

Expropriation of Easements to Construct the Black Creek Sanitary Trunk Sewer Relief System - Stage 2

Date: October 1, 2024

To: General Government Committee

From: Executive Director, Corporate Real Estate Management

Wards: 6 - York Centre, 7 - Humber River-Black Creek

REASON FOR CONFIDENTIAL INFORMATION

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

SUMMARY

On April 17, 2024, City Council authorized the initiation of expropriation proceedings for permanent easements in part of the properties municipally known as 37 Downsview Avenue, 200 Chalkfarm Drive, 1570 Wilson Avenue, 2208 Jane Street and 2210 Jane Street for the purpose of facilitating Phase One of Toronto Water's Black Creek Sanitary Trunk Sewer Relief System project (the "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" and published in the newspaper. Parties with affected interests in the land 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, 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 requirements are set out in Appendix A and shown on the draft reference plans attached as Appendix C.

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 the property interests set out in Appendix A (the "Property Requirements") and as identified on the draft reference plans attached as Appendix C.
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(s), 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 appraisal reports appraising the market values of the Property Requirements 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 all property transactions and claims for compensation relative to the Project, and only released publicly thereafter in consultation with the City Solicitor.

FINANCIAL IMPACT

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

Funding to acquire the Property Requirements is available in the 2024 Council Approved Capital Budget and 2025-2033 Capital Plan for Toronto Water under Account CWW014-20.

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

DECISION HISTORY

At its meeting of April 17, 2024, City Council adopted Item GG11.11, thereby authorizing the Executive Director, Corporate Real Estate Management to initiate expropriation proceedings for the Property Requirements.

<https://secure.toronto.ca/council/agenda-item.do?item=2024.GG11.11>

At its meeting of December 2, 2021, Infrastructure and Environment Committee granted authority to enter into an agreement with Black and Veatch Canada Company for the provision of Professional Engineering Services for the Preliminary Design of the Black

Creek Class Environmental Assessment Solution and Detailed Design, Construction Services and Post Construction Services for Phase One Works.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.IE26.2>

In December 2020, the City published the Black Creek Sanitary Drainage Area Servicing Improvements Class Environmental Assessment Study, which identified the need to upgrade the system by constructing a new sanitary trunk relief sewer system.

<https://www.toronto.ca/wp-content/uploads/2020/12/943a-Small-File-size-BCSTSExecutive-Summary.pdf>

COMMENTS

A new sanitary trunk relief sewer system is being constructed to upgrade the existing Black Creek sanitary trunk sewer that runs parallel to Black Creek, from Finch Avenue (between Jane Street and Keele Street), to the Humber Sanitary Trunk Sewer near Scarlett Road and Dundas Street. Phase One of the Project, planned from 2025 to 2031, includes construction of the Keele Relief Sanitary Trunk and involves a total of 17 kilometers of new subsurface sanitary trunk sewers and 14 tunneling and drop shafts. The Property Requirements are permanent subsurface easements and are essential for the construction of the Project and ancillary works to upgrade sanitary servicing in the City's Black Creek sewershed. Corporate Real Estate Management initiated expropriation proceedings to acquire the Property Requirements required for the Project.

Pursuant to 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 has not received any request for hearings for the Property Requirements and the time limitation set out in the Act for giving notice of such request has expired.

There are additional property requirements that are required for the Project which requests for hearings of necessity have been received. Those will be the subject matter of a further report to Council at a future date once the hearings have been conducted.

It is recommended that City Council, as approving authority under the Act, approve the expropriation of the Property Requirements 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. Negotiations will continue with the owners concurrently with the expropriation process to acquire the Property Requirements on mutually acceptable terms.

CONTACT

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

Simon Hopton, Director, Design and Construction - Major Infrastructure, Engineering and Construction Services, 416-395-6270, Simon.Hopton@toronto.ca

Eleanor McAteer, Director, Water Infrastructure Management, Toronto Water, 416-397-4631, Eleanor.McAteer@toronto.ca

SIGNATURE

Patrick Matozzo
Executive Director, Corporate Real Estate Management

ATTACHMENTS

Confidential Attachment 1
Appendix A - Table of Property Requirements
Appendix B - Location Map
Appendix C - Draft Reference Plans

Appendix A – Table of Property Requirements

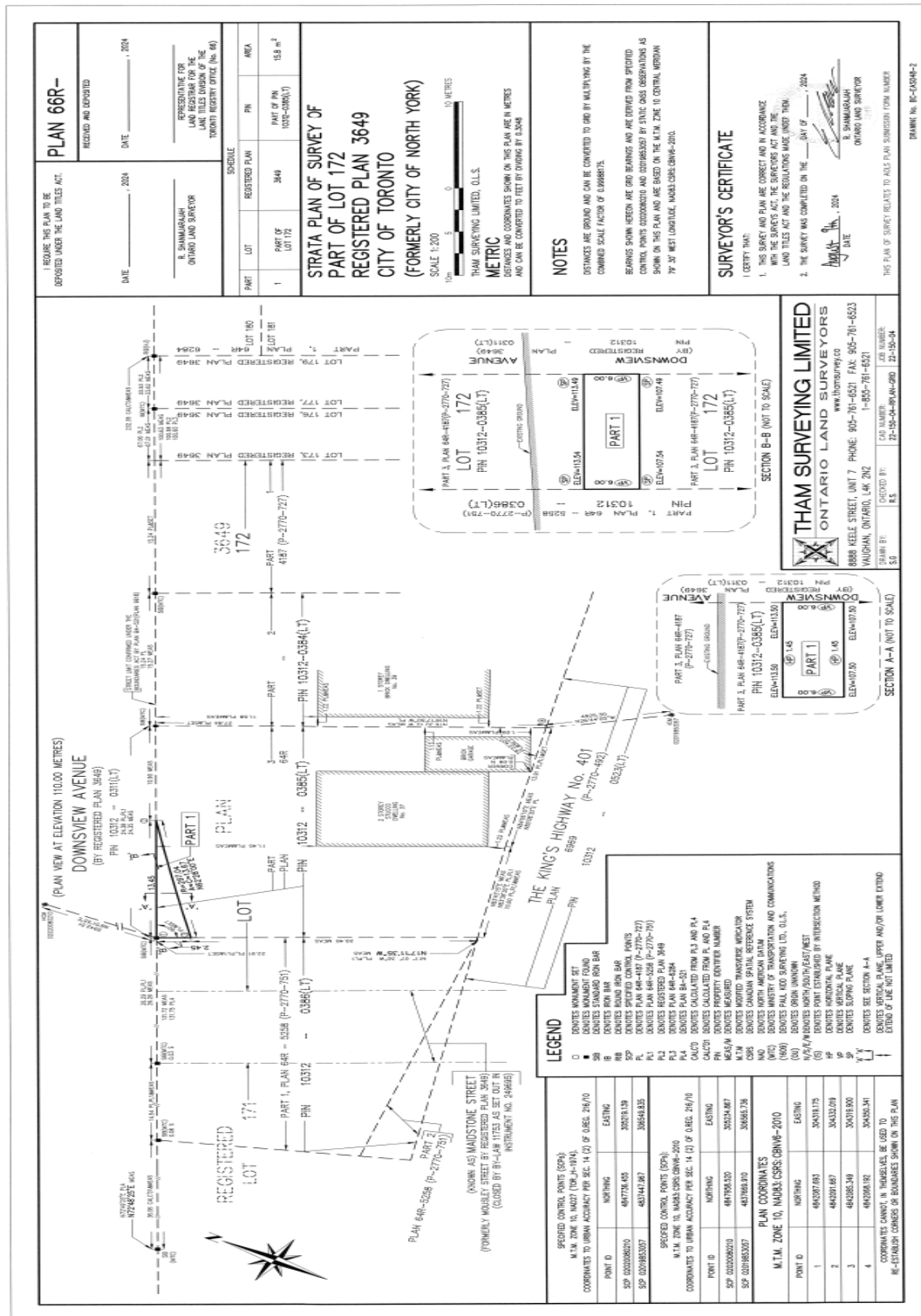
Municipal Address	Legal Description	Approximate Area (square metres)	Property Interest
1. Part of 37 Downsview Avenue	Part of PIN 10312-0385 (LT), Pt Lt 172 PI 3649 North York Pt 3 64R4187; City of Toronto, shown as Part 1 on draft Plan of Survey Drawing Number EAS048-2	15.8	Permanent Subsurface Easement
2. Part of 200 Chalkfarm Drive	Part of PIN 10288-0833 (LT), Part of Block A, Plan M1271. City of Toronto, shown as Part 1 on draft Plan of Survey Drawing Number BC-EAS041	7.6	Permanent Subsurface Easement
3. Part of 1570 Wilson Avenue	Part of PIN 10288-0854 (LT), Pt Blk B PI 3991 North York as in NY617478 Except NY498263; City of Toronto, shown as Part 1 on draft Plan of Survey Drawing Number BC-EAS046	2.1	Permanent Subsurface Easement
4. Part of 2208 Jane Street	Part of PIN 10288-0879 (LT), Pt Blk B, PI 3991 North York as in TB972561, shown as Parts 1 and 2 on draft Plan of Survey Drawing Number BC-EAS045	34.3	Permanent Subsurface Easement
5. Part of 2210 Jane Street	Part of PIN 10288-0856 (LT), Pt Blk D PI 3991 North York as in NY773796; City of Toronto, shown as Part 1 on draft Plan of Survey Drawing Number BC-EAS043	102.1	Permanent Subsurface Easement

Appendix B – Location Map



Appendix C– Draft Reference Plans

1. Part of 37 Downsview Avenue



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5. Part of 2210 Jane Street

