

Clause 22 in Report No. 11 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on June 23, 2016.

22

Approval to Expropriate  
Yonge Street from Davis Drive to Green Lane  
Town of Newmarket and Town of East Gwillimbury

Committee of the Whole recommends adoption of the following recommendations contained in the report dated June 2, 2016 from the Commissioner of Corporate Services:

1. Council, as approving authority, approve the expropriation of lands set out in Attachment 1, for the widening and reconstruction of Yonge Street, in the Town of Newmarket and the Town of East Gwillimbury.
2. The Commissioner of Corporate Services be authorized to execute and serve any notices required under the *Expropriations Act* (the “Act”).
3. Council authorize the introduction of the necessary by-law to give effect to these recommendations.

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Report dated June 2, 2016 from the Commissioner of Corporate Services now follows:

1. Recommendations

It is recommended that:

1. Council, as approving authority, approve the expropriation of lands set out in Attachment 1, for the widening and reconstruction of Yonge Street, in the Town of Newmarket and the Town of East Gwillimbury.
2. The Commissioner of Corporate Services be authorized to execute and serve any notices required under the *Expropriations Act* (the “Act”).
3. Council authorize the introduction of the necessary by-law to give effect to these recommendations.

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## 2. Purpose

This report seeks Council approval, in accordance with the *Act*, to expropriate land required for the widening of Yonge Street, from Davis Drive in the Town of Newmarket, to Green Lane in the Town of East Gwillimbury, as shown in Attachment 2.

## 3. Background

The Region is planning to widen Yonge Street from four to six lanes, from Davis Drive to Green Lane

The Environmental Study Report was completed in 2008, as part of the Viva work on Yonge Street. It recommended the widening of Yonge Street, from Davis Drive in Newmarket to Green Lane in East Gwillimbury, from four to six lanes.

Negotiations continue in order to acquire the necessary properties with a view to pre-construction commencing in 2017

The project requires portions of land from 25 properties to accommodate road construction. Possession of the lands is required by the end of 2016 for utility relocations and other pre-construction activities to commence in 2017, with road construction planned for 2020.

Negotiations and expropriation can occur concurrently. Securing the property through the expropriation process will provide certainty that construction can proceed as scheduled.

In November 2015, Council authorized the application for approval to expropriate lands

On November 19, 2015, Council authorized an application for approval to expropriate the subject lands from 25 property owners. The Notice of Application to Expropriate was served on the owners on April 22, 2016.

Upon receipt of the Notice of Application to Expropriate, each owner had the right within 30 days, May 24, 2016, to request an inquiry (Hearing of Necessity) to determine whether the taking of the land by the Region is fair, sound and reasonably necessary. One owner has requested a Hearing of Necessity and is not included in the recommendations of this report. The result of the hearing will be the subject of a future report to Council.

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The 24 owners that are the subject of this report did not request a hearing and as such, the Region is able to proceed to the next phase of expropriation which is the approval to expropriate.

This is Step 2 in the Council approval process for property expropriation, as indicated on the following graphic.



#### 4. Analysis and Options

The Region will obtain ownership of the lands upon registration of the expropriation plans

Expropriation plans will be prepared for the subject properties. Upon obtaining approval of the expropriation by Council, the plans will be registered and notices of expropriation and possession will be served on the owners. The Region can take possession and obtain access to the required lands a minimum of three months after the service of the notices.

A future report to Council will be presented to seek approval to compensate the owners in accordance with the *Act*

Appraisals will be prepared after the expropriation plans are registered and will support offers of compensation to be made before possession can be taken by the end of 2016. Following possession, the Region will be able to enter the land for construction purposes.

For all expropriated properties, offers of compensation will be made to the property owners in accordance with section 25 of the *Act*. Service of the offers will secure possession for construction/utility relocation to continue. A future report will be presented to Council to approve service of offers of compensation.

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Environmental due diligence is under way

A Contamination Overview Study was completed for the corridor. Based on a review of this information, Phase One Environmental Site Assessments (ESAs) were conducted on twelve of the properties.

Eleven Phase One ESAs recommended the completion of a Phase Two ESA to assess soil and groundwater conditions at the site. The results of the Phase Two ESAs will be reported to Council at Step 3 of the process.

Link to key Council-approved plans

The proposed acquisition for the Yonge Street project supports the objectives of Vision 2051, the Regional Official Plan and the 2015 to 2019 Strategic Plan.

One of the goal areas of Vision 2051 is Interconnected Systems for Mobility, which the project addresses by providing an interconnected network for mobility that links people to jobs. As well, the Yonge Street project supports one of the objectives of the Regional Official Plan which is to ensure streets support all modes of transportation. Lastly, an objective identified in the Strategic Plan is the focus on networks and systems that connect people, goods and services.

## 5. Financial Implications

The funding to complete the property acquisition for this project has been included in the 2016 Capital Budget for Transportation Services, Capital Delivery – Roads.

## 6. Local Municipal Impact

Once construction is complete, the widening of Yonge Street to six lanes, in the Town of Newmarket and the Town of East Gwillimbury, will provide upgraded capacity to improve traffic operations for the travelling public, and to meet expected growth in the area.

## 7. Conclusion

Council approved the initiation of the expropriation process in November, 2015 for the 25 properties required for the Yonge Street project. This report requests approval to proceed to register expropriation plans, and to serve notices of

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expropriation and possession upon 24 of the owners. One property has been withheld pending resolution of the Hearing of Necessity request and will be the subject of a future report to Council. Upon registration of the expropriation plans, the Region will have ownership of the lands.

This is the second step toward obtaining the authority to get possession of the lands required to widen and reconstruct Yonge Street, from Davis Drive in the Town of Newmarket to Green Lane in the Town of East Gwillimbury.

Construction is scheduled to commence in April 2020, and utility relocations will commence in the spring of 2017. In order to ensure possession of the lands to proceed with utility relocations, it is recommended that Council approve the expropriation of the required property interests.

For more information on this report, please contact Michael Shatil, Director, Property Services Branch at ext. 71684.

The Senior Management Group has reviewed this report.

June 2, 2016

Attachments (2)

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Accessible formats or communication supports are available upon request

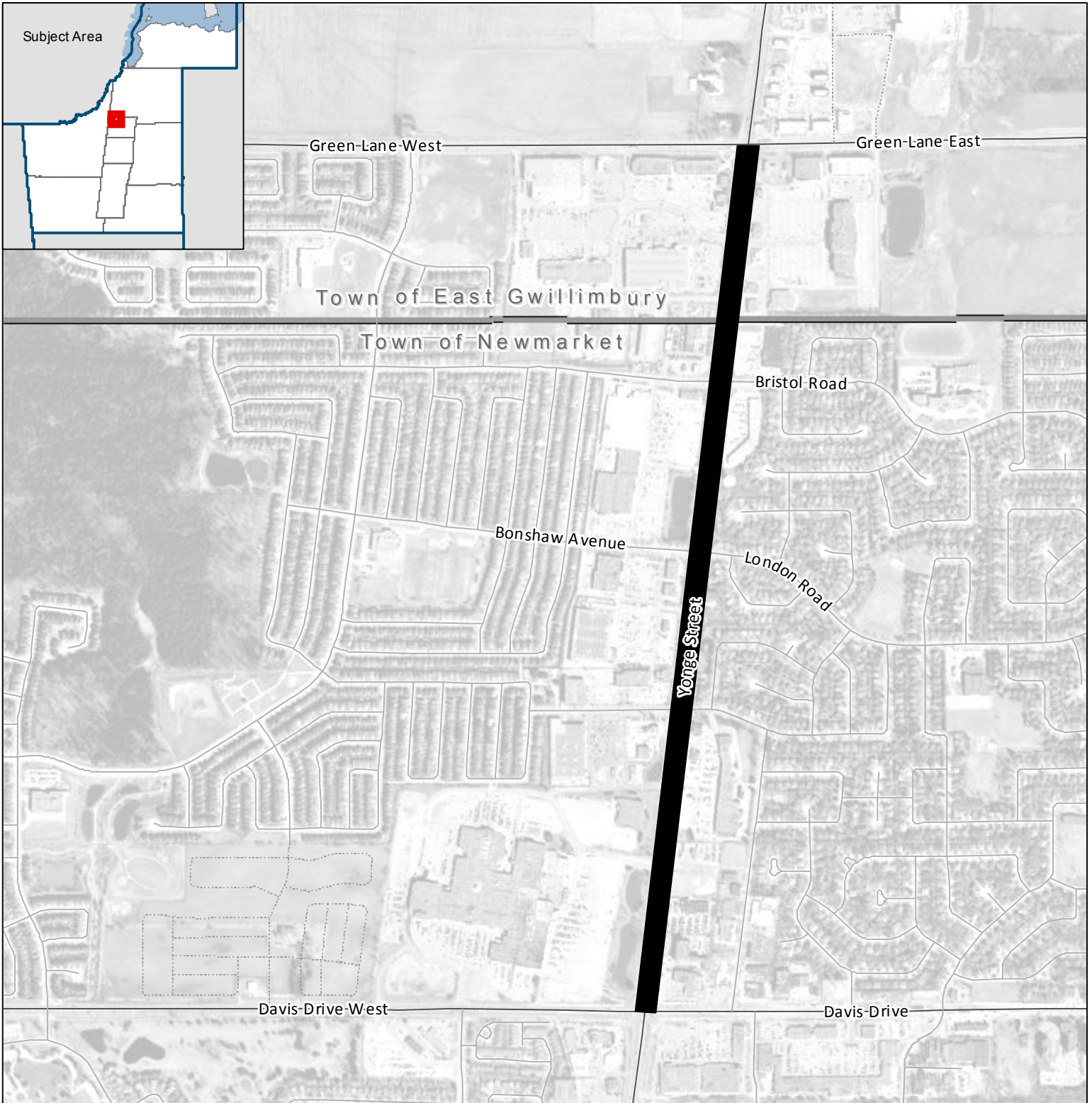
**Property Schedule  
Approval to Expropriate  
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<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
1.	CPPIB Upper Canada Mall Inc., Oxford Properties Retail Holdings 11 Inc.	17600 Yonge Street Newmarket	Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, Plan 65R35958	Fee Simple
2.	Bounny Uy	13 Kingston Road Newmarket	Part 2, Plan 65R35959	Fee Simple
3.	Heatherwoods Development Corporation	Lands Adjoining 13 Kingston Road, and other properties Newmarket	Part 3, Plan 65R35959 Part 6, Plan 65R35961 Parts 1, 2, 3, 4, 5, Plan 65R35985	Fee Simple
4.	Canadian Tire Corporation, Limited	17750 Yonge Street Newmarket	Parts 2, 3, 5, 6, Plan 65R35989	Fee Simple
5.	Home Depot Holdings Inc.	17850 Yonge Street Newmarket	Parts 18, 19, Plan 65R35989	Fee Simple
6.	Yulee Developments Inc.	17860, 17940, 18040, 18080 & 18090 Yonge Street Newmarket	Parts 20, 21, 22, Plan 65R35989 Parts 6, 7, 8, 9, 10, Plan 65R35962 Parts 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, Plan 65R35988	Fee Simple
7.	Dwight Slessor Holdings Limited	17645 Yonge Street Newmarket	Parts 1, 2, Plan 65R35961	Fee Simple
8.	Yonge-Kingston Centre Inc.	17725 Yonge Street Newmarket	Parts 3, 4, 5, Plan 65R35961	Fee Simple

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
9.	784773 Ontario Limited	Yonge Street West side (vacant land) Newmarket	Parts 2, 4, Plan 65R35962	Fee Simple
10.	RHS Properties Inc.	18100 Yonge Street Newmarket	Parts 15, 16, 17, 18, 19, Plan 65R35988	Fee Simple
11.	CP REIT Ontario Properties Limited	18120 Yonge Street East Gwillimbury	Parts 21, 22, 23, 24, Plan 65R35988	Fee Simple
12.	Lee-Mar Developments Limited	18154 Yonge Street East Gwillimbury	Parts 25, 26, 27, 28, Plan 65R35988	Fee Simple
13.	Riotrin Properties (Newmarket) Inc.	18126 Yonge Street East Gwillimbury	Parts 29, 30, 31, 32, 33, 34, Plan 65R35988	Fee Simple
14.	Mario and Lidia Lanzillotta	192 Lancaster Avenue Newmarket	Part 6, Plan 65R35985	Fee Simple
15.	Alana Jones and David Rowan	194 Lancaster Avenue Newmarket	Part 7, Plan 65R35985	Fee Simple
16.	Tarin Suri and Bo Min Gong	196 Lancaster Avenue Newmarket	Part 8, Plan 65R35985	Fee Simple
17.	Harry Patrick Power and Mary Alice Power	198 Lancaster Avenue Newmarket	Part 9, Plan 65R35985	Fee Simple
18.	Wrock & Son Construction Limited	200 Lancaster Avenue & 17837 Yonge Street Newmarket	Parts 10, 11, 12, 13, 14, Plan 65R35985	Fee Simple
19.	572112 Ontario Limited	17837 Yonge Street Newmarket	Part 15, Plan 65R35985	Fee Simple

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
20.	Heino Mineur and Barbara Mineur	17845 Yonge Street Newmarket	Part 16, Plan 65R35985	Fee Simple
21.	Lily Sook Ping Lee	17859 Yonge Street Newmarket	Part 17, Plan 65R35985	Fee Simple
22.	NNV Holdings Inc.	17867 Yonge Street Newmarket	Part 18, Plan 65R35985	Fee Simple
23.	Sheppard Avenue Inc.	18075 Yonge Street Newmarket	Parts 1, 2, 3, 4, Plan 65R35986	Fee Simple
24.	Fetlar Holdings Limited	18187 Yonge Street East Gwillimbury	Parts 6 ,7, 8, Plan 65R35986	Fee Simple



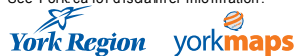


**Location Plan**

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 The Regional Municipality of York  
 Property Services, Corporate Services  
 March 2016

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**Legend**

- Limits of Subject Properties
- Road