

Acquisition of 10 Properties on Old Weston Road – St. Clair West Transportation Master Plan

Date: June 15, 2021

To: General Government and Licensing Committee

From: Executive Director, Corporate Real Estate Management

Wards: 9 - Davenport

SUMMARY

As contemplated by the St. Clair West Transportation Master Plan, Transportation Services requires the acquisition of ten (10) properties located along Old Weston Road municipally known as 236, 238, 240, 242, 244, 246, 248, 250, 252, and 254 Old Weston Road, and more particularly described in Appendix "A" (collectively, the "Subject Properties") for the purpose of building an extension of Davenport Road. This road extension aims to improve the multi-modal transportation network in the area.

This report seeks City Council authority for the Executive Director, Corporate Real Estate Management, to approve the acquisition of ten (10) properties located on Old Weston Road in accordance with the delegated authorities set out in Article 2 of City of Toronto Municipal Code, Chapter 213, Real Property, without satisfying General Condition (H) of Appendix B of Chapter 213.

This report also seeks City Council authority to commence expropriation proceedings to acquire fee simple interest in the Subject Properties, if required. City staff will continue to negotiate with the owners to acquire the Subject Properties through an agreement of purchase and sale, rather than by expropriation; however, expropriation proceedings are being initiated in order to maintain project timelines.

This is the first stage of the expropriation process. After application for approval to expropriate the Subject Properties is authorized by City Council, as the Approving Authority under the Expropriations Act, and if City staff deem necessary, a Notice of Application for Approval to Expropriate will be published and served on each registered owner of the Subject Properties. Registered owners will have thirty (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, City 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 Subject Properties.

RECOMMENDATIONS

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

1. City Council authorize the Executive Director, Corporate Real Estate Management, to approve the acquisition of the properties known municipally as 236, 238, 240, 242, 244, 246, 248, 250, 252, and 254 Old Weston Road, as more particularly described in Appendix A and shown in the sketches attached as Appendix B (the "Subject Properties"), in accordance with the delegated authorities set out in Article 2 of City of Toronto Municipal Code, Chapter 213, Real Property, without satisfying General Condition (H) of Appendix B of Chapter 213.
2. City Council authorize the Executive Director, Corporate Real Estate Management, or their designate, to continue negotiations for the acquisition of the Subject Properties, and if such negotiations are unsuccessful, as Approving Authority under the Expropriations Act, City Council authorize the initiation of the expropriation process for the Subject Properties for the purpose of extending Davenport Road and related ancillary works.
3. 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 Subject Properties, 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 if acquisitions of the Subject Properties cannot be completed by an agreement of purchase and sale in order to accommodate the project timelines.

FINANCIAL IMPACT

If required, the costs to serve and publish the 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 CTP819-06-01.

Prior to final expropriation, a subsequent 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 Subject Properties. Costs include the market value of the Subject Properties, disturbance costs (if any), interest, land transfer tax costs, and any other applicable costs as specified in the Expropriations Act. The subsequent report will also identify a proper funding source

for the anticipated costs and will seek final approval for the expropriation of the Subject Properties.

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

On February 5th, 2021, City Council adopted "Advancing the SmartTrack Stations Program" authorizing City staff to enter into an Agreement In Principle ("A.I.P.") with Metrolinx for Metrolinx to deliver detailed design, property acquisition and construction for both the St. Clair-Old Weston SmartTrack station and the St. Clair T.M.P. recommendations.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.EX20.2>

City Council, at its April 24, 2018 meeting, authorized the "Implementation of the SmartTrack Stations Program and the Metrolinx Regional Express Rail Program report for action". City staff were directed to coordinate the delivery of the St. Clair T.M.P. with the St. Clair-Old Weston SmartTrack station.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EX33.1>

A Functional Planning Study ("F.P.S.") was completed in 2015 that identified potential solutions to improve traffic congestion in the area. Following the F.P.S., a Transportation Master Plan ("T.M.P.") was initiated and completed in 2019.

Public Works and Infrastructure Committee ("P.W.I.C."), at its meeting of June 6, 2012, directed City staff to initiate and carry out an Environmental Assessment Study of the St. Clair Avenue/Rail Crossing between Keele Street and Old Weston Road. The Committee directed Transportation Services to report back on the actions required to initiate an Environmental Assessment to identify possible measures in the area to improve traffic operations and safety on St. Clair Avenue West.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PW15.3>

COMMENTS

The City initiated the St. Clair Transportation Master Plan ("T.M.P.") in September 2015 to identify area-wide infrastructure improvements that address traffic congestion on St. Clair Avenue West between Keele Street and Old Weston Road. The T.M.P. recommended extending Davenport Road from Old Weston Road to Union Street (the "Project").

Corporate Real Estate Management ("C.R.E.M.") has initiated property acquisitions to support the implementation of this recommendation and other works related to the T.M.P. City staff are negotiating with the owners of the Subject Properties, and will continue to do so as negotiated agreements are preferred. City staff are currently unable to acquire the Subject Properties under existing delegated authority given the

inability to perform necessary environmental diligence on the Subject Properties (including the completion of Phase II Environmental Site Assessments), as required as per Municipal Code, Chapter 213, General Condition (H). To be authorized by delegated authority, this transaction must satisfy all General Conditions set out in Toronto Municipal Code, Chapter 213, Real Property, Appendix B, including General Condition (H), which states:

"Authority to acquire property is conditional upon provision being made to bring the property into compliance with applicable Ministry of the Environment, Conservation and Parks (or any successor Ministry) or other requirements such that it will be fit for its intended municipal purpose, except for property acquisitions of 50 square metres or less for transit shelter purposes."

City staff have advised that it is currently not possible to satisfy this condition as it the City cannot carry out environmental due diligence to determine the potential remediation costs without causing significant disruption to the owners. Therefore, it is not possible to confirm the funds required to bring the Subject Properties into compliance with applicable Provincial Ministry of the Environment, Conservation and Parks' requirements such that they will be fit for their intended purpose as a road.

Although the Subject Properties may contain some extent of contamination, any such risk has not been deemed to materially impact the Project as set out the T.M.P. Any environmental risk will be mitigated and addressed in project planning and implementation. Accordingly, acquisition of the Subject Properties, in their existing condition, through negotiated agreements is the preferred approach. In the event of expropriation, the Subject Properties would be acquired in their existing condition.

It is recommended that Stage 1 expropriation proceedings be initiated now for the Subject Properties to ensure that the Project's construction schedule is maintained in the event that negotiated agreements cannot be secured in a timely manner.

While City staff continue to pursue these acquisitions, negotiations are underway with Metrolinx for the delivery of the St. Clair-Old Weston SmartTrack station and the St. Clair T.M.P. improvements by Metrolinx under one (1) contract on the City's behalf. Under this potential agreement, the Subject Properties could alternatively be expropriated by Metrolinx, at which point the City would cease its efforts to acquire the Subject Properties.

CONTACT

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SIGNATURE

Patrick Matozzo
Executive Director, Corporate Real Estate Management

ATTACHMENTS

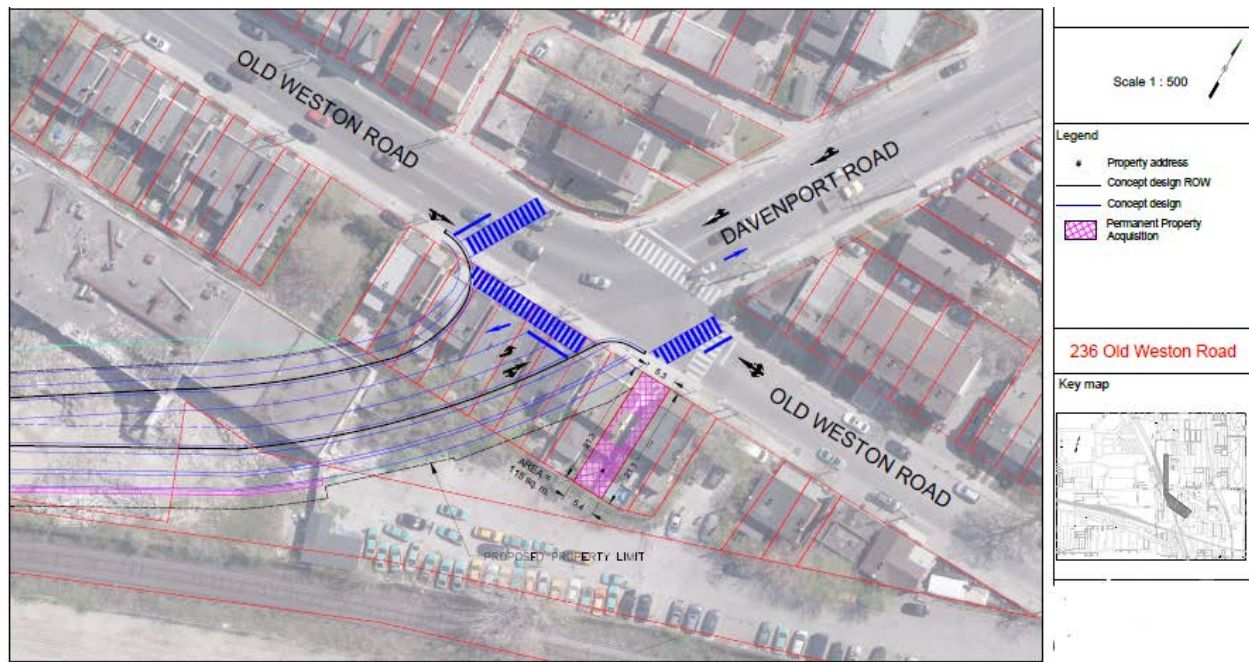
Appendix A - Legal Description of Subject Properties
Appendix B - Sketches of Subject Properties

Appendix A - Legal Description of Subject Properties

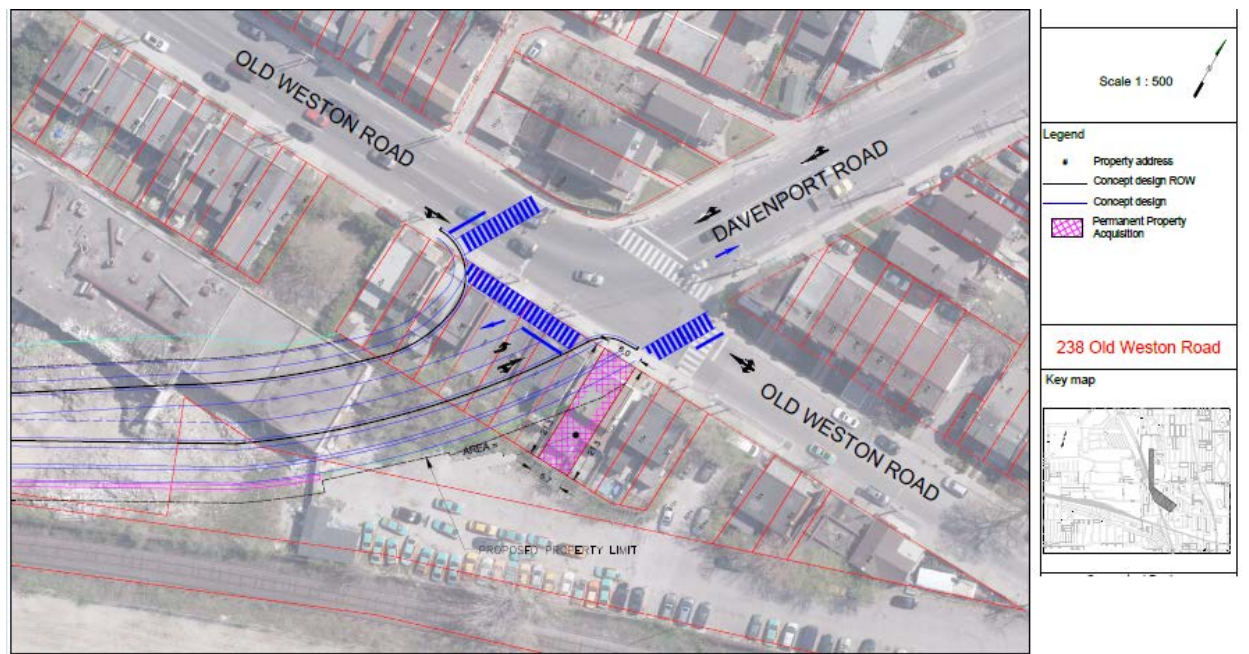
Municipal Address	Legal Description	Approximate Area
236 Old Weston Road	PIN 21357-0250 (LT) LT 37 PL 1703 TORONTO T/W & S/T CT603858; CITY OF TORONTO	111 square metres / 1,195 sq. ft.
238 Old Weston Road	PIN 21357-0251 (LT) LT 36 PL 1703 TORONTO T/W & S/T CT31790; CITY OF TORONTO	104 square metres / 1,119 sq. ft.
240 Old Weston Road	PIN 21357-0252 (LT) LT 35 PL 1703 TORONTO T/W & S/T CA425337; CITY OF TORONTO	105 square metres / 1,130 sq. ft.
242 Old Weston Road	PIN 21357-0253 (LT) LT 34 PL 1703 TORONTO T/W & S/T CA260200; CITY OF TORONTO	104 square metres / 1,119 sq. ft.
244 Old Weston Road	PIN 21357-0254 (LT) LT 33 PL 1703 TORONTO T/W & S/T CA6042; CITY OF TORONTO	104 square metres / 1,119 sq. ft.
246 Old Weston Road	PIN 21357-0255 (LT) LT 32 PL 1703 TORONTO T/W & S/T WH147109; CITY OF TORONTO	104 square metres / 1,119 sq. ft.
248 Old Weston Road	PIN 21357-0256 (LT) LT 31 PL 1703 TORONTO T/W & S/T CA669444; CITY OF TORONTO	105 square metres 1,130 sq. ft.
250 Old Weston Road	PIN 21357-0257 (LT) LT 30 PL 1703 TORONTO T/W & S/T CA87643; CITY OF TORONTO	104 square metres / 1,119 sq. ft.
252 Old Weston Road	PIN 21357-0258 (LT) LT 29 PL 1703 TORONTO T/W & S/T CT705583; CITY OF TORONTO	104 square metres / 1,119 sq. ft.
254 Old Weston Road	PIN 21357-0259 (LT) LT 28 PL 1703 TORONTO; CITY OF TORONTO	109 square metres / 1,173 sq. ft.

Appendix B - Sketches of Subject Properties

236 Old Weston Road



238 Old Weston Road



240 Old Weston Road



242 Old Weston Road



244 Old Weston Road



246 Old Weston Road



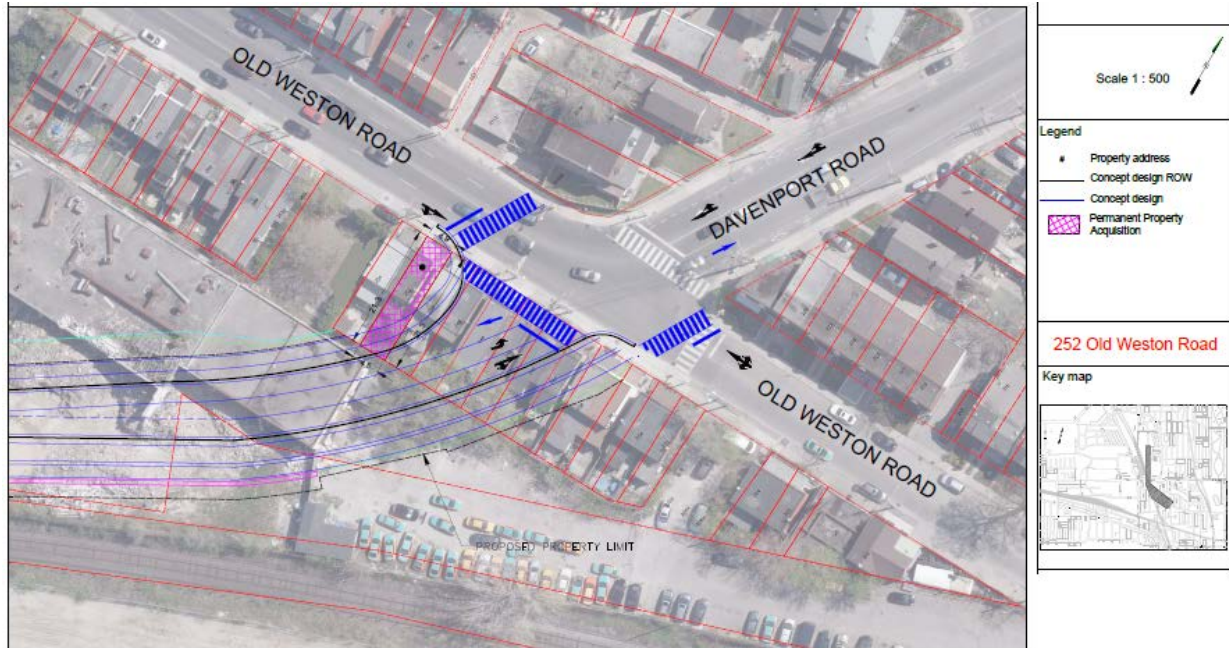
248 Old Weston Road



250 Old Weston Road



252 Old Weston Road



254 Old Weston Road

