

## **Expropriation of a Portion of 5791-5793 Yonge Street for Public Street Purposes - Stage 2**

**Date:** March 8, 2022

**To:** General Government and Licensing Committee

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

**Wards:** 18 - Willowdale

### **SUMMARY**

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On November 9<sup>th</sup>, 2021, City Council authorized the initiation of expropriation proceedings for two property interests: one temporary easement in part of the property known municipally as 5795 Yonge Street, and; one fee simple interest in part of the property municipally known as 5791-5793 Yonge Street (the "Property Interests") for the purposes of Transportation Services' construction of a future public street connecting Cummer Avenue to Yonge Street (the "Project").

Since then, a negotiated agreement has been reached regarding the temporary easement in part of the property known municipally as 5795 Yonge Street belonging to Toronto Standard Condominium Corporation 805 ("T.S.C.C. 805").

This report relates to the second stage of the expropriation process with respect to a fee simple interest in part of the property known municipally as 5791-5793 Yonge Street (the "Required Property Interest"). 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 and City Council may now approve the expropriation by this Stage 2 report. An expropriation settlement release agreement has been achieved, which expedites the expropriation, and once authorized by Council, an expropriation plan will be registered and the City will pay settlements to the owners and take possession of the property.

This Stage 2 expropriation report includes details on the costs, based on the settlement achieved, and requests City Council to approve the subject expropriation as approving authority under the Expropriations Act and enact an expropriation by-law.

## RECOMMENDATIONS

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The Executive Director, Corporate Real Estate Management recommends that:

1. City Council, as Approving Authority under the Expropriations Act, approve the expropriation of the required fee simple interest in part of the property municipally known as 5791-5793 Yonge Street as set out in the Reference Plan attached as Appendix B (the "Required Property Interest") for the purposes of constructing a public street connecting Cummer Avenue to Yonge Street.
2. City Council authorize the City of Toronto, as Expropriating Authority under the Expropriations Act, to take all steps necessary to comply with the Expropriations Act, including but not limited to, the preparation and registration of an Expropriation Plan and if the settlement agreement is not executed, service of the Notices of Expropriation, Notices of Election and Notices of Possession.
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 the settlement agreement is not executed.

## FINANCIAL IMPACT

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The proposed expropriation of the Required Property Interest would result in an initial expenditure of approximately \$5,002.00. The current estimated breakdown of figures to be paid to the affected property owners of the Required Property Interest are set out below and are based upon settlement discussions with each of Toronto Standard Condominium Corporation 2048 ("T.S.C.C. 2048") and Toronto Standard Condominium Corporation ("T.S.C.C. 2064"). The settlement amount of \$5,002.00 is comprised of:

- \$2.00 for the completion and execution of the Settlement Release Agreement (the "Agreement"), and;
- A maximum of \$5,000.00 inclusive of Harmonized Sales Tax for legal fees incurred by the owners related to this Agreement.

City staff are in the process of finalizing the settlement agreements with each of T.S.C.C. 2048, and T.S.C.C. 2064. If successful, authority for these settlement agreements will be obtained by real estate delegated authority.

Funding for the acquisition of the Required Property Interest is secured through an indemnity agreement between 2591260 Ontario Inc. (the "Adjacent Developer") and the City of Toronto, which was authorized by North York Community Council in July 2015. The City has already received the funding amount from the Adjacent Developer and those funds have been collected and allocated to a separate capital project account (CCA226-01 - Strategic Property Acquisitions - 2015) under the Corporate Real Estate Management Division's 2020-2029 Council Approved Capital Budget and Plan, and has been included in Corporate Real Estate Management Division's 2022-2031 Staff

Recommended Capital Budget and Plan to be used for the Required Property Interest's acquisition as stipulated in the indemnity agreement.

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 on November 9, 2021, City Council adopted Item GL26.8 "Application for Approval to Expropriate a Portion of 5791-5793 Yonge Street and 5795 Yonge Street for Public Street Purposes - Stage 1", granting authority to continue negotiations for the acquisition of the necessary property interests and initiate Stage 1 expropriation proceedings for the purposes of constructing a public street connecting Cummer Avenue to Yonge Street.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.GL26.8>

In July 2015, City Council approved an Ontario Municipal Board Settlement Offer for the proposed redevelopment of the lands located at 5799 - 5915 Yonge Street (Newtonbrook Plaza). City Council authorized staff to secure the construction of a new public street which would replace the shared driveway at 5791 - 5793 Yonge Street, connecting 5795 Yonge Street to a signalized intersection on Yonge Street.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.NY7.37>

A contractual obligation was secured from the owner of 5791 Yonge Street through the Section 37 Agreement (registered on title in 2006), obligating the property owner to convey a future road widening to the City.

In 2005, the Ontario Municipal Board (OMB) now the Ontario Land Tribunal ("O.L.T.") approved Zoning By-law No. 756-2006 permitting a residential condominium development at 5791 - 5793 Yonge Street. The development includes a shared driveway connecting 5795 Yonge Street to a signalized intersection on Yonge Street.

<http://www.toronto.ca/legdocs/2005/agendas/committees/ny/ny050919/it050.pdf>

The below sets out the decision history related to the expropriation process previously started and approved by City Council for separate property interests related to the Project as seen by the links below.

To facilitate the construction of the new public street, property beyond the Newtonbrook development is required. Some property requirements were expropriated by City Council adoption of Item GL21.11 on April 7 and 8, 2021.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.GL21.11>

City Council on February 2, 3 and 5, 2021, adopted GL20.02, Expropriation of a Portion of 5795 Yonge Street for Public Street Purposes, reauthorizing the initiation of the expropriation for the City to acquire the Required Property Interests.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.GL20.02>

City Council on July 28, 2020, adopted GL14.10, Expropriation of a Portion of 5795 Yonge Street for Public Street Purposes, approving the expropriation for the City to acquire the Property Interests.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.GL14.10>

City Council on July 12, 13, 14 and 15, 2016, adopted GM13.18, Expropriation of a Portion of 5795 Yonge Street for Public Street Purposes, initiating the expropriation for the City to acquire the Required Property Interests.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.GM13.18>

## COMMENTS

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The Property Interests are owned by Toronto Standard Condominium Corporation 805 ("T.S.C.C. 805") as part of the common elements of T.S.C.C. 805 and there are easement interests for access in favour of Toronto Standard Condominium Corporation 2048 ("T.S.C.C. 2048") and Toronto Standard Condominium Corporation 2064 ("T.S.C.C. 2064"). T.S.C.C. 805, T.S.C.C. 2048 and T.S.C.C. 2064 use the Property Interests as access points to their respective condominiums. The Project, once completed, will provide public street access for all three condominiums.

The City requires the Property Requirements to form the creation of a new public street extending from Cummer Avenue to Yonge Street. This new connection will achieve enhanced traffic operations, reliable, high-frequency surface transit along Yonge Street, and improved access to the parking lot for Finch Station and for cyclists in the immediate area.

The new street will be designed using Complete Street principles. Connecting the new public street to the future planned infrastructure west of Yonge Street will provide a grid network of complete streets that further enhances mobility in the area for pedestrians, cyclists, transit patrons and drivers. This future grid of complete streets will provide more connections for people in the Yonge Street and Cummer Avenue area to transit services and cycling infrastructure, and will allow all road users to access local area destinations without having to rely solely on Yonge Street to do so.

The new public road connection to Yonge Street also supports Phase 2 of the development at 5799-5915 Yonge Street. By proceeding to Phase 2, the City will receive a number of community benefits that have been secured in a Section 37 agreement. Some of the major community benefits include a community recreation facility and parkland.

In particular, the Property Requirements will help accommodate the realignment of water, storm water and sewer service connections, landscaping, other restoration work and to provide a staging area for construction.

To ensure that the Project's construction schedule is maintained (commencing in 2022), it is recommended that City Council, as Approving Authority under the Expropriations Act, approve the expropriation of the Required Property Interest, and authorize the City,

as the Expropriating Authority, to take all necessary steps to proceed with the expropriation, including the final registration of the expropriation plan.

## **CONTACT**

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## **SIGNATURE**

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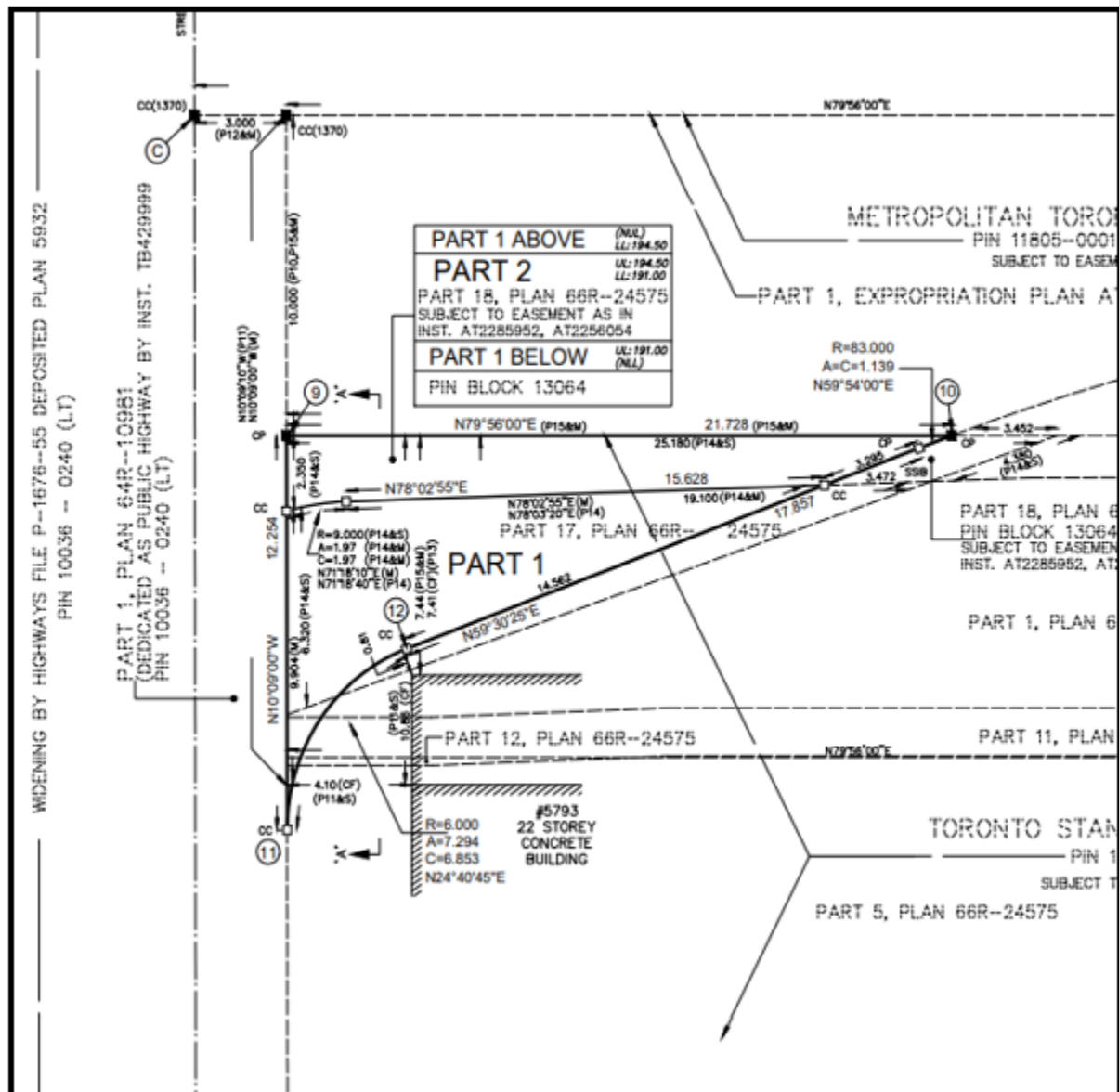
Patrick Matozzo  
Executive Director, Corporate Real Estate Management

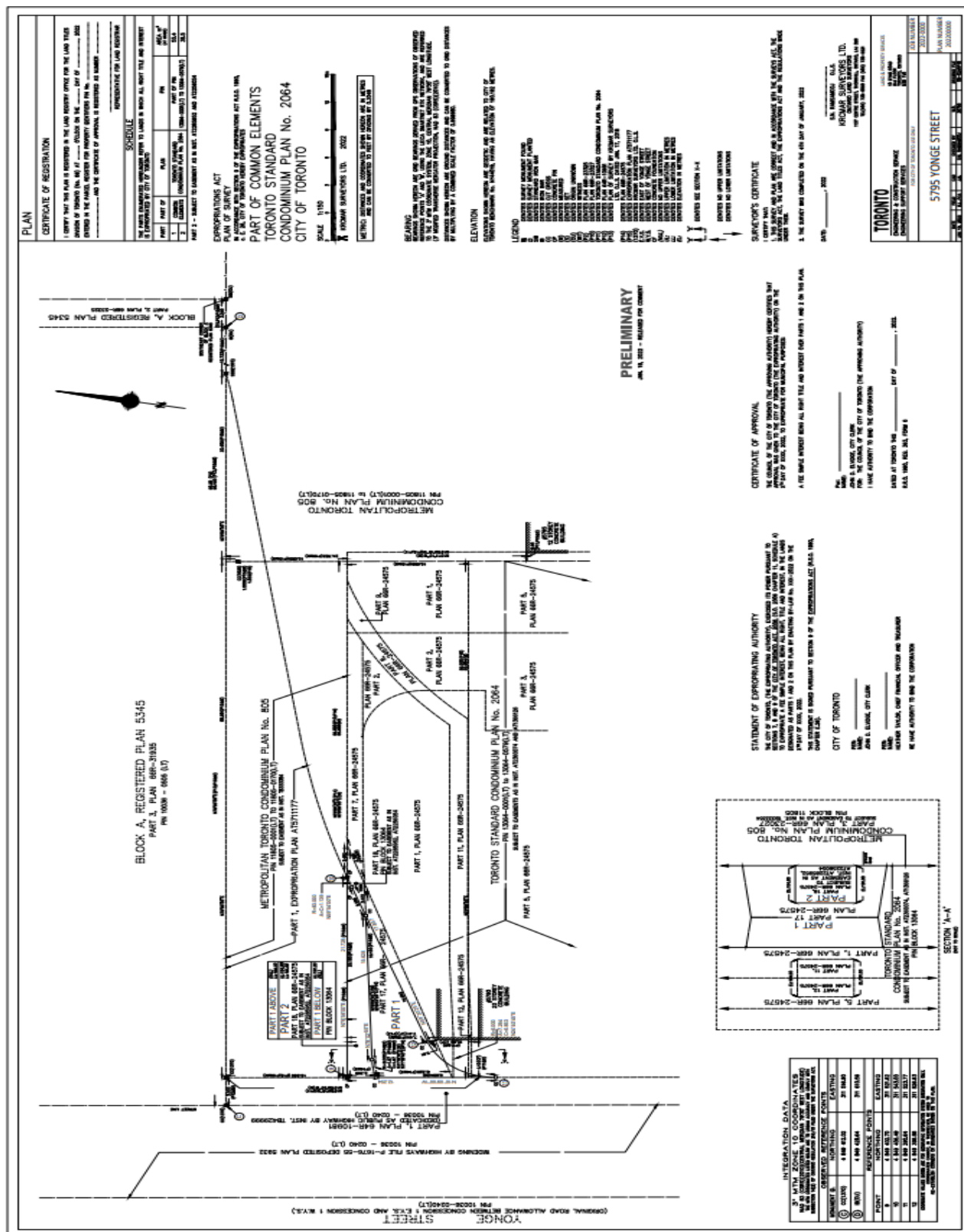
## **ATTACHMENTS**

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Appendix A - Required Fee Simple Interest  
Appendix B - Required Fee Simple Interest (Full Plan)  
Appendix C - Location Map / Aerial View with Proposed Right of Way

Legal Description: Fee Simple Interest in part of the property municipally known as 5791-5793 Yonge Street, legally described as being part of the Common Elements of Toronto Standard Condominium Plan No. 2064, illustrated as Part 1 and 2 on the Draft Plan prepared by KRCMAR, DWG NAME 08-024RP15, dated January 19, 2022, excerpted below (full plan on following page):







## Appendix C - Location Map / Aerial View with Proposed Right of Way

