



Motion without Notice

640 Lansdowne Avenue – Lease and Licence

Moved by: Chair Jaye Robinson

Seconded by: Commissioner Shelley Carroll

Summary

The property located at 640 Lansdowne Avenue is TTC title land which was deemed surplus to TTC needs in 1997. In consultation with CreateTO and the Affordable Housing Office, the site will be used for a new affordable housing and long-term care development. The remaining portion of the property zoned Employment Lands will be licensed for short term use by Metrolinx, and a local park is also planned for the site.

On February 27, 2019, the TTC Board was advised that the Licence Fee from Metrolinx for a portion of the property was to be paid in full to the TTC. City Real Estate Services and CreateTO staff concurred with this arrangement.

The following urgent Member's Motion was moved at the June 18-19, 2019 meeting of Toronto City Council. TTC staff was not consulted on this motion.

1. City Council direct that any lease or rental revenue payable with respect to the site at 640 Lansdowne (sic) Avenue, be directed to the City's Affordable Housing Office and the City's Parks, Forestry and Recreation Division for the exclusive use of supporting the creation, development and maintenance of affordable housing uses on this site and to fund costs associated with the creation and construction of a local park.

Without re-opening the item, the TTC will not be receiving the agreed-upon revenue from the Metrolinx Licence Fee.

This motion is urgent because the recommendation pertains to the upcoming City Council meeting on July 16-17, 2019.

Recommendation

1. The TTC Board request City Council to reopen Member Motion MM8.52 and redirect any lease or rental revenue payable, with respect to the site at 640 Lansdowne Avenue, to the Toronto Transit Commission.

Attachments

Attachment 1 – MM8.52: 640 Lansdowne Avenue - Directing Lease of Rental Revenue to Support Affordable Housing

Attachment 2 – TTC Report: 640 Lansdowne Avenue Lease (Affordable Housing) & Licence (Metrolinx)

Date: July 9, 2019



Tracking Status

- City Council adopted this item on June 18, 2019 without amendments.

City Council consideration on June 18, 2019

MM8.52	ACTION	Adopted		Ward: 9
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640 Lansdowne Avenue - Directing Lease or Rental Revenue to Support Affordable Housing - by Councillor Ana Bailão, seconded by Councillor Gary Crawford

City Council Decision

City Council on June 18 and 19, 2019, adopted the following:

1. City Council direct that any lease or rental revenue payable with respect to the site at 640 Lansdowne Avenue, be directed to the City's Affordable Housing Office and the City's Parks, Forestry and Recreation Division for the exclusive use of supporting the creation, development and maintenance of affordable housing uses on this site and to fund costs associated with the creation and construction of a local park.

Background Information (City Council)

Member Motion MM8.52

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-135004.pdf>)

Motions (City Council)

Motion to Introduce Motion without Notice moved by Councillor Ana Bailão (Carried)

That Councillor Ana Bailão be permitted to add to the agenda of today's meeting an urgent Motion without Notice concerning:

640 Lansdowne Avenue - Directing Lease or Rental Revenue to Support Affordable Housing

Reason for Urgency:

This Motion is urgent as it supports affordable housing.

Motion to Adopt Item (Carried)

City Council**Motion without Notice**

MM8.52	ACTION			Ward: 9
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640 Landsdowne Avenue - Directing Lease or Rental Revenue to Support Affordable Housing - by Councillor Ana Bailão, seconded by Councillor Gary Crawford

** This Motion has been deemed urgent by the Chair.*

** This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

Recommendations

Councillor Ana Bailão, seconded by Councillor Gary Crawford:

1. City Council direct that any lease or rental revenue payable with respect to the site at 640 Landsdowne Avenue, be directed to the City's Affordable Housing Office and the City's Parks, Forestry and Recreation Division for the exclusive use of supporting the creation, development and maintenance of affordable housing uses on this site and to fund costs associated with the creation and construction of a local park.

Summary

640 Landsdowne Avenue is a 3.98 acre vacant property that has been declared surplus. Following a process undertaken by CreateTO and the City's Affordable Housing Office, City Council at its meeting on March 27 and 28, 2019 authorized the City to accept a Letter of Intent from Magellan Community Charities and to enter into a lease for affordable housing and long-term care uses on the designated mixed use portion of the site, provided that Magellan Community Charities presents a proposal that is complementary to the affordable housing and long-term care uses on the designated mixed use portion of the site and meets the development objectives articulated by the community. The City will manage the leases. The site is to be under a temporary licence to Metrolinx from June 1, 2019 until December 31, 2023. It has been determined that the various components to the undertakings on this site are compatible in terms of moving forward simultaneously including the affordable housing initiative with Magellan Community Charities, the parks component and the Metrolinx temporary licence.

Background Information (City Council)

Member Motion MM8.52



**For Action
with Confidential Attachment**

640 Lansdowne Avenue Lease (Affordable Housing) & Licence (Metrolinx)

Date: February 27, 2019
To: TTC Board
From: Chief Capital Officer

Reason for Confidential Information

This report is about a proposed or pending land acquisition or disposition of land for municipal or local board purposes and contains advice or communications that are subject to solicitor-client privilege.

Summary

This report provides an update on the status of the TTC's property located at 640 Lansdowne Avenue ("640 Lansdowne") including: details regarding the temporary Licence of a portion of 640 Lansdowne to Metrolinx; the relocation of TTC's Streetcar Maintenance and Infrastructure Department to 301 Rockcliffe Boulevard; and the agreements required to facilitate the construction of affordable housing and long-term care use ("Residential Use") on a portion of 640 Lansdowne Avenue.

This report between has been prepared in cooperation with City Real Estate Services ("CRES") and the Affordable Housing Office ("AHO") regarding the Residential Use arrangements that will be forwarded to City Council for consideration. The temporary Licence to Metrolinx will be approved under delegated authority by CRES and not forwarded to City Council for consideration.

Recommendations

It is recommended that the TTC Board:

1. Approve the execution of the necessary agreements between the TTC ("Landlord"), the Proponent ("Tenant"), and the City of Toronto – Affordable Housing Office ("AHO") on the Terms and Conditions set out in Attachment 1 – Confidential Information for the construction and operation of affordable housing and long-term care, satisfactory to the TTC's General Counsel and the City Solicitor;
2. Authorize the release of the Terms and Conditions as referenced in recommendation #1 above upon execution of the necessary agreements between the TTC, the Proponent and the City of Toronto; and

3. Authorize that the information contained in the confidential attachment that is subject to solicitor-client privilege remain confidential in its entirety.

Implementation Points

The Residential Use of 640 Lansdowne (portions of Parts 1, 2, and 4 on Appendix 1) will be formalized by agreements between the TTC, the City, and the Tenant. The details of these agreements are included in the Attachment 1 – Confidential Information.

The temporary use of Part 3 on Appendix 1 by Metrolinx is anticipated from June 1, 2019 until December 31, 2023, and will be formalized in a Licence Agreement (“Licence”).

In accordance with Toronto Municipal Code Chapter 279, the TTC has authority to approve and enter into temporary and short term licences and leases for the use of lands under the jurisdiction of the TTC. The TTC is working closely with CRES and CreateTO on both the Licence with Metrolinx and Residential Use agreements as these matters are not short term. Approvals for the Residential Use arrangements are being sought from both the TTC Board and City Council in Q1 of 2019. Authority to enter into the Licence to Metrolinx will be sought through the City’s delegated approval authority.

Financial Summary

The financial details of the Metrolinx Licence and Residential Use agreements are outlined in the Attachment 1 - Confidential Information.

Equity/Accessibility Matters

The Residential Use will add affordable housing and long-term care units for the City, which is in accordance with the City’s Housing Opportunities Toronto Action Plan 2010-2020. The Residential Use will have both accessible units and fully accessible common areas.

Decision History

The decision history is contained in Appendix 2.

Issue Background

640 Lansdowne Avenue has been owned by the TTC (under TTC title) since 1925 when it took over operations from the Toronto Railway Company. The property was an active streetcar and trolley bus facility until 1996. It was declared surplus in 1997 and in 2004 the former garage building was demolished due its deteriorated and structurally unsafe condition.

In 2002, as part of the property disposition process, the TTC undertook subsurface environmental testing of the property and discovered trichloroethylene (“TCE”) in soil and groundwater beneath the site.

640 Lansdowne has been partially vacant since the early 2000s being used mainly for TTC and third party outdoor storage. Currently TTC’s Streetcar Maintenance and Infrastructure Department (SMI) is using a portion of the property for storage of streetcar track panel assemblies and associated equipment, which will need to be permanently relocated from 640 Lansdowne.

In 2017, City Council approved the subject property for use as Affordable Housing in accordance with the City’s Housing Opportunities Toronto Action Plan 2010-2020. The current zoning is Industrial (Tr D0.6) within the former City of Toronto Zoning By-law 438-86, and the Site has not been brought into the City’s Consolidated Zoning Bylaw 569-2013. The Site has a split Official Plan designation, as the portion of the Site fronting Lansdowne is designated Mixed Use Areas, and the remainder is designated General Employment Area within the City’s Employment Area. The Residential Use will occupy portions of Parts 1, 2, and 4 on Appendix 1. Part 5 on the plan is allocated for a future park space. Metrolinx will occupy Part 3 for the term of the temporary licence agreement. The designated General Employment Area is expected to contain future uses which are complimentary to the Residential Use.

A public Request for Proposal was issued by CreateTO on behalf of the AHO to determine the Tenant for the Residential Use on the site. The proposed method of disposal of portions of Parts 1, 2 and 4, as identified on Appendix 1, is through a long-term lease (99 years) in accordance with the City’s Housing Opportunities Toronto Action Plan 2010-2020 and the Toronto Seniors Strategy, Version 2.

Metrolinx has approached the City and has requested a temporary licence to occupy Part 3 of 640 Lansdowne Avenue as a construction staging and laydown area for the Metrolinx Davenport Grade Separation Project. Metrolinx will occupy Part 3 for the anticipated period from June 1, 2019 until December 31, 2023. CRES and CreateTO have found TTC an alternative location for the SMI use at the City-owned property of 301 Rockcliffe Boulevard. The TTC will not need to relocate the SMI use, or any other use, back to 640 Lansdowne in the future.

Comments

The TTC declared this property surplus to its operational needs in 1997 and the TTC will remain as the Landlord in the lease agreement(s) for the Residential Use portion of the property.

Contact

Pamela Kraft, Head – Property, Planning and Development
416-590-6108
pamela.kraft@ttc.ca

Signature

Susan Reed Tanaka
Chief Capital Officer

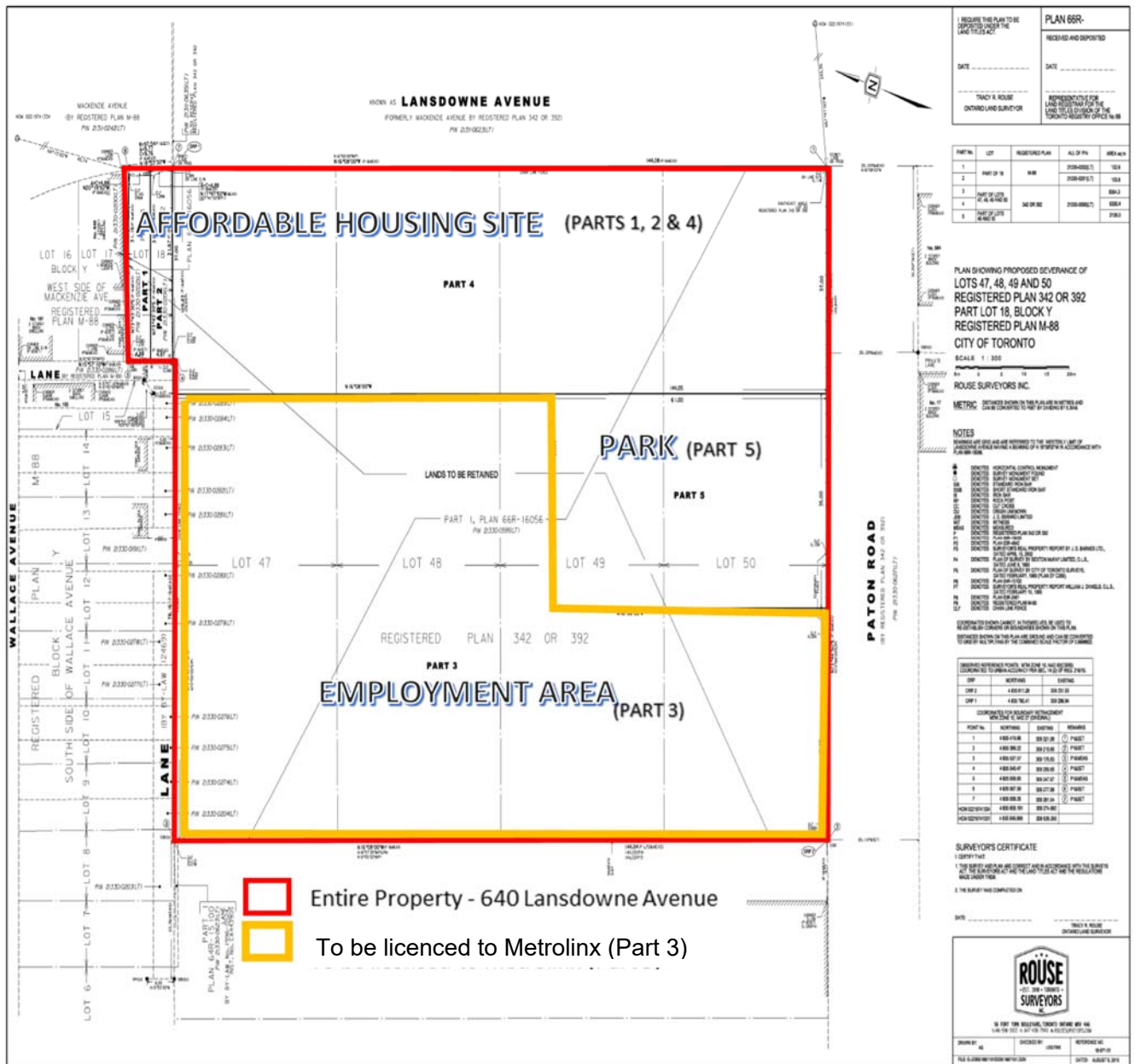
Attachments

Appendix 1 – Plan of 640 Lansdowne Avenue
Appendix 2 – TTC Decision History

Attachment 1 – Confidential Information

SP#03078-31-386

Appendix 1 – Plan of 640 Lansdowne Avenue



1. REQUIRE THIS PLAN TO BE CORRECTED UNDER THE LAND REGISTRY ACT.

PLAN 66R-
NEEDED AND DEPOSITED

DATE: _____ DATE: _____

TRACY R. ROUSE
ONTOARIO LAND SURVEYOR

REPRESENTATIVE FOR LAND REGISTRY FOR THE LAND TITLE DIVISION OF THE TORONTO REGIONAL OFFICE T-18

PART	LOT	REGISTERED PLAN	ALL OF PIN	AREA m ²
1	PART OF 16	888	2330-0283(7)	1024
2	PART OF 16	888	2330-0283(7)	1024
3	PART OF 16	888	2330-0283(7)	1024
4	PART OF 16	888	2330-0283(7)	1024
5	PART OF 16	888	2330-0283(7)	1024

PLAN SHOWING PROPOSED SEVERANCE OF LOTS 47, 48, 49 AND 50 REGISTERED PLAN 342 OR 392 PART LOT 18, BLOCK Y REGISTERED PLAN M-88 CITY OF TORONTO

SCALE: 1:300

ROUSE SURVEYORS INC.

METRIC: DIMENSIONS SHOWN IN THIS PLAN ARE METRIC AND ARE TO BE USED AS SUCH UNLESS OTHERWISE SPECIFIED.

NOTES

1. THE SURVEYOR HAS BEEN ADVISED BY THE METRICIAN THAT THE METRICIAN HAS CONDUCTED A VISUAL CHECK OF THE METRICIAN'S WORK AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE METRIC ACT.

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NO.	DESCRIPTION	AMOUNT	DATE
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SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE METRIC ACT AND THE REGULATIONS MADE THEREUNDER.

2. THE SURVEY WAS COMPLETED ON: _____

DATE: _____

TRACY R. ROUSE
ONTOARIO LAND SURVEYOR

ROUSE SURVEYORS INC.

18 EAST DON MILLS AVENUE, TORONTO, ONTARIO M3B 1W8
416-291-1111

DRAWN BY: _____ CHECKED BY: _____ REFERENCED NO: _____
FILE NO: _____ DATE: _____

Appendix 2 – Decision History

TTC Decision History:

At its meeting on July 15, 1997, the Toronto Transit Commission declared certain properties including 640 Lansdowne Avenue surplus to its operational needs:

[https://www.ttc.ca/About the TTC/Commission reports and information/Commission meetings/2002/Mar 20 2002/Other/Disposal Of Surplus .jsp](https://www.ttc.ca/About%20the%20TTC/Commission%20reports%20and%20information/Commission%20meetings/2002/Mar%2020%202002/Other/Disposal%20Of%20Surplus.jsp)

On March 20, 2002, the Board approved a report entitled “Disposal of Surplus Properties - Method of Sale” approved that 640 Lansdowne was no longer needed for municipal purposes and that the property be disposed of by public sale:

[https://www.ttc.ca/About the TTC/Commission reports and information/Commission meetings/2002/Mar 20 2002/Other/Disposal Of Surplus .jsp](https://www.ttc.ca/About%20the%20TTC/Commission%20reports%20and%20information/Commission%20meetings/2002/Mar%2020%202002/Other/Disposal%20Of%20Surplus.jsp)

On November 20, 2002, the Board approved the report entitled “Status of 1997 Surplus Property” that indicated that the sale of 640 Lansdowne had been placed on hold pending the completion of the environmental cleanup on site and the resolution of City and private interest in the property:

[https://www.ttc.ca/About the TTC/Commission reports and information/Commission meetings/2002/Nov 20 2002/Other/Status Of 1997 Surpl.jsp](https://www.ttc.ca/About%20the%20TTC/Commission%20reports%20and%20information/Commission%20meetings/2002/Nov%2020%202002/Other/Status%20Of%201997%20Surpl.jsp)

On June 18, 2003, the Board approved the demolition of the former Lansdowne Garage building:

[https://www.ttc.ca/About the TTC/Commission reports and information/Commission meetings/2003/Jun 18 2003/Other/Lansdowne Garage Dem.jsp](https://www.ttc.ca/About%20the%20TTC/Commission%20reports%20and%20information/Commission%20meetings/2003/Jun%2018%202003/Other/Lansdowne%20Garage%20Dem.jsp)

A January 31, 2012, a confidential report entitled “Lansdowne Bus Garage - Update” provided an update on the litigation regarding the environmental contamination on the property:

[https://www.ttc.ca/About the TTC/Commission reports and information/Commission meetings/2012/January 31/Reports/Lansdowne Bus Garage.pdf](https://www.ttc.ca/About%20the%20TTC/Commission%20reports%20and%20information/Commission%20meetings/2012/January%2031/Reports/Lansdowne%20Bus%20Garage.pdf)

On November 21, 2012, the Board approved a confidential report entitled “TTC v. General Electric” that provided an update to the 2005 lawsuit regarding the sub-surface contamination of the property:

[https://www.ttc.ca/About the TTC/Commission reports and information/Commission meetings/2012/November 21/Supplementary Reports/TTC vs General Elect.pdf](https://www.ttc.ca/About%20the%20TTC/Commission%20reports%20and%20information/Commission%20meetings/2012/November%2021/Supplementary%20Reports/TTC%20vs%20General%20Elect.pdf)

On August 19, 2014, the Board approved the recommendation of the confidential report entitled “640 Lansdowne Avenue - Update” regarding the environmental contamination on the property:

[https://www.ttc.ca/About the TTC/Commission reports and information/Commission meetings/2014/August 19/Supplementary Reports/640 Lansdowne Avenue Update.pdf](https://www.ttc.ca/About%20the%20TTC/Commission%20reports%20and%20information/Commission%20meetings/2014/August%2019/Supplementary%20Reports/640%20Lansdowne%20Avenue%20Update.pdf)

City Council Decision History:

At its meeting on July 15, 1997, the Toronto Transit Commission declared certain properties including 640 Lansdowne Avenue surplus to its operational needs:

[https://www.ttc.ca/About the TTC/Commission reports and information/Commission meetings/2002/Mar 20 2002/Other/Disposal Of Surplus .jsp](https://www.ttc.ca/About%20the%20TTC/Commission%20reports%20and%20information/Commission%20meetings/2002/Mar%2020%202002/Other/Disposal%20Of%20Surplus%20.jsp)

At its meeting on April 26, 2017, City Council authorized the Director, Affordable Housing Office, to conduct the pre-development investigations and due diligence considered necessary to ensure successful affordable housing proposal calls with respect to three properties, including 640 Lansdowne Avenue:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EX24.17>

At its meeting on May 22, 2018, City Council approved Version 2.0 of the Toronto Seniors Strategy and requested the Director, Affordable Housing Office, in consultation with the Transition Lead, CreateTO, to include the opportunity for the development of a senior's continuum of care model in affordable housing development planned for 640 Lansdowne Avenue:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EX34.2>