

Clause 18 in Report No. 9 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on May 19, 2016

18

Compensation for Expropriation  
10703 Bathurst Street  
Town of Richmond Hill

Committee of the Whole recommends adoption of the following recommendations contained in the report dated March 30, 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 the following land in the Town of Richmond Hill, which was acquired in accordance with the *Expropriations Act* (the “Act”).

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Titan 10703 Bathurst Inc.	10703 Bathurst Street Richmond Hill	Part 1, Plan 65R34896	Fee Simple
			Part 2, Plan 65R34896	Temporary Easement
<p>The temporary easement will run for a term of 60 months, commencing on May 1, 2019, 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 March 30, 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 the following land in the Town of Richmond Hill, which was 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 Bathurst Street project from Highway 7 West to Teston Road/Elgin Mills Road, in the Town of Richmond Hill. The location of the subject land is shown on the map in Attachment 1.

### 3. Background

The reconstruction of Bathurst Street from Highway 7 West to Teston Road/Elgin Mills Road has an approved Environmental Assessment

The improvements to Bathurst Street from Highway 7 West to Teston Road/Elgin Mills Road include urbanization and road widening from four to six lanes, transit-HOV (High Occupancy Vehicle) lanes and off-street cycling facilities. The project was approved under the Class Environmental Assessment Study in 2009. Utility relocation will begin in spring 2016 and construction is scheduled for spring 2019.

Council previously authorized compensation for expropriation for the Bathurst Street Project in October 2015

Council approved the compensation for expropriation of 32 property owners for the Bathurst Street Project in October 2015. The required lands on the east side of Bathurst Street are located in Richmond Hill, and lands on the west side are in Vaughan. Of the 32 owners, 29 were served offers of compensation and two were resolved amicably. The one remaining property is located on the east side of Bathurst Street in Richmond Hill, and is the subject of this report.

The compensation amount previously approved by Council for the subject property was based on a draft appraisal

The compensation amount approved in October 2015 for the subject property was based on a draft Section 25 appraisal report. After Council approved the compensation, the appraisal was completed with a revised estimate that was greater than the amount indicated in the draft report. In light of the revised appraised value being greater than what Council previously approved, Council approval is required in order to serve the offer for the revised amount. This is the only property from the original report to Council wherein the draft value differed from the final value.

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

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

expropriation. The graphic below summarizes the three steps in the process for obtaining approval by Council for expropriation.



Council had previously approved the three steps for all properties required for this project, including the subject. However, given that the compensation for the subject property must be revised based on the final appraisal, a report to Council for the third step in the expropriation approval process is required.

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 land requirements.

#### 4. Analysis and Options

Possession of expropriated land will be obtained after serving the offer

The Region acquired title to the land when the expropriation plan was registered on August 17, 2015 at the Land Registry Office. In accordance with the *Act*, the Region cannot obtain possession until a minimum of three months after notifying an owner that the expropriation plan has been registered. In addition, it is necessary to make an offer of compensation to an owner in order to obtain possession of the expropriated land.

An offer of compensation based on the amount approved by Council was not served on the owner, due to the discrepancy in the estimates of value between what Council approved and the final appraisal. The offer of compensation will be delivered in anticipation of possession of the lands for May 2016.

An independent appraisal report has established the value which forms of the basis of the offer

The *Act* requires the Region to make an offer of compensation based on a report appraising market value of the land and damages attributable to the expropriation. An independent appraisal consultant was commissioned by the

Region to provide an opinion of value as required and the appraisal will form the basis of the offer to be served on the registered owner.

Section 25 of the *Act* requires the Region to offer the owner a choice of two options regarding compensation. The first offer is for full compensation of the market value of the land expropriated and any damages for lost improvements and injurious affection. The second offer is for the market value of the land expropriated and does not include damages. Acceptance of the second offer allows the owner to 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 Contaminant Overview Study has been conducted for this corridor. This property was not identified as an environmental concern and no Phase One Environmental Site Assessment (ESA) was undertaken.

Link to key Council-approved plans

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

One of the key goals 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 Bathurst 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 for the property acquisition is included in the 2016 Capital Budget for Transportation Services, Capital Planning and Delivery Branch.

## 6. Local Municipal Impact

Once construction is complete, the widening and reconstruction of Bathurst Street between Highway 7 West and Teston Road/Elgin Mills Road will provide upgraded capacity to improve traffic operations for the travelling public and

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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

The road widening and reconstruction of Bathurst Street, between Highway 7 West and Teston Road/Elgin Mills Road required the expropriation of 32 privately owned properties. Of the 32 properties, 31 were served with offers of compensation. One property remains outstanding which is the subject of this report. In August 2015, expropriation plans were registered for the properties, vesting ownership of the lands to the Region.

The *Act* requires that offers of compensation be served on the former owner in order to obtain possession of the lands. The proposed offer is based on estimates provided by an independently commissioned appraiser. It is recommended that the proposed offer of compensation 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.

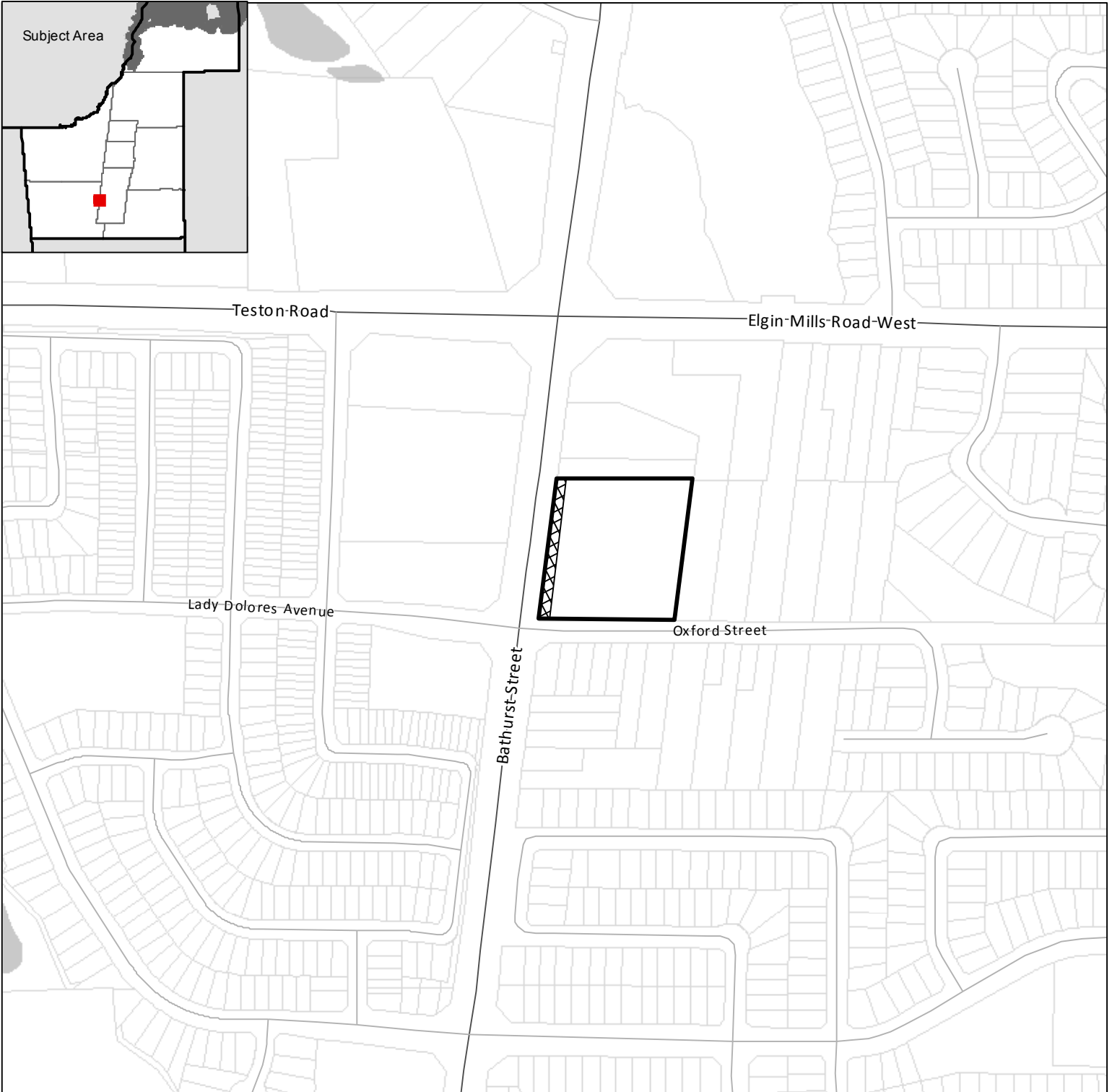
March 30, 2016

Attachments (1)

Private Attachments (1)

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Accessible formats or communication supports are available upon request

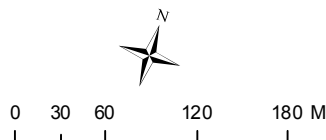


**Location Plan**  
 Compensation for Expropriation  
 10703 Bathurst Street  
 Town of Richmond Hill





Produced by:  
 The Regional Municipality of York  
 Property Services, Corporate Services  
 February 2016

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**Legend**

-  Subject Property
-  Interest Required
-  Parcel
-  Road