

## City Council

### Notice of Motion

MM35.30	ACTION			Ward: All
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**Checking the Ticket - Understanding The Province's Extraordinary Powers to Expropriate for Transit - by Councillor Kristyn Wong-Tam, seconded by Councillor Joe Cressy**

*\* Notice of this Motion has been given.*

*\* This Motion is subject to referral to the Executive Committee. A two-thirds vote is required to waive referral.*

### Recommendations

Councillor Kristyn Wong-Tam, seconded by Councillor Joe Cressy, recommends that:

1. City Council direct the City Manager to report to the September 23, 2021 meeting of the Executive Committee on the following questions:

- a. How many meetings with the Province, through Metrolinx and other Provincial agencies, have City staff had regarding expropriation of City-owned properties?
- b. Explain in detail and sequence, the process for the expropriation and related business transaction the City staff are undertaking through their negotiations with Metrolinx and the Province of Ontario.
- c. What are the regulatory and financial differences between municipally-owned land expropriations under the Expropriations Act and municipally-owned land expropriations under the Building Transit Faster Act?
- d. Is the First Parliament Site located at 271 Front Street East and 25 Berkeley Street subject to the Expropriations Act or Building Transit Faster Act?
- e. Does the Province, through an agency like Metrolinx, need to justify the expropriation of the municipal lands through a process such as a Hearing of Necessity?
- f. Would the Province, through an agency like Metrolinx, be able to expropriate privately owned land without a Hearing of Necessity?
- g. Has or will a financial transaction be settled with the Province ahead of the possession of the First Parliament Lands on August 31, 2021 to ensure the City is properly compensated for the loss of these significant parcels of property and where will these funds be directly - general budget reserves or project specific funding?

- h. Is there any mandatory requirement by the Province under this expropriation process occurring at the First Parliament Site that the City must be compensated fair market value for the loss of these significant parcels of property?
- i. In the event of redevelopment of the First Parliament Site, is there a process to capture community benefits, as outlined in the Master Plan, and what is it and how does it work?
- j. If it is not expected to be a typical section 37 Planning Act process, what process is expected to be used, if any, to ensure proper community benefits are provided, and how would it differ from Section 37?
- k. The City has expressed many priorities for the site, including siting a new public square, library, park and commemorative centre on the First Parliament Site through its First Parliament Master Plan document that is under development; is it expected that these community benefits will preclude other community benefits to ensure they are secured?
- l. Is the City exploring the addition of affordable housing units to the proposed development concepts introduced by Infrastructure Ontario to the First Parliament Site?

## **Summary**

The Province is proceeding with a number of transit projects in the City of Toronto, including the Ontario Line, Scarborough Subway Extension, Yonge North Subway Extension and Eglinton Crosstown West Extension. Through these projects, some City-owned land has been identified as being required by Metrolinx, the provincial transit agency, to facilitate the timely and cost-effective delivery of new higher-order transit. There remain significant questions about not only how much, but if the province is required to properly compensate the City for expropriation of City-owned land.

One such group of City-owned properties are 271 Front Street East and 25 Berkeley Street, colloquially known as the First Parliament Site. Metrolinx initiated expropriation proceedings with the City of Toronto in January 2021, and since that time, have been aggressively seeking possession of these lands to facilitate construction of an Ontario Line Corktown station nearby. Meanwhile, Infrastructure Ontario has continued to push plans for a significant redevelopment of these properties post-station construction, using the newly acquired lands to help offset the costs of building transit by seeking to sell the properties to a private developer.

The most recent updates have indicated Metrolinx has issued a Notice of Expropriation for the First Parliament Site properties and have registered on title a Plan of Expropriation with possession expected by August 31, 2021. To my understanding, although the agreed upon price and other transaction details have not been finalized, the Province now effectively owns the lands despite there being no financial agreement in place to compensate the City for the loss of valuable property near the heart of the downtown.

The Province of Ontario adopted expropriation proceedings in order to expedite the delivery of transit across the province, and in doing so created the BFTA. This aggressive timeline, and fast-tracked approval has shut out City Council and the local community from consultation on the lands, the business transaction as well as a fulsome understanding of potential future developments as part of Metrolinx's Transit-Oriented Communities program. The regulations of BFTA are largely still not broadly understood and have exposed many worrying questions in the City of Toronto, and it will no doubt impact many unexpected municipalities across

Ontario.

City staff have submitted their position to Metrolinx requesting them to create a publicly owned public square and preserve in situ any archeological resources; create a library and associated public space; create a public park, and create an interpretive centre as outlined in the First Parliament Master Plan. Additional City priorities will be identified through the City Planning development review process, including affordable housing.

A clear accounting of what business transactions are occurring between City staff and the Province through organizations like Metrolinx and Infrastructure Ontario is critical for ensuring a transparent process and to ensure City Council and communities under threat of expropriation understand the depth of power as provided under the BFTA.

### **Background Information (City Council)**

Member Motion MM35.30