

### **Proposed Sale of Surplus City-owned Public Lane Known as Brigden Place**

**Date:** October 19, 2020

**To:** General Government and Licensing Committee

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

**Wards:** Ward 13 - Toronto - Centre

#### **SUMMARY**

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This report requests City Council authority to accept the offer to purchase from Richmond GP INC., as general partner for and on behalf of, Richmond Residential Limited Partnership (the "Developer") for the proposed sale of the public lane known as Brigden Place, located east of Ontario Street and south of Queen Street East, as shown in Appendix A. This proposed sale facilitates a development project that borders Queen Street East, Ontario Street, Richmond Street East and McFarrens Lane.

The report also seeks authority to provide public notice regarding a proposed by-law to permanently close Brigden Place (the "Lane") in accordance with the requirements of the City of Toronto Municipal Code, Chapter 162, and Municipal Class Environmental Assessment for Schedule A+, as requirements for the process to permanently close the Lane.

On October 10, 2019, the Lane was declared surplus by way of Delegated Approval Form Number 2019-252, conditional on City Council approving the permanent closure of the Lane, with the intended manner of disposal to be by way of inviting an offer to purchase the Lane from the Developer.

#### **RECOMMENDATIONS**

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

1. City Council authorize the City of Toronto (the "City") to accept the offer to purchase from Richmond GP INC., as general partner for and on behalf of, Richmond Residential Limited Partnership, for the sale of the public lane known as Brigden Place, in the amount of \$12,039,000, plus Harmonized Sales Tax and other applicable taxes and fees, substantially on the terms set out in Appendix B and on such further and amended

terms as may be acceptable to the Executive Director, Corporate Real Estate Management, and in a form satisfactory to the City Solicitor.

2. City Council direct proceeds of sale in the amount of \$12,039,000 (exclusive of Harmonized Sales Tax and other applicable taxes), less portion of the proceeds of closing directed to fund the outstanding expenses related to the completion of the sale transaction and closing costs and usual adjustments, be contributed to the Land Acquisition Reserve Fund (XR1012).

3. City Council authorize the General Manager, Transportation Services, to give notice to the public of a proposed by-law to permanently close the public lane known as Brigden Place in accordance with the requirements of the City of Toronto Municipal Code, Chapter 162, with the Toronto and East York Community Council to hear any member of the public who wishes to speak to the matter during consideration of the proposed by-law.

4. City Council authorize the General Manager, Transportation Services, to advise the public of the proposed closure of the Lane prior to implementation, in accordance with the requirements of the Municipal Class Environmental Assessment for Schedule A+ activities, by posting notice of the proposed closure on the notices page of the City's Website for at least five working days prior to the Toronto and East York Community Council meeting at which the proposed by-law to close the Lane will be considered.

5. City Council authorize and direct the appropriate City Officials to take the necessary action to give effect to the foregoing recommendations.

## **FINANCIAL IMPACT**

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The City will receive revenue in the amount of \$12,039,000 (exclusive of Harmonized Sales Tax and other applicable taxes), less closing costs and the usual adjustments. The proceeds will be contributed to the Land Acquisition Reserve Fund (XR1012) upon closing of the transaction.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial implications as identified in the Financial Impact section.

## **DECISION HISTORY**

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In 2016, the Developer submitted a development application for the lands bounded by Queen Street East to the north, Ontario Street to the east, Richmond Street East to the south and McFarrens Lane to the west, which was not accepted by the City. The Developer appealed the City's decision to the Local Planning Appeal Tribunal. Pursuant to item CC44.36, as adopted by City Council at its meeting held on July 23, 2018, and later amended by item CC5.9 as adopted by City Council at its meeting held on March 27, 2019, City Council accepted a settlement offer supporting the development application.

## COMMENTS

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In accordance with the City's Real Estate Disposal By-law, Number 814-2007 (Municipal Code Chapter 213), the Lane was declared surplus by way of Delegated Approval From Number 2019-252 as authorized by the Deputy City Manager, Corporate Services, on October 10, 2019. In connection with the declaration of surplus process, it was confirmed that there was no municipal interests in retaining the Lane and Transportation Services advised that it was feasible to close the Lane and directed Corporate Real Estate Management to initiate the disposal process.

As set out in of Delegated Approval From Number 2019-252, the intended manner of disposal is to be by way of inviting an offer to purchase the Lane from the Developer, as the adjoining land owner. City staff have complied with all steps necessary to comply with the City's real estate disposal process as set out in Chapter 213 of the City of Toronto Municipal Code.

Corporate Real Estate Management staff have negotiated the major terms of an agreement for the City to sell the Lane to the Developer. The major terms of the recommended agreement are outlined in Appendix B and are considered to be fair, reasonable, and reflective of market value.

Council Authority to accept the Offer to Purchase from the Developer is required as the sale exceeds City staff's delegated approval threshold of ten million dollars (\$10,000,000).

The sale transaction is conditional on City Council approving the permanent closure of the Lane. In order to complete the permanent closure of the Lane, Transportation Services' staff will post the notice on the City's website for at least five working days, immediately preceding the City committee meeting at which the matter will be considered and an opportunity will be provided for members of the public to speak to the matter in accordance with the requirements of City of Toronto Municipal Code Chapter 162.

## CONTACT

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Roger Browne, Director, Traffic Management, Transportation Services, 416-392-5372, [Roger.Browne@toronto.ca](mailto:Roger.Browne@toronto.ca)

## **SIGNATURE**

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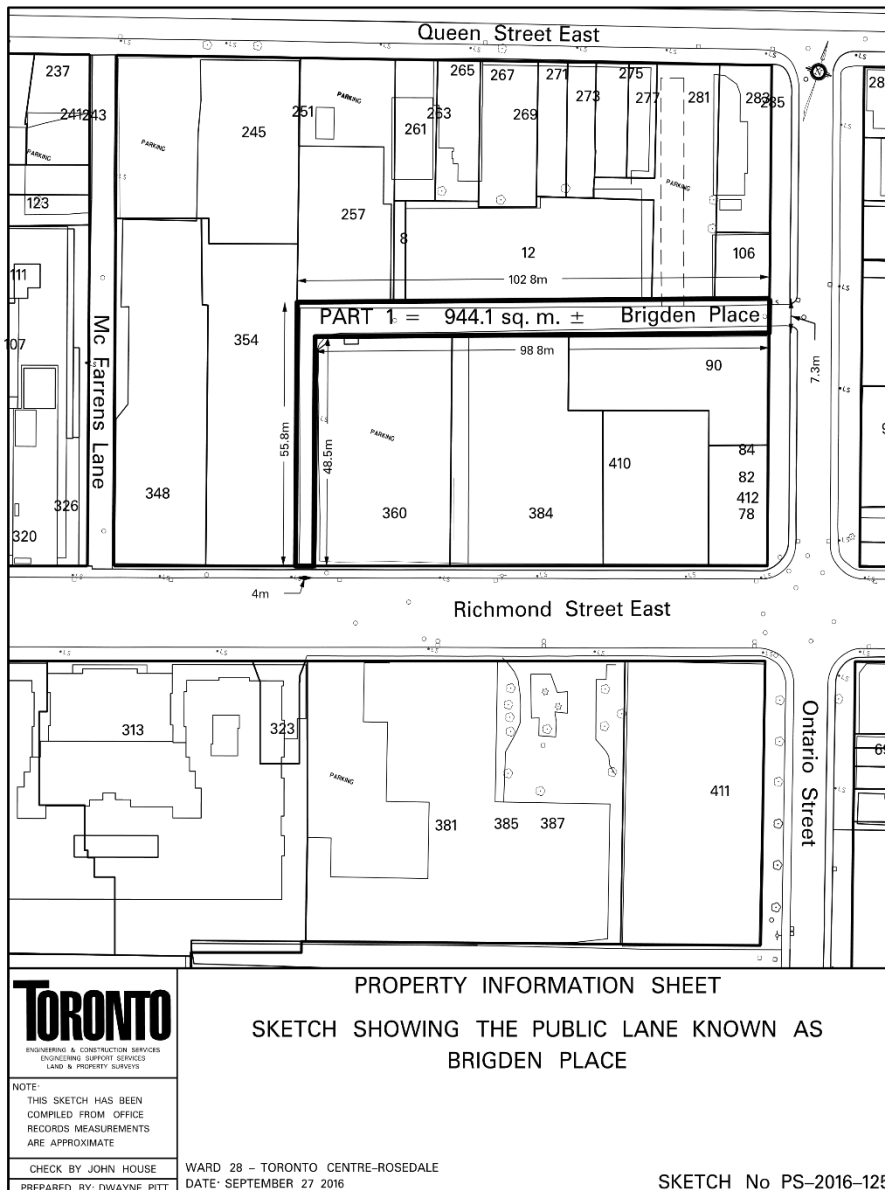
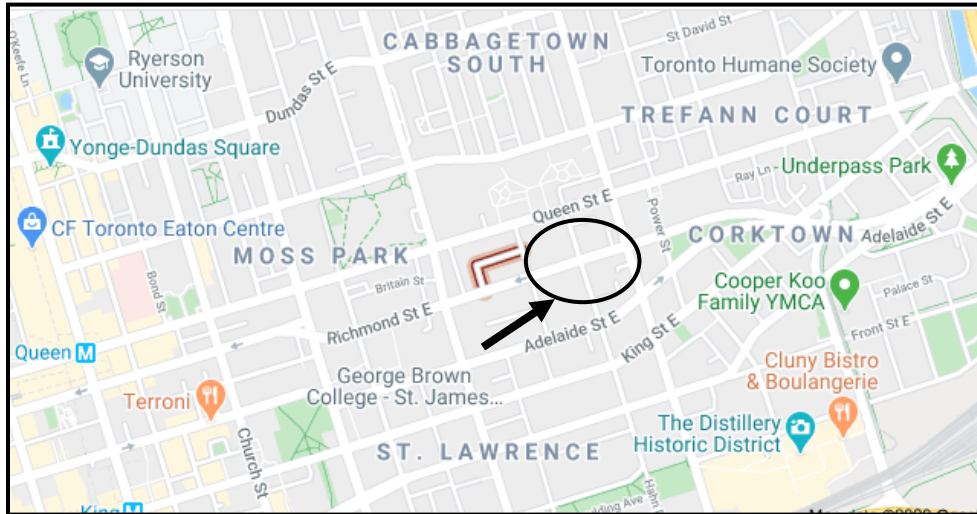
Patrick Matozzo,  
Executive Director, Corporate Real Estate Management

## **ATTACHMENTS**

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Appendix A - Site Location and Sketch PS2016-125  
Appendix B - Major Terms and Conditions

# Appendix A - Site Location & PS Sketch



## Appendix B - Terms and Conditions of Offer to Purchase

Property:	The public highway, known as Brigden Place, as shown as Part 1 on Sketch No. PS-2016-125 attached as Schedule "A"
Legal Description:	PT LT 5 N/S DUCHESS ST PL 124 TORONTO AS IN OR32902; CITY OF TORONTO, being all of PIN 21091-0275 (LT); and PT TOWNLT 1 S/S QUEEN ST E, 1 N/S DUCHESS ST PL TOWN OF YORK TORONTO; PT LT 4 S/S QUEEN ST, 5 N/S DUCHESS ST, 5 S/S QUEEN ST, 6 N/S DUCHESS ST PL 124, TORONTO, CITY OF TORONTO, being all of PIN 21091-0070 (R)
Easement:	The following easements to be reserved: The City Easement. The Bell Canada Easement. The Enbridge Gas Easement.
Purchaser:	RICHMOND GP INC., as general partner for and on behalf of, RICHMOND RESIDENTIAL LIMITED PARTNERSHIP
Recommended Sale Price:	Twelve Million Thirty-Nine Thousand Dollars (\$12,039,000.00) exclusive of Harmonized Sales Tax.
Deposit:	One Million Two Hundred Three Thousand Nine Hundred Dollars (\$1,203,900.00)
Balance:	The balance of the Purchase Price, payable by certified cheque or bank draft to the City on Closing, subject to the usual adjustments.
Irrevocable Date:	14th day after the date the City obtains approval by the Approving Authority.
Closing Date:	45th day following the date a Closing By-law is enacted.
Due Diligence:	The Purchaser has forty-five (45) days following the Acceptance Date to examine, at the Purchaser's own expense, the title to the Property with respect to encumbrances and work orders.