



**STAFF REPORT  
ACTION REQUIRED  
with Confidential Attachment**

**St. Clair West – Easier Access Property Acquisition –  
Status Update**

<b>Date:</b>	February 25, 2015
<b>To:</b>	TTC Board
<b>From:</b>	Chief Executive Officer
<b>Reason for Confidential Information:</b>	This report is about a proposed or pending acquisition or disposition of land for municipal or local board purposes.

**Summary**

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The purpose of this report is to provide an update on the status of the acquisition of property interests in 396 St. Clair Avenue West to install an elevator at the St. Clair West subway station as part of the TTC's Easier Access Program. St. Clair West subway station is currently not accessible.

The property at 396 St. Clair Avenue West is owned by Loblaw Properties Limited (LPL). A portion of the property is leased to the Liquor Control Board of Ontario (LCBO) for the operation of a retail store. As part of the Easier Access Program, TTC proposes to install an elevator within a portion the LCBO store. This elevator (E1) will provide access from the street level to the bus and streetcar platform level of the subway station. It will permanently occupy approximately 17m<sup>2</sup> of the LCBO retail store space. This location has been identified as the preferred location by both TTC and the Advisory Committee on Accessible Transit (ACAT), Councillor and members of the public attending the open house in June 2013.

Negotiations between the City of Toronto (on behalf of TTC), LPL and LCBO for the required property acquisition had been progressing well from early 2013 until November, 2014. LPL's recent decision to not permit the expansion of the LCBO store space has impacted negotiations, as the store expansion was a mitigation measure against the space required for the project.

The St. Clair West Easier Access Project is now at risk of delay.

## Recommendations

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### The Chief Executive Officer recommends that:

1. The TTC Board receive the report for information;
2. TTC Board authorize the public release of the confidential information contained in Attachment 1 once there has been a final determination of the compensation payable to the owner by the arbitration, appeal or settlement to the satisfaction of the City Solicitor.

## Financial Impact

The financial impact information is set out in the Confidential Attachment 1.

The Chief Financial & Administration Officer has reviewed this report and agrees with the financial impact information.

## Decision History

Refer to Committee of the Whole (COTW), Board Meeting No. 1915, “Reports with Confidential Attachments, 1.b. St. Clair West Station – Easier Access Phase III – Contract A45-9 (For Action)”, held December 16, 2009.

[http://www.ttc.ca/About\\_the\\_TTC/Commission\\_reports\\_and\\_information/Commission\\_meetings/2009/December\\_16\\_2009/Reports/ST\\_CLAIR\\_WEST\\_EASIER.pdf](http://www.ttc.ca/About_the_TTC/Commission_reports_and_information/Commission_meetings/2009/December_16_2009/Reports/ST_CLAIR_WEST_EASIER.pdf)

Decision: Approved

[http://www.ttc.ca/About\\_the\\_TTC/Commission\\_reports\\_and\\_information/Commission\\_meetings/2010/Jan\\_20\\_2010/Minutes/index.jsp](http://www.ttc.ca/About_the_TTC/Commission_reports_and_information/Commission_meetings/2010/Jan_20_2010/Minutes/index.jsp)

Refer to TTC Board Meeting No. 1962, “Reports with Confidential Attachments (Committee of the Whole), 1.a. “St. Clair West Station Easier Access Project Update (For Information)”, held September 25, 2013.

[http://www.ttc.ca/About\\_the\\_TTC/Commission\\_reports\\_and\\_information/Commission\\_meetings/2013/September\\_25/Reports/St\\_Clair\\_West\\_Statio.pdf](http://www.ttc.ca/About_the_TTC/Commission_reports_and_information/Commission_meetings/2013/September_25/Reports/St_Clair_West_Statio.pdf)

Decision: Information Received

[http://www.ttc.ca/About\\_the\\_TTC/Commission\\_reports\\_and\\_information/Commission\\_meetings/2013/October\\_23/Minutes/index.jsp](http://www.ttc.ca/About_the_TTC/Commission_reports_and_information/Commission_meetings/2013/October_23/Minutes/index.jsp)

Refer to TTC Board Meeting No. 1969, “Procurement Authorizations, 4.a. Procurement Authorization – St. Clair West Station – Easier Access Phase III – Contract A45-9 (For Action)”, held February 24, 2014.

[http://www.ttc.ca/About\\_the\\_TTC/Commission\\_reports\\_and\\_information/Commission\\_meetings/2014/February\\_24/Reports/Procurement\\_Authorizion\\_St\\_Clair\\_West\\_Easier\\_Access.pdf](http://www.ttc.ca/About_the_TTC/Commission_reports_and_information/Commission_meetings/2014/February_24/Reports/Procurement_Authorizion_St_Clair_West_Easier_Access.pdf)

Decision: Approved

[http://www.ttc.ca/About the TTC/Commission reports and information/Commission meetings/2014/March 26/Minutes/Minutes February 24 2014.pdf](http://www.ttc.ca/About%20the%20TTC/Commission%20reports%20and%20information/Commission%20meetings/2014/March%2026/Minutes/Minutes%20February%2024%202014.pdf)

Refer to City of Toronto, Government Management Committee Meeting held August 11, 2014, Agenda Item - GM32.15 “Real Estate Acquisition TTC St. Clair West Subway Station – Easier Access Program (Ward 21)”

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.GM32.15>

Decision: Adopted

<http://app.toronto.ca/tmmis/decisionBodyProfile.do?function=doPrepare&meetingId=7869#Meeting-2014.GM32>

## **Issue Background**

The Accessibility for Ontarians with Disabilities Act (AODA) requires that the TTC be fully accessible to people with all levels of mobility by 2025. Through the TTC’s Easier Access Program, all 69 stations along the TTC Subway and RT system will be made fully accessible by that time. Construction of three elevators at the St. Clair West subway station (St. Clair West Easier Access Project) is part of this Program.

The St. Clair West Easier Access Project includes the installation of three elevators to accommodate the necessary accessibility within the existing station. Elevator 1 (E1) will provide access from street level to the bus and streetcar platform level of the station. Elevator 2 (E2) will provide access from the bus and streetcar platform level to the southbound subway platform and Elevator 3 (E3) will provide access to the northbound subway platform. The location of the three elevators is illustrated on the attached drawings.

Two options were considered for locating the E1 elevator. The TTC’s preferred option is to locate the elevator on the north side of St. Clair Avenue West within the Loblaw’s structure, in the space currently leased by the LCBO. This is consistent with TTC’s policy to locate elevators at the main entrance of the station whenever possible. Furthermore, the north side option provides the most direct easier access path and is preferred by the ACAT.

The other location that was considered for the E1 elevator was on the south side of St. Clair Avenue West, in a stand-alone building. The option would require a longer access path for customers and is more costly to construct and would require access through an automatic fareline. This option was not preferred by TTC or ACAT.

Construction, operation and maintenance of the E1 elevator requires certain property interests including a permanent easement and temporary construction licenses at the St. Clair West subway station. The St. Clair West subway station is currently operated and maintained within an existing easement affecting portions of the lands municipally known as 396 St. Clair Avenue West and owned by Loblaw Properties Limited (LPL). A portion of the LPL property is leased to the LCBO for the operation of a retail store. A

portion of the proposed E1 will be located outside of the existing easement and will permanently occupy approximately 17m<sup>2</sup> of the LCBO store space.

The St. Clair West Easier Access Project contract was awarded in February of 2014. This contract includes the construction of all three elevators. At the time of contract award, negotiations with LPL and LCBO were progressing well. It was anticipated that the required property agreements would be in place by February 10, 2015, which is the latest date in the contract for the TTC to give notice to proceed with the construction of E1 without impacting the completion date of the contract. Construction of E2 and E3 is ongoing and these elevators are scheduled to be in service in 2016. However, as a result of the lack of agreements, the TTC could not provide the contractor with notice to proceed on the construction of E1 by the above-noted date.

To acquire the property interests for the E1 elevator will require that compensation be paid to both LPL and LCBO. City of Toronto Real Estate Services staff, on behalf of the TTC, had entered into negotiations with LPL and LCBO for the required property acquisitions. City staff had proceeded as far as drafting and exchanging agreements and obtaining Council approvals to enter into these agreements.

As a mitigation measure, TTC committed to making a financial contribution to LPL toward the cost of the expansion of the LCBO store. The parties had agreed to coordinate the construction of the LCBO expansion and the E1 elevator work. In fact, some preparatory work for E1 has already been undertaken by the contractor to facilitate LPL's schedule for this expansion.

To allow for the LCBO expansion and E1 construction, LPL has advised that the LCBO store would be shut down for an estimated period of six months. To avoid higher business disruption costs attributable to the TTC project, it was requested that the store be re-opened by mid-November, 2015, prior to the holiday shopping season.

Unexpectedly, in the late fall of 2014, City and TTC staff were advised that the LPL Board decided against proceeding with the expansion of the LCBO store. After a meeting with LPL staff in mid-January of this year, LPL revealed that their Board will not reconsider their decision. LCBO has subsequently indicated its intention to remain in this location. However, given the lack of agreements as a result of the LPL change in direction, TTC cannot proceed with work on the E1 elevator installation.

Completion of the St. Clair West Easier Access Project is now at risk of delay.

## **Accessibility/Equity Matters**

Without the construction of the E1 elevator, there will not be a fully accessible route from the subway platform to street level. Constructing E2 and E3 only achieves accessibility to/from the subway and the surface routes (streetcars and buses). Having the station only partially accessible would not serve the best interests of the public and will not comply with the mandate of the Easier Access Program.

## Comments

There continue to be two options for acquiring the property interests required for the completion of the E1levator construction: negotiation and expropriation.

Staff are continuing negotiations with both LPL and LCBO to enter into compensation settlement agreements with each party. Given a store expansion is no longer available as a mitigation measure, the compensation payments to each party are now more difficult to determine.

Potential compensation estimates relative to LPL and LCBO and the St. Clair West Easier Access Project costs are included in Attachment 1 – Confidential Information.

TTC staff are continuing negotiations with the objective of minimizing cost and project delay and reaching an agreement on compensation.

## Contact

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## Attachments

Appendix A – Easier Access – St. Clair West Station – Street Level

Appendix B – Easier Access – St. Clair West Station – Bus/Streetcar Transfer Level

Appendix C – Easier Access – St. Clair West Station – Concourse Level

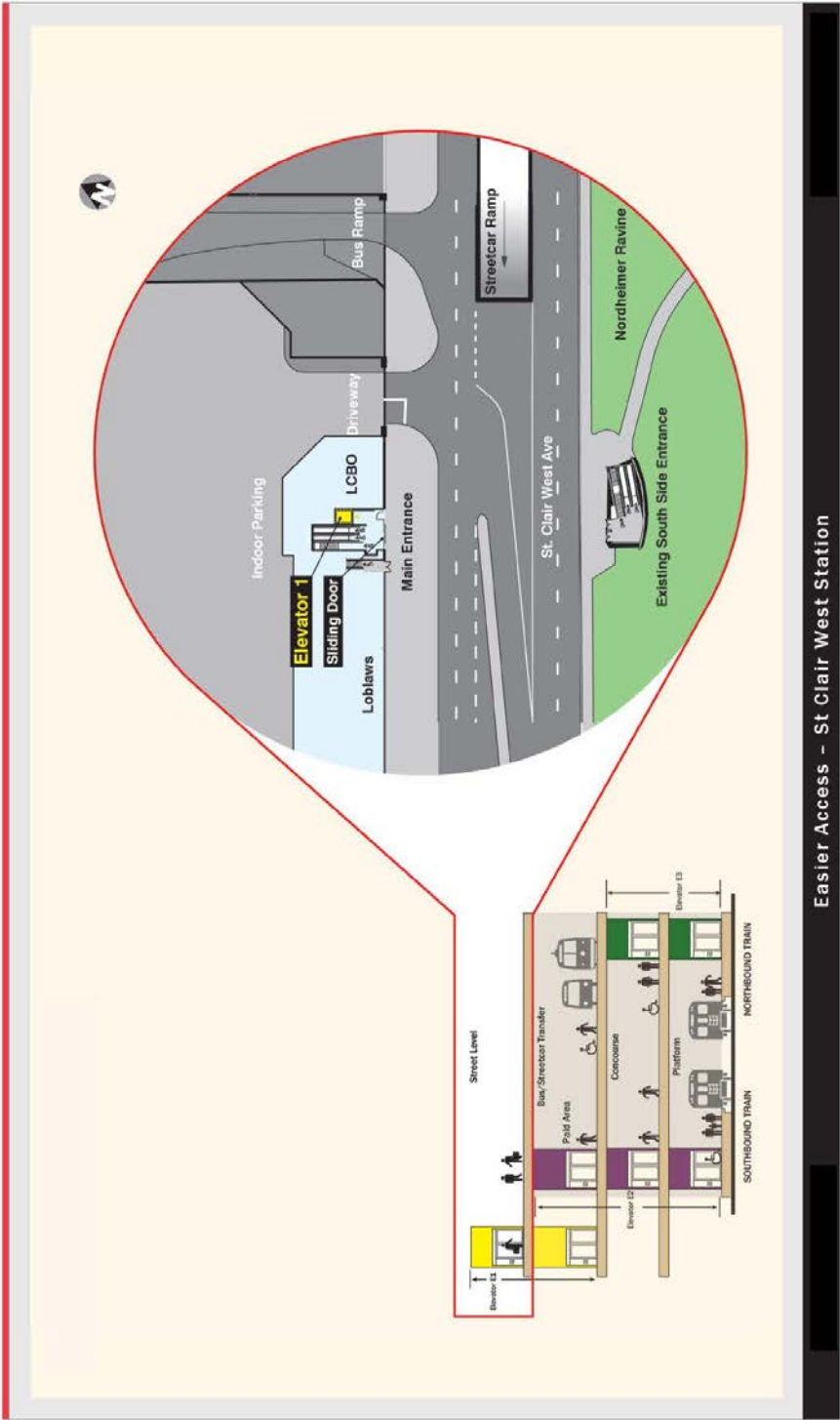
Appendix D – Easier Access – St. Clair West Station – Platform Level

Attachment 1 – Confidential Information

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# Appendix A Easier Access – St. Clair West Station – Street Level

## Street Level

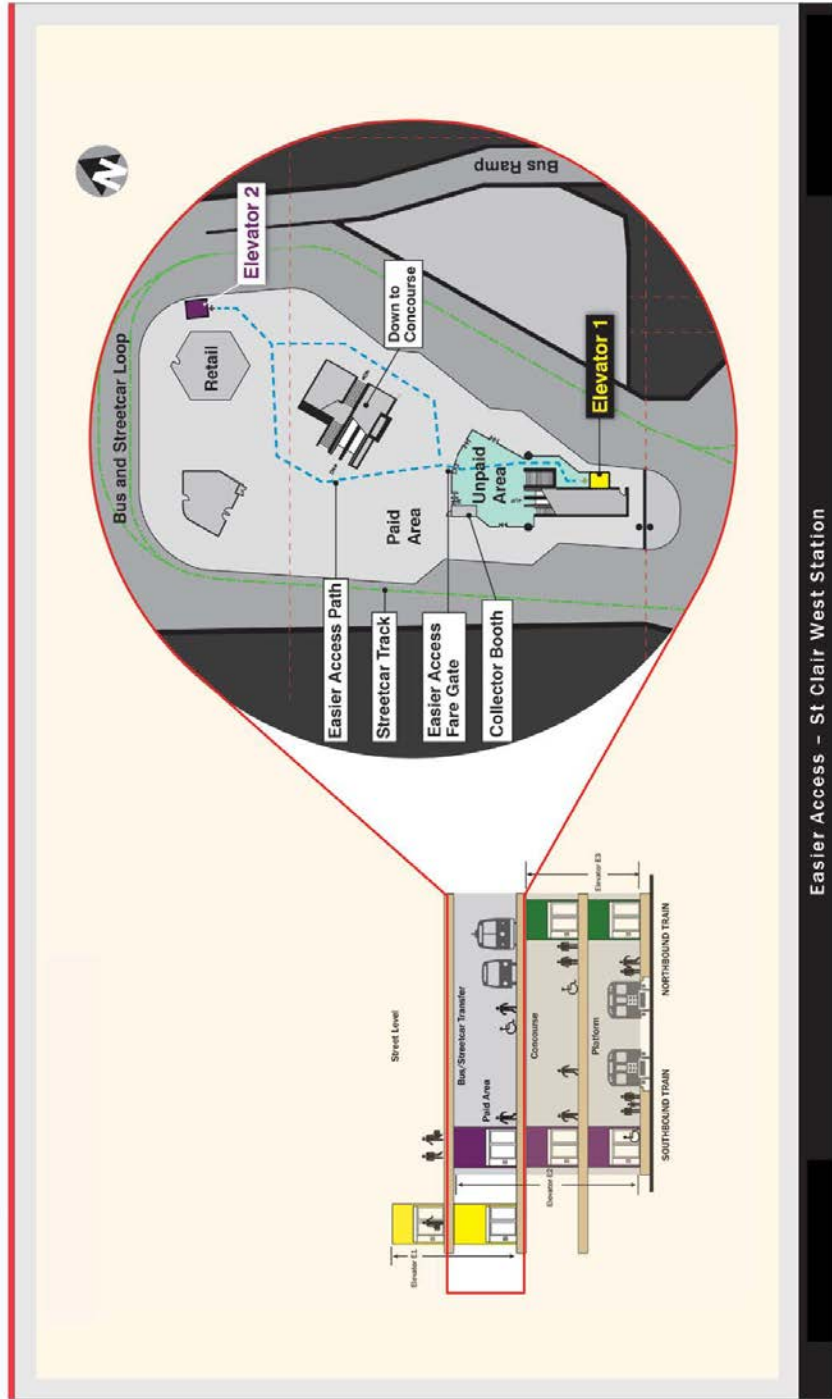


# Appendix B

## Easier Access – St. Clair West Station – Bus/Streetcar Transfer Level



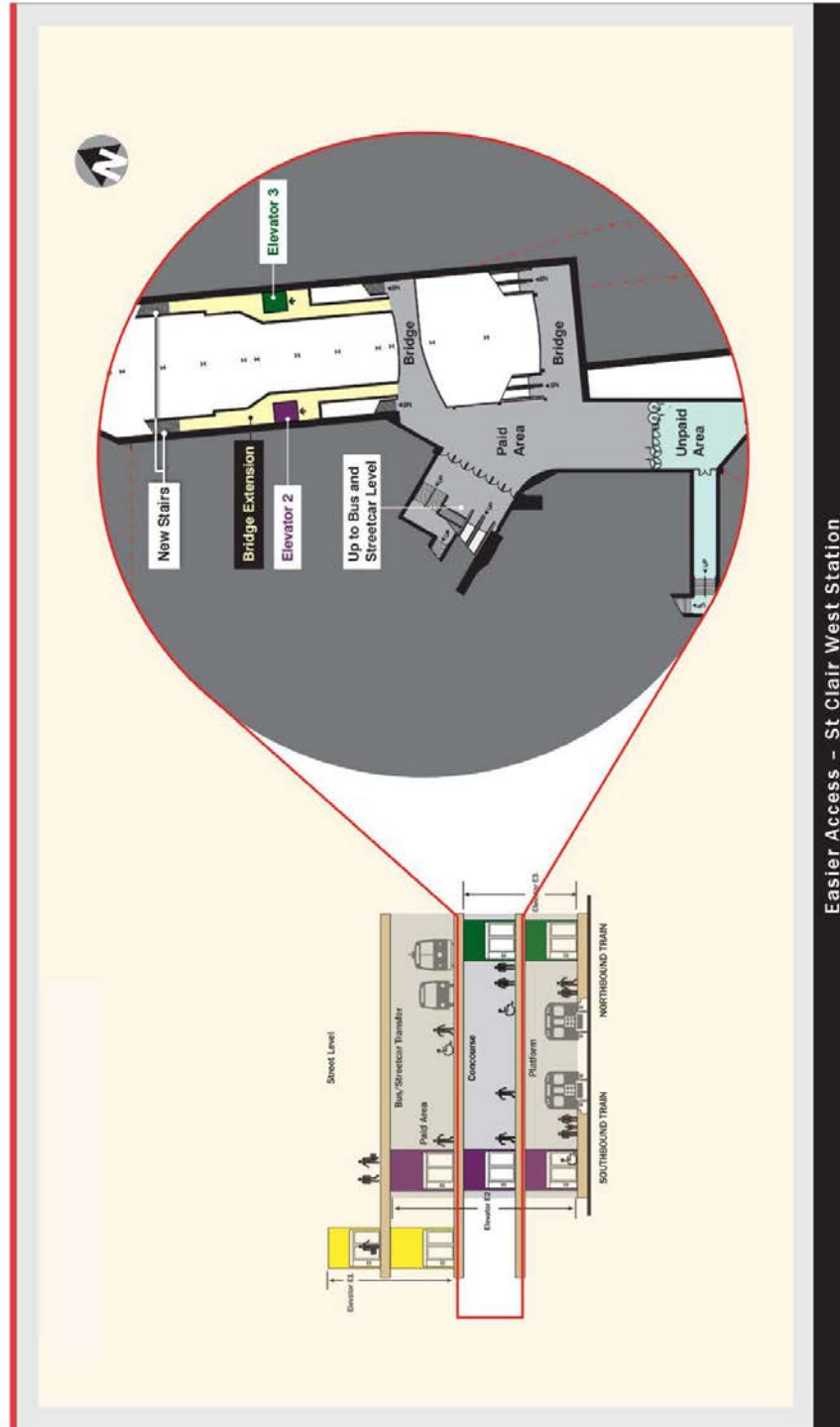
# Bus/Streetcar Transfer Level



# Appendix C Easier Access – St. Clair West Station – Concourse Level



## Concourse Level



Easier Access – St. Clair West Station



# Appendix D Easier Access – St. Clair West Station – Platform Level

## Platform Level

