

TORONTO TRANSIT COMMISSION REPORT NO.

MEETING DATE: October 29, 2009

SUBJECT: TORONTO-YORK SPADINA SUBWAY EXTENSION -
MEMORANDUM OF UNDERSTANDING WITH YORK
UNIVERSITY REGARDING PROPERTY ACQUISITION

ACTION ITEM

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 York University ("York U") to the satisfaction of the Chief General Manager and 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 York U impacts the project budget, a further report on the specific impacts will be submitted for approval.

BACKGROUND

In July 2005, the Commission approved property acquisition principles to guide staff in negotiations with York U for the acquisition of the necessary property to construct the TYSSE.

Since the funding for the project and design of the project elements has been initiated, York U, TTC and City of Toronto staff have been meeting to negotiate the terms of a Memorandum of Understanding (MOU) that would guide the implementation of the TYSSE project on York U lands. The MOU would ultimately lead to more detailed agreements being

in place once the design of the transit facilities and the construction and operation/maintenance of the transit facilities and related requirements of the Project are further refined and better understood.

Substantial progress has been made on the MOU, and subject to the concurrence of the Commission, staff are ready to execute a MOU that is satisfactory to all parties. City of Toronto staff are preparing a separate report to obtain Toronto City Council authorization to execute the MOU on Toronto's behalf.

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

- City staff report to Government Management Committee (October 14, 2009);
- City Council (October 27/28, 2009);
- TTC staff report to the Commission (October 29, 2009).

DISCUSSION

The Commission approved a number of key principles at its meeting of July 13, 2005, which were reviewed and agreed to by City of Toronto staff. Negotiations with York U have progressed over the past year based on these principles. TTC and City of Toronto staff have progressed the negotiations on the MOU to the point of recommending that the Commission and City Council approve the MOU based on the principles negotiated. The MOU varies from the principles adopted by the Commission in several areas as outlined in the confidential attachments.

JUSTIFICATION

In order to plan the construction logistics and gain access to York U lands for the implementation of the project, a MOU with York U is needed to ensure that the necessary land from York U will be available for the project to proceed with construction. A more detailed agreement with York U will be negotiated consistent with the current property principles.

September 28, 2009
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Attachment – Confidential Attachment: Toronto-York Spadina Subway Extension –
Memorandum of Understanding with York University Regarding Property
Acquisition