

Clause 23 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.

23

Compensation for Expropriation
 9770 Highway 27
 City of Vaughan

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

1. Council authorize the Commissioner of Corporate Services to make an offer of compensation to the owner of lands in the City of Vaughan, as set out below, which has been acquired in accordance with the *Expropriations Act* (the “Act”).

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	1264564 Ontario Ltd.	9770 Highway 27 Vaughan	Part 9, Plan 65R35529	Fee Simple
			Part 10, Plan 65R35529	Temporary Easement
<p>The temporary easement commences on May 1, 2016 and expires on December 31, 2020, and is 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.</p>				

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

1. Recommendation

It is recommended that:

1. Council authorize the Commissioner of Corporate Services to make an offer of compensation to the owner of lands in the City of Vaughan, as set out below, which has been acquired in accordance with the *Expropriations Act* (the "Act").

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2. Purpose

This report seeks Council approval to serve an offer of compensation under section 25 of the *Act* on the owner whose land has been expropriated for the Major Mackenzie Drive project from approximately five hundred metres west of the Canadian Pacific Railway (CPR) crossing to Islington Avenue, in the City of Vaughan.

3. Background

Major Mackenzie Drive is being widened between the CPR Crossing and Islington Avenue in Vaughan

The Region is undertaking improvements to Major Mackenzie Drive from approximately five hundred metres west of the CPR crossing to Islington Avenue, in the City of Vaughan to widen the road from two to six lanes. This includes the proposed realignment of a section of Major Mackenzie Drive between its existing south intersection with Highway 27 and the CPR crossing further west. The project includes a bridge across the Humber River and a grade separation at the CPR crossing. Major Mackenzie Drive will tie into the planned extension of Highway 427.

The property acquisition that is the subject in this report is privately owned lands located at the southwest intersection of Highway 27 and Major Mackenzie Drive, as shown on the map in Attachment 1.

Council authorized the initiation of the expropriation process for the Major Mackenzie Drive project in May 2015

In May, 2015, Council authorized an Application for Approval to Expropriate interests from a total of eight property owners. Six properties have been acquired by expropriation and staff is negotiating the acquisition of one property. The owner of the subject lands exercised its right to a Hearing of Necessity. Therefore, the Council report for this property is provided separately from the six previously expropriated properties.

Council considered the Hearing of Necessity report in March 2016 and authorized the expropriation to proceed

A Hearing of Necessity was held on January 8, 2016. The Inquiry Officer concluded that the taking of the lands was fair, sound and reasonably necessary and the Inquiry Officer's report was submitted to Council for consideration in March 2016. Council subsequently approved the expropriation of the property.

The expropriation process will proceed in order to ensure the construction schedule is met

It is necessary to continue with the expropriation process to secure access to the lands to accommodate utility relocations and meet the construction schedule. Although utility relocation is expected to start in the spring 2016, work will

proceed around this property until possession of the subject land can be obtained.

This is the third of the three steps in the process for obtaining approval by Council for expropriation, as summarized in the graphic below. Upon approval by Council of this step, completion of the process will involve the Region serving an offer of compensation on the owner and obtaining possession of the required land.



4. Analysis and Options

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

The Region acquired title to the land when the expropriation plan was registered at the Land Registry Office on April 20, 2016. In accordance with the *Act*, the Region cannot obtain possession until a minimum of three months after notifying owners that the expropriation plan has been registered. In addition, it is necessary to make offers of compensation to owners in order to obtain possession of the expropriated lands. The offers of compensation will be delivered in anticipation of possession of the lands for July 2016.

An independent report has established the values which form the basis of offers

An independent consultant was commissioned to provide an estimate report of compensation. The report includes appraisal of market value for the land expropriated and, if applicable, estimates of 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.

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 has been undertaken

A contamination overview study was completed for the limits of this project. The review of the environmental reports and identification of properties requiring further environmental investigation was carried out in consultation with Legal Services. Based on the results of this work, no environmental issues were identified on the subject land.

Link to key Council-approved plans

The proposed acquisition for the Major Mackenzie Drive 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 Major Mackenzie 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 required to complete the property acquisitions has been included in the 2016 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

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the travelling public and will support the accommodation of the forecasted growth within this area, as established by “Places to Grow” and reflected in the York Region Official Plan.

7. Conclusion

On April 20, 2016, an expropriation plan was registered with respect to the subject land required for Major Mackenzie Drive from approximately five hundred metres west of the CPR crossing to Islington Avenue, in the City of Vaughan. The *Act* requires that an offer of compensation for expropriated land be served on the former owner in order to obtain possession. The proposed offer is based on an estimate provided by independently commissioned appraiser. It is recommended that the offer 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 ext. 71684.

The Senior Management Group has reviewed this report.

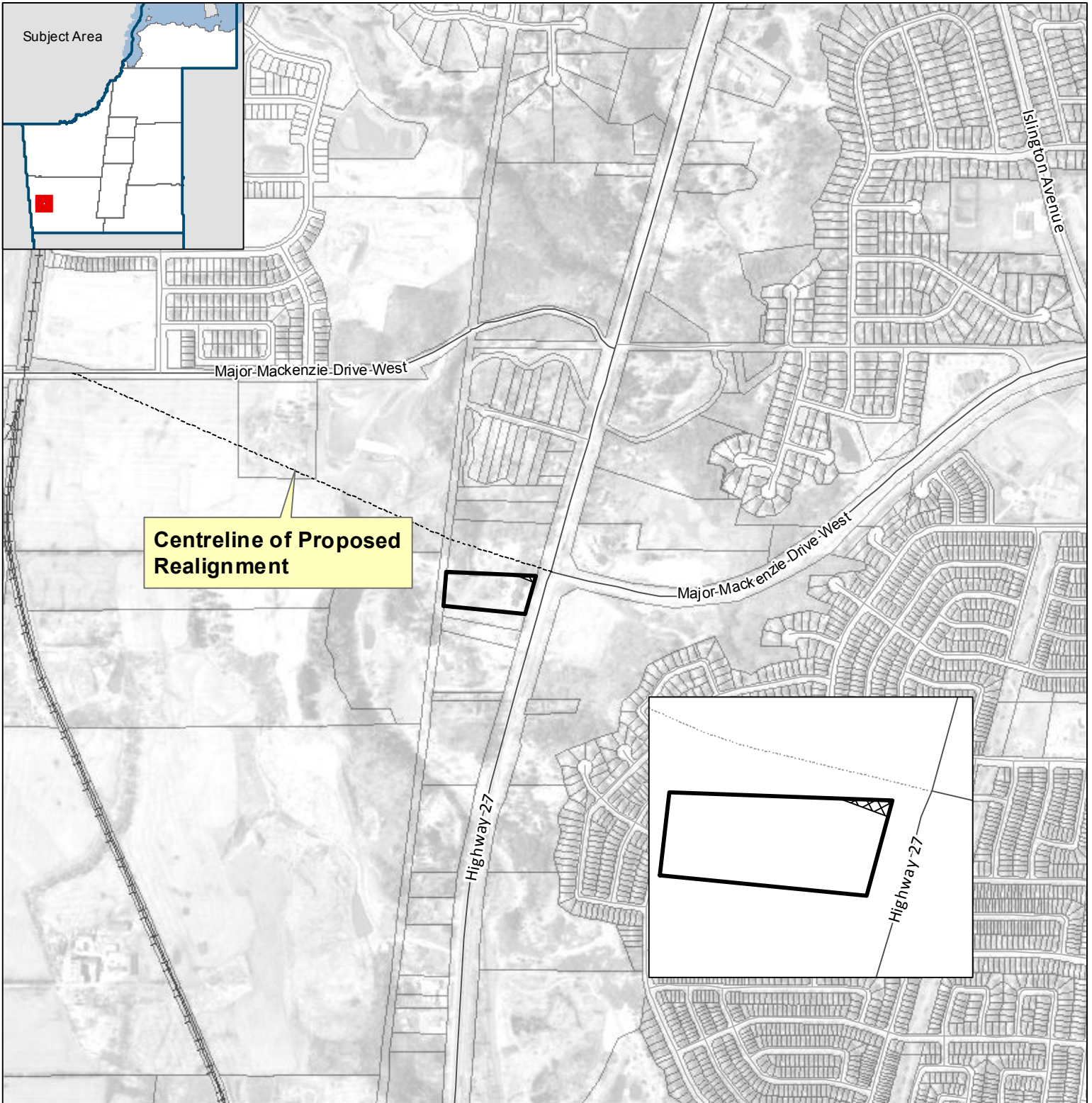
June 2, 2016

Attachments (1)

Private Attachments (1)

6791019

Accessible formats or communication supports are available upon request

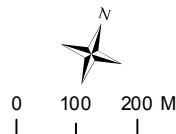


Location Plan







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Legend

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