

Real Estate Acquisition and Expropriation of Property Interests near Donlands Subway Station for the Second Exit Project

Date: November 18, 2020

To: City Council

From: Executive Director, Corporate Real Estate Management

Wards: Toronto-Danforth

SUMMARY

As part of the Second Exit Project (the "Project"), the Toronto Transit Commission ("TTC") is proposing to make Donlands Subway Station (the "Station") safer and convenient by constructing a new second exit building. This report seeks authority to acquire temporary property easements, as identified in Appendix A and as shown in the Draft Plan and the Aerial Map in Appendices B and C (collectively the "Easements"), that will enable the construction of a second exit at the Station.

Subsequent to City Council's authorization in 2019 to expropriate property interests for the construction of the Project, the Easements are new property interests, identified by the TTC, and are necessary to install temporary gas utility lines to further facilitate the Project and provide power to the owners of the property on which the Easements are located during construction of the Project.

Negotiations for the acquisition of the Easements have been ongoing with the owners, however in order to protect the Project timeline this report seeks authority to acquire the Easements and if necessary initiate expropriation proceedings.

RECOMMENDATIONS

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

1. City Council authorize the Director, Transaction Services to continue negotiation for the acquisition of the temporary property easements, as identified in Appendix A and as shown in the Draft Plan and the Aerial Map in Appendices B and C and grant authority if necessary to initiate expropriation proceedings, if the Executive Director, Corporate Real Estate Management deems it necessary or appropriate to proceed in that manner.

2. City Council grant authority for the Director, Transaction Services to serve and publish Notices of Application for Approval to Expropriate the Easements, to forward to the Chief Inquiry Officer any requests for hearing that are received, to attend any hearing in order to present the City of Toronto's position and to report the Inquiry Officer's recommendations back to City Council for its consideration.

FINANCIAL IMPACT

The costs, if any, to serve and publish the required Notices of Application for Approval to Expropriate Land, together with any costs related to attendance at the Hearing of Necessity, if any, will be referred to the City's annual budget process and will be included in the submission of the 2021-2030 Capital Budget and Plan for the TTC under Program 3.9 Building and Structures, Fire Ventilation Upgrade Project (CTT024-1) for Council consideration.

The detailed funding amounts will form part of a subsequent report to Committee and Council to identify the financial implication to the City and confirm funding availability within the TTC's 2021-2030 Capital Budget and Plan for the acquisition of the property interests, or for expropriation costs including the market value of the Easements, as well as disturbance costs (if any), interest, land transfer tax costs, and all other associated costs stipulated under the Expropriations Act.

The Chief Financial Officer and Treasurer has been provided the financial impacts associated with this program for review as part of the 2021 budget process.

DECISION HISTORY

At its meeting held on July 23, 24, 25, 26, 27 and 30, 2018, City Council adopted the recommendations in GM29.28, granting authority to the applicable staff to continue negotiations and if necessary to initiate expropriation proceedings for the property interests identified in the report, if deemed necessary or appropriate to proceed in that manner.

<http://www.toronto.ca/legdocs/mmis/2018/gm/bgrd/backgroundfile-116914.pdf>

At its meeting held on July 16, 17 and 18, 2019, City Council adopted the recommendations in GL6.15, granting authority to the applicable staff to continue negotiations and if unsuccessful approve the expropriation of the property interests identified in the report, in order to protect TTC construction time lines.

<http://www.toronto.ca/legdocs/mmis/2019/gl/bgrd/backgroundfile-134328.pdf>

COMMENTS

Corporate Real Estate Management, in consultation with TTC, completed expropriations for all necessary property interests required for the construction of the Project, as further

described in GL6.15. The TTC subsequently identified additional property interests required in connection with the construction of the Project, being temporary rights required to allow the temporary relocation of gas utility lines to facilitate the Project.

Negotiations with the owners have been on-going with the objective to acquire the Easements prior to the scheduled Project start date, in early December 2020. In order to ensure all necessary property rights required to meet the Project construction schedule and avoid construction delay penalties, it is now appropriate to seek City Council authority to acquire the Lands and where appropriate and if necessary, initiate expropriation proceedings.

CONTACT

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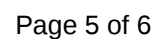
Patrick Matozzo
Executive Director, Corporate Real Estate Management

ATTACHMENTS

Appendix A - Table of Property Interests
Appendix B - Draft Plan
Appendix C - Site Map

Appendix A
Table of Property Interests

Municipal Address	Legal Description	Required Interest & Area (all Parcels as shown on the Draft Plan in Appendix "B")	Purpose
7 Strathmore Boulevard	PIN 10535-0696 (LT)	Temporary Easement shown as Parcel 2 on the Draft Plan - 15.0 square meters	Secondary Exit
9 Strathmore Boulevard	PIN 10535-0462 (LT)	Temporary Easement shown as Parcel 3 on the Draft Plan - 19.3 square meters	Secondary Exit



Appendix C Site Map

