

Application for Approval to Expropriate Part of 24 Ferrand Drive - Stage 1

Date: May 24, 2022

To: General Government and Licensing Committee

From: Executive Director, Corporate Real Estate Management

Wards: 16 - Don Valley East

SUMMARY

This report seeks authority to initiate expropriation proceedings for a fee simple interest in part of the property municipally known as 24 Ferrand Drive (the "Property") for the purpose of incorporating the Property into the Housing Now Initiative site at 805 Don Mills Road and facilitating the road realignment of Ferrand Drive.

This is Stage 1 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. Owners, as defined in the Expropriations Act (the "Act"), will have 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 2 report, providing details on property values and other costs, and if a hearing is requested, the report of the Ontario Land Tribunal. The proposed expropriation would only be effected, after adoption by City Council, as approving authority, of the Stage 2 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 could take possession of the expropriated property, offers of compensation based on appraisal reports must be served on each registered owner.

RECOMMENDATIONS

The Executive Director, Corporate Real Estate Management recommends that:

1. City Council authorize the Executive Director, Corporate Real Estate Management to continue negotiations to acquire a fee simple interest in part of the property municipally known as 24 Ferrand Drive, as set out in Appendix A and as illustrated as Parts 1 - 4 on the draft reference plan attached as Appendix B (the "Property"), and authorize the initiation of expropriation proceedings for

the Property, for municipal purposes, including for the Housing Now project at 805 Don Mills Road, the realignment of Ferrand Drive, and works ancillary thereto.

2. City Council grant authority to serve and publish Notices of Application for Approval to Expropriate Land for the Property, to forward to the Ontario Land Tribunal any requests for hearings that are 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

The costs to serve and publish the required Notices of Application for Approval to Expropriate, together with any costs related to attendance at the hearing(s), if any, will be accommodated within the Transportation Services 2022-2031 Capital Budget and Plan under CTP 315-07.

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 2 Report"). The Stage 2 Report will identify the estimated funding requirement and the funding source for the fair market value of the Property, 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

On April 16, 2019, City Council adopted Official Plan Amendment ("O.P.A.") No. 404 covering lands generally bounded by the Canadian Pacific Rail Corridor, Don Mills Road, Wynford Drive, Gervais Drive, Ferrand Drive, Rochefort Drive and a portion of the west branch of the Don River Valley. O.P.A. 404 provides a comprehensive planning framework to guide the redevelopment around the Don Mills Road and Eglinton Avenue East intersection as a complete community with varied levels of intensification and land uses, create opportunities to connect with nature, enhance mobility choice and support inclusive city building.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH4.1>

On January 31, 2019, City Council adopted Item EX1.1 "Implementing the 'Housing Now' Initiative". This report provided recommendations on the organizational structure and processes to deliver the Housing Now Initiative, the proposed affordable housing program, and the overall financial implications of the program. The City Council decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EX1.1>

O.P.A. 404 was appealed to the Local Planning Appeal Tribunal ("L.P.A.T.") (now continued as the Ontario Land Tribunal) (L.P.A.T. Case No. PL190242) by two land owners. The Tribunal allowed the appeals in part and modified and approved the O.P.A. following a settlement between the appellants and the City. The Council report from the City Solicitor can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.CC24.12>

On December 13, 2018, City Council adopted Item CC1.3 "Housing Now" which approved the activation of 11 City-owned sites for the development of affordable housing as part of creating mixed-income, mixed-use and transit oriented communities. 805 Don Mills Road was identified as one of the 11 sites. The City Council decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC1.3>

On July 4, 2018, North York Community Council adopted Item NY32.25 "Preliminary Report – Official Plan Amendment and Zoning By-law Amendment Application – 770 Don Mills Road and 805 Don Mills Road" with amendments. This report provided preliminary information and an early opportunity to raise issues for follow-up with regard to the application submitted by Build Toronto Inc. (now CreateTO).

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.NY32.25>

On May 6, 2014 City Council adopted Item PG32.4 "Eglinton Connects Planning Study – Final Directions Report" which developed a vision for Eglinton Avenue to guide future development.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG32.4>

COMMENTS

Property Details

The required Property is approximately 243.4 square metres (2,616 square feet) in area and comprises part of the north-east corner of the lands owned by the Church of Jesus Christ of Latter-day Saints in Canada (the "Church"), municipally known as 24 Ferrand Drive. More precisely, the Property currently forms part of an exit driveway to the Church's parking lot as well as some sodded area as part of the Church's property. See Appendix B for location maps of the Property.

The City's Requirement for the Property

The acquisition of the Property is required to implement the Council-endorsed Don Mills Crossing Secondary Plan (O.P.A. 404), which forms the basis of the development blocks of the proposed Housing Now site on the abutting the City-owned property at 805 Don Mills Road. This Don Mills Crossing Secondary Plan specifically cited the Ferrand Drive road alignment as a critical part of the overall transportation network for the area around the intersection of Don Mills Road and Eglinton Avenue East. A realigned Ferrand Drive is part of the 'Core Connector' which is a network of secondary streets designed to provide alternative routes through the Secondary Plan area for a range of road users. The Don Mills Crossing Secondary Plan also approved the realignment of

the existing Ferrand Drive, to create a regular intersection with Eglinton Avenue East. The purpose of the reconstruction and realignment is to connect with the widened Gervais Drive north of Eglinton Avenue East, and complete the creation of the 'Core Connector' mobility route. This work supports surface transit improvements to provide enhanced active transportation connections to the wider neighbourhood, and to facilitate access to the planned development in the southeast quadrant of Eglinton Avenue East and Don Mills Road, at 805 Don Mills Road.

The Housing Now Site at 805 Don Mills Road

The Housing Now Initiative site at 805 Don Mills Road will provide approximately 280 affordable housing rental units, 280 market rental units, 280 market condominium units, a new public park, expanded public realm, publicly accessible spaces, retail space, a new 62 capacity childcare facility and the potential for further community use space. The Housing Now Initiative is a critical part of the City of Toronto's HousingTO 2020-2030 Action Plan.

Negotiations with the Property Owner

City staff have been having ongoing discussions with the impacted property owner and are working towards a negotiated agreement, which is the preferred outcome. In the event negotiations are unsuccessful and in order to protect project timelines, City staff recommend that City Council, as Approving Authority under the Expropriations Act, grant authority to initiate the expropriation process at this time in order to acquire the Property in a timely manner.

CONTACT

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SIGNATURE

Patrick Matozzo
Executive Director, Corporate Real Estate Management

ATTACHMENTS

Appendix A - Legal Description of Property

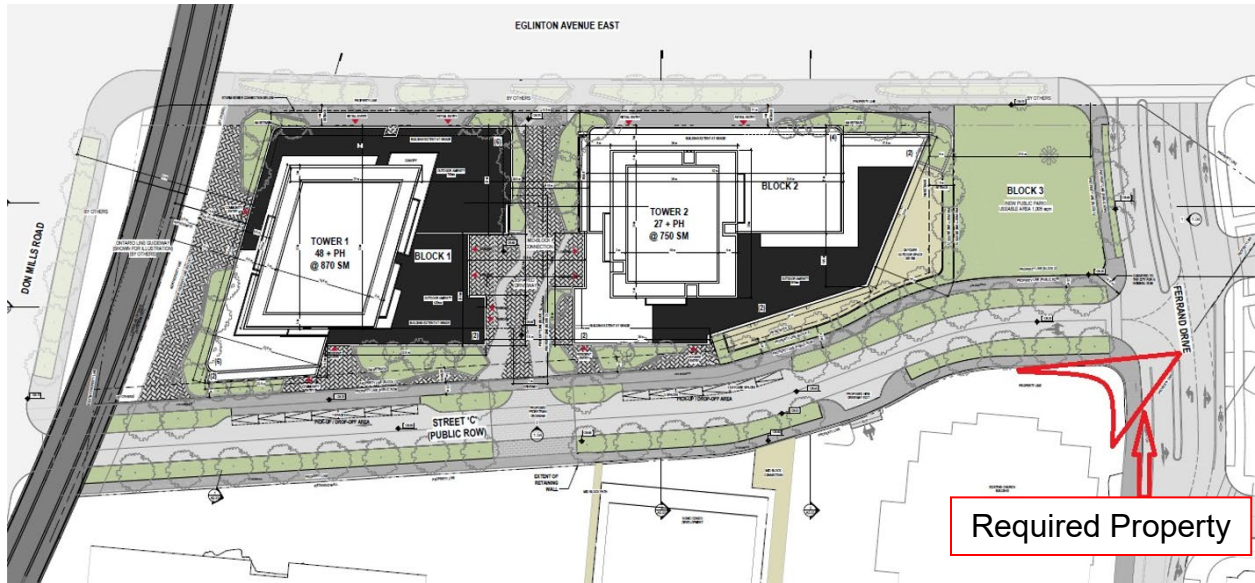
Appendix B - Location Maps and Draft Reference Plan

Appendix A – Legal Description of Property

Property Identification Number (PIN)	Required Interest	Approximate Area (square metres)	Legal Description
Part of PIN 10370-0003(LT) and all of PIN 10370-0006(LT)	Fee Simple	243.4	Part of Lot 1, Concession 3, East of Yonge Street, Geographic Township of North York, City of Toronto (formerly City of North York), being Parts 1 - 4 on the draft reference plan attached in Appendix B.

Appendix B – Location Maps and Draft Reference Plan

Location Maps



Draft Reference Plan

