

## **Application for Approval to Expropriate a Part of 165 The Queensway, for Road Safety Enhancements - Stage 1**

**Date:** May 25, 2023

**To:** General Government Committee

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

**Wards:** 3 - Etobicoke Lakeshore

### **SUMMARY**

---

This report seeks authority to initiate expropriation proceedings for the fee simple interest of a small rectangular portion (approximately 40 square metres) of the property municipally known as 165 The Queensway (the "Property") for the purposes of road safety enhancements, construction, maintenance and any future repairs to that portion of the road network as part of Transportation Services' The Queensway Complete Street project (the "Project").

This is Stage One 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 Two report, providing details on property values and other costs, and if the Hearing of Necessity 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 Two 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 small rectangular portion (approximately 40 square metres) of the property municipally known as 165 The Queensway, as set out in Appendix A and as illustrated as Part 1 on Plan 66R-33117 attached as Appendix B (the "Property"), and authorize the initiation of expropriation proceedings for the Property, for the purpose of constructing road enhancements at the intersection of The Queensway and Park Lawn Road as part of The Queensway Complete Street project.

2. City Council grant authority to serve and publish the 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 funded from the 2023-2032 Council Approved Capital Budget and Plan for Transportation Services (CTP817-05-289).

Before proceeding with the expropriation, City staff will report to City Council through the General Government Committee for approval of the expropriation (the "Stage Two Report"). The Stage Two 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**

---

At its meeting on April 6 and 7, 2022, City Council adopted IE28.7 "Cycling Network Plan - 2022 Cycling Infrastructure Installation - First Quarter and 2021 ActiveTO Cycling Network Expansion Project Updates", approving the Queensway Complete Street project from Humber River to Burma Drive:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.IE28.7>

## **COMMENTS**

---

### **Background**

As part of the road reconstruction and watermain replacement work on The Queensway between Mimico Creek and the Humber River planned in 2024, the road will also be reconstructed with new complete street features including wider sidewalks, improved bus stops, raised and protected cycle tracks and new landscaping. These road safety improvements form part of the Council-approved Queensway Complete Street project.

### **The City's Requirement for the Property**

The south side of the intersection of The Queensway and Park Lawn Road presents challenges for introducing cycle tracks, sidewalks and safety improvements. The challenges include:

- Frequent heavy truck movements, which serve to provide access from the Gardiner Expressway to the Ontario Food Terminal. The skew of the intersection necessitates a large corner radius to accommodate northbound right movements.
- Multiple utility conflicts, including a pole on the existing channelized right-turn island that would be complex and costly to relocate.
- A narrow 24.9 metre right-of-way on the south approach with a 1.2 metre wide sidewalk at the southeast quadrant that needs to accommodate cycle tracks and a sidewalk. The distance between the property line and the existing curb at the pinch point is about 1.4 metres.

The City's acquisition of the Property would enable the approved design elements on the south side of the intersection including a 2.1 metre sidewalk, truck aprons (mountable curbs) at the southeast and southwest corners to accommodate trucks while narrowing the turning radius for smaller motor vehicles, and a 1.5 metre cycle track set back 1.1 metre from the roadway. See Appendix C for a location map of the Property.

Without the acquisition of the Property, the approved design would require modifications including reducing the widths for the sidewalk and protected cycle track below the minimum standards. Further, it would not be feasible to implement the approved truck apron for the northbound right turn radius, which improves safety and still allows the frequent heavy truck northbound right movements, which serve to provide access from the Gardiner Expressway to the Ontario Food Terminal.

### **Negotiations with the Property Owner**

In the second quarter of 2022, Corporate Real Estate Management staff began negotiations to acquire the Property with the owner, the Ontario Food Terminal Board. As ongoing negotiations with the owner have not yet resulted in the acquisition of the Property, expropriation may be required. Therefore, it is recommended that City Council, as approving authority under the Act, grant authority to initiate the expropriation process to acquire the Property in order to protect the Project timelines and manage potential title issues.

## **CONTACT**

---

Vinette Prescott-Brown, Manager, Transaction Services, Corporate Real Estate Management, 416-392-7138, [Vinette.Prescott-Brown@toronto.ca](mailto:Vinette.Prescott-Brown@toronto.ca)

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

## **SIGNATURE**

---

Patrick Matozzo  
Executive Director, Corporate Real Estate Management

## **ATTACHMENTS**

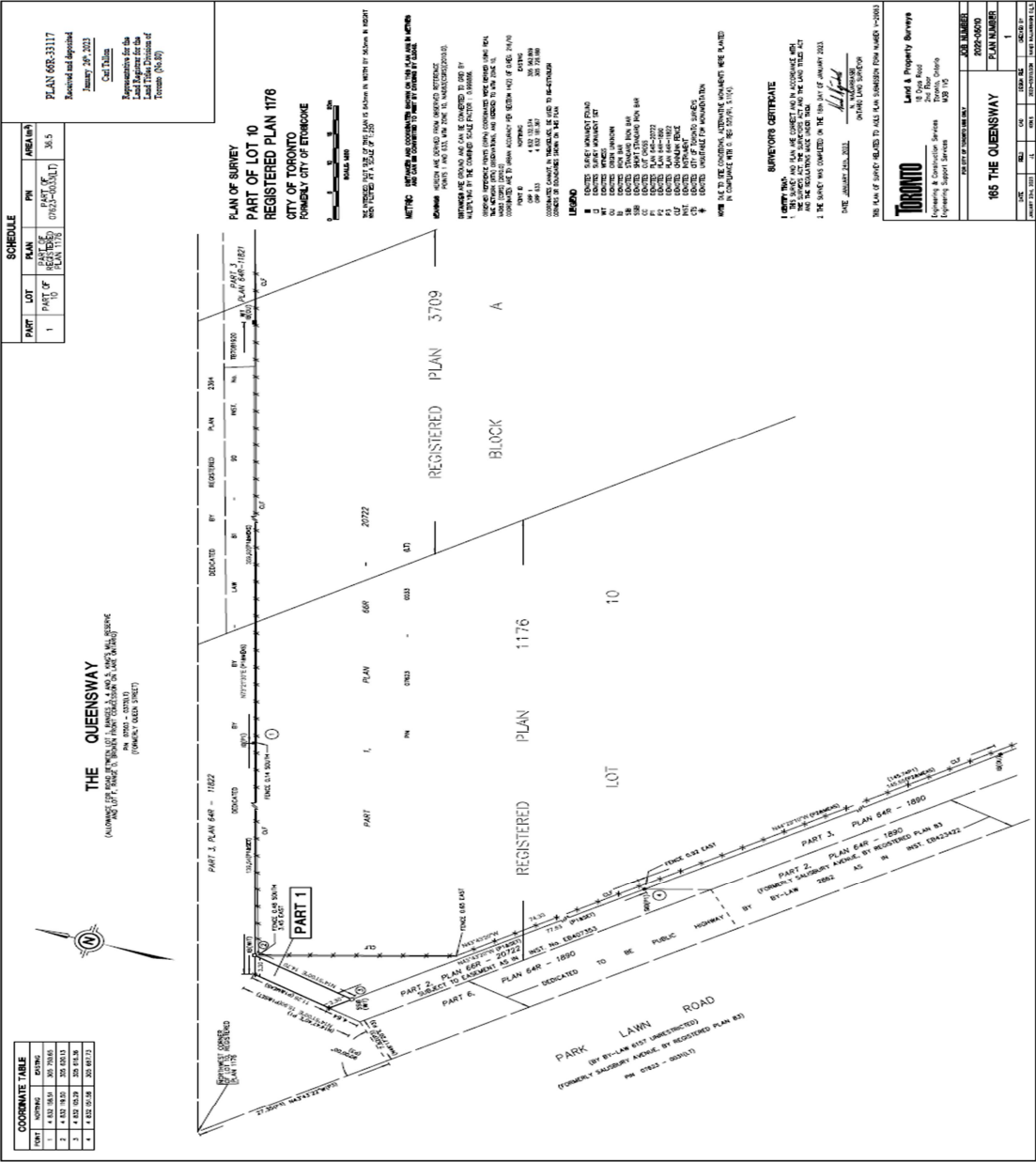
---

Appendix A - Legal Description of Property  
Appendix B - Reference Plan (Plan 66R-33117)  
Appendix C - Location Map of Property

## APPENDIX A - LEGAL DESCRIPTION OF THE PROPERTY

Municipal Address	Legal Description	Approximate Area
165 The Queensway	Part of PIN 07623-0033 (LT) Part of Lot 10, Plan 1176, designated as Part 1 on Plan 66R-33117	40 square metres

APPENDIX B – REFERENCE PLAN (PLAN 66R-33117)



## APPENDIX C – LOCATION MAP OF PROPERTY

