

## **Expropriation of a Portion of 5795 Yonge Street for Public Street Purposes - Stage 2**

**Date:** March 12, 2021

**To:** General Government and Licensing Committee

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

**Wards:** 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 reauthorization from City Council, as the approving authority under the Expropriations Act, to expropriate part of the condominium property known municipally as 5795 Yonge Street for a new road connecting Cummer Avenue to Yonge Street through a northerly adjacent development being developed (the "Project"). The Project once completed, will provide public street access for the adjacent condominiums and new development being developed.

This Stage 2 expropriation report includes details on the anticipated costs, based on internal appraisals, and requests City Council to approve the subject expropriation as approving authority under the Expropriations Act and enact an expropriation by-law. Following the granting of authority by City Council on this Stage 2 report, the Expropriation Plan will be registered and Notices of Expropriation served. Statutory offers of compensation must be served prior to the City taking possession of the expropriated interest.

### **RECOMMENDATIONS**

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The Executive Director, Corporate Real Estate Management recommends that:

1. City Council as Approving Authority under the Expropriations Act, approve the expropriation of the interest in land described in Appendix A (the "Required Property Interest") for the construction of a new public street.
2. City Council authorize the City of Toronto, as Expropriating Authority under the Expropriations Act, to take all steps necessary to comply with the Expropriations Act, 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 Interest.
3. City Council authorize the Executive Director, Corporate Real Estate Management, or their designate, to sign the Notices of Expropriation, Notices of Possession, Offers of Compensation, Settlement Agreements and any other ancillary documents on behalf of the City for the Required Property Interests.
4. City Council further authorize the Executive Director, Corporate Real Estate Management, or their designate, to prepare and serve offers of compensation 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.

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 agrees with the financial impact information.

## **DECISION HISTORY**

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The expropriation process was started and approved by City Council as seen by the links below.

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>

City Council on July 28, 2020, adopted GL14.10, Expropriation of a Portion of 5795 Yonge Street for Public Street Purposes, approving the expropriation for the City to acquire the Property Interests.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.GL14.10>

City Council on February 2, 3 and 5, 2021, adopted GL20.02, Expropriation of a Portion of 5795 Yonge Street for Public Street Purposes, reauthorizing the initiation of the expropriation for the City to acquire the Required Property Interests.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.GL20.02>

Reauthorization for this Stage 2 expropriation report is required as the timelines for the final registration of the expropriation plan shown in (Appendix B) were not met and the plan was rejected by the Land Registry Office. Therefore, City Staff re-started the proceedings for the expropriation of the subject interest.

## **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 first approved by City Council in July of 2016, City Staff have been able to reach terms of settlement with TSCC 2048 and TSCC 2064. 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.

Discussions with the condominium corporation that owns the Required Property Interests, TSCC 805, are ongoing. It appears unlikely that satisfactory negotiated terms can be achieved to acquire the Required Property Interests from TSCC 805. Accordingly, expropriation is recommended in this Report in order to maintain the construction schedule for the Project.

The creation of a new public street extending from Cummer Avenue to Yonge Street improves mobility for people traveling to, from, and within North York Centre on foot, bicycle, transit and car. The new street provides a safe and efficient alternative to Yonge Street for local trips accessing destinations in the Yonge/Cummer area, and, it

presents a unique opportunity to incorporate Complete Street principles to support these trips being made on foot or bicycle. Traffic operations at the Yonge/Cummer intersection benefit from local trips using the new street and relying less on Yonge Street or Cummer Avenue to reach local destinations. Improved conditions at the Yonge and Cummer intersection will contribute to the maintenance of 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.

The new public street aligns with future planned infrastructure improvements in the area. With future infrastructure being implemented using Complete Street principles, connecting the new public street to the future planned infrastructure west of Yonge Street provides a fine-grained grid network of Complete Streets that further enhances mobility in the area for pedestrians, cyclists, transit patrons and drivers. Connecting the future planned east-west extension of Turnberry Court with the planned extension of Beecroft Avenue north to Drewry Avenue provides improved access for drivers wishing to access the parking lot for Finch Station and for cyclists accessing future planned cycling facilities and connections in the immediate area. 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 will also provide sufficient transportation capacity for the development to be able to proceed to Phase 2. 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.

Further, the new public road will create a new signalized intersection at the intersection of Yonge Street and the new public road thereby creating safer vehicular movements, and bicycle/pedestrian crossings.

## **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 - Required Property Interests  
Appendix B - Draft Plan  
Appendix C - Location Map / Aerial View with Proposed Right of Way  
Confidential Attachment 1

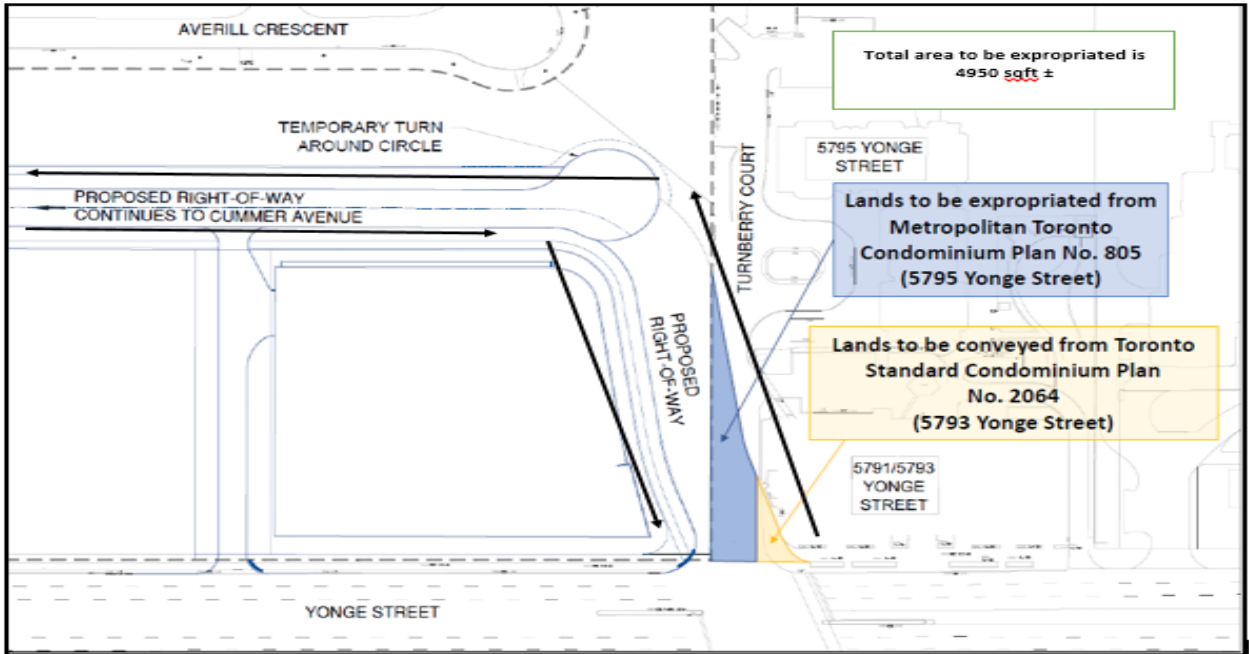
## **APPENDIX A – REQUIRED PROPERTY INTERESTS**

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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 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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