

Expropriation of Part of 165 The Queensway - Stage 2

Date: June 17, 2024

To: General Government Committee

From: Executive Director, Corporate Real Estate Management

Wards: 3 - Etobicoke Lakeshore

SUMMARY

On June 14 and 15, 2023, City Council authorized the initiation of expropriation proceedings for a fee simple interest in part the property municipally known as 165 The Queensway, for the purposes of constructing road safety enhancements, construction, maintenance, and any future repairs at the intersection of The Queensway and Park Lawn Road (the "Project"). The Project forms part of the Council-approved The Queensway Complete Street project.

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" who had 30 days to request an inquiry into whether the proposed taking is fair, sound, and reasonably necessary. No requests were received within the 30-day period ending on March 11, 2024, and City Council may now approve the expropriation by this Stage 2 report. If authorized, an Expropriation Plan 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 requirement is set out in Appendix A and shown on the reference plan attached as Appendix B.

RECOMMENDATIONS

The Executive Director, Corporate Real Estate Management recommends that:

1. City Council, as approving authority under the Expropriations Act (the "Act"), approve the expropriation of a fee simple interest in part of the property municipally known as 165 The Queensway as set out in Appendix A (the "Property") and as identified on the reference plan attached as Appendix B.

2. City Council authorize the City, as 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 an Expropriation Plan, and service of Notices of Expropriation, Notices of Election and Notices of Possession, as may be required.

3. City Council authorize severally each of the Executive Director, Corporate Real Estate Management and the Director, Real Estate Services to prepare, execute and serve Offers of Compensation based on a report appraising the market value of the Property in accordance with the requirements of the Act.

FINANCIAL IMPACT

The owner of the Property has agreed to a full and final settlement of all claims, including the market value. However, it is possible that other parties with an interest in the Property could advance claims for compensation under the Act. These additional costs are difficult to determine in advance of an expropriation given their uncertainty and the uniqueness of each expropriation scenario.

City staff have estimated that a total budget of \$50,000 should adequately cover all anticipated costs associated with the proposed expropriation of the Property.

Funding to acquire the Property and the disbursement of all anticipated costs associated with the proposed expropriation is available in the 2023-2032 Council Approved Capital Budget and Plan for Transportation Services (CTP817-05-289).

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

DECISION HISTORY

On January 5, 2024, the Corporate Real Estate Management Division authorized Delegated Approval Form 2024-005 to enter into an agreement with the Property owner to record the settlement of the parties with respect to all claims, including but not limited to costs, under the Act in the determination of the compensation to which the owner is entitled under the Act if the City Council, as approving authority, approves the expropriation of the Property and the City proceeds to register a plan of expropriation in respect of the Property.

<https://www.toronto.ca/wp-content/uploads/2024/02/94db-2024-005165-The-Queensway.pdf>

At its meeting of June 14 and 15, 2023, City Council adopted Item GG4.23 "Application for Approval to Expropriate a Part of 165 The Queensway, for Road Safety Enhancements - Stage 1" thereby authorizing the Executive Director, Corporate Real Estate Management to initiate expropriation proceedings for the Property.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.GG4.23>

COMMENTS

In the second quarter of 2022, City staff commenced negotiations with the owner of the Property in an effort to acquire the Property for the purpose of constructing road enhancements at the intersection of The Queensway and Park Lawn Road. These road safety improvements form part of the Council-approved Queensway Complete Street project. The City's acquisition of the Property would enable the approved design elements on the south side of the intersection including a 2.1 metre sidewalk, truck aprons (mountable curbs) at the southeast and southwest corners to accommodate trucks while narrowing the turning radius for smaller motor vehicles, and a 1.5 metre cycle track set back 1.1 metre from the roadway. The Property is a small triangular portion of land (approximately 40 square metres) located at the southeast corner of the intersection.

Pursuant to Council's authority and in accordance with the Act, Notices of Application for Approval to Expropriate Land were served on the registered owner(s) and published in the newspaper. The City has not received notice of any requests for a hearing of necessity and the 30-day time limitation set out in the Act for giving notice of such a request expired on March 11, 2024.

Staff have entered into an agreement with the owner of the Property for a full and final settlement of all claims under the Act, pursuant to existing delegated real estate authority. This agreement is subject to City Council approval of the expropriation of the Property and the registration of a plan of expropriation by the City in respect of the Property. It is recommended that City Council, as approving authority under the Act, approve the expropriation of the Property and that City Council authorize the City, as expropriating authority, to take all necessary steps to proceed with the expropriation, so that Project construction deadlines are maintained.

CONTACT

Alison Folosea, Director, Real Estate Services, Corporate Real Estate Management, 416-338-2998, Alison.Folosea@toronto.ca

Jacquelyn Hayward, Director, Project Design and Management, Transportation Services, 416-392-5348, Jacquelyn.Hayward@toronto.ca

SIGNATURE

Patrick Matozzo
Executive Director, Corporate Real Estate Management

ATTACHMENTS

Appendix A - Legal Description of the Property
Appendix B - Reference Plan No. 66R-33117

Appendix A – Legal Description of Property

Municipal Address	Legal Description	Approximate Area (square metres)	Property Interest
Part of 165 The Queensway	Part of PIN 07623-0033 (LT) Part of Lot 10, Plan 1176, designated as Part 1 on Plan 66R-33117, City of Toronto (formerly City of Etobicoke)	36.5 square metres	Partial fee simple interest

Expropriation of Part of 165 the Queensway - Stage 2

