

Application for Approval to Expropriate Property Interests near St. Clair West Station for the Fire Ventilation Upgrade Project - Stage 1

Date: May 15, 2024

To: General Government Committee

From: Executive Director, Corporate Real Estate Management

Wards: 12 - Toronto-St Paul's

SUMMARY

This report seeks authority to initiate expropriation proceedings for a permanent and temporary easement interest in part of the property municipally known as 396 St. Clair Avenue West, for the purpose of the Toronto Transit Commission's (the "T.T.C.") St. Clair West Station Fire Ventilation Upgrade Project (the "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 expropriation 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 property, 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 authorizes the Executive Director, Corporate Real Estate Management, to continue negotiations to acquire the property interests set out in Appendix A (the

"Property Requirements") and as illustrated in the draft reference plan set out in Appendix B, and City Council authorize the initiation of expropriation proceedings for the Property Requirements, for the purposes of a permanent fire ventilation storage room and temporary access for construction staging, if the Executive Director, Corporate Real Estate Management, deems it necessary or appropriate to proceed in that manner.

2. City Council grants 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 T.T.C.'s 2024-2033 Capital Budget and Plan under Program 3.9 Buildings and Structures.

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 on June 12, 2023, the T.T.C. Board authorized to request the City of Toronto, Corporate Real Estate Management to commence the property acquisition and or the expropriation process for the Project.

https://cdn.ttc.ca/-/media/Project/TTC/DevProto/Documents/Home/Public-Meetings/Board/2023/June-12/7_St_Clair_West_Station_Fire_Ventilation_Upgrade_Project.pdf?rev=b3d5029b95d5461f9146a26aalaff66&hash=56F65EE905C6E1103AD32317EC56DFE4

At its meeting on December 20, 2021, the T.T.C. Board endorsed the T.T.C.'s 2022-2036 Capital Investment Plan and Real Estate Investment Plan, which together laid out the requirements for this capital program.

https://cdn.ttc.ca/-/media/Project/TTC/DevProto/Documents/Home/Public-Meetings/Board/2021/Dec-20/3_TTC_15-Year_Capital_Investment_Plan_Real_Estate_Investment_Plan_and_20.pdf?rev=acee222d8f9143459f7cc3b6543790fa&hash=A35FF2B421B84FA770DE20CEDCD5BA97

COMMENTS

The T.T.C. has been completing ongoing upgrades to its fire ventilation infrastructure since 1998 to improve ventilation performance in the subway tunnels. The Project is a fire and life safety capital program that will ensure the safe evacuation of T.T.C. customers and employees from subway tunnels and stations in the event of fire and smoke, and will ensure the necessary ventilation requirements are in place to accommodate the increased train operations and capacity planned along Line 1.

The Project reduces risk, increases the reliability and performance of the transit system, and enhances customer and employee safety in the event of a subway system fire. It also supports initiatives to facilitate ridership growth, improve travel times and reduce crowding.

Construction on the Project is currently scheduled to start in 2026 and be completed by 2029. However, there is potential to advance construction of the system upgrades in this area of the network to 2025. Acquiring the identified Property Requirements is essential to ensure the advanced construction timelines can be met.

The location of the Property Requirements is part of a commercial parking lot which the owner is currently using for storage. T.T.C. will utilize the Property Requirements for a permanent fire ventilation storage room and temporary access for construction staging to facilitate the Project.

Negotiations with the property owner to acquire the Property Requirements are ongoing. However, in order to protect the Project construction schedule, City Council authority to initiate expropriation proceedings is being requested in the event negotiations are unsuccessful.

CONTACT

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

Michael Stevenson, Director, Property, Planning and Development, Toronto Transit Commission, 416-590-6045, Michael.Stevenson@ttc.ca

SIGNATURE

Patrick Matozzo
Executive Director, Corporate Real Estate Management

ATTACHMENTS

Appendix A - Table of Property Requirements

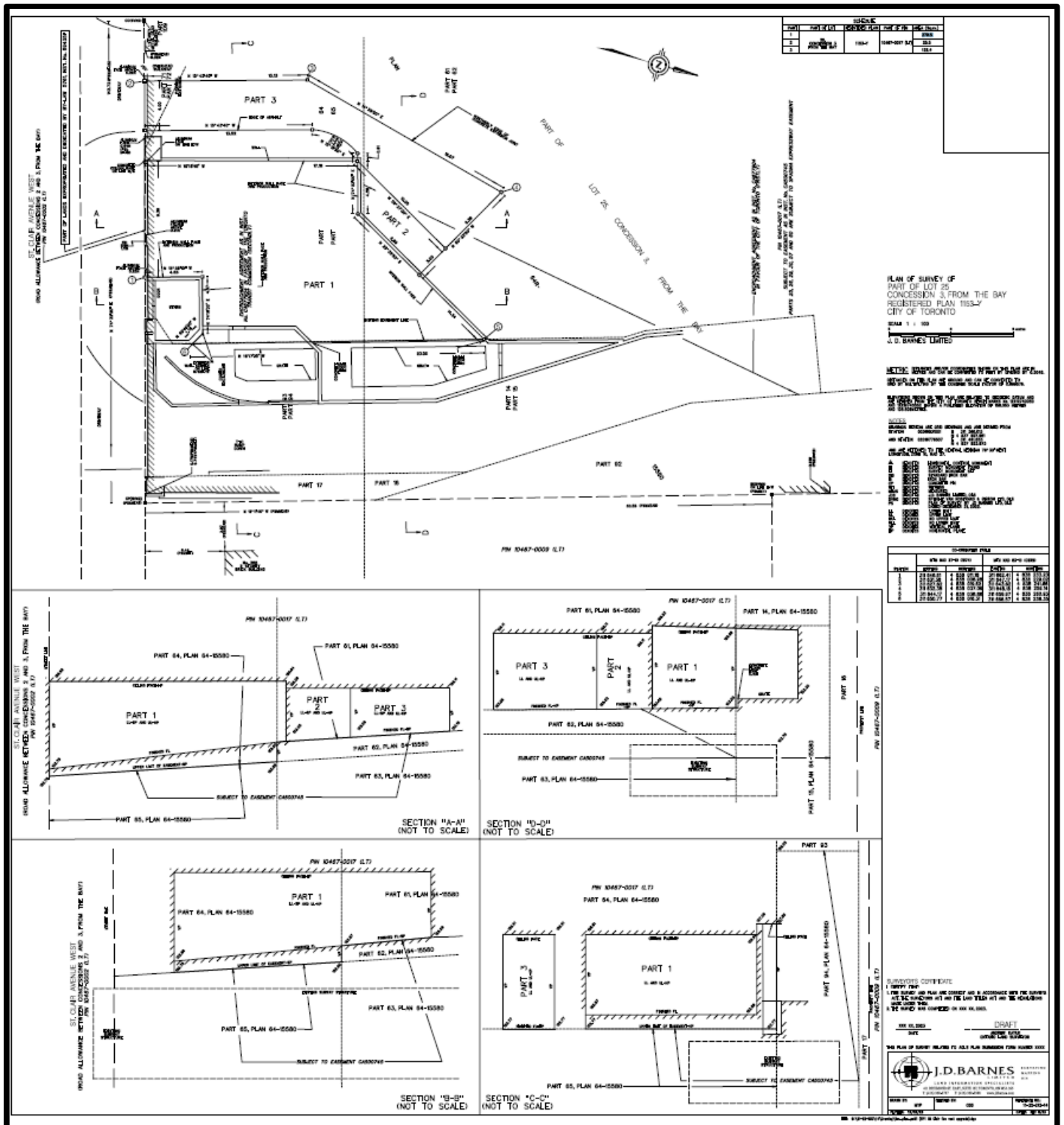
Appendix B - Draft Reference Plans

Appendix C - Aerial Map

Appendix A – Table of Property Requirements

Municipal Address	Legal Description	Property Interest(s)
396 St. Clair Avenue West	PT LT a PL 1153 TWP of York PT 8 64R15141; PT LT a PL 1153 West Toronto Junction PT 9 64R15580 & PT 4 64R15141; PT LT 25 CON 3 FTB TWP of York Parts 1, 6, 7 64R15141, Parts	Permanent Easement - shown as Part 1 on the draft reference plan in Appendix B
	8,39-42,49-51,69-73,78-85,95,100-106 64R15580; S/T CA500745; Subject to an easement over Part 1 66R28457 as in AT4245801; City of Toronto; being PIN 10467-0017 (LT)	Temporary Easement shown as Part 2 and 3 on the draft reference plan in Appendix B

Appendix B – Draft Reference Plan



Appendix C - Aerial Map

