

Approved pursuant to the Delegated Authority contained in Article 1 of City of Toronto Municipal Code Chapter 213, Real Property

<b>Prepared By:</b>	Miles Argue	<b>Division:</b>	Corporate Real Estate Management
<b>Date Prepared:</b>	June 18, 2021	<b>Phone No.:</b>	416-397-7522
<b>Purpose:</b>	<ol style="list-style-type: none"> <li>1. To declare surplus the remnant City-owned lands located within the "wet side" of the Flood Protection Landform located at 155 Bayview Avenue, and to authorize the invitation of an offer to purchase these lands, for nominal consideration, from Toronto and Region Conservation Authority.</li> <li>2. To declare surplus a permanent easement interest in the City-owned parcel of land adjacent to 155 Bayview Avenue, with the intended manner of disposal to be by way of a non-exclusive easement to each of Enbridge Gas Inc. and Bell Canada for the installation, operation, use, non-intrusive inspection, and maintenance of a 30-inch natural gas pipeline and buried telecommunications conduit, respectively.</li> </ol>		
<b>Property:</b>	<p>Firstly: Part of Block 9 on Plan 66M-2473, City of Toronto, being those parts of Parts 2, 4, and 5 shaded in red on Sketch No. PS-2006-004A, attached hereto as Appendix B, subject to the reservation of an easement in favour of the City for storm and sanitary sewer purposes (the "Property").</p> <p>Secondly: A permanent easement interest in part of the river bed and rail corridor adjacent to 155 Bayview Avenue, being Part of Lot 16, Plan RCP 12161, Part of Esplanade or Highway, Don Improvement Plan, and Part of Don Channel, Don Improvement Plan, designated as Parts 6 &amp; 7 on Plan 66R-30534, as shown on Appendix C attached hereto (the "Easement").</p>		
<b>Actions:</b>	<ol style="list-style-type: none"> <li>1. The Property be declared surplus, and an offer to purchase the Property for nominal consideration be invited from Toronto and Region Conservation Authority ("T.R.C.A.").</li> <li>2. The Easement be declared surplus, with the intended manner of disposal to be by way of a non-exclusive easement to each of Enbridge Gas Inc. and Bell Canada for the installation, operation, use, non-intrusive inspection, and maintenance of a 30-inch natural gas pipeline and buried telecommunications conduit, respectively.</li> <li>3. An exemption be granted from the requirement to give notice to the public.</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 are no financial implications resulting from this approval.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>		
<b>Background:</b>	The Property was not acquired through expropriation proceedings.		
<b>Comments:</b>	See Appendix D		
<b>Property Details:</b>	<b>Ward:</b>	13 – Toronto Centre	
	<b>Assessment Roll No.:</b>	1904 071 560 038 350 000	
	<b>Approximate Size:</b>	Irreg.	
	<b>Approximate Area:</b>	1,105 m <sup>2</sup> ± (11,894 ft <sup>2</sup> ±)	
	<b>Other Information:</b>		
	<input checked="" type="checkbox"/> Yes <input 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:**

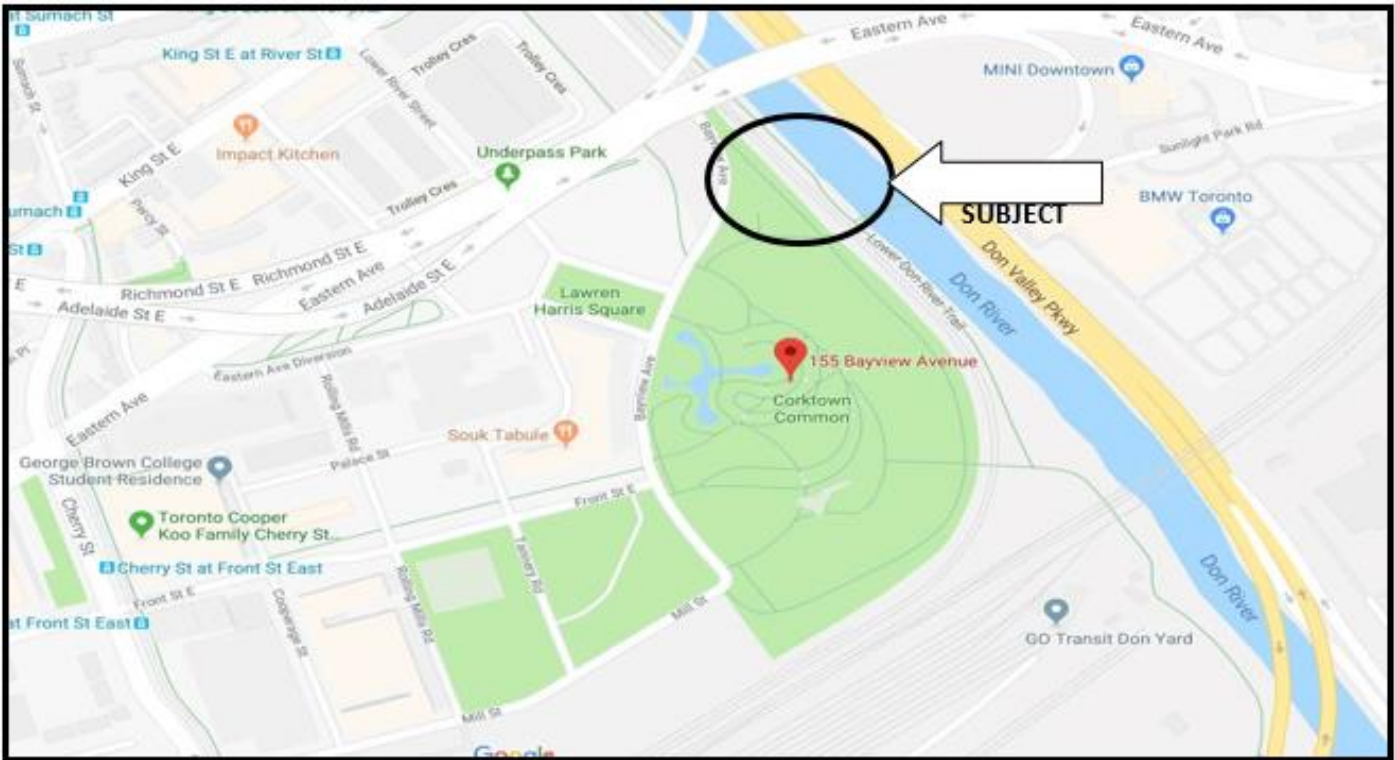
- (1) declaring land surplus and approving the intended manner or process by which the sale of the land will be carried out, provided that the local Councillor does not require the matter to be determined by Council through the General Government and Licensing Committee (§ 213-1.6).
  - Councillor does 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 (§ 213-1.7).
  - 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 (§ 213-1.4):
  - (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.
- (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 (§ 213-1.5):
  - (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.
  - Councillor(s) agrees with exemption from notice to the public.
- (5) revising the intended manner of sale.
- (6) rescinding the declaration of surplus authority.

Title	Date	Recommended/ Approved
Daran Somas, Manager, Real Estate Services	June 18, 2021	Signed by Daran Somas
Alison Folosea, Director, Real Estate Services	June 18, 2021	Signed by Alison Folosea
Patrick Matozzo, Executive Director, Corporate Real Estate Management	June 21, 2021	Signed Patrick Matozzo
Josie Scioli, Deputy City Manager, Corporate Services	June 21, 2021	Signed Josie Scioli
<b>Return to:</b> <b>Miles Argue</b> <b>Property Officer, Corporate Real Estate Management</b> <b>416-397-7522 Miles.Argue@toronto.ca</b>		

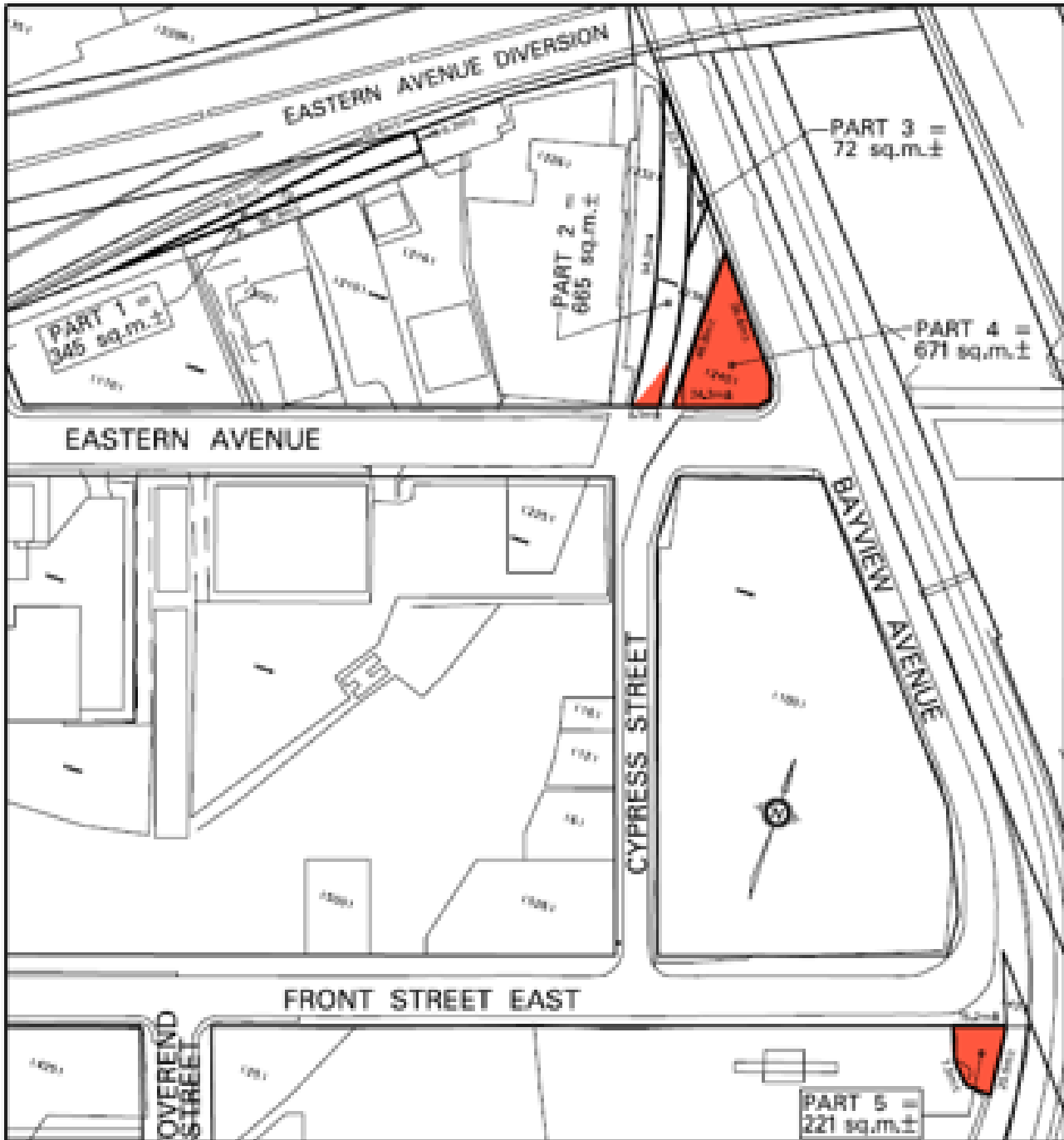
Consultation with Councillor(s):					
Councillor:	Kristen Wong-Tam				
Contact Name:	Megan Poole				
Contacted by	Phone	x	E-mail	Memo	Other
Comments:	No Objections (email, February 8, 2021)				
Councillor:	Paula Fletcher				
Contact Name:	Susan Saran				
Contacted by	Phone	x	E-mail	Memo	Other
Comments:	No Objections (email June 18, 2021)				

Consultation with other Division(s):			
Division:	Parks, Forestry & Recreation	Division:	Toronto Water
Contact Name:	Marc Kramer	Contact Name:	Amy Winterhalt
Comments:	Comments Incorporated	Comments:	Comments Incorporated (email May 14, 2021)
Real Estate Law Contact:	Jacqueline Vettorel	Date:	June 18, 2021

# APPENDIX A – PROPERTY/EASEMENT LOCATION AND MAP

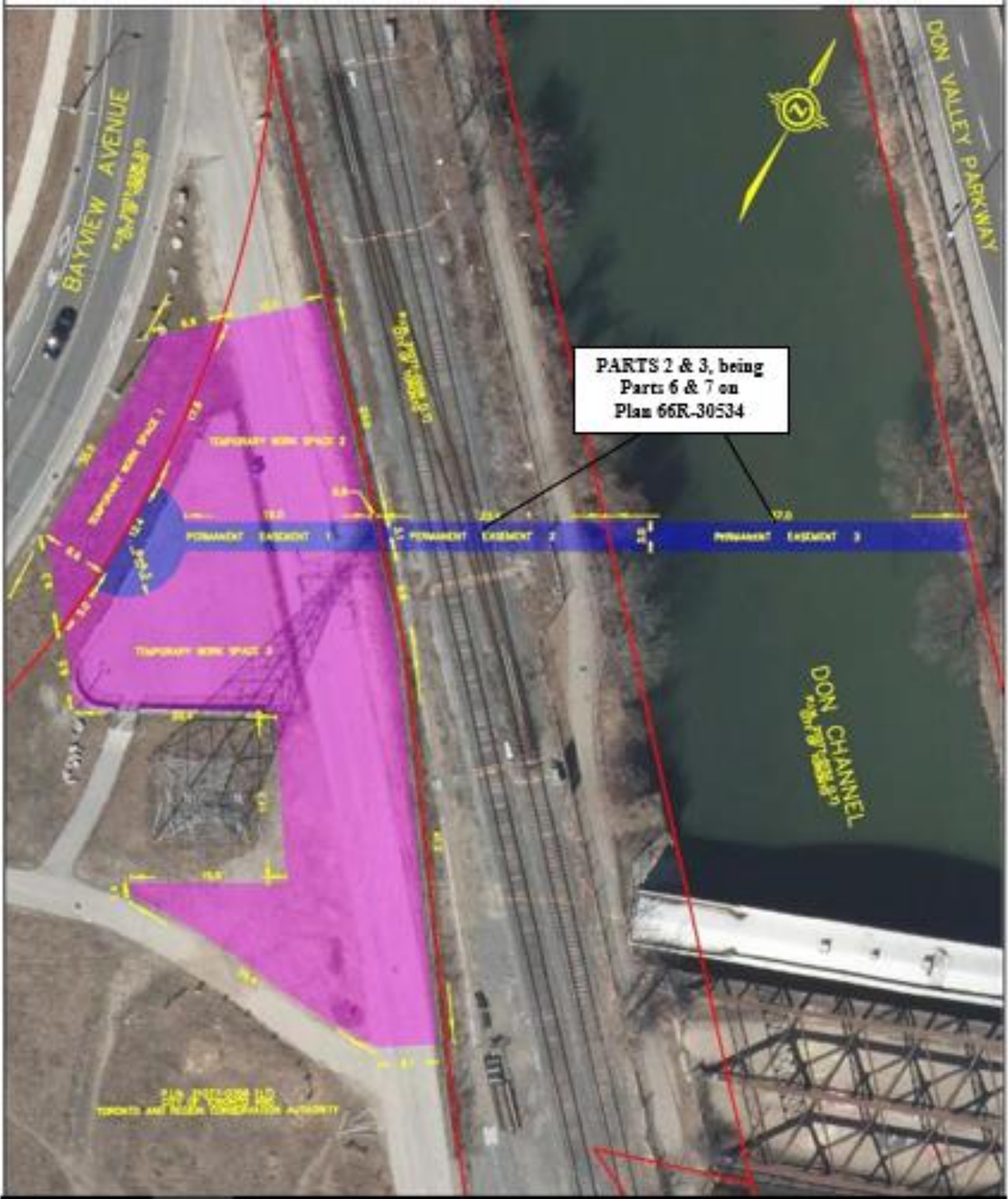


APPENDIX B – PROPERTY SKETCH



<p><b>Toronto</b></p> <p>TECHNICAL SERVICES (LANDS) SURVEY &amp; MAPPING SERVICES</p> <p>NOTE: THIS SKETCH HAS BEEN COMPILED FROM OFFICE RECORDS.</p> <p>NOT TO SCALE</p>	<p style="text-align: center;"><b>PROPERTY INFORMATION SHEET</b></p> <p style="text-align: center;"><b>CITY OWNED LANDS WITHIN THE WEST DON LANDS</b></p> <p>WARD 26 – TORONTO CENTRE-ROSEDALE DATE: MAY 21, 2017</p> <p style="text-align: right;">SKETCH No. PS-2006-004-A</p>
---	--

APPENDIX C SKETCH OF PERMANENT EASEMENT LANDS



## APPENDIX D – ADDITIONAL COMMENTS

<b>Comments:</b>	<p>T.R.C.A. has requested a conveyance of the Property to consolidate its ownership of the "wet side" of the Flood Protection Landform that was constructed as part of the Lower Don River West Remedial Flood Protection Project.</p> <p>Enbridge Gas Inc. and Bell Canada have each requested the conveyance of the Easement to enable them to relocate their utilities from the Enbridge-owned utility bridge that spans the Don Channel prior to removal of the bridge. The bridge must be decommissioned and removed prior to the commencement of the Don Mouth Naturalization and Port Lands Flood Protection Project, which is expected to unlock value and development potential in the Port Lands.</p> <p>City Planning have advised that although the Property is located within the Green Space System and designated as Parks and Open Space in the City's Official Plan, the disposal of the Property is not prohibited by Policy 2.3.2(4) or Policy 4.3(8) of the Official Plan, as Site and Area Specific Policy No. 563, which exempts the Property from the prohibition on disposal of City-owned land, was adopted by City Council on December 18, 2020 by the enactment of City of Toronto By-law 1165-2020.</p> <p>Parks, Forestry and Recreation have advised that they will retain operational management of the Property pursuant to a Management Agreement with T.R.C.A. Disposal of the Property will, therefore, not result in the reduction of available greenspace.</p> <p>A circulation to the City's Divisions and Agencies was undertaken to ascertain whether or not there is any municipal interest in retaining the Property. Toronto Water requested that an easement for storm and sanitary sewers be reserved over the Property. No other municipal interest was expressed. Staff of the Housing Secretariat has determined that there is no interest in the Property for affordable housing. Accordingly, it is appropriate that the Property be declared surplus. The Technical Review Committee has reviewed this matter and concurs.</p>
------------------	---