

Real Estate Acquisition and Expropriation of Property Interests near Summerhill Subway Station for the Second Exit Project

Date: August 31, 2021

To: General Government and Licensing Committee

From: Executive Director, Corporate Real Estate Management

Wards: 11 - University-Rosedale

SUMMARY

As part of the Fire Ventilation Upgrade Project, of which the Second Exit Project (the "Project") is a component of, the Toronto Transit Commission ("T.T.C") needs to construct another exit at Summerhill Subway Station (the "Station") to provide a second means of entry and exit from the Station. This report seeks authority to acquire permanent and temporary easement property interests (collectively the "Lands") in order to construct a second exit at the Station.

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:
Acquisition and Expropriation of Property Interests near Summerhill Subway Station

1. City Council authorize the Executive Director, Corporate Real Estate Management, or their designate, to continue negotiations for the acquisition of the Lands listed in Appendix A and shown on the draft Reference Plans attached as Appendix B and on the maps attached as Appendix C, and authorize the initiation of expropriation proceedings for the Lands for the purposes of constructing a second exit at T.T.C. Summerhill 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 Lands, 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, if any, to serve and publish the required Notices of Application for Approval to Expropriate Land, together with any costs related to attendance at the Hearing of Necessity, if any, is available in the 2021-2030 Council Approved Capital Budget and Plan for the T.T.C under Program 3.9 Building and Structures, Fire Ventilation Upgrade Project (account CTT024-1).

The detailed funding amounts will form part of a subsequent report to the General Government and Licensing Committee and City Council to identify the financial implication to the City and confirm funding availability within the T.T.C.'s 2021-2030 Capital Budget and Plan for the acquisition of the property interests, or for expropriation costs including the market value of the property interests, as well as disturbance costs (if any), interest, 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

On February 25, 2020, the T.T.C. Board approved "Summerhill Station – Second Exit/Entrance Authorization of Third Party Design/Construction Agreement and Property Acquisition", which included a recommendation to "approve the property acquisition recommendations set out in Attachment 1 - Confidential Information".
[https://www.ttc.ca/About the TTC/Commission reports and information/Commission meetings/2020/February 25/Reports/3 Summerhill Station Second Exit Entrance Authorization of T.pdf](https://www.ttc.ca/About%20the%20TTC/Commission%20reports%20and%20information/Commission%20meetings/2020/February%2025/Reports/3%20Summerhill%20Station%20Second%20Exit%20Entrance%20Authorization%20of%20T.pdf)

On September 28, 2015, the T.T.C Board approved the "Planning and Consultation Process for Second Exits - Chester Station Update Report", which included recommendations for "a modified process for the second exits located in more

commercial/dense urban environments: College, Dundas, Museum, Summerhill and Dundas West".

[http://www.ttc.ca/About the TTC/Commission reports and information/Commission meetings/2015/September 28/Reports/Chester Station Planning and Consultation Process for Second.pdf](http://www.ttc.ca/About%20the%20TTC/Commission%20reports%20and%20information/Commission%20meetings/2015/September%2028/Reports/Chester%20Station%20Planning%20and%20Consultation%20Process%20for%20Second.pdf)

COMMENTS

In 2016, Tricon/Diamond Corporation (the "Developer") and T.T.C. initiated discussions on the feasibility of locating the second exit within the Scrivener Square Development (the "Development") and to have the Developer construct the Project on T.T.C.'s behalf and at T.T.C.'s expense.

The Summerhill second exit will benefit T.T.C customers as well as the surrounding community by addressing fire/life safety needs of the Station and serving as a new entrance to the Station within the neighbourhood. Having the facility constructed as part of the Development will ensure the design is integrated within the new building envelope, landscaping and urban design approach of the area. Allowing the Developer to construct the Project will minimize disruption on the community and will ensure both the Development and the Project are constructed in an efficient and timely manner.

Once constructed the Summerhill second exit will be operated and maintained by the T.T.C, except for the structural portions of the facility within the boundaries of the Development.

Additional temporary and permanent property requirements outside of the Development are required to implement the Project. These additional property requirements are described as the Lands.

Negotiations with the owner to acquire the Lands have been ongoing. In order to ensure delivery of the Lands to meet the Project construction schedule, it is now appropriate to seek City Council authority to acquire the Lands, and where appropriate and if necessary, initiate expropriation proceedings.

CONTACT

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SIGNATURE

Patrick Matozzo
Executive Director, Corporate Real Estate Management

ATTACHMENTS

Appendix A - Property Requirements
Appendix B - Aerial Map
Appendix C - Draft Plan

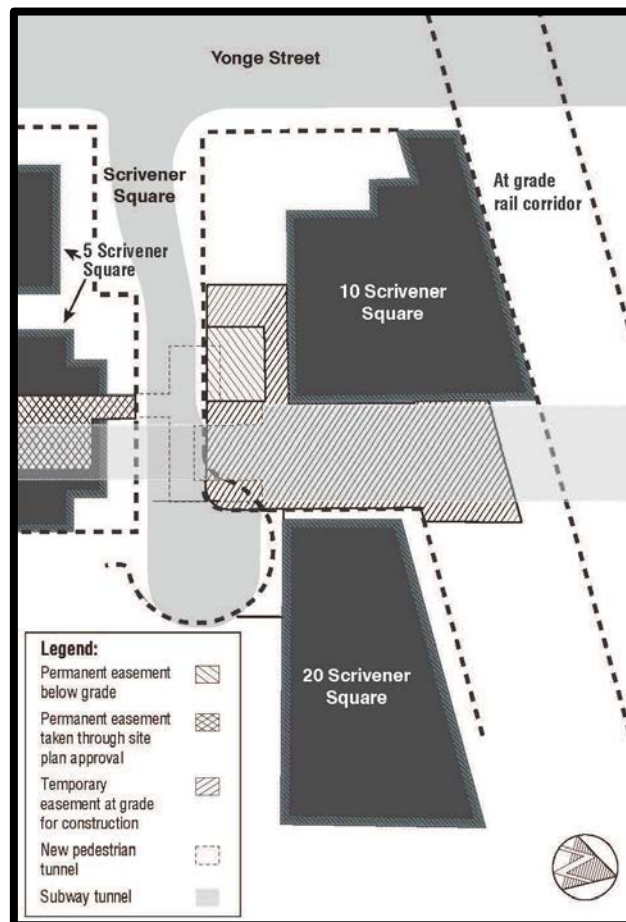
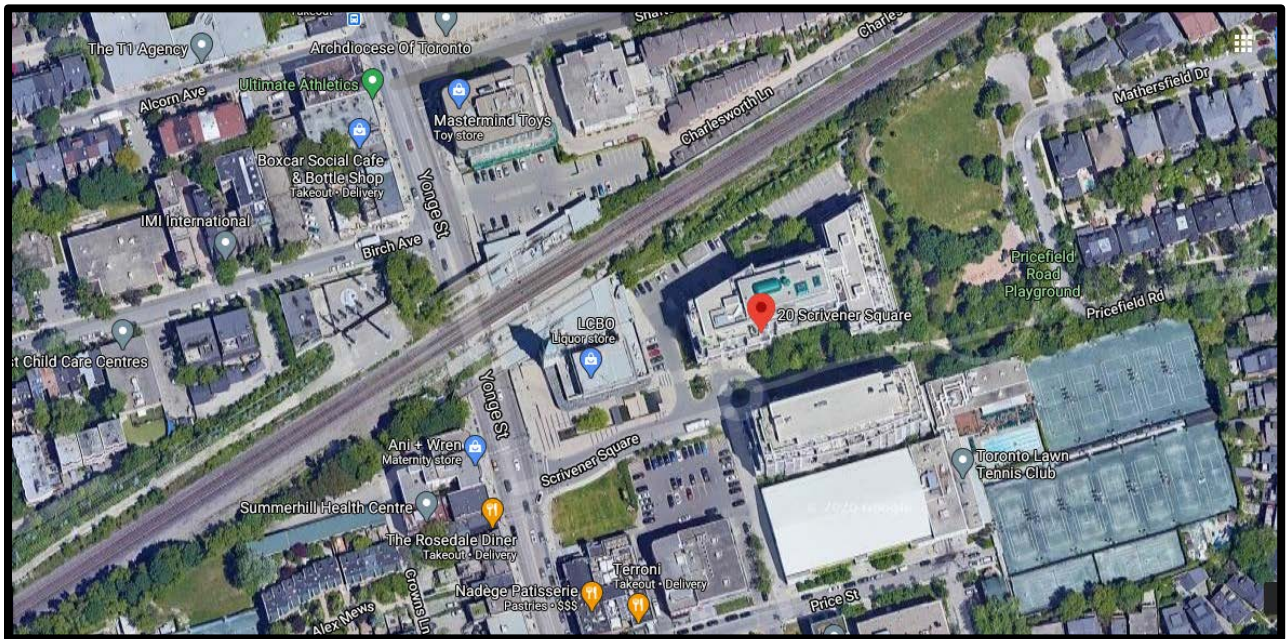
Appendix A - Property Requirements

| Municipal Address | Legal Description | Required Interest | Area (square meters) |
|---|--|---|-------------------------|
| <p>20 Scrivener Square</p> <p>[Thornwood (Scrivener Square) Inc.]</p> | <p>Part Scrivener Square Plan 66M-2315, Toronto (North of Lane Plan 208) (Close by City of Toronto by By-Law No. 673-2002 as in AT522896) Pts 5, 6 & 10 Plan 66R-19533; S/T CA407462; S/T Ease Over Pts 5, 6 & 10 Plan 66R-19533 in favour of the City of Toronto as in AT523082, City of Toronto; being part of PIN: 21119-0362 (LT) in the Land Registry Office of Toronto (No. 66) in Land Titles Division.</p> | <p>Permanent Easement (identified in red in the draft reference plan in Appendix C)</p> <p>(Parts 5 & 6 on Plan 66R-19533)</p> | <p>40 m²</p> |
| <p>20 Scrivener Square</p> <p>[TSCC 1476 Thornwood]</p> | <p>Part of Common elements of TSCC 1476</p> | <p>Temporary Easement (identified in yellow in the draft reference plan in Appendix C)</p> <p>(Part 4 on Plan 66R-19533 and Part 9 on Draft reference plan prepared by GeoVerra (ON) Ltd. With drawing number 20-W0477-000-R01)</p> | <p>62 m²</p> |

| Municipal Address | Legal Description | Required Interest | Area (square meters) |
|---------------------|--|---|----------------------|
| 10 Scrivener Square | <p>Block 13 and Part of Blocks 1, 2, 14, 15, 16 & 17, Plan 66M2315, Designated as Parts 2 to 25 & 27 to 35, Plan 66R19784, City of Toronto; S/T Easements as set out in CA407462, E460363, AT 3551; T/W Easements as set out in CA140512, AT3551; being part of PIN: 21119-0346 (LT) in the Land Registry Office of Toronto (No. 66) in Land Titles Division; and</p> <p>Blocks 5 and 9, Plan 66M2315, City of Toronto; T/W a Right over Part Lots 1 & 2, Plan 277Y, Des. as Parts 78 & 79, Plan 66R17400 as set in CA140512; T/W a R.O.W. over Blocks 10 & 11, Plan 66M2315 as set out in E140445; S/T an Easement in favour of Toronto Transit Commission in & through Part Blocks 5 & 9, Plan 66M2315, Des. as Parts 13, 21, 92 & 97 PL 66R17400 as set out in CA407462; S/T an Easement in favour of The Ontario and Quebec Railway Company for support over Part of Block 5, Plan 66M2315, Des. as Part 5, Plan 66R17400 as set out in No. CA140502; City of Toronto; being part of PIN: 21119-0354 (LT) in the Land Registry Office of Toronto (No. 66) in Land Titles Division.</p> | <p>Permanent Easement (identified in blue in the draft reference plan in Appendix C)</p> <p>(Part 33 on Plan 66R-19784 and Parts 3 & 8 on draft reference plan prepared by GeoVerra (ON) Ltd. With drawing number 20-W0477-000-R01)</p> | 259 m ² |

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|---------------------|--|--|----------------------|
| 10 Scrivener Square | <p>Block 13 and Part of Blocks 1, 2, 14, 15, 16 & 17, Plan 66M2315, Designated as Parts 2 to 25 & 27 to 35, Plan 66R19784, City of Toronto; S/T Easements as set out in CA407462, E460363, AT 3551; T/W Easements as set out in CA140512, AT3551; being part of PIN: 21119-0346 (LT) in the Land Registry Office of Toronto (No. 66) in Land Titles Division; and</p> <p>Blocks 5 and 9, Plan 66M2315, City of Toronto; T/W a Right over Part Lots 1 & 2, Plan 277Y, Des. as Parts 78 & 79, Plan 66R17400 as set in CA140512; T/W a R.O.W. over Blocks 10 & 11, Plan 66M2315 as set out in E140445; S/T an Easement in favour of Toronto Transit Commission in & through Part Blocks 5 & 9, Plan 66M2315, Des. as Parts 13, 21, 92 & 97 PL 66R17400 as set out in CA407462; S/T an Easement in favour of The Ontario and Quebec Railway Company for support over Part of Block 5, Plan 66M2315, Des. as Part 5, Plan 66R17400 as set out in No. CA140502; City of Toronto; being part of PIN: 21119-0354 (LT) in the Land Registry Office of Toronto (No. 66) in Land Titles Division.</p> | <p>Temporary Easement (identified in yellow in the draft reference plan in Appendix C)</p> <p>(Parts 5, 8, 10, 25, 27, 28, 31 & 32 on Plan 66R-19784 and Parts 1, 2, 4, 6, 7, 10 & 11 on a draft reference plan prepared by GeoVerra (ON) Ltd. with drawing number 20-W0477-000-R01)</p> | 1,524 m ² |

Appendix B - Aerial Map



Appendix C - Draft Plan

