

## **Scarlett Road Bridge Reconstruction Project - Expropriations (Stage 2)**

**Date:** June 17, 2022

**To:** General Government and Licensing Committee

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

**Wards:** 4 – Parkdale-High Park and 5 – York South-Weston

### **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 approval from City Council as Approving Authority under the Expropriations Act (the "Act"), to expropriate real estate interests (the "Property Interests") involving the properties municipally known as 2 Scarlett Road, 10 Scarlett Road, 2700 St. Clair Avenue West, and 4000 Dundas Street West (the "Properties").

The Property Interests are required to proceed with the City's proposed Scarlett Road Bridge Reconstruction Project (the "Project"). Construction involving the Properties is anticipated to commence in 2023.

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 and City Council may now approve the expropriation by this Stage Two 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 Property Interests.

## **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 Interests as set out in Appendix A and as identified on the draft Plans displayed in Appendix B, to proceed with the proposed Scarlett Road Bridge Reconstruction Project.
2. City Council authorize the City, as 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 Expropriation Plans 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 initial estimated value of the required Property Interests associated with the Properties.

Funding to acquire the Property Interests and the disbursement of all anticipated costs associated with the proposed expropriations is available in the 2022-2031 Council Approved Capital Budget and Plan for Transportation Services within account CTP811-43.

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 held on May 25, 2022, the Infrastructure and Environment Committee adopted Item IE30.3 titled, "Amendment to Purchase Order Number 6045265 with Morrison Hershfield Limited for Professional Services for Scarlett Road Underpass Bridge Replacement and Road Network Improvements at Canadian Pacific Railway / Metrolinx Rail Corridor" granting authority to amend the purchase order for the Project in

the amount of \$1,139,577 net of all taxes and charges (\$1,159,634 net of Harmonized Sales Tax recoveries).

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.IE30.3>

At its meeting held on June 8 and 9, 2021, City Council adopted Item GL23.9 titled, "Scarlett Road Bridge Reconstruction Project - Expropriations - Stage 1", granting authority to the Executive Director, Corporate Real Estate Management, to continue negotiations for the acquisition of the necessary property interests and initiate expropriation proceedings for the property interests in connection with the Scarlett Road Bridge Reconstruction Project. City Council also directed the Executive Director, Corporate Real Estate Management, to serve and publish Notices of Application for Approval to Expropriate the property interests, to forward any requests for hearing to the Chief Inquiry Officer, to attend any hearings to present the City of Toronto's position and to report the Chief Inquiry Officer's recommendation to City Council for consideration.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.GL23.9>

At its meeting held on May 24, 2017, the Bid Award Panel adopted Staff Report BA23.17 titled "Award of Request for Proposal No. 9117-17-5035 to Morrison Hershfield Limited for Professional Engineering Services for Design, Construction Administration, and Post Construction Services for Scarlett Road Bridge under CPR/Metrolinx" granting authority to award the contract to Morrison Hershfield Limited in accordance with the contract details set out in the report from the Director, Purchasing and Materials Management.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.BA23.17>

At its meeting held on December 18, 2014, the Bid Committee adopted Staff Report BD3.1 titled "Award of RFP 9117-14-5064 to Morrison Hershfield Limited for Professional Engineering Services for Scarlett Road Underpass at CPR Bridge Replacement - Feasibility Study and Preliminary Design" granting authority to award the contract to Morrison Hershfield Limited in accordance with the contract details set out in the report from the Director, Purchasing and Materials Management.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.BD3.1>

At its meeting held on September 26 and 27, 2007, City Council referred the recommendations contained within Staff Report PW8.4 titled "Scarlett Road/CP Rail Bridge Class Environmental Assessment Study" to the Budget Committee for further consideration, and directed that any change in the status of the project be reported out to Council, through the appropriate Committee, as a discrete item.

<https://www.toronto.ca/legdocs/mmis/2007/cc/decisions/2007-09-26-cc12-dd.pdf>

## COMMENTS

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As part of the Scarlett Road/CP Rail Grade Separation Feasibility Study completed in 2001, and subsequent Environmental Assessments completed in 2006 and 2008, completed by Transportation Services, the following improvements were recommended to the Scarlett Road underpass and surrounding roads in order to improve safety and road capacity, reduce congestion and provide a standard clearance at the underpass:

- State-of-good-repair replacement and widening of the railway bridge above Scarlett Road;
- The addition of one northbound lane and one southbound lane under the bridge, as well as additional left turn lanes and new signals in the bridge vicinity to improve overall road safety;
- Lowering Scarlett Road to meet current Bridge Code vertical clearance requirements;
- Improved sidewalks and new, physically-separated cycling facilities; and
- Enhanced landscaping and public art.

City staff have been in communication with the impacted property owners over the past few years to inform them of the pending Project and the need for the Property Interests. Despite ongoing communications and negotiations, all required Property Interests have not been secured and remain outstanding at this time.

In accordance with the Act, Notices of Application for Approval to Expropriate were served on all applicable "registered owners" in January 2022. A Notice of Application for Approval to Expropriate Land was published in the Toronto Star on January 14, 21, and 28, 2022. The City did not receive any requests for a hearing from any of the applicable parties that represent the Properties associated with this report.

A request for a hearing was received from the property owner of 3671 Dundas Street West. City staff are in the process of scheduling a hearing date with this property owner. In the interim, City staff continue to communicate with this property owner in an effort to acquire the required property interests at this location through a negotiated agreement.

Should both parties be unable to reach an agreement, an additional Stage Two expropriation staff report will be submitted to City Council in 2023 to obtain City Council authority to acquire the required property interest at this location through the expropriation process.

To ensure the Project's construction schedule is maintained, it is recommended City Council, as Approving Authority under the Act, approve the expropriations of the Property Interests and City Council authorize the City, as the Expropriating Authority, to take all necessary steps to proceed with the expropriations. Once all Property Interests have been expropriated, City staff will endeavour to enter into settlement agreements with each impacted property owner to mitigate future expenses associated with the Project.

## **CONTACT**

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Jacquelyn Hayward, Director, Project Design and Management, Transportation  
Services,  
416-392-5348, [Jacquelyn.Hayward@toronto.ca](mailto:Jacquelyn.Hayward@toronto.ca)

## **SIGNATURE**

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Patrick Matozzo  
Executive Director, Corporate Real Estate Management

## **ATTACHMENTS**

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Appendix A - Property Interests  
Appendix B - Draft Plans  
Appendix C - Location Map  
Confidential Attachment 1

## APPENDIX A - PROPERTY INTERESTS

Municipal Address	Property Interest	Approximate Area
2 Scarlett Road	Temporary Easement (140 days) in the land labelled as Part 1 in the draft Plan for 2 Scarlett Road in Appendix B	136.99 square meters
10 Scarlett Road	Fee simple acquisition in the land labelled as Part 1 in the draft Plan for 10 Scarlett Road in Appendix B	214.3 square meters
2700 St. Clair Avenue West	Permanent Easement in the land labelled as Part 1 in the draft Plan for 2700 St. Clair Avenue West in Appendix B	410.53 square meters
	Temporary Easement (140 days) in the land labelled as Part 2 in the draft Plan for 2700 St. Clair Avenue West in Appendix B	64.32 square meters
4000 Dundas Street West	Permanent Easement in the land labelled as Part 2 in the draft Plan for 4000 Dundas Street West in Appendix B	2.95 square meters
	Temporary Easement (200 days) in the land labelled as Part 1 in the draft Plan for 4000 Dundas Street West in Appendix B	173.18 square meters

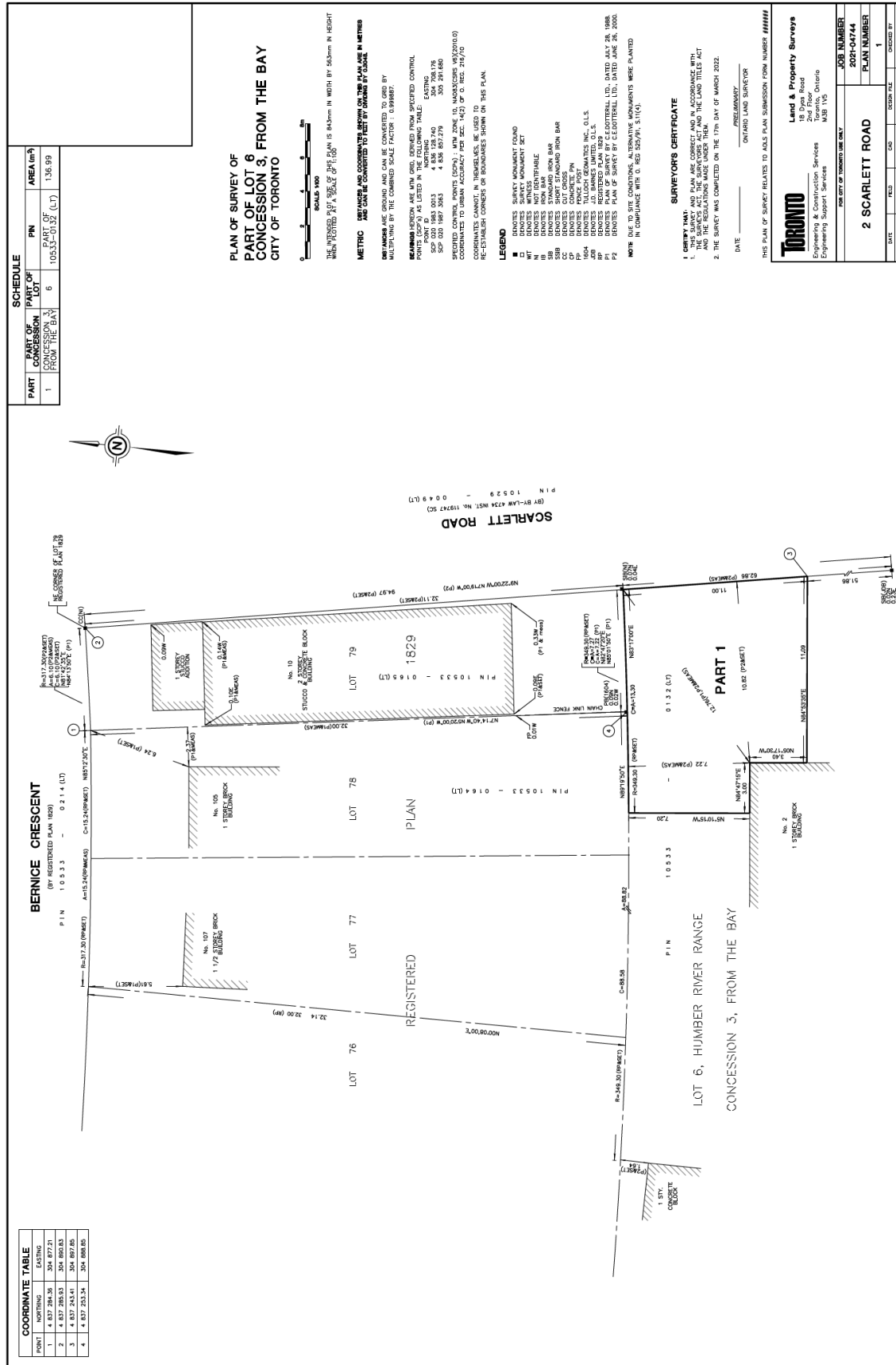
"Temporary Easement" means a temporary easement or rights in the nature of a temporary easement on, in, over, under and through the lands identified, for the purpose of facilitating the construction of a retaining wall on adjacent land, and all works ancillary thereto, including, without limitation, alterations to and removal of hard and soft landscaping, re-grading work and the right to enter and occupy with all necessary vehicles, materials, machinery, tools and equipment. Such temporary easement shall commence on a date specified in writing, on at least THIRTY (30) days' prior written

notice to the registered owner, and will continue for a term specified in the chart above. All rights under the temporary easement shall expire no later than December 31, 2026.

"Permanent Easement" means a permanent easement or rights in the nature of a permanent easement, on, in, over, under and through the lands identified, for the construction, installation, maintenance, inspection, repair, removal, replacement or reconstruction of a retaining wall, and all works ancillary thereto including, without limitation, alterations to and removal of hard and soft landscaping and re-grading work and the right to enter and occupy with all necessary vehicles, materials, machinery, tools and equipment.

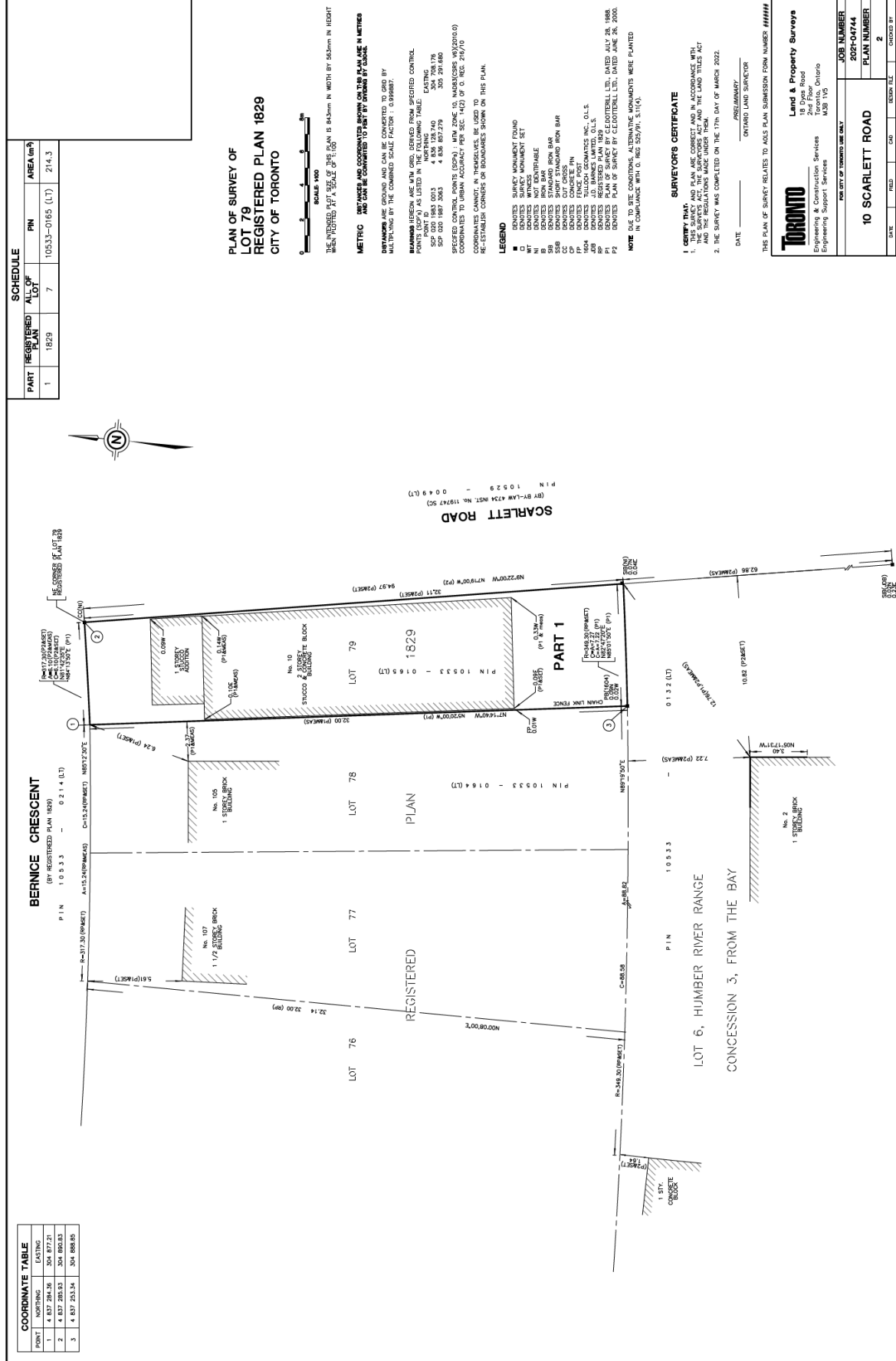
# APPENDIX B - DRAFT PLANS

## 2 Scarlett Road





10 Scarlett Road



2700 St. Clair Avenue West

SCHEDULE		
PART	PART OF LOT	AREA (m <sup>2</sup> )
1	CONFESSION 3	410.53
2	CONFESSION 3	64.32

**PLAN OF SURVEY**  
**PART OF LOT 6**  
**HUMBER RIVER RANGE**  
**CONFESSION 3, FROM THE BAY**  
**CITY OF TORONTO**  
**FORMERLY CITY OF YORK**

THE INTENDED PLOT SIZE OF THIS PLAN IS 64.50m N. WIDTH BY 64.50m N. HEIGHT WHEN PLOTTED AT A SCALE OF 1:250

**METRIC DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METERS**  
**AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.**

BEARING HEREON ARE METRIC, DERIVED FROM SPECIFIED CONTROL POINTS CONTROLLED AND CORRECTED, WITH SINE TO, NAD83(CSRS(0200)).

THE PLAN IS REFERENCED TO THE CANADIAN NATIONAL GRID BY THE FOLLOWING COORDINATES TO UTM ZONE 18Q UTM. UTM ZONE 18Q UTM (Easting, Northing)

525 000 184 000  
525 000 184 000  
525 000 184 000  
525 000 184 000  
525 000 184 000

COORDINATES CANNOT IN THEMSELVES BE USED TO RE-CONSTRUCT CORNERS OR BOUNDARIES SHOWN ON THE PLAN.

**LEGEND**

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- DENOTES OPEN MONUMENT
- DENOTES OPEN MONUMENT
- DENOTES STANDARD IRON BAR
- DENOTES ALUMINUM ROD
- DENOTES CONCRETE SIGN
- DENOTES CUT CROSS
- DENOTES WOODEN SIGN
- DENOTES IRON PIPE
- DENOTES SAND-PIPER, & EDWARD SURVEYING LTD., O.L.S.
- DENOTES WOODEN SIGN
- DENOTES METAL MANAGEMENT, LEHMANVILLE O.L.S.
- DENOTES PILE DRIVERS BY WARDROU & CIERMONI O.L.S.
- DENOTES IRON RODS BY WARDROU & CIERMONI O.L.S.

**NOTE** DUE TO SITE CONDITIONS, ALTERNATIVE MONUMENTS WERE PLANTED IN COMPLIANCE WITH O. REG. 525/91, S. 1(16).

**SURVEYOR'S CERTIFICATE**

I, **CEYLA THAS**,

THE SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE REGULATION AND THE ACT AND THE REGULATIONS MADE UNDER THEM AND THE SURVEY WAS COMPLETED ON THE 23rd DAY OF MARCH 2022.

DATE: \_\_\_\_\_ PREPARATION: \_\_\_\_\_ ONTARIO LAND SURVEYOR

BERNICE CRESCENT  
(DEDICATED BY REGISTRATION PLAN 1719)  
P.N. 10529 - 0388 (L.T.)

ST. CLAIR AVENUE WEST  
(BY BY-LAW NO. 4734, INST. NO. YORK 119747 AND 1262, INST. NO. YORK 119748)  
P.N. 10529 - 0386 (L.T.)

ST. CLAIR AVENUE WEST  
(BY BY-LAW NO. 4734, INST. NO. YORK 119747 AND 1262, INST. NO. YORK 119748)  
P.N. 10529 - 0386 (L.T.)

POINT	NORTHING	EASTING
1	4 837 250.3	304 832.7
2	4 837 253.4	304 844.0
3	4 837 255.0	304 853.4
4	4 837 243.8	305 023.0



**APPENDIX C - LOCATION MAP**

