

THE REGIONAL MUNICIPALITY OF YORK

**REPORT NO. 5 OF THE
COMMISSIONER OF CORPORATE SERVICES**

**For Consideration by
The Council of The Regional Municipality of York
on December 16, 2010**

**1
ACQUISITION OF LAND
TORONTO-YORK SPADINA SUBWAY EXTENSION
PROJECT 90996 , CITY OF VAUGHAN**

1. RECOMMENDATIONS

It is recommended that:

1. Council authorize an agreement to obtain the following property interests from Toromont Industries Ltd.,
 - a) Sub-Surface Free Simple Interest being Part 1, Plan 65R-32587, comprising 3,535 m² (0.8739 acres)
 - b) Permanent Easement being Part 2, Plan 65R-32587, comprising 3,535 m² (0.8739 acres)to facilitate the construction of the Toronto-York Spadina Subway Extension.
2. The Commissioner of Corporate Services be authorized to complete the transaction in accordance with the terms of the agreement.
3. That Council approve the assignment of the Permanent Easement to the Toronto Transit Commission (TTC) for the purpose of supporting the tunnel construction.

2. PURPOSE

This report is to obtain Regional Council's approval to enter into an agreement for the land required for the Toronto-York Spadina Subway Extension in the City of Vaughan.

3. BACKGROUND

On November 26, 2006, Ministry of the Environment approved the project's Environmental Assessment

The Ministry of the Environment approved on November 26, 2006 the Environmental Assessment prepared by the TTC with respect to the part of the project located within The Regional Municipality of York.

The Toronto York Spadina Subway Extension project is funded

On March 24, 2006, as part of its spring 2006 budget, the Province of Ontario contributed \$870 million to the MoveOntario Trust for its portion of the capital costs of the program of the TYSSE project.

On March 6, 2007, the Federal Government announced an amount of up to \$697 million through the Building Canada Fund (the "BCF") would be made available as its contribution for the funding of the Spadina subway extension to the Vaughan Metropolitan Centre. This represented one-third of the original \$2.1 billion cost estimate (2006 dollars) for the project. Subsequent to its funding pledge of up to \$697 million, the Federal Government provided an up-front payment of \$75 million which was deposited into the MoveOntario Trust (the "Trust"). A contribution agreement between the Government of Canada, the City of Toronto and The Regional Municipality of York was executed on July 25, 2008, to put into effect, the federal announcement of March 6, 2007, respectful of the remaining \$622 million contribution by the federal government.

Regional Council has authorized the expropriation of land based on design stages for the Toronto York Spadina Subway Extension (TYSSE) Project

On June 25, 2009, Regional Council authorized the commencement of the process to expropriate certain land and interests in land in connection with the extension of the Spadina Subway from Steeles Avenue to the Vaughan Metropolitan Centre. Property requirement amendments, based on 30% and 60% design were authorized by Regional Council in January and May, 2010.

On September 23, 2010 Regional Council, as approving authority, approved the expropriation of land required for the tendering of the north tunnels contract

The tendering of the north tunnels contract requires that certain interests in land be acquired prior to contract award. On September 23, 2010, Regional Council approved the expropriation of the tunnel requirements from three property owners, including a portion of the tunnel on Toromont lands which is the subject of this report. If negotiated agreements are not reached with the affected owners, expropriation plans must be registered before December 23, 2010, vesting ownership of these lands with the Region and allowing the north tunnels contract to be awarded.

A negotiated agreement has been reached with Toromont Industries Ltd.

An agreement pursuant to section 30 of the *Expropriations Act* (the “Act”) has been negotiated with Toromont Industries Ltd. with a closing date of December 21, 2010. The Act requires that the approving authority register a plan of expropriation within three months after granting of the approval. The December 21, 2010 closing date is to ensure that the Region has possession of the land prior to the December 23, 2010, expiration of the authority received from Council on September 23, 2010.

4. ANALYSIS AND OPTIONS

OWNERS:	Toromont Industries Ltd.
PROJECT:	Toronto-York Spadina Subway Extension
SUBJECT PROPERTY:	11.076 ha (27.36 acres)
AREA TAKEN:	Sub-Surface Fee Simple Interest being Part 1, Plan 65R-32587, comprising 3,535 m ² (0.8739 acres) Permanent Easement being Part 2, Plan 65R-32587 comprising 3,535 m ² (0.8739 acres) It is proposed the permanent easement for support be direct to the TTC
COMMENTS:	The subject property is an industrial parcel at the south-west corner of Highway 7 and Jane Street in the City of Vaughan.
PROJECT NUMBER:	90996

5. FINANCIAL IMPLICATIONS

Funding for the property requirements for the Toronto York Spadina Subway Extension project will come from the Government of Canada, Province of Ontario, the City of Toronto and The Regional Municipality of York. Expenditures incurred by York Region will be remitted to the TTC for 100% reimbursement. The City of Toronto, as “Banker”, will subsequently invoice York Region its 13.35% share of total project expenditures.

The land requirements were provided by TTC, confirming the properties as necessary for the project and to be included as project expenses.

6. LOCAL MUNICIPAL IMPACT

The acquisition of these properties is required for the implementation of the Toronto York Spadina Subway Extension and is critical to the achievement of the City of Vaughan’s vision for the corridor and it’s Vaughan Metropolitan Centre.

7. CONCLUSION

Acquisition of the property rights identified in this report is necessary to allow the Toronto York Spadina Subway Extension project to meet its construction commitments.

For more information on this report, please contact Paul J. Roberts, Manager Realty Services, Property Services Branch at Ext. 1424.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause is attached to this report.)

Respectfully submitted,

**December 16, 2010
Newmarket, Ontario**

**J. Davidson
Commissioner of Corporate Services**

(Report No. 5 of the Commissioner of Corporate Services was adopted without amendment, by the Council of The Regional Municipality of York at its meeting on December 16, 2010.)



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LOCATION PLAN

PROJECT NUMBER 90996

Toromont Industries Ltd.

City of Vaughan



PROPERTY SERVICES

