

Initiation of the Expropriation of 480 Coxwell Avenue

Date: June 19, 2020

To: General Government and Licensing Committee

From: Executive Director, Corporate Real Estate Management

Wards: Ward 14 - Toronto-Danforth

SUMMARY

This report seeks authority to commence expropriation proceedings to acquire the property municipally known as 480 Coxwell Avenue (the "Property") for the purpose of constructing an Odour Control Facility (the "OCF") for the Coxwell Sanitary Trunk Sewer (the "Sewer").

This is the first stage of the expropriation process. After the application for approval to expropriate is authorized by City Council, as the Approving Authority under the Expropriations Act, staff will serve and publish a Notice of Application for Approval to Expropriate on all registered owners. Registered owners will have 30 days to request an inquiry into whether the City's proposed taking is fair, sound and reasonably necessary.

If no inquiry is requested, City Council may approve the expropriation through a subsequent Stage 2 report. At that time, staff will report to City Council with further details on the anticipated costs, based on appraisals. Following the Stage 2 report, an Expropriation Plan will be registered and Notices of Expropriation will be served to the appropriate parties. Statutory offers of compensation must be served before the City can take possession of the expropriated Property.

RECOMMENDATIONS

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

1. City Council authorize the Executive Director, Corporate Real Estate Management, to continue negotiations for the acquisition of the property municipally known as 480 Coxwell Avenue, listed in Appendix A and displayed on the maps attached as Appendix B (the "Property"), and as Approving Authority, authorize the initiation of the expropriation process for the Property for the purpose of the construction of the proposed Odour Control Facility related to the Coxwell Sanitary Trunk Sewer.

2. City Council direct the Executive Director, Corporate Real Estate Management, or his/her designate, to serve and publish the Notice of Application for Approval to Expropriate the Property, to forward any requests for a hearing of necessity to the Chief Inquiry Officer, to attend any hearings to present the City of Toronto's position, and to report the Inquiry Officer's recommendations to City Council for consideration.

FINANCIAL IMPACT

The costs to serve and publish the required Notice of Application for Approval to Expropriate, together with any costs related to attendance at the Hearing of Necessity, if any, will be funded from the 2020-2029 Council Approved Capital Budget and Plan for Toronto Water under Trunk Rehabilitation Sewer project (account CWW014-15-09).

Prior to final expropriation, a subsequent report (the "Stage 2 Report") will be submitted to the General Government and Licensing Committee and City Council identifying all anticipated costs stipulated under the Expropriations Act associated with expropriation of the Property including its market value, disturbance costs (if any), interest, land transfer tax costs, and any other costs. The Stage 2 Report will identify a proper funding source for the anticipated costs and will seek final approval for the expropriation of the Property.

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

DECISION HISTORY

There is no previous decision history associated with the proposed expropriation and construction of the Odour Control Facility involving the Property.

COMMENTS

The Sewer is a large diameter pipe servicing 15,100 hectares (ha) of the City, carrying sanitary sewage from the East York area as well as parts of North York and Scarborough to the Ashbridges Bay Wastewater Treatment Plant (WWTP). Operation of the Sewer releases foul odours through manholes at ground level in parts of the Coxwell-Rhodes Avenue community, resulting in frequent sewer odour complaints from residents and businesses.

In 2018 the City of Toronto initiated a Municipal Class Environmental Assessment (the "MCEA") Study to identify appropriate odour control technology and location for a new OCF to mitigate odour complaints in the area.

Potential locations were identified for the new OCF based on proximity to the Sewer, sufficient space for the equipment, and the findings from the field work and modelling analyses. As per the MCEA process, the potential locations were screened against

detailed evaluation criteria. The Property was identified as the preferred location for the OCF and ranked highest overall (most preferred relative to the other sites) with the following advantages:

- Close proximity to the Sewer requiring only a short pipe connection
- Minimal disruption to the local traffic and community during construction
- Safe access for future operation and maintenance
- Sufficient space and flexibility to install and construct the OCF
- No utility conflicts
- No impact to limited public spaces and public parking in the area
- No conflict with planned Metrolinx corridor expansion
- Minimal natural environmental impact
- Official Plan Zoning compliance

As part the MCEA process, the City completed public and stakeholder consultation, including a Public Information Center on September 25, 2019, where potential locations, evaluation criteria and preferred solutions were displayed. Members of the general public and the local Councillor's office were supportive of the selected location and the overall solution. Other stakeholders were consulted during the study, and their comments were summarised in the MCEA report, which was filed with the Ministry of the Environment, Conservation and Parks for a 30-day public review period file on May 26, 2020. The details on the study can be found at www.toronto.ca/coxwellsewer. The study recommends the Property as the preferred site for construction of a new OCF to address the existing sewer odour complaints in the area.

Corporate Real Estate Management staff have been in communication with the owner in an effort to acquire the Property through a negotiated agreement. As ongoing negotiations with the owner have not resulted in the acquisition of the Property, expropriation may be required. Therefore, it is recommended that City Council, as approving authority under the Expropriations Act, grant authority to initiate the expropriation process to acquire the Property to avoid jeopardizing the proposed construction schedule for the new OCF.

CONTACT

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SIGNATURE

Patrick Matozzo
Executive Director, Corporate Real Estate Management

ATTACHMENTS

Appendix A - The Property
Appendix B - Location Maps

APPENDIX A - THE PROPERTY

| Municipal Address | Legal Description | Approximate Area |
|--------------------|---|------------------------|
| 480 Coxwell Avenue | LT 78-79 PL 1301 TORONTO; PT LT 87 PL 655 MIDWAY AS IN CT422239; S/T ET109511E; CITY OF TORONTO | 24,628 ft ² |

APPENDIX B - LOCATION MAPS

