Expropriation of Property Interests near Donlands Subway Station for the Easier Access Phase III and Secondary Exit Projects

Date: June 3, 2019
To: General Government and Licensing Committee
From: Acting Director, Real Estate Services
Wards: Ward 14 - Toronto-Danforth

REASON FOR CONFIDENTIAL INFORMATION

This report deals with a proposed or pending acquisition of land by the City of Toronto.

SUMMARY

As part of the Easier Access III and Second Exit Projects (the "Projects"), the Toronto Transit Commission (TTC) is proposing to make the Donlands Subway Station accessible by constructing two new elevators and is also improving customer safety and convenience by constructing a new second exit building.

This report seeks approval from City Council, as the approving authority under the Expropriations Act, to expropriate the required fee simple, permanent and temporary easement property interests that will enable pedestrian access from two (2) new elevators and a second exit to be constructed at the Donlands Subway Station (the "Station"). The required properties are shown on the maps attached as Appendix A and on the draft Reference Plans attached as Appendix C, D and E.
RECOMMENDATIONS

The Acting Director, Real Estate Services recommends that:

1. City Council authorize the City of Toronto to enter into agreements, an offer to sell or an agreement under the Expropriation Act, with respect to the property interests identified in Appendix B (the "Property Interests"), on terms and conditions acceptable to the Deputy City Manager, Corporate Services, and in a form satisfactory to the City Solicitor.

2. City Council authorize the Deputy City Manager, Corporate Services or the Director, Real Estate Services jointly and severally, to execute the agreements in Recommendation 1.

3. City Council, in the event that the City of Toronto is unable to reach an agreement with the owner for the acquisition of the Property Interests in Recommendation 1,
   a. As approving authority under the Expropriations Act, approve the expropriation of the Property Interests:
   b. As expropriating authority under the Expropriations Act, authorize City staff 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 City staff to obtain an appraisal report to value the Property Interests, 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, Real Estate Services and the Manager, Transaction Services, jointly and severally, to sign the Notices of Expropriation, the Notices of Possession, the Offer of Compensation, and any related documents on behalf of the City for the Property Interests.

4. 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 of the Property Interests to the satisfaction of the City Solicitor.
FINANCIAL IMPACT

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

Funding to acquire the Property Interests is available in the 2019 - 2028 Council Approved Capital Budget and Plan for the TTC within the Easier Access Project (CTT028-1).

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

DECISION HISTORY

At its meeting held on July 23, 24, 25, 26, 27 and 30, 2018, City Council adopted the recommendations in Report GM29.28, granting authority to the applicable staff to continue negotiations for the acquisition of the Property Interests and initiate the expropriation process, if it is deemed necessary or appropriate by the applicable staff to proceed in that manner.

COMMENTS

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 Projects, the TTC is proposing to construct two (2) elevators at the Station, providing access from platform level to concourse level. As well as part of the Projects TTC will be improving customer safety and convenience by construction a new second exit building on Dewhurst Boulevard.

The proposed location of the easier access elevators and second exit has been identified as the most feasible option from an engineering and customer service perspective.

In the interest of maximizing efficiencies in the implementation of multi-program initiatives and to minimize the impact on the neighbourhood around the Station during construction, the Projects for the Station have been combined into one construction contract.

Negotiations with the owner to acquire the Property Interests have been on-going. In order to ensure delivery of the property requirements to meet the Projects construction schedule, it is now appropriate to seek City Council authority to acquire the Property Interests and where appropriate, and if necessary, initiate expropriation proceedings.
CONTACT

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SIGNATURE

Nick Simos
Acting Director, Real Estate Services

ATTACHMENTS

Appendix A - Location Map
Appendix B - Property Interests
Appendix C - Draft Reference-Plan 15M00519029EXP-01
Appendix D - Draft Reference-Plan 15M00519029EXP-02
Appendix E - Draft Reference-Plan 15M00519029EXP-03
Confidential Attachment 1 - Estimated Value of the Property Interests
Appendix A
Location Map
# Appendix B
## Property Interests

<table>
<thead>
<tr>
<th>Address</th>
<th>Draft Reference Plan</th>
<th>Property Interests</th>
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</table>
| 7 Strathmore Boulevard | Shown as Parts 12,13,14,15,16 and 17 on draft plan 15M00519029EXP-01                  | Part 12 - Fee Simple  
Parts 13,16 & 17 - Permanent Easement  
Parts 14 & 15 - Temporary Easement |
| 9 Strathmore Boulevard | Shown as Parts 8,9,10 and 11 on draft plan 15M00519029EXP-01                           | Parts 10 & 11 - Permanent Easement  
Parts 8 & 9 - Temporary Easement |
| 11 Strathmore Boulevard | Shown as Parts 4,5,6 and 7 on draft plan 15M00519029EXP-01                           | Parts 6 & 7 - Permanent Easement  
Parts 4 & 5 - Temporary Easement |
| 13 Strathmore Boulevard | Shown as Parts 2 and 3 on draft plan 15M00519029EXO-01                                 | Parts 2 & 3 - Temporary Easement |
| 2 Strathmore Boulevard | Shown as Parts 1 & 2 on draft plan 15M005190029EXP-02                                | Part 1 - Temporary Easement  
Part 2 - Permanent Easement |
| 4 Strathmore Boulevard | Shown as Parts 3, 4, 5 and 6 on draft plan 15M00519029EXP-02                         | Parts 3 & 4 - Temporary Easement  
Parts 5 & 6 - Permanent Easement |
| 6 Strathmore Boulevard | Shown as Parts 7,8,9 and 10 on draft plan 15M00519029EXP-02                         | Parts 9 & 10 - Temporary Easement  
Parts 7 & 8 - Permanent Easement |
| 8 Strathmore Boulevard | Shown as Parts 11, 12, 13 and 14 on draft plan 15M00519029EXP-02                    | Parts 11 & 12 - Temporary Easement  
Parts 13 & 14 - Permanent Easement |
| 10 Strathmore Boulevard | Shown as Parts 15,16,17 and 18 on draft plan 15M00519029EXP-02                    | Parts 17 & 18 - Temporary Easement  
Parts 15 & 16 - Permanent Easement |
| 12 Strathmore Boulevard | Shown as Parts 19 and 20 on draft plan 15M00519029EXP-02                           | Part 19 - Temporary Easement  
Part 20 - Permanent Easement |
| 14 Strathmore Boulevard | Shown as Parts 21,22,23 and 24 on draft plan 15M00519029EXO-02                     | Parts 23 & 24 - Temporary Easement  
Parts 21 & 22 - Permanent Easement |
| 42 Donlands Avenue    | Shown as Parts 1, 2, 3 and 4 on draft plan 15M00519029EXP-03                      | Parts 1 & 4 - Temporary Easement  
Parts 2 & 3 - Permanent Easement |
| 17 Dewhurst Boulevard | Shown as Part 1 on draft plan 15M00519029EXP-01                                    | Part 1 - Fee Simple |