

Application for Approval to Expropriate Portions of Properties at the Rear of Jolly Way and the Rear East Side of Jenkinson Way for the Scarborough Rapid Transit Bus Replacement – Stage 1

Date: June 17, 2024

To: General Government Committee

From: Executive Director, Corporate Real Estate Management

Wards: 21- Scarborough Centre

SUMMARY

This report seeks authority to initiate expropriation proceedings for temporary easement interests in part of the properties at the rear of the east side of Jenkinson Way and the rear of Jolly Way, for the purposes of accommodating the construction of a dedicated bus roadway (the "Project"). The Project forms part of the Toronto Transit Commission's ("TTC") Scarborough Rapid Transit ("Line 3") Bus Replacement and Busway program.

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 set out in Appendix A (the "Property Requirements") and as illustrated in the sketches set out in Appendix B, and City Council authorize the initiation of expropriation proceedings for the Property Requirements, for the purpose of accommodating the construction of a dedicated bus roadway, 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 TTC's Budget under Cost Account CTT110.

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

City Council

At its meeting of May 10, 2023, City Council approved on-street transit priority measures to support Phase 1 of the Line 3 Bus Replacement service to provide the best possible replacement service for our customers. In consideration of this item, EX4.10, City Council also directed the TTC to proceed with design work on the Scarborough Rapid Transit busway conversion and request the Province of Ontario to reimburse the TTC in the amount of \$2.9 million for the projected cost of the design-related work.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.EX4.10>

TTC Board

The Line 3 Bus Replacement and Busway project is also reported quarterly through the TTC's Financial and Major Projects Update reports. Last update was provided to the Board in December 2023.

[1 Financial and Major Projects Update for the Period Ended September 30 2023 .pdf \(ttc.ca\)](#)

At its meeting on September 26, 2023, the TTC Board received an update about the interim transit priority measures that were implemented in response to the derailment incident and the Board directed staff to continue with the design of the Busway and report back on updated cost and funding.

[Line 3 Bus Replacement Update](#)

At its meeting on June 12, 2023, the TTC Board approved the delegation of authority for the TTC to award the transit priority measures construction contract.

[SRT Replacement Transit Priority Measures – Delegation of Authority](#)

At its meeting of April 14, 2022, the TTC Board approved the Line 3 Bus Replacement and Busway, which identified Phase 1 and 2 of the program. This included Phase 2 – replacing the Line 3 train service with an express bus service by converting the Line 3 ROW between Kennedy Station and Ellesmere Station to a dedicated busway.

[Line 3 Bus Replacement Study Final Recommendations](#)

An update was presented to the TTC Board in September 2021 and the Board approved the emerging direction for analyzing the corridors and the evaluation framework to develop actual routing options.

[Line 3 Bus Replacement Study Update](#)

A report proposing the options to extend the life of the SRT was presented to the TTC Board in February 2010.

[SRT Life Extension Project Options Analysis](#)

COMMENTS

Background

In the summer of 2019, the Province, through legislation, assumed responsibility for the delivery of the Line 2 East Extension, also known as the Scarborough Subway Extension project ("SSE"), and revised the scope of the project to a three-stop subway extension, with an updated completion date of 2030. To ensure ongoing transit service is provided until the completion of the Line 2 East Extension in 2030, several options were reviewed to provide transit service along the corridor. The results of the options analysis were reported to the TTC Board in February 2021 and the Board approved a plan to end train service on Line 3 in 2023.

Subsequently, staff developed the Scarborough Rapid Transit ("Line 3") Bus Replacement and Busway program. Line 3 is to be replaced with a temporary bus route

until the SSE is open to the public. The Property Requirements are needed to accommodate the construction of a dedicated bus roadway. The Property Requirements form part of the common elements of two residential condominium properties.

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.

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SIGNATURE

Patrick Matozzo
Executive Director, Corporate Real Estate Management

ATTACHMENTS

Appendix A - Table of Property Requirements
Appendix B - Property Information Sketches or Draft Reference Plans

Appendix A – Table of Property Requirements

Municipal Address	Legal Description	Property Interests
Rear of east side Jenkinson Way	Part of PINs 12552-0001 (LT) to 12552-0193 (LT), both inclusive, Part of the Common Elements of Toronto Standard Condominium Plan No. 1552, shown as Parcel 1 on Drawing No. 0160-PR-333 (shown coloured in yellow)	Temporary Bus Easement for 10 years
	Part of PINs 12552-0001 (LT) to 12552-0193 (LT), both inclusive, Part of the Common Elements of Toronto Standard Condominium Plan No. 1552, shown as Parcel 2 on Drawing No. 0160-PR-333 (shown coloured in yellow)	Temporary Construction Easement for 2 years
Rear of Jolly Way	Part of PIN 76777-0001 (LT), Part of Toronto Common Elements Condominium Plan No. 2777, shown as Parcel 1 on Drawing No. 0160-PR-335 (shown coloured in blue) and its appurtenant interest	Temporary Bus Easement for 10 years
	Part of PIN 76777-0001 (LT), Part of Toronto Common Elements Condominium Plan No. 2777, shown as Parcel 2 on Drawing No. 0160-PR-335 (shown coloured in blue) and its appurtenant interest	Temporary Construction Easement for 2 years

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 Scarborough Rapid Transit Bus Replacement Plan, 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 in connection with such purposes, for a period of 2 years.

Temporary Bus Easement: a temporary easement in, on, over, under and through the lands described above to construct, use, operate, inspect, maintain, repair, remove, reconstruct, enlarge and expand a dedicated transit right-of-way as part of the Scarborough Rapid Transit Bus Replacement Plan and all works ancillary thereto, including, without limitation, the construction of platforms, shelters, sidewalks, roads, light standards, 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 in connection with such purpose, for a period of 10 years.

Appendix B – Property Information Sketches



