

Clause 21 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.

21

Compensation for Expropriation - Major Mackenzie Drive from Highway 50 to Highway 427 Interchange - City of Vaughan

Committee of the Whole recommends adoption of the following recommendation contained in the report dated January 4, 2018 from the Commissioner of Corporate Services:

1. Council authorize the Commissioner of Corporate Services to make offers of compensation to the owners of lands in the City of Vaughan, as set out in Attachment 1, which were acquired in accordance with the Expropriations Act (the "Act").

---

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

1. Recommendations

It is recommended that:

1. Council authorize the Commissioner of Corporate Services to make offers of compensation to the owners of lands in the City of Vaughan, as set out in Attachment 1, which were acquired in accordance with the *Expropriations Act* (the "Act").

2. Purpose

This report seeks Council approval to serve offers of compensation under section 25 of the *Act* to owners whose lands have been expropriated for the widening of Major Mackenzie Drive from Highway 50 to Highway 427 interchange, in the City of Vaughan.

Compensation for Expropriation  
Major Mackenzie Drive from Highway 50  
to Highway 427 Interchange  
City of Vaughan

Private Attachment 1 to this report will be considered in private session as it relates to the acquisition of land by the Region.

### 3. Background and Previous Council Direction

Major Mackenzie Drive is being widened between Highway 50 and the Highway 427 interchange in Vaughan

The Ministry of Transportation of Ontario (MTO) is extending Highway 427 from Highway 7 to Major Mackenzie Drive, including an interchange at Major Mackenzie Drive. At the same time, the Region is undertaking improvements to Major Mackenzie Drive from Highway 50 to the Highway 427 interchange, in the City of Vaughan to widen the road from two to six lanes. The improved roadway will tie into the Highway 427 interchange and include Transit-HOV lanes and off-street cycling facilities.

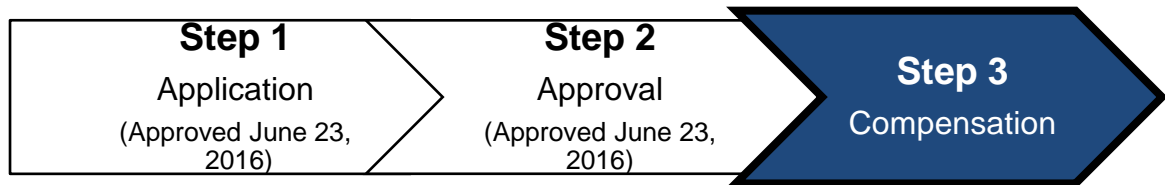
The property acquisitions that are the subject of this report are privately owned lands located east of Highway 50 and west of the Canadian Pacific Railway crossing. The location of the properties is shown in Attachment 2.

This report is for the third of the three steps in the Council approval process for expropriations

On [June 23, 2016](#), Council authorized the application for approval to expropriate and the expropriation of interests from property owners who had not requested a Hearing of Necessity. No requests for a Hearing of Necessity were received for the six properties that are the subject of this report.

The graphic below summarizes the three steps in the process for obtaining approval by Council for expropriation. This report is for the third and final step in the expropriation approval process. Upon approval by Council of this step, completion of the process will involve the Region serving offers of compensation to the owners and obtaining possession of the required lands.

**Figure 1**  
**Council Approval Steps**



#### 4. Analysis and Implications

Possession of expropriated lands will be obtained after serving the offers of compensation

The Region acquired title to the lands when the expropriation plans were registered at the Land Registry Office on August 3, 2017. In accordance with the *Act*, the Region cannot obtain possession until a minimum of three months after notifying owners that the expropriation plans have been registered. In addition, it is necessary to make offers of compensation to owners as a prerequisite to obtaining possession of the expropriated lands. The offers of compensation are proposed to be delivered in anticipation of possession of the lands on February 15, 2018. Utility relocation is scheduled to commence in spring 2018.

Independent reports have established the compensation which forms the basis of offers

Independent consultants were commissioned to provide estimate reports of compensation. The reports include appraisals of market value for the lands expropriated and, if applicable, estimates of compensation for damages for loss of improvements (such as landscaping or parking) and injurious affection (the loss of value to the lands retained by the owner).

Section 25 of the *Act* requires the Region to make two offers of compensation to an owner. The first is an offer of full compensation for the market value of the lands expropriated and any damages for loss of improvements and injurious affection. If the owner accepts the offer, then the owner, with a few exceptions, accepts the offer in full satisfaction of any claims the owner may have with respect to the expropriation.

Compensation for Expropriation  
Major Mackenzie Drive from Highway 50  
to Highway 427 Interchange  
City of Vaughan

The second offer is to pay the owner the market value of the lands expropriated and does not include an offer to pay any other damages such as damages for loss of improvements or injurious affection. If an owner accepts the second offer, the owner may make a future claim for additional compensation in accordance with the *Act*.

In the event that an owner does not accept the first offer of compensation, staff will endeavour to negotiate full and final settlement.

Environmental due diligence is underway

A contamination overview study was completed for the project. A review of the results of the contamination overview study and identification of properties requiring further environmental investigation was carried out in consultation with Legal Services. Based on the results, Phase One Environmental Site Assessments (ESAs) were completed at five sites. The results identified the need to complete a Phase Two ESA at all five sites. The lands in the area are occupied by freight container storage businesses.

Staff continues to work with the property owners to access the lands and complete the required environmental investigations. Prior to delivery of offers, Property Services and Legal Services will review the findings of the Phase Two ESAs. In the event environmental impacts are identified, staff will take necessary steps to minimize the Region's exposure to environmental risk and liability and, if necessary, report to Council with recommendations.

## 5. Financial Implications

Funding required to complete the property acquisitions has been included in the 2017 Capital Budget for Transportation Services, Capital Delivery, Roads.

## 6. Local Municipal Impact

Once construction is complete, the widening and reconstruction of Major Mackenzie Drive will provide upgraded capacity to improve traffic operations for the travelling public and support the accommodation of the forecasted growth within this area, as established by the York Region Official Plan.

Compensation for Expropriation  
Major Mackenzie Drive from Highway 50  
to Highway 427 Interchange  
City of Vaughan

## 7. Conclusion

On August 3, 2017, expropriation plans were registered for the lands required for Major Mackenzie Drive from Highway 50 to the Highway 427 interchange, in the City of Vaughan. The *Act* requires that offers of compensation for expropriated lands be served on the registered owner before taking possession. The proposed offers are based on estimates provided by independently commissioned appraisers. It is recommended that the offers set out in this report be served in accordance with the *Act*.

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 (2)

Private Attachments (1)

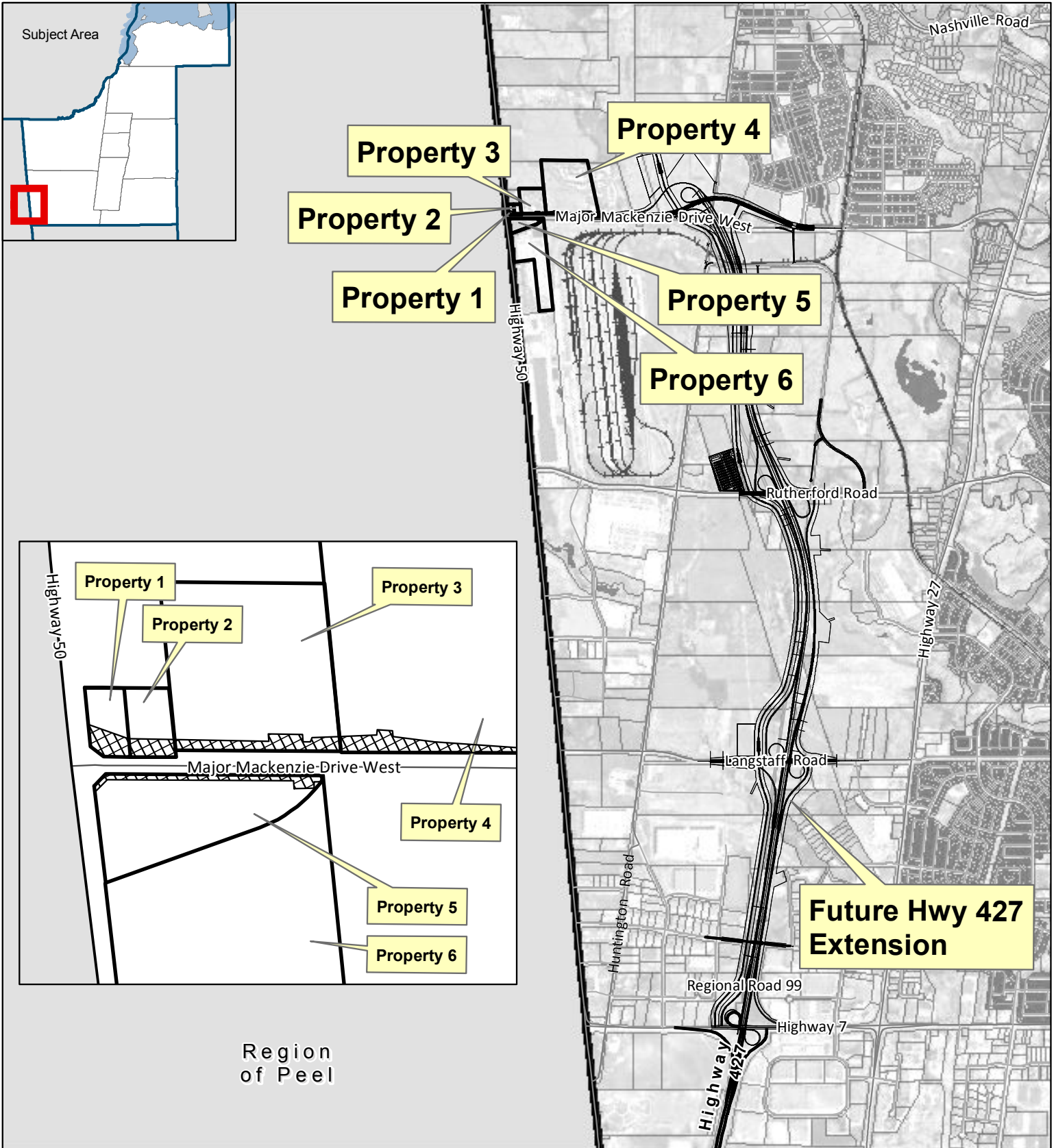
eDOCS #8120918

Accessible formats or communication supports are available upon request

**Property Schedule  
Compensation for Expropriation  
Major Mackenzie Drive from Highway 50 to Highway 427 Interchange  
City of Vaughan**

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
1.	2138192 Ontario Inc.	10021 Highway 50 Vaughan	Part 1, Plan 65R36395	Fee Simple
2.	Singh, Jaswinder Khangura, Harkit Khangura, Jaswinder Mann, Harpreet Mann, Parmjit Lally, Surjit	7300 Major Mackenzie Drive Vaughan	Part 1, Plan 65R36388	Fee Simple
			Part 2, Plan 65R36388	Temporary Easement
3.	3942198 Canada Inc.	7290 Major Mackenzie Drive Vaughan	Part 1, 2, Plan 65R36393	Fee Simple
			Part 3, Plan 65R36393	Temporary Easement
4.	Guscon Mackenzie Ltd.	7050 Major Mackenzie Drive Vaughan	Part 1, 2, Plan 65R36392	Fee Simple
			Part 3, Plan 65R36392	Temporary Easement
5.	666248 Ontario Limited	7301 Major Mackenzie Drive Vaughan	Parts 1, 2, 5, Plan 65R36390	Fee Simple
			Parts 3, 4, Plan 65R36390	Temporary Easement
6.	Consolidated Fastfrate (Ontario) Holdings Inc.	9701 Highway 50 Vaughan	Part 1, Plan 65R36389	Fee Simple

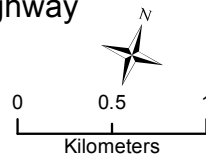
The temporary easements will commence on March 31, 2017 and expire on December 31, 2022, and are required for the purpose of entering on the lands with all vehicles, machinery, workmen and other material for construction purposes, which may include (1) relocation of existing services and utilities, (2) work that supports the construction of municipal infrastructure within the Region's right of way, (3) staging and storage of materials and equipment, (4) geotech testing, borehole testing, and other investigative works, (5) removal, relocation and/or installation of signage, (6) landscaping, paving, grading and reshaping the lands to the limit of the reconstruction, (7) the installation and removal of temporary infrastructure related to the construction, and (8) works ancillary to any of the foregoing.








Region of Peel

**Location Plan**

Compensation for Expropriation  
 Major Mackenzie Drive from Highway  
 50 to Highway 427 Interchange  
 City of Vaughan  
 January 18, 2018



**Legend**

-  Subject Properties
-  Interest Required
-  Parcel
-  Road
-  Railway



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

Data: © Queen's Printer for Ontario 2003-2017

Imagery:  
 See York.ca for disclaimer information.  
 © First Base Solutions Inc. 2016