

Application for Approval to Expropriate Temporary Easements for the Mid-Town Toronto Storm Sewer Relief Project – Stage 1

Date: April 28, 2025

To: General Government Committee

From: Executive Director, Corporate Real Estate Management

Wards: 8 - Eglinton-Lawrence

SUMMARY

This report seeks authority to initiate expropriation proceedings for temporary easements interests in parts of the properties municipally known as 239 Hillhurst Boulevard, 243 Hillhurst Boulevard and 595 St. Clements Avenue for the purpose of completing Engineering and Construction Services' Mid-Town Storm Sewer Relief project.

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 may 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 can 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 the expropriation proceedings for the Property Requirements, for the purpose of completing the Mid-Town Storm Sewer Relief project, 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 any 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 2022-2031 Approved Capital Budget and Plan for Toronto Water under capital project account CWW421-15.

Before proceeding with the expropriation, staff will report to City Council through the General Government Committee for approval of the expropriation (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 implications as identified in the Financial Impact section.

DECISION HISTORY

At its meeting held on July 19, 2022, City Council adopted item 2022.GL32.25. "Mid-Town Toronto Storm Sewer Relief Project - Stage 1 Expropriation," granting authority for Corporate Real Estate Management to continue negotiations for temporary easement and to initiate the expropriation process for the acquisition of the temporary easements for the purpose of completing the proposed Mid-Town Storm Sewer Relief Project.

<https://secure.toronto.ca/council/agenda-item.do?item=2022.GL32.25>

At its meeting held on March 8, 2021, CreateTO board adopted item RA21.1, "Midtown Toronto Storm Sewer Relief Project - Strategic Partnership to Advance City Building with the Toronto District School Board," to provide assistance in the City's acquisition of a portion of the Toronto District School Board owned property known as Memorial Park.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.RA21.1>

At its meeting held on June 18, 2019, City Council adopted item EX6.4, "Federal

Disaster Mitigation and Adaptation Fund - Update," granting authority to apply for federal funding under the Disaster Mitigation and Adaptation Fund ("D.M.A.F.") and to enter into and execute any agreements, including any amendments, with the Government of Canada under the DMAF on terms and conditions satisfactory to the City Manager and the Chief Financial Officer and Treasurer and in a form satisfactory to the City Solicitor.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EX6.4>

At its meeting on March 7, 2019, City Council adopted item EX2.5 "2019 Capital and Operating Budgets," which included intergovernmental funding in the 2019-2028 Recommended Capital Budget and Plan. This report included a summary of the Disaster Mitigation and Adaptation Fund ("D.M.A.F."), listed the projects City staff submitted for federal approval, and indicated that City staff would report back to City Council as required once the federal D.M.A.F. application review process is complete.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EX2.5>

At its meeting held on March 10, 2015, City Council adopted item EX3.1, "2015 Rate Supported Budgets - Toronto Water and 2015 Water and Wastewater Rates and Service Fees," authorizing the General Manager, Toronto Water, to initiate and expedite the completion of new Basement Flooding Environmental Assessment studies for the remainder of the City, specifically Study Areas 42 through 67, and in the order of priority as shown in Schedule A to the report (December 18, 2014) from the General Manager, Toronto Water.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.EX3.1>

At its meeting held on September 21, 2011, City Council adopted item PW7.6, "Wet Weather Flow Master Plan and Basement Flooding Protection Program Update," directing that the prioritization of Basement Flooding Protection Program projects be consistent with the principle that the greatest number of properties are protected as soon as possible within approved funding envelopes and coordinated with other City capital programs.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.PW7.6>

At its meetings held on September 24, 2008, City Council adopted item EX23.16, "Update on the Engineering Review Addressing Basement Flooding," adopting the implementation of City sewer infrastructure improvement projects resulting from various Municipal Class Environmental Assessments undertaken to address basement flooding in the 31 Basement Flooding Study Areas in the Basement Flooding Work Plan.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2008.EX23.16>

COMMENTS

The Mid-town Storm Sewer Relief Project (the "Project") is part of the City's Basement Flooding Protection Program to help reduce the risk of future basement flooding within Midtown Toronto. The project includes upgrades to approximately eight kilometers of conveyance sewers, the construction of a new stormwater storage tank facility under Memorial Park and the installation and upgrading of over 80 high inlet capacity catch basins.

In July 2022, City Council authorized Corporate Real Estate Management to serve and publish Notices of Application for Approval to Expropriate Lands for 11 properties initially identified for the Project. Due to project delays, the Notices of Application to Expropriate Lands were not served and the expropriation process was not initiated.

The design consultant has identified a new open-cut sanitary sewer alignment that reduces the number of private interests required to three residential properties. The City will be proceeding with the new open-cut alignment and require temporary easements for periods of 18 months and three years, expiring no later than December 31, 2032.

Negotiations with the property owners to acquire the Property Requirements are ongoing. However, it is recommended that the City initiate the expropriation process concurrently with negotiations to ensure that all required property interests are acquired by the City prior to the commencement date of the Project.

CONTACT

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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
Appendix C – Location Map

Appendix A – Table of Property Requirements

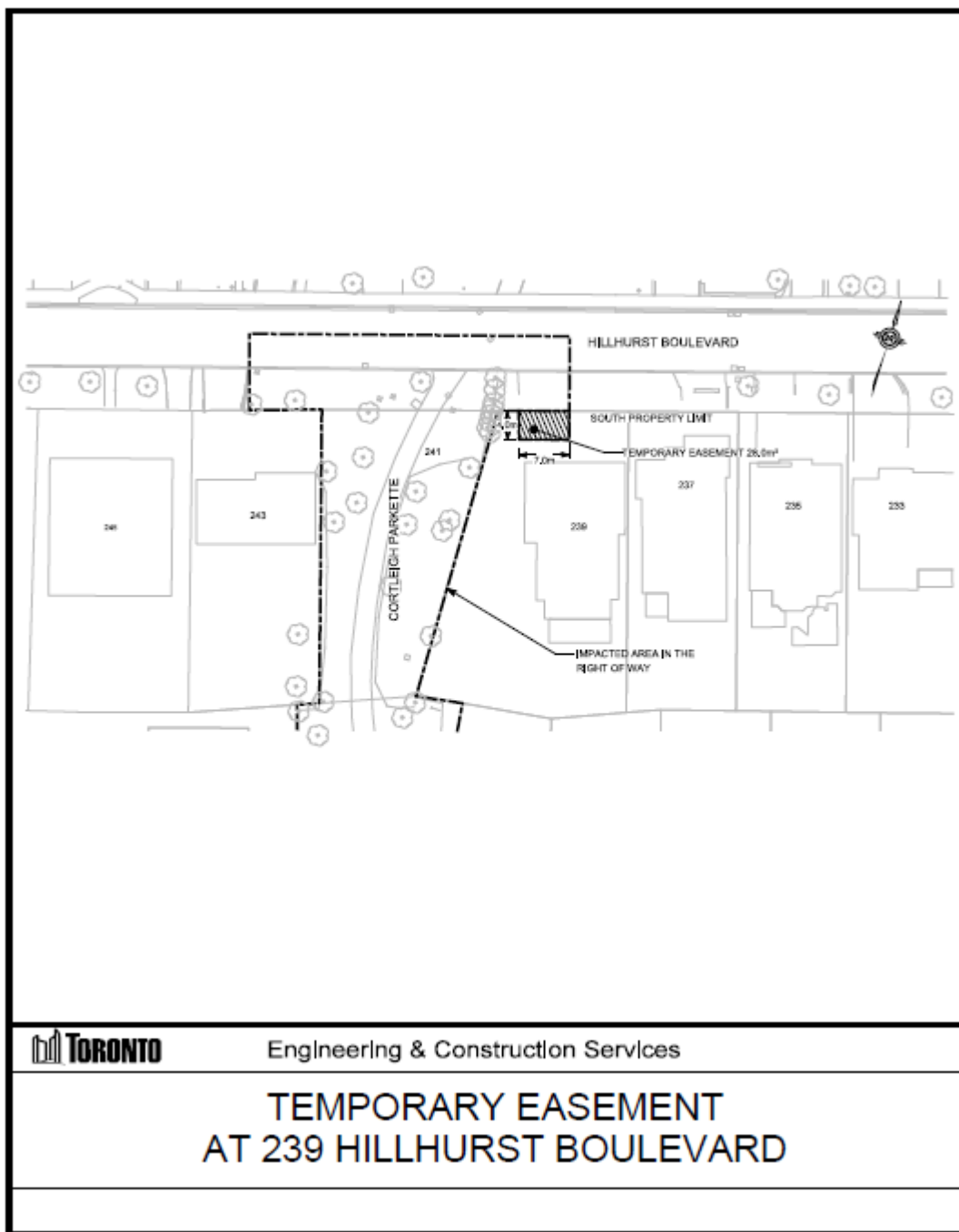
Municipal Address	Legal Description	Property Interests
Part of 239 Hillhurst Boulevard	Part of PCL 132-1, Sec M346; Lot 132, Plan M346; North York	Temporary Easement for three years shown hatched on the Property Sketch – Temporary Easement at 239 Hillhurst Boulevard, shown in Appendix B
Part of 243 Hillhurst Boulevard	Part of PCL 16868, Sec West York; Lot 135, Plan M346; PT Lot 134, Plan M346, Lying to the West of the Eastern 40 FT of said Lot Plan M346; North York	Temporary Easement for three years shown hatched on the Property Sketch – Temporary Easement at 243 Hillhurst Boulevard, shown in Appendix B
Part of 595 St. Clements Avenue	Part of Lot 160, Plan 3018, as in CA225712; Toronto	Temporary Easement for 18 months shown hatched on the Property Sketch – Temporary Easement at 595 St. Clements Avenue, shown in Appendix B

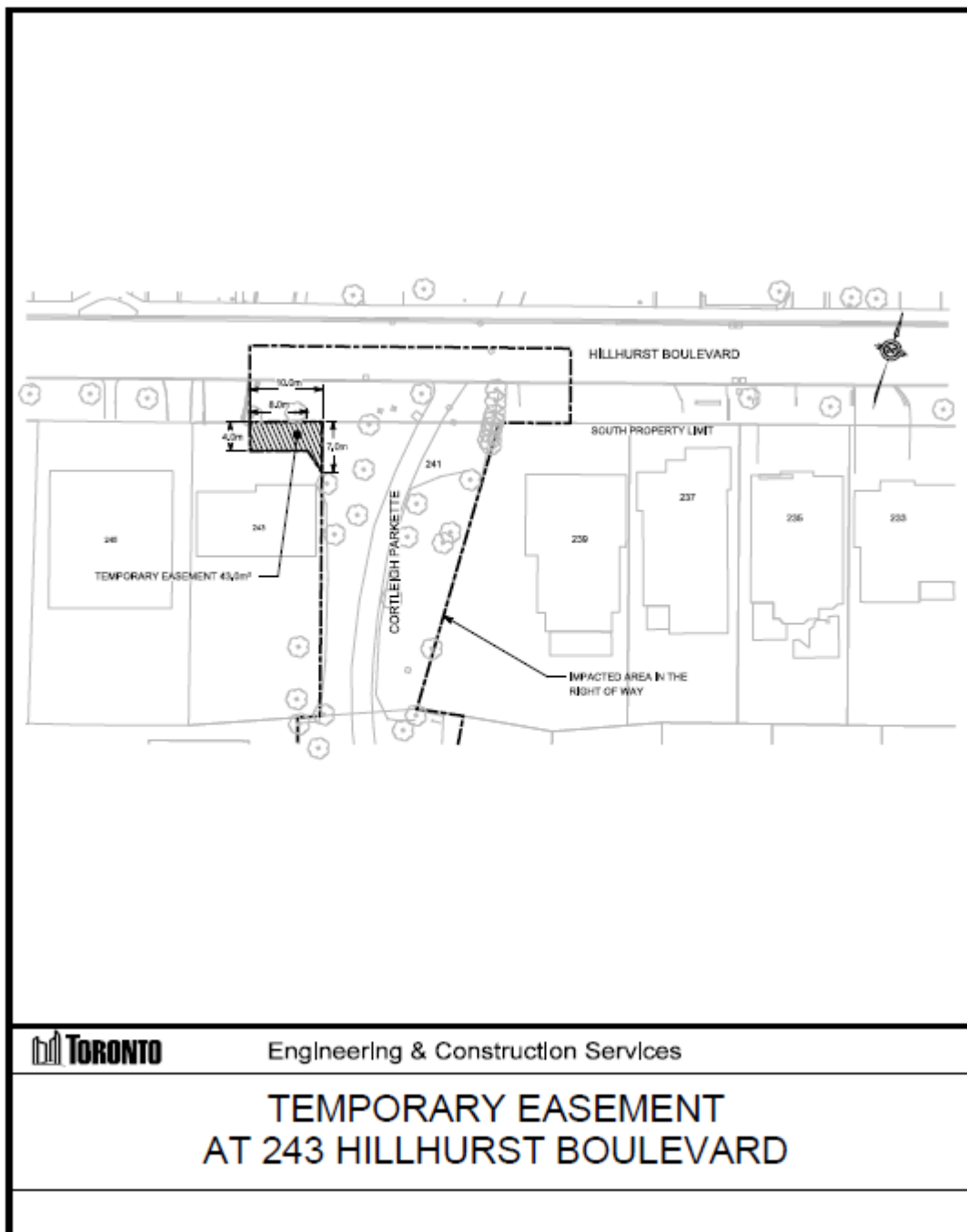
Temporary Easement Definition:

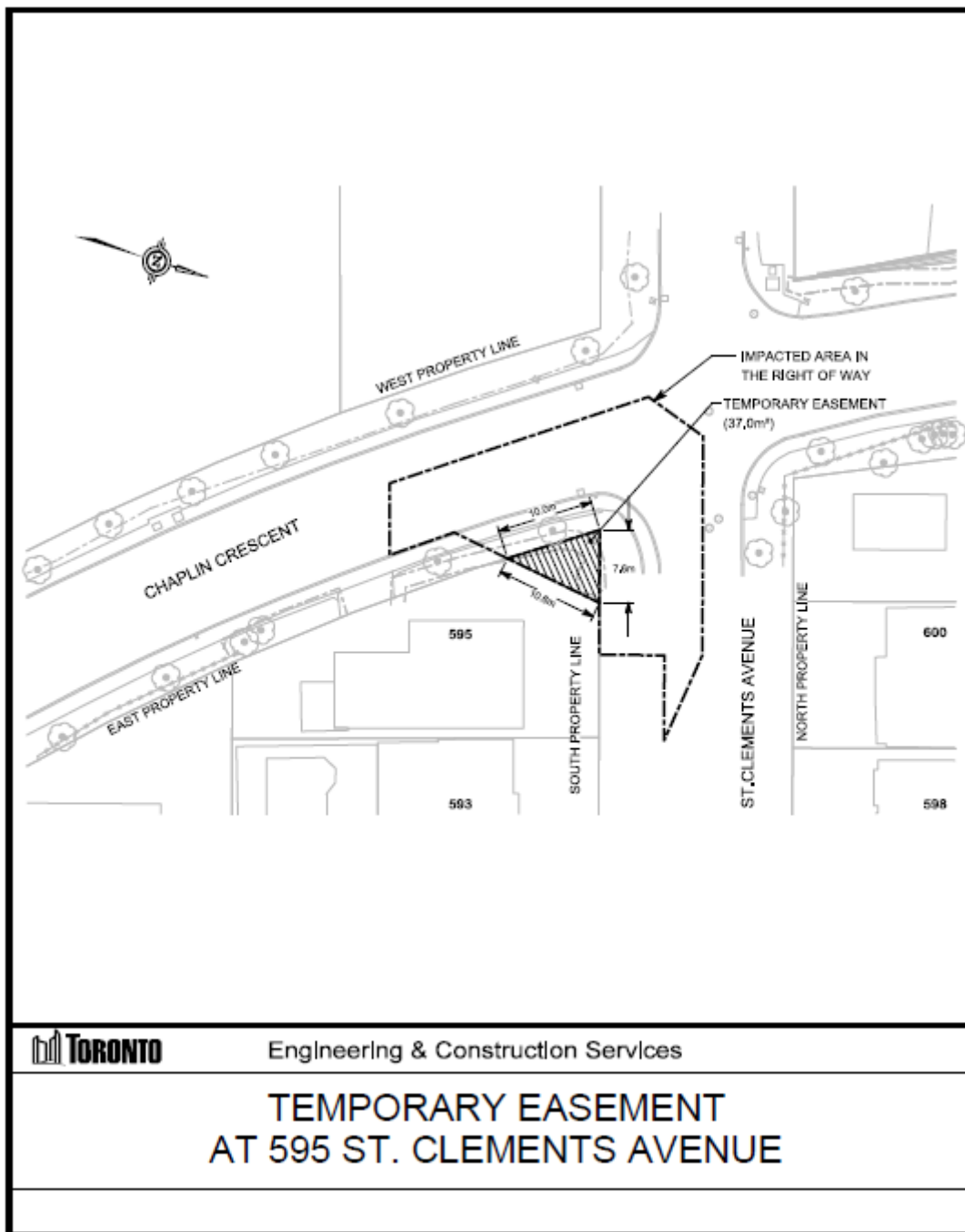
A temporary easement or rights in the nature of a temporary easement on, in, over, under and through the lands identified in the chart above, to facilitate the construction of a sewer on adjacent City property and all works ancillary thereto, including without limitation, removal of and alteration to hard and soft landscaping and trees, re-grading work, installation of temporary retaining walls, hoarding, fencing, temporary relocation of utilities, public pedestrian and vehicle access, restoration work, and the right to enter and occupy with all workers, vehicles, supplies, materials and equipment necessary or incidental to the rights hereby granted, commencing on a date to be specified in writing by the City to the registered owner on at least 90 days' notice, and continuing for the term specified in the chart above, expiring no later than December 31, 2032.

Appendix B - Property Information Sketches

239 Hillhurst Boulevard







Appendix C - Location Map

