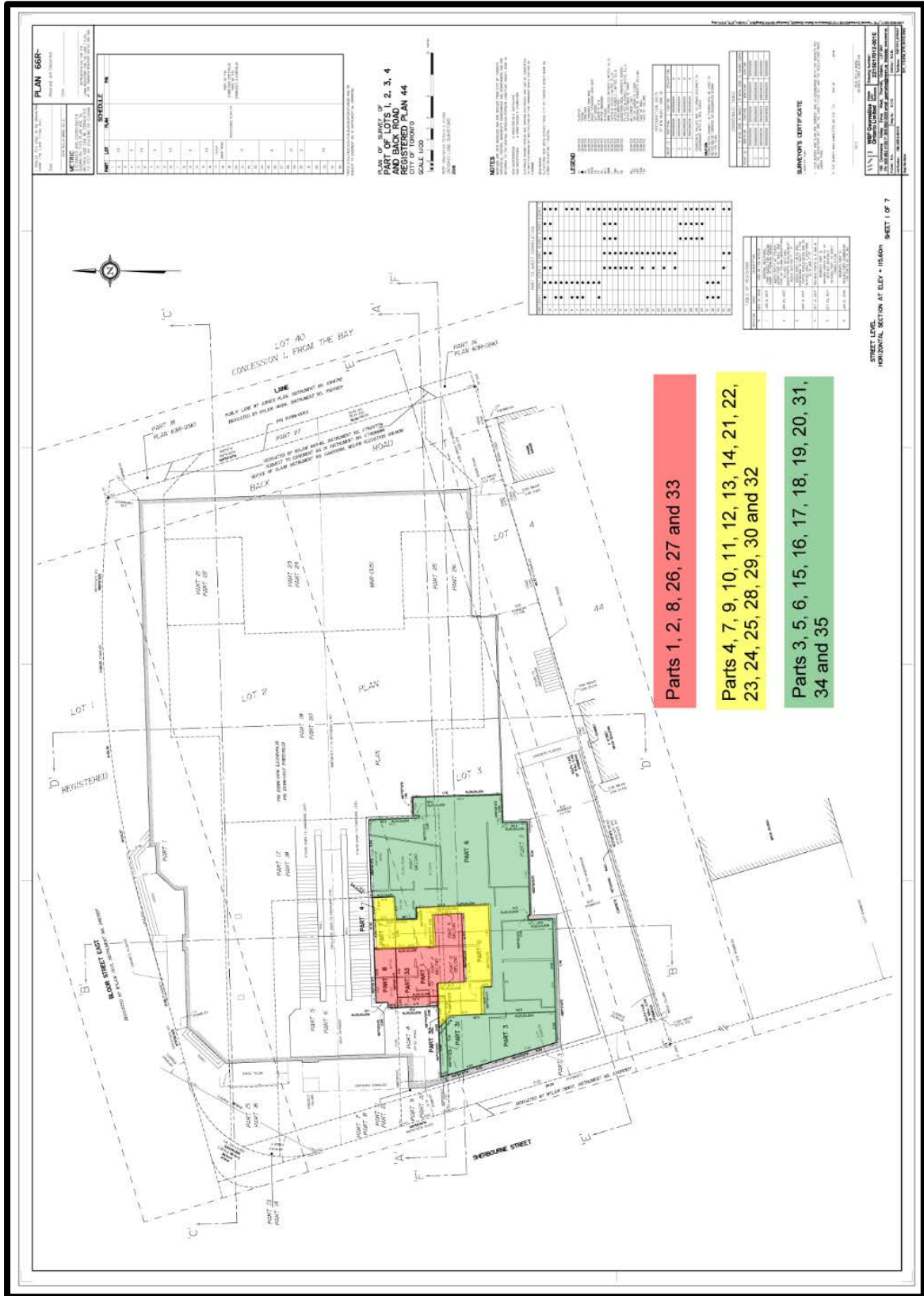
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Appendix "A" - Table of Property Interest  
Appendix "A2" - Draft Plan  
Appendix "B" - Site Map and Property Sketch  
Confidential Attachment 1

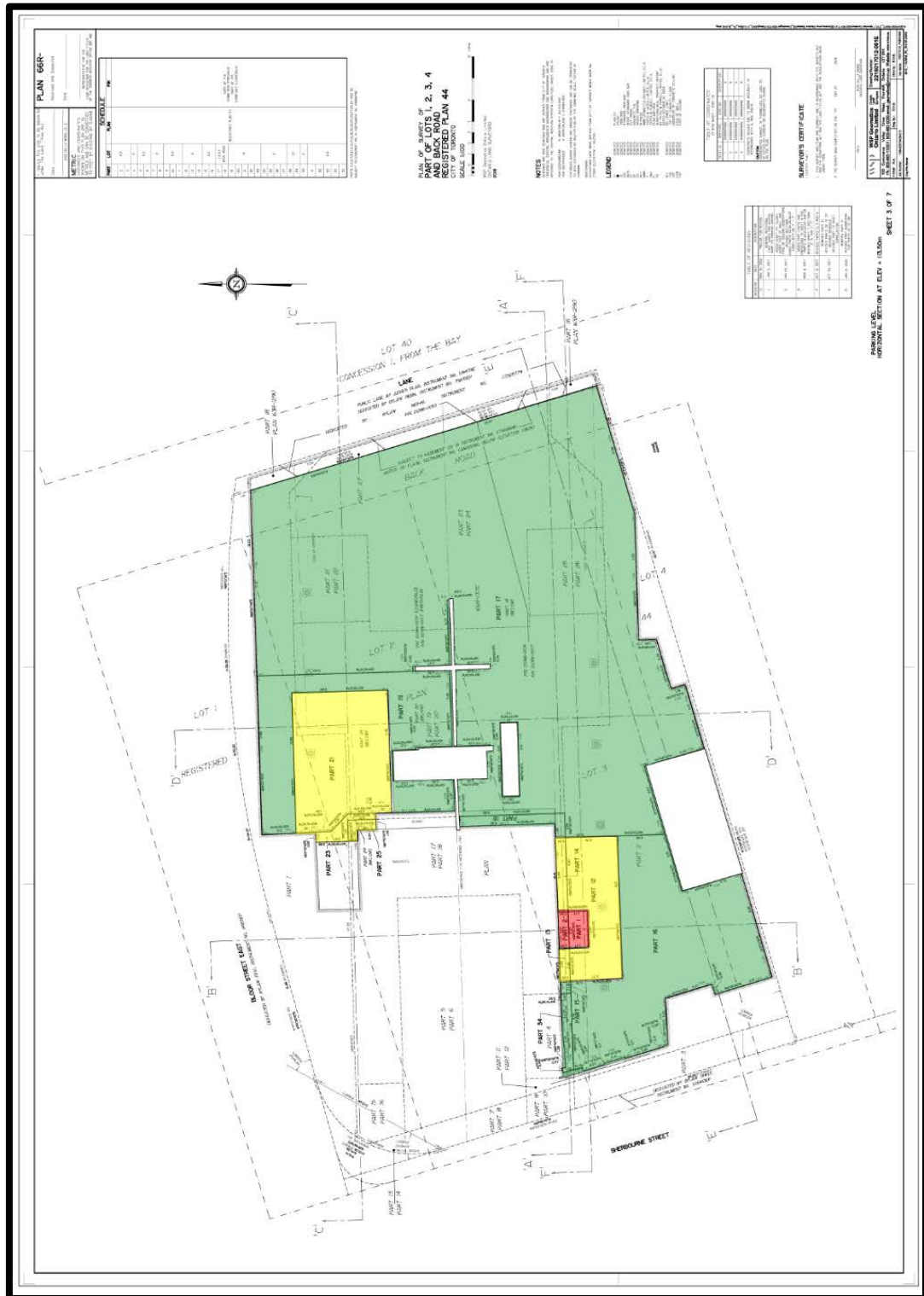
Appendix "A"  
Private Property Requirements

Municipal Address	Legal Description	Required Interest	Required Area	Purpose
425 Bloor St E	Those lands described in PIN: 21086-0017 (LT) in the Land Registry Office of Toronto (No.66)	All Right Title and Interest	Parts 1, 2, 8, 26, 27 & 33 shown in red in Drawing Number 2215017012-001E of the Draft Plan that was completed by WSP Geomatics Ontario Ltd. attached in Schedule "A2"	To construct and operate the elevators and related transit facilities
		Permanent Easement	Parts 4, 7, 9, 10, 11, 12,13,14,21, 22, 23, 24, 25,28,29,30 & 32 shown in yellow in Drawing Number 2215017012-001E of the Draft Plan that was completed by WSP Geomatics Ontario Ltd. attached in Schedule "A2"	To construct and maintain the elevator and related transit facilities
		Temporary Easement	Parts 3, 5, 6,15,16,17, 18, 19, 20, 31, 34, & 35 shown in green in Drawing Number 2215017012-001E of the Draft Plan that was completed by WSP Geomatics Ontario Ltd. attached in Schedule "A2"	To construct the elevator and related transit facilities and for construction lay down

Appendix "A2"

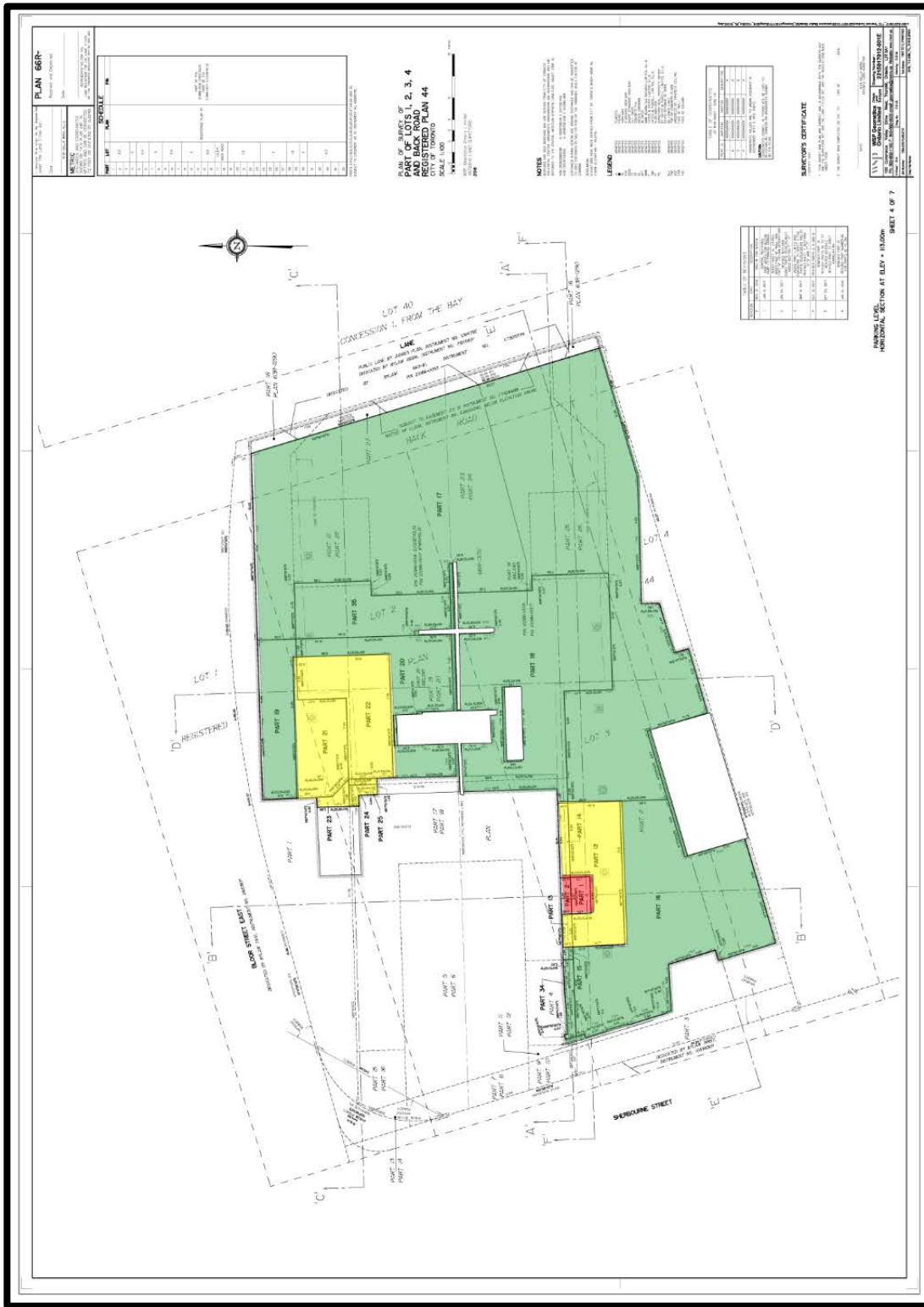


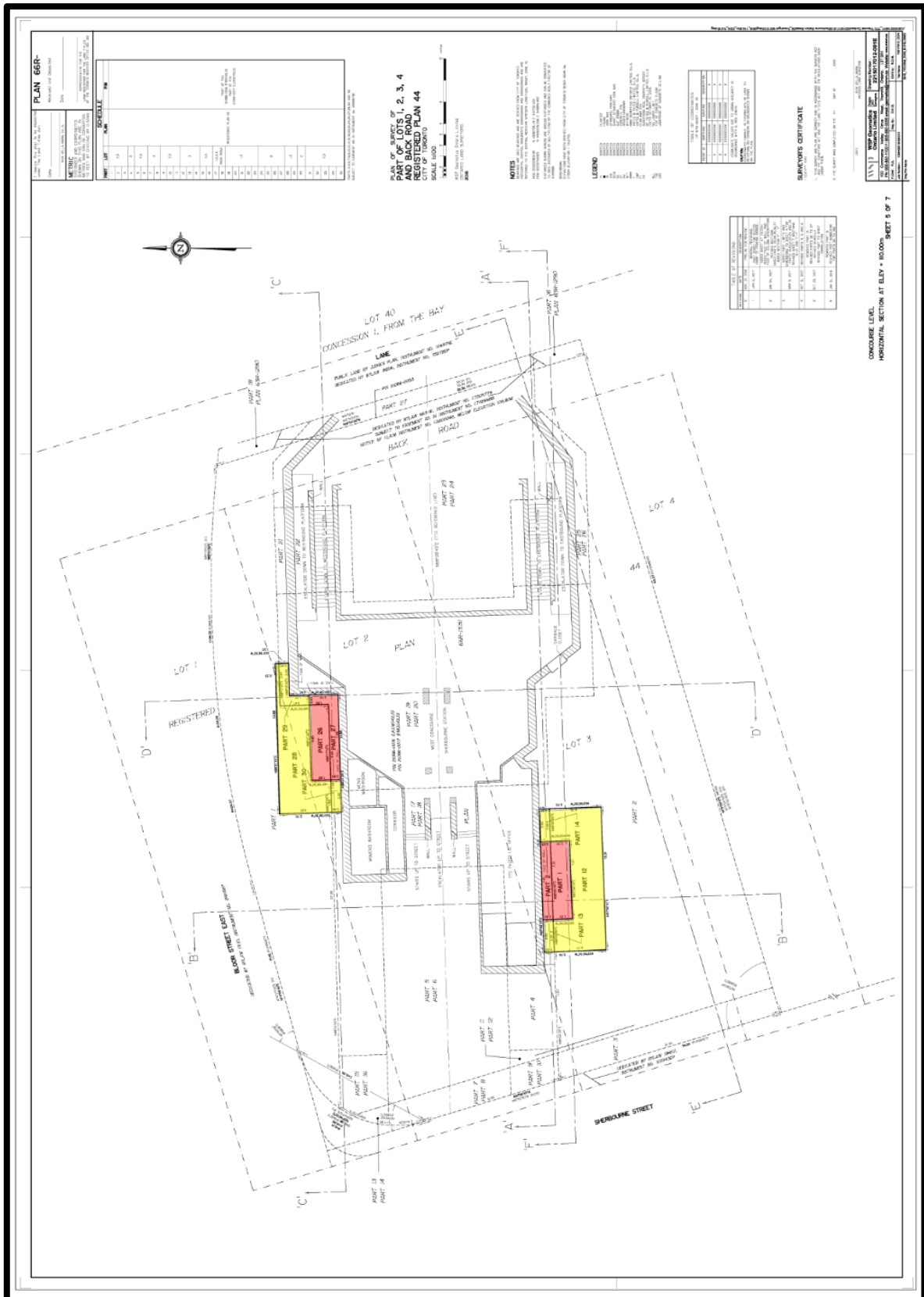


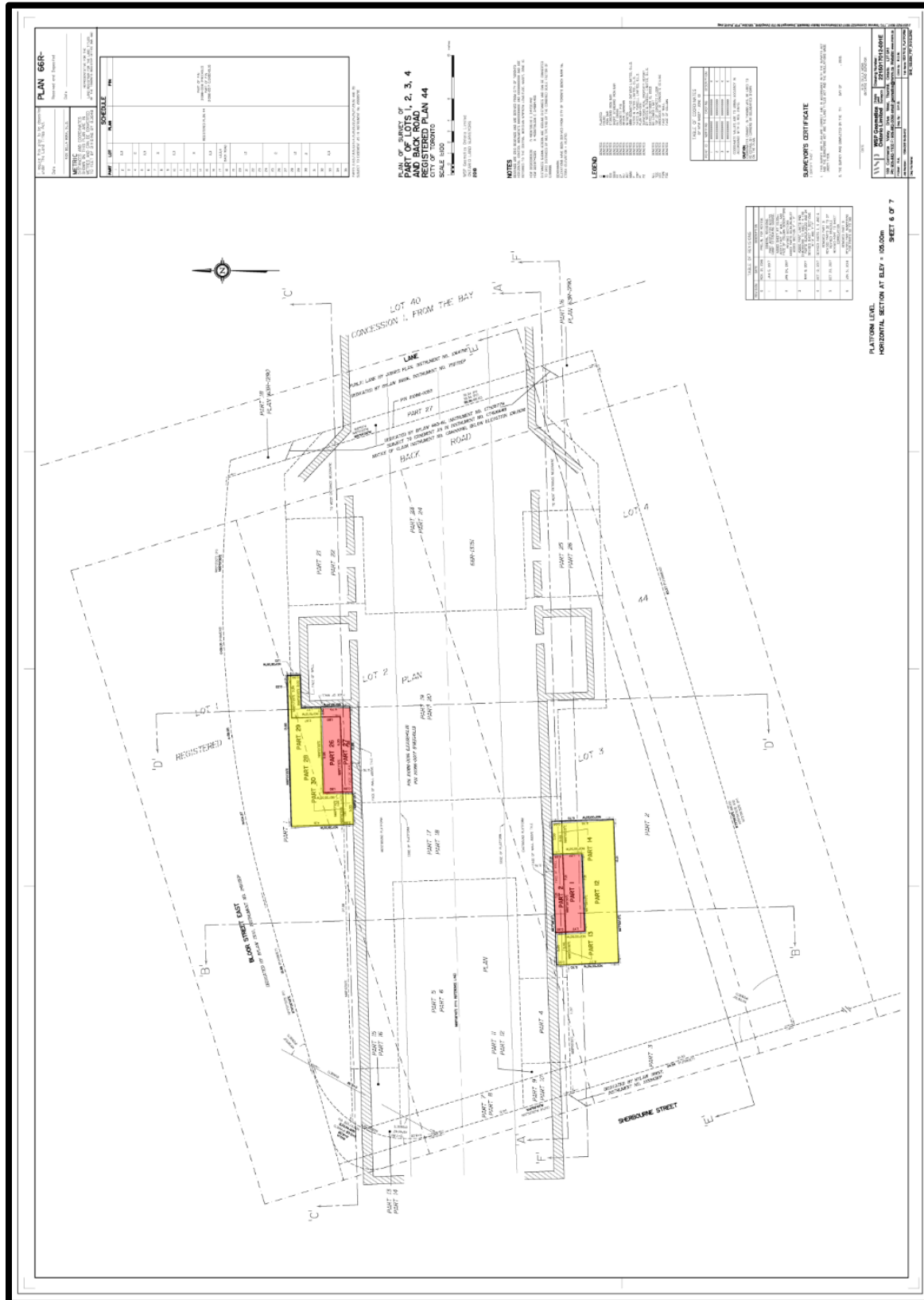




Appendix "A2"









# Appendix "B" Site Map

