

## **Declare Surplus of City Walkway Between 19 and 23 Lord Roberts Drive**

**Date:** September 18, 2023

**To:** General Government Committee

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

**Wards:** 21 – Scarborough Centre

### **SUMMARY**

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The purpose of this report is to seek authority for the City of Toronto (the "City") to declare the lands currently utilized as a City walkway located between 19 and 23 Lord Roberts Drive as described in Attachment 1 (the "Property") surplus with the intended manner of disposal to be by way of a transfer of a permanent easement to Enbridge Gas Inc. ("Enbridge"). Authority for the proposed transfer of permanent easement will be sought separately utilizing Corporate Real Estate Management's delegated authority.

As per Toronto Municipal Code, s. 213-1.3, it is necessary to declare the Property surplus before proceeding with the proposed transfer of permanent easement. 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. The local Councillor for the subject Property has requested that the proposed declare surplus be determined via the applicable committee process.

### **RECOMMENDATIONS**

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The Executive Director, Corporate Real Estate Management recommends that:

1. City Council declare the City walkway lands located between 19 and 23 Lord Roberts Drive and described in Attachment 1 (the "Property") surplus, with the intended manner of disposal to be by way of a transfer of a permanent easement to Enbridge Gas Inc.
2. City Council grant an exemption from the requirement to give notice to the public with respect to the proposed declare surplus.
3. All steps necessary to comply with the City's real estate disposal process, as set out in Article 1, Chapter 213 of the City of Toronto Municipal Code, Real Property, be taken.

## **FINANCIAL IMPACT**

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There are no financial implications resulting from this approval.

The Interim Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial implications as identified in the Financial Impact section.

## **DECISION HISTORY**

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There is no decision history associated with this report.

## **COMMENTS**

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### **Background**

The City acquired the Property via a Site Plan Agreement with Rainbow Village Scarborough Inc. (Instrument No. C543101) registered on title on February 15, 1989. The Property was conveyed to the City for the purpose of a new pedestrian route linking Lord Roberts Drive to the north side of Eglinton Avenue East.

The Property was not acquired through expropriation proceedings.

### **Relocation of Gas Service onto City Property**

As a result of a conflict with Metrolinx's Scarborough Subway Extension (SSE) project, Enbridge has been requested to relocate an existing gas service from its current location within the City's right of way. Given the proximity of the current gas service line with the City's walkway lands located between 19 and 23 Lord Roberts Drive, it was proposed that the gas service be relocated onto the City's Property. Metrolinx and Enbridge approached the City and requested that the City grant a permanent easement to Enbridge to allow the organization to relocate the gas service onto the Property. Once the gas service has been relocated, the existing gas service can be removed from its current location and Metrolinx can proceed in its efforts to complete the SSE project.

### **Declaration of Surplus**

A circulation to the City's Divisions and Agencies was undertaken to ascertain whether or not there is any municipal interest in retaining the Property. No municipal interest was expressed however, staff have requested that the proposed permanent easement with Enbridge contains certain terms to protect existing improvements and municipal infrastructure on the Property.

Housing Secretariat has confirmed there is no interest in the Property for affordable housing. Accordingly, it is appropriate that the Property be declared surplus. The Technical Review Committee has reviewed this matter and concurs.

As per Toronto Municipal Code, s. 213-1.3, it is a requirement to declare the Property surplus before proceeding with the proposed transfer of permanent easement to Enbridge. Under Toronto Municipal Code, s. 213-1.6, authority to declare City property surplus has been delegated to the Deputy City Manager, Corporate Services subject to the endorsement of the local Councillor. The local Councillor for the subject Property has requested that the proposed declare surplus be determined through the Committee and City Council process.

Although the declare surplus associated with this report is required to transfer the proposed permanent easement to Enbridge for the installation of a new subsurface gas service on the Property, the City will continue to own the Property, and it will remain a publicly accessible walkway. Once terms have been negotiated and agreed upon between the City and Enbridge, authority for the proposed transfer of permanent easement will be sought separately utilizing Corporate Real Estate Management's delegated authority.

## **CONTACT**

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Alison Folosea, Director, Transaction Services, Corporate Real Estate Management, 416-338-2998, [Alison.Folosea@toronto.ca](mailto:Alison.Folosea@toronto.ca)

## **SIGNATURE**

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Patrick Matozzo  
Executive Director, Corporate Real Estate Management

## **ATTACHMENTS**

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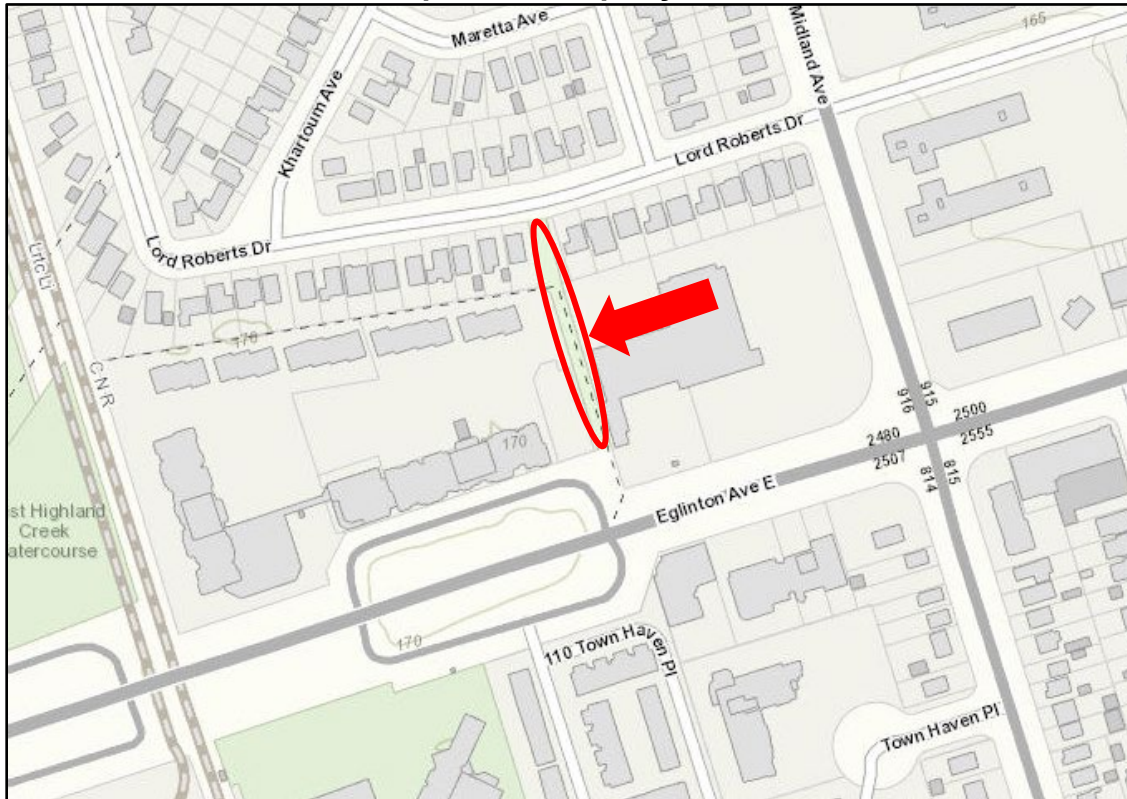
Attachment 1 - Legal Description of the Property  
Attachment 2 - Location Map of the Property  
Attachment 3 - Reference Plan of the Property

## **Attachment 1 - Legal Description of the Property**

Part of Blocks B & F, Registered Plan M-680, and Part of Lot 27, Concession D, Geographic Township of Scarborough, City of Toronto, identified by PIN 06348-0443 (LT), PIN 06348-0442 (LT) and PIN 06348-0444 (LT).

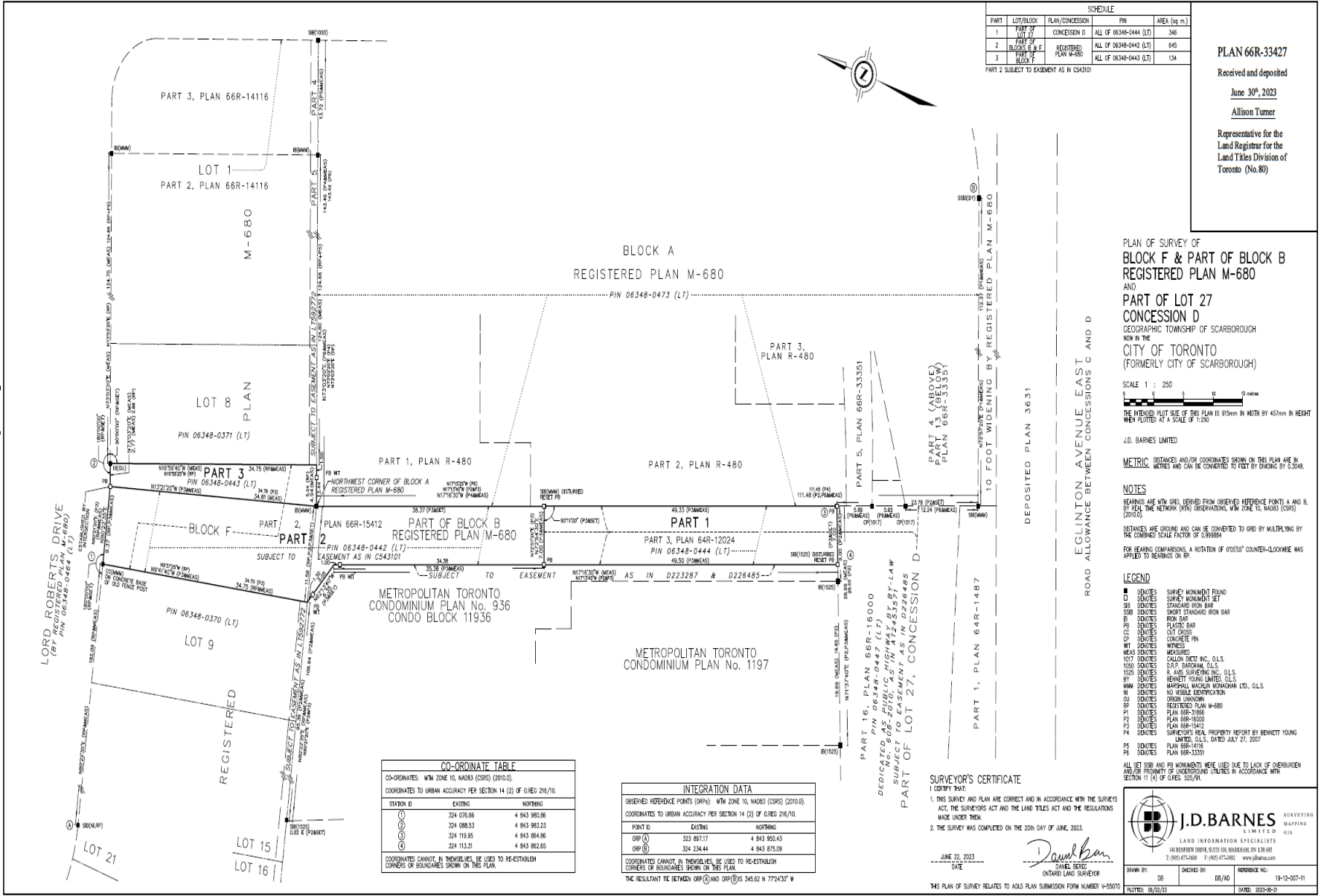
The Property is displayed as Parts 1, 2 and 3 on Plan 66R-33427 located in Attachment 3.

**Attachment 2 - Location Map of the Property**



Declare Surplus - City Walkway Between 19 and 23 Lord Roberts Drive

Attachment 3 - Reference Plan of the Property



SCHEDULE				
PART	LOT/BLOCK	PLAN/CONCESSION	PIN	AREA (sq. m.)
1	PART OF LOT 27	CONCESSION D	ALL OF 06348-0444 (LT)	346
2	PART OF BLOCKS F & F PART OF PLAN M-680	REGISTERED PLAN M-680	ALL OF 06348-0442 (LT)	845
3	PART OF BLOCK F	REGISTERED PLAN M-680	ALL OF 06348-0443 (LT)	134

PART 2 SUBJECT TO EASEMENT AS IN C543101

**PLAN 66R-33427**  
 Received and deposited  
 June 30<sup>th</sup>, 2023  
 Allison Turner  
 Representative for the  
 Land Registrar for the  
 Land Titles Division of  
 Toronto (No.80)

PLAN OF SURVEY OF  
**BLOCK F & PART OF BLOCK B**  
**REGISTERED PLAN M-680**  
 AND  
**PART OF LOT 27**  
**CONCESSION D**  
 GEOGRAPHIC TOWNSHIP OF SCARBOROUGH  
 NOW IN THE  
**CITY OF TORONTO**  
 (FORMERLY CITY OF SCARBOROUGH)

SCALE 1 : 250  
 THE INTENDED PLOT SIZE OF THIS PLAN IS 915mm IN WIDTH BY 437mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:250  
 J.D. BARNES LIMITED  
 METRIC DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**NOTES**  
 BEARINGS ARE WITH GRID (DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL-TIME NETWORK (RTN) OBSERVATIONS, WITH ZONE 18 NAD83 (CSRS) (20110))  
 DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999894  
 FOR BEARING COMPARISONS, A ROTATION OF 010503° COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON R9

- LEGEND**
- DENOTES SURVEY MONUMENT FOUND
  - DENOTES SURVEY MONUMENT SET
  - SB DENOTES STANDARD IRON BAR
  - SB DENOTES SHORT STANDARD IRON BAR
  - BI DENOTES IRON BAR
  - PC DENOTES PLASTER BAR
  - CD DENOTES COT CROSS
  - CD DENOTES CONCRETE PIN
  - WT DENOTES WITNESS
  - MEAS DENOTES MEASURE
  - 1077 DENOTES CALLOW DUCT INC. O.L.S.
  - 1090 DENOTES D.F.P. BATHAM, C.L.S.
  - 1259 DENOTES R. AND SURVEYING INC. O.L.S.
  - 87 DENOTES BENNETT YOUNG LIMITED, C.L.S.
  - MM DENOTES MARSHALL MACLEAN MONROHAN LTD., C.L.S.
  - NO DENOTES NO. PUBLIC IDENTIFICATION
  - ORIG DENOTES ORIGINAL UNKNOWN
  - ORIG DENOTES REGISTERED PLAN M-680
  - P1 DENOTES PLAN 66R-31866
  - P2 DENOTES PLAN 66R-16000
  - P3 DENOTES PLAN 66R-10472
  - P4 DENOTES SURVEYORS REAL PROPERTY REPORT BY BENNETT YOUNG LIMITED, C.L.S., DATED JULY 27, 2007
  - P5 DENOTES PLAN 66R-41116
  - P6 DENOTES PLAN 66R-33293

ALL SET SB, BI AND PC MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11.1(4) OF OREG. 216/10

**J.D. BARNES** SURVEYING LIMITED  
 LAND INFORMATION SPECIALISTS  
 140 BURNHAMTHORPE AVENUE, SUITE 100, MISSISSAUGA, ON L4W 1M9  
 T: (905) 475-2608 F: (905) 475-2682 www.jdbarnes.com

DRAWN BY: DB CHECKED BY: DB/AG REFERENCE NO.: 19-12-007-11  
 FILLED: 06/22/23 DATE: 2023-06-27

**CO-ORDINATE TABLE**

STATION ID	EASTING	NORTHING
①	324 076.66	4 843 862.86
②	324 088.53	4 843 863.23
③	324 119.95	4 843 864.86
④	324 113.91	4 843 862.65

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

**INTEGRATION DATA**

POINT ID	EASTING	NORTHING
OPP ①	323 892.17	4 843 920.43
OPP ②	324 234.44	4 843 875.09

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.  
 THE RESULTANT TIE BETWEEN OPP ① AND OPP ② IS 345.62 IN 77°24'30" W

**SURVEYOR'S CERTIFICATE**  
 I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.  
 2. THE SURVEY WAS COMPLETED ON THE 20th DAY OF JUNE, 2023.

DATE: JUNE 22, 2023  
 DATE: \_\_\_\_\_  
 JAMES BERG  
 ONTARIO LAND SURVEYOR

745 PLAN OF SURVEY RELATES TO A03 PLAN SUBMISSION FORM NUMBER W-50073