

Approved pursuant to the Delegated Authority contained in Article 2 of City of Toronto Municipal Code Chapter 213, Real Property

Prepared By:	Blendian Stefani	Division:	Corporate Real Estate Management
Date Prepared:	March 9, 2021	Phone No.:	(416) 397-7481

Purpose	To authorize the City to accept the advance payments of compensation offered by Metrolinx, the expropriating authority, pursuant to Section 25 of the <i>Expropriations Act</i> for the expropriated property interests in parts of the City-owned lands south of the Metrolinx's Wilson Yard as identified in Appendix "A".
Property	Parts of City-owned lands known municipally as 520 and 572 Lake Shore Boulevard East, located immediately south of Metrolinx's Wilson Yard, and legally described in the chart shown in Appendix "A" and shown on Appendix "C".
Actions	1. Authorize the acceptance of Offer (B) (Advance Payment) of each of the Offers of Compensation served by Metrolinx in accordance with the requirements of the <i>Expropriations Act</i> , in the amounts set out in Appendix "B".
Financial Impact	The total compensation offered to the City, subject to payment of any outstanding realty taxes, is in the amount of \$993,956.00, as set out in Appendix "B", and will be directed to the Land Acquisition Reserve Fund (XR1012). The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.
Comments	On September 11, 2019, Metrolinx notified the City it was commencing expropriation proceedings for the purposes of facilitating infrastructure improvements of GO Transit rail facilities, corridors, stations, spurs and related services in connection with the GO Expansion Program. On May 29, 2020, with the registration of Expropriation Plan No. T5439265 (Appendix "D"), Metrolinx expropriated various property interests from the City (fee simple, and permanent easement interests) as detailed in Appendix "A". Notices of Expropriation were served on the City. The expropriated portions form part of the Lower Don Trail, and vacant land south of the Metrolinx's Wilson Yard. In accordance with Section 25 of the <i>Expropriations Act</i> , Metrolinx has served Offers of Compensation, together with the related appraisal, on the City, as set out in Appendix "C", with the following options for acceptance: <ul style="list-style-type: none"> • Offer (A) - offer of an amount in full and final settlement of all claims pertaining to the expropriation of the property interests, subject to payment of any outstanding realty taxes; or • Offer (B) - offer of immediate payment of an amount that represents 100% of the market value of the lands expropriated as estimated by the expropriating authority, subject to payment of any outstanding realty taxes, without prejudice to the expropriated owners' rights conferred by the <i>Expropriations Act</i>, in respect of the determination of compensation, and subject to adjustment in accordance with any compensation that may be subsequently determined under the <i>Expropriations Act</i> or any other Act, or agreed upon. In addition, Metrolinx is required to pay the City's reasonable legal, appraisal and other costs actually incurred for the purposes of determining the compensation payable in accordance with Section 32 of the <i>Expropriations Act</i> , and interest at 6 per cent per annum in accordance with Section 33 of the <i>Expropriations Act</i> . As staff are still in the process of reviewing the Offers of Compensation and accompanying appraisal, it is appropriate for the City to accept Offer (B) at this time, without prejudice to its rights to claim additional compensation in the future. Relevant approval authority will be further sought once a settlement is reached with Metrolinx with respect to final determination of all claims and compensation payable to the City in accordance with the <i>Expropriations Act</i> .
Terms	Not applicable

Property Details	Ward:	10 – Spadina - Fort York
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	See Appendix "A"
	Other Information:	

A.	Manager, Real Estate Services has approval authority for:	Director, Real Estate Services has approval authority for:
<p>1. Acquisitions:</p> <p>2A. Expropriations Where City is Expropriating Authority:</p> <p>2B. Expropriations For Transit-Related Purposes Where City is Property Owner or Has Interest in Property Being Expropriated:</p> <p>3. Issuance of RFPs/REOIs:</p> <p>4. Permanent Highway Closures:</p> <p>5. Transfer of Operational Management to Divisions, Agencies and Corporations:</p> <p>6. Limiting Distance Agreements:</p> <p>7. Disposals (including Leases of 21 years or more):</p> <p>8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:</p> <p>9. Leases/Licences (City as Landlord/Licensor):</p> <p>10. Leases/Licences (City as Tenant/Licensee):</p> <p>11. Easements (City as Grantor):</p> <p>12. Easements (City as Grantee):</p> <p>13. Revisions to Council Decisions in Real Estate Matters:</p> <p>14. Miscellaneous:</p>	<p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$50,000.</p> <p><input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$50,000.</p> <p><input type="checkbox"/> (b) Request Hearings of Necessity.</p> <p><input type="checkbox"/> (c) Waive Hearings of Necessity.</p> <p>Delegated to more senior positions.</p> <p>Delegated to more senior positions.</p> <p>Delegated to more senior positions.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p>Delegated to more senior positions.</p> <p><input type="checkbox"/> (a) Where total compensation (including options/ renewals) does not exceed \$50,000.</p> <p><input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding three (3) months, including licences for environmental assessments and/or testing, etc.</p> <p>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation (including options/ renewals) does not exceed \$50,000.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p>Delegated to more senior positions.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p>Delegated to more senior positions.</p> <p>Delegated to more senior positions.</p>	<p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million.</p> <p><input checked="" type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million.</p> <p><input type="checkbox"/> (b) Request Hearings of Necessity.</p> <p><input type="checkbox"/> (c) Waive Hearings of Necessity.</p> <p><input type="checkbox"/> Issuance of RFPs/REOIs.</p> <p><input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.</p> <p>Delegated to more senior positions.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.</p> <p><input type="checkbox"/> (a) Where total compensation (including options/ renewals) does not exceed \$1 Million.</p> <p><input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding six (6) months, including licences for environmental assessments and/or testing, etc.</p> <p>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation (including options/ renewals) does not exceed \$1 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).</p> <p><input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences</p> <p><input type="checkbox"/> (b) Releases/Discharges</p> <p><input type="checkbox"/> (c) Surrenders/Abandonments</p> <p><input type="checkbox"/> (d) Enforcements/Terminations</p> <p><input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/ Acknowledgements/Estoppel Certificates</p> <p><input type="checkbox"/> (f) Objections/Waivers/Cautions</p> <p><input type="checkbox"/> (g) Notices of Lease and Sublease</p> <p><input type="checkbox"/> (h) Consent to regulatory applications by City, as owner</p> <p><input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title</p> <p><input type="checkbox"/> (j) Documentation relating to Land Titles applications</p> <p><input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds</p>

B. Director, Real Estate Services and Manager, Real Estate Services each has signing authority on behalf of the City for:

- Documents required to implement matters for which each position also has delegated approval authority.
- Expropriation Applications and Notices following Council approval of expropriation (Manager, Transaction Services is only Manager with such signing authority).

Director, Real Estate Services also has signing authority on behalf of the City for:

- Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval.
- Community Space Tenancy Leases approved by delegated authority by the Deputy City Manager, Corporate Services and any related documents.

Pre-Condition to Approval

Complies with General Conditions in Appendix B of City of Toronto Municipal Code Chapter 213, Real Property

Consultation with Councillor(s)

Councillor:	Joe Cressy	Councillor:	
Contact Name:	Tom Davidson	Contact Name:	
Contacted by:	Phone <input type="checkbox"/> X E-Mail <input type="checkbox"/> Memo <input type="checkbox"/> Other <input type="checkbox"/>	Contacted by:	Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other <input type="checkbox"/>
Comments:	No objection (03/01/2021)	Comments:	

Consultation with Divisions and/or Agencies

Division:	N/A	Division:	Financial Planning
Contact Name:		Contact Name:	Patricia Libardo
Comments:		Comments:	Comments have been incorporated (03/03/2021)

Legal Services Division Contact

Contact Name: Lisa Davies (03/05/2021)

DAF Tracking No.: 2021-081	Date	Signature
Concurred with by: N/A		
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Melanie Hale-Carter	March 11, 2021	Signed by Melanie Hale-Carter
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	March 11, 2021	Signed by Alison Folosea

Appendix "A"
Expropriated Property Interests

Property Interest	Address / PIN No.	Approximate Location of Expropriated Interest	Approximate Area (m ²)
Fee Simple Interest	520 Lake Shore Boulevard E Part of 21077-0095 (LT)	Parts 1 and 2 on Expropriation Plan AT5439265 <ul style="list-style-type: none"> • Part of Old Don Channel and Part of Water Lot in Front of Lot 15, Broken Front Concession, Township of York, City of Toronto 	2,639
Permanent Easement Interests	520 Lake Shore Boulevard E Part of 21077-0095 (LT)	Parts 6, 7 and 8 on Expropriation Plan AT5439265 <ul style="list-style-type: none"> • Part of Old Don Channel and Part of Water Lot in Front of Lot 15, Broken Front Concession, Township of York, City of Toronto 	1,201
	572 Lake Shore Boulevard E Part of 21077-0100 (LT)	Parts 12 and 13 on Expropriation Plan AT5439265 <ul style="list-style-type: none"> • Part of Water Lot in Front of Lot 15, Broken Front Concession, Township of York, City of Toronto 	180

Appendix "B"
Offers of Compensation

PIN Nos./Nature of Taking	Compensation	Condition of Offers
21077-0095 (LT) Fee Simple	\$782,533.00	Offer to City subject to payment of any outstanding realty taxes
21077-0095 (LT) Permanent Easement	\$178,064.00	Offer to City subject to payment of any outstanding realty taxes
21077-0100 (LT) Permanent Easement	\$33,359.00	Offer to City subject to payment of any outstanding realty taxes
Total	\$993,956.00	Total compensation offered to City subject to payment of any outstanding realty taxes

Appendix "C"
Location Map / Aerial Map



