



Report to: **General Committee**

Date Report Authored: March 24<sup>th</sup>, 2017

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**SUBJECT:** Reporting Out Of Real Property Acquisitions – 311-313  
Helen Avenue  
**PREPARED BY:** Jacqueline Chan, Assistant City Solicitor

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**RECOMMENDATION:**

- 1) THAT the report entitled “Reporting Out Of Real Property Acquisitions – 311 and 313 Helen Avenue ” be received;
- 2) AND that Staff be authorized and directed to take the actions set out in this report;
- 3) AND that the report entitled “Reporting Out Of Real Property Acquisitions– 311-313 Helen Avenue” and the foregoing resolutions be reported out in the next public Council meeting.

**PURPOSE:**

This report will provide information on the acquisition of the following lands legally described as:

- (a) Part of Lot 7, Plan 2196, designated as Parts 5 and 6, Plan 65R-34549, Markham, being part of the lands municipally known as 313 Helen Avenue, Markham; and
- (b) Part of Lot 7, Plan 2196, designated as Parts 1, 2 & 3, Plan 65R-34549, being part of the lands municipally known as 311 Helen Avenue, Markham;

(collectively, the “**Property**”).

**BACKGROUND:**

Council previously approved the acquisition of the Property.

**OPTIONS/ DISCUSSION:**

This section will describe the Property, the date of acquisition, the purpose for which it was acquired and the amount spent by the City on the acquisition.

The Property consists of a portion (the backyards) of two contiguous residential lots municipally known as 311 and 313 Helen Avenue located at the southeast corner of Helen Avenue and Glenbar Gardens. A sketch of the Property is attached as Attachment #1. Although the two lots were owned by different owners, the owners were represented jointly by one law firm and the acquisition was handled for the most part as one transaction. In this report, for the sake of clarity, the acquisition will be described as one transaction.

The Property was acquired for the purpose of constructing a park in South Unionville. The area of the Property is 3.64 acres. The park on the Property was substantially completed in July, 2016.

The City and the owners of the Property entered into agreements for the conveyance of the Property to the City pursuant to Section 30 of the Expropriations Act ("**Section 30 Agreements**") on July 21<sup>st</sup>, 2013. The Property was conveyed to the City on October 25, 2013. At the time of closing, the total compensation paid to the owners of the Property had not been finalized. Pursuant to the Section 30 Agreements, the owners reserved their right to claim additional compensation for the Property in accordance with their rights under the Expropriations Act.

The City entered into settlement agreements with the owners of 311 and 313 Helen Avenue in 2016 setting out the total compensation payable to the owners in exchange for a full and final release from the City of all claims for compensation under the Expropriations Act. As this was an expropriation, the compensation paid to the owners consisted of compensation for land value, interest on the land value in accordance with the Expropriations Act and the owners' costs (legal, appraisal and other consultants). The City also agreed to complete certain restoration work. The City fully satisfied its obligations in the settlement agreements and received full and final releases from the owners in November 2016.

#### **FINANCIAL CONSIDERATIONS AND TEMPLATE:**

The City paid the owners \$6,144,054 as compensation for land value. In addition, the City paid the owners \$209,380 in interest. Under the Expropriations Act, the City is required to pay interest on the compensation payable to the owners from the date of closing until the date that final payment is made at the rate of 6%. Other costs totaled \$435,962, and they are outlined in the table below.

Land Value	\$ 6,144,054
Interest	\$ 209,380
HST	\$ 82,368
Land Transfer Tax	\$ 67,150
City's Legal Costs	\$ 57,564
Owner's Legal and Consultant's Costs	\$ 211,491
City's Due Diligence and Closing Costs (survey, appraisal, title and off-title, environmental, property tax adjustment)	\$ 17,389
Total	\$ 6,789,396

The total amount of \$6,789,396 was spent to acquire the Property. These funds were funded from Project 13851, Expropriation of Parkland in South Unionville: 311-313 Helen Avenue, and funded by the Parks 5% Cash-in-Lieu Reserve Fund.

**HUMAN RESOURCES CONSIDERATIONS**

Not applicable

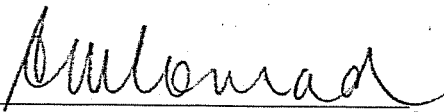
**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Not applicable

**BUSINESS UNITS CONSULTED AND AFFECTED:**

The Finance Department has reviewed and approved this report.

**RECOMMENDED BY:**



Catherine M. Conrad  
City Solicitor and Acting Director of Human Resources

**ATTACHMENTS:**

Attachment No. 1                      311 and 313 Helen Avenue



