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# The Regional Municipality of Durham Report

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To: Works Committee  
From: Acting Commissioner of Works  
Report: #2023-W-35  
Date: September 6, 2023

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**Subject:**

Declaration of Lands as Surplus and Approval to Convey the Surplus Lands to the Adjacent Landowner as part of a Land Exchange for Regional Requirements

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**Recommendations:**

That the Works Committee recommends to Regional Council:

- A) That portions of the properties municipally known as 27 Gibb Street, 31 Gibb Street, 35 Gibb Street, 39 Gibb Street, 43 Gibb Street, and 47 Gibb Street, in the City of Oshawa, legally described as Parts 2, 3, 6, 7, 10, and 11 on Registered Plan 40R-32022 and property municipally known as 40 Quebec Street in the City of Oshawa, legally described as Part Lot 58 Plan 47 Oshawa; Part Lot 59 Plan 47 Oshawa As In D473512 City of Oshawa and identified by PIN 163660144, be declared surplus to Regional Municipality of Durham requirements;
- B) That Regional Municipality of Durham staff be authorized to enter into a Land Exchange Agreement with the adjacent property owner, 1816629 Ontario Inc. under the following terms:
  - i) The Regional Municipality of Durham will transfer the lands described in Recommendation A above and having an estimated market value of \$1,286,500, to 1816629 Ontario Inc. for fair market value;

- ii) 1816629 Ontario Inc. will transfer lands legally described as Part 13 on Registered Plan 40R-32022 and property municipally known as 273 Simcoe Street South in the City of Oshawa, legally described as Part Lot 30 E/S Simcoe Street Plan H50005 Oshawa; Part Lot 30 W/S Celina Street Plan H50005 Oshawa As In D411598 (Secondly & Thirdly) City of Oshawa and identified by PIN 163490036 and having a Fair Market value of \$1,577,900 to the Regional Municipality of Durham;
  - iii) The Regional Municipality of Durham will pay the amount of \$291,400 to 1816629 Ontario Inc. as compensation to account for the difference in the value of the lands associated with the land exchange; and
  - iv) The Regional Municipality of Durham will pay a further amount of \$1,172,452 to 1816629 Ontario Inc. as compensation for the reconfiguration of the parking impacted by the Region's requirement.
- C) That the requirements of Sections 3 and 4 (1) of Regional Municipality of Durham By-law #52-95 be waived to facilitate the land exchange between the Regional Municipality of Durham and 1816629 Ontario Inc.; and
- D) That the Commissioner of Works be authorized to execute all documents associated with this land exchange.
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## Report:

### 1. Purpose

- 1.1 The purpose of this report is to declare lands owned by the Regional Municipality of Durham (Region) surplus to the Region's requirements and to authorize staff to enter into a Land Exchange Agreement with 1816629 Ontario Inc. The proposed exchange is for lands required to facilitate the construction of the Gibb Street – Olive Avenue Connection project in the City of Oshawa (Oshawa).

### 2. Background

- 2.1 The Region will be widening Gibb Street to four lanes from Stevenson Road to Simcoe Street, constructing a new four-lane connection between Gibb Street and Olive Avenue from Simcoe Street to Drew Street, widening of Olive Avenue to four lanes between Drew Street and Ritson Road, and constructing a three metre wide multi-use path on the south side of Gibb Street / Olive Avenue between Stevenson Road and Ritson Road.

- 2.2 Properties located at 27 Gibb Street, 31 Gibb Street, 35 Gibb Street, 39 Gibb Street, 43 Gibb Street, 47 Gibb Street, and 40 Quebec Street in Oshawa are currently vacant properties purchased by the Region for the Gibb Street – Olive Avenue Connection project. The Region will require only a portion of 27 Gibb Street, 31 Gibb Street, 35 Gibb Street, 39 Gibb Street, 43 Gibb Street, and 47 Gibb Street properties for the project. The property at 40 Quebec Street is also a vacant property purchased by the Region to be exchanged with the adjacent property owner for the property requirement from 11 Gibb Street (Attachment #1).
- 2.3 The Region also requires property located at 273 Simcoe Street South and the property described as Part 13 on Registered Plan 40R-33022 in Oshawa for the construction of the Gibb Street – Olive Avenue Connection project. Both properties are currently owned by 1816629 Ontario Inc.
- 2.4 The acquisition of 273 Simcoe Street South will result in the loss of a parking lot and the reduction of on onsite parking with the acquisition of Part 13, which is frontage from 11 Gibb Street (Glazier Medical Clinic).
- 2.5 The property requirements for the project are described by Parts 1, 4, 5, 8, 9, and 12 on Registered Plan 40R-32022. As such, the lands described by Parts 2, 3, 6, 7, 10, and 11 on Registered Plan 40R-32022 and the property at 40 Quebec Street, which comprise approximately 0.415 acres, are surplus to Regional requirements.
- 2.6 A Land Exchange is proposed between the Region and 1816629 Ontario Inc., to minimize the project's impact on the adjacent property owner.

### **3. Property Disposition**

- 3.1 The properties at 27 Gibb Street, 31 Gibb Street, 35 Gibb Street, 39 Gibb Street, 43 Gibb Street, 47 Gibb Street, and 40 Quebec are between Simcoe Street South and Centre Street South in Oshawa. The properties are located close to the amenities of the downtown core, Highway 401, and the future Oshawa GO station.
- 3.2 The properties currently owned by the Region were acquired for the Gibb Street – Olive Avenue Connection project. The Region requires only a portion of these parcels for the project, with the balance of the sites available to facilitate the proposed land exchange for project requirements from 273 Simcoe Street South

and 11 Gibb Street properties. Regional By-law #52-95 established the procedures governing the sale of real property. The first step in the disposal process is to declare the real property surplus to Regional requirements. Internally, notice has been circulated, and responses have confirmed that the said properties are not required. Therefore, the lands can be declared surplus.

- 3.3 1816629 Ontario Inc. is the adjacent landowner to the Region's surplus lands described by Parts 2, 3, 6, 7, 10, and 11 on Registered Plan 40R-33022 and the property at 40 Quebec Street identified with PIN 163660144. 1816629 Ontario expressed an interest in acquiring the Region's properties as part of a land exchange for the Region's requirements.
- 3.4 The Region's surplus lands comprise approximately 0.415 acres with an estimated Fair Market Value of \$1,286,500. The lands required from 1816629 Ontario Inc. is approximately 0.509 acres with an estimated Fair Market Value of \$1,577,900. The difference in Fair Market Value between the two properties is \$291,400 (\$1,577,900 - \$1,286,500) in favour of 1816629 Ontario Inc.
- 3.5 The land exchange agreement will involve 1816629 Ontario Inc. transferring the required property at 273 Simcoe Street South and Part 13 on Registered Plan 40R-32022 for the Fair Market value in exchange for the Region transferring Parts 2, 3, 6, 7, 10, and 11 on Registered Plan 40R-32022 and 40 Quebec Street. In addition to the land exchange and the difference in Fair Market Value, the Region will pay additional compensation of \$1,172,452 to 1816629 Ontario Inc., to reconfigure the parking lot lost as part of the land exchange. The Region has also agreed to pay reasonable legal and transactional fees associated with the transaction.
- 3.6 To facilitate this land exchange, Sections 3 and 4(1) of the Regional By-Law #52-95, must be waived.

#### **4. Financial Implications**

- 4.1 Financing for the land acquisition costs will be provided from the approved project budget for the Gibb Street – Olive Avenue Connection project (Project ID: R0116).

#### **5. Relationship to Strategic Plan**

- 5.1 This report aligns with the following strategic goals and priorities in the Durham Region Strategic Plan:

- a. Community Vitality Goal #2.1: Revitalize existing neighbourhoods and build complete communities that are walkable, well-connected and have a mix of attainable housing.
- b. Economic Prosperity Goal #3.3: Enhance communication and transportation networks to better connect people and move goods more effectively.
- c. Service Excellence Goal #5.1: Optimize resources and partnerships to deliver exceptional quality services and value.

## **6. Conclusion**

- 6.1 Regional staff recommends that the lands noted within this report be declared surplus to Regional needs and that a land exchange agreement be entered into with 1816629 Ontario Inc. based on the terms noted in this report.
- 6.2 This report has been reviewed by Legal Services – Office of the CAO.
- 6.3 For additional information, please contact Christine Dunkley, Director, Corporate Infrastructure and Strategic Business Services, at 905-668-7711 extension 3475.

## **7. Attachments**

Attachment #1: Location Map of Surplus Lands and Glazier Medical Centre Swap

Respectfully submitted,

### **Original signed by:**

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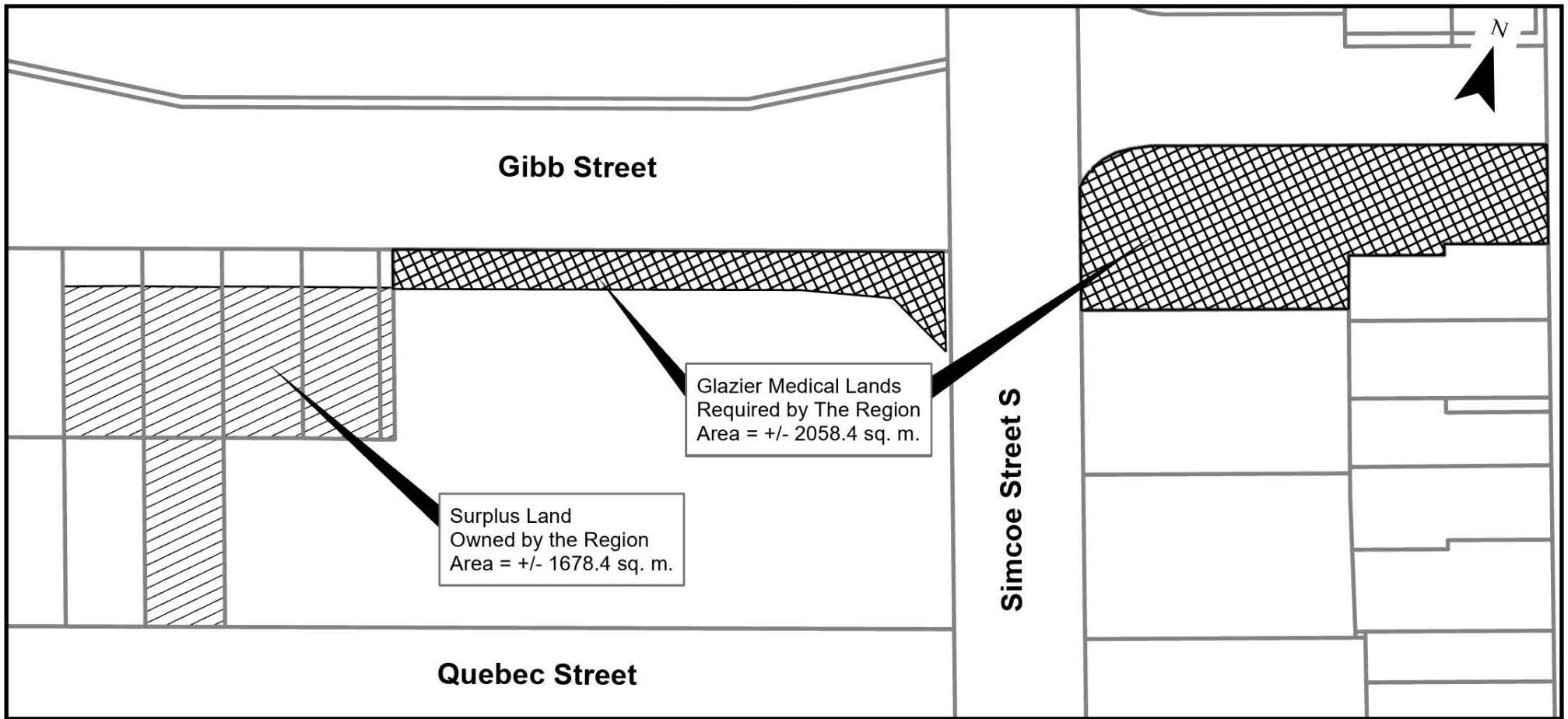
Ramesh Jagannathan, MBA, M.Eng., P.Eng., PTOE  
Acting Commissioner of Works

Recommended for Presentation to Committee

### **Original signed by:**

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Elaine Baxter-Trahair  
Chief Administrative Officer



## Location Map of Surplus Lands and Glazier Medical Center Swap City of Oshawa

-  Glazier Medical Centre lands Required by the Region of Durham
-  Surplus Land
-  Ownership Parcel



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