

## City Council

### Motion without Notice

MM39.28	ACTION			Ward: 9
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#### **Acquisition of 440 Dufferin Street - by Councillor Ana Bailao, seconded by Councillor Paula Fletcher**

*\* This Motion has been deemed urgent by the Chair.*

*\* This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate*

#### **Recommendations**

Councillor Ana Bailao, seconded by Councillor Paula Fletcher, recommends that:

1. City Council authorize the Executive Director, Corporate Real Estate Management, or their designate, to continue negotiations for the acquisition of part of the property known municipally as 440 Dufferin Street, as more particularly described in Appendix A and shown as Part 1 on Plan 66R-31729 attached as Appendix B (the "Subject Property"), and if such negotiations are unsuccessful, City Council authorize the initiation of the expropriation process for the Subject Property for the purpose of constructing the West Toronto Railpath Extension and related ancillary works to accommodate the project time lines.
2. City Council authorize the Executive Director, Corporate Real Estate Management, or their designate, to serve and publish Notices of Application for Approval to Expropriate the Subject Property, to forward to the Ontario Land Tribunal any requests for hearings that are received, to attend any hearing(s) to present the City's position, and to report the Ontario Land Tribunal's recommendations to City Council for its consideration.

#### **Summary**

The West Toronto Railpath Extension is a planned multi-use trail that will extend the Railpath (Railpath Phase 1) by approximately two kilometres south-easterly from the existing terminus at Dundas Street West and Sterling Road along the Kitchener GO rail corridor to south of Queen Street West (Sudbury Street and Abell Street).

The Bikeway Trails Implementation Plan (June 2012) and the Ten-Year Cycling Network Plan (June 2016) approved by City Council included the West Toronto Railpath Extension as a priority project. The West Toronto Railpath Extension will create a continuous multi-use trail system with connections to surrounding communities supporting active transportation and recreational uses.

In June 2016, Transportation Services completed the Environmental Assessment Study for the West Toronto Railpath Extension and determined the preferred alignment of the multi-use trail and five pedestrian and cycling bridges over the rail corridor and over city streets. With funding support through the Public Transit Infrastructure Fund, the City partnered with Metrolinx in

completing the detailed design of the West Toronto Railpath Extension . Subject to finalizing a Municipal Infrastructure Agreement with the City, Metrolinx has agreed to partner with the City for the construction of the West Toronto Railpath Extension , with construction proposed to commence later this year.

Corporate Real Estate Management staff have been engaged in efforts to acquire properties required for the construction of the West Toronto Railpath Extension. City staff are negotiating with the owners of the Subject Property at 440 Dufferin Street, and will continue to do so as negotiated agreements are preferred.

As ongoing negotiations have not resulted in the acquisition of the Subject Property, expropriation may be required. It is therefore recommended that City Council grant authority to initiate the expropriation process to acquire the Subject Property to avoid jeopardizing the construction of the West Toronto Railpath Extension and further support a potential partnership agreement between the City and Metrolinx.

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 funded from the 2021-2030 Council Approved Capital Budget and Plan for Transportation Services under account CTP820-05-01.

Before proceeding with the expropriation, staff will report to City Council through the General Government and Licensing Committee for approval of the expropriation. The staff report will identify the estimated funding requirement and the funding source for the market value of the Subject 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 Expropriations Act.

### **Background Information (City Council)**

Member Motion MM39.28

Appendix A - Required Property Interests

<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-199145.pdf>

Appendix B - Plan 66R-31729

<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-199126.pdf>