

## **Expropriation of Properties for the St. Clair Avenue West Transportation Master Plan – Stage 2**

**Date:** May 15, 2024

**To:** General Government Committee

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

**Wards:** 9 - Davenport

### **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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On July 14, 2021 and April 14, 2018, City Council authorized the initiation of expropriation proceedings for properties required for constructing Transportation Services' St. Clair Avenue West Transportation Master Plan, which aims to improve multi-modal transportation network in the area.

This report relates to the second stage of the expropriation process. During the first stage and in accordance with the Expropriations Act, Notices of Application for Approval to Expropriate were served on all applicable "registered owners". Registered owners then had 30 days to request an inquiry into whether the proposed taking is fair, sound, and reasonably necessary. Four property owners initially requested inquiries, however, those requests have since been withdrawn. Because of the withdrawal, City Council may now approve the expropriation by this Stage 2 report. If authorized, 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 properties.

The property requirements are set out in Appendix A and shown on the draft reference plans attached as Appendix C.

## RECOMMENDATIONS

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

1. City Council, as the approving authority under the Expropriations Act (the “Act”), approve the expropriation of the property interests as set out in Appendix A (and as identified on the draft reference plans attached as Appendix C (the “Property Interests”).
2. City Council authorize the City, as the expropriating authority under the Act, to take all necessary steps to comply with the Act, including but not limited to the preparation and registration of Expropriation Plans, and the service of Notices of Expropriation, Notices of Election and Notices of Possession, as may be required.
3. City Council authorize the Executive Director, Corporate Real Estate Management to prepare, execute and serve offers of compensation based on reports appraising the market value of the Property Interests in accordance with the requirements of the 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 the compensation payable to the property owners by arbitration, appeal, or settlement to the satisfaction of the City Solicitor.

## FINANCIAL IMPACT

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Confidential Attachment 1 to this report identifies the initial estimated value of the Property Interests to be expropriated.

Funding to acquire the Property Interests and the disbursement of all anticipated costs associated with the proposed expropriations is available in the 2024-2033 Capital Plan for Transportation Services under the capital project account CTP819-06.

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

## DECISION HISTORY

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On April 17, 2024, City Council adopted item GG11.12 titled, “Expropriation of Properties for the St. Clair Avenue West Transportation Master Plan – Stage 2” thereby approving the expropriation of the property interests as set out in Appendix A of the Report.

<https://secure.toronto.ca/council/agenda-item.do?item=2024.GG11.12>

On July 14, 2021, City Council adopted Item GL24.13 titled, “Acquisition of 10 Properties on Old Weston Road- St. Clair West Transportation Master Plan” thereby authorizing the Executive Director, Corporate Real Estate Management, to initiate expropriation proceedings for the Property Interests.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.GL24.13>

On February 5, 2021, City Council adopted "Advancing the SmartTrack Stations Program" authorizing City staff to enter into an Agreement In Principle ("A.I.P.") with Metrolinx for Metrolinx to deliver detailed design, property acquisition and construction for both the St. Clair-Old Weston SmartTrack station and St. Clair Avenue West Transportation Master Plan ("T.M.P.") recommendations.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.EX20.2>

On July 4, 2019, the Notice of Completion of the T.M.P. was submitted to the Ministry of Environment, Conservation and Parks. The T.M.P. recommended the following improvements: widen St. Clair Avenue West, Extend Gunns Road to Union Street, Extend Keele Street to meet the Gunns Road Extension and Extend Davenport Road to Union Street.

City Council, at its April 24, 2018 meeting, authorized the "Implementation of the SmartTrack Stations Program and the Metrolinx Regional Express Rail Program report for action". City staff were directed to coordinate the delivery of the T.M.P. with the St. Clair-Old Weston SmartTrack station.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EX33.1>

A Functional Planning Study ("F.P.S.") was completed in 2015 that identified potential solutions to improve traffic congestion in the area. Following the F.P.S., a T.M.P. was initiated and completed in 2019. Public Works and Infrastructure Committee ("P.W.I.C."), at its meeting of June 6, 2012, directed City staff to initiate and carry out an Environmental Assessment Study of the St. Clair Avenue/Rail Crossing between Keele Street and Old Weston Road. The Committee directed Transportation Services to report back on the actions required to initiate an Environmental Assessment to identify possible measures in the area to improve traffic operations and safety on St. Clair Avenue West.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PW15.3>

## COMMENTS

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The City initiated the St. Clair Transportation Master Plan ("T.M.P.") in September 2015 to identify area-wide infrastructure improvements that address traffic congestion on St. Clair Avenue West between Keele Street and Old Weston Road. The T.M.P. recommended extending Davenport Road from Old Weston Road to Union Street (the "Project"). Corporate Real Estate Management ("C.R.E.M.") initiated expropriation proceedings to support the implementation of this recommendation and other works related to the T.M.P.

Pursuant to City Council's authority and in accordance with the Act, Notices of Application for Approval to Expropriate Land were served on the registered owners and published in the newspaper.

The City received notices of requests for hearings as to whether the proposed takings are fair, sound and reasonably necessary (the "Hearing") from the owners of the Property

Interests. Hearings were scheduled by the Ontario Land Tribunal but were subsequently cancelled as the property owners withdrew their hearing requests.

The Property Interests are industrial/commercial properties required to extend Davenport Road and Gunns Road, and widen and undertake improvements to Union Street. Metrolinx will be delivering this element of the T.M.P. project under its SmartTrack contract on the City's behalf.

Negotiations are still underway with the property owners to acquire the Property Interests on mutually acceptable terms and will continue concurrently with the expropriation process. It is recommended that City Council, as approving authority under the Act, approve the expropriation of the Property Interests and authorize the City, as the expropriating authority, to take all necessary steps to proceed with the expropriation, so that Project construction deadlines are maintained.

## **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 – Financial Implications  
Appendix A - Table of Property Interests  
Appendix B - Location Maps  
Appendix C - Property Draft Plans

## Appendix A – Table of Property Interests

Municipal Address	Legal Description	Approximate Area (square metres)	Property Interest(s)
296 Old Weston Road	Part of PIN 21357-0271 (LT), Part of Lot 11, Plan 1703, shown as Part 1 on draft Plan of Survey Job Number 2023-06719, Plan Number 2.	100.6	Temporary Access Easement
1799 St. Clair Avenue West	Part of PIN 21357-0312 (LT), Part of Lot 35, Concession 2 From the Bay, shown as Part 1 on draft Plan of Survey Job Number 2023-06719, Plan Number 1.	4,216.7	Fee simple
	Part of PIN 21357-0312 (LT), Lot 12 and part of Block A, Plan 1703, Part of Lot 35, Concession 2 From the Bay, shown as Part 2 on draft Plan of Survey Job Number 2023-06719, Plan Number 1	563.1	Temporary Access Easement
100 Union Street	Part of PIN 21358-0269 (LT), Part of Lot 35, Concession 3 From the Bay, shown as Part 1 on draft Plan of Survey Job Number 2023-06720, Plan Number 1.	413.8	Fee simple
126 Union Street	Part of PIN 21358-0270 (LT), Part of Lot 35, Concession 3 From the Bay, shown as Part 1 on draft Plan of Survey Job Number 2023-06720, Plan Number 2.	5,109.0	Fee simple
	Part of PIN 21358-0270 (LT), Part of Lot 35, Concession 3 From the Bay, shown as Part 2 on draft Plan of Survey Job Number 2023-06720, Plan Number 2.	1,587.7	Temporary Construction Easement

	Part of PIN 21358-0270 (LT), Part of Lot 35, Concession 3 From the Bay, shown as Part 3 on draft Plan of Survey Job Number 2023-06720, Plan Number 2.	368.9	Temporary Demolition Easement
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*Temporary Access Easement:* A temporary easement in, on, over, under and through the lands described above for vehicular and pedestrian ingress and egress, such temporary easement to include the right to pass over and occupy the lands, on a non-exclusive basis with personnel, materials and equipment necessary or incidental to the rights hereby granted for the period expiring on December 31, 2025.

*Temporary Construction Easement:* A temporary easement in, on, over, under and through the lands described above to perform temporary construction activities in connection with the STMP Project, and all works ancillary thereto, including, without limitation, grading, excavation and backfill, access and parking for vehicles and machinery, storage of materials and equipment, fencing and erosion control, such temporary easement to include the right to pass over and occupy the lands, on an exclusive basis, with personnel, materials and equipment necessary or incidental to the rights hereby granted for the period expiring on December 31, 2028.

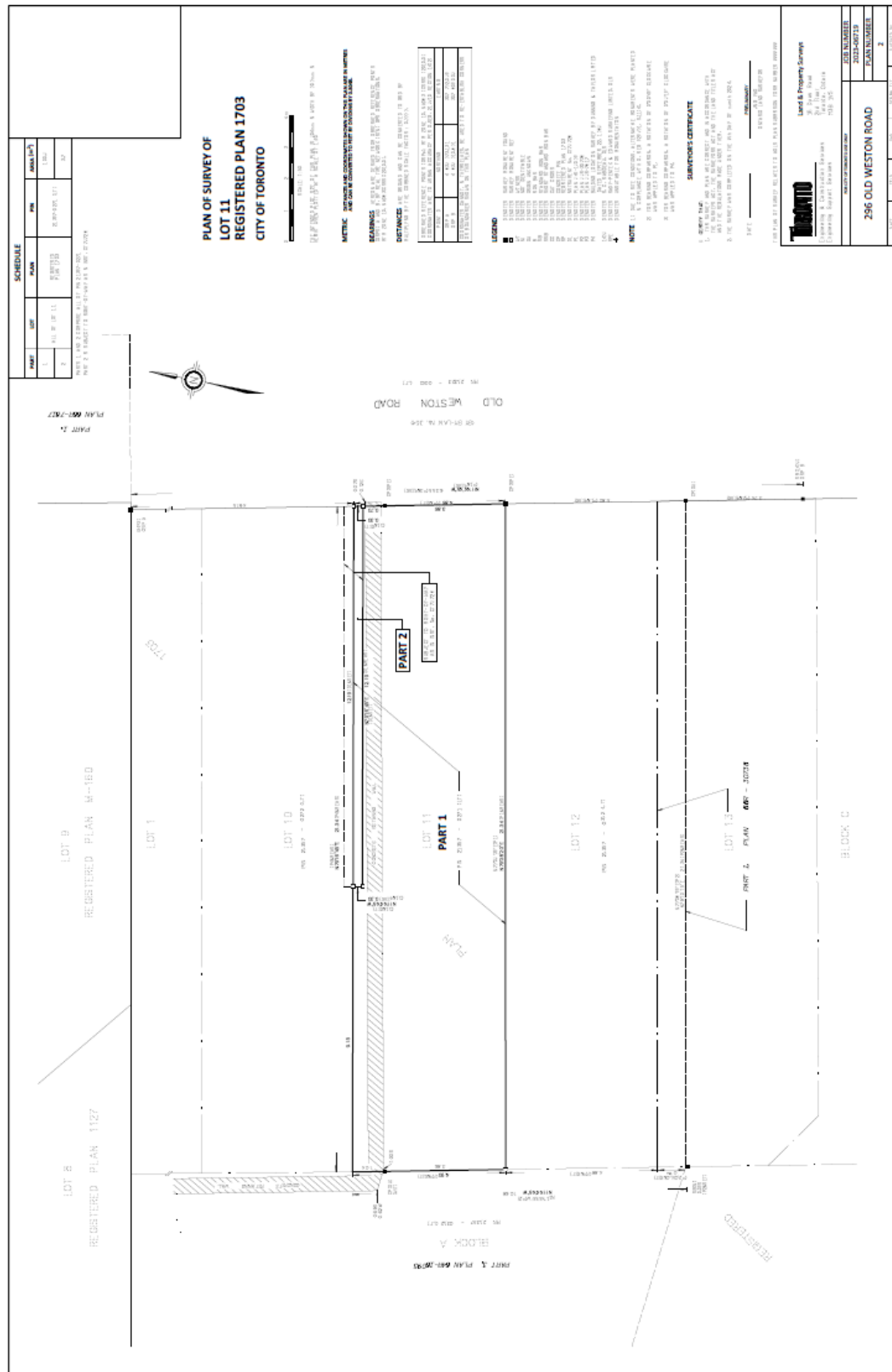
*Temporary Demolition Easement:* A temporary easement in, on, over, under and through the lands described above for the removal and/or demolition of the whole or part of any buildings or structures located within Part 1 on draft Plan of Survey Job Number 2023-06720, Plan Number 2 (including the contents therein) including disconnection of utilities, and all works ancillary thereto, such temporary easement to include the right to pass over and occupy the lands, on an exclusive basis, with authorized personnel, materials, machinery and equipment, for a period of one year to commence upon at least three months prior notice and in any event not to extend beyond December 31, 2028.



## Appendix B – Location Maps



*296 Old Weston Road*





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