

Approved pursuant to the Delegated Authority contained in Article 2 of City of Toronto Municipal Code Chapter 213, Real Property

<b>Prepared By:</b>	Fiona Thomas	<b>Division:</b>	Corporate Real Estate Management
<b>Date Prepared:</b>	August 4, 2023	<b>Phone No.:</b>	(416) 338-5045
<b>Purpose</b>	To authorize the acceptance of the payments of compensation offered by Metrolinx, the expropriating authority, pursuant to Section 25 of the <i>Expropriations Act</i> for the expropriated property interests identified in Appendix "A" to facilitate the Scarborough Subway Extension ("SSE") without prejudice to any further claims that the City may have under the <i>Expropriations Act</i> (Ontario).		
<b>Property</b>	Twenty-nine properties or parts of properties along the Scarborough Subway Extension, legally described in the chart shown in Appendix "A" and also shown on the location maps in Appendix "B".		
<b>Actions</b>	1. Authorize the acceptance of Offer (B) (Advance Payment) of the Offers of Compensation served by Metrolinx in accordance with the requirements of the <i>Expropriations Act</i> , in the total amount of \$55.00 without prejudice to any further claims that the City may have under the <i>Expropriations Act</i> (Ontario).		
<b>Financial Impact</b>	<p>The total compensation offered to the City, subject to payment of any outstanding realty taxes, is in the amount of \$55.00</p> <p>Revenue to the City will be directed to the Land Acquisition Reserve Fund (XR1012).</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>		
<b>Comments</b>	<p>On various dates in 2021 and 2022, Metrolinx notified the City and all registered owners that it was commencing expropriation proceedings for various property interests to facilitate the Scarborough Subway Extension. On various dates in 2022, with the registration of numerous Expropriation Plans, Metrolinx expropriated a partial fee simple interest and/or temporary easement interests and/or permanent easement interests over twenty-nine City-owned properties and/or properties where the City has an interest, identified in Appendix "A". Notices of Expropriation were served to the City on various dates in 2022.</p> <p>In accordance with Section 25 of the <i>Expropriations Act</i> (the "Act"), Metrolinx has served Offers of Compensation, together with the related appraisals, on the City, with the following options for acceptance:</p> <ul style="list-style-type: none"> <li>• Offer (A) - offer of an amount in full and final settlement of all claims pertaining to the expropriation of the property interests, subject to payment of any outstanding realty taxes; or</li> <li>• Offer (B) - offer of immediate payment of an amount that represents 100% of the market value of the lands expropriated as estimated by the expropriating authority, subject to payment of any outstanding realty taxes, without prejudice to the expropriated owners' rights conferred by the Act, in respect of the determination of compensation, and subject to adjustment in accordance with any compensation that may be subsequently determined under the Act or any other Act, or agreed upon.</li> </ul> <p>In addition, Metrolinx is required to pay the City's reasonable legal, appraisal and other costs actually incurred for the purposes of determining the compensation payable in accordance with Section 32 of the <i>Expropriations Act</i>; and interest at 6 per cent per annum in accordance with Section 33 of the <i>Expropriations Act</i>.</p> <p>As staff are still in the process of reviewing the Offers of Compensation and accompanying appraisal, it is appropriate for the City to accept the Offer (B) amounts at this time, without prejudice to its rights to claim additional compensation in the future. Relevant approval authority will be further sought once settlements are reached with Metrolinx with respect to final determination of all claims and compensation payable to the City in accordance with the Act.</p>		
<b>Term</b>	Not applicable.		
<b>Property Details</b>	<b>Wards:</b>	Ward 21 - Scarborough Centre – Michael Thompson Ward 23 – Scarborough-North – Jamaal Myers Ward 24 – Scarborough-Guildwood – Paul Ainslie	
	<b>Assessment Roll No.:</b>		
	<b>Approximate Size:</b>	Various	
	<b>Approximate Area:</b>	See Appendix "A"	

A.	Manager, Real Estate Services has approval authority for:	Director, Real Estate Services has approval authority for:
<p>1. Acquisitions:</p> <p>2A. Expropriations Where City is Expropriating Authority:</p> <p>2B. Expropriations For Transit-Related Purposes Where City is Property Owner or Has Interest in Property Being Expropriated:</p> <p>3. Issuance of RFPs/REOIs:</p> <p>4. Permanent Highway Closures:</p> <p>5. Transfer of Operational Management to Divisions, Agencies and Corporations:</p> <p>6. Limiting Distance Agreements:</p> <p>7. Disposals (including Leases of 21 years or more):</p> <p>8. Exchange of land in Green Space System &amp; Parks &amp; Open Space Areas of Official Plan:</p> <p>9. Leases/Licences (City as Landlord/Licensor):</p> <p>10. Leases/Licences (City as Tenant/Licensee):</p> <p>11. Easements (City as Grantor):</p> <p>12. Easements (City as Grantee):</p> <p>13. Revisions to Council Decisions in Real Estate Matters:</p> <p>14. Miscellaneous:</p>	<p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$50,000.</p> <p><input checked="" type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$50,000.</p> <p><input type="checkbox"/> (b) Request Hearings of Necessity.</p> <p><input type="checkbox"/> (c) Waive Hearings of Necessity.</p> <p><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p><b>Delegated to more senior positions.</b></p> <p><input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$50,000.</p> <p><input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding three (3) months, including licences for environmental assessments and/or testing, etc.</p> <p><b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b></p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$50,000.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p><b>Delegated to more senior positions.</b></p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></p>	<p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million.</p> <p><input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million.</p> <p><input type="checkbox"/> (b) Request Hearings of Necessity.</p> <p><input type="checkbox"/> (c) Waive Hearings of Necessity.</p> <p><input type="checkbox"/> Issuance of RFPs/REOIs.</p> <p><input type="checkbox"/> Initiate process &amp; authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><b>Delegated to more senior positions.</b></p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.</p> <p><input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$1 Million.</p> <p><input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding six (6) months, including licences for environmental assessments and/or testing, etc.</p> <p><b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b></p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$1 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).</p> <p><input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences</p> <p><input type="checkbox"/> (b) Releases/Discharges</p> <p><input type="checkbox"/> (c) Surrenders/Abandonments</p> <p><input type="checkbox"/> (d) Enforcements/Terminations</p> <p><input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppel Certificates</p> <p><input type="checkbox"/> (f) Objections/Waivers/Cautions</p> <p><input type="checkbox"/> (g) Notices of Lease and Sublease</p> <p><input type="checkbox"/> (h) Consent to regulatory applications by City, as owner</p> <p><input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title</p> <p><input type="checkbox"/> (j) Documentation relating to Land Titles applications</p> <p><input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds</p>

<b>B. Director, Real Estate Services and Manager, Real Estate Services each has signing authority on behalf of the City for:</b>
<ul style="list-style-type: none"> <li>• Documents required to implement matters for which each position also has delegated approval authority.</li> <li>• Expropriation Applications and Notices following Council approval of expropriation (Managers whose position includes responsibility for implementing Council-approved expropriations are the only Managers with such signing authority).</li> </ul>
<b>Director, Real Estate Services also has signing authority on behalf of the City for:</b>
<ul style="list-style-type: none"> <li>• Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval.</li> <li>• Community Space Tenancy Leases approved by delegated authority by the Deputy City Manager, Corporate Services and any related documents.</li> </ul>

<b>Pre-Condition to Approval</b>			
<input checked="" type="checkbox"/> Complies with General Conditions in Appendix B of City of Toronto Municipal Code Chapter 213, Real Property			
<b>Consultation with Councillors</b>			
Councillor:	Michael Thompson	Councillors:	Jamaal Myers, Paul Ainslie
Contact Name:	Amalia Stefanopoulos	Contact Name:	
Contacted by:	<input type="checkbox"/> Phone <input checked="" type="checkbox"/> E-Mail <input type="checkbox"/> Memo <input type="checkbox"/> Other	Contacted by:	<input type="checkbox"/> Phone <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other
Comments:	Advised	Comments:	Advised
<b>Consultation with Divisions and/or Agencies</b>			
Division:	Transportation Services	Division:	<b>Financial Planning</b>
Contact Name:	Emily Chang	Contact Name:	Ciro Tarantino
Comments:	No Comments	Comments:	No Comments
<b>Legal Services Division Contact</b>			
Contact Name:	Luxmen Aloysius		

DAF Tracking No.: 2023-183	Date	Signature
Concurred with by: <b>Manager, Real Estate Services Jennifer Kowalski</b>	August 4, 2023	Signed by Jennifer Kowalski
<input checked="" type="checkbox"/> Approved by: <b>Manager, Real Estate Services Vinette Prescott-Brown</b>	August 4, 2023	Signed by Vinette Prescott-Brown

**APPENDIX "A"**  
**EXPROPRIATED PROPERTY INTERESTS**

Property	PIN Number	Compensation	Approximate Area (sq.m)	Property Interest
Midland Tunnel Mobilization and EEB1 - Winter - ROW Eglinton Avenue East • Parts 2 & 3 on Expropriation Plan AT6018523 • Parts 1, 2 & 3 on Expropriation Plan AT6018523	06353-0256	\$2.00	649	Permanent Easement Temporary Easement
EEB7- 401 ROW - McCowan Road • Parts 1 & 2 on Expropriation Plan AT6022475	06172-0186	\$2.00	1478	Permanent Easement
EEB7- 401 ROW - McCowan Road • Parts 3 & 4 on Expropriation Plan AT6022475	06172-0185	\$2.00	2745	Permanent Easement
EEB7- 401 ROW - McCowan Road • Parts 5 & 6 on Expropriation Plan AT6022475	06171-0032	\$2.00	316	Permanent Easement
EEB7- 401 ROW - McCowan Road • Parts 7, 8, 9, 10, 11, 12 & 13 on Expropriation Plan AT6022475 • Parts 9, 10, and 11 on Expropriation Plan AT6022475	06171-0026	\$2.00	4,289 529	Permanent Easement Temporary Easement
EEB6- Hurley ROW - McCowan Road • Parts 1 & 2 on Expropriation Plan AT6018571	06286-0156	\$2.00	1,018.4	Permanent Easement
EEB6- Hurley ROW - McCowan Road • Parts 3, 4, 6, 7, 8 & 9 on Expropriation Plan AT6018571 • Parts 5, 6 & 7 on Expropriation Plan AT6018571	06286-0161	\$2.00	6,066.1 401	Permanent Easement Temporary Easement
Sheppard East Station ROW - McCowan Road • Parts 1 & 2 on Expropriation Plan AT6022619	06173-0279	\$2.00	742	Permanent Easement
Sheppard East Station ROW - McCowan Road • Parts 3 & 4 on Expropriation Plan AT6022619	06173-0052	\$2.00	1,284	Permanent Easement
Sheppard East Station ROW - Sheppard Avenue East • Parts 5 & 6 on Expropriation Plan AT6022619	06078-0034	\$2.00	620	Permanent Easement
Sheppard East Station ROW - Sheppard Avenue East • Parts 7 & 8 on Expropriation Plan AT6022619	06078-0033	\$2.00	42	Permanent Easement
Sheppard East Station ROW - McCowan Road • Parts 9 & 10 on Expropriation Plan AT6022619	06078-0031 (LT)	\$2.00	5	Permanent Easement
Sheppard East Station ROW - McCowan Road • Parts 11 & 12 on Expropriation Plan AT6022619	06173-0283 (LT)	\$2.00	4	Permanent Easement
Sheppard East Station ROW - McCowan Road • Parts 13 & 14 on Expropriation Plan AT6022619	06173-0004	\$2.00	1	Permanent Easement
Sheppard East Station ROW - McCowan Road • Parts 15 & 16 on Expropriation Plan AT6022619	06173-0054 (LT)	\$2.00	11	Permanent Easement
Scarborough Centre Station ROW - McCowan Road • Parts 1 & 2 on Expropriation Plan AT6022407	06171-0058	\$2.00	3,685	Permanent Easement
Scarborough Central Station ROW - McCowan Road • Parts 3 & 4 on Expropriation Plan AT6022407	06000-0123	\$2.00	181	Permanent Easement
Scarborough Centre Station ROW - Ellesmere Road • Parts 1 & 2 on Expropriation Plan AT6018804	06000-0220	\$2.00	142.8	Permanent Easement
Scarborough Centre Station ROW - Ellesmere Road/McCowan Road • Parts 3 & 4 on Expropriation Plan AT6018804	06000-0218	\$2.00	160.3	Permanent Easement
Scarborough Centre Station ROW - McCowan Road • Parts 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 & 16 on Expropriation Plan AT6018804 • Parts 7, 8, 9, 12, 13 & 14 on Expropriation Plan AT6018804	06000-0217	\$2.00	7,702.5 215.6	Permanent Easement Temporary Easement
Lawrence East Station ROW - McCowan Road • Parts 1, 2, 4, 5, 6 & 7 on Expropriation Plan AT6018579 • Parts 3, 4 & 5 on Expropriation Plan AT6018579	06363-0184	\$2.00	3,009	Permanent Easement Temporary Easement
Lawrence East Station ROW - McCowan Road • Parts 8 & 9 on Expropriation Plan AT6018579	06278-0181	\$2.00	275	Permanent Easement
Lawrence East Station ROW - Lawrence Avenue East • Parts 10 & 11 on Expropriation Plan AT6018579	06294-0017	\$2.00	386	Permanent Easement
Lawrence East Station ROW - McCowan Road • Parts 1, 2, 3 & 4 on Expropriation Plan AT6018478	06280-0083 (LT)	\$2.00	2,862	Permanent Easement
EEB6- Hurley ROW - McCowan Road • Parts 1, 2, 4, 5, 6 & 7 on Expropriation Plan AT6018433 • Parts 3, 4 & 5 on Expropriation Plan AT6018433	06281-0148	\$2.00	9,111 512	Permanent Easement Temporary Easement
Lawrence East Station ROW - McCowan Road • Parts 1 & 2 on Expropriation Plan AT6018486	06284-0201	\$2.00	6,700	Permanent Easement
3030 & 3050 Lawrence Ave. East  Parts 1 to 41 on Expropriation Plan AT6021367	06294-0022	\$1.00	6,905.16 6,429.62 10,794.20	Partial Fee Simple Permanent Easement Temporary Easement City has Easement interest
3030 & 3050 Lawrence Ave. East  Parts 1 to 41 on Expropriation Plan AT6021367	06294-0015	\$1.00	6,905.16 6,429.62 10,794.20	Partial Fee Simple Permanent Easement Temporary Easement City is Chargee
1901 McCowan Rd 1871 McCowan Rd  Parts 1, 2 & 3 on Expropriation Plan AT5559647	06078-0002 06078-0003	\$1.00	9,432	Full Property - Fee Simple  City has Easement interest
	<b>Total</b>	<b>\$55.00</b>		

APPENDIX "B"  
LOCATION MAP

