

Expropriation of a Permanent Easement at 75 Hyde Avenue for the Construction of the Black Creek Sanitary Trunk Sewer Relief System - Stage 2

Date: February 10, 2025

To: General Government Committee

From: Executive Director, Corporate Real Estate Management

Wards: 5 - York South-Weston

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 a permanent easement in part of the property municipally known as 75 Hyde Avenue 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. Registered owners then had 30 days to request an inquiry into whether the proposed taking is fair, sound, and reasonably necessary. The owner of 75 Hyde Avenue initially requested an inquiry; however, the request has since been withdrawn and City Council may now approve the expropriation by this Stage 2 report.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. A Statutory Offer of Compensation must be served prior to the City taking possession of the expropriated property.

The property requirement is set out in Appendix A and shown on the reference plan 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 a permanent subsurface easement in part of the property municipally known as 75 Hyde Avenue as set out in Appendix A and as identified on the reference plan attached as Appendix C (the "Property Requirement").
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 Requirement 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

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

Funding to acquire the Property Requirement 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.

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 a request for a hearing as to whether the proposed taking was fair, sound and reasonably necessary (the "Hearing") from the owner of the Property Requirement. A Hearing was scheduled by the Ontario Land Tribunal but was subsequently cancelled as the property owner withdrew the hearing request.

The Property Requirement is a permanent subsurface easement essential for the construction of the Project and ancillary works to upgrade sanitary servicing in the City's Black Creek sewershed.

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

CONTACT

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SIGNATURE

Patrick Matozzo
Executive Director, Corporate Real Estate Management

ATTACHMENTS

Confidential Attachment 1
Appendix A - Legal Description of Property Requirement
Appendix B - Project Map
Appendix C - Reference Plan

Appendix A – Legal Description of Property Requirement

Legal Description	Approximate Area (square metres)	Property Interest
Part of PIN 10499-0298 (LT), Part of Lots 492 To 501 Both Inclusive, Plan 2008, Part 1 Plan 66R-34303; City of Toronto	496.4	Permanent Subsurface Easement

Appendix B – Project Map



