

Clause 20 in Report No. 1 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on January 25, 2018.

20

Expropriation of Land - West Vaughan Sewage Servicing Project -
City of Vaughan

Committee of the Whole recommends adoption of the following recommendations contained in the report dated January 4, 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 those Lands provided there is no Hearing of Necessity requested in accordance with the Act.
5. Approval is deemed to be given effective 31 days following the publication of the Notice of Application for Approval to Expropriate Land and a Hearing of Necessity is not requested.
6. 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.
7. Where approval to expropriate the Lands is given, Council authorize the introduction of the necessary bylaw to give effect to these recommendations.

Report dated January 4, 2018 from the Commissioner of Corporate Services now follows:

Expropriation of Land
West Vaughan Sewage Servicing Project
City of Vaughan

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 those Lands provided there is no Hearing of Necessity requested in accordance with the *Act*.
5. Approval is deemed to be given effective 31 days following the publication of the Notice of Application for Approval to Expropriate Land and a Hearing of Necessity is not requested.
6. 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*.
7. Where approval to expropriate the Lands is given, Council authorize the introduction 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 four properties 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 that have not otherwise been acquired by the Region through ongoing negotiations.

The location of the lands is shown in Attachments 2 and 3.

3. Background

The Water and Wastewater Master Plan identifies a need to expand the Regional trunk sanitary sewer system to meet growth in West Vaughan

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, but 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.

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 fee simple, permanent easement, permanent sub-surface strata easement and temporary easement interests for the Humber Sewage Pumping Station, maintenance shafts and the tunnel corridor. The Class EA and Class EA Addendum show permanent easements and temporary easements for staging during construction. Construction of the tunnel portion is scheduled for completion in 2028.

4. Analysis and Implications

The term of most of the temporary easement requirements has warranted the need for fee simple takings

Temporary easement compensation is typically based on a rental rate of 10 per cent of the market rate per acre per annum. Therefore, 10 years of compensation for a temporary easement will equal 100 per cent of market value. Acquiring fee simple, rather than temporary easement interests will result in better economic value for the Region.

Fee Simple and/or Permanent Easement Interests are required from all properties

Fee simple and/or permanent easement interests are required from all four properties identified in Attachment 1. Additionally, a temporary limited interest (TLI) is required from Property 2 for 180 days to permit access to the tunnel path for geo-technical borehole analysis to complete the detailed design.

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. Expropriation is deemed necessary to ensuring possession of lands for the project.

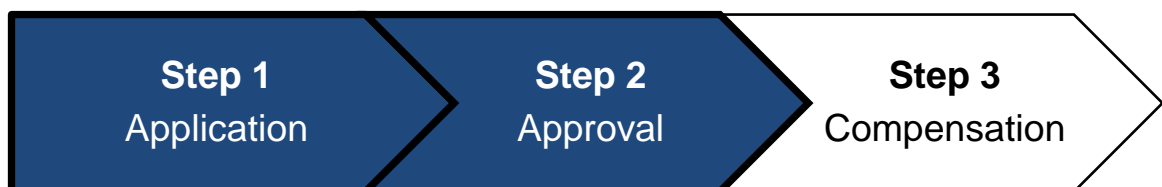
Staff will continue to negotiate agreements of purchase and sale for the required interests concurrently with the expropriation process, until an expropriation plan has been registered.

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

Approval by Council is required at three stages in the expropriation process. These include the request to Council to authorize an application for approval to expropriate the lands, the expropriation of the lands, and the offer of compensation made to the former owner of the lands for the losses incurred as a consequence of the expropriation.

In an effort to ensure possession of the lands to meet the construction schedule, the first and second steps in the Council approval process have been combined for this report, as indicated in the graphic below. The third step will be the subject of a future report to Council, in the event the expropriation proceeds. Possession of the lands cannot be obtained until this third step has been completed and the owner is served an offer of compensation.

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 Land

Upon receipt of the Notice of Application for Approval to Expropriate Land, each owner has 30 days to request an inquiry (Hearing of Necessity) as to whether the taking of the lands by the Region is fair, sound and reasonably necessary.

If an owner requests a Hearing of Necessity, then subsequent to the Hearing, an Inquiry Officer will give an opinion as to whether the taking is fair, sound and reasonably necessary.

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Future reports will be presented to Council as the expropriation process proceeds

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 there is no Hearing of Necessity, the report to Council will address only the expropriation.

After the expropriation, the Region is required under Section 25 of the *Act* to serve an offer of compensation within three months of registration of the expropriation plan. The offer will be based on an appraisal of market value and damages, and possession cannot be secured until the offer of compensation has been served.

The amount of this offer will be reported to Council once the appraisal report has been completed and before the offer has been served on the owner and possession of the land is secured.

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 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.

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 City of Vaughan by providing added servicing capacity to facilitate development in the municipality.

7. Conclusion

The purpose of the West Vaughan Sewage System 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 four property owners required for the construction of the West Vaughan Sewage System.

Negotiations with property owners to acquire the lands are proceeding concurrently with the expropriation process. Staff will continue to negotiate the acquisition of required properties 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 Branch at 1-877-464-9675 ext. 71684.

The Senior Management Group has reviewed this report.

January 4, 2018

Attachments (3)

eDOCS #8120876

Accessible formats or communication supports are available upon request

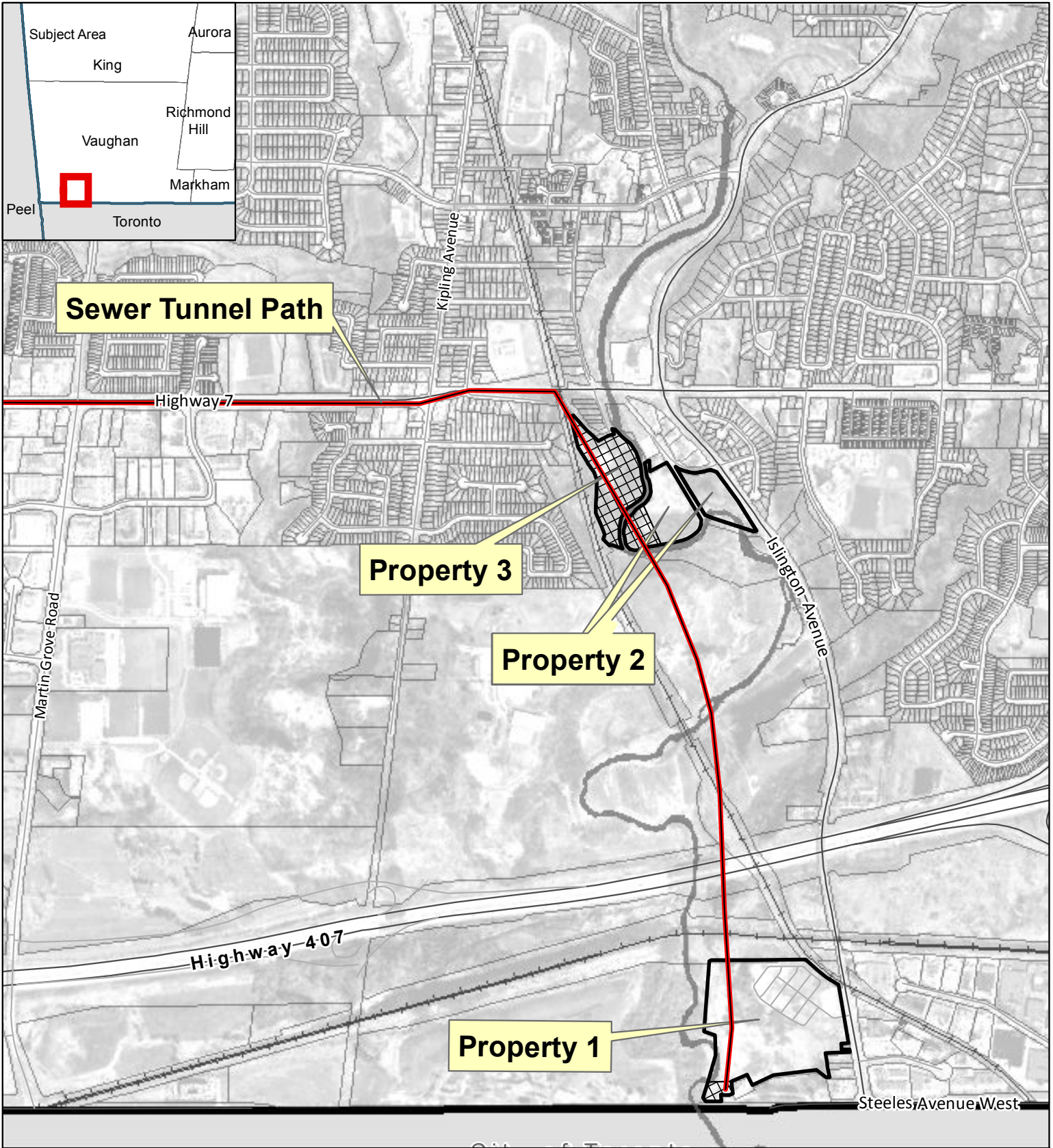
**Property Schedule
Expropriation of Land
West Vaughan Sewage Servicing Project
City of Vaughan**

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Islington-Steeles Ventures Inc.	7082 Islington Avenue Vaughan	Parts 1, 2, 3, 4, 5, 6, 7, 8 Plan 65R36250	Fee Simple
			Parts 1, 2, 3 Plan 65R36249	Permanent Easement
			Parts 1, 2, 3, 4 Plan 65R37454	Fee Simple
2.	1626740 Ontario Inc.	7642 Islington Avenue Vaughan	Part 4 Plan 65R36236	Permanent Easement
			Part 1 Plan 65R37433	Temporary Limited Interest
3.	Overriver Holdings Limited	Vacant land south of Wallace Street Vaughan	Parts 5, 6, 10, 11, 12 Plan 65R36425	Permanent Easement
			Parts 1, 2, 3 Plan 65R36596	Permanent Sub-surface Strata Easement
4.	Hunter-Fifty Investments Limited	Vacant land n/w corner of Highway 27 And Langstaff Road Vaughan	Part 1 Plan 65R36154	Fee Simple
			Parts 2, 3 Plan 65R36154	Permanent Easement

The Temporary Limited Interest is required for 180 days following the registration of the expropriation plan, for the purpose of obtaining access to drill three boreholes and obtain geotechnical information necessary to complete the detailed subsurface tunnel engineering design of the West Vaughan Sewer.

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)

No.	Owner	Municipal Address	Legal Description	Interest Required
<p>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> <p>The Permanent Sub-surface Strata Easement required is described as a limited interest in perpetuity being a permanent easement or rights in the nature of a permanent easement below the surface for municipal purposes including, but not limited to, (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) 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

Highway 7

Property 3

Property 2

Property 1

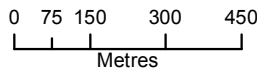


Location Plan
 Expropriation of Land
 West Vaughan Sewage
 Servicing Project
 City of Vaughan
 January 18, 2018

Produced by:
 The Regional Municipality of York
 Property Services, Corporate Services
 December 2017

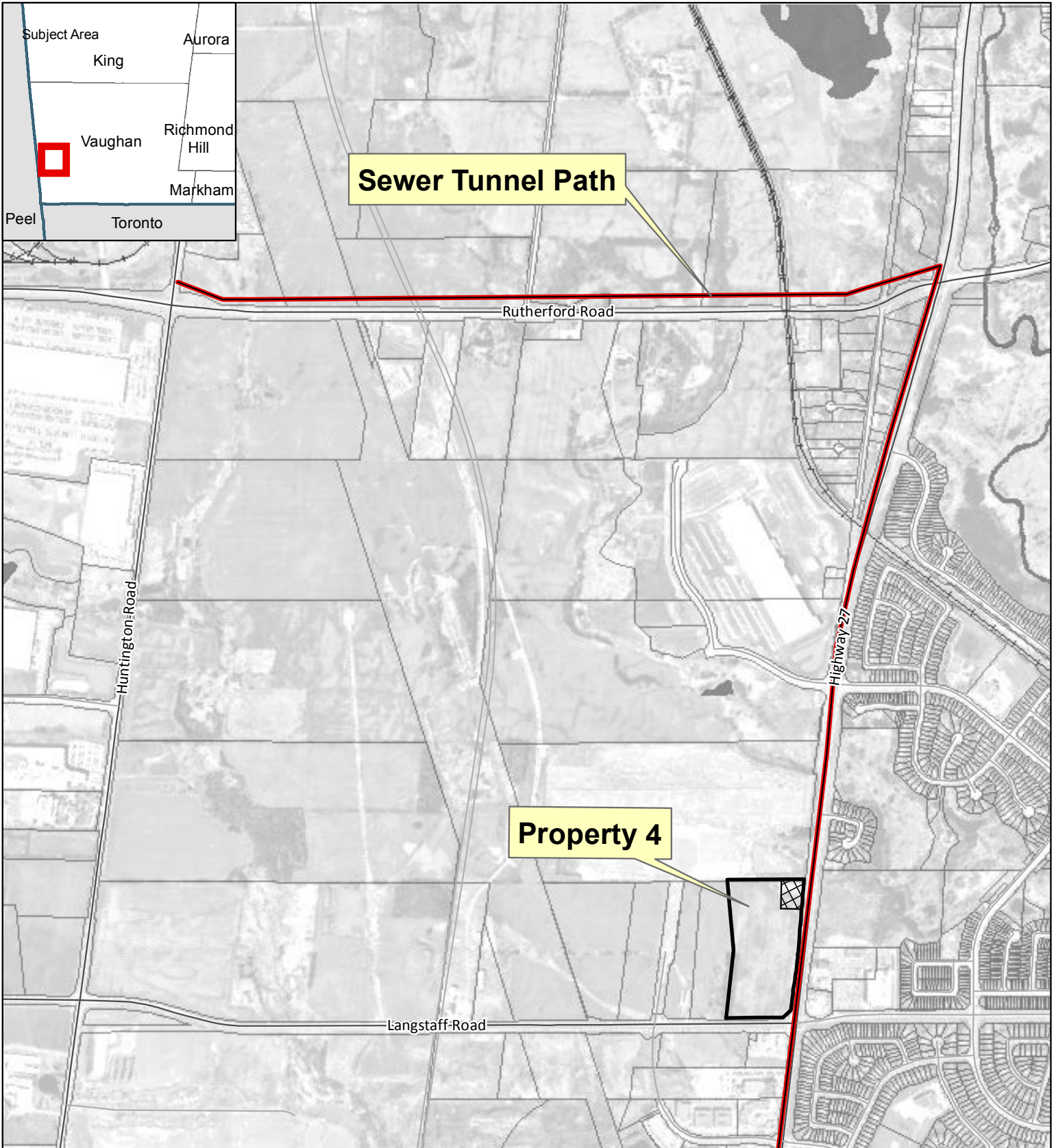
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Legend

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



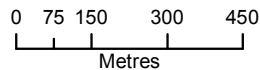
Location Plan

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Legend

- Subject Property
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- Road
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