

# TORONTO TRANSIT COMMISSION REPORT NO.

**MEETING DATE:** April 27, 2009

**SUBJECT:** TTC PROCEDURAL BY-LAW NO. 2  
– SALE OR OTHER DISPOSITION OF LAND

## **ACTION ITEM**

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### **RECOMMENDATION**

It is recommended that:

1. The Commission repeal the existing By-Law No. 2 and adopt By-Law No. 2, as set out in Attachment 2 to this report; and
2. The appropriate Commission staff and officials be authorized and directed to take the necessary action to give effect to the new By-law No. 2.

### **FUNDING**

There are no funding implications arising out of the approval of this report.

### **BACKGROUND**

The Toronto Transit Commission's By-law No. 2 was approved by the Commission at its meeting held July 12, 1997. Since then, the City of Toronto Act has come into effect, making amendment of the by-law necessary to bring it into line with this legislation. In addition, some housekeeping changes are necessary to bring the policy into conformance with TTC's current structure.

### **DISCUSSION**

Attachment 1 to this report shows the existing by-law and the proposed changes to it. Attachment 2 shows the proposed by-law in its suggested final form. The changes are housekeeping in nature and bring the by-law into conformance with the City of Toronto Act and the current structure of the Toronto Transit Commission. The by-law is otherwise unaffected.

**JUSTIFICATION**

The changes to the TTC's By-law No. 2 are housekeeping in nature. Adoption of the proposed new by-law will bring it into conformance with the City of Toronto Act.

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April 27, 2009  
22-11-10

Attachment 1: Current By-Law #2  
Attachment 2: Proposed By-Law #2

# ATTACHMENT 1

## TORONTO TRANSIT COMMISSION PROCEDURAL BY-LAW NO. 2 – Sale or Other Disposition of Land

To establish procedures governing the sale or other disposition of land in accordance with paragraph 1 of subsection 212(2) of the City of Toronto Act, 2006.

The Toronto Transit Commission HEREBY ENACTS as follows:

1. In this By-Law:

- (a) “Act” means the *City of Toronto Act, 2006*, S.O. 2006, c. 11, Sched. A, as amended, and all regulations made thereunder;
- (b) “Appraisal” means written opinion of value providing information sufficient to satisfy the Property Manager that the opinion is reasonable;
- (c) “Land” means land as defined in the Act and held on title by the Toronto Transit Commission;
- (d) “Property Manger” means the General Manager – Executive of the Toronto Transit Commission and includes such officer’s delegate;
- (e) “Public Land Register” means the public register of all Land owned by the Toronto Transit Commission;
- (f) “Sale” means a commitment to sell or otherwise dispose of land, including a disposal by way of a lease of 21 years or longer;
- (g) “Surplus” means Land which the Toronto Transit Commission intends to sell or otherwise dispose of; and
- (h) “Toronto Transit Commission” means the city board continued in accordance with section 394 of the Act and includes its officials, employees, contractors, consultants and agents.

2. Before a Sale of any Land:

- (a) The Land shall be declared Surplus and the intended manner or process by which the Sale of the Land will be carried out shall be approved by the Toronto Transit Commission;
- (b) At least one Appraisal of the fair market value of the Land shall be obtained; and
- (c) Notice of the proposed Sale shall be given to the public.

3. The Property Manager shall inform the City of Toronto that the Land has been declared Surplus and provide any conditions that have been placed on the disposal of the Land.
4. Where Land has been declared Surplus and the intended manner or process by which the Sale of the Land will be carried out has been approved, the Property Manager shall give notice to the public of a proposed Sale in such manner as the Property Manager may determine but including at least one of the following methods:
  - (a) By posting a sign on the Land for a period of not less than seven days;
  - (b) By publication in a newspaper in circulation in the area of the Land.
5. A notice or proposed Sale given under section subsection 4(b) shall contain at least the following information:
  - (a) A general description of the manner by which the Sale will be carried out;
  - (b) Location of the Land by reference to municipal address or legal description, or both;
  - (c) Approximate size of the Land by reference to dimensions and area, or both, and a brief description of any buildings or other improvements situate thereon;
  - (d) The date the Land was declared Surplus;
  - (e) The name, title, address and telephone number of one or more Toronto Transit Commission or City of Toronto officials having information about the proposed Sale; and
  - (f) The latest date by which enquiries may be made of any official described in subsection 5(e).
6. A notice of proposed Sale given by posted sign under subsection 4(a) shall contain at least the information described in subsections (5)(a) and (e).

7. Public Land Register:

- (a) The Toronto Transit Commission shall establish and maintain a Public Land Register.
- (b) The Public Land Register shall be made available to the public through the office of the General Secretary.
- (c) The information necessary to maintain the Public Land Register shall be provided to the General Secretary by the Manager – Property Development.
- (d) The Public Land Register shall contain the following information with respect to each of the Lands listed therein:
  - i) The municipal address or a description of the location by reference to public highways within the area of the Lands; and
  - ii) Approximate size by reference to dimensions or area, or both.
- (e) The following classes of Land are not required to be included in the Public Land Registry:
  - i) Easements;
  - ii) Land owned by the City of Toronto.

8. Issuance of Certificates:

- (a) The General Secretary may issue a certificate with respect to a Sale of Land by the Toronto Transit Commission verifying that, to the best of his/her knowledge, the requirements of this by-law applicable to a Sale of Land have been complied with.
- (b) The Manager – Property Development shall provide the General Secretary with sufficient information to permit the General Secretary to issue a certificate with respect to a Sale of Land by the Toronto Transit Commission.
- (c) A certificate issued by the General Secretary under this by-law of the Toronto Transit Commission shall be deemed to be sufficient proof that the provisions of this by-law with respect to a Sale of Land have been complied with.

9. This by-law shall be deemed to have come into force on the date of its enactment and the previous Procedural By-law No. 2, as approved on July 15, 1997 shall be replaced in its entirety.

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