

Toronto-York Spadina Subway Extension - Acquisition Of Land From Parc Downsview Park (PDP) - Status Of Negotiations

Meeting Date: July 10, 2008

Subject: Toronto-York Spadina Subway Extension - Acquisition Of Land From Parc Downsview Park (PDP) – Status Of Negotiations

Reason for confidential information:

This report is about a proposed or pending land acquisition by the Commission.

Recommendation

It is recommended that the Commission approve:

1. The confidential instructions to staff outlined in Attachment 1.
2. Authorize the release of the confidential information and recommendations in Attachment 1 upon entering into a final settlement with Parc Downsview Park (“PDP”) to the satisfaction of the General Counsel, but no earlier than the commencement of revenue service for the Toronto-York Spadina Subway Extension Project (“TYSSE” or “Project”).

Funding

The current status of negotiations is outlined in Attachment 1. In the event that a settlement with PDP impacts the project budget, a further report on the specific impacts will be submitted for approval.

Background

In February and April 2006, the Commission approved property acquisition principles to guide staff in negotiations with PDP for the acquisition of the necessary property to construct the TYSSE.

On May 23, 24 and 25, 2007, City Council passed the following motion:

“City Council direct staff not to enter into any agreement with Park Downsview as it pertains to the Park Downsview Station until such time as Park Downsview has agreed to abide by the City’s official plan and the area secondary plan and has agreed to respect the City’s planning protocol as it pertains to all non-park-related development.”

Over the past several months, PDP, TTC and City of Toronto staff have been meeting to negotiate the terms of a Memorandum of Principles (MOP) that would guide the implementation of the TYSSE project on PDP lands. The MOP would ultimately lead to more detailed agreements being in place once the design of the transit facilities and the construction related requirements of the Project are further refined and better understood.

Substantial progress has been made on the MOP, and subject to the concurrence of the Commission, it appears that staff are ready to execute a MOP that is satisfactory to all parties.

At the April 28 and 29, 2008 meeting of City Council, a City staff report was approved directing Planning staff to undertake a review and update of the Downsview Area Secondary Plan. This approval was intended to satisfy the requirements of the May 2007 City Council Motion; however, City Legal staff have advised that a formal waiver motion to this effect must be approved by City Council.

The agreed upon process for approval of the MOP is as follows:

- City staff report to Government Management Committee (July 9, 2008);
- TTC staff report to the Commission (July 10, 2008);
- City Council (July 15, 2008).

Discussion

Since the adoption of the property acquisition principles by the Commission in 2006, the context of negotiations with PDP has changed in a number of important areas:

- Federal funding of the Project has been secured and property acquisition from PDP must be consistent with the Contribution Agreement with the Federal Government for the Project.
- The Federal Canadian Environmental Assessment (CEAA) approvals for the Project have been secured and the MOP must be consistent with CEAA project commitments to PDP.
- City and TTC staff are now aware of the Federal regulations with respect to the acquisition of PDP lands which must be respected by the Project.

As a result of the above, the MOP varies from the principles adopted by the Commission in several areas as outlined in the confidential attachments.

Justification

In order to undertake the development of a project delivery strategy and plan the construction logistics for the implementation of the project, a MOP with PDP is needed to ensure that the necessary land from PDP will be available for the project to proceed with construction. A more detailed agreement

with PDP will be negotiated consistent with the current property principles.

April 29, 2008

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