

Application for Approval to Expropriate portions of properties - 32 to 50 Larwood Boulevard - Stage 1

Date: November 22, 2023

To: General Government Committee

From: Acting Executive Director, Corporate Real Estate Management

Wards: Scarborough Southwest

SUMMARY

This report seeks authority to initiate expropriation proceedings for fee simple interests in portions of the properties municipally known as 32, 34, 36, 38, 40, 44, 46, 48, and 50 Larwood Boulevard, for the purpose of the installation of a multi-use trail to improve pedestrian and cyclist safety on the east side of Brimley Road South, from Barkdene Hills to Bluffers Park Road.

This is Stage 1 of the expropriation process. Should City Council adopt the recommendations in this report, staff will serve and publish the Notices of Application for Approval to Expropriate in accordance with the Expropriations Act (the "Act"). Owners will have 30 days to request a hearing into whether the City's proposed taking is fair, sound and reasonably necessary.

Staff will report back to City Council with a Stage 2 report, providing details on property values and other costs, and if a hearing is requested, the report of the Ontario Land Tribunal. The proposed expropriation would only be affected after adoption by City Council (as approving authority) of the Stage 2 report, and by registration of an expropriation plan, which would then be followed by the service of further 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 as defined in the Act.

RECOMMENDATIONS

The Interim Executive Director, Corporate Real Estate Management recommends that:

1. City Council authorize the initiation of expropriation proceedings for fee simple interests in the lands illustrated as Part 1 to 9 on the draft reference plan attached as Attachment A (the "Properties"), for the purposes of constructing a multi-use trail along the east side of Brimley Road, from Barkdene Hills south to Bluffers Park Road.
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 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 Cost Centre CTP817-05.

Before proceeding with the expropriation, staff will report to City Council through the General Government Committee for approval of the expropriation (the "Stage 2 Report"). The Stage 2 Report will identify the estimated funding requirement and the funding source for the market value of the Properties, 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

As part of the 2019 Budget process, Toronto and Region Conservation Authority ("TRCA") received \$4.895M to proceed with West Segment detailed design, including \$4.274M for design (\$0.408M) and implementation (\$3.866M) of the Brimley Road South Multi-Use Trail.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EX2.5>

At its meeting on May 22, 2018, City Council adopted Item EX34.5 Scarborough Waterfront Project - Environmental Assessment and Next Steps authorizing the TRCA to submit the Scarborough Waterfront Project Environmental Assessment to the Ministry of the Environment and Climate Change for formal review.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EX34.5>

COMMENTS

The Scarborough Waterfront Project Environmental Assessment (the "Project") was initiated to study the feasibility of creating a system of publicly accessible and safe greenspaces along the Lake Ontario shoreline, between Bluffer's Park and East Point Park. The scope of this Project includes shoreline erosion control and shoreline treatments for habitat creation, infrastructure protection, water quality improvements, as well as nature-based recreation and a multi-use trail for pedestrians and cyclists along an 11 km-long stretch of shoreline.

Due to the size of the Project's study area and length of shoreline considered, the project study area was divided into three shoreline Segments (West, Central and East). The Project was approved by the Ministry of Environment, Conservation and Parks in November 2019.

The Toronto and Region Conservation Authority, in partnership with the City, is proceeding with the detailed design and implementation of the Brimley Road South Multi-Use Trail that is included in the West Segment. Implementation of the multi-use trail will provide several benefits to local area residents and Bluffer's Park users, including:

- Safe access to Bluffer's Park for pedestrians and cyclists.
- Reduced conflict between pedestrians, cyclists and motor vehicles.
- Opportunity for a reduction in vehicular traffic during peak park season through the provision of the active transportation facility.
- Promotion of healthy living and wellness for the community.
- Improved connection to the forthcoming waterfront trail along Lake Ontario.

As part of the multi-use trail design process, the Properties, which comprises small parcels of lands at the rear of nine (9) private properties on Larwood Boulevard, were identified as being required to facilitate trail implementation along the east side of Brimley Road South.

Corporate Real Estate Management staff have been engaged in efforts to acquire the Properties through negotiated agreements with the various owners. As these efforts have not resulted in the acquisition of the Properties, expropriation may be necessary. It is therefore recommended that City Council, as Approving Authority, grant authority to initiate the expropriation process to acquire the Properties to ensure the timely construction of the Brimley Road South Multi-Use Trail.

CONTACT

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SIGNATURE

Marco Cuoco
Acting Executive Director, Corporate Real Estate Management

ATTACHMENTS

Attachment "A" - Draft Reference Plan

