

Application for Approval to Expropriate Easements for the Construction of the Black Creek Sanitary Trunk Sewer Relief System - Stage 1

Date: March 12, 2024

To: General Government Committee

From: Executive Director, Corporate Real Estate Management

Wards: 5 - York South-Weston, 6 - York Centre, 7 - Humber River-Black Creek

SUMMARY

This report seeks authority to initiate expropriation proceedings for permanent easements in part of the properties municipally known as 37 Downsview Avenue, 200 Chalkfarm Drive, 1570 Wilson Avenue, 2090 Jane Street, 2208 Jane Street, 2210 Jane Street and 75 Hyde Avenue, and a temporary easement in part of the property municipally known as 2090 Jane Street for the purposes of facilitating Phase One of Toronto Water's Black Creek Sanitary Trunk Sewer Relief System project.

This is Stage 1 of the expropriation process. Should City Council adopt the recommendations in this report, staff will serve and publish the Notice of Application for Approval to Expropriate Land 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 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 expropriations would only be effected after adoption by City Council, as approving authority, of the Stage 2 report, by registration of an expropriation plan(s), which would then be followed by the service of notices as required by the Act. Before the City could take possession of the expropriated properties, 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 the property interests as illustrated on the project map

attached as Appendix A, as set out in Appendix B (the “Property Requirements”) and as illustrated in the easement drawings attached as Appendix C, and City Council authorize the initiation of expropriation proceedings for the Property Requirements for the purposes of permanent easements for a sanitary trunk sewer and one shaft, and a temporary easement for construction staging, if the Executive Director, Corporate Real Estate Management, deems it necessary or appropriate to proceed in that manner.

2. City Council grant authority to serve and publish the Notices of Application for Approval to Expropriate Land for the Property Requirements, 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 Land, together with any costs related to attendance at the hearing(s), if any, will be funded from the 2024 Council Approved Capital Budget and 2025-2033 Capital Plan for Toronto Water under Account CWW014-20.

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

DECISION HISTORY

At its meeting of December 2, 2021, Infrastructure and Environment Committee granted authority to enter into an agreement with Black and Veatch Canada Company for the provision of Professional Engineering Services for the Preliminary Design of the Black Creek Class Environmental Assessment Solution and Detailed Design, Construction Services and Post Construction Services for Phase One Works.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.IE26.2>

In December 2020, the City published the Black Creek Sanitary Drainage Area Servicing Improvements Class Environmental Assessment Study, which identified the need to upgrade the system by constructing a new sanitary trunk relief sewer system.

<https://www.toronto.ca/wp-content/uploads/2020/12/943a-Small-File-size-BCSTS-Executive-Summary.pdf>

COMMENTS

Background

The Black Creek Sanitary Trunk Sewer (STS), built in the 1960s, is a 15-kilometre long sanitary trunk sewer that runs parallel to Black Creek, from Finch Avenue (between Jane Street and Keele Street), to the Humber Sanitary Trunk Sewer near Scarlett Road and Dundas Street. The trunk sewer system ultimately conveys wastewater to the Humber Wastewater Treatment Plant. During major storms, flows to the system have exceeded the design capacity, resulting in surface and basement flooding.

To address these issues and determine a preferred long-term solution for providing sufficient sanitary servicing capacity, the City initiated a Municipal Class Environmental Assessment (EA) in November 2015. In December 2020, the City published the Black Creek Sanitary Drainage Area Servicing Improvements Class EA Study, which identified the need to upgrade the system by constructing a new sanitary trunk relief sewer system.

Black Creek Sanitary Trunk Sewer Relief System

Due to the scale and funding implications, the new sanitary trunk relief sewer system will be implemented in two phases. Phase One work includes construction of the Keele Relief Sanitary Trunk and involves a total of 17 kilometers of new subsurface sanitary trunk sewers and 14 tunneling and drop shafts. See Appendix A for a project map.

The two new trunk sewers will be up to 80 metres deep below ground and constructed through tunneling and micro-tunneling methods. The tunnel alignment of these sewers will generally follow the City's right-of-way. However, due to turning limitations of the tunnel boring machine and limitations within the right-of-way, such as deep bridge piers, rail tracks and dead-ends, permanent easements are required from certain private property owners. The design of the tunnel was optimized to minimize property impacts.

Property Requirements

The two new sanitary trunk sewer tunnels will pass 12 to 16 metres below the impacted properties. For the permanent easements in part of the properties municipally known as 37 Downsview Avenue, 200 Chalkfarm Drive, 1570 Wilson Avenue, 2090 Jane Street, 2208 Jane Street, 2210 Jane Street and 75 Hyde Avenue, the City is mainly seeking subsurface easement rights. At the property municipally known as 2090 Jane Street, the City is seeking a temporary easement to establish a shaft compound for micro-tunneling and permanent surface easement rights for future shaft access, operations and maintenance.

Vibration and noise studies will be completed by the second quarter of 2025. Due to the significant depth of tunneling, there is currently no concern of structural damage to the impacted properties from the underground construction work. Vibration and settlement monitors may be installed on the properties before, during and after construction to ensure that vibration levels are monitored.

Phase One construction is planned from 2025-2031. The acquisition of the Property Requirements is essential for the construction of the proposed Black Creek Sanitary

Trunk Sewer Relief System project and works ancillary thereto to upgrade sanitary servicing in the City's Black Creek sewershed. This will reduce the number and severity of wet weather flow overflow events and improve the water quality in Black Creek and Humber River.

Corporate Real Estate Management staff are engaged in efforts to acquire the Property Requirements through negotiated agreements with the property owners. Staff will continue to negotiate with the property owners as negotiated agreements are preferred. However, staff recommend the initiation of expropriation proceedings for the Property Requirements in order to ensure that construction timelines are met.

CONTACT

Alison Folosea, Director, Transaction Services, Corporate Real Estate Management, 416-338-6943, Alison.Folosea@toronto.ca

Simon Hopton, Director, Design and Construction - Major Infrastructure, Engineering and Construction Services, 416-395-6270, Simon.Hopton@toronto.ca

Eleanor McAteer, Director, Water Infrastructure Management, Toronto Water, 416-397-4631, Eleanor.McAteer@toronto.ca

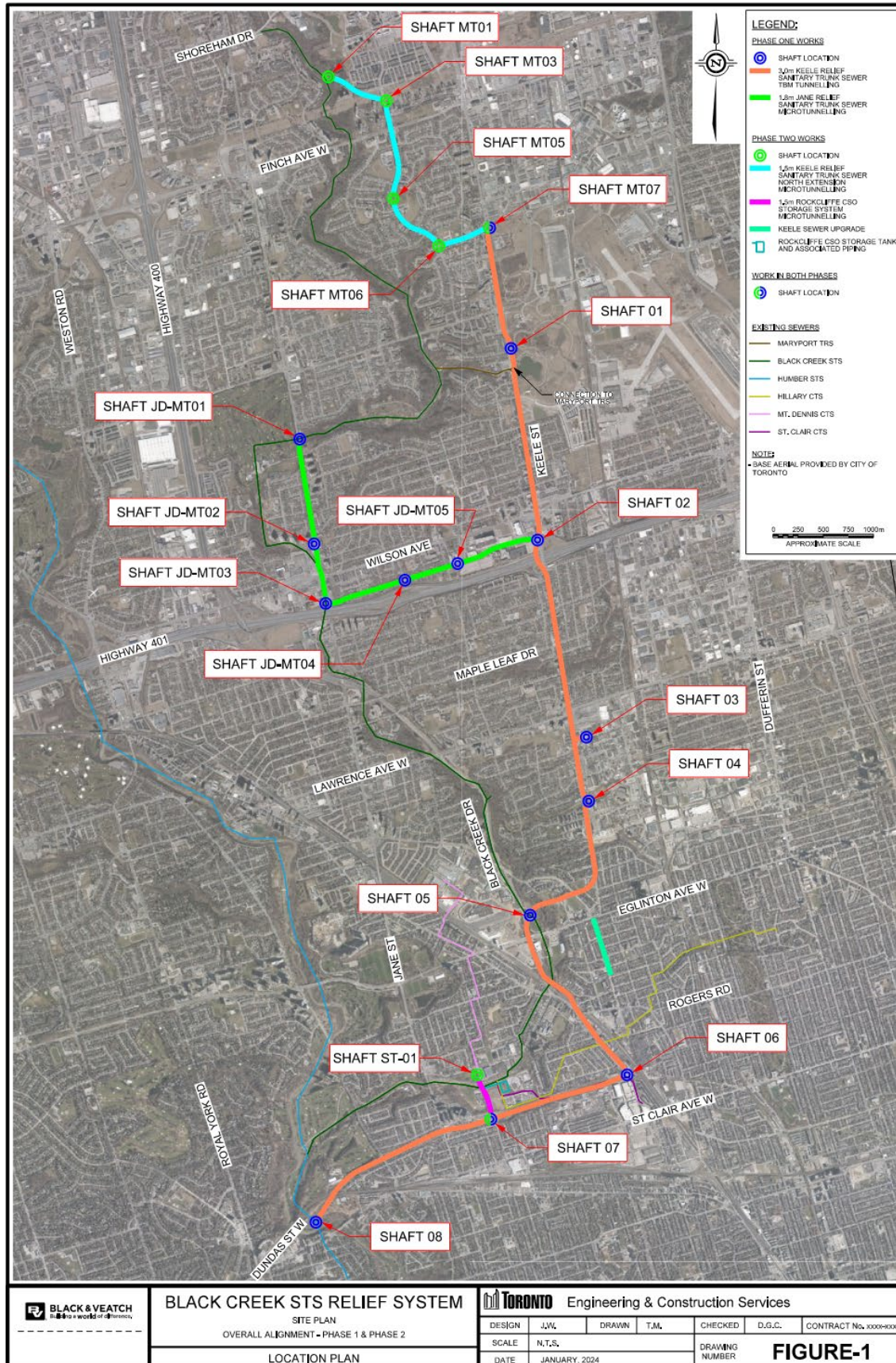
SIGNATURE

Patrick Matozzo
Executive Director, Corporate Real Estate Management

ATTACHMENTS

Appendix A - Project Map
Appendix B - Table of Property Requirements
Appendix C - Property Sketches

Appendix A - Project Map

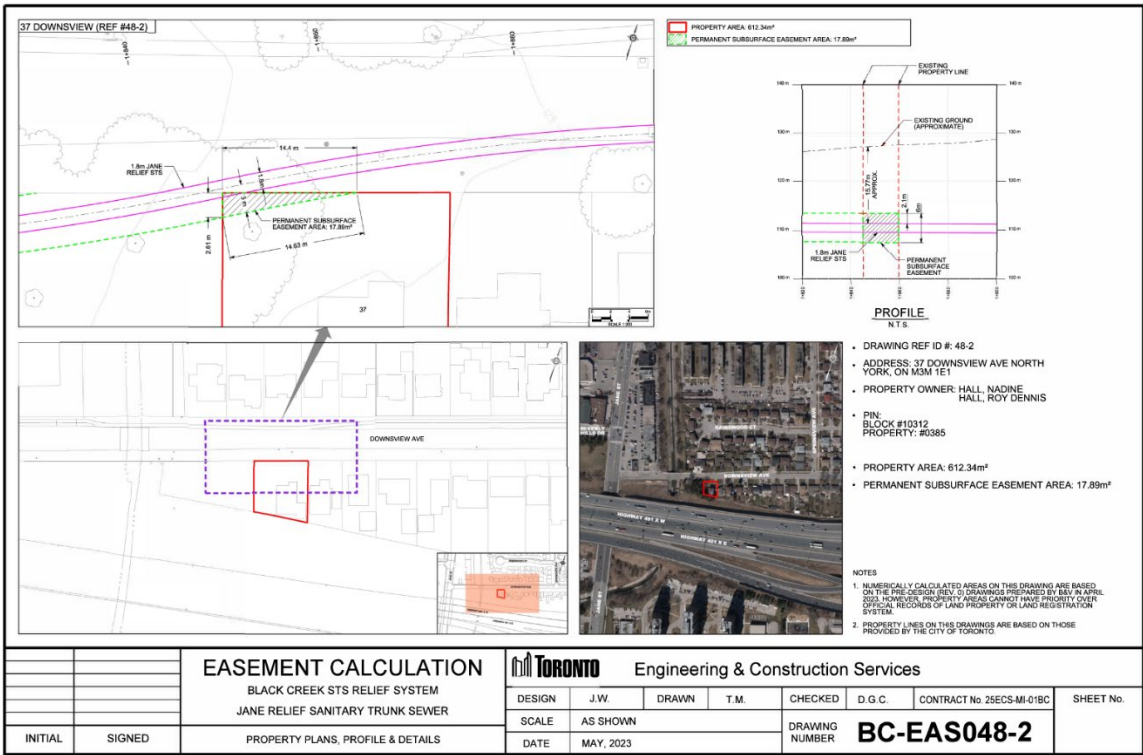


Appendix B - Table of Property Requirements

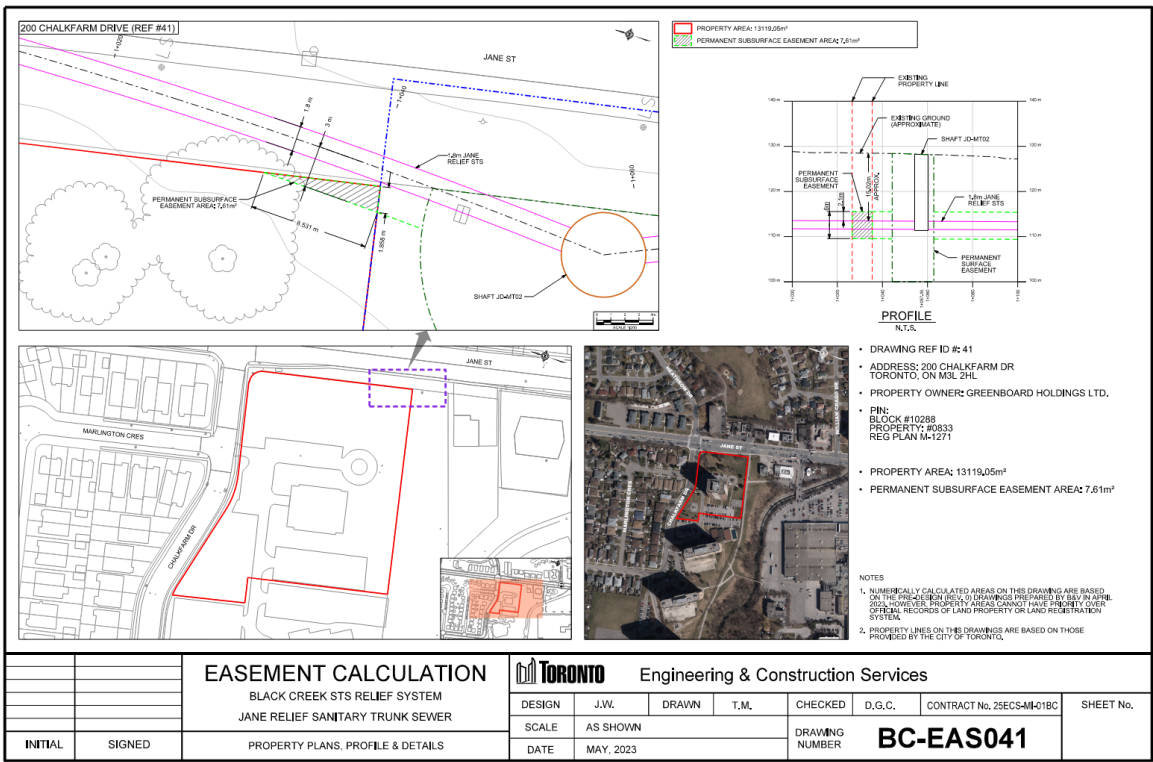
Property No.	Municipal Address	Legal Description	Property Interest
1	Part of 37 Downsview Avenue	Part of PIN 10312-0385 (LT), Pt Lt 172 PI 3649 North York Pt 3 64R4187; City of Toronto	Permanent Subsurface Easement for a sanitary trunk sewer in and through the lands shown on Sketch BC-EAS048-2 in Appendix B
2	Part of 200 Chalkfarm Drive	Part of PIN 10288-0833 (LT), Part of Parcels A-1, B-1, C-1 And D-1, Section 66M1271, Blocks A, B, C & D, Plan M1271. City of Toronto	Permanent Subsurface Easement for a sanitary trunk sewer in and through the lands shown on Sketch BC-EAS041 in Appendix B
3	Part of 1570 Wilson Avenue	Part of PIN 10288-0854 (LT), Pt Blk B PI 3991 North York as in NY617478 Except NY498263; City of Toronto	Permanent Subsurface Easement for a sanitary trunk sewer in and through the lands shown on Sketch BC-EAS046 in Appendix B
4	Part of 75 Hyde Avenue	Part of PIN 10499-0298 (LT), Part of Lots 492 To 506 Both Inclusive, PI 2008, Pt 1 PI 66R-19554; City of Toronto	Permanent Subsurface Easement for a sanitary trunk sewer in and through the lands shown on Sketch BC-EAS052 in Appendix B
5	Part of 2090 Jane Street	Part of PIN 10317-0486 (LT), Pt Lt 10 Con 5 Wys Twp of York as in CA552038; City of Toronto	Permanent Easement for a shaft in, on, over, upon, across, along, under and through the lands shown on Sketch BC-EAS047 in Appendix B and Temporary Easement for 6 years, in, on, over and through the lands shown on Sketch BC-EAS047 in Appendix B
6	Part of 2208 Jane Street	Part of PIN 10288-0879 (LT), Pt Blk B, C, D PI 3991 North York as in TB972561	Permanent Subsurface Easement for a sanitary trunk sewer in and through the lands shown on Sketch BC-EAS045 in Appendix B
7	Part of 2210 Jane Street	Part of PIN 10288-0856 (LT), Pt Blk D PI 3991 North York as in NY773796; City of Toronto	Permanent Subsurface Easement for a sanitary trunk sewer in and through the lands shown on Sketch BC-EAS043 in Appendix B

Appendix C – Property Sketches

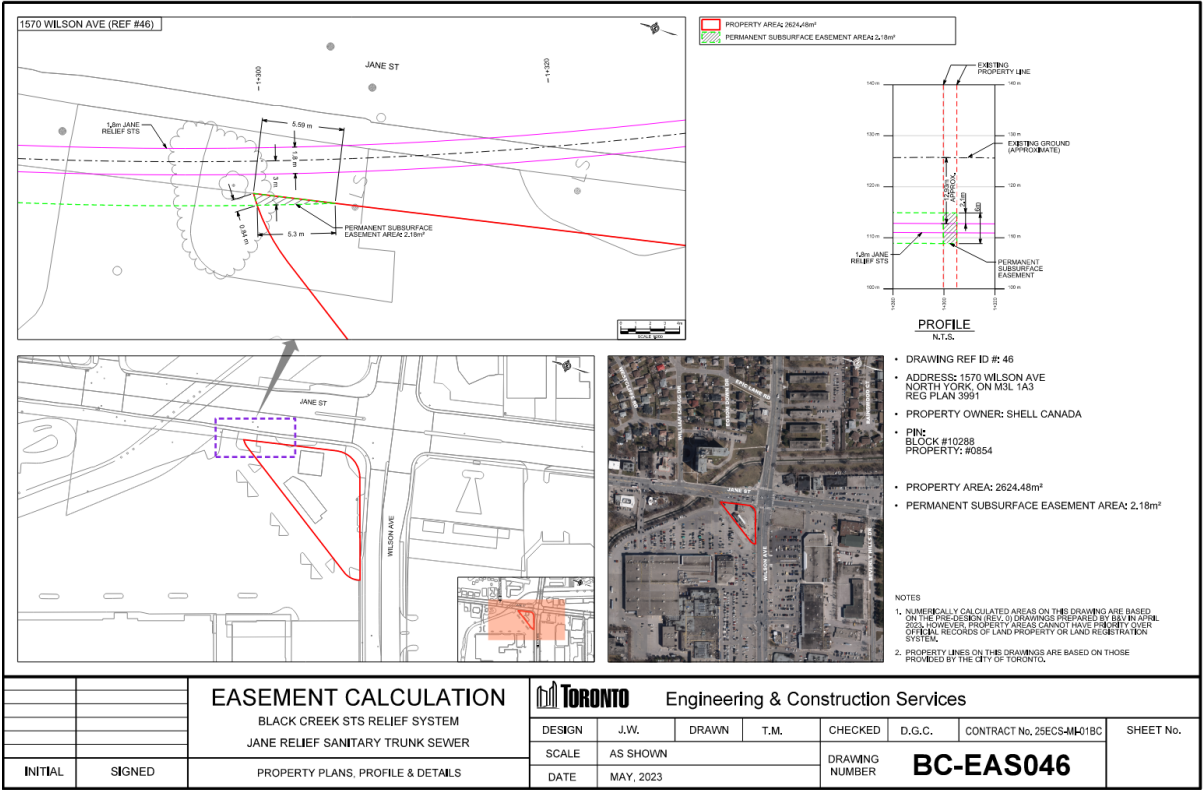
1. Part of 37 Downsview Avenue



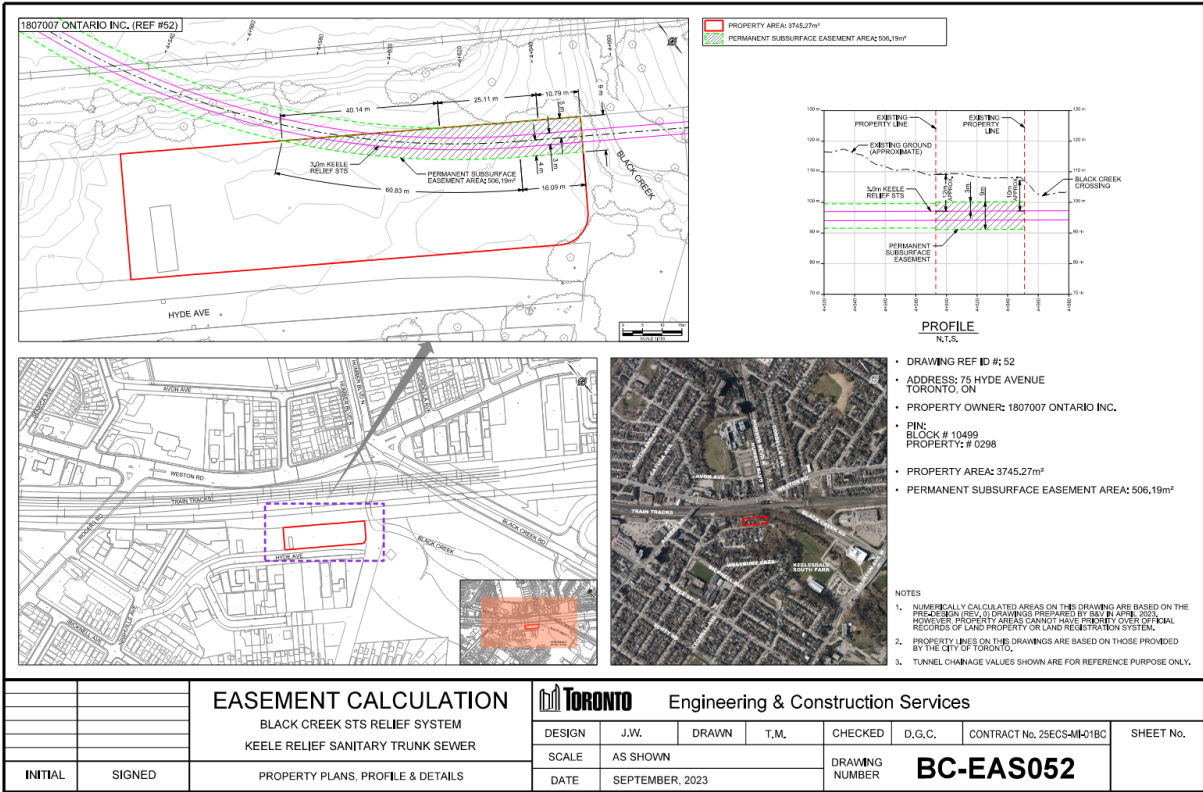
2. Part of 200 Chalkfarm Drive



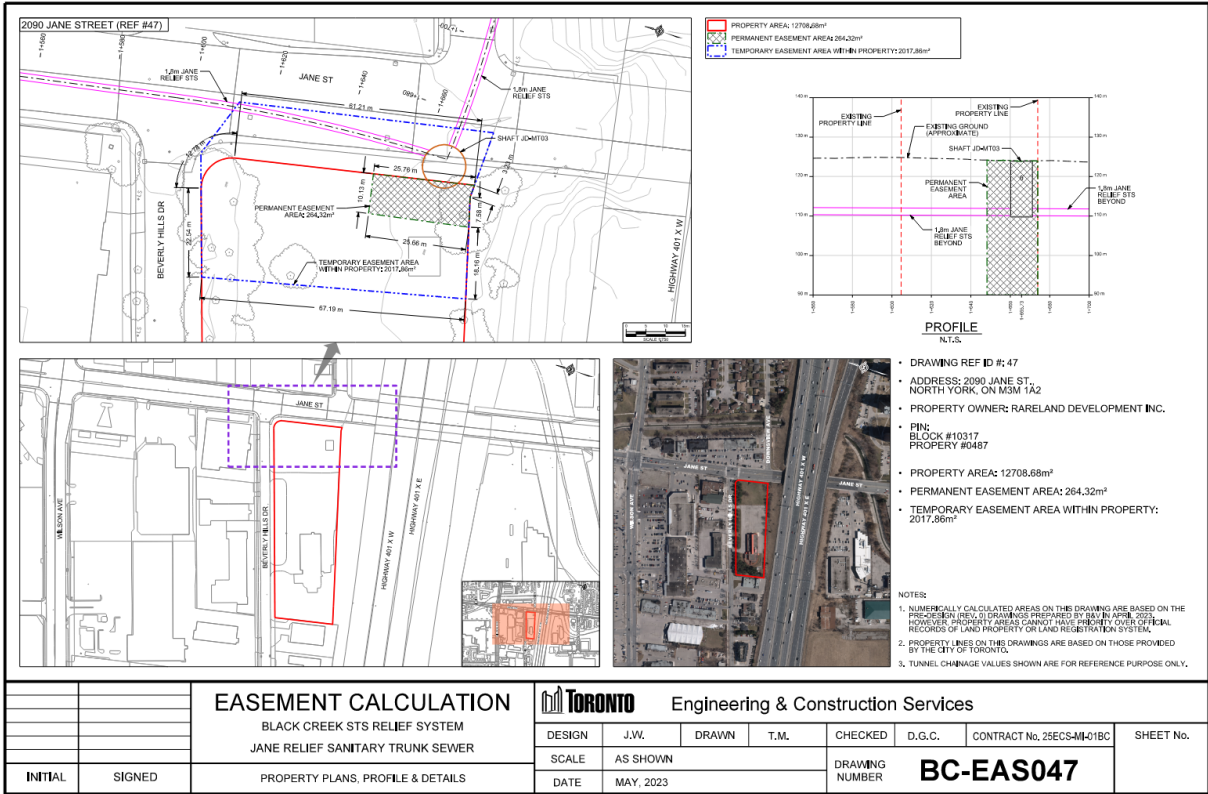
3. Part of 1570 Wilson Avenue



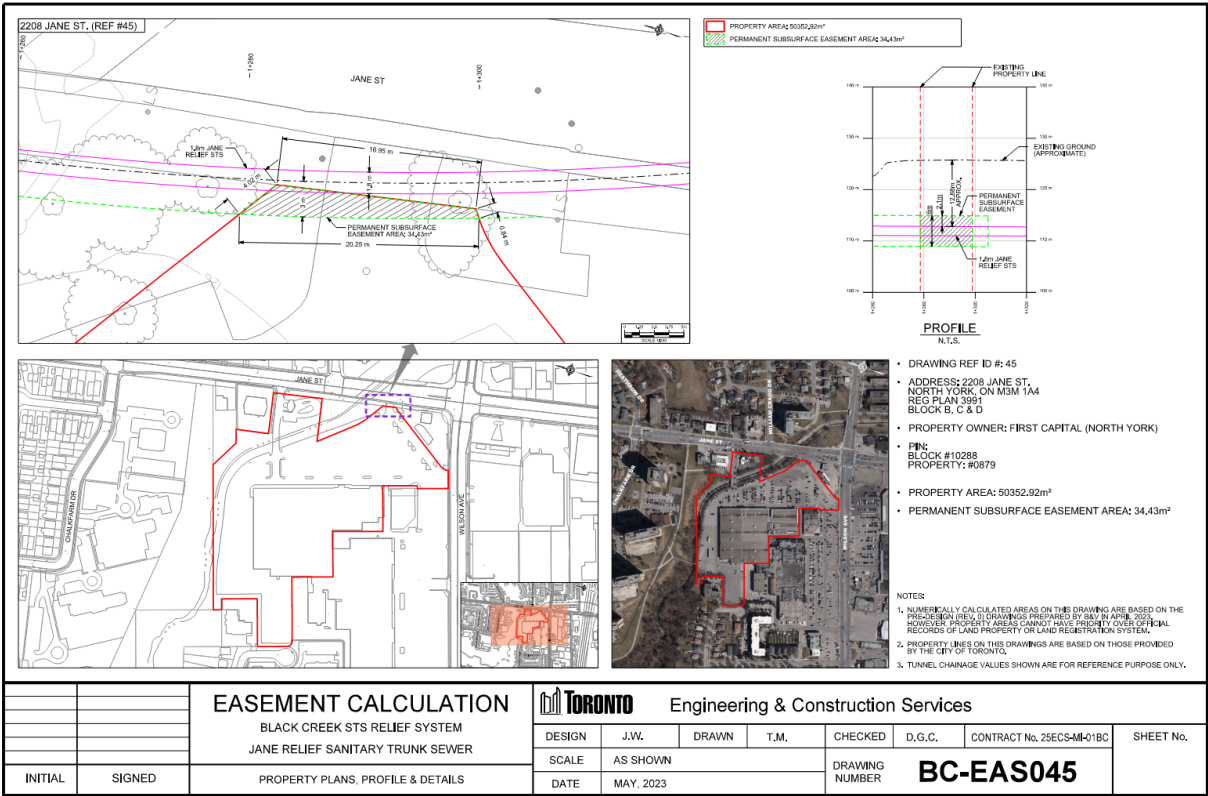
4. Part of 75 Hyde Avenue



5. Part of 2090 Jane Street



6. Part of 2208 Jane Street



7. Part of 2210 Jane Street

