



STAFF REPORT ACTION REQUIRED

Toronto-York Spadina Subway Extension – Additional Approval for Property Transfers from Regional Municipality of York to TTC

Date:	April 20, 2017
To:	TTC Board
From:	Chief Executive Officer

Summary

In December 2008, City of Toronto and The Regional Municipality of York (“York”) entered into Memorandum of Understanding: Capital Cost Allocation (The “MOU”). The MOU delegates the responsibility of property acquisition for the Toronto-York Spadina Subway Extension (TYSSE) project on each municipality within its geographic jurisdiction and, further requires York to transfer the applicable permanent property interests to TTC for nominal consideration. Property interests acquired by York for the TYSSE, include property interests required to support the construction, operation, maintenance and rehabilitation of components of Pioneer Village, Highway 407 and Vaughan Metropolitan Centre stations, and sections of subway tunnels including two Emergency Exits. Property interests within the City of Toronto will continue to be acquired in the name of the City of Toronto.

Subsequent to the execution of the MOU, York staff has worked with TYSSE project staff to define and acquire the required property interests. The majority of these interests are now registered on title in favor of York. TYSSE staff has arranged for City of Toronto Legal Division (Real Estate Section) to represent the TTC on the transfer of properties between York and TTC. In addition, there are some property interests to be transferred from the City of Vaughan (“Vaughan”) to TTC. Staff from TTC and Vaughan have put in place a process to transfer the properties and are ready to begin the first in a series of transfers.

At its meeting held October 28, 2015, the TTC Board approved a series of recommendations to transfer interests from York to TTC which included transfers from Vaughan. That report did not include approval for transfers of property interests to TTC subject to utility easements, as well as a transfer of an easement to Vaughan for the purpose of public access for Transit Square. This report seeks additional approval for the purposes of completing those necessary property transfers.

Recommendations

It is recommended that the Board:

1. Authorize staff to prepare and execute all necessary documentation required to complete the transfer of permanent property interests from:
 - (a) York and/or Vaughan as required, and subject to easements for utilities, and/or public access , to TTC, and
 - (b) TTC to York and/or Vaughan as required, and subject to easements for utilities and/or public access,

all in a form satisfactory to the City of Toronto’s City Solicitor and the TTC’s General Counsel, consistent with the interests as shown on Attachments A2 to A5; and
2. Delegate authority to the CEO (or his delegate) to execute the necessary documentation to enable all required property transfers as set out in Recommendation 1 above; and
3. Transmit a copy of this report to the CAO of York and CAO of Vaughan for information.

Financial Summary

The property acquisition costs have been included in the TYSSE project budget including the costs for York to purchase the necessary property and the subsequent costs to transfer the required property interests to TTC.

There is no direct financial impact from the recommendations in this report. The majority of costs for York to purchase the properties have already occurred and were included in the TYSSE Capital budget under the Property Acquisitions Costs. The transfers of the property interests from York to TTC are for nominal consideration.

Further costs incurred to acquire the property transfers are included in the TTC’s 2017 – 2026 Capital Budget and Plan for the TYSSE project budget of \$3.184B as approved by the Board on November 21, 2016 and approved by City of Toronto Council on February 15, 2017. The Chief Financial & Administration Officer has reviewed this report and agrees with the financial impact information.

Accessibility/Equity Matters

There are no accessibility or equity issues.

Decision History

Toronto Council Approval – Capital Cost Allocation MOU (EX21.8)

<http://www.toronto.ca/legdocs/mmis/2008/ex/reports/2008-06-03-ex21-cr.pdf>

TTC Board Approval – TYSSE Property Transfers from Regional Municipality of York to TTC – October 28, 2015

[http://www.ttc.ca/About the TTC/Commission reports and information/Commission meetings/2015/October 28/Reports/TYSSE Property Transfers from Regional Municipality of York .pdf](http://www.ttc.ca/About%20the%20TTC/Commission%20reports%20and%20information/Commission%20meetings/2015/October%2028/Reports/TYSSE%20Property%20Transfers%20from%20Regional%20Municipality%20of%20York.pdf)

Issue Background

The MOU delegates the responsibility of property acquisition for the Toronto-York Spadina Subway Extension (TYSSE) project on each municipality within its geographic jurisdiction and, further requires York to transfer the applicable permanent property interests to TTC for nominal consideration. Property interests acquired by York, for the TYSSE, include property interests required to support the construction, operation, maintenance and rehabilitation of components of Pioneer Village, Highway 407 and Vaughan Metropolitan Centre stations, and sections of subway tunnels including two Emergency Exits. Vaughan has agreed to transfer lands from a municipal right-of-way to TTC, where a new subway station and related structures are located. York has acquired lands to replace the municipal right-of-way, which will be transferred to Vaughan.

Property requirements for each type of subway component were identified in the Capital Cost Allocation MOU. These requirements were used to identify the extent of property takings for each subway component at the 30% stage of design. Once the property requirements were defined, staff provided the necessary documentation to the respective municipalities to initiate negotiations or where necessary, initiate expropriation procedures to ensure that the necessary properties were available for start of construction of the subway facilities. In the case of properties acquired by York, the properties remain held on title with York until such time as the property is transferred to TTC. The general location and type of additional property interests, that are the subject of this report, are shown on Attachments A2 thru A4.

In several cases, the properties being transferred to TTC will be subject to easements for utilities that are either for TTC requirements or for municipal purposes. In addition to the previously approved transfers from the City of Vaughan, an additional easement is to be granted for the purposes of public access for Transit Square (shown in Attachment A4) which will include operations and maintenance obligations. This report seeks approval from the Board to accept the various property transfers to TTC subject to required utility and public access easements, in a form agreeable to TTC's General Counsel and the City of Toronto Solicitor.

Comments

In December 2008, City of Toronto and York entered into Memorandum of Understanding: Capital Cost Allocation (The “MOU”). TTC Legal and TYSSE staff has made arrangements with City of Toronto Legal Division (Real Estate Section) to complete the necessary legal work on behalf of TTC to complete the property transfers from York to TTC. TTC and City of Toronto staff have been working with York staff over the past 12 months to establish the necessary procedures and due diligence to undertake the transfers. TTC has also been coordinating with Vaughan to establish the necessary procedures and approvals to complete the required transfers. The transfers are scheduled to be completed over the next several months, with the objective of completing all transfers prior to opening of the subway project for revenue service. All of the costs of the transfers are being covered under the property acquisition budget for the project.

The properties transferred to TTC will continue to be managed by TYSSE project staff until such time as the subway project is transferred to TTC for operations. At that time, the majority of the properties will fall under the management of the appropriate operating groups, as is currently the practice.

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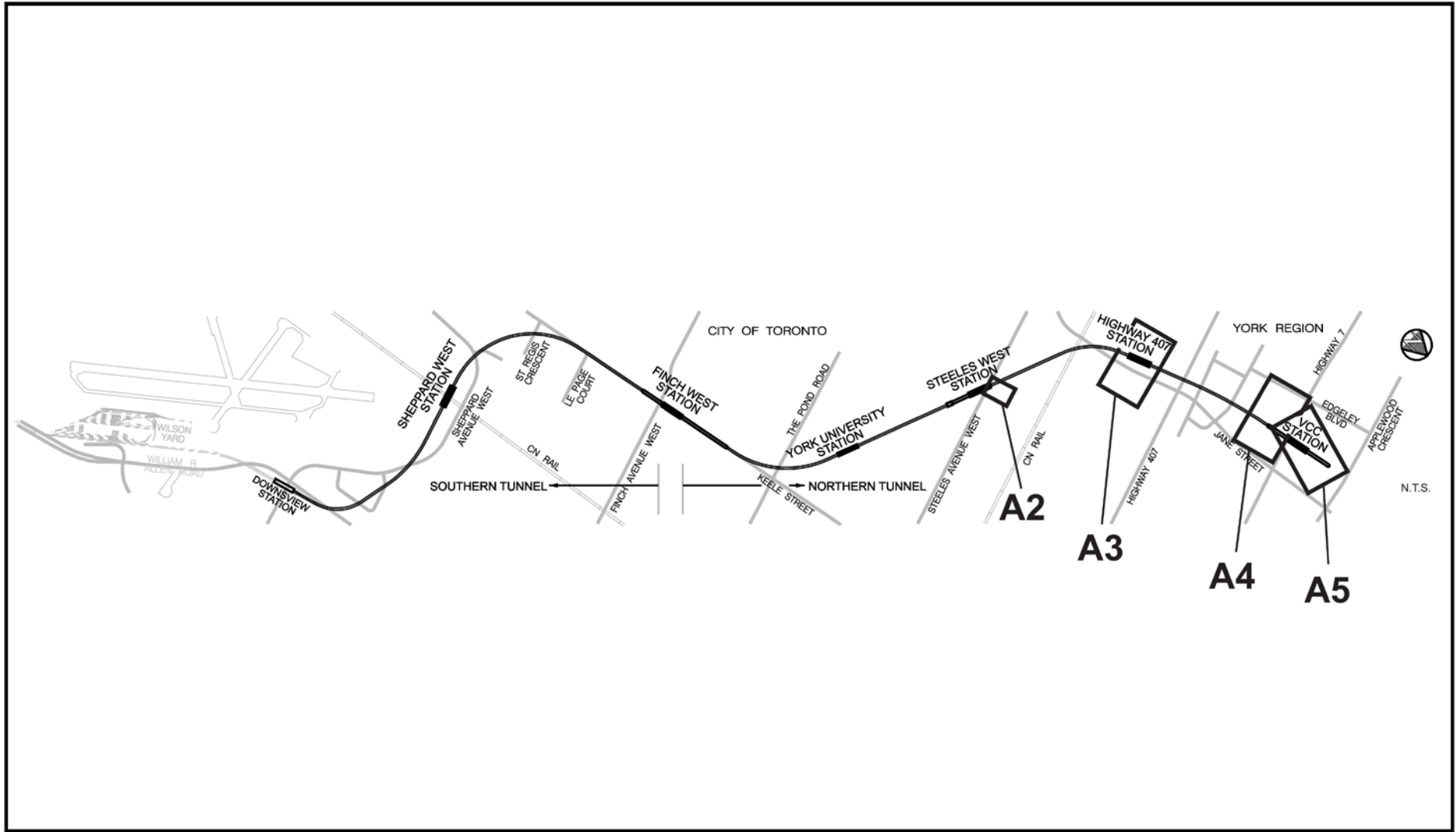
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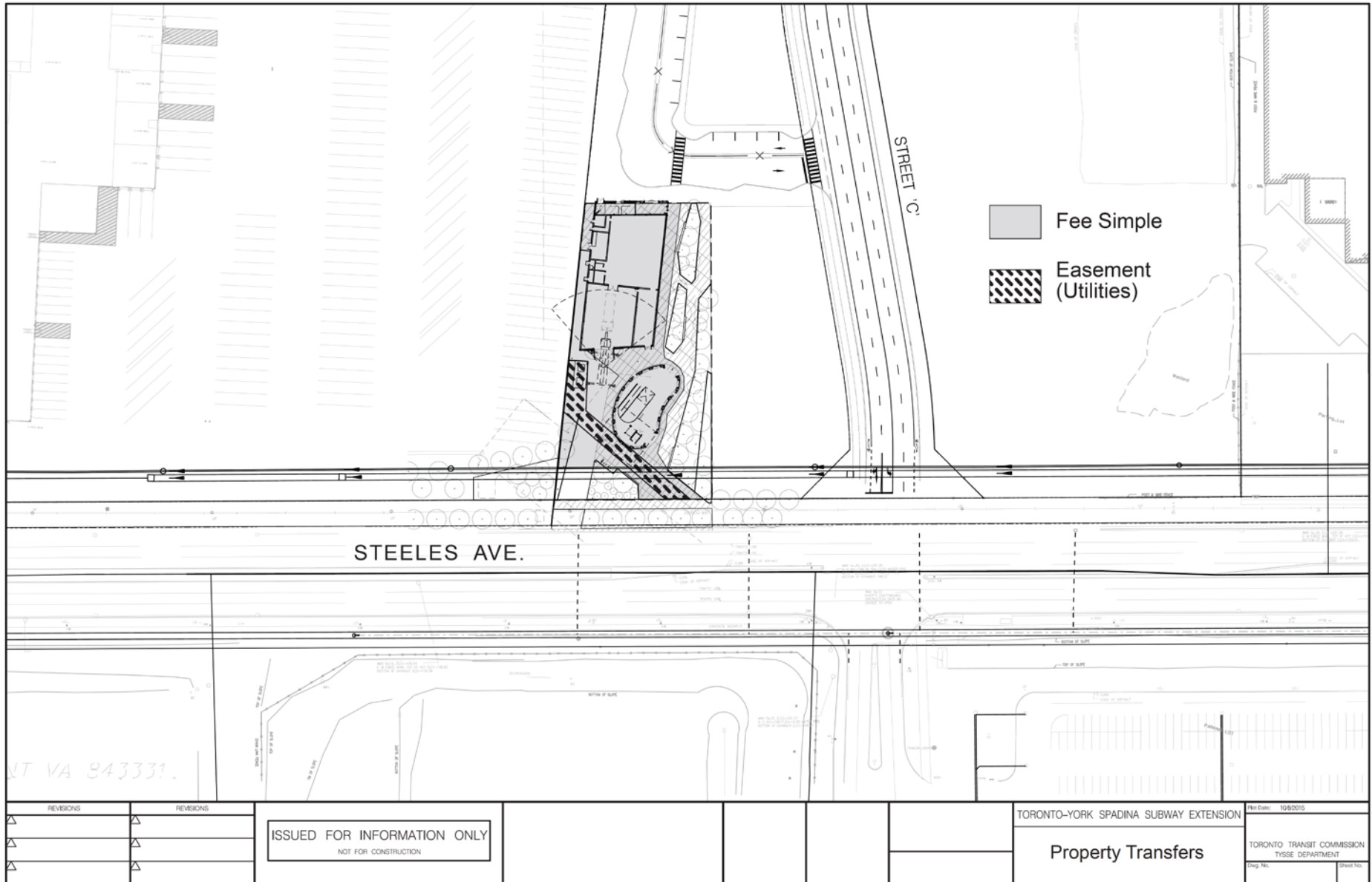
Attachments

General property location drawings:
A1 – Key Plan - Toronto-York Spadina Subway Extension Property Transfers from York
A2 – Pioneer Village Station – Main Entrance and Utility Easements
A3 – Highway 407 Station – Utility Easement
A4 – VMC Station - Power Substation Utility Easements
A5 – VMC Station - Transit Square

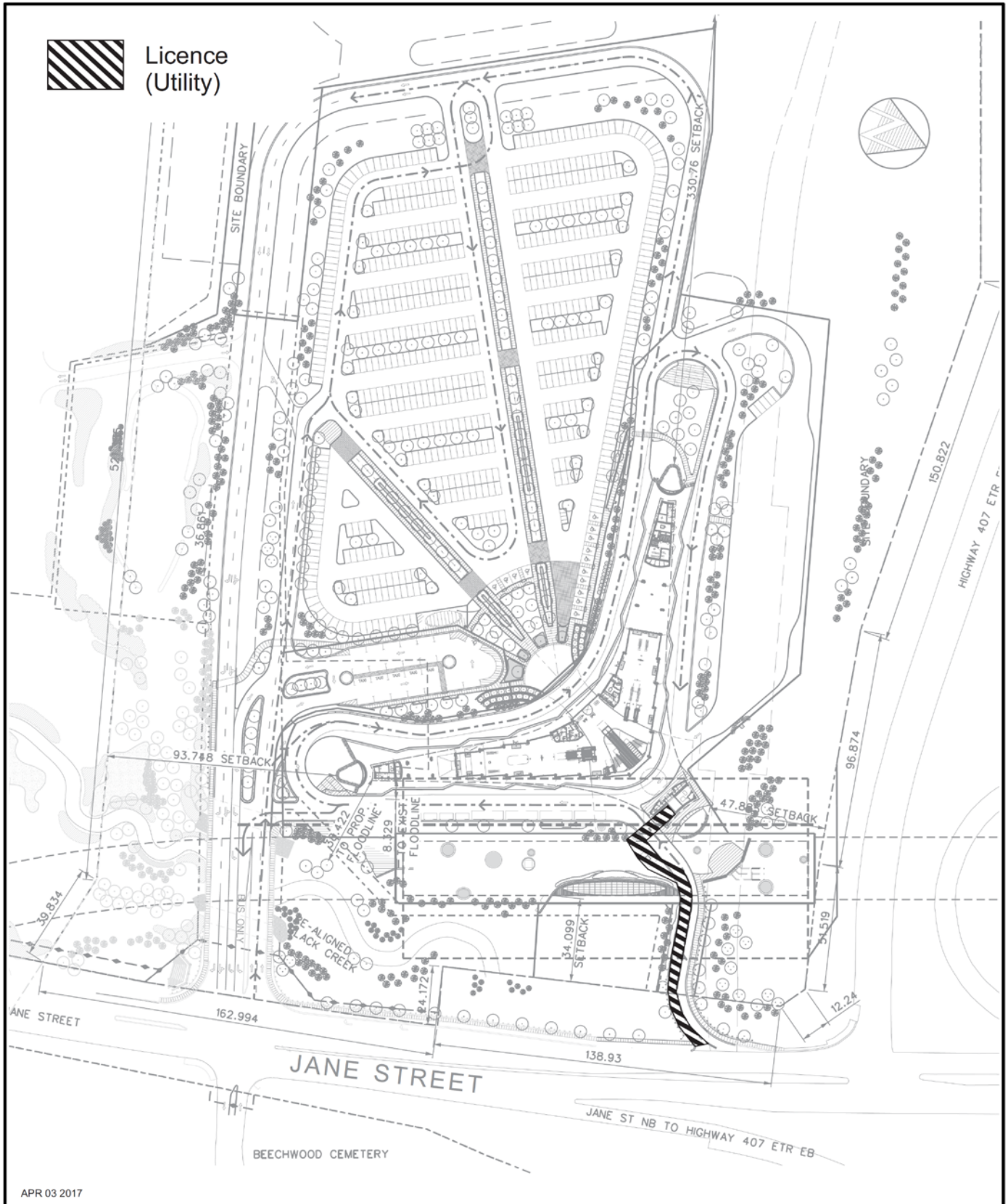
A1 - Key Plan - Toronto-York Spadina Subway Extension Property Transfers from York



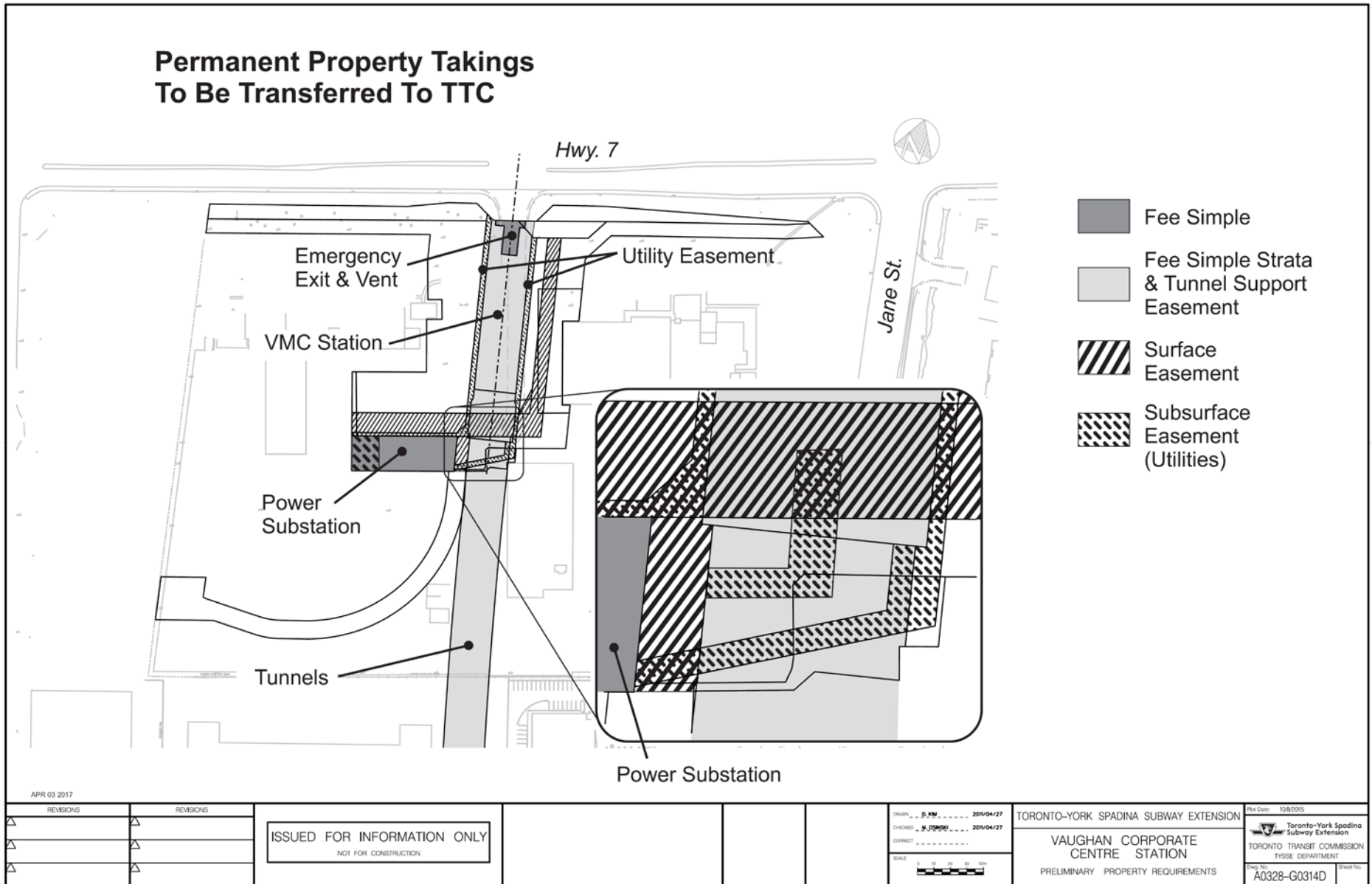
A2 - Pioneer Village Station



A3 - Highway 407 Station - Utilities Licence



A4 - VMC Station - Power Substation and Utility Easements



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