

Expropriation of Part of 24 Ferrand Drive – Stage 2

Date: January 30, 2024

To: General Government Committee

From: Executive Director, Corporate Real Estate Management

Wards: 16 - Don Valley East

REASON FOR CONFIDENTIAL INFORMATION

This report deals with a proposed or pending acquisition of land interests by the City of Toronto (the "City").

SUMMARY

This report seeks approval from City Council as approving authority under the Expropriations Act (the "Act"), to expropriate the fee simple interest in part of the property municipally known as 24 Ferrand Drive (the "Property Interest") for the purpose of incorporating the Property Interest into the Housing Now Initiative site at 805 Don Mills Road and facilitating the road realignment of Ferrand Drive.

This report relates to the second stage of the expropriation process. During the first stage and in accordance with the Act, Notices of Application for Approval to Expropriate were served on all applicable "registered owners" who had 30 days to request an inquiry into whether the proposed taking is fair, sound, and reasonably necessary. No requests were received within the 30-day period ending on December 10, 2023, and City Council may now approve the expropriation by this Stage Two report. If authorized, an Expropriation Plan will be registered, and associated notices served. Statutory Offers of Compensation must be served prior to the City taking possession of the expropriated Property Interest.

The Property Interest is set out in Appendix A and shown in the reference plan attached as Appendix B.

RECOMMENDATIONS

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

1. City Council, as approving authority under the Expropriations Act, approve the expropriation of fee simple interests over part of the property municipally known as 24 Ferrand Drive, as set out in Appendix A and designated as Parts 1, 2, 3 and 4 on Plan 66R-32872 attached as Appendix B, for municipal purposes including for the Housing Now project at 805 Don Mills Road, the realignment of Ferrand Drive, and works ancillary thereto.
2. City Council authorize the City, as the expropriating authority under the Expropriations Act, to take all necessary steps to comply with the Expropriations Act, including but not limited to the preparation and registration of an Expropriation Plan and the service of Notices of Expropriation, Notices of Election and Notices of Possession, as may be required.
3. City Council authorize the Director, Transaction Services, Corporate Real Estate Management, or their designate, to prepare and serve Offers of Compensation based on a report appraising the market value of the Property Interest in accordance with the requirements of the Expropriations Act.
4. City Council authorize the public release of the confidential information contained in Confidential Attachment 1 once there has been a final determination of all claims for compensation payable to the property owners by arbitration, appeal or settlement to the satisfaction of the City Solicitor.

FINANCIAL IMPACT

Confidential Attachment 1 to this report identifies the estimated market value of the required Property Interest to be expropriated.

Funding to acquire the Property Interest and the disbursement of all anticipated costs associated with the proposed expropriation has been included in the 2024-2033 Staff Prepared Capital Budget and Plan for Transportation Services being considered by City Council through the 2024 Budget process.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

On June 15 and 16, 2022, City Council adopted GG31.12, "Application for Approval to Expropriate Part of 24 Ferrand Drive - Stage 1" and approved the initiation of expropriation of the fee simple interest in part of the property municipally known as 24

Ferrand Drive for the purpose of incorporating the Property Interest into the Housing Now Initiative site at 805 Don Mills Road and facilitating the road realignment of Ferrand Drive.

<https://secure.toronto.ca/council/agenda-item.do?item=2022.GL31.12>

On September 30, 2020, City Council adopted CC24.12, “Don Mills Crossing - Request for directions regarding Local Planning Appeal Tribunal Appeal” and approved confidential recommendations regarding a settlement on O.P.A. 404, which was appealed to the Local Planning Appeal Tribunal (“L.P.A.T.”) (now continued as the Ontario Land Tribunal) (L.P.A.T. Case No. PL190242) by two landowners. The Tribunal allowed the appeals in part and modified and approved the O.P.A. following a settlement between the appellants and the City.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.CC24.12>

On January 31, 2019, the City Council adopted Item EX1.1 “Implementing the ‘Housing Now’ Initiative.” This report provided recommendations on the organizational structure and processes to deliver the Housing Now Initiative, the proposed affordable housing program, and the program’s overall financial implications.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EX1.1>

On April 16, 2019, the City Council adopted Official Plan Amendment (“O.P.A.”) No. 404 covering lands generally bounded by the Canadian Pacific Rail Corridor, Don Mills Road, Wynford Drive, Gervais Drive, Ferrand Drive, Rochefort Drive and a portion of the west branch of the Don River Valley. O.P.A. 404 provides a comprehensive planning framework to guide the redevelopment around the Don Mills Road and Eglinton Avenue East intersection as a complete community with varied levels of intensification and land uses, create opportunities to connect with nature, enhance mobility choice and support inclusive city building.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH4.1>

On December 13, 2018, the City Council adopted Item CC1.3, “Housing Now,” which approved the activation of 11 City-owned sites for the development of affordable housing as part of creating mixed-income, mixed-use and transit-oriented communities. 805 Don Mills Road was identified as one of the 11 sites.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC1.3>

On July 4, 2018, the North York Community Council adopted Item NY32.25, “Preliminary Report – Official Plan Amendment and Zoning By-law Amendment Application – 770 Don Mills Road and 805 Don Mills Road,” with amendments. This report provided preliminary information and an early opportunity to raise issues for follow-up regarding the application submitted by Build Toronto Inc. (now CreateTO).

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.NY32.25>

On May 6, 2014, the City Council adopted Item PG32.4, “Eglinton Connects Planning Study – Final Directions Report,” which developed a vision for Eglinton Avenue to guide future development.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG32.4>

COMMENTS

Property Details

The Property Interest is designated as Parts 1, 2, 3 and 4 on Plan 66R-32872 and is 243.4 square metres (2,616 square feet) in area, located at the north-east corner of the property municipally known as 24 Ferrand Drive. The overall property is owned by the Church of Jesus Christ of Latter-day Saints in Canada (the "Church"), with the Property Interest used as an exit driveway from the Church's parking lot, and includes some sodded areas. See Appendix C for location maps of the Property Interest.

The Realignment of Ferrand Drive

The acquisition of the Property Interest is necessary to realign Ferrand Drive in accordance with the Council-endorsed Don Mills Crossing Secondary Plan (O.P.A. 404), which forms the basis of the development blocks of the proposed Housing Now site on the abutting City-owned property at 805 Don Mills Road.

The Don Mills Crossing Secondary Plan specifically cited the Ferrand Drive road alignment as a critical part of the overall transportation network for the area around the intersection of Don Mills Road and Eglinton Avenue East. A realigned Ferrand Drive is part of the 'Core Connector', which is a network of secondary streets designed to provide alternative routes through the Secondary Plan area for a range of road users. The Don Mills Crossing Secondary Plan also approved the realignment of the existing Ferrand Drive to create a regular intersection with Eglinton Avenue East. The purpose of the reconstruction and realignment is to connect with the widened Gervais Drive north of Eglinton Avenue East and complete the creation of the 'Core Connector' mobility route.

This work supports surface transit improvements to provide enhanced active transportation connections to the wider neighbourhood and to facilitate access to the planned development in the southeast quadrant of Eglinton Avenue East and Don Mills Road, at 805 Don Mills Road.

The Housing Now Site at 805 Don Mills Road

The Housing Now Initiative site at 805 Don Mills Road will provide approximately 280 affordable housing rental units, 280 market rental units, 280 market condominium units, a new public park, an expanded public realm, publicly accessible spaces, retail space, a new 62-capacity childcare facility and the potential for further community use space. The Housing Now Initiative is a critical part of the City of Toronto's HousingTO 2020-2030 Action Plan.

Conclusion

While City staff continue discussions with the impacted property owner to work towards a negotiated settlement agreement, in order to protect project timelines, and to acquire the Property Interest free and clear of encumbrances, City staff recommend that City

Council, as approving authority under the Act, approve the expropriation of the Property Interest, and grant authority to the City, as expropriating authority under the Act, to take all necessary steps to proceed with Stage Two of the expropriation. If authorized, the Expropriation Plans will be registered and associated notices served. Statutory Offers of Compensation must be served prior to the City taking possession of the expropriated Property Interest.

CONTACT

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SIGNATURE

Patrick Matozzo
Executive Director, Corporate Real Estate Management

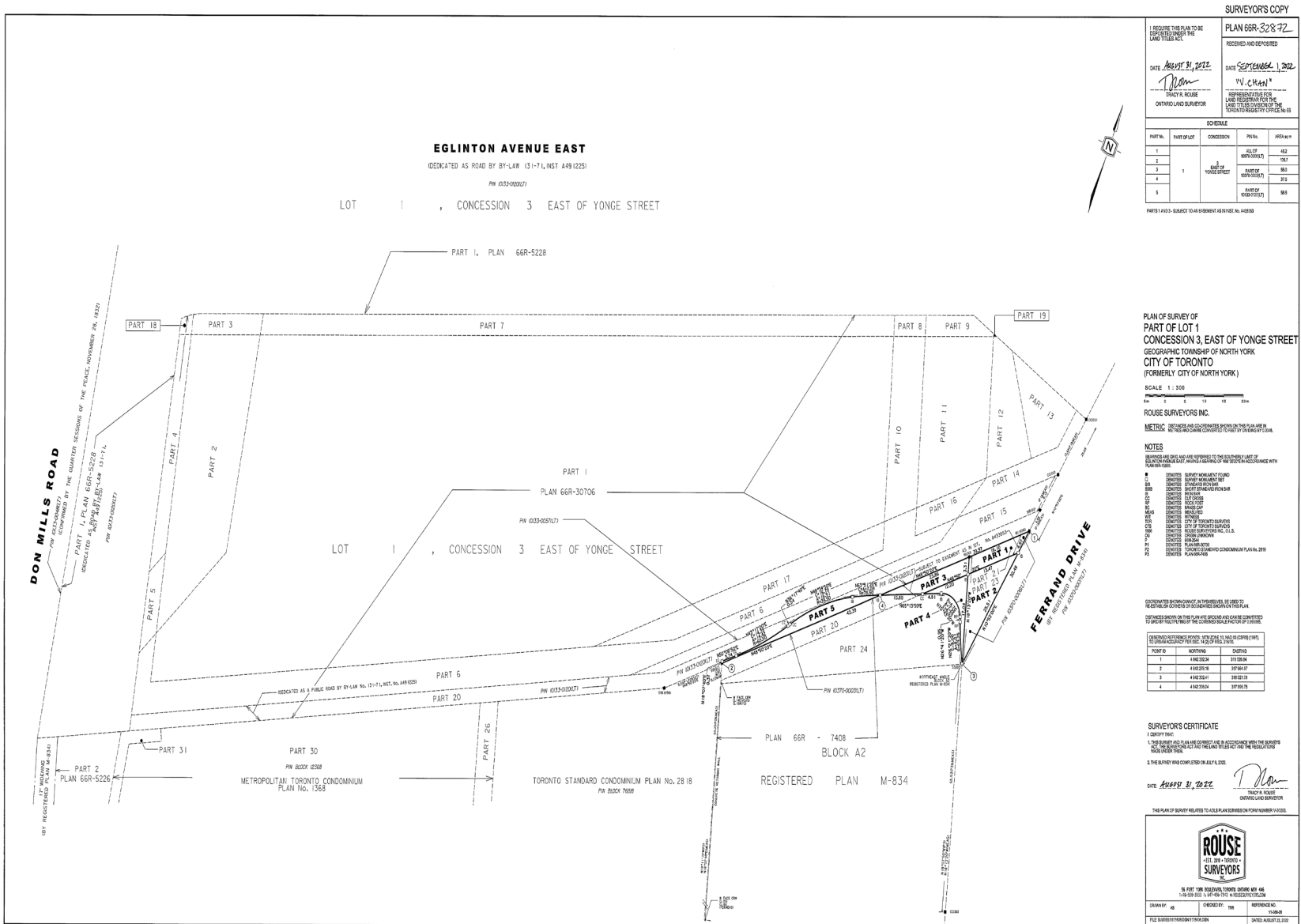
ATTACHMENTS

Confidential Attachment 1 – Financial Implications
Appendix A – Description of Property Interest
Appendix B – Reference Plan
Appendix C – Location Maps of Property Interest

Appendix A - Description of Property Interest

Property Identification Number (PIN)	Required Interest	Approximate Area (square metres)	Legal Description
Part of PIN 10370-0003(LT) and all of PIN 10370-0006(LT)	Fee Simple	243.4	Part of Lot 1, Concession 3, East of Yonge Street, Geographic Township of North York, City of Toronto (formerly City of North York), being Parts 1 - 4 on the reference plan attached in Appendix B.

Appendix B – Reference Plan



Appendix C – Location Maps of Property Interest

