

Clause 31 in Report No. 12 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on September 20, 2018.

31

Expropriation of Land
West Vaughan Sewage Servicing Project

Committee of the Whole recommends adoption of the following recommendations contained in the report dated August 14, 2018 from the Commissioner of Corporate Services:

1. Council authorize an application for approval to expropriate the lands set out in Attachment 1, for the West Vaughan Sewage Servicing project, in the City of Vaughan.
2. The Commissioner of Corporate Services be authorized to execute the Application for Approval to Expropriate Land and the Notice of Application for Approval to Expropriate Land (the “Notice”) and to serve and publish the Notice, as required under the Expropriations Act (the “Act”).
3. The Commissioner of Corporate Services be authorized to forward to the Chief Inquiry Officer any request for an inquiry that is received and to represent the Region, as necessary, at an inquiry (Hearing of Necessity) held under the Act.
4. Council, as approving authority, approve the expropriation of the lands provided there is no Hearing of Necessity requested and not withdrawn in accordance with the Act. Council approval is deemed to be given effective 31 days following the publication of the Notice and when a Hearing of Necessity is not requested in accordance with the Act.
5. Where approval to expropriate the lands is given, the Commissioner of Corporate Services be authorized to register a plan of expropriation and execute and serve any notices required under the Act.
6. Where approval to expropriate the lands is given, Council authorize the enactment of the necessary bylaw to give effect to these recommendations.

Report dated August 24, 2018 from the Commissioner of Corporate Services now follows:

1. Recommendations

It is recommended that:

1. Council authorize an application for approval to expropriate the lands set out in Attachment 1, for the West Vaughan Sewage Servicing project, in the City of Vaughan.
2. The Commissioner of Corporate Services be authorized to execute the Application for Approval to Expropriate Land and the Notice of Application for Approval to Expropriate Land (the "Notice") and to serve and publish the Notice, as required under the *Expropriations Act* (the "Act").
3. The Commissioner of Corporate Services be authorized to forward to the Chief Inquiry Officer any request for an inquiry that is received and to represent the Region, as necessary, at an inquiry (Hearing of Necessity) held under the *Act*.
4. Council, as approving authority, approve the expropriation of the lands provided there is no Hearing of Necessity requested and not withdrawn in accordance with the *Act*. Council approval is deemed to be given effective 31 days following the publication of the Notice and when a Hearing of Necessity is not requested in accordance with the *Act*.
5. Where approval to expropriate the lands is given, the Commissioner of Corporate Services be authorized to register a plan of expropriation and execute and serve any notices required under the *Act*.
6. Where approval to expropriate the lands is given, Council authorize the enactment of the necessary bylaw to give effect to these recommendations.

2. Purpose

This report seeks Council approval for an application for approval to expropriate property interests in lands required for the West Vaughan Sewage Servicing project in the City of Vaughan.

This report seeks Council approval to expropriate any of the lands for which no Hearing of Necessity is requested and subsequently withdrawn by the owner, and that have not otherwise been acquired by the Region through ongoing negotiations.

The location of the lands is shown in Attachment 2.

3. Background and Previous Council Direction

The Water and Wastewater Master Plan identifies a need to expand the Regional trunk sanitary sewer system

In [April 2016](#), the Region completed the York Region Water and Wastewater Master Plan Update. This study identified a need for additional sewage servicing capacity to meet the projected growth in West Vaughan.

The West Vaughan Sewage Servicing project includes a 14.3-kilometre sewer tunnel from the Kleinburg Water Resource Recovery Facility to the Humber Sewage Pumping Station in Woodbridge. The scope of work also includes construction compounds, maintenance shafts and the construction of a new pumping station to replace the existing Humber Sewage Pumping Station.

This Sewer System Project has three components

The West Vaughan Sewage Servicing Project has three distinct components, 1) the Humber Sewage Pumping Station will have a new building, and the existing building will be kept for storage, 2) the West Vaughan Trunk Sewer Phase I and 3) the West Vaughan Trunk Sewer Phase II.

The Environmental Assessment was completed in 2013 and the Addendum in 2016

The Region completed a Municipal Class Environmental Assessment (Class EA) “Schedule C” process in 2013. A Class EA addendum was completed in 2016 to address beneficial changes to the route alignment and construction methodology. Property requirement changes were identified in the Class EA Addendum. The property required is in accordance with the Class EA and the Class EA Addendum.

Council previously approved an expropriation of land for this project

On [January 25, 2018](#), Council authorized an application for approval to expropriate privately owned properties required for the West Vaughan Sewage Servicing Project. There was a problem with the delivery of the Notice to this property owner, warranting the need to recommence the process.

On [June 28, 2018](#), Council authorized an application for approval to expropriate property interests from various lands in Vaughan for the West Vaughan Sewage Servicing Project. This included the subject property, which is a vacant parcel of land located at the northwest corner of Langstaff Road and Highway 27. Upon

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subsequent review of the easement terms for this parcel, it was decided the easement terms should be revised, and the expropriation process would be re-initiated for the subject land.

Project construction is scheduled to commence in 2021

The construction of the new Humber Sewage Pumping Station is scheduled to commence in 2021 and construction of the sewage tunnel is proposed to commence in 2023. This work was identified in the Region's approved 10-year Capital Plan.

The project requires additional fee simple and permanent easement interests for the Humber Sewage Pumping Station, maintenance shafts and the tunnel corridor.

4. Analysis and Implications

Expropriation ensures possession of required lands to accommodate timely delivery of infrastructure

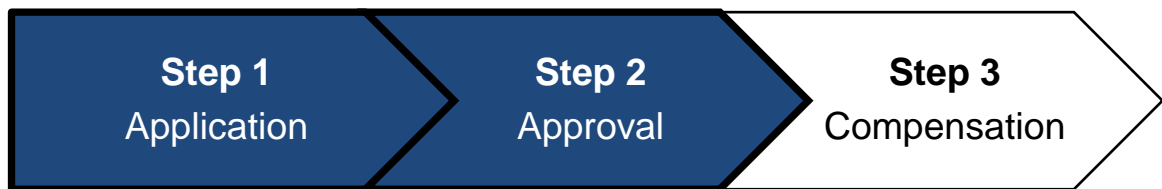
The preferred approach to obtaining land is to negotiate a purchase agreement with the owner. However, in many cases various events affect the timing of negotiations, such as owners who prefer to finalize negotiations at the completion of the project. Expropriation is deemed necessary to ensure possession of lands for the project.

In an effort to secure possession and complete the property acquisition for this project, it is recommended that the expropriation process proceed concurrently with ongoing negotiations. Staff will continue to negotiate an agreement of purchase and sale for the required interests concurrently with the expropriation process, until an expropriation plan has been registered.

Approval by Council is required at various stages of the expropriation process

Council approval is required at three stages in the expropriation process. The first and second steps are the request to Council to authorize an application for approval to expropriate the lands, and the expropriation itself, which involves registration of the expropriation plans. These steps have been combined for this report, as indicated in Figure 1 below. The third step in the process is the approval of compensation amounts to be offered to owners in accordance with the *Act*.

Figure 1
Council Approval Steps



Owners have the right to request a Hearing of Necessity upon receipt of a Notice of Application for Approval to Expropriate

Following Council approval, registered owners are served with a notice of the Region's intention to expropriate. Upon receipt of the Notice of Application for Approval to Expropriate, the owner has the right within 30 days of receipt to request an inquiry (Hearing of Necessity) to determine whether the taking of the land by the Region is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority.

If an owner requests a Hearing of Necessity, then subsequent to the Hearing, an inquiry officer will provide a report providing an opinion as to whether the taking is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority, including an explanation for the Inquiry Officer's findings.

Registration of an expropriation plan will secure title of the lands by the Region

In the event of a Hearing of Necessity, staff will report to Council on the Inquiry Officer's findings, and make recommendations whether expropriation of the lands should proceed. If no Hearing of Necessity is requested, an expropriation plan will be registered at the Land Registry Office within three months of Council granting approval of a by-law to proceed with the expropriation.

Registration of the expropriation plan is a key step in the expropriation process. It is at this point that the Region acquires title to the interest in the land. Following the registration of the expropriation plan, the Notice of Expropriation and Possession will be served on the owner.

Environmental due diligence will be completed prior to the Region taking ownership of the Lands

Environmental due diligence is currently underway and remains to be completed. Prior to registration of the expropriation plans, the results of the environmental

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due diligence conducted for the lands will be reviewed by staff, including consultation with Legal Services. In the event environmental impacts are identified, staff will take the necessary steps to minimize the Region's exposure to environmental risk and liability and may report to Council with recommendations depending on the nature and extent of the impacts.

5. Financial Considerations

Funding for this property acquisition is included in the 2018 Environmental Services Capital Budget.

6. Local Municipal Impact

The West Vaughan Sewage Servicing project will benefit the residents and the businesses of the City of Vaughan by providing added servicing capacity to facilitate development in the municipality.

7. Conclusion

The purpose of the West Vaughan Sewage Servicing project is to provide sewage servicing capacity to meet the planned and projected growth servicing demands in West Vaughan.

This report seeks Council approval to expropriate property interests from an individual property owner that are required for the construction of the West Vaughan Sewage System.

Negotiations with the property owner to acquire the lands are proceeding concurrently with the expropriation process. Staff will continue to negotiate the acquisition of the required property interests until expropriation plans are registered. In the event of successful negotiations, expropriation proceedings will be discontinued.

For more information on this report, please contact Michael Shatil, Director, Property Services at 1-877-464-9675 ext. 71684.

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The Senior Management Group has reviewed this report.

Recommended by:

Approved for Submission:

Dino Basso
Commissioner of Corporate Services

Bruce Macgregor
Chief Administrative Officer

August 14, 2018

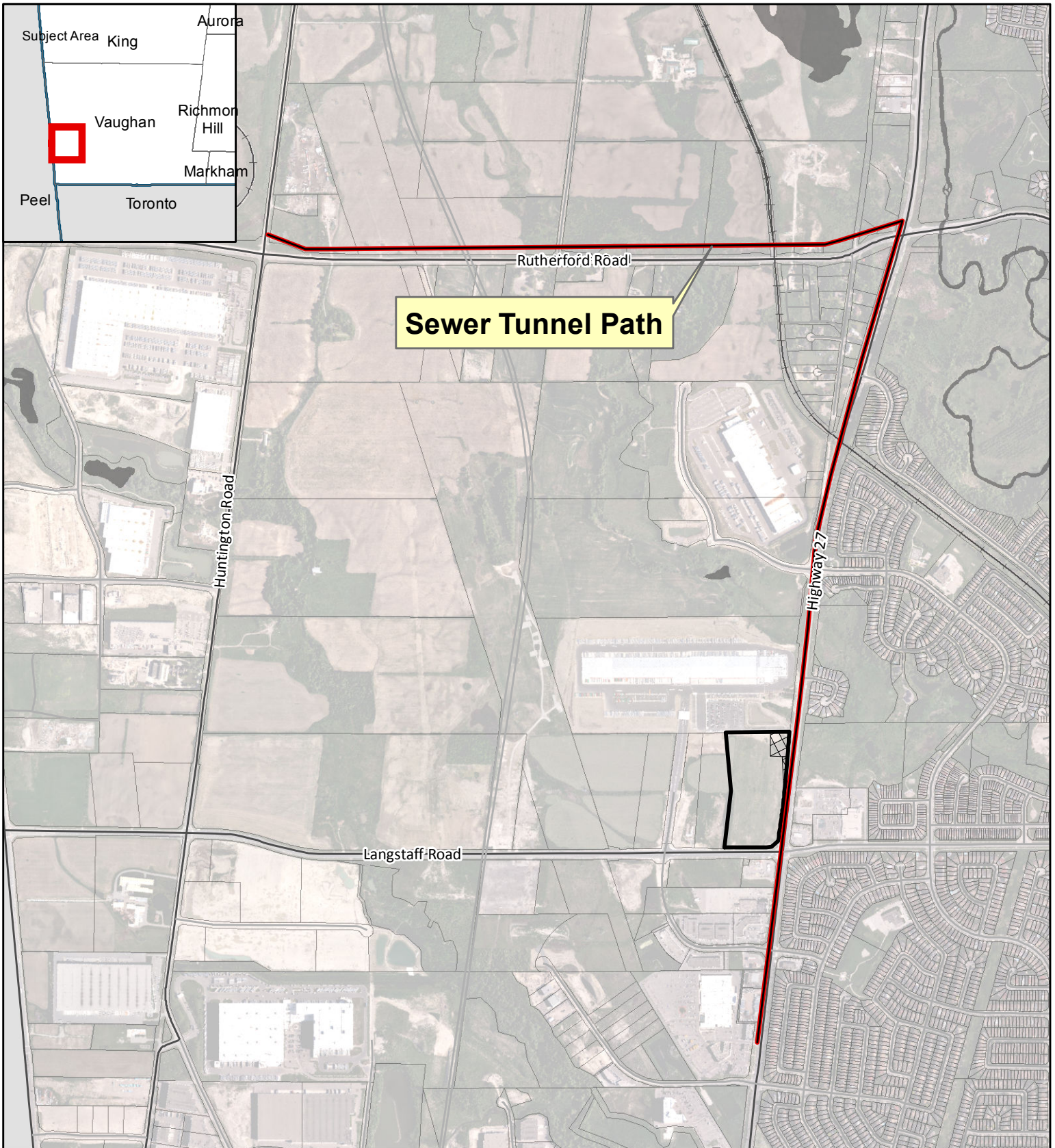
Attachments (2)

eDOCS #8801432

Accessible formats or communication supports are available upon request

**Property Schedule
Expropriation of Land
West Vaughan Sewage Servicing Project**

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Hunter Fifty Investments Limited (c/o ZZEN Group) (Compound 4)	Vacant Land at the northwest corner of Langstaff Road and Highway 27 Vaughan	Parts 1, 2 Plan 65R36154	Fee Simple
			Part 3, Plan 65R36154	Permanent Easement
<p>The Permanent Easements required are described as a limited interest in perpetuity being a permanent easement or rights in the nature of a permanent easement in, under, over, along and upon and for municipal purposes including, but not limited to, entering on the lands with all vehicles, machinery, workmen and other material (i) to construct and maintain permanent municipal infrastructure which may include installation, maintenance, relocation, and/or removal of a sanitary trunk sewer and ancillary installations, (ii) for construction purposes which may include, but are not limited to, (1) relocation of existing services and utilities, (2) staging and storage of materials and equipment, (3) geo-technical testing, borehole testing, and other investigative works, (4) removal, relocation and/or installation of signage, (5) hard and soft landscaping, paving, grading and reshaping the lands to the limit of reconstruction of municipal roads, (6) the installation and removal of temporary (i) pedestrian access and walkways, (ii) parking measures including re-striping of aisles, lanes and parking stalls, (iii) shoring and formwork, (iv) drainage and erosion/sediment control measures, (v) traffic signals, (vi) fencing, and (vii) handrails, and (7) works ancillary to any of the foregoing and necessary to the works to be performed in association with the purpose of implementing the sanitary sewer known as the West Vaughan Sewage System.</p>				



Sewer Tunnel Path



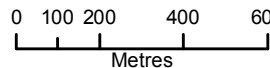
Location Plan

Expropriation of Land
West Vaughan Sewage
Servicing Project
September 6, 2018

Produced by:
The Regional Municipality of York
Property Services, Corporate Services
August 2018

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Legend

- Subject Property
- Interest Required
- Parcel
- Road
- Railway