

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

Prepared By:	Leila Valenzuela	Division:	Corporate Real Estate Management
Date Prepared:	June 13, 2022	Phone No.:	(416) 392-7174
Purpose:	To rescind the surplus declaration of that portion of Borough Drive located between Triton Road and Progress Avenue as authorized by City Council in 2002; and to declare surplus a revised portion of Borough Drive adjacent to 25 Borough Drive and the adjoining City-owned reserve strips, subject to the grant of easements to any existing utility provider and reservation of any easements in favour of the City of Toronto and conditional on City Council approving the permanent closure of the said portion of the highway, with the intended manner of disposal to be by way of an exchange of certain lands with OMERS Realty Holdings (STC One) Inc., OMERS Realty Holdings (STC Two) Inc. and ARI STC Investments GP Inc. (collectively, the "Owner") for part of the Owner's abutting lands outlined in blue on Appendix "B" (the "Abutting Lands").		
Property:	A portion of Borough Drive adjacent to 25 Borough Drive, shown as Part 13 on the attached Draft Reference Plan dated May 11, 2022, being part of PIN 06000-0208 (LT) (the "Highway") and the adjoining reserve strips shown as Parts 9, 10, 19 and 20 on the same Draft Plan, being part of PIN Nos. 06000-0243(LT), 06000-0108 (LT) and all of PIN Nos. 06000-0107 (LT) (the "Reserve Strips"), as shown on the attached as Appendix "B" (collectively the "Properties").		
Actions:	<ol style="list-style-type: none"> 1. Rescind Clause No. 16 of Report No. 10 of the Administration Committee as authorized by City Council at its Special Meeting on July 30, 31 and August 1, 2002 entitled "<i>Surplus Land Declaration and Proposed Closing and Conveyancing of a Portion of Borough Drive Located Between Triton Road and Progress Avenue</i>". 2. Conditional upon City Council approving the permanent closure of the Highway, the Properties be declared surplus, subject to the grant or retention of easements over the Properties for any existing utilities. 3. An offer to enter into a land exchange agreement be invited from the Owner to convey the Properties to the Owner in exchange for the Abutting Lands being conveyed to the City. 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 and the Reserve Strips were not acquired through expropriation proceedings. The Highway was established through Registered Plan M-1410 as public highway.</p> <p>In 2002, Council authorized the surplus declaration, proposed closing and conveyancing of a portion of Borough Drive located between Triton Road and Progress Avenue to OMERS, the then abutting owner. This transaction did not proceed as the development plans for the abutting lands have changed.</p> <p>Recently, the Owner has requested that the Highway be stopped-up and permanently closed, and together with the Reserve Strips, be sold for inclusion in its development at 25 Borough Drive. In exchange, the Owner would build a new roadway on the Abutting Lands, which will be conveyed to the City to replace the Highway. The proposed land exchange would facilitate the realignment of Borough Drive to implement the street network in accordance with the Scarborough Centre Secondary Plan.</p>		
Comments:	<p>Transportation Services has reviewed the request from the Owner and has no objection to permanently closing the Highway. Toronto Water has identified municipal infrastructures within the Properties and, as such, reservation of easements over the Properties is required if the lands were sold. The City may also be required to grant easements to other existing public utilities within the Properties.</p> <p>Accordingly, it is appropriate to rescind the 2002 surplus declaration of the portion of Borough Drive, and to declare the Properties surplus.</p>		
Property Details:	Ward:	Ward 21 - Scarborough Centre	
	Assessment Roll No.:	N/A	
	Approximate Size:	Irregular-shaped	
	Approximate Area:	5,265.8 m ²	
	Other Information:	Public highway and reserve strips	
	<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:

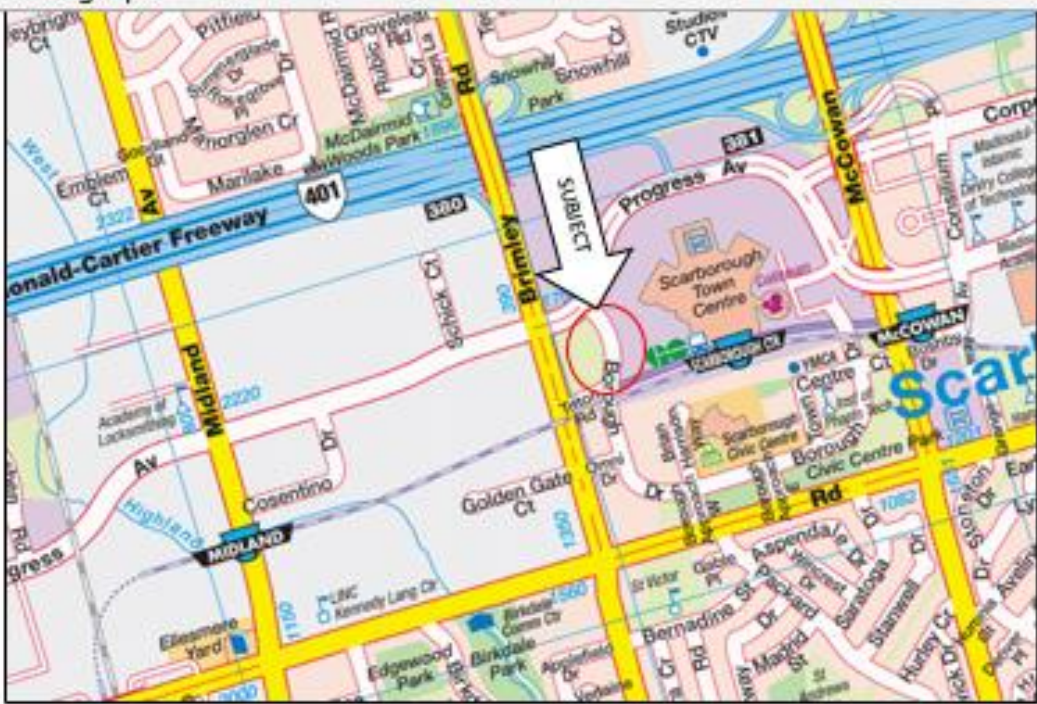
- (1) declaring land surplus and approving the intended manner or process by which the sale of the land will be carried out, provided that the local Councillor does not require the matter to be determined by Council through the General Government and Licensing Committee (§ 213-6).
- Councillor does not 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 Vinette Prescott-Brown	June 14, 2022	Signed by Vinette Prescott-Brown
Director, Transaction Services Alison Folosea	June 14, 2022	Signed by Alison Folosea
Executive Director, Corporate Real Estate Management Patrick Matozzo	June 15, 2022	Signed by Patrick Matozzo
Deputy City Manager, Corporate Services Josie Scioli	June 15, 2022	Signed by Josie Scioli
Return to: Leila Valenzuela, CREM-Transaction Services Metro Hall, 2 nd floor (Leila.Valenzuela@toronto.ca)		

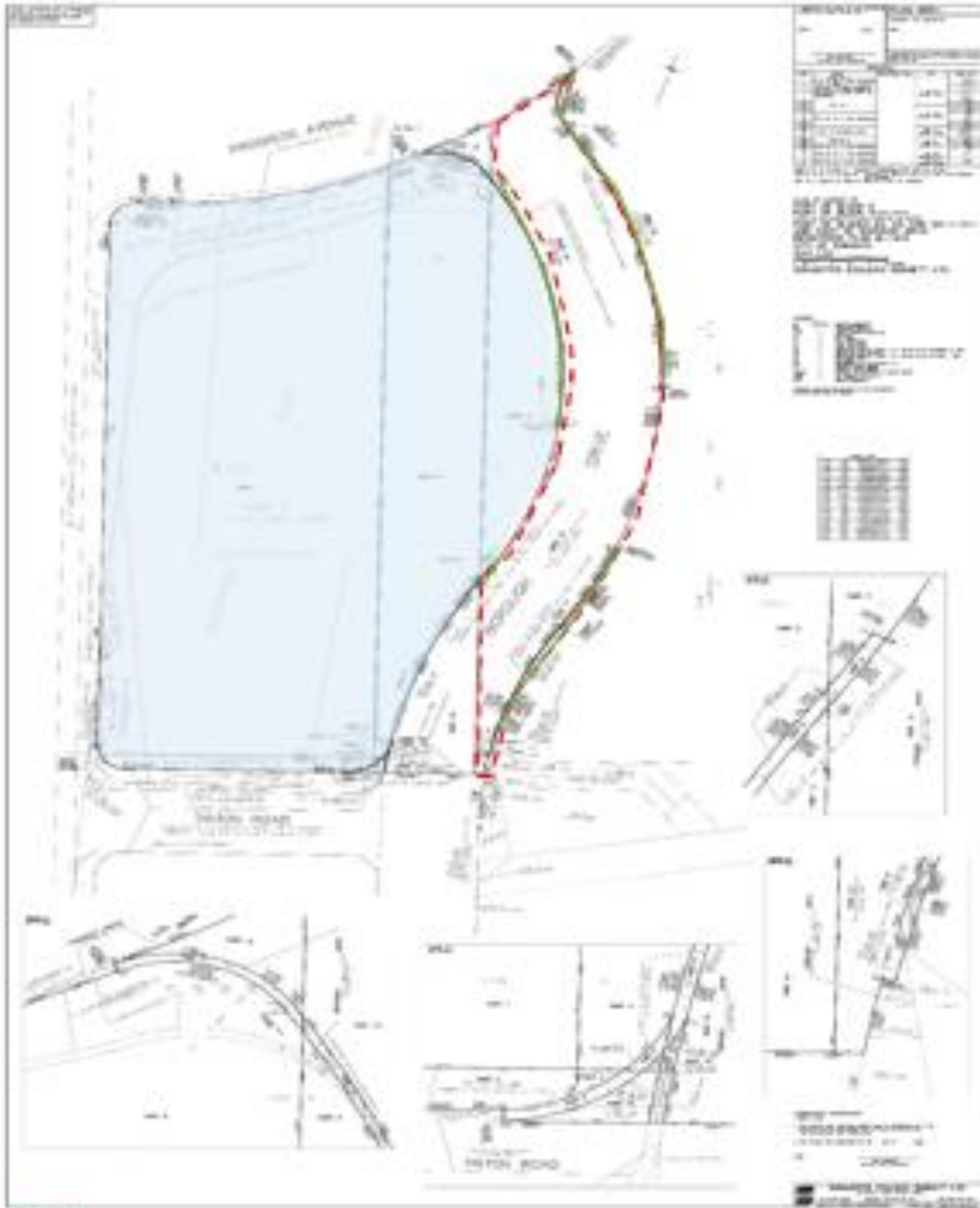
Consultation with Councillor(s):	
Councillor:	Michael Thompson
Contact Name:	Ihon Wons
Contacted by	Phone <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other <input type="checkbox"/>
Comments:	No objections
Councillor:	
Contact Name:	
Contacted by	Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other <input type="checkbox"/>
Comments:	





Consultation with other Division(s):			
Division:	Transportation Services	Division:	Financial Planning
Contact Name:	Lukasz Pawlowski	Contact Name:	Filisha Jenkins
Comments:	No objections	Comments:	Agreed with the financial impact
Real Estate Law Contact:	Rebecca Hartley	Date:	05/9/2022

Appendix "A" – Site Map & Aerial Map



Appendix "B" – Draft Plan dated May 11, 2022



-  Portion of Borough Drive to be stopped up/closed and sold to abutting owner (Part 10)
-  Portion of ~~abutting~~ lands to be conveyed to City for new road way (Parts 2 & 5)
-  Abutting lands municipally known as 25 Borough Drive
-  Reserve strip to be declared surplus and sold to abutting owner (Parts 9, 10, 19 & 20)