

Real Estate Application for Approval to Expropriate Parts of 39 Old Mill Road, 2662 Bloor Street West and 21 Old Mill Road - Stage 1

Date: August 31, 2021

To: General Government and Licensing Committee

From: Executive Director, Corporate Real Estate Management

Wards: 3 - Etobicoke-Lakeshore

SUMMARY

This report seeks authority to initiate expropriation proceedings for temporary and permanent interests in the properties municipally known as 39 Old Mill Road, 2662 Bloor Street West and 21 Old Mill Road (the "Project Requirements"), for the purpose of constructing elevators at Toronto Transit Commission ("T.T.C.") Old Mill Subway Station (the "Station") as part of the Easier Access Phase III project (the "Project").

This is Stage 1 of the expropriation process. Should City Council adopt the recommendations in this report, City staff may 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 a hearing into whether the City's proposed taking is fair, sound and reasonably necessary.

City staff may report back to City Council with a Stage 2 Report, providing details on property values and other costs, and if a hearing is requested, the report of the Ontario Land Tribunal. The proposed expropriation would only be effected, after adoption by City Council, as approving authority, 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 can 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, or their designate, to continue negotiations to acquire the temporary and permanent easement interests in part of the properties municipally known as 38 Old Mill Road and 2662 Bloor Street West, and temporary easement interest in part of the property municipally known as 21 Old Mill Road, as set out in Appendix A and as illustrated on the sketch attached as Appendix B, and authorize the initiation of expropriation proceedings for the Project Requirements, for the purposes of constructing elevators at T.T.C. Old Mill Subway Station.
2. City Council grant authority to the Executive Director, Corporate Real Estate Management, or their designate, to serve and publish the Notices of Application for Approval to Expropriate the Project Requirements, to forward to the Ontario Land Tribunal any requests for inquiries received, to attend the hearing(s) 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 Notices of Application for Approval to Expropriate, together with any costs related to attendance at the hearing(s), if any, will be funded from the 2021-2030 Council Approved Capital Budget and Plan for the T.T.C. under account CTT028-1 Easier Access Phase III.

Before proceeding with the expropriation, City staff will report to City Council through the General Government and Licensing Committee for approval of the expropriation (the "Stage 2 Report"). The Stage 2 Report will identify the estimated funding and the funding source for the fair 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 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

On May 8, 2019 the T.T.C. Board approved the 2019-2023 T.T.C. Multi-Year Accessibility Plan. The Project is an important part of the 2019-2023 T.T.C. Accessibility Plan in its objective to fulfill the provincially legislated requirements in the Accessibility for Ontarians with Disabilities Act, 2005 ("A.O.D.A."). As part of the Project, the T.T.C. is proposing to construct two (2) elevators at the Old Mill Subway Station, providing access from street to platform level.

[https://www.ttc.ca/About the TTC/Commission reports and information/Commission meetings/2019/May 8/Agenda/index.jsp](https://www.ttc.ca/About%20the%20TTC/Commission%20reports%20and%20information/Commission%20meetings/2019/May%208/Agenda/index.jsp)

COMMENTS

Building on the success of the previous T.T.C. 2014-2018 Multi-Year Accessibility Plan, the new 2019-2023 Accessibility Plan (the "Plan") contains 52 initiatives to further improve and expand the accessibility and availability of T.T.C. services and facilities over the next five years to the millions of customers who use T.T.C. annually.

As part of this Plan, major planned initiatives include the Project, which involves upgrading 21 subway stations with elevators and other accessibility features for riders with mobility devices and strollers by 2025. The 2021-2030 Council Approved Capital Budget and Plan has earmarked \$693.0 million for the Project. Together, the ongoing and future proposed initiatives described in the Plan will help the T.T.C. achieve its vision of a seamless, barrier-free transit system.

T.T.C. is proposing to construct two elevators at the Station. Elevator 1 will provide access from street level to the westbound platform level and Elevator 2 will provide access from street level to the eastbound platform, both to be built adjacent to the existing Station.

In order to facilitate the Project, temporary easements, permanent easements and fee simple acquisitions are required. The temporary easements are required for construction purposes and enable T.T.C. the right to enter, excavate and construct various elements of the Project. Permanent easements will accommodate the underground elevator shafts and provide T.T.C. the ability to access and maintain the infrastructure in the future. The fee simple acquisitions will enable T.T.C. to construct and permanently house and maintain the surface portion of the elevator structure and access corridor.

Negotiations with the property owners to acquire the Project Requirements are ongoing. However in order to protect the Project construction schedule, City Council authority to initiate expropriation proceedings is being requested in the event negotiations are unsuccessful.

CONTACT

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Vincenza Guzzo, Director, Property, Planning and Development, Toronto Transit Commission, 416-590-6372, Vincenza.Guzzo@ttc.ca

SIGNATURE

Patrick Matozzo
Executive Director, Corporate Real Estate Management

ATTACHMENTS

Appendix A - Table of Project Requirements
Appendix B - Location Map and Sketch

Appendix A - Table of Project Requirements

Municipal Address	Required Interest	Area (square meters)	Legal Description
39 Old Mill Road	Fee Simple	5.8	PART OF BLOCK B, PLAN M385; PART OF BLOCK X, PLAN M416, BEING DESIGNATED AS PARTS 34,46,48,57,60,62 TO 79 & 81, PLAN 66R18714, CITY OF TORONTO; S/T EASEMENTS OR RIGHTS IN THE NATURE OF EASEMENTS IN FAVOUR OF MUNICIPALITY OF METROPOLITAN TORONTO TO ENTER UPON, CUT INTO, BREAK UP, FILL IN, USE AND OCCUPY SO MUCH LANDS DESIGNATED AS PARTS 64, 74,75 & 76, PLAN 66R18714 AS MAY BE NECESSARY FOR THE PURPOSES SPECIFIED IN PARAGRAPH (B) OF PLAN MX-22 AS IN B150047; S/T EASEMENTS OR RIGHTS IN THE NATURE OF EASEMENTS IN FAVOUR OF THE MUNICIPALITY OF METROPOLITAN TO ENTER UPON, CUT INTO, BREAK UP,
	Permanent Easement	150.7	

Municipal Address	Required Interest	Area (square meters)	Legal Description
	Temporary Easement	1,934	FILL IN, USE AND OCCUPY THE LANDS DESIGNATED AS PARTS 34, 46, 48, 60 & 63 PLAN 66R18714, AS MAY BE NECESSARY FOR THE PURPOSES SPECIFIED IN PARAGRAPH (C) OF PLAN MX22 AS IN B150047; T/W EASEMENT OVER PART 1, PLAN 66R18758, AS SET OUT IN E415234; SUBJECT TO EASEMENT IN FAVOUR OF THE TERRACES OF OLD MILL DEVELOPMENTS INC. AS SET OUT IN E415237; S/T EASEMENTS AS SET OUT IN E415232; S/T AN EASEMENT OVER PARTS 34, 46, 48, 57, 60, 62 TO 79 & 81 PLAN 66R-18714 IN FAVOR OF ROGERS CABLE COMMUNICATIONS INC. AS IN AT1747701. CITY OF TORONTO; SUBJECT TO AN EASEMENT AS IN AT411524; CITY OF TORONTO; BEING PART OF PIN 07498-0086 (LT) IN THE LAND REGISTRY OFFICE OF TORONTO (NO. 66) IN THE LAND TITLES DIVISION.
2662 Bloor Street West	Fee Simple	20.8	CONDO BLOCK 1473 TORONTO STANDARD CONDOMINIUM PLAN 1473 IN THE LAND REGISTRY OFFICE OF TORONTO (NO. 66) IN THE LAND TITLES DIVISION.
	Permanent Easement	286	
	Temporary Easement	1,001	

Municipal Address	Required Interest	Area (square meters)	Legal Description
21 Old Mill Road	Temporary Easement	12	PT BLK X PL M416 TORONTO; PT BLK B PL M385 TORONTO; PT LT 6 BEING PT OF OLD MILL ROAD (CLOSED BY BY-LAW 3533 OF THE CORPORATION OF THE TOWNSHIP OF ETOBICOKE AS IN B298552) RANGE III KINGS MILL RESERVE ETOBICOKE; PT MOSSOM RD PL M385 TORONTO BEING PART 1, 66R29006; PT BLK X, PLAN M416 BEING PART 2, 66R29006; T/W PT 2, R31 AS IN LT340133 ; S/T EASEMENT PT 2, 66R29006 AS IN E415234; T/W EASEMENT AS IN AT411524; TOGETHER WITH AN EASEMENT OVER PT BLK C PL M385 DESIGNATED AS PTS 1 AND 2, 66R26892 AS IN AT3474040; TOGETHER WITH AN EASEMENT OVER PT BLK C PL M385 DESIGNATED AS PTS 3 AND 4, 66R26892 AS IN AT3474044; TOGETHER WITH AN EASEMENT AS IN E415232; CITY OF TORONTO; BEING PART OF PIN 07498-0238 (LT) IN THE LAND REGISTRY OFFICE OF TORONTO (NO. 66) IN THE LAND TITLES DIVISION.

Appendix B - Location Map and Sketch

