

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

Prepared By:	Rocchina Zambri	Division:	Corporate Real Estate Management
Date Prepared:	November 16, 2022	Phone No.:	(416) 338-2995
<b>Purpose:</b>	To declare surplus a long-term easement interest (21 years or more) in a portion of the substrata City-owned parcel of land located at 9 Madison Avenue, Toronto, with the intended manner of disposal to be by way of a grant of a permanent easement to International Estonian Centre Inc. (the "Owner") for the installation, maintenance and repair of four structural beams for the Owner's proposed development on its lands at 9 Madison Avenue.		
<b>Property:</b>	A permanent easement interest in the substrata lands located at 9 Madison Avenue, Toronto, being part of Part 4 on 66R-30451 (being part of PIN 21212-0163 (LT)), and more particularly shown as Parts 1 to 4 on the draft reference plan (the "Easement") attached hereto as Appendix "B".		
<b>Actions:</b>	<ol style="list-style-type: none"> <li>1. The Easement be declared surplus, with the intended manner of disposal to be by way of an easement to the Owner for the installation, maintenance and repair of four structural beams to facilitate the proposed development on the Owner's lands at 9 Madison Avenue, Toronto.</li> <li>2. An exemption be granted from the requirement to give notice to the public.</li> <li>3. 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 report and agrees with the financial impact implications as identified in the Financial Impact section.</p>		
<b>Background:</b>	9 Madison Avenue was acquired by The Municipality of Metropolitan Toronto in 1964 and 1965, and was not acquired through expropriation proceedings. Pursuant to Item GM26.17 of the Government Management Committee, adopted by Council at its meeting on April 24, 25, 26 and 27, 2018, a stratified interest in the lands was transferred to Build Toronto, who subsequently sold its interest in the lands to the Owner. The City retained the substrata lands in which the Toronto Transit Commission's ("TTC") subway system is located for the existing Line 1 and 2 subway tunnels. The Owner has submitted plans for a multi-storey commercial building proposed to be constructed on the Owner's lands, and has requested a permanent easement for the installation of support beams within the Easement lands. TTC has reviewed the request and is agreeable to the Easement request.		
<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 Easement. No municipal interest was expressed. Staff of the Housing Secretariat has determined that there is no interest in the Easement for affordable housing. Accordingly, it is appropriate that the Easement be declared surplus. The Technical Review Committee has reviewed this matter and concurs.		
<b>Property Details:</b>	<b>Ward:</b>	11 – University-Rosedale	
	<b>Assessment Roll No.:</b>	1904-05-2-130-00040	
	<b>Approximate Size:</b>		
	<b>Approximate Area:</b>	107.2 m <sup>2</sup> ± (1,154 ft <sup>2</sup> ±)	
	<b>Other Information:</b>		
<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.]**
  - 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, Real Estate Services	Nov. 17, 2022	Signed by Vnette Prescott-Brown
Director, Real Estate Services	Nov. 18, 2022	Signed by Alison Folosea
Executive Director, Corporate Real Estate Management	Nov. 20, 2022	Signed by Patrick Matozzo
Deputy City Manager, Corporate Services	Nov. 22, 2022	Signed by Josie Scioli
<b>Return to: Rocchina Zambri (416) 338-2995</b>		

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

Consultation with other Division(s):			
Division:	TTC	Division:	Financial Planning
Contact Name:	Matthew Kavanaugh	Contact Name:	Filisha Jenkins
Comments:	Incorporated into DAF	Comments:	Incorporated into DAF
Real Estate Law Contact:	Shirley Chow	Date:	November 16, 2022

Appendix "A": Location Map & Sketch





