



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

# Expropriation of the Orphaned Lane at the Rear of 8 Cumberland Street for Municipal Purposes, Including New Public Lane

**Date:** September 20, 2019

**To:** General Government and Licensing Committee

**From:** Executive Director, Corporate Real Estate Management

**Wards:** Ward 11 - University-Rosedale

### REASON FOR CONFIDENTIAL INFORMATION

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

### SUMMARY

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On April 26, 27 and 28, 2017, City Council authorized the initiation of expropriation proceedings for the orphaned lane at the rear of 8 Cumberland Street to complete the public lane running north from Yorkville Avenue south to Cumberland Street. Following the Stage 1 authorization, Notices of Application were served, and no hearing of necessity was requested.

This Stage 2 report seeks approval from City Council, as the approving authority under the Expropriations Act, to expropriate the property. The property requirements are shown as Part 1 on Plan 66R-30919 attached as Appendix B. Following approval of this report and expropriation by-law, an expropriation plan will be registered, and notices served in accordance with the Expropriations Act.

### RECOMMENDATIONS

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The Executive Director, Corporate Real Estate Management, recommends that:

1. City Council, as the approving authority under the Expropriations Act, approve the expropriation of the lands known municipally as the lane running north/south between the properties at 2 and 8 Cumberland Street, legally described as Part of Lot 21, Concession 2, From the Bay, Township of York, Part 2 on Plan 63R-686, City of Toronto, being all of PIN 21197-0156(R) and identified as Part 1 on 66R-30919 in Appendix B, for municipal purposes, including the construction of a new public lane.

2. City Council authorize the City of Toronto, 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 the service of Notices of Expropriation, Notices of Election as to a Date for Compensation and Notices of Possession.

3. City Council authorize the Executive Director, Corporate Real Estate Management, to obtain an appraisal report to determine the market value of the property referenced in Recommendation 1 and to prepare and serve offers of compensation in accordance with the requirements of the Expropriations Act.

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 and compensation payable for the property referenced in Recommendation 1 by arbitration, appeal or settlement to the satisfaction of the City Solicitor.

## **FINANCIAL IMPACT**

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The financial impact of the expropriation was set out in Confidential Attachment 1 to item MM35.27 adopted by City Council on December 5, 2017 and has been reattached to this report for information purposes. Funding to expropriate the property is available in the 2019 Council Approved Capital Budget and 2020-2028 Capital Plan for Facilities, Real Estate, Environment & Energy (FREEE) under capital project, "8 Cumberland Street" (CCA226-06).

Funding sources include both the Land Acquisition Reserve Fund (XR1012), as well as provisions contributed by the adjacent owner at 826-834 Yonge Street and 2-8 Cumberland Street for costs as outlined in Confidential Attachment 1 to Item MM35.27, considered by City Council on December 5, 2017.

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

## **DECISION HISTORY**

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At its meeting of April 26-28, 2017, City Council adopted TE23.8 "826-824 Yonge Street and 2-8 Cumberland Street Zoning Amendment Application - Final Report" and authorized the initiation of the expropriation process for the City to acquire a property located at the rear of 8 Cumberland Street for the completion of a public laneway. <https://www.toronto.ca/legdocs/mmis/2017/te/bgrd/backgroundfile-102084.pdf>

At its meeting of December 5-8, 2017, City Council adopted MM35.27 "Expropriation of property located at the rear of 8 Cumberland Street" and modified the authorization to initiate expropriation proceedings by altering the costs to be paid by the owner of 826-

824 Yonge Street and 2-8 Cumberland Street in accordance with Confidential Attachment 1.  
<https://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-109729.pdf>

## **COMMENTS**

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The 3.0 metre wide orphaned lane at the rear of 8 Cumberland Street is to be expropriated by the City of Toronto for the construction of a new public lane.

An ownership search of the orphaned lane revealed that the last known identifiable registered owner of the lane died in the 1800s. Pursuant to Council's authority and in accordance with the Expropriations Act, Notices of Application for Approval to Expropriate the Properties were served by publication in the newspaper. The City of Toronto did not receive notice of any requests for a hearing of necessity and the time limitation set out in the Expropriations Act for giving notice of such a request has expired.

It is recommended that City Council, as approving authority under the Expropriations Act, approve the expropriation of the Property and that City Council authorize the City of Toronto, as expropriating authority under the Expropriations Act, to take all necessary steps to proceed with the expropriation of the property.

## **CONTACT**

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## **SIGNATURE**

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Patrick Matozzo  
Executive Director, Corporate Real Estate Management

## **ATTACHMENTS**

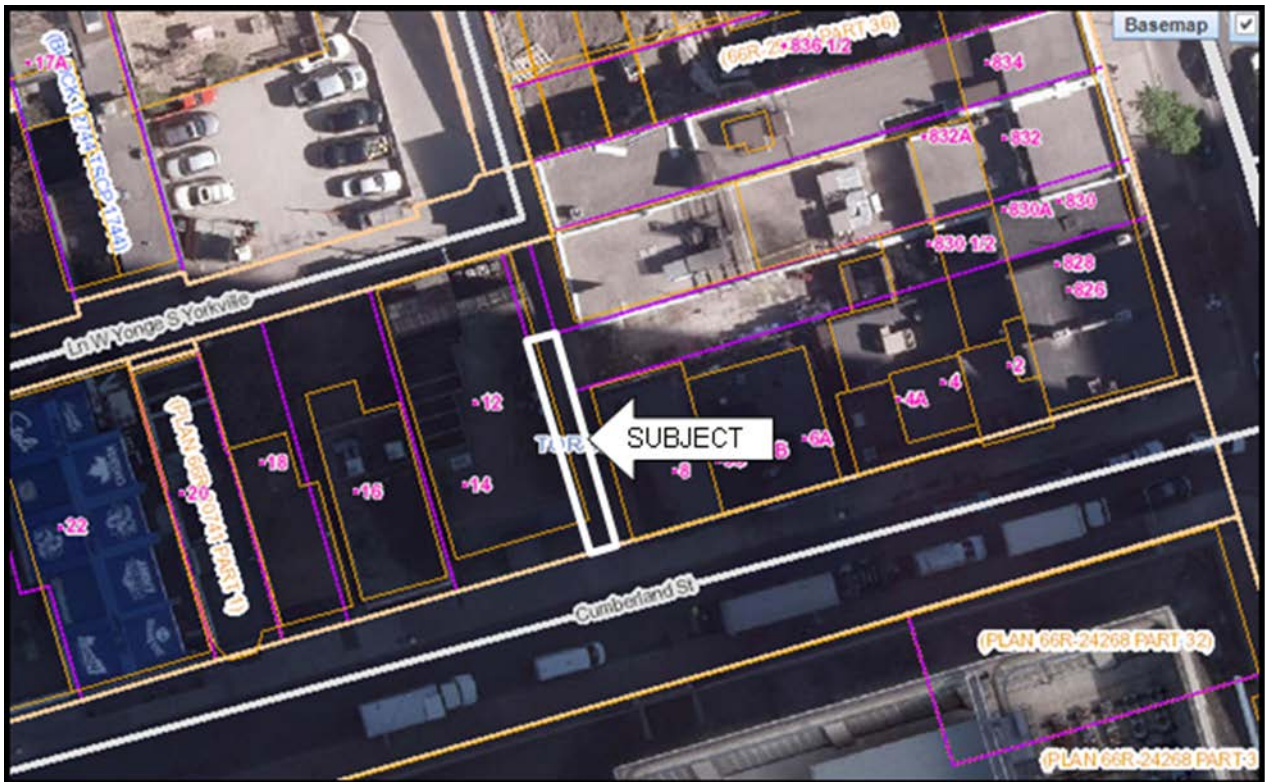
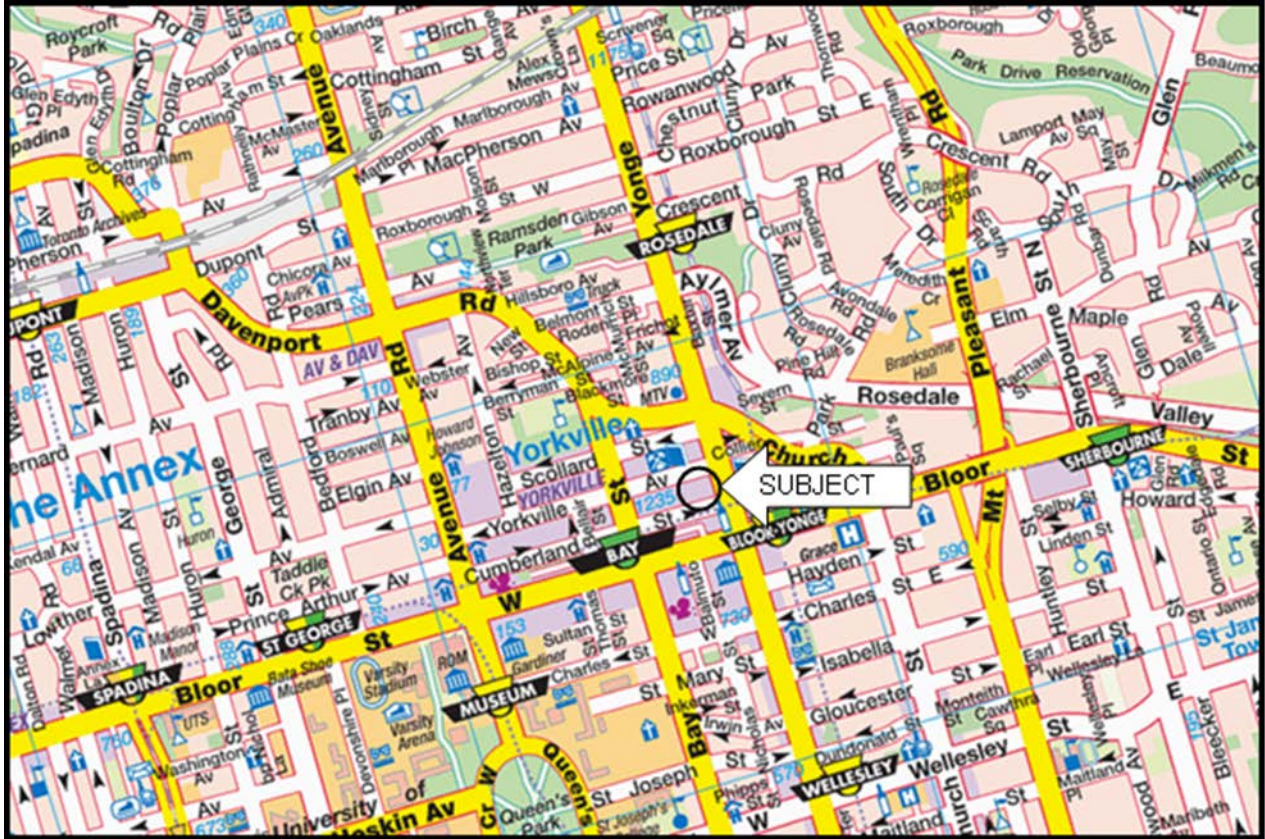
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Appendix A – Location Map

Appendix B – Reference Plan (66R-30919)

Confidential Attachment 1 - Financial Impact of Expropriation of the Orphaned Lane at the Rear of 8 Cumberland Street

Appendix A – Location Map



Appendix B – Reference Plan (66R-30919)

