

## **Expropriation of 37 Norton Avenue for the Expansion of John McKenzie Parkette - Stage 2**

**Date:** March 8, 2022

**To:** General Government and Licensing Committee

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

**Wards:** 18 – Willowdale

### **REASON FOR CONFIDENTIAL INFORMATION**

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This report deals with a proposed or pending acquisition of land 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 in the property municipally known as 37 Norton 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.

City Council previously authorized the initiation of expropriation proceedings for the Property for the purposes of expanding the John McKenzie Parkette at its meeting on April 7 and 8, 2021.

The Property is required to expand parkland in the area through the expansion of the John McKenzie Parkette (the "Project"). The area surrounding the John McKenzie Parkette is designated as an area of parkland need within the Parkland Strategy, taking into account low parkland provision, but also high growth and a higher percentage of low-income households.

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 January 24,

2022 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 municipally known as 37 Norton Avenue as set out in Appendix A and identified as Part 1 on Reference Plan Number 66R-32140, attached as Appendix B, for the purposes of expanding the John McKenzie Parkette.
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.
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.
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 total estimated cost for the expropriation of the Property and the subsequent conversion of the Property to a parkette.

Funding to acquire the Property and the disbursement of all anticipated costs associated with the proposed expropriation is included in the Council Approved Parks, Forestry and Recreation 2022 Capital Budget, and the 2023-2031 Capital Plan in the 37 Norton Ave Expropriation for John McKenzie Park sub-project, in the Park Development project. The Project will be fully funded by Section 37 community benefits (XR3026) and various Section 42 Above 5 Percent Cash-in-lieu (XR2213), obtained from local developments, as outlined in Confidential Attachment 1. Section 37 and Section 42 Above 5 Percent Cash-in-lieu funds have been received and are eligible for these purposes.

There are development and ongoing maintenance costs anticipated as part of the Project. Additional funding requests for the development of 37 Norton Avenue and associated operating impacts will be submitted for consideration along with other City unmet capital and service priorities through future budget processes.

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 April 7 and 8, 2021, City Council adopted Item MM31.41 titled, "Expropriation of 37 Norton Avenue for the Expansion of John McKenzie Parkette - by Councillor John Filion, seconded by Councillor Shelley Carroll" granting authority to the Executive Director, Corporate Real Estate Management, to initiate the expropriation process for the property municipally known as 37 Norton Avenue. City Council also authorized the Executive Director, Corporate Real Estate Management, to serve and publish Notices of Application for Approval to Expropriate the Property, to forward any requests for a hearing of necessity to the Chief Inquiry Officer, to attend the hearing to present the City of Toronto's position, and to report the Inquiry Officer's recommendations to City Council for its consideration.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.MM31.41>

At its meeting on November 26 and 27, 2019, City Council adopted Item EX10.3, Parkland Strategy, with amendments, to guide long-term planning for new parks and expansion and improved access to existing parks. The area surrounding the John McKenzie Parkette was identified through the Parkland Strategy as an area of parkland need.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EX10.3>

## **COMMENTS**

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City Council previously authorized the initiation of expropriation proceedings for the Property for the purposes of expanding the John McKenzie Parkette at its meeting on April 7 and 8, 2021. In this report, the requirement for the Property was articulated including the need for additional parkland in the area given the surrounding community's demographic profile and alignment with broader planning documents and priorities including the City's Parkland Strategy, and the secondary plan of the Official Plan.

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" on December 24, 2021. A Notice of Application for Approval to Expropriate Land was also published in the Toronto Sun on December 24, 2021, December 31, 2021, and January 7, 2022. 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. As such, staff recommend City Council, as Approving Authority under the Expropriations Act, approve

the expropriation of the Property, and authorize the City, as the Expropriating Authority, to take all necessary steps to proceed with the expropriation. This includes registration of the Expropriation Plans and serving associated notices. Statutory Offers of Compensation must be served prior to the City taking possession of the expropriated Property. Once the City has possession of the Property, initial planning for the park expansion will take place in 2023. This will include technical due diligence work for demolition of the existing building on the Property and public engagement on the scope of the programming for the park expansion.

## **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 Interest  
Appendix B - Reference Plan Number 66R-32140  
Confidential Attachment 1 - Financial Impact

## APPENDIX A - REQUIRED PROPERTY INTEREST

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Municipal Address	Legal Description	Property Interest
37 Norton Avenue	LOT 375-376 PLAN 2400 NORTH YORK; PART OF LOT 374, 377 PLAN 2400 NORTH YORK AS IN TR47030; TORONTO (N YORK), CITY OF TORONTO	Fee Simple Ownership

APPENDIX B - REFERENCE PLAN NUMBER 66R-32140

