

Application for Approval to Expropriate 81 Bloor Street East and 40/42 Hayden Street for the Bloor-Yonge Capacity Improvement Project - Stage 1

Date: May 12, 2021

To: General Government and Licensing Committee

From: Executive Director, Corporate Real Estate Management

Wards: 11 - University-Rosedale

SUMMARY

This report seeks authority to initiate expropriation proceedings for the fee simple interest in the properties municipally known as 40/42 Hayden Street and 81 Bloor Street East (the "Project Requirements"), for the purposes of constructing a new alternative station entrance, emergency exit and electrical substation facility as part of the TTC Bloor-Yonge Capacity Improvement ("BYCI") project (the "Project").

This is Stage 1 of the expropriation process. Should Council adopt these recommendations, staff will serve and publish the Notice of Application for Approval to Expropriate on each registered owner. Owners, as defined in the Expropriations Act (the "Act"), will have 30 days to request an inquiry into whether the City's proposed taking is fair, sound and reasonably necessary.

Staff will report back to City Council with Stage 2 Report, providing details on property values and other costs, and if an inquiry is requested, the report of the Inquiry Officer. The proposed expropriation would be effected after adoption of the Stage 2 Report, by registration of expropriation plans, which would then be followed by the service of notices as required by the Act.

Before the City could take possession of the expropriated Project Requirements, offers of compensation based on appraisal reports must be served on each registered owner.

RECOMMENDATIONS

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

1. City Council authorize the Executive Director, Corporate Real Estate Management, to continue negotiations to acquire the Project Requirements as set out in Appendix A and as illustrated on the property sketch attached as Appendix B, and as Approving Authority, authorize the initiation of expropriation proceedings for the Project Requirements for the purposes of constructing a new alternative station entrance, emergency exit and electrical substation facility as part of the Bloor-Yonge Capacity Improvement project.

2. City Council authorize the Executive Director, Corporate Real Estate Management, or their designate, to serve and publish the Notices of Application for Approval to Expropriate Land for the Project Requirements, to forward to the Chief Inquiry Officer any requests for inquiries received, to attend the hearing to present the City'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 Notices 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 the Toronto Transit Commission (T.T.C.) under CTT155-01 Yonge-Bloor Capacity Improvement.

Before the expropriation, Corporate Real Estate Management will report to the General Government and Licensing Committee and City Council for approval of the expropriation (the "Stage 2 Report"). The Stage 2 Report will identify funding for the market value of the Property Requirements, as well as any other anticipated costs including disturbance damages, legal and appraisal costs, land transfer tax costs, and all other associated costs stipulated under the Expropriations Act.

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

In May 2017, City Council requested the T.T.C. to report on the status of plans to expand Bloor-Yonge interchange station, including estimated costs, timelines and potential capacity added to Line 1. At the time, City Council also confirmed the expansion of the station as a priority project for Provincial and Federal Funding.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EX25.1>

On April 11, 2019 the T.T.C. Board approved "Line 1 Capacity Requirements - Status Update and Preliminary Implementation Strategy", which outlined next steps to achieve capacity improvements and accommodate forecast demand on Line 1. The expansion of Bloor-Yonge Station was identified as one of the key components to address capacity

of the subway system, which would accommodate passenger and transfer growth at that station.

[https://www.ttc.ca/About the TTC/Commission reports and information/Commission meetings/2019/April 11/Reports/Decisions/18 Line 1 Capacity Requirements Status Update Decision.pdf](https://www.ttc.ca/About%20the%20TTC/Commission%20reports%20and%20information/Commission%20meetings/2019/April%2011/Reports/Decisions/18%20Line%201%20Capacity%20Requirements%20Status%20Update%20Decision.pdf)

On April 16, 2019, City Council endorsed the BYCI through the adoption of EX4.1 as a priority project under the City of Toronto's funding allocation of the Investing in Canada Infrastructure Plan (ICIP) Public Transit Infrastructure Fund (PTIF).

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EX4.1>

On October 29, 2019, City Council adopted EX9.1 and approved the Preliminary Agreement with the Province as a starting framework for agreements that will result in significant new transit investment in Toronto to both maintain and expand the existing transit systems. As a part of this agreement, the Province of Ontario committed to endorse the Project under the ICIP-PTIF2 program.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EX9.1>

On August 26, 2019, the Government of Canada announced priority funding consideration would be given to the Project and is setting aside \$0.5 billion in federal funding through the Public Transit Infrastructure Stream, subject to conditions being met, including final approval by the Treasury Board. All three levels of government are expected to contribute \$0.5 billion towards the estimated \$1.5 billion project.

<https://www.canada.ca/en/office-infrastructure/news/2019/08/getting-torontonians-moving-making-crucial-investments-in-public-transit.html>

COMMENTS

The Bloor-Yonge Capacity Improvement project ("B.Y.C.I.") is a critical component of addressing capacity constraints on Line 1, and is expected to ameliorate impacts on the Bloor-Yonge Station from projected growth in the City of Toronto and surrounding jurisdictions, planned transit expansion programs as well as the expected higher density in the area.

The Project Requirements are required for the construction of a new permanent alternative station entrance, emergency egress and an electrical substation (the "Works") at Bloor-Yonge Station as part of the B.Y.C.I., and are proposed to proceed in 2022, with the main B.Y.C.I. project works scheduled to commence in 2024. The Project Requirements have been identified as the most feasible option from an engineering and customer service perspective to support the Works.

Negotiations with the owners to acquire the Project Requirements have been ongoing, however if a resolution is not achieved in the near term, construction timelines for the

Project may be adversely impacted. Accordingly, City Council authority is requested to initiate expropriation proceedings for the Project Requirements.

CONTACT

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

Michael Stevenson, Director, Third Party - Property and Planning, Toronto Transit Commission, 416-590-6045, Michael.Stevenson@ttc.ca

SIGNATURE

Patrick Matozzo
Executive Director, Corporate Real Estate Management

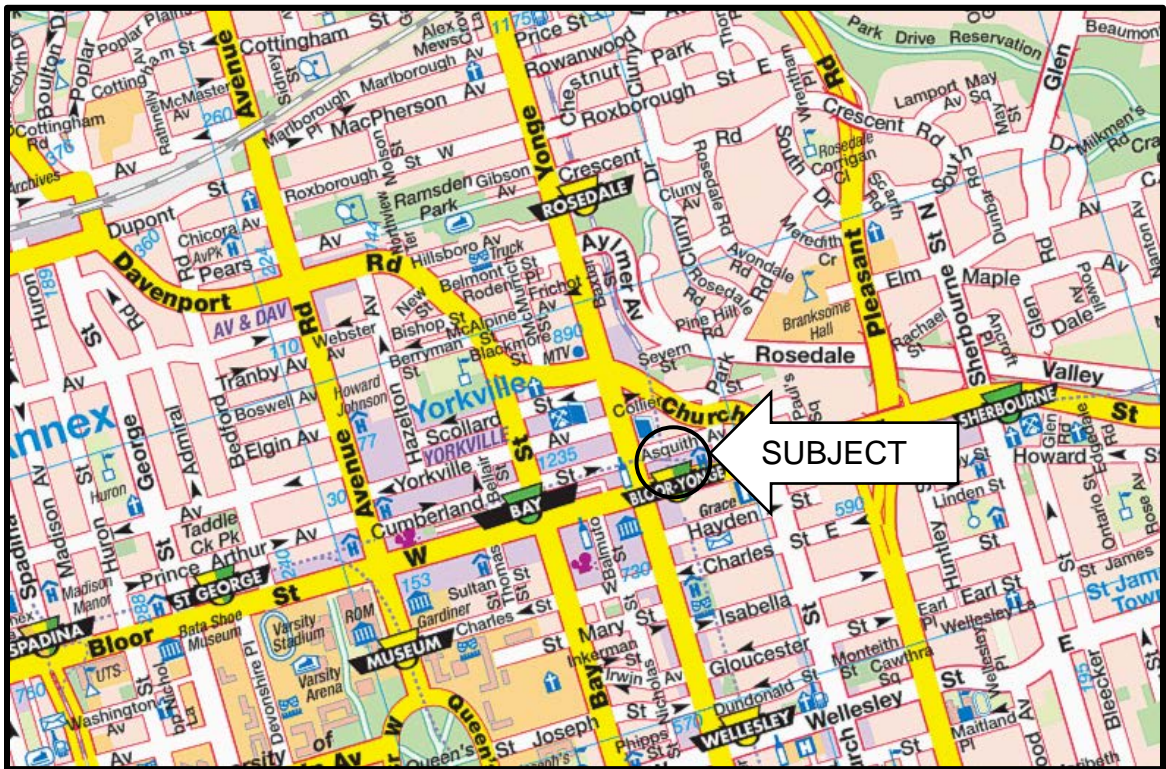
ATTACHMENTS

Appendix A - Table of Project Requirements [or Legal Description of Property]
Appendix B - Location Maps

Appendix A - Table of Project Requirements

Municipal Address	Required Interest	Area (square meters)	Legal Description
81 Bloor Street East	Fee Simple	520	PT PARKLT 8 CON 1 FTB TWP OF YORK AS IN CT770650; S/T INTEREST IN CT770650; CITY OF TORONTO; BEING ALL OF PIN 21108- 0192(LT)
40/42 Hayden Street	Fee Simple	371	PT LT 8 N/S HAYDEN ST PL 163 TORONTO AS IN EP138130 & CA755923 EXCEPT THE EASEMENT THEREIN; S/T CA755923; CITY OF TORONTO; BEING ALL OF PIN 21108-0152 (LT)

Appendix B - Location Maps



Appendix B Continued - Location Maps

