

## **Expropriation of Permanent and Temporary Easements in the properties known as 19, 21, 23, 25 and 27 Halford Avenue**

**Date:** August 31, 2021

**To:** General Government and Licensing Committee

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

**Wards:** 4 - Parkdale-High Park

### **SUMMARY**

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The purpose of this report is to seek City Council authority to commence expropriation proceedings to acquire permanent and temporary easement interests in the properties municipally known as 19, 21, 23, 25 and 27 Halford Avenue (collectively the "Project Requirements"). The acquisitions of these easements is essential to Transportation Services' reconstruction, maintenance and future repairs of a new retaining wall along the abutting public street (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**

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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

listed in Appendix A and outlined in the easement drawings attached as Appendix B1 through B5 inclusive (collectively, the "Project Requirements") and authorize the initiation of the expropriation proceedings for the Project Requirements, for the purposes of the construction of a new retaining wall along a portion of Halford Avenue and works ancillary thereto (the "Project").

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's position, and to report the Inquiry Officer's recommendations to City Council for its consideration.

## **FINANCIAL IMPACT**

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The costs to serve and publish the required Notices of Application for Approval to Expropriate, together with any costs related to attendance at hearings of necessity, if any, are available in the 2021 - 2030 Council Approved Capital Budget and Plan for Transportation Services under capital project account CTP516-02.

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 Project Requirements 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 Project Requirements.

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**

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This represents a new initiative.

## **COMMENTS**

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In 2017, the City retained SNC-Lavalin Inc. ("S.N.C.L.") to carry out a slope stability analysis on the existing stacked stone retaining wall located on the south end of Halford Ave. The engineering investigation was initiated due to the bulging (failure) of the retaining wall noticed by residents and confirmed through an inspection by City staff. The inspection revealed that the existing stacked stone wall was beginning to fail in sections. The movement of the unstable slope has resulted in soil bulging, retaining wall displacement and falling debris, which presents a public safety concern. Accordingly,

the City has had to close the sidewalk temporarily and install jersey barriers to prevent debris from falling on the roadway.

A Geotechnical Investigation and Slope Stability Analysis undertaken by S.N.C.L. dated July 2017 indicated that the slope and the stacked stone retaining wall do not meet the required engineering criteria for stability and are consequently unsafe and prone to failure through soil mass movement which can result in overturning and collapse of the retaining wall. In addition to the overall external stability of the slope and the retaining wall system, further investigation strongly indicated that the retaining wall itself is not structurally sound, with no available design and/or as-built drawings that would indicate conformance to engineering principles and standards that ensure safety and proper structural integrity.

Based on the results from the slope stability analysis, S.N.C.L. recommended that the City reconstruct the retaining wall to correct the stability issue, noting that combining the existing retaining wall with any other structural system would hinder the City's ability to inspect and maintain that structural system and cause significant safety risks. On this basis, Transportation Services has retained Engineering and Construction Services to lead and manage the construction of a post and panel retaining wall reconstruction.

Local residents have requested that the City retain the existing stacked stone wall, however this is not an option for the reasons stated above. Adhering the existing stones to the exterior of a new wall is also not an option, as it would present constructability issues and hinder the City's ability to inspect and maintain the structural system. City staff also acknowledge that aesthetics are important to the residents and community. As such, a custom stamp and colour will be incorporated for the facing of the proposed new retaining wall. This will replicate the look of the existing wall as closely as possible, and a planting plan will place various vegetation to blend into the existing slope.

The impacted residential homes, 19, 21, 23, 25 and 27 Halford Avenue, are located at the crest of the slope behind the retaining wall and add to the soil load to be supported by the existing wall. These homes have their foundations on the sloped fill that the retaining wall supports and the failure of the slope and the stacked stone retaining wall will have a detrimental impact on these buildings. Permanent and temporary easements for these homes are required to facilitate access to reconstruct the retaining wall as well as future maintenance and inspections.

City staff have been in communication with the impacted homeowners in an effort to acquire the Project Requirements through a negotiated agreement. However, negotiations have stalled and the City must now move forward with this Stage 1 expropriation report to acquire the Project Requirements. Therefore, it is recommended that City Council, as approving authority under the Expropriations Act, grant authority to initiate the expropriation process to acquire the Property Requirements to avoid jeopardizing the proposed construction schedule for the Project.

## **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 - Project Requirements  
Appendix B1, B2, B3, B4, B5 - Easement Drawings of Project Requirements  
Appendix C - Location Map and Street View of Retaining Wall

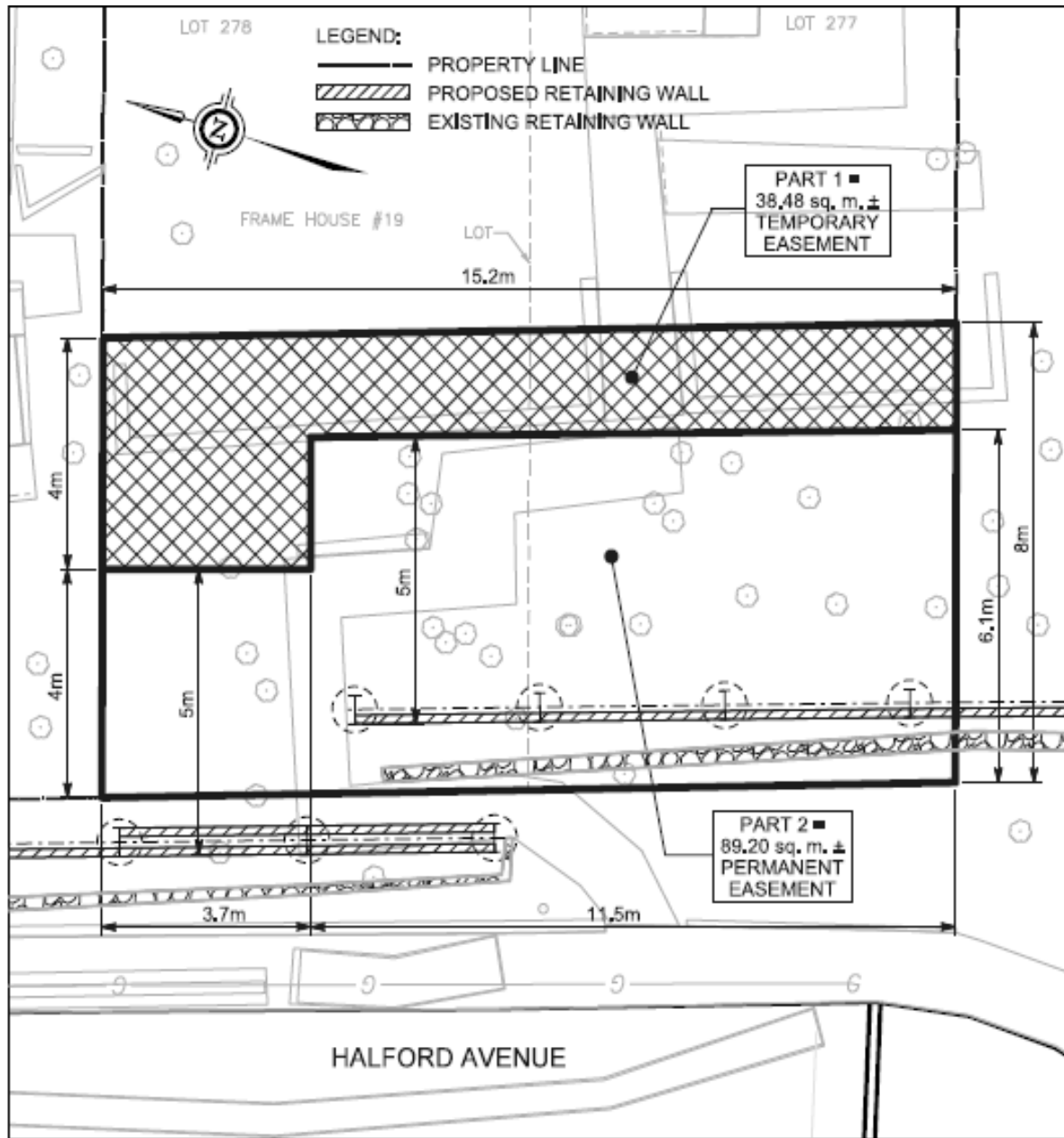
## Appendix A - Project Requirements

Municipal Address	Property Interests
19 Halford Avenue	<p>i) Temporary Easement of approximately 38.48 sq. m. shown as Part 1 on Appendix B1</p> <p>ii) Permanent Easement of approximately 89.20 sq. m. shown as Part 2 on Appendix B1</p>
21 Halford Avenue	<p>(i) Temporary Easement of approximately 31.50 sq.m. shown as Part 1 on Appendix B2</p> <p>(ii) Permanent Easement of approximately 56.28 sq.m. shown as Part 2 on Appendix B2</p>
23 Halford Avenue	<p>i) Temporary Easement of approximately 16.85 sq. m. shown as Part 1 on Appendix B3</p> <p>(ii) Permanent Easement of approximately 40.90 sq.m. shown as Part 2 on Appendix B3</p>
25 Halford Avenue	<p>(i) Temporary Easement of approximately 17.69 sq. m. shown as Part 1 on Appendix B4</p> <p>(ii) Permanent Easement of approximately 49.51sq.m. shown as Part 2 on Appendix B4</p>
27 Halford Avenue	<p>(i) Temporary Easement of approximately 8.25 sq.m. shown as Part 1 on Appendix B5</p> <p>(ii) Permanent Easement of approximately 37.02 sq.m. shown as Part 2 on Appendix B5</p>

Permanent Easement Areas are required for the future maintenance of the new retaining wall.

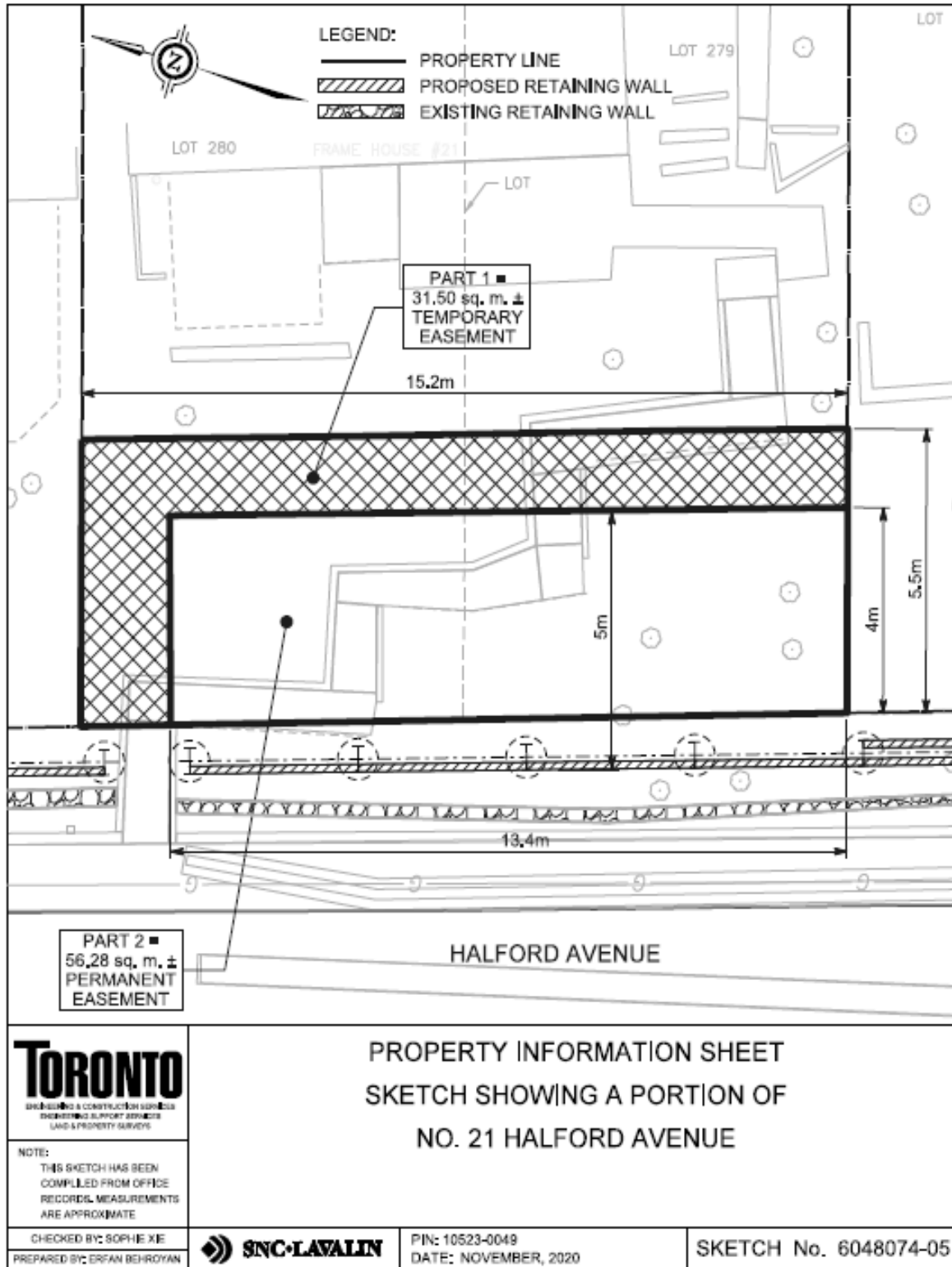
Temporary Easement Areas are required for construction purposes including final grading and, at this time, are projected to be required until December 31, 2023.

Appendix B1- 19 Halford Avenue (Easement Drawing)

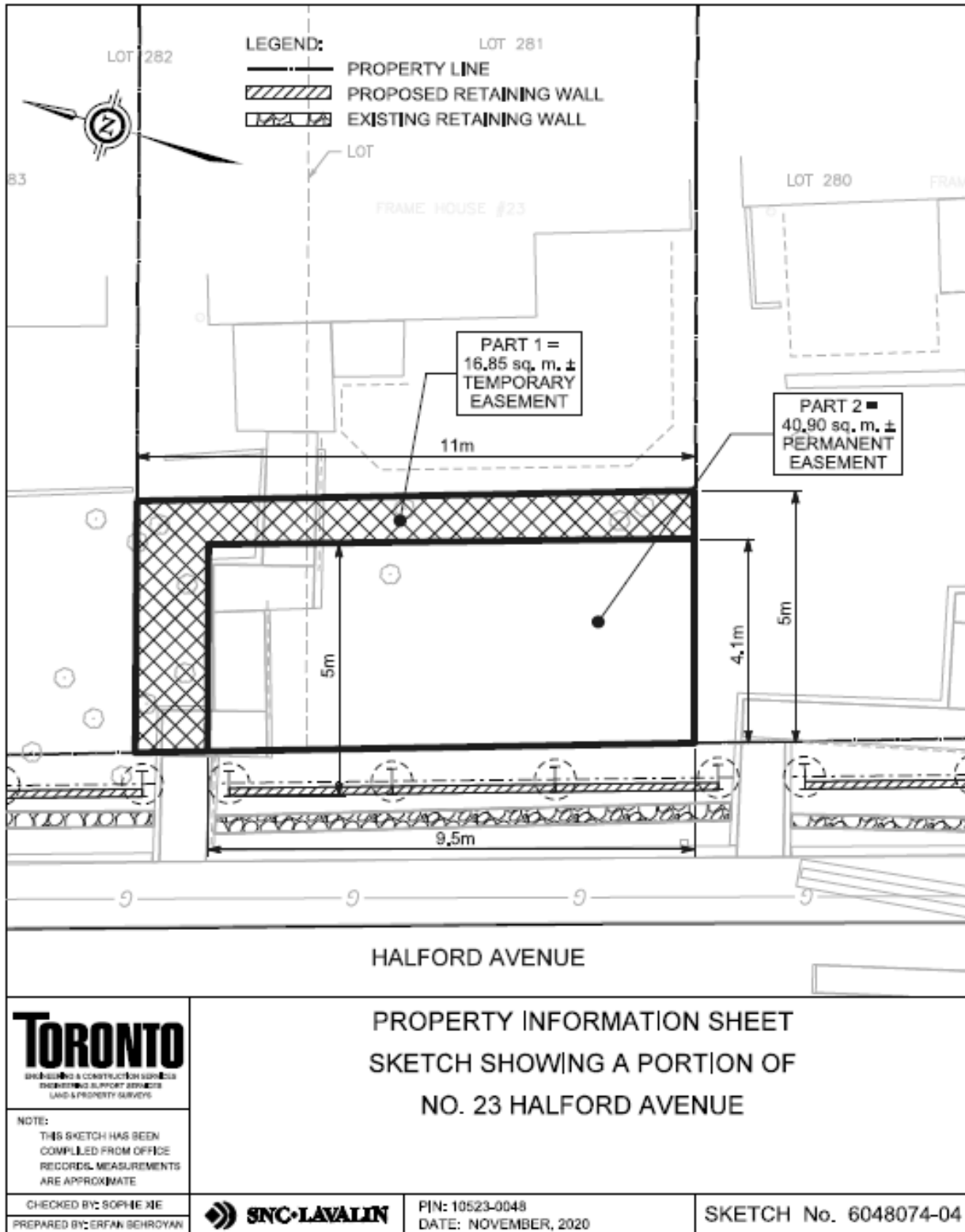


<p><b>TORONTO</b> ENGINEERING &amp; CONSTRUCTION SERVICES ENGINEERING SUPPORT SERVICES LAND &amp; PROPERTY SURVEYS</p>	<p>PROPERTY INFORMATION SHEET SKETCH SHOWING A PORTION OF NO. 19 HALFORD AVENUE</p>	
	<p>NOTE: THIS SKETCH HAS BEEN COMPILED FROM OFFICE RECORDS. MEASUREMENTS ARE APPROXIMATE</p>	
<p>CHECKED BY: SOPHIE XIE PREPARED BY: DRIFAN BEHROYAN</p>		<p>PIN: 10523-0050 DATE: NOVEMBER, 2020</p>
		<p>SKETCH No. 6048074-06</p>

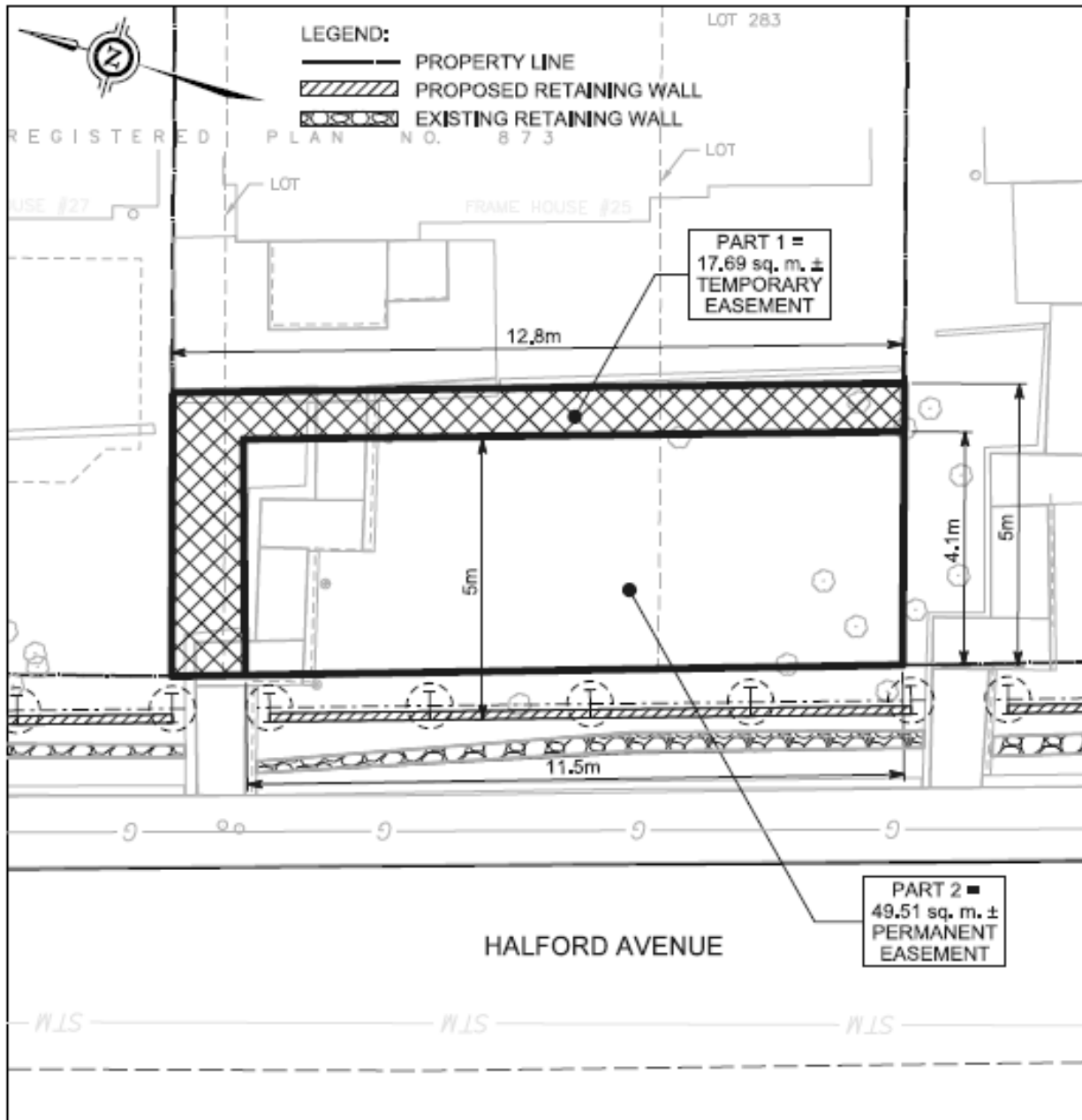
Appendix B2 - 21 Halford Avenue (Easement Drawing)



Appendix B3 - 23 Halford Avenue (Easement Drawing)



Appendix B4 - 25 Halford Avenue (Easement Drawing)



PROPERTY INFORMATION SHEET  
 SKETCH SHOWING A PORTION OF  
 NO. 25 HALFORD AVENUE

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

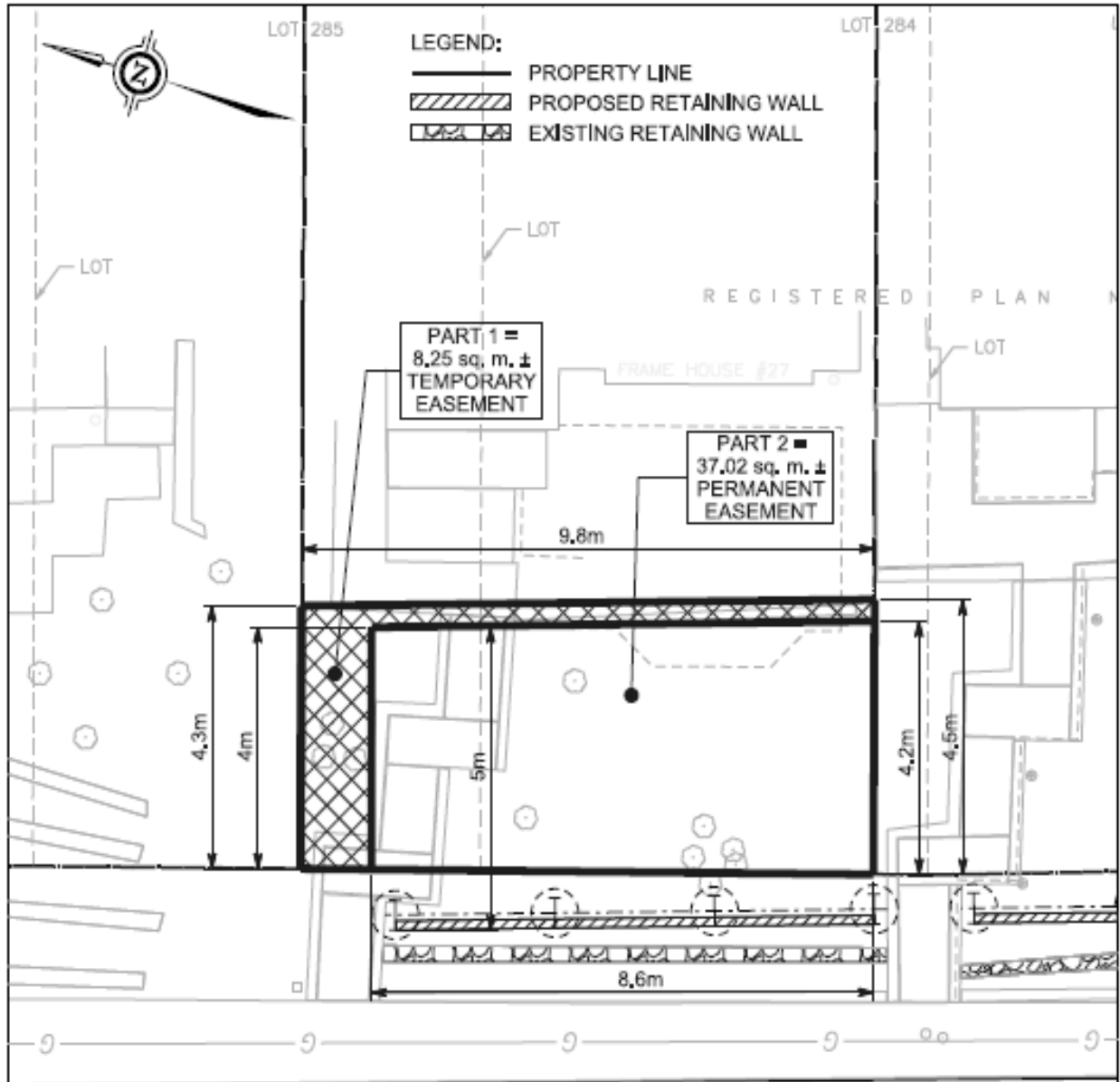
CHECKED BY: SOPHIE XIE  
 PREPARED BY: ERFAN BEHROYAN



PIN: 10523-0047  
 DATE: NOVEMBER, 2020

SKETCH No. 6048074-03

Appendix B5 - 27 Halford Avenue (Easement Drawing)



HALFORD AVENUE



PROPERTY INFORMATION SHEET  
 SKETCH SHOWING A PORTION OF  
 NO. 27 HALFORD AVENUE

NOTE:  
 THIS SKETCH HAS BEEN  
 COMPILED FROM OFFICE  
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 PREPARED BY: ERFAN BEHROYAN



PIN: 10523-0046  
 DATE: NOVEMBER, 2020

SKETCH No. 6048074-02

## Appendix C - Location Map and Street View of Retaining Wall

