

Approved pursuant to the Delegated Authority contained in Government Management Committee Item GM6.18 entitled "Policy with Respect to the Sale/Disposition of Land" adopted as amended by City Council on July 16, 17, 18 and 19, 2007. By-law No. 814-2007, enacted on July 19, 2007.

Prepared By:	Irina Fofanova	Division:	Real Estate Services
Date Prepared:	September 23, 2015	Phone No.:	416-397-0806

Purpose: To declare surplus a small strip of land along the easterly boundary of the City-owned lands municipally known as 651 Lawrence Avenue West (the "City Property") and to authorize the invitation of an offer to purchase the strip of land from the owner of the abutting lands at 639-645 Lawrence Avenue West, Allen & Lawrence Townhouse Inc. (the "Developer").

Property: A small strip of land, located along the eastern limit of the City Property. The description of the strip of land is Part of Lot 347, Registered Plan 2049, Toronto, shown as Part 1 on the draft Reference Plan attached as Schedule "A" (the "Strip").

- Actions:**
1. The Strip be declared surplus, and an offer to purchase the Strip be invited from the Developer.
 2. Notice be published in a newspaper in circulation in the area of the Strip.
 3. All steps necessary to comply with the City's real estate disposal process, as set out in Chapter 213 of the City of Toronto Municipal Code, be taken.

Financial Impact: There are no financial implications resulting from this approval.

Deputy City Manager & Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.

Background: The City Property was acquired by expropriation in 1962. City Council, at its meeting on May 11 and 12, 2010, has authorized the disposition of lands acquired by expropriation without giving the owner from whom the land was expropriated the first chance to repurchase the land on the terms of the best offer received by the expropriating authority, if the expropriation has taken place ten years or more prior to the proposed disposal [Report EX43.7 entitled " Delegation of Authority in Certain Real Estate matters"].

The City Property is leased to Ecuhome Corporation ("Ecuhome"), pursuant to a long-term lease which expires on May 30, 2051. This lease was entered into in 2001 by the City, as landlord, and Trellis Housing Initiatives ("Trellis"), the original tenant, in order to facilitate construction of affordable rental housing at the City Property. Basic Rent under the lease is waived so long as, among other things, the tenant is not in default under the lease and various other agreements with the City relating to the project. Council authority for the project, including the lease, was granted in August 2000. The lease was assigned by Trellis to Ecuhome in 2014, with the City's consent, in order to allow Ecuhome to take over operating the affordable housing project. It has been confirmed that the Strip is not required for the operation of the affordable housing project.

The Developer is undertaking a construction project. The construction manager for this project has notified the City that due to a surveying error, steel shoring beams which support the building being built on the abutting property are encroaching into City lands at below grade level within the Strip. The intention is to sell the City's fee simple interest in the Strip to the Developer to rectify this encroachment. On or before completion of the proposed purchase of the Strip, the long term lease will need to be amended to exclude the Strip from the leased premises. The necessary authority will be sought for such amendment. The tenant has no objections herein.

Given the small size of the Strip and that it is located at the boundary of the City Property, it has been confirmed that the proposed purchase of the Strip and amendment of the long-term lease will not affect the provision of affordable rental housing at the City Property. The approximate location of the Strip is shown on Schedule "B" attached hereto.

Comments: A circulation to the City's ABCDs was undertaken to ascertain whether or not there is any municipal interest in retaining the Strip. No municipal interest was expressed. Staff of the Affordable Housing Office has determined that there is no interest in the Strip for affordable housing. Accordingly, it is appropriate that the Strip be declared surplus. The Property Management Committee has reviewed this matter and concurs.

Property Details:

Ward:	15 – Eglinton-Lawrence
Assessment Roll No.:	1908-04-1-510-01600 (Part)
Approximate Size:	0.19 m x 23.36 m ± (0.62 ft x 86.5 ft ±)
Approximate Area:	5 m ² ± (53.8 ft ² ±)
Other Information:	

Yes No Lands are located within the Green Space System or the Parks & Open Space Areas of the Official Plan.

Pre-Conditions to Approval:

- (1) **Highways** - The GM of Transportation Services has concurred in the Highway being declared surplus conditional upon City Council approving the permanent closure of the Highway.
- (2) **Lands located within the Green Space System and the Parks & Open Space Areas of the Official Plan** - The Chief Planner & Executive Director and the GM of Parks, Forestry & Recreation have confirmed that the land being exchanged is (i) nearby land of equivalent or larger area, and (ii) of comparable or superior green space utility.

Chief Corporate Officer has approval authority for:

- A (1)** declaring land surplus and approving the intended manner or process by which the sale of the land will be carried out, provided that the local Councillor does not require the matter to be determined by Council through the Government Management Committee (§ 213-6).
 - Councillor does not require the declaration of surplus or the intended manner or process by which the sale of the land will be carried out to be determined by Council.
- (2)** determining the method of giving notice to the public, following consultation with the local Councillor (§ 213-7)
 - Councillor has been consulted regarding method of giving notice to the public.
- (3)** exempting sales to the following public bodies from the requirement for an appraisal, provided that the local Councillor (or if the land abuts other wards, the local Councillors) does not require the determination to be made by Council (§ 213-4):
 - (a) a municipality
 - (b) a local board, including a school board and a conservation authority
 - (c) the Crown in right of Ontario or Canada and their agencies
 - n/a Councillor(s) agrees with exemption from appraisal. **[Revise box to an x if any of (3)(a)-(c) applies.]**
- (4)** exempting the sale of land in the following classes from the requirement for an appraisal and/or for notice to the public, provided that the local Councillor(s) (if the land abuts other wards) does not require the determination to be made by Council (§ 213-5):
 - (a) land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*
 - (b) closed highways if sold to an owner of land abutting the closed highways
 - (c) land formerly used for railway lines if sold to an owner of land abutting the former railway land
 - (d) land does not have direct access to a highway if sold to the owner of land abutting that land
 - (e) land repurchased by an owner in accordance with section 42 of the *Expropriations Act*
 - (f) easements
 - n/a Councillor(s) agrees with exemption from appraisal. **[Revise box to an x if any of (4)(a)-(f) applies.]**
 - n/a Councillor(s) agrees with exemption from notice to the public. **[Revise box to an x if any of (4)(a)-(f) applies.]**
- (5)** revising the intended manner of sale
- (6)** rescinding the declaration of surplus authority

Title	Date	Recommended/ Approved
Manager	Sept. 25, 2015	Tasse Karakolis
Director	Sept. 28, 2015	Joe Casali
Chief Corporate Officer	Oct. 1, 2015	Josie Scioli
Return to:		
DAF Tracking No.: 2015-234		

Consultation with Councillor(s):						
Councillor:	Josh Colle					
Contact Name:	Rosanna Foti					
Contacted by	Phone	<input checked="" type="checkbox"/>	E-mail		Memo	Other
Comments:	[to obtain Councillor concurrence to the following:] <ul style="list-style-type: none"> • Concurs with recommendation • Does not require the matter to be determined by Council • Does not require further consultation re: public notice 					
Councillor:						
Contact Name:						
Contacted by	Phone		E-mail		Memo	Other
Comments:						

Consultation with other Division(s):			
Division:	RES, Leasing & Site Management	Division:	Financial Planning
Contact Name:	Sherri Andjelic	Contact Name:	Filisha Mohammed
Comments:	No objections	Comments:	Reviewed and approved. – September 14, 2015
Real Estate / Municipal Law Contacts:	Jack Payne	Date:	September 23, 2015

SCHEDULE "B"
LOCATION MAP & AERIAL PICTURE



