

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

Prepared By:	Mike Saffran	Division:	Corporate Real Estate Management
Date Prepared:	November 3, 2021	Phone No.:	(416) 392-7205
Purpose:	To declare surplus a portion of Guest Avenue, subject to the reservation of easements in favour of the City of Toronto over said portion with the intended manner of disposal to be by way of an invitation of an offer to purchase from the owner of the adjacent lands, known as 10-30 Dawes Road, being Dandaw Developments Limited and Marlin Spring Limited Partnership (collectively, the "Owner").		
Confidential	This DAF addresses matters relating to litigation or potential litigation that affects the City of Toronto.		
Property:	A portion of Guest Avenue adjacent to 10 and 18 Dawes Road (the "Highway") shown as Part 2 on Sketch No. PS-2021-0023 (the "Sketch"), also shown on Appendix "A".		
Actions:	<ol style="list-style-type: none"> 1. The Highway be declared surplus, subject to the retention of an easement over the entire Highway for any required municipal purposes. 2. An offer to purchase the Highway be invited from the Owner. 3. Notice be published in a newspaper in circulation in the area of the Highway and be posted on the City's website. 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. 		
Financial Impact:	There are no financial implications resulting from this approval. The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.		
Background:	<p>The Highway was not acquired through expropriation proceedings. The Owner is the developer of the lands adjacent to the Highway (both north and south) and has requested that Part 2 be stopped-up and permanently closed and sold for inclusion in its development at 10-30 Dawes Road.</p> <p>On July 14, 2021, City Council adopted Item CC35.24 (the "Confidential Report"), with confidential instructions and attachments from the City Solicitor on a proposed settlement for 10-30 Dawes Road. The transaction resulting from the Confidential Report will require further authority, which will be sought under separate cover.</p> <p>Further details are contained in the Confidential Attachment set out at Appendix "B".</p>		
Comments:	<p>Transportation Services has reviewed the request from the Owner, and has determined that the Highway is surplus to its requirements and the Highway can be permanently closed.</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 Highway. Accordingly, no municipal interest was expressed. Staff of the Housing Secretariat has determined that there is no interest in the Highway for affordable housing. Accordingly, it is appropriate that the Highway be declared surplus. The Technical Review Committee has reviewed this matter and concurs.</p>		
Property Details:	Ward:	19 – Beaches-East York	
	Assessment Roll No.:	N/A	
	Approximate Size:	Irregular-shaped	
	Approximate Area:	344.2 m ² ± (3,704.94 ft ² ±)	
	Other Information:	Public highway	
<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:

- (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 (§ 213-6).
 - 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, Portfolio Management Scott Delahunt	Nov. 3, 2021	Signed by Scott Delahunt
Director, Transaction Services Alison Folosea	Nov. 5, 2021	Signed by Alison Folosea
Executive Director, Corporate Real Estate Management Patrick Matozzo	Nov. 5, 2021	Signed by Patrick Matozzo
Deputy City Manager, Corporate Services Josie Scioli	Nov. 5, 2021	Signed by Josie Scioli
DAF 2021-296 Return to Mike Saffran, CREM-Transaction Services, Metro Hall, 2 nd floor mike.saffran@toronto.ca		

Consultation with Councillor(s):						
Councillor:	Brad Bradford					
Contact Name:	Rishab Mehan					
Contacted by	X	Phone	X	E-mail	Memo	Other
Comments:	No Objections – October 28, 2021					
Councillor:						
Contact Name:						
Contacted by	Phone	E-mail	Memo	Other		
Comments:						

Consultation with other Division(s):			
Division:	Transportation Services	Division:	Finance
Contact Name:	Lukasz Pawlowski / Daniel Reynolds	Contact Name:	Ciro Tarantino
Comments:	Comments provided – October 29, 2021	Comments:	Concurs with FIS – October 28, 2021
Real Estate Law Contact:	Rebecca Hartley	Date:	October 27, 2021 (November 3, 2021)

Appendix "A" – Site Map & Aerial Map, PS Sketch No. 2021-023

