



REPORT FOR ACTION

Licence Agreement with Metrolinx -Temporary Closure of Car Parks 90 (17 Eaton Avenue) and 137 (77 Gough Avenue)

Date: June 28, 2024

To: Board of Directors, Toronto Parking Authority

From: President, Toronto Parking Authority

Wards: Ward 14

SUMMARY

As a part of the Ontario Line project, Metrolinx has identified three (3) Toronto Parking Authority (TPA) car parks as the preferred locations to stage construction for the Pape Interchange Station (the "Project"). Metrolinx has made this request pursuant to the City of Toronto's *Real Estate Protocol for the Province of Ontario's Priority Transit Projects*, which includes the Ontario Line.

The locations identified by Metrolinx include Car Park 89 (20 Eaton Avenue), Car Park 90 (17 Eaton Avenue) and Car Park 137 (77 Gough Avenue). Metrolinx has also shortlisted Car Park 17, located at 716 Pape Avenue, as a future site that may be required to support the Project.

Car Park 89 (20 Eaton Street) is already the subject of a Licence Agreement between the City and Metrolinx. This site was decommissioned by TPA on January 3, 2024. It has been turned over to Metrolinx in accordance with the terms of the Licence Agreement.

To facilitate the temporary closure of Car Parks 90 and 137 (the "Car Parks"), Metrolinx is proposing to enter into a Licence Agreement with the City of Toronto (the "City Licence") for exclusive use of both Car Parks. The Licence Agreement is for a term of five (5) years, with one (1) option to extend the term for up to four (4) additional years.

TPA intends to decommission the entirety of both Car Parks in preparation of the temporary closures in September 2024.

RECOMMENDATIONS

The President of Toronto Parking Authority recommends that:

1. The Board of Directors of Toronto Parking Authority authorize the President, Toronto Parking Authority to request the Executive Director, Corporate Real Estate Management to enter into a Licence Agreement on behalf of the City of Toronto with Metrolinx concerning 17 Eaton Avenue (Car Park 90) and 77 Gough Avenue (Car Park 137) in accordance with the Terms and Conditions outlined in Table 2 of this report), and any such other amended terms and conditions as may be acceptable to the Executive Director, Corporate Real Estate Management and the City Solicitor as to provide compensation for the loss of parking revenue and other expenses related to the Metrolinx occupation of the entirety of Car Parks 90 and 137.

FINANCIAL IMPACT

Metrolinx will compensate TPA for the lost parking revenue during the temporary closure of Car Parks 90 and 137. The TPA estimates that the compensation for the temporary loss of parking spaces for the initial term to be an average of \$119,989 annually for Car Park 90, or \$719,933 for the five (5) year term, and an average of \$123,254 annually for Car Park 137, or \$739,523 in total for the five (5) year term. An annual adjustment for inflation is incorporated at both locations.

In addition to reimbursing TPA for lost parking revenue, Metrolinx will provide compensation for any costs incurred as a result of the Project, such as removing/adding signage, maintenance, or equipment relocation costs. Should there be any ensuing damage to the Car Parks, Metrolinx will be required to restore the Car Parks at no cost to TPA and to the satisfaction of the TPA President.

DECISION HISTORY

At its meeting of June 26, 2024, City Council adopted item EX15.2 – Priorities in Transit Expansion and Transit-Oriented Communities Projects. The report included a motion for City Council to inform Metrolinx that “the City will not execute any further transactions for City lands until such time that Metrolinx informs the City as to how they will mitigate construction impact to residential tenants and businesses.”

<https://secure.toronto.ca/council/agenda-item.do?item=2024.EX15.2>

At its meeting of November 23, 2023, the Toronto Parking Authority Board adopted item PA7.10 - Temporary Closure of Car Park 89 (20 Eaton Avenue). The report sought approval for Corporate Real Estate Management (on behalf of the City) to enter into a Licence Agreement with Metrolinx for the closure of Car Park 89 to support Ontario Line construction.

At its meeting of December 15, 2021, City Council adopted item EX28.12 – Metrolinx Subways Program – Real Estate Protocol and Land Valuation Principles for Subways and GO Expansion Programs. The report sought City Council authority to execute a Real Estate Protocol for the Province of Ontario's priority transit projects, including the Ontario Line.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.EX28.12>

COMMENTS

The Ontario Line is a 15.6-kilometre subway line that will extend from Exhibition Place, through downtown, and north to Don Mills and Eglinton. The project consists of fifteen stations, below and above grade infrastructure, and joint connections with the existing GO Train Corridor. When constructed and operational, the Ontario Line will provide a bypass of the Yonge-Bloor Subway station and improve access to the City's downtown core.

As part of the construction of the Pape Station Interchange, Metrolinx requires the use of Car Parks 90 and 137 ("Licenced Areas") (refer to Attachment 1 – Site Location Map). Table 1 provides an overview of the operational characteristics of Car Parks 90 and 137.

Table 1: Summary of Car Parks Operating Characteristics

Address	Spaces	Gross Revenue (2023)	Revenue per space (2023)	Transactions (2023)
17 Eaton Avenue (CP 90)	30	\$ 85,709	\$ 2,856.97	18,097
77 Gough Avenue (CP 137)	17	\$ 98,874	\$ 5,816.10	19,031

In addition to the temporary closure of Car Parks 89, 90 and 137, Metrolinx is exploring the temporary closure of Car Park 17 at 716 Pape Avenue in the Pape/Danforth area to facilitate Ontario Line construction. The Ward Councillor has been advised that the subject properties are required and that the City will be entering into the City Licence with Metrolinx, in accordance with the City of Toronto's Real Estate Protocol for a five (5) year term beginning in September 2024.

The anticipated impacts at the Car Parks include intrusive and non-intrusive works, including construction staging, access path for equipment, construction laydown area, access underpinning, material and equipment storage, and excavation. The closure will have an impact on three (3) Pay & Display machines at Car Parks 90 and 137. Metrolinx will reimburse TPA for the removal of this equipment and will be responsible for i) installing any additional wayfinding and signage and ii) ensuring that the site is

secure (i.e., equipment, fencing etc.) at its sole cost and expense. A communications plan will be developed, and TPA will post temporary signage at the Car Parks to advise customers of the temporary closure and alternative parking locations.

Metrolinx will return the Car Parks to the TPA once construction is complete, restored to their original condition. Should the final site configuration differ from that of the original Car Parks, Metrolinx shall also be responsible for any costs associated with the reconfiguration of the Car Parks back to their original state.

Terms and Conditions

The Licence Agreement Principles identified in Table 2 will be incorporated in the Licence Agreement (or other form of agreement with Metrolinx as may be acceptable to the City Solicitor).

Table 2: Licence Agreement Principles

1.	Metrolinx will secure Car Parks 90 and 137 using satisfactory fencing, jersey barriers or other means;
2.	Any amendments to the Licenced Areas, duration of work or anything that would impact the operation of TPA's Car Parks 90 and 137 must be communicated to TPA in writing no less than four (4) weeks prior to the effective date of the amendment;
3.	Metrolinx shall provide temporary traffic and wayfinding signage, as required;
4.	Metrolinx shall provide all temporary signage relating to the Ontario Line project and temporary use of Car Parks 90 and 137 to TPA patrons and members of the general public;
5.	If required, Metrolinx will provide compensation for any costs associated with acquiring and or installing equipment necessary to control entry and exit to/from the site;
6.	Metrolinx will provide, at its sole expense, necessary environmental reports including a pre-construction condition survey and a post construction condition survey of the Licenced Areas;
7.	At the end of the term, Metrolinx shall restore Car Parks 90 and 137 to pre-closure conditions and to TPA's specifications and the satisfaction of the TPA President;
8.	Metrolinx shall provide compensation for the loss of revenue from Car Parks 90 and 137 during the term of the lot closure;
9.	Metrolinx will, at its sole expense, obtain all necessary licences, permits and approvals required, if any, for the use of the Licenced Areas. TPA will provide

	its consent to any Metrolinx application in respect of any licence, permit or approval required for the use of the Licenced Areas. Metrolinx will be responsible for obtaining any consents needed;
10.	Metrolinx will maintain or cause to be maintained commercial general liability insurance or wrap up liability insurance in the amount of Ten (10) Million Dollars (\$10,000,000) in respect of the Licenced Areas and will include the City and TPA as additional insureds. Prior to the commencement of the closure, Metrolinx or its contractor will provide a certificate of insurance evidencing the insurance noted herein and shall provide updated certificates, as may be required; and,
11.	Metrolinx will provide compensation for any operational expenses as a result of the temporary closure of the Car Park.

Parking Supply Impacts

Due to the significant construction impacts of the Ontario Line on the availability of paid parking in Ward 14, TPA is exploring opportunities to add paid parking spaces elsewhere in the Pape/Danforth community. Management is reviewing options to add up to 57 new on-street paid parking spaces in the Ward and is consulting with both the Ward Councillor and Transportation Services to obtain feedback on the feasibility of converting these spaces to paid parking.

Next Steps

Should TPA Board of Directors adopt the recommendations of this report, TPA will work with CREM to support the negotiation and execution of the Licence Agreement and prepare to close the Car Parks.

CONTACT

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SIGNATURE

W. Scott Collier, President
Toronto Parking Authority

ATTACHMENTS

Attachment 1 – Site Location Map of Car Parks 90 & 137

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