

Clause No. 5 in Report No. 4 of the Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting on February 20, 2014.

## 5

### APPLICATION FOR APPROVAL TO EXPROPRIATE TORONTO-YORK SPADINA SUBWAY EXTENSION, PROJECT 90996 CITY OF VAUGHAN

**Committee of the Whole recommends adoption of the following recommendations contained in the report dated January 30, 2014 from the Commissioner of Corporate Services:**

#### 1. RECOMMENDATIONS

It is recommended that:

1. Council authorize an application for approval to expropriate the following lands within the City of Vaughan:

No.	Owner	Municipal Address	Legal Description	Interest Required
1	2748355 Canada Inc.	30 – 150 Interchange Way, 7540 Jane Street	Parts 5, 6, 12, 14, 16, 25 and 26, Plan YR1590046	Temporary Easement commencing upon registration of the expropriation plan and expiring December 31, 2016

No.	Owner	Municipal Address	Legal Description	Interest Required
2	724352 Ontario Ltd.	2900 Steeles Avenue West	Parts 1, 2, 3 and 4, Plan 65R-34222; and Parts 1, 2, 3 and 4, Plan 65R-34236	Fee Simple
			Parts 5 and 6, Plan 65R-34236	Permanent Easement
			Parts 6 and 7, Plan 65R-34222	Temporary Easement commencing upon registration of the expropriation plan and expiring December 31, 2016
			Parts 12, 17, 18, 19, 20, 24, 25, 26, 27, 29 and 31, Plan YR1589373	Temporary Easement commencing upon registration of the expropriation plan and expiring December 31, 2017
The temporary easements are required for the purpose of entering on the lands with all vehicles, machinery, workmen and other material to provide for the construction of the Toronto-York Spadina Subway Extension project and works ancillary thereto.				

2. The Commissioner of Corporate Services be authorized to execute the Application for Approval to Expropriate Land and the Notice of Application for Approval to Expropriate Land (the “Notice”) and to serve and publish the Notice, as required under the *Expropriations Act* (the “Act”).
3. The Commissioner of Corporate Services be authorized to forward to the Chief Inquiry Officer any requests for an inquiry that are received and to represent the Region, as necessary, at an inquiry held under the *Act*.
4. Council authorize the introduction of the necessary bylaws to give effect to these recommendations.

## 2. PURPOSE

This report seeks Council authorization for an application for approval to expropriate additional property interests required for the extension of the Spadina Subway, from Steeles Avenue West to Interchange Way, in the Vaughan Metropolitan Centre (*Attachment 1*).

Under the *Act*, the Region, as expropriating authority, must seek approval to expropriate prior to the initiation of any proceedings.

## 3. BACKGROUND

### **The Toronto-York Spadina Subway Extension project requires additional land and an extension of some temporary easements**

To facilitate the extension of the Spadina Subway into York Region, the Toronto-York Spadina Subway Extension (TYSSE) project is constructing subway tunnels, stations, emergency exit buildings, power substations, parking lots, roads and other subway-related infrastructure.

On behalf of TYSSE, the Region expropriated lands from several property owners in 2011. TTC has identified additional requirements for an emergency exit building and vent shaft. TTC also anticipates some temporary easements will expire prior to construction completion. These requirements will result in a number of additional takings and impacts on existing uses. TTC is requesting the Region to expropriate the additional requirements and temporary easement extensions in parallel with ongoing negotiations.

### **The project has received approval of the Environmental Assessment Report from the Ministry of Environment in 2009**

The TYSSE project received approval of the Environmental Assessment Report prepared by the Region, from the Ministry of Environment on November 29, 2009, with respect to the part of the project located within the Region.

#### **4. ANALYSIS AND OPTIONS**

##### **Negotiations are proceeding to acquire the necessary properties**

The project will require the acquisition of two additional properties, principally for subway station construction and other subway-related purposes, including several temporary easement extensions to accommodate construction. Possession of lands is required in 2014, with construction already underway.

Property negotiations to acquire the necessary lands are ongoing. Staff will continue to negotiate agreements of purchase and sale for the required interests until an expropriation plan has been registered.

##### **Initiating expropriation proceedings will ensure the construction schedule will not be compromised if land acquisitions are delayed**

It is anticipated that negotiations will be successfully concluded on some properties. These agreements will be presented to the approving authorities in due course. However, given the legislated time requirements to obtain possession via expropriation, it is recommended the expropriation process proceed concurrently with ongoing negotiations, to ensure that TTC can continue to access the lands to accommodate construction scheduling. Timely possession of required lands will reduce the risk of significant property escalation costs associated with development along the subway corridor.

The first step in the process requires the Region, as expropriating authority, to seek an application for approval to expropriate. Subsequently, notice may be served on owners of the subject lands. Receipt of this notice will trigger an owner's right to request a Hearing of Necessity. There is also a statutory obligation to publish the Notice.

##### **Link to key Council-approved plans**

###### **From Vision to Results: 2011 to 2015 Strategic Plan**

Priority Area – Focus Growth along Regional Centres and Corridors

Optimize the transportation capacity and services in Regional Centres and Corridors

The acquisition of these lands will assist the Region in meeting its key strategic transportation needs.

#### **5. FINANCIAL IMPLICATIONS**

The funds required to complete the property acquisitions have been included in the \$2.6B Toronto-York Spadina Subway Extension (TYSSE) project budget, of which the Region contributes up to \$351M. The costs are fully recoverable from the TYSSE budget.

## **6. LOCAL MUNICIPAL IMPACT**

The construction of the TYSSE project is critical to the achievement of the vision for the corridor and the Vaughan Metropolitan Centre, for both the Region and the City of Vaughan. Additionally, this project will improve public transit facilities to support the Region's goal for higher density mixed use transit-oriented development.

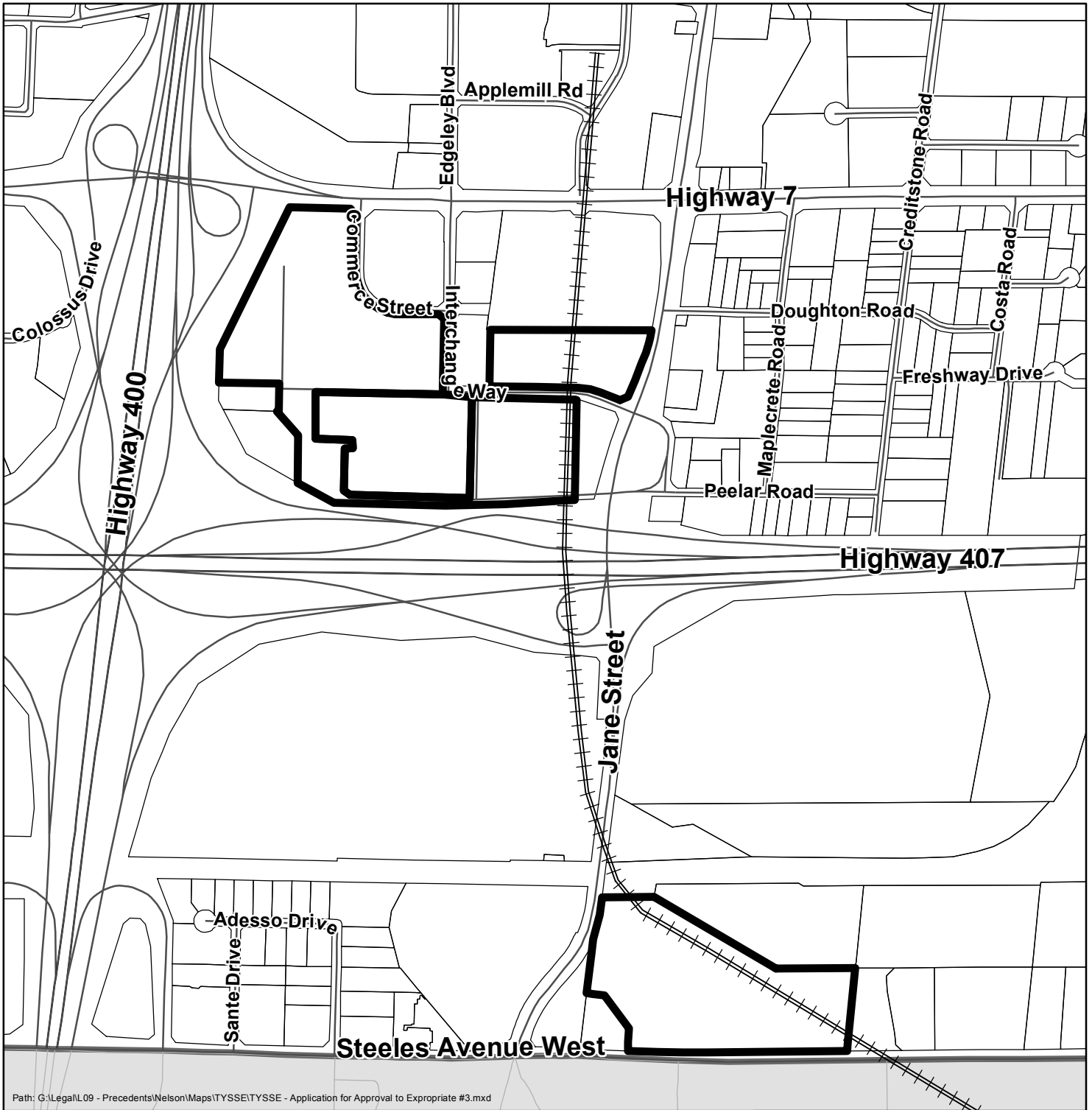
## **7. CONCLUSION**

This report seeks Council authorization to seek approval to expropriate partial land takings from owners, along the subway corridor, in order to facilitate the construction of the TYSSE project. To ensure the project is not delayed, it is necessary to initiate the expropriation process to secure access to the lands in time for construction to continue. Staff will continue to negotiate for the acquisition of the required properties and expropriation proceedings will be abandoned in cases where negotiations are successful.

For more information on this report, please contact René Masad, Director, Property Services Branch at Ext. 71684.

The Senior Management Group has reviewed this report.

*Attachment (1)*



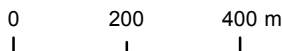
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### LOCATION PLAN





Application for Approval to Expropriate  
 Toronto-York Spadina Subway Extension, Project 90996  
 City of Vaughan



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### Legend

-  Subject Properties
-  Approximate Subway Tunnel Alignment
-  City of Toronto
-  Roads