

## **Expropriation of a Portion of 50 Alma Avenue for the West Toronto Railpath – Stage 2**

**Date:** August 31, 2021

**To:** General Government and Licensing Committee

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

**Wards:** 9 - Davenport

### **REASON FOR CONFIDENTIAL INFORMATION**

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This report deals with a proposed or pending acquisition of land interests by the City of Toronto (the "City").

### **SUMMARY**

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This report seeks: i) Approval from City Council as Approving Authority under the Expropriations Act, to expropriate a fee simple interest and a temporary easement (the "Property Interests") over part of the property municipally known as 50 Alma Avenue (the "Property"); ii) Approval for the City, as Expropriating Authority under the Expropriations Act, to serve associated notices and make statutory Offers of Compensation in accordance with the Expropriations Act.

The Property Interests are required for the purpose of constructing the West Toronto Railpath Extension, which will improve cyclist and pedestrian connectivity and safety in the area.

This report relates to the second stage of the expropriation process. During the first stage and in accordance with the Expropriations Act, Notices of Application for Approval to Expropriate were served on all applicable "registered owners", who had 30 days to request an inquiry into whether the proposed taking is fair, sound, and reasonably necessary. No requests were received within the 30 day period ending on August 28, 2021 and City Council may now approve the expropriation by this Stage 2 report. If authorized, the Expropriation Plans will be registered and associated notices served. Statutory Offers of Compensation must be served prior to the City taking possession of the expropriated properties.

## **RECOMMENDATIONS**

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

1. City Council, as the Approving Authority under the Expropriations Act, approve the expropriation of the Property Interests as set out in Appendix A and identified as Parts 1 and 2 shown on sketch number PS-2019-139, attached as Appendix B, for municipal purposes including for the West Toronto Railpath Extension project.
2. City Council authorize the City of Toronto, as the Expropriating Authority under the Expropriations Act, to take all necessary steps to comply with the Expropriations Act, including but not limited to, the preparation and registration of an Expropriation Plan and the service of Notices of Expropriation, Notices of Election and Notices of Possession, if amicable acquisitions of the Property Interests cannot be completed to accommodate the project timelines.
3. City Council authorize the Executive Director, Corporate Real Estate Management, or their designate, to prepare and serve Offers of Compensation in accordance with the requirements of the Expropriations Act, if amicable acquisitions of the Property Interests cannot be completed to accommodate the project timelines.
4. City Council authorize the public release of the confidential information contained in Confidential Attachment 1 once there has been a final determination of all claims for compensation payable to the property owners to the satisfaction of the City Solicitor.

## **FINANCIAL IMPACT**

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Confidential Attachment 1 to this report identifies the estimated value of the required Property Interests to be expropriated.

Funding to acquire the Property Interests and the disbursement of all anticipated costs associated with the proposed expropriations is available in the 2021 Council Approved Capital Budget and 2022-2030 Capital Plan for Transportation Services under the capital project account CTP820-05-01.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

## **DECISION HISTORY**

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At its meeting held on May 5, 2021, City Council adopted Item GL22.11 titled, "Expropriation of a Portion of 50 Alma Avenue for the West Toronto Railpath – Stage 1", granting authority to the Executive Director, Corporate Real Estate Management, to continue negotiations for the acquisition of the necessary property interests and initiate

expropriation proceedings for the property in connection with the West Toronto Railpath Expansion. City Council also directed the Executive Director, Corporate Real Estate Management, to serve and publish Notices of Application for Approval to Expropriate the Project Requirements, to forward any requests for hearing to the Chief Inquiry Officer, to attend any hearings to present the City of Toronto's position and to report the Chief Inquiry Officer's recommendation to City Council for consideration.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.GL22.11>

At its meeting of January 9, 2020, Infrastructure and Environment Committee adopted the report IE11.10 Creating Cycling Routes along Rail Lines for information.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.IE11.10>

At its meeting of May 24, 2017, City Council authorized the General Manager, Transportation Services, to negotiate, enter into, and execute agreements, as may be required, with Metrolinx, for the design and future construction of the West Toronto Railpath Extension, on such terms and conditions satisfactory to the General Manager, Transportation Services, and in a form satisfactory to the City Solicitor

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.MM29.47>

On June 7, 2016, the Ten Year Cycling Network Plan was adopted, in principle, with amendments by City Council. The Ten Year Cycling Network Plan identifies and recommends on-street cycling routes so that together on-street and trail cycling network routes may complement each other and provide a cohesive system of cycling routes across Toronto.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PW13.11>

At its meeting of June 6, 7, and 8, 2012, City Council adopted a staff report PW15.2 Toronto Bikeway Trails Implementation Plan. The Bikeway Trails Plan outlines projects to connect and grow Toronto's multi-use trails across the City as part of the Cycling Network.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PW15.2>

## **COMMENTS**

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The West Toronto Railpath Extension ("W.T.R.E.") is a planned multi-use trail that will extend the Railpath (Railpath Phase 1) by approximately two (2) kilometres south-easterly from the existing terminus at Dundas Street West and Sterling Road, along the Kitchener GO rail corridor to south of Queen Street West (Sudbury Street and Abell Street). The W.T.R.E. will create a continuous multi-use trail system with connections to surrounding communities supporting active transportation and recreational uses and was included in the City Council-approved Bikeway Trails Implementation Plan and the Ten Year Cycling Network Plan.

In June 2016, Transportation Services completed the Environmental Assessment Study for the W.T.R.E. and determined the preferred alignment of the multi-use trail and five (5) pedestrian and cycling bridges over the rail corridor and over city streets.

With funding support through the Public Transit Infrastructure Fund, Metrolinx partnered with the City in completing the detailed design of the W.T.R.E. Metrolinx has agreed to partner with the City for the construction of the W.T.R.E. and will be tendering the project on the City's behalf in coordination with their current GO Expansion Program (formerly Regional Express Rail or R.E.R.).

Construction for the W.T.R.E. and associated works is tentatively planned to begin in the first quarter of 2022 and is contingent on the acquisition of the Property Interests. Corporate Real Estate Management staff have been engaged in efforts to acquire the Property Interests amicably without the need for expropriation and will continue discussions with the property owners, as negotiated agreements are preferred. However, in case a negotiated agreement cannot be reached, it is prudent to continue the expropriation process to ensure that the Property Interests are acquired by the City by the first quarter of 2022 in order to maintain project timelines.

Pursuant to City Council's authority and in accordance with the Expropriations Act, Notices of Application for Approval to Expropriate were served on all applicable "registered owners" in July 2021. A Notice of Application for Approval to Expropriate Land was also published in the Toronto Star on July 30, August 6, and 13, 2021. The City did not receive any requests for a hearing of necessity from any of the applicable parties and the time limitation set out in the Expropriations Act for giving notice of such request has expired.

## **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 - Required Property Interests  
Appendix B - Property Information Sketch  
Confidential Attachment 1

## Appendix A - Required Property Interests

Municipal Address	Legal Description	Property Interests
50 Alma Avenue	PART OF PARK LOT 29, CONCESSION 1, FROM THE BAY, TOWNSHIP OF YORK AND PART LOT 4, SOUTH SIDE OF DUNDAS STREET, EAST SIDE OF BROCK AVENUE, NORTH OF THE CANADIAN NATIONAL RAILWAY, PLAN 256 OR 300, TORONTO, PARTS 1, 2, 3, 4, 5 AND 6, PLAN 64R-14776; CITY OF TORONTO	Fee Simple Ownership Part 1, SKETCH No. PS-2019-139 in Appendix B
		Temporary Easement Part 2, SKETCH No. PS-2019-139 in Appendix B

"Temporary Easement" means:

A temporary easement or rights in the nature of a temporary easement on, in, over, under and through the lands identified as Part 2 on sketch number PS-2019-139 for the purpose of a construction access route to facilitate the construction and installation of a multi-use trail corridor on adjacent City-owned land, and all works ancillary thereto, including, without limitation, alterations to and removal of hard and soft landscaping, re-grading work and the right to enter and occupy the easement lands with all vehicles, materials, machinery, tools and equipment. Such temporary easement shall commence on a date specified in writing, on at least THIRTY (30) days' prior written notice to the registered owner, and will continue for FIVE (5) years. The City shall have the right to extend the temporary easement for an additional ONE (1) year on THIRTY (30) days' prior written notice to the registered owner. All rights under the temporary easement shall expire no later than December 31, 2028.

# Appendix B - Property Information Sketch

