

Staff Response to Commission Inquiry - Scarborough Rapid Transit Landscape Licence Agreement Renewal (Hydro One)

Meeting Date: November 22, 2000

Subject: Staff Response to Commission Inquiry - Scarborough Rapid Transit Landscape Licence Agreement Renewal (Hydro One)

At its meeting of October 18, 2000, it was recommended that the Commission approve the execution of a Licence Agreement with Hydro One (formerly Ontario Hydro) covering the Commission's use of a ten-metre strip of land as a landscaped buffer zone situated along the west side and abutting the Scarborough Rapid Transit right-of-way for an additional ten-year term.

Chair Moscoe moved that staff be requested to review the assessment of the subject strip of land under the Assessment Act in order to determine whether taxes should be paid on this property, and the Commission approved Chair Moscoe's motion. This memo is a response to that request.

TTC's Legal Department has confirmed that the TTC is not exempt from paying property taxes with respect to the subject lands as they are neither owned by the City nor the Commission. Section 40 of the City of Toronto Act (No. 2), exempts the Commission from paying property taxes, or payments in lieu, for lands owned by either the Commission or the City. As the subject lands are owned by Hydro One and not the City nor the Commission, the exemption provision as found in section 40 of the City of Toronto Act (No. 2) is not applicable.

Chief General Manager

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