

Expropriation of a Portion of 50 Alma Avenue for the West Toronto Railpath – Stage 1

Date: April 12, 2021

To: General Government and Licencing Committee

From: Executive Director, Corporate Real Estate Management

Wards: Ward 9 - Davenport

SUMMARY

The purpose of this report is to seek authority from City Council to commence expropriation proceedings to acquire a fee simple interest and a temporary easement in the portion of the property municipally known as 50 Alma Avenue, for the purpose of constructing the West Toronto Railpath Extension. A description of the interests to be expropriated is set out in Appendix A, being (1) a fee simple interest in the lands shown as Part 1, and (2) a temporary easement over the lands shown as Part 2 for the purpose of a construction access route (collectively, the Property). Both Parts 1 and 2 are shown on sketch number PS-2019-139 attached to this report as Appendix B.

This is the first stage of the expropriation process. After application for approval to expropriate the Property is authorized by City Council, as the Approving Authority under the Expropriations Act (the "Act"), staff will serve and publish a Notice of Application for Approval to Expropriate on each registered owner of the Property. Owners, as defined in the Act, 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 on the appropriate parties. Statutory offers for 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, or their designate, to continue negotiations for the acquisition of the property interests as set out in Appendix A, and shown as Parts 1 and 2 in sketch number PS-2019-139, attached as Appendix B (collectively, the "Property"), and as Approving Authority under the Expropriations Act, authorize the initiation of the expropriation process for the Property for the purpose of constructing the West Toronto Railpath Extension and related ancillary works.

2. City Council direct the Executive Director, Corporate Real Estate Management, or their designate, to serve and publish the Notices 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 its 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 2021-2030 Council Approved Capital Budget and Plan for Transportation Services under account CTP820-05-01.

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

At its meeting of January 9, 2020, Infrastructure and Environment Committee adopted the report IE11.10 Creating Cycling Routes along Rail Lines for information.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.IE11.10>

At its meeting of May 24, 2017, City Council authorized the General Manager, Transportation Services, to negotiate, enter into, and execute agreements, as may be required, with Metrolinx, for the design and future construction of the West Toronto Railpath Extension, on such terms and conditions satisfactory to the General Manager, Transportation Services, and in a form satisfactory to the City Solicitor

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.MM29.47>

On June 7, 2016, the Ten Year Cycling Network Plan was adopted, in principle, with amendments by City Council. The Ten Year Cycling Network Plan identifies and recommends on-street cycling routes so that together on-street and trail cycling network routes may complement each other and provide a cohesive system of cycling routes across Toronto.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PW13.11>

At its meeting of June 6, 7 and 8, 2012, City Council adopted a staff report PW15.2 Toronto Bikeway Trails Implementation Plan. The Bikeway Trails Plan outlines projects to connect and grow Toronto's multi-use trails across the City as part of the Cycling Network.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PW15.2>

COMMENTS

The West Toronto Railpath Extension (WTRE) is a planned multi-use trail that will extend the Railpath (Railpath Phase 1) by approximately two kilometres south-easterly from the existing terminus at Dundas Street West and Sterling Road along the Kitchener GO rail corridor to south of Queen Street West (Sudbury Street and Abell Street).

The Bikeway Trails Implementation Plan (June 2012) and the Ten-Year Cycling Network Plan (June 2016) approved by City Council included the WTRE as a priority project. The WTRE will create a continuous multi-use trail system with connections to surrounding communities supporting active transportation and recreational uses. In June 2016, Transportation Services completed the Environmental Assessment Study for the WTRE and determined the preferred alignment of the multi-use trail and five pedestrian and cycling bridges over the rail corridor and over city streets. With funding support through the Public Transit Infrastructure Fund, Metrolinx partnered with the City in completing the detailed design of the WTRE.

Subject to available funding from the City, Metrolinx has agreed to partner with the City for the construction of the WTRE in coordination with the GO Expansion Program (formerly Regional Express Rail or (RER)) construction currently underway by Metrolinx.

Corporate Real Estate Management staff have been engaged in efforts to acquire the Property through a negotiated agreement. As ongoing negotiations have not resulted in the acquisition of the Property, expropriation may be required. It is therefore recommended that City Council, as Approving Authority under the Act, grant authority to initiate the expropriation process to acquire the Property to avoid jeopardizing the construction of the WTRE and further support a potential partnership agreement between the City and Metrolinx.

CONTACT

Alison Folosea, Director, Transaction Services, Corporate Real Estate Management, 416-338-2998, Alison.Folosea@toronto.ca

Jacquelyn Hayward, Director, Project Design & Management, Transportation Services
416-392-5348, Jacquelyn.Hayward@toronto.ca

SIGNATURE

Patrick Matozzo
Executive Director, Corporate Real Estate Management

ATTACHMENTS

Appendix A – Required Property Interest
Appendix B – Property Information Sketch

Appendix A – Required Property Interests

Municipal Address	Legal Description	Property Interests
50 Alma Avenue	PART OF PARK LOT 29, CONCESSION 1, FROM THE BAY, TOWNSHIP OF YORK AND PART LOT 4, SOUTH SIDE OF DUNDAS STREET, EAST SIDE OF BROCK AVENUE, NORTH OF THE CANADIAN NATIONAL RAILWAY, PLAN 256 OR 300, TORONTO, PARTS 1, 2, 3, 4, 5 AND 6, PLAN 64R-14776; CITY OF TORONTO	Fee Simple Ownership Part 1, SKETCH No. PS-2019-139 in Appendix "B"
		Temporary Easement Part 2, SKETCH No. PS-2019-139 in Appendix "B"

"Temporary Easement" means:

A temporary easement or rights in the nature of a temporary easement on, in, over, under and through the lands identified as Part 2 on sketch number PS-2019-139 for the purpose of a construction access route to facilitate the construction and installation of a multi-use trail corridor on adjacent City-owned land, and all works ancillary thereto, including, without limitation, alterations to and removal of hard and soft landscaping, re-grading work and the right to enter and occupy the easement lands with all vehicles, materials, machinery, tools and equipment. Such temporary easement shall commence on a date specified in writing, on at least THIRTY (30) days' prior written notice to the registered owner, and will continue for FIVE (5) years. The City shall have the right to extend the temporary easement for an additional ONE (1) year on THIRTY (30) days' prior written notice to the registered owner. All rights under the temporary easement shall expire no later than December 31, 2028.

Toronto
ENGINEERING & CONSTRUCTION SERVICES
INFRASTRUCTURE SUPPORT SERVICES
LAND & PROPERTY SURVEYS

NOTE:
THIS SKETCH HAS BEEN
COMPILED FROM OFFICE
RECORDS. MEASUREMENTS
SHOWN ARE APPROXIMATE.

NOT TO SCALE

WARD 9 – DAVENPORT
DATE: NOVEMBER 28, 2019

PREPARED BY: DWAYNE PITT
CHECKED BY: JOHN HOUSE

PROPERTY INFORMATION SHEET
SKETCH SHOWING PORTIONS OF NO. 50 ALMA AVENUE

SKETCH No. PS-2019-1393