

Approved pursuant to the Delegated Authority contained in Government Management Committee Item GM6.18 entitled "Policy with Respect to the Sale/Disposition of Land", as adopted by City Council on July 16, 17, 18 & 19, 2007. City of Toronto Municipal Code Chapter 213, Real Property, Sale of, adopted by By-law No. 814-2007.

<b>Prepared By:</b>	Ishan Dasgupta	<b>Division:</b>	Real Estate Services
<b>Date Prepared:</b>	March 22, 2019	<b>Phone No.:</b>	(416) 392-7165
<b>Purpose:</b>	To declare surplus a portion of the public lane abutting 1791 & 1789 St Clair Ave West, and to authorize the negotiation of a land exchange with the owner of the abutting lands, Scout Condos Gp Inc. and Scout Condos Limited Partnership, or their successor (the "Abutting Owner"), all conditional upon City Council approving the permanent closure of that portion of the lane and subject to the easements specified below. The negotiations shall also include a potential acquisition of a portion of the Adjoining Owner's land required for by the City of Toronto's (the "City") St. Clair Transportation Master Plan.		
<b>Property:</b>	A portion of the public lane abutting 1791 & 1789 St Clair Ave West, immediately south of St Clair Avenue West, legally described as the Lane on Plan 141 Toronto North of Carlton St (AKA Connolly St); City of Toronto, as shown as Part 3 on Sketch No. PS-2019-006 (the "Existing Lane"), also shown on Appendix "A".		
<b>Actions:</b>	<ol style="list-style-type: none"> <li>1. The Existing Lane be declared surplus, conditional upon City Council approving the permanent closure of the Existing Lane.</li> <li>2. A land exchange agreement be negotiated with the Adjoining Owner to secure lands for a replacement lane as well as lands required for the City's St. Clair Transportation Master Plan.</li> <li>3. Notice be published in a newspaper in circulation in the area of the Existing Lane and be posted on the City's website.</li> <li>4. 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.</li> </ol>		
<b>Financial Impact:</b>	<p>There is no financial implications resulting from this approval as the adjoining owner will be responsible for the construction of the replacement lane.</p> <p>The Chief Financial Officer and Treasurer has reviewed the DAF and agrees with the financial impact information.</p>		
<b>Background:</b>	<p>The Adjoining Owner is seeking to acquire ownership of the Existing Lane, which is strategically located between 1791 &amp; 1789 St Clair Ave West, in order to develop a 12-storey condominium project over the consolidated land parcel. In exchange for acquiring ownership of the Existing Lane, the Adjoining Owner proposes to transfer ownership of the lands shown as Part 2 on Sketch No. PS 2019-006 to the City in order to construct, to City standards, a replacement lane outlet to Ford Street (the "Replacement Lane"). As part of the overall transaction, the City will also acquire ownership of lands required for the St. Clair Transportation Master Plan, as shown as Part 1 on Sketch No. PS-2019-006.</p> <p><i>Please see Page 3 for additional Background</i></p>		
<b>Comments:</b>	A circulation to the City's Divisions and Agencies was undertaken to ascertain whether or not there is any municipal interest in retaining the Existing Lane. No municipal interest was expressed. Staff of the Affordable Housing Office has determined that there is no interest in the Existing Lane for affordable housing. Accordingly, it is appropriate that the Existing Lane be declared surplus. The Technical Review Committee has reviewed this matter and concurs.		
<b>Property Details:</b>	<b>Ward:</b>	9 – Davenport	
	<b>Assessment Roll No.:</b>	Not assessed	
	<b>Approximate Size:</b>	6 m x 48.5 m ± (19.7 ft x 159.1 ft ±)	
	<b>Approximate Area:</b>	294.2 m <sup>2</sup> ± (3,134.3 ft <sup>2</sup> ±)	
	<b>Other Information:</b>	Public Lane	
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 General Manager 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 of City Planning and the General Manager 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.

**Deputy City Manager, Corporate Services 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, Tim Park	April 8, 2019	Signed by Tim Park
Acting Director, Nick Simos	April 10, 2019	Signed by Nick Simos
Deputy City Manager, Corporate Services	April 15, 2019	Signed by Josie Sciolli
<b>Return to:</b>		

Consultation with Councillor(s):						
Councillor:	Ana Bailão					
Contact Name:	Michael Vieira (04/02/2019)					
Contacted by	Phone	E-mail	<input checked="" type="checkbox"/>	Memo	Other	
Comments:	No objections					
Councillor:						
Contact Name:						
Contacted by	Phone	E-mail		Memo	Other	
Comments:						

Consultation with other Division(s):			
Division:	Transportation Services	Division:	Financial Planning
Contact Name:	Edward Presta	Contact Name:	Lauren Birch
Comments:	No objections (04/02/2019)	Comments:	No objections. (03/26/2019)
Real Estate Law Contact:	Catherine Thomas	Date:	March 26, 2019

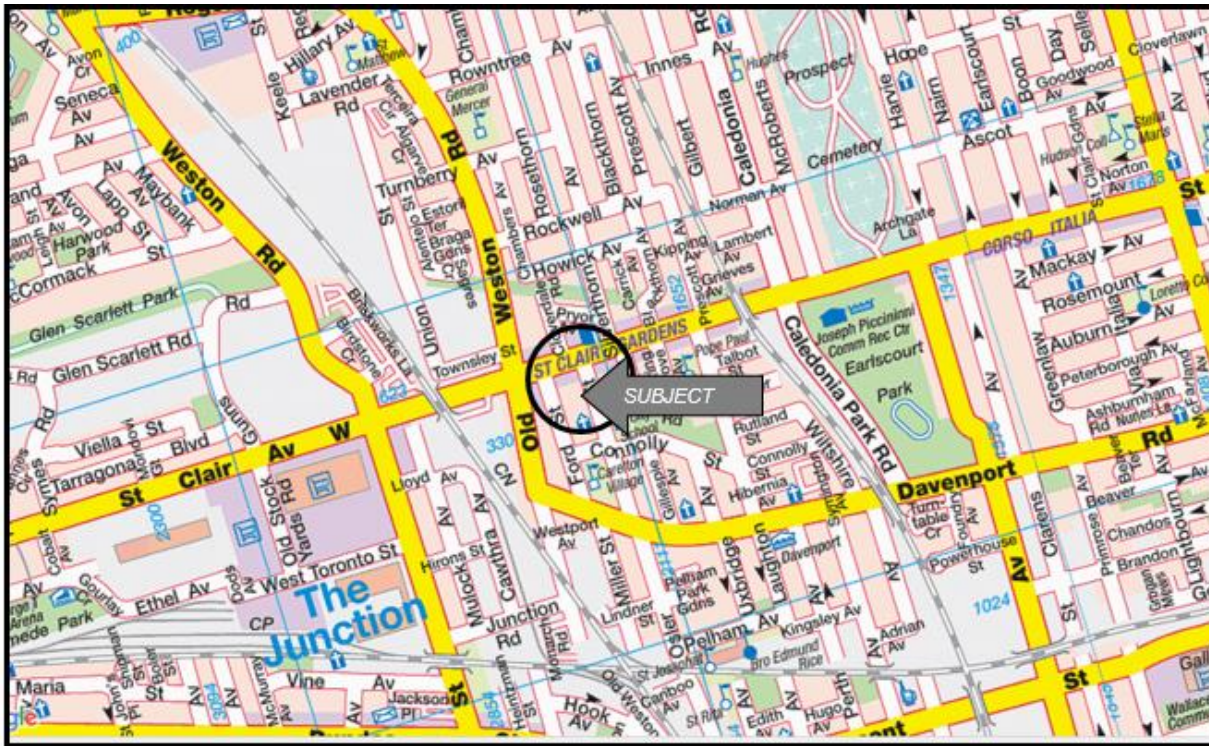
## Background continued:

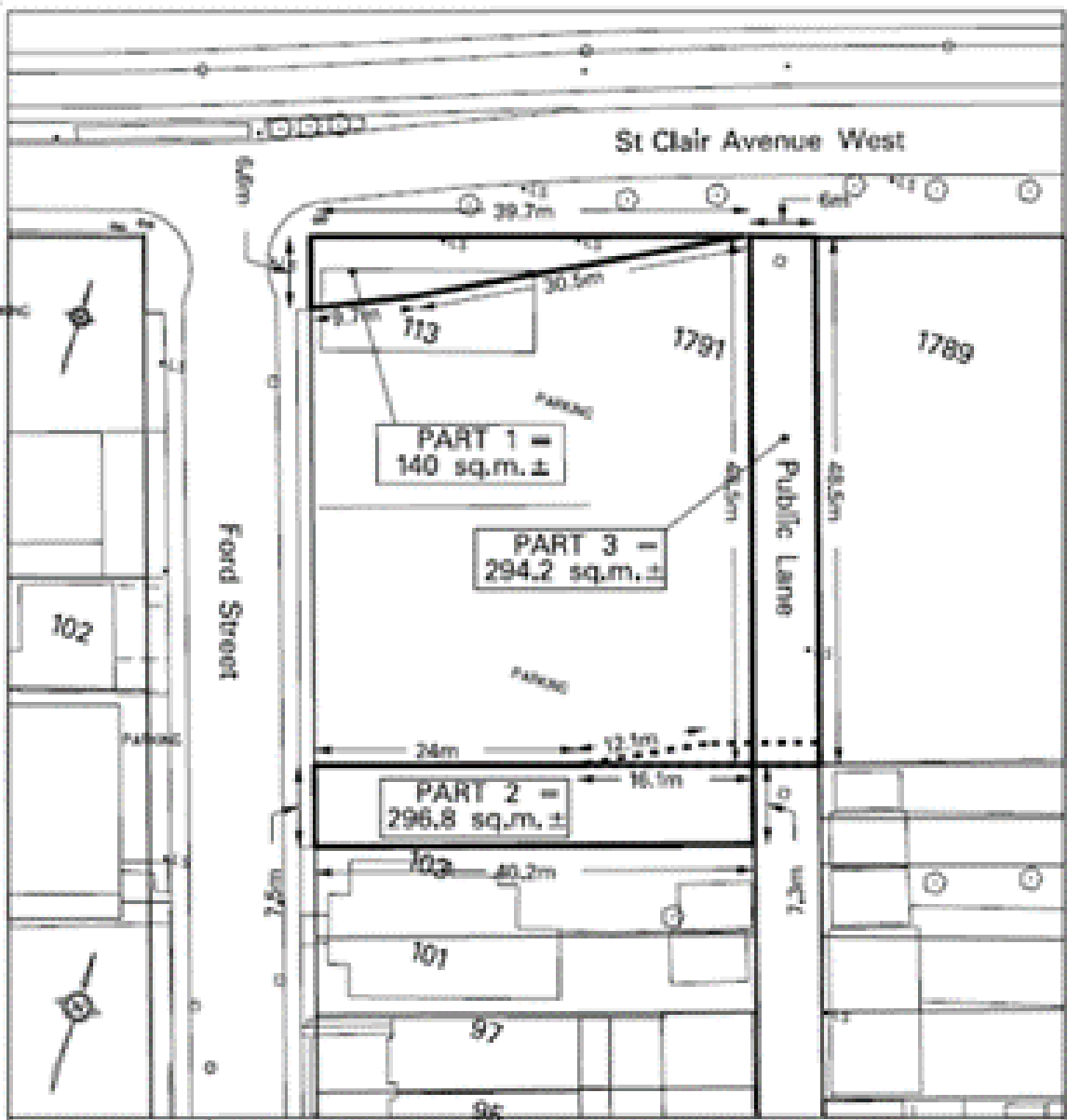
Transportation Services has reviewed the feasibility of closing the Existing Lane and has determined that the Existing Lane can be permanently closed and sold, subject to City Council approving the permanent closure of the Existing Lane, provided the Adjoining Owner constructs and conveys the Replacement Lane as part of any approved land exchange.

Toronto Water has advised that there is an existing 300mm storm sewer and catch basins located within the Existing Lane such that an easement will need to be reserved for continued access, operation and maintenance. In addition, Bell Canada, Rogers Communications and Toronto Hydro have advised that they each have services located within the Existing Lane and that the services will either have to be relocated at the Adjoining Owner's expense or protected by an easement granted by the City prior to transferring ownership of the Existing Lane.

The Existing Lane is an original lane on Registered Plan 141, being the Plan of the Village of Carlton Township of York and was not acquired through expropriation proceedings.

## APPENDIX "A": LOCATION MAP & SKETCH





**Toronto**  
MUNICIPAL CORPORATION OF TORONTO

NOTES:  
 THIS SKETCH HAS BEEN  
 COMPILED FROM OFFICE  
 RECORDS, MEASUREMENTS  
 AND APPROVED

DRAWN BY: JENNIFER HUNTER  
 PREPARED BY: JENNIFER HUNTER

**PROPERTY INFORMATION SHEET**

**SKETCH SHOWING PORTIONS OF  
 NO. 1791 ST. CLAIR AVENUE WEST  
 (PARTS 1 AND 2) AND A PORTION OF  
 THE ABUTTING PUBLIC LANE (PART 3)**

SKETCH No. PS-2019-008

WARD: 10 - DAVENPORT  
 DATE: JANUARY 10, 2019