

## Section III – Items for the Information of the Board

**TO:** Chair and Members of the Board of Directors  
Friday, February 26, 2021

**FROM:** Michael Tolensky, Chief Financial and Operating Officer

**RE: METROLINX NOTICE OF APPLICATION FOR APPROVAL TO EXPROPRIATE**  
Lakeshore Rail Corridor - Easement on TRCA Property for an Access Path at Long Branch Station (CFN 63844)

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### KEY ISSUE

To provide information regarding receipt of a Metrolinx Notice of Application for Approval to Expropriate for an easement to permit an access path on TRCA property for the Lakeshore Rail Corridor at Long Branch Station.

### RECOMMENDATION

**IT IS RECOMMENDED THAT the information regarding the receipt of a Metrolinx Notice of Application for Approval to Expropriate for an easement to permit an access path on TRCA property for the Lakeshore Rail Corridor at Long Branch Station be received.**

### BACKGROUND

Metrolinx is undertaking the Lakeshore Rail Corridor Expansion Project as part of the GO Transit Expansion Program. TRCA staff have been working with Metrolinx staff since August 2020 regarding a request for an easement in favour of Metrolinx on TRCA property for an access path at Long Branch Station for the Lakeshore Rail Corridor project.

In cooperation with Metrolinx, TRCA staff have taken the following steps to review and process the request.

- Review of the terms of the original acquisition to ensure compliance. The property was acquired using provincial funding, however, the disposition does not require approval from the Minister of Environment, Conservation and Parks, as the disposition is for provincial infrastructure purposes.
- Review of the proposed scope of the easement area.
- Communication with City of Toronto staff regarding the proposed easement (the property is under management agreement with the City of Toronto).
- Technical staff review of the proposal. The original proposed access path extended into the regulated area. Plans have been revised to remove the path from the regulated area.
- An archaeological review will be required. Metrolinx will be responsible for undertaking the review once the proposed easement area has been defined.
- Awaiting appraisal to facilitate negotiations.

## Item 12.8

On January 11, 2021 TRCA was sent a registered letter advising that on December 17, 2020 the Lieutenant Governor signed an Order-in-Council that permits the expropriation of this property to proceed without a Hearing of Necessity inquiry process.

On January 25, 2021 TRCA received three additional notices of applications to expropriate for the Lakeshore East Central Corridor Expansion Project, each of which is subject to an Order-in-Council permitting the expropriations to proceed without a Hearing of Necessity. TRCA staff are reviewing these requests and will continue to work with Metrolinx to negotiate the terms and resolve any issues or concerns.

### **RATIONALE**

TRCA staff have been working with Metrolinx to review and process a request for easement for an access path on TRCA property for the Lakeshore Rail Corridor at Long Branch Station. On December 17, 2020 the Lieutenant Governor signed an Order-in-Council permitting the expropriation of this property to proceed without a Hearing of Necessity. On January 11, 2021 the Notice of Application for Approval to Expropriate was sent to TRCA.

The correspondence with the Notice of Application for Approval to Expropriate states that the Order-in-Council does not interfere with any rights to compensation under the *Expropriations Act, R.S. O. 1990, c. E.26*. TRCA staff will continue to work with Metrolinx to ensure that the terms of the easement address the requirements of TRCA, the City of Toronto and Metrolinx before the Plan of Expropriation is registered.

### **Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan**

This report supports the following strategy set forth in the TRCA 2013-2022 Strategic Plan: **Strategy 4 – Create complete communities that integrate nature and the built environment**

### **FINANCIAL DETAILS**

TRCA staff will work toward negotiating fair market value for the easement, with Metrolinx being responsible for any associated costs.

### **DETAILS OF WORK TO BE DONE**

TRCA staff will continue to work with Metrolinx toward a mutually satisfactory agreement and compensation, pursuant to the *Expropriations Act, R.S.O. 1990, c.E.26*, which will be brought to the Board of Directors for Approval.

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**Date:** January 22, 2021

**Attachments:** 2

Attachment 1: Site Plan

Attachment 2: Orthophoto