

## **Acquisition of 21 Private Properties for Public Highway Purposes - Waiving General Conditions (G) and (H) of Appendix B, Delegation of Authorities, Toronto Municipal Code Chapter 213**

**Date:** May 15, 2024

**To:** General Government Committee

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

**Wards:** 8 - Eglinton-Lawrence, 9 - Davenport, and 12 - Toronto- St. Paul's

### **REASON FOR CONFIDENTIAL INFORMATION**

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

### **SUMMARY**

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The purpose of this report is in connection with the acquisition of 21 newly constructed sidewalk properties along Eglinton Avenue West to seek City Council authority to (i) exempt from the due diligence and remediation requirements of General Conditions (G) and (H) set out in Appendix B of Toronto Municipal Code Chapter 213, Real Property, and (ii) authorize the payment of the vendors' legal costs, to a limit of \$5,000 (inclusive of Harmonized Sales Tax) per property. Staff have determined these properties present reduced environmental risk to the City and that the requested authorities will facilitate a timely acquisition process.

The newly constructed sidewalks were installed by Metrolinx as part of its Eglinton Crosstown Light Rail Transit Project. Transportation Services has directed Corporate Real Estate Management to acquire these properties for formal designation as public sidewalks.

Once the requested details are authorized, Corporate Real Estate Management will complete the acquisition of these 21 properties through existing delegated real estate authorities and pursuant to the requirements set out in Municipal Code Chapter 213.

## **RECOMMENDATIONS**

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The Executive Director, Corporate Real Estate Management recommends that:

1. City Council authorize the exemption from General Conditions (G) and (H) of Appendix B of Toronto Municipal Code Chapter 213 for the 21 properties listed in Appendix A, and approve additional compensation for each vendor's legal fees to a maximum of \$5,000 inclusive of Harmonized Sales Tax.
2. City Council direct that the confidential information contained in Confidential Attachment 1 remain confidential in its entirety, as it contains information pertaining to a pending acquisition of land and scientific information supplied in confidence to the City.

## **FINANCIAL IMPACT**

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Funding for the legal fees, being a maximum of \$105,000, is available in the 2024-2033 Approved Capital Budget and Plan for Transportation Services under account CTP818-75, categorized as Growth. Final compensation for the land value and additional transactional costs will be authorized through existing delegated real estate authorities and pursuant to the requirements set out in Municipal Code Chapter 213.

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

## **DECISION HISTORY**

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Not applicable.

## **COMMENTS**

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### **Background**

In May 2019, Transportation Services authorized Crosslinx Transit Solutions (CTS) to complete modifications to the detailed design and construction of the cycle tracks for the Eglinton Crosstown Light Rail Transit Project at nine locations adjacent to underground stations as well as the Avenue Road to Yonge Street segment. As a result of these design changes, some impacts to the Eglinton Avenue West sidewalk and public realm were identified.

At 21 private properties along the Eglinton Avenue West corridor, primarily in the vicinity of Chaplin Station (Chaplin Crescent), Forest Hill Station (Bathurst Street) and Fairbank Station (Dufferin Street), (collectively the "Properties"), Metrolinx has completed the installation of newly constructed sidewalks. Transportation Services has directed

Corporate Real Estate Management to acquire these Properties for formal designation as public sidewalks.

### **Acquisition of the Properties and Exemptions to General Conditions of Municipal Code Chapter 213, Real Property**

City staff are negotiating with the owners of the Properties for their sale to the City. Each acquisition will be authorized through existing staff delegated real estate authority. However, staff delegated authority is limited by the conditions set out in Toronto Municipal Code Chapter 213, Real Property, including the General Conditions set out in Appendix B. In particular, General Conditions (E), (G) and (H) provide:

(E) Property interests are to be based on appraised market value and no interest shall be granted for an amount less than the appraised market value, nor additional compensation paid, unless specifically authorized by City Council.

(G) Total compensation means the aggregate of all types of payments, including land value, estimated clean-up costs, potential arbitration awards, loss claims, etc., but exclusive of any applicable taxes and registration costs.

(H) Authority to acquire property in fee simple is conditional upon provision being made to bring the property into compliance with applicable environmental laws, regulations and policies, such that it will be fit for its intended municipal purpose, except in the case of: (i) acquisitions of 50 square metres or less for transit shelter purposes; and (ii) acquisitions which, if the property was instead being conveyed to the City pursuant to a development application approval, would be exempt from the peer review process pursuant to the City's "Policy for Accepting Potentially Contaminated Lands to be Conveyed to the City under the Planning Act", as amended from time to time. [Amended 2023-11-09 by By-law 1102-2023]

City staff have reviewed the environmental assessment available for the Properties, and advise that the potential environmental risk of acquiring them is low to medium risk, given the small size of the properties, as well as their location being adjacent to existing City-owned rights-of-way. As such, staff are seeking an exception to the requirement to include estimated clean-up costs in the total compensation for each property, and the requirement to bring each property into compliance with applicable environmental law. Confidential Attachment 1 to this report provides more details.

Furthermore, to incentivise the owners to sell these private sidewalks to the City, staff recommend including an offer to pay legal fees up to \$5,000, which is not permitted pursuant to the delegated authority set out in General Condition (E) unless specifically authorized by Council. Staff recommend this incentive, because the owners will likely incur legal costs in transacting with the City, and this minor expense could expedite the property acquisition process.

## **CONTACT**

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## **SIGNATURE**

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Patrick Matozzo  
Executive Director, Corporate Real Estate Management

## **ATTACHMENTS**

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Confidential Attachment 1 - Potential Environmental Risks  
Appendix A - List of Properties  
Appendix B - Location Maps of Properties

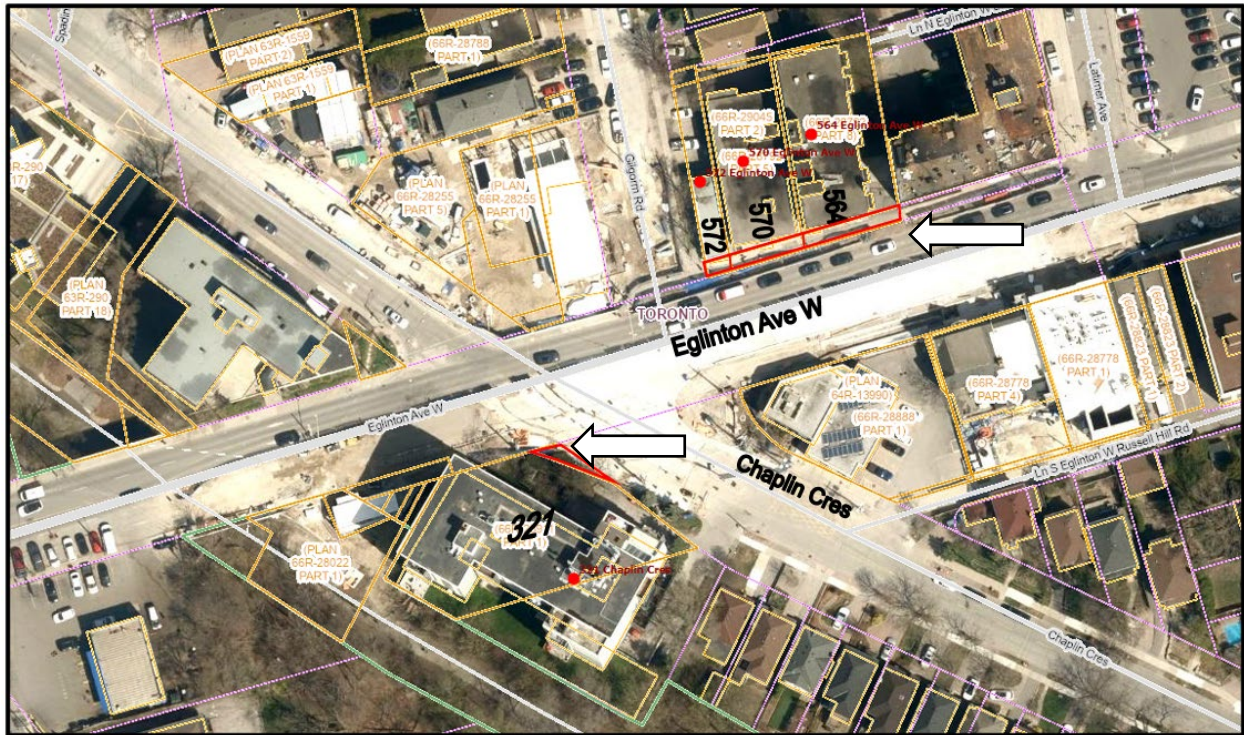
## Appendix A - List of Properties


Item	Municipal Address - (Part of)	Legal Description	Required Area (square metres)
1.	321 Chaplin Crescent	Part of PIN 21180-0539 (LT) Part of Block A, Plan 2639, City of Toronto  Designated as Part 4 on Reference Plan 66R-27739	31.9
2.	564 Eglinton Avenue West	Part of PIN 21167-0121 (LT) Part of Lot 1, Plan 1044, City of Toronto  Designated as Part 3 on Reference Plan 66R-27637	59.7
3.	570 Eglinton Avenue West	Part of PIN 21167-0120 (LT) Part of Lot 2, Plan 1044, City of Toronto  Designated as Part 2 on Reference Plan 66R-27637	45.1
4.	572 Eglinton Avenue West	Part of PIN 21167-0119 (LT) Part of Lot 2, Plan 1044, City of Toronto  Designated as Part 1 on Reference Plan 66R-27637	15.3
5.	790, 796, 800-840 Eglinton Avenue West	Part of PIN 21167-0368 (LT) Part of Lots 3, 4, 5, 6 and 7, Plan 1850, City of Toronto  Designated as Parts 3, 4 and 5 on Reference Plan 66R-28025	59.4
6.	846 Eglinton Avenue West	Part of PIN 21166-0266 (LT) Part of Lot 11, Plan 1850, City of Toronto  Designated as Part 4 Reference Plan 66R-27510	42.3
7.	852 – 854 Eglinton Avenue West	Part of PIN 21166-0267 (LT) Part of Lot 11, Plan 1850, City of Toronto  Designated as Part 3 on Reference Plan 66R-27510	18.3

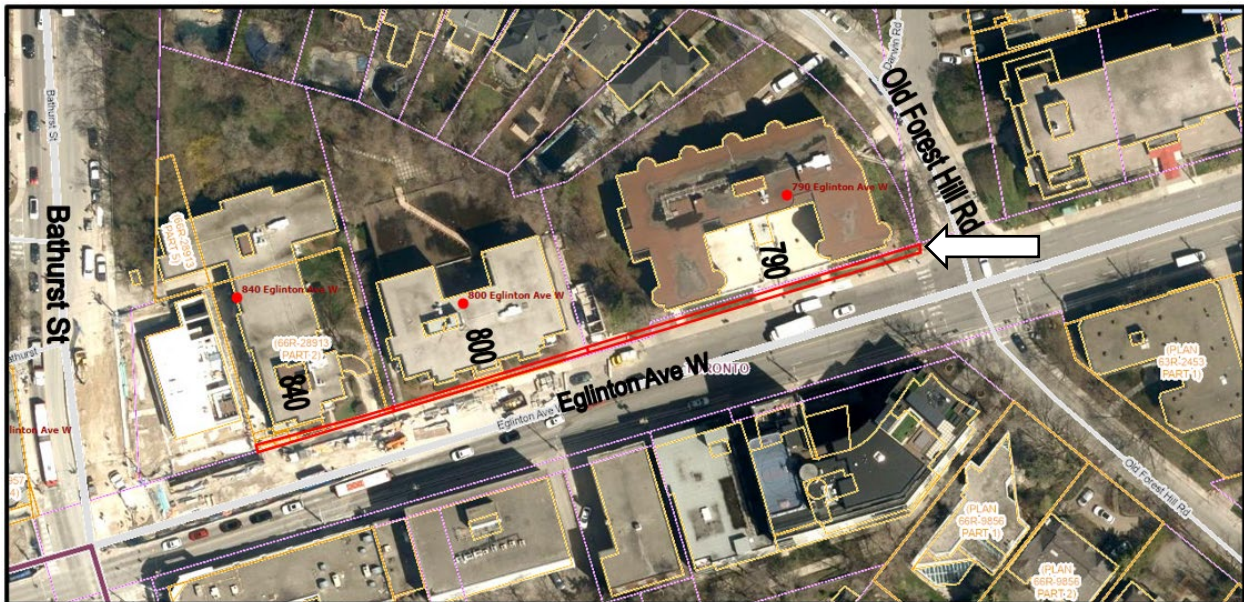
Item	Municipal Address - (Part of)	Legal Description	Required Area (square metres)
8.	856 – 864 Eglinton Avenue West	Part of PIN 21166-0268 (LT) Part of Lot 11, Plan 1850, City of Toronto  Designated as Part 2 on Reference Plan 66R-27510	50.9
9.	866 Eglinton Avenue West	Part of PIN 21166-0269 (LT) Part of Lot 12, Plan 1850, City of Toronto  Designated as Part 1 on Reference Plan 66R-27510	27.4
10.	880 Eglinton Avenue West	Part of PIN 21166-0272 (LT) Part of Lot 14, Plan 1850, City of Toronto  Designated as Part 11 on Reference Plan 66R-27509	27.4
11.	882 Eglinton Avenue West	Part of PIN 21166-0273 (LT) Part of Lot 15, Plan 1850, City of Toronto  Designated as Part 10 on Reference Plan 66R-27509	17.4
12.	882A Eglinton Avenue West	Part of PIN 21166-0274 (LT) Part of Lot 15, Plan 1850, City of Toronto  Designated as Part 9 on Reference Plan 66R-27509	16.9
13.	884 Eglinton Avenue West	Part of PIN 21166-0275 (LT) Part of Lots 15 and 16, Plan 1850, City of Toronto  Designated as Part 8 on Reference Plan 66R-27509	16.9
14.	884A Eglinton Avenue West	Part of PIN 21166-0276 (LT) Part of Lot 16, Plan 1850, City of Toronto  Designated as Part 7 on Reference Plan 66R-27509	17.4


Item	Municipal Address - (Part of)	Legal Description	Required Area (square metres)
15.	886 – 888 Eglinton Avenue West	Part of PIN 21166-0277 (LT) Part of Lot 16, Plan 1850, City of Toronto  Designated as Part 6 on Reference Plan 66R-27509	22.9
16.	890 Eglinton Avenue West	Part of PIN 21166-0278 (LT) Part of Lot 18, Plan 1850, City of Toronto  Designated as Part 5 on Reference Plan 66R-27509	17.7
17.	892 Eglinton Avenue West	Part of PIN 21166-0279 (LT) Part of Lot 18, Plan 1850, City of Toronto  Designated as Part 4 on Reference Plan 66R-27509	17.7
18.	894 Eglinton Avenue West	Part of PIN 21166-0280 (LT) Part of Lot 18, Plan 1850, City of Toronto  Designated as Part 3 on Reference Plan 66R-27509	16.4
19.	896 Eglinton Avenue West	Part of PIN 21166-0281 (LT) Part of Lot 18, Plan 1850, City of Toronto  Designated as Part 2 on Reference Plan 66R-27509	17.6
20.	898-900 Eglinton Avenue West	Part of PIN 21166-0282 (LT) Part of Lot 18, Plan 1850, City of Toronto  Designated as Part 1 on Reference Plan 66R-27509	36.7
21.	1835 Eglinton Avenue West	Part of PIN 10479-0330 (LT) Part of Lot 65, Plan 1584, City of Toronto  Designated as part of Part 6 on Reference Plan 66R-27442	9.9

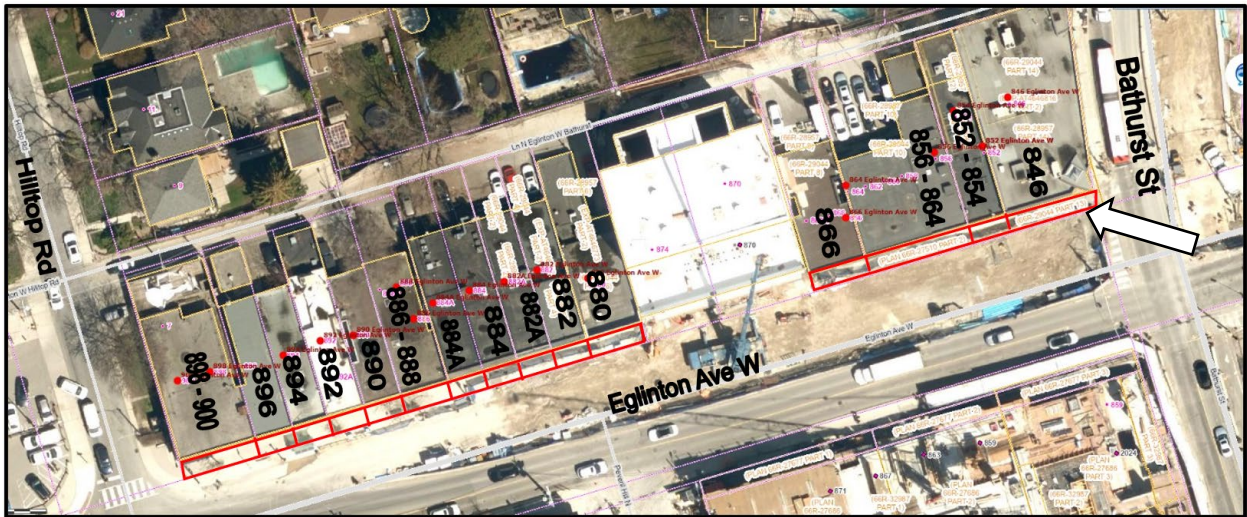
## Appendix B - Location Map of Properties



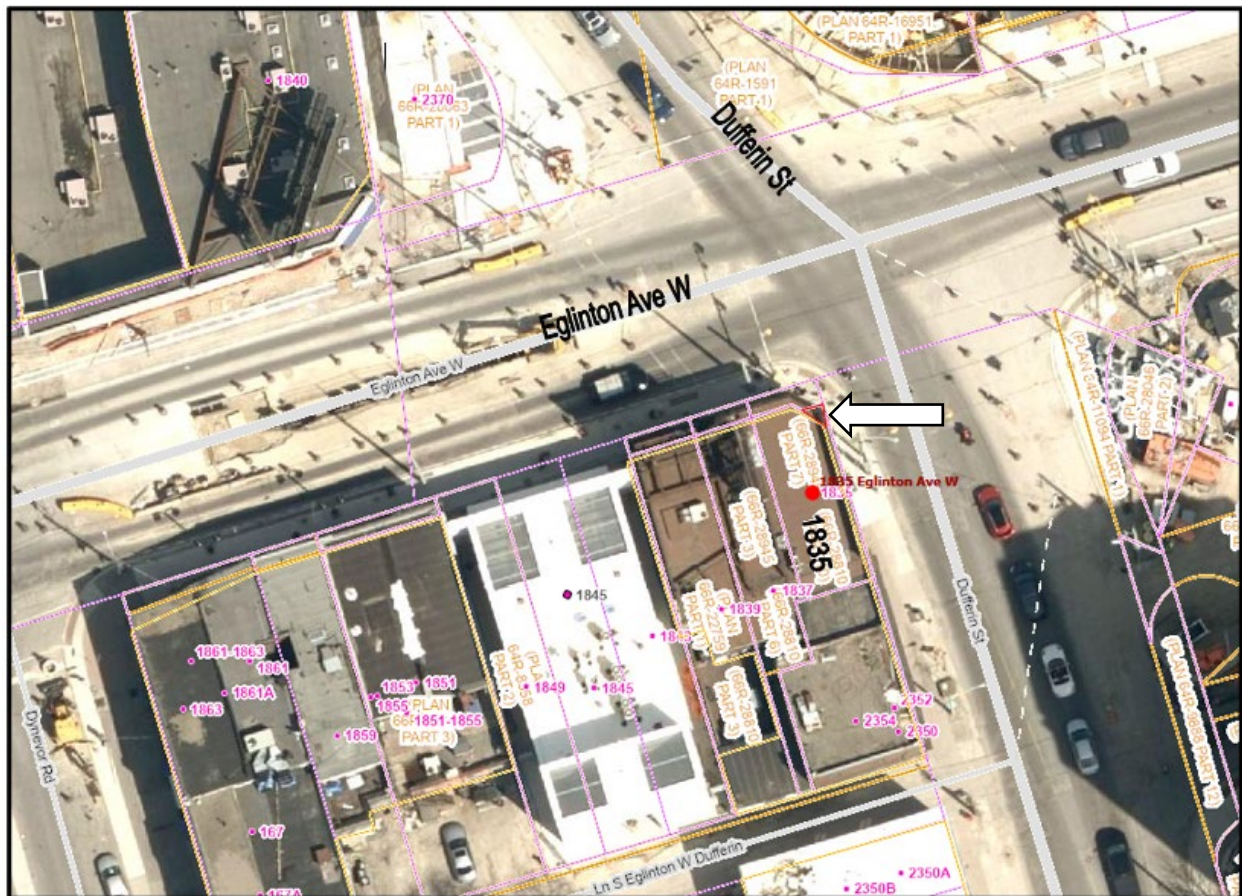
 564, 570 and 572 Eglinton Avenue West and 321 Chaplin Crescent



 790, 800 and 840 Eglinton Avenue West



846, 852-854, 856-864, 866, 880, 882, 882A, 884, 884A, 886-888, 890, 892, 894, 896 and 898-900 Eglinton Avenue West



1835 Eglinton Avenue West