



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

# Expropriation of 300 Commissioners Street - Request for Directions Regarding Ontario Land Tribunal Hearing

**Date:** August 23, 2024

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 14 - Toronto Danforth

### REASON FOR CONFIDENTIAL INFORMATION

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This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

### SUMMARY

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On October 29-30, 2019, City Council authorized the expropriation of the leasehold interest in the property municipally known as 300 Commissioners Street (the "Property") which are lands comprised of approximately 1.83 hectares, for municipal purposes including the proposed extension of Broadview Avenue (the "Extension").

The Property is located in the Port Lands at the north-west corner of Commissioners Street and Bouchette Street. The Property is a part of a larger block bordered by Commissioners Street to the south, Bouchette Street to the east, Lake Shore Boulevard East to the north, and Saulter Street South to the west. At the time of the expropriation, the Property was designated General Industrial Areas by the former City of Toronto Official Plan. Since the expropriation, the Property has been redesignated by the Ontario Land Tribunal's approval of the Central Waterfront Secondary Plan and is now designated as Regeneration Area.

The Property was the subject of a ground lease at the time of expropriation. The landlord under the ground lease was the Toronto Economic Development Corporation. The expropriated tenant, Port Lands Land Co. Limited Partnership (the "Claimant"), has served a claim for compensation on the City pursuant to the *Expropriations Act*. A four-week hearing at the Ontario Land Tribunal has been scheduled to commence on September 16, 2024.

This report deals with litigation that affects the City and contains advice or communications that are subject to solicitor-client privilege. The purpose of this report is to seek further direction regarding the litigation and any potential resolution of the subject claim for compensation and the information in this regard are being provided as confidential material.

## RECOMMENDATIONS

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1 to this Report.
2. City Council direct that all information contained in Confidential Attachment 1 including the confidential recommendations therein and Confidential Appendix A are to remain confidential at the discretion of the City Solicitor as it contains advice and information which is subject to solicitor-client privilege.

## FINANCIAL IMPACT

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The financial impact is discussed in Confidential Attachment 1 to this report.

## DECISION HISTORY

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During its meeting of July 23-27, 2018, City Council adopted recommendations contained within Item GM29.27 titled "Expropriation of 300 Commissioners Street" authorizing the Director, Real Estate Services, to continue negotiations for the acquisition of the Property and to initiate the expropriation process if necessary.  
[Agenda Item History - 2018.GM29.27 \(toronto.ca\)](#)

During its meeting of October 29 and 30, 2019, City Council adopted the recommendations contained within Item GL8.5 titled "Expropriation of 300 Commissioners Street for the Future Broadview Avenue Extension Project", thereby approving the expropriation of the Property, authorizing staff to take all necessary steps to comply with the *Expropriations Act* for the purpose of the expropriation.  
[Agenda Item History - 2019.GL8.5 \(toronto.ca\)](#)

The OLT has scheduled a four-week hearing to commence on September 16, 2024 for the purpose of adjudicating the claim.

## COMMENTS

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This report has been prepared in consultation with staff from Corporate Real Estate Management, Transportation Services, and Corporate Finance.

The former tenant of the Property has contested the market value compensation offered by the City for its former leasehold interest and has made additional claims of compensation for damages.

The City Solicitor requires further instructions. This report is about litigation before the Ontario Land Tribunal and contains advice or communications that are subject to solicitor-client and litigation privilege. The report is urgent as it relates to ongoing litigation and cannot be deferred. Confidential Attachment 1 to this report contains confidential advice and should be considered by City Council *in camera*.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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1. Confidential Attachment 1 - Confidential Recommendations and Confidential Information
2. Confidential Appendix "A" - Confidential Information