



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### Expropriation of a Portion of 5795 Yonge Street for Public Street Purposes

**Date:** June 22, 2020

**To:** General Government and Licensing Committee

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

**Wards:** Ward 18 - Willowdale

#### **REASON FOR CONFIDENTIAL INFORMATION**

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

#### **SUMMARY**

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This report seeks approval from City Council, as the approving authority under the Expropriations Act, to expropriate certain lands forming part of the condominium property known municipally as 5795 Yonge Street for the purposes of a new road connecting Cummer Avenue to Yonge Street through a northerly adjacent development being developed (the "Project"). Once completed, the Project will provide public street access for the adjacent condominiums and new development being developed and will improve mobility for people traveling to, from, and within North York Centre on foot, bicycle, transit and car.

This report relates to the second stage of the expropriation process by which City Staff will provide further details on the anticipated costs, based on internal appraisals and settlement discussions with impacted parties, and request City Council to approve the subject expropriation. Following the granting of authority by City Council on this Stage 2 report, the Expropriation Plan will be registered and Notices of Expropriation will be served unless settled with the impacted parties, in which case Notices of Expropriation will not be required. Similarly, statutory offers of compensation must be served prior to the City taking possession of the expropriated interests unless the City settles with the impacted parties, in which case the City will enter into Settlement Agreement with the impacted parties.

## **RECOMMENDATIONS**

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

1. City Council approve the expropriation of the interests in lands described in Appendix A (the "Required Property Interests") forming part of the condominium property known municipally as 5795 Yonge Street.
2. City Council authorize the Executive Director, Corporate Real Estate Management, or their designate, to take all steps necessary to comply with the Expropriations Act as necessary, including but not limited to, the preparation and registration of an Expropriation Plan and service of the Notices of Expropriation, Notices of Election as to a Date for Compensation, and Notices of Possession as it relates to the Required Property Interests.
3. City Council authorize the Executive Director, Corporate Real Estate Management, or their designate, to sign as necessary the Notices of Expropriation, Notices of Possession, Offers of Compensation, Settlement Agreements and any other ancillary documents on behalf of the City for the acquisition or expropriation of the Required Property Interests.
4. City Council further authorize the Executive Director, Corporate Real Estate Management, if required, to obtain an appraisal report to value the Required Property Interests, updated to the date of expropriation, and to prepare and serve an Offer of Compensation on the registered owner of the Required Property Interests and other parties having an interest in the expropriation, at the appraised value, in accordance with the requirements of the Expropriations Act.
5. City Council authorize the public release of Confidential Attachment 1 once there has been a final determination and closing of the compensation payable for the Required Property Interests by arbitration, appeal or settlement, or otherwise to the satisfaction of the City Solicitor.

## **FINANCIAL IMPACT**

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The expropriation costs for the market value of the expropriated lands and associated funding are set out in Confidential Attachment 1.

It is anticipated that the City of Toronto will not bear any of the anticipated expropriation costs outlined in Confidential Attachment 1.

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

## DECISION HISTORY

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City Council on July 12, 13, 14 and 15, 2016, adopted GM13.18, Expropriation of a Portion of 5795 Yonge Street for Public Street Purposes, initiating the expropriation for the City to acquire the Required Property Interests.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.GM13.18>

## COMMENTS

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The Required Property Interests at 5795 Yonge Street are located between the condominiums at 5791-5793 Yonge Street to the south, and the Newtonbrook Plaza Development at 5799-5915 Yonge Street to the north.

The Required Property Interests are owned by Toronto Standard Condominium Corporation 805 ("TSCC 805") as part of the common elements of TSCC 805 and there are easement interests for access in favour of Toronto Standard Condominium Corporation No. 2048 ("TSCC 2048") and Toronto Standard Condominium Corporation No. 2064 ("TSCC 2064"). TSCC 805, TSCC 2048 and TSCC 2064 use the Required Property Interests as access points to their respective condominiums. The Project, once completed, will provide public street access for all three condominiums.

Since the Stage 1 expropriation report was approved by City Council in July of 2016, City Staff have reached terms of settlement with TSCC 2048 and TSCC 2064 and have reached agreement with TSCC 805 with respect to the settlement amount for its interest in the Required Property Interests. City Staff are in the process of settling the remaining terms and conditions of the Settlement Agreement with TSCC 805. If and when the expropriation of the Required Property Interests are approved by City Council, as recommended in this report, authority for these Settlement Agreements will be obtained by delegated authority.

As the Required Property interests form part of the Common Elements of TSCC 805 for which TSCC 2048 and TSCC 2064 have an easement interest, expropriation is recommended in this report in order for the City to obtain the Required Property Interest from the impacted parties in an efficient matter and to maintain the construction schedule for the Project.

The creation of a new public street extending from Cummer Avenue to Yonge Street will improve mobility for people traveling to, from, and within North York Centre on foot, bicycle, transit and car, and will achieve the following:

- Enhanced traffic operations resulting from 1) decreased reliance on the Yonge/Cummer intersection by local trips using the new street and 2) the creation of a new signalized intersection at the intersection of Yonge Street and the new public road;

- Support for reliable, high-frequency surface transit along Yonge Street for bus passengers on the Toronto Transit Commission and other services approaching and leaving the major transit hub at Yonge and Finch; and
- Alignment with future infrastructure plans and capital investments, as the new public street will align the planned east-west extension of Turnberry Court with the planned extension of Beecroft Avenue north to Drewry Avenue, improving access for drivers wishing to access the parking lot for Finch Station and for cyclists accessing planned cycling facilities and connections in the immediate area.

The new street will be designed using Complete Street principles. Connecting the new public street to the future planned infrastructure west of Yonge Street will provide a grid network of Complete Streets that further enhances mobility in the area for pedestrians, cyclists, transit patrons and drivers. This future grid of Complete Streets will provide more connections for people in the Yonge and Cummer area to transit services and cycling infrastructure, and will allow all road users to access local area destinations without having to rely solely on Yonge Street to do so.

The new public street's connection to Yonge Street also supports Phase 2 of the development. By proceeding to Phase 2, the City will receive a number of community benefits that have been secured in a Section 37 agreement. Some of the major community benefits include:

- A minimum 3,232 square metre community centre, including a daycare of 900 square metres and an adjacent 300 square metre outdoor play space; and
- A minimum of 6,006 square metres of parkland dedication.

## **CONTACT**

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Alison Folosea, Director, Transaction Services, Corporate Real Estate Management, 416-338-6943, [Alison.Folosea@toronto.ca](mailto:Alison.Folosea@toronto.ca)

Ashley Curtis, Director, Transportation Planning and Capital Program, Transportation Services, 416-392-0170, [Ashley.Curtis@toronto.ca](mailto:Ashley.Curtis@toronto.ca)

## **SIGNATURE**

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Patrick Matozzo  
Executive Director, Corporate Real Estate Management

## **ATTACHMENTS**

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Appendix A - Property Requirements

Appendix B - Draft Plan

Appendix C - Location Map / Aerial View / Proposed Road

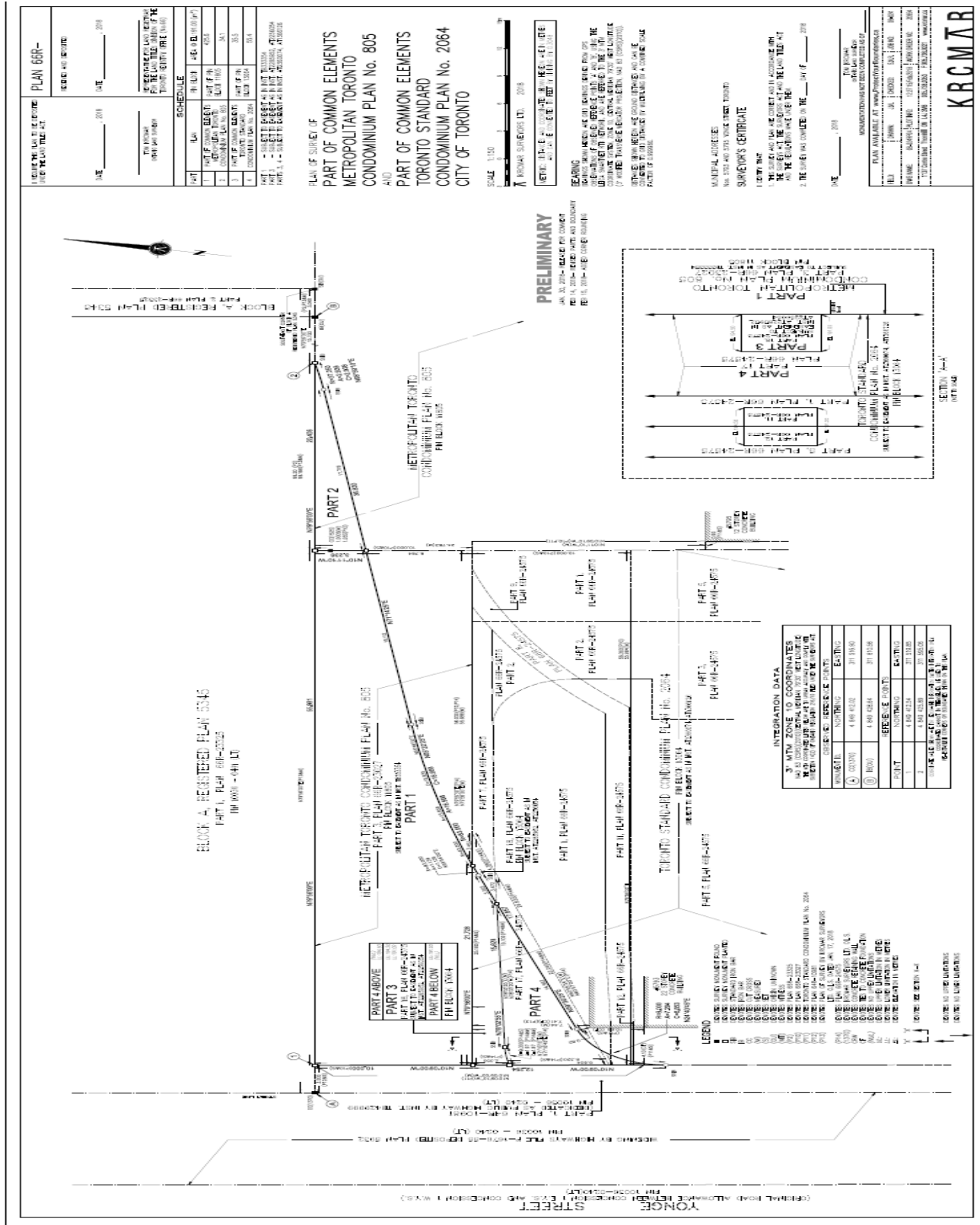
Confidential Attachment 1

## **APPENDIX A – PROPERTY REQUIREMENTS**

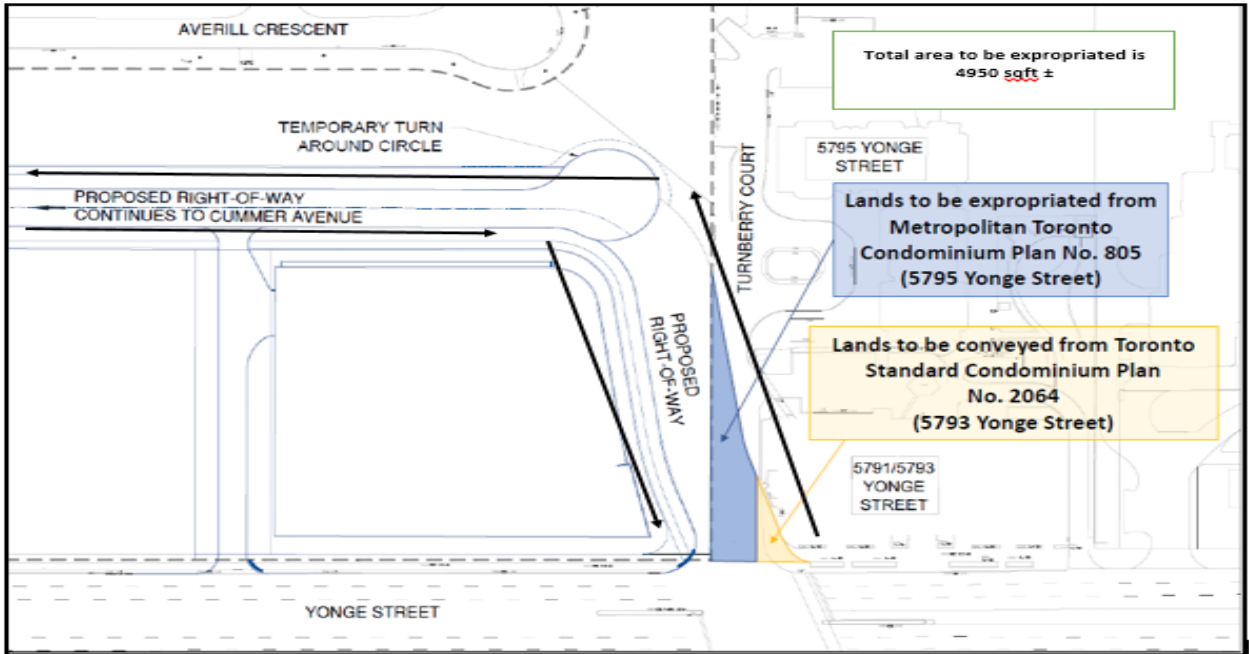
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A fee simple interest and all right title and interest thereto, in those lands shown as Part 1 and 2 on draft reference plan attached in Appendix B, being part of those lands known municipally as part of 5795 Yonge Street, legally described as: Metro Toronto Condominium Plan No. 805 and its appurtenant interest, the description of the Condominium Property is: Part Lot 22, Con 1, EYS- Parts 1, 2 and 3 on 66R-15154 as described in Schedule A to D90986; City of Toronto in the Land Registry Office of Toronto in Land Titles Division.

# APPENDIX B – DRAFT PLAN



# APPENDIX C – LOCATION MAP/ AERIAL VIEW WITH PROPOSED RIGHT OF WAY





**APPENDIX C – LOCATION MAP/ AERIAL VIEW WITH PROPOSED RIGHT OF WAY (CONTINUED)**

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