

Ontario Place Redevelopment - Declaration of Surplus

Date: April 4, 2023

To: General Government Committee

From: Executive Director, Corporate Real Estate Management

Wards: 10 - Spadina-Fort York

SUMMARY

The purpose of this report is to seek authority for the City of Toronto (the "City") to declare surplus City-owned parcels of land and water located at Ontario Place as described in Attachment 1 (the "City Property") with the intended manner of disposal to be by way of a land exchange with His Majesty the King in right of Ontario (the "Province"). City Council authority for the proposed land exchange will be sought in a separate report in May 2023.

As per Toronto Municipal Code, s. 213-1.3, it is necessary to declare surplus the City Property before proceeding with the land exchange. Under Toronto Municipal Code, s. 213-1.6, authority to declare City property surplus has been delegated to the Deputy City Manager, Corporate Services unless the local Councillor requests the matter to be determined through the appropriate standing committee, which is the case in this instance.

RECOMMENDATIONS

The Executive Director, Corporate Real Estate Management recommends that:

1. City Council declare surplus the City-owned parcels of land and water located at Ontario Place and described in Attachment 1 (the "City Property"), with the intended manner of disposal to be by way of agreements to exchange real property with His Majesty the King in right of Ontario as represented by the Minister of Infrastructure and His Majesty the King in right of Ontario as represented by the Minister of Natural Resources and Forestry, as the Chief Planner and Executive Director of City Planning and the General Manager of Parks, Forestry and Recreation have confirmed that the land being exchanged is (i) nearby land of equivalent or larger area and (ii) of comparable or superior green space utility, and all steps necessary to comply with the City's real estate disposal process as set out in Article 1 of City of Toronto Municipal Code Chapter 213, Real Property, be taken.

2. City Council approve, as the approving authority under the provisions of the Expropriations Act, the disposal of the City Property to His Majesty the King in right of Ontario as represented by the Minister of Infrastructure without giving the owners from whom any part of the City Property was expropriated the first chance to repurchase such part of the City Property on the terms of the best offer received by the expropriating authority.

FINANCIAL IMPACT

There are no financial implications resulting from this approval.

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

At its meeting on February 3rd, 2022, City Council adopted *EX29.5 Ontario Place Redevelopment - Priority Areas for Collaboration and Development Approvals Process*, which directed staff to continue negotiations with the Province of Ontario on a potential transaction related to City-owned lands and water at Ontario Place, and to report back to City Council for the necessary approval prior to the execution of any real estate transaction with permanent impact on City-owned real estate interest.

<https://secure.toronto.ca/council/agenda-item.do?item=2022.EX29.5>

On June 8, 2021, City Council adopted *EX24.3 Ontario Place Redevelopment Update*, which directed staff to report back on: a formal Toronto-Ontario agreement on priority areas for collaboration on the Ontario Place redevelopment; and the process that will be utilized for Planning Act and Ontario Heritage Act approvals for the Ontario Place redevelopment.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.EX24.3>

On September 30, 2020, City Council adopted *TE18.42 Exhibition Place Master Plan - Phase 1 Proposals Report* which directed City Council to rely on the findings of the Phase 1 Proposals Report to: a) inform future conversations with the Province regarding the joint revitalization of Ontario Place and Exhibition Place; and b) inform future consultations with Metrolinx regarding the Ontario Line.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE18.42>

On May 14, 2019, City Council adopted *EX5.1 Ontario Place/Exhibition Place Revitalization* which directed City staff to engage the Province in developing a joint strategy to plan the future of Ontario Place and Exhibition Place in a collaborative, co-operative, and consultative manner with all stakeholders, and adopted 5 Guiding Principles for the revitalization of Ontario Place.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EX5.1>

On May 14, 2019, City Council received for information *TE5.27 Ontario Place Revitalization - Results of Subcommittee Consultation, Guiding Principles and Next Steps* which considered feedback from the public that came through the Subcommittee on Ontario Place established by the Toronto and East York Community Council.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE5.27.6>

On May 14, 2019, City Council adopted *PB5.4 Inclusion on the City of Toronto's Heritage Register - 955 Lake Shore Boulevard West - Ontario Place, which added Ontario Place to the City's Heritage Register in accordance with a Statement of Significance outlining the reasons for inclusion.*
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PB5.4>

COMMENTS

Ontario Place Redevelopment Process

In 2019, City Council provided direction to staff to contemplate the rationalization of land ownership matters at Ontario Place and Exhibition Place as part of Item 2019.TE5.27, "Ontario Place Revitalization - Results of Subcommittee Consultation, Guiding Principles and Next Steps."

As outlined in the previous Council report Item 2022.EX29.5 "Ontario Place Redevelopment - Priority Areas for Collaboration and Development Approvals Process", the Province is currently undertaking a redevelopment of Ontario Place.

To facilitate this redevelopment, Infrastructure Ontario approached the City to discuss the acquirement of the City Property consisting of approximately six acres of City-owned land and approximately ten acres of the City-owned water at Ontario Place, as described in Attachment 1 and shown in Attachment 2.

City-owned Lands and Water at Ontario Place

In February 2022, through Item 2022.EX29.5 "Ontario Place Redevelopment - Priority Areas for Collaboration and Development Approvals Process", City Council authorized Corporate Real Estate Management, in consultation with City Planning and Parks, Forestry and Recreation, to continue negotiations with the Province on terms and conditions on the potential acquirement of City-owned lands and water at Ontario Place.

Since then, City staff and the Province have negotiated the key terms and conditions of the acquirement for the City Property, subject to obtaining City Council's authority, that addresses the Province of Ontario's real estate interests to advance the development of Ontario Place, in addition to increasing the City's real estate holdings along the waterfront.

As directed by City Council via Item 2022.EX29.5, the Executive Director, Corporate Real Estate Management will seek City Council approval prior to the execution of any real estate related agreements as it concerns City-owned real estate interests.

A two-step process will facilitate the land exchange: the first part is procedural in nature and the second part is the real estate transaction itself. Under the Toronto Municipal Code, s. 213-1.3, in order to proceed with the land exchange involving the City Property described in Attachment 1 and shown in Attachment 2, first it is necessary to declare surplus the City Property. Under the Toronto Municipal Code, s. 213-1.6, following consultation with the local Councillor, the Councillor may request the matter to be determined by City Council through the appropriate standing committee. As per engagement with the local Councillor, staff are seeking City Council authority to declare surplus the City Property.

If City Council opts to not proceed with the declare surplus as recommended by City staff, the Province will likely pursue other means available, such as expropriation, to acquire the City Property at Ontario Place. In this scenario, the City may not receive the Provincially-owned lands negotiated by City staff.

The request for authority to proceed with the declare surplus and subsequent land exchange is occurring in parallel with the development application process, as both the City and the Province require approximately four to six months to complete the necessary due diligence and closing processes to complete this land transaction. The Province has indicated a desire for the City Property to be transferred to Provincial ownership by December 31, 2023.

Expropriations Act

A portion of the City Property that is the subject of the proposed declare surplus and land exchange, was acquired by expropriation in 1910. The Expropriations Act requires that where lands that have been expropriated by an expropriating authority are found to be no longer required for its purpose, the expropriating authority shall not, without the approval of the approving authority, dispose of the lands without giving the owners from whom the lands were taken the first chance to repurchase the lands. In view of the time that has passed since the expropriation, City Council should waive the requirement to offer to the original owners from whom the lands were expropriated the first chance to repurchase the lands.

CONCLUSION AND NEXT STEPS

City staff have worked with the Province to negotiate a mutually beneficial land exchange that is in accordance with the City's Official Plan. Declaring the City Property surplus is a necessary and preliminary step to completing the proposed land exchange. City Council authority for the proposed land exchange will be sought in a separate report in May 2023.

CONTACT

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SIGNATURE

Patrick Matozzo
Executive Director, Corporate Real Estate Management

ATTACHMENTS

Attachment 1 - Legal Description of City Property to be Declared Surplus and Exchanged with the Province of Ontario
Attachment 2 - Sketch of City Property to be Declared Surplus and Exchanged with the Province of Ontario

Attachment 1 - Legal Description of City Property to be Declared Surplus and Exchanged with the Province of Ontario

(1) Land being part of PIN 21418-0100(LT), being that part of Pt Blk A, M PI D1397 Toronto; Pt Water Lt in front of PI Ordnance Reserve Toronto Lying E Of Water Lt at foot of Dufferin St & S of Lake Shore Blvd W, Granted to The Toronto Harbour Commissioners By Dominion Government on June 5, 1934 By WF17942 as in WF55391 (Parcel 5) except 63R1786 & 63R2034 and as in OF24339 except WF55391; S/T CA208787; City of Toronto, as shown below in attached Sketch.

(2) Waters being part of PIN 21416-0099(LT), being that part of Pt Lt G, H PI D1411 Toronto; Lt J, K, L, M, N, O, P, Q PI D1411 Toronto; Pt Water Lt in front of Lt 33, in front of Lt 34 Con Broken Front Toronto; Pt Lt 12-25 PI 782 Parkdale; Pt Water Lt in front of Lt 31 Con Broken Front Toronto; Water Lt in front of Lt 36 Con Broken Front Toronto; Pt Water Lt in front of Dufferin St Toronto; Hawthorne Terrace PI 549 Parkdale Aka Laburnam Av Closed By Wf35040; Pt Lt 9-10, 19-24 PI 549 Parkdale; Pt Lt 69-70, 94 PI 333 Parkdale; Dowling Av PI 333 Parkdale Closed By WF35040; Water Lt 25-30 PI 549 Toronto; Jameson Av PI 370 Parkdale Closed By WF43635; Pt Blk J PI D1478 Toronto; Pt Water Lt in front of Lt 32 Con Broken Front Toronto Part Also Described As Water Lots 1A, 2A, 3A PI 1011 Toronto; Pt Lt 46 PI 443 Parkdale; Lt 52-59 PI 443 Parkdale; Dunn Av PI 443 Parkdale closed by WF35040; Dunn Av PI 443 Parkdale S of Blk K PI D1478 Toronto; Pt Blk H, K PI D1478 Toronto; Pt Lt 1-3 PI D1478 Toronto; Pt Lt 105-111 PI 613 Parkdale; Lt 112-114 PI 613 Parkdale; Pt Lt 15 W/S Jameson Av, 16 W/S Jameson Av PI 370 Parkdale; Pt Lt 1-3 PI 1011 Toronto as in CA333154, CT452027 (Pt of Parcel 3), WF55391 (Parcel 2, 3, 4, 5), WF15313, WF11641 (Parcel 1), WF6757, WF6717, OD12056 (Parcel 1), OF64044; except Pt 9 63R275 & Pt 1, 2 & 3 63R265; S/T CA208787, WF51758; Subject To An Easement In Gross Over Pts 1,2,3 64R14276, Pts 1,2,3 64R14277, Pts 1 64R14278, Pt 1 64R14279 as in AT3917049 City of Toronto, as shown below in attached sketch, (1) And (2) collectively being the "City Property").

Attachment 2 - Sketch of City Property to be Declared Surplus and Exchanged with the Province of Ontario



N73731_Ontario Place_A1097255_OIG Map.mxd
September 29, 2022 © Queen's Printer for Ontario 2022
For illustrative purposes only!
*Areas and Limits to be confirmed by survey.

