

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

Prepared By:	Myron Menezes	Division:	Corporate Real Estate Management
Date Prepared:	February 9, 2023	Phone No.:	416-338-3586
Purpose:	To declare surplus a portion of the City-owned parcel of land located at 13 Barberrry Place and to authorize the invitation of an offer to purchase the property from JFJ Development Inc., the adjacent property owner (the "Developer").		
Property:	Land municipally known as a portion of 13 Barberrry Place, and legally described as a portion of PIN 10090-0046(LT), being that part of Part Lot 1, Plan 4797, North York, Part 2, Expropriation Plan AT4797618, City of Toronto, as shown cross hatched in blue and marked as Part 1 in Appendix A (the "Property").		
Actions:	<ol style="list-style-type: none"> 1. The Property be declared surplus and an offer to purchase the Property be invited from JFJ Development Inc. 2. Notice be published in a newspaper in circulation in the area of the Property and be posted on the City's website. 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. 4. A recommendation be made to City Council that Council, as the approving authority under the <i>Expropriations Act</i>, authorize the disposition of the Property without giving the owner from whom the Property was expropriated the first chance to repurchase the Property on the terms of the best offer received by the expropriating authority. 		
Financial Impact:	<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 implications as identified in the Financial Impact section.</p>		
Background:	<p>In 2018, the City of Toronto expropriated lands located at 13 Barberrry Place as part of a larger project for the purpose of constructing a new east/west road running from Rean Drive to Kenaston Gardens. The proposed road is required to improve pedestrian connections to Bayview subway for all sites and for vehicular circulation. After Transportation Services drafted the final plans for the road, the Property, consisting of approximately 2,318.55 ft² of vacant land, was no longer required.</p> <p>The Developer, being the adjacent land owner to the north, intends to construct a high density residential development on its land. The Developer reached out to City staff requesting access to the new east/west road, Thomas Clark Way, for its development. After discussions, the Developer and City staff have concluded it would be best for the Developer to purchase the Property so that it has direct access to Thomas Clark Way and can use the Property as part of its development, rather than the City continuing to own the Property, and granting the Developer access through it to Thomas Clark Way.</p>		
Comments:	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. No municipal interest is currently expressed. All previous interest has been withdrawn. Accordingly, it is appropriate that the Property be declared surplus. The Technical Review Committee has reviewed this matter and concurs.		
Property Details:	Ward:	17 - Don Valley North	
	Assessment Roll No.:	190811305003450	
	Approximate Size:		
	Approximate Area:	215.4 m ² ± (2,318.55 ft ² ±)	
	Other Information:	Pin: 100900046	
		<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
Ronald Ro, Manager, Real Estate Services	Feb. 13, 2023	Signed by Ronald Ro
Vinette Prescott-Brown, Acting Director, Real Estate Services	Feb. 13, 2023	Signed by Vinette Prescott-Brown
Pat Matozzo, Executive Director, Corporate Real Estate Management	Feb. 14, 2023	Signed by Patrick Matozzo
Josie Scioli, Deputy City Manager, Corporate Services	Feb. 15, 2023	Signed by Josie Scioli
Return to: Myron Menezes by email.		

Consultation with Councillor(s):					
Councillor:	Shelley Carroll				
Contact Name:	Tom Gleason				
Contacted by	Phone	X	E-mail	Memo	Other
Comments:	No objections				
Councillor:					
Contact Name:					
Contacted by	Phone		E-mail	Memo	Other
Comments:					

Consultation with other Division(s):			
Division:	Transportation Services	Division:	Financial Planning
Contact Name:	Sonali Prahraj	Contact Name:	Filisha Jenkins
Comments:	Comments incorporated	Comments:	Comments incorporated
Real Estate Law Contact:	Jack Payne	Date:	February 8, 2023

APPENDIX A
SITE PLAN

