

## **Application for Approval to Expropriate Parts of 2 Bloor Street East for the Bloor-Yonge Capacity Improvement Project - Stage 1**

**Date:** July 12, 2022

**To:** City Council

**From:** City Manager

**Wards:** 11 - University-Rosedale

### **SUMMARY**

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On May 11, 2022, City Council authorized the expropriation of parts of 2 Bloor Street East and 90 Bloor Street East for the purposes of expanding the Bloor Yonge interchange station as part of the Toronto Transit Commission ("T.T.C.") Bloor Yonge Capacity Improvement ("B.Y.C.I.") project (the "Project"). In order to meet T.T.C.'s construction timelines this report seeks authority to initiate expropriation proceedings for the partial fee simple taking from the freehold property located in the property municipally known as 2 Bloor Street East, for the purposes of the Project.

This is Stage One 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. City staff will request that the Lieutenant Governor in Council make an order waiving the right of a registered owner to request a hearing of necessity, in accordance with Section 6(3) of the Expropriations Act (the "Act"), which provides that the Lieutenant Governor in Council may, in special circumstances where the Lieutenant Governor in Council considers it necessary or expedient in the public interest to do so, direct that an intended expropriation shall proceed without a hearing. The City shall provide a copy of any order made in accordance with the Act to all registered owners.

Should City Council adopt the recommendations in this report, and the Lieutenant Governor in Council does not make an order in accordance with the Act, staff may serve and publish the Notice of Application for Approval to Expropriate on each registered owner. Owners, as defined in the Act, will have thirty (30) days to request a hearing into whether the City's proposed taking is fair, sound and reasonably necessary.

Staff may report back to City Council with a Stage Two report, providing details on property values and other costs. The proposed expropriation would only be effected, after adoption by City Council, as approving authority, of the Stage Two report, by

registration of an expropriation plan, which would then be followed by the service of notices as required by the Act.

Before the City can take possession of the expropriated property, offers of compensation based on appraisal reports must be served on each registered owner.

## **RECOMMENDATIONS**

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The City Manager recommends that:

1. City Council authorize the Executive Director, Corporate Real Estate Management, or their designate, to continue negotiations to acquire part of the property municipally known as 2 Bloor Street East, as set out in Appendix A (the "Project Requirements") and as illustrated on the property sketch attached as Appendix B, and authorize the initiation of expropriation proceedings for the Project Requirements for the purposes of expanding the Bloor-Yonge interchange station as part of the Bloor-Yonge Capacity Improvement Project, if the Executive Director, Corporate Real Estate Management, or their designate, deems it necessary or appropriate to proceed in that manner.
2. City Council authorize the Executive Director, Corporate Real Estate Management, or their designate, to request the Lieutenant Governor in Council to make an order waiving the requirement for a hearing of necessity in accordance with section 6(3) of the Expropriations Act, if the Executive Director, Corporate Real Estate Management, or their designate, considers it necessary to maintain project timelines.
3. If the request to the Lieutenant Governor in Council set out in recommendation 2 is made and approved, City Council authorize the Executive Director, Corporate Real Estate Management, or their designate, to serve a copy of the order made under section 6(3) of the Expropriations Act on each registered owner affected by the intended expropriation.
4. If the request to the Lieutenant Governor in Council set out in recommendation 2 is not made, or is made but is not approved, City Council authorize the Executive Director, Corporate Real Estate Management, or their designate, to serve and publish the Notices of Application for Approval to Expropriate Land for the Project Requirements, to forward to the Ontario Land Tribunal any requests for hearings received, to attend the hearing(s) to present the City's position, and to report the Ontario Land Tribunal's recommendations to City Council for its consideration.

## **FINANCIAL IMPACT**

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The costs to serve and publish the required order or Notices of Application for Approval to Expropriate will be funded from the 2022-2031 Council Approved Capital Budget and Plan for the T.T.C. under capital project account CTT155-01 Yonge-Bloor Capacity Improvement.

Expropriation of Property Interests at 2 Bloor Street East

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

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On May 11, 2022, City Council adopted GL29.10 and approved the initiation of expropriation of parts of 2 Bloor Street East and 90 Bloor Street East for the purposes of expanding the Bloor Yonge interchange station as part of the T.T.C. B.Y.C.I Project.

<http://www.toronto.ca/legdocs/mmis/2022/gl/bgrd/backgroundfile-222632.pdf>

On October 29, 2019, City Council adopted EX9.1 and approved the Preliminary Agreement with the Province as a starting framework for agreements that will result in significant new transit investment in Toronto to both maintain and expand the existing transit systems. As a part of this agreement, the Province of Ontario committed to endorse the Project under the Investing in Canada Infrastructure Program Public Transit Infrastructure Fund Phase 2 program.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EX9.1>

On August 26, 2019, the Government of Canada announced priority funding consideration would be given to the Project and is setting aside \$0.5 billion in federal funding through the Public Transit Infrastructure Stream, subject to conditions being met, including final approval by the Treasury Board. All three levels of government are expected to contribute \$0.5 billion towards the estimated \$1.5 billion project.

<https://www.canada.ca/en/office-infrastructure/news/2019/08/getting-torontonians-moving-making-crucial-investments-in-public-transit.html>

On April 16, 2019, City Council endorsed the BYCI through the adoption of EX4.1 as a priority project under the City of Toronto's funding allocation of the Investing in Canada Infrastructure Plan ("I.C.I.P.") Public Transit Infrastructure Fund ("P.T.I.F.").

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EX4.1>

On April 11, 2019 the T.T.C. Board approved "Line 1 Capacity Requirements - Status Update and Preliminary Implementation Strategy", which outlined next steps to achieve capacity improvements and accommodate forecast demand on Line 1. The expansion of Bloor-Yonge Station was identified as one of the key components to address capacity of the subway system, which would accommodate passenger and transfer growth at that station.

[https://www.ttc.ca/About\\_the\\_TTC/Commission\\_reports\\_and\\_information/Commission\\_meetings/2019/April\\_11/Reports/Decisions/18\\_Line\\_1\\_Capacity\\_Requirements\\_Status\\_Update\\_Decision.pdf](https://www.ttc.ca/About_the_TTC/Commission_reports_and_information/Commission_meetings/2019/April_11/Reports/Decisions/18_Line_1_Capacity_Requirements_Status_Update_Decision.pdf)

In May 2017, City Council requested the T.T.C. to report on the status of plans to expand the Bloor-Yonge interchange station, including estimated costs, timelines and potential capacity added to Line 1. At the time, City Council also confirmed the expansion of the station as priority project for Provincial and Federal Funding. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EX25.1>

## **COMMENTS**

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The B.Y.C.I. is a critical component of addressing capacity constraints on T.T.C.'s subway Line 1 and is expected to ameliorate impacts on the Bloor-Yonge Station from projected growth in the City of Toronto and surrounding jurisdictions, planned transit expansion programs as well as the expected higher density in the area.

As part of the B.Y.C.I. Project the T.T.C. requires a portion of the leasehold interest the owner of 2 Bloor Street East leases from the City. The Heating, Ventilation, and Air Conditioning and chiller, and associated systems, pipes and conduits (collectively, the "Chiller Plant") are located within this area. On May 11, 2022 City Council adopted GL29.10 approving the initiation of expropriation of this area.

Negotiations with the owner to move and construct a new Chiller Plant have been ongoing, however if a resolution is not achieved in the near term, construction timelines for the Project may be adversely impacted. Accordingly, City Council authority is requested to initiate expropriation proceedings for the Project Requirements. In addition, to minimize any unnecessary delay in completing the expropriation, authority is requested to seek an order from the Lieutenant Governor in Council waiving the requirement for a hearing of necessity in accordance with section 6(3) of the Expropriations Act.

## CONTACT

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## SIGNATURE

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Chris Murray  
City Manager

## ATTACHMENTS

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Appendix A - Table of Project Requirements  
Appendix B - Location Maps

## Appendix A - Table of Project Requirements

Property Identification Number (PIN)	Required Interest
All of PIN 21110-0266 (LT) Part of Lot 20 Concession 2 FTB Township of York, designated as Part 14, Plan 66R-5391, City of Toronto	Fee Simple (All right, title and interest)



## Appendix B - Location Maps

