

Clause 22 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 21, 2016.

22

Compensation for Expropriation  
Davis Drive at Bathurst Street  
Town of Newmarket and Township of King

Committee of the Whole recommends adoption of the following recommendation contained in the report dated November 19, 2015 from the Commissioner of Corporate Services:

1. Recommendation

It is recommended that:

1. Council authorize the Commissioner of Corporate Services to make offers of compensation to the owners of lands in the Town of Newmarket and Township of King, 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 intersection improvements at Davis Drive and Bathurst Street, in the Town of Newmarket and Township of King. The location of the properties is shown in Attachment 2.

### 3. Background

The Region is planning to reconstruct the intersection at Davis Drive and Bathurst Street in the Town of Newmarket and Township of King

The improvements to the intersection at Davis Drive and Bathurst Street include construction of dual left turn lanes, a curb and gutter and bicycle lanes. The urbanization of this intersection is required to meet the traffic demands of the active development within the subject area.

This project is located at the Davis Drive Bathurst Street intersection in the Township of King on the west side of the intersection and Town of Newmarket on the east side of the intersection.

The relocation of utilities is scheduled to commence in early spring of 2016 with construction scheduled to commence in early spring of 2017. Possession of the property is required in order to facilitate utility relocations.

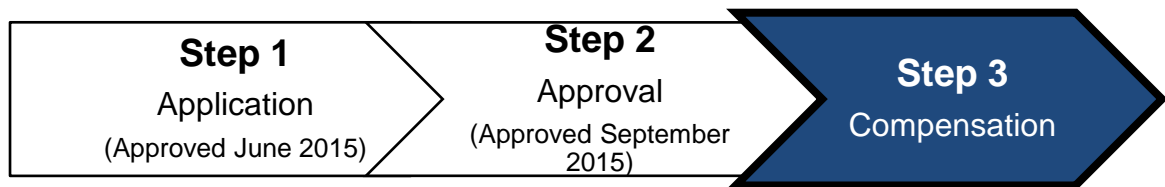
This report is for the third of the three steps in the Council approval process for expropriations

On June 25, 2015, Council authorized an application for approval to expropriate a fee simple interest from the subject properties for intersection improvements at Davis Drive and Bathurst Street. The Notice of Application for Approval to Expropriate was served on the owners, following Council authorization.

Upon receipt of the Notice of Application to Expropriate, the owners had the right within 30 days of receipt to request an inquiry (Hearing of Necessity) as to whether the taking of the lands by the Region is fair, sound and reasonable. The owners did not request a hearing.

On September 24, 2015, Council authorized approval to expropriate fee simple interests from properties located on the north west and north east side of the Davis Drive Bathurst Street intersection, which was the second step in the expropriation approval process.

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



#### 4. Analysis and Options

Possession of expropriated lands will be obtained after serving the offers

The Region acquired title to the land when the expropriation plans were registered at the Land Registry Office. 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 in order to obtain possession of the expropriated lands. The offers of compensation will be delivered in anticipation of possession of the lands for February 2016.

Independent reports have established the values which form the basis of the 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 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 offer 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 an offer 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*.

## Compensation for Expropriation

Davis Drive at Bathurst Street, Town of Newmarket and Township of King

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 completed

A Phase One environmental site assessment (ESA) was completed prior to the Region obtaining ownership of the lands. Based on the findings of the ESA, no further study is required.

Link to key Council-approved plans

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

One of the goal areas of Vision 2015 is interconnected systems for mobility, which the Davis Drive at Bathurst Street project addresses by providing a street that supports the movement of goods and people. As well, the Davis Drive at Bathurst Street project supports one of the objectives of the Regional Official Plan which is to ensure streets support all modes of transportation. Lastly, a strategic objective identified in the Strategic Plan is to strengthen the Region's economy. Efficient movement of goods is of benefit to the economy at large.

## 5. Financial Implications

The funding required to complete the property acquisition for this project has been included in the 2015 Capital Budget for Transportation Services, Capital Delivery – Roads.

## 6. Local Municipal Impact

Once construction is complete, intersection improvements at Davis Drive and Bathurst Street will improve traffic operations for the travelling public and meet anticipated traffic growth related to development in this area.

## 7. Conclusion

The reconstruction of the Davis Drive and Bathurst Street intersection requires the acquisition of property from owners located at the intersection. Council authorized the application for approval to expropriate lands required for intersection improvements in June 2015.

## Compensation for Expropriation

Davis Drive at Bathurst Street, Town of Newmarket and Township of King

On November 5, 2015, expropriation plans were registered with respect to land required for intersection improvements at Davis Drive and Bathurst Street. The *Act* requires that an offer of compensation for the expropriated lands be served on the owner in order to obtain possession. The proposed offer is based on an appraisal provided by an 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.

November 19, 2015

Attachments (2)

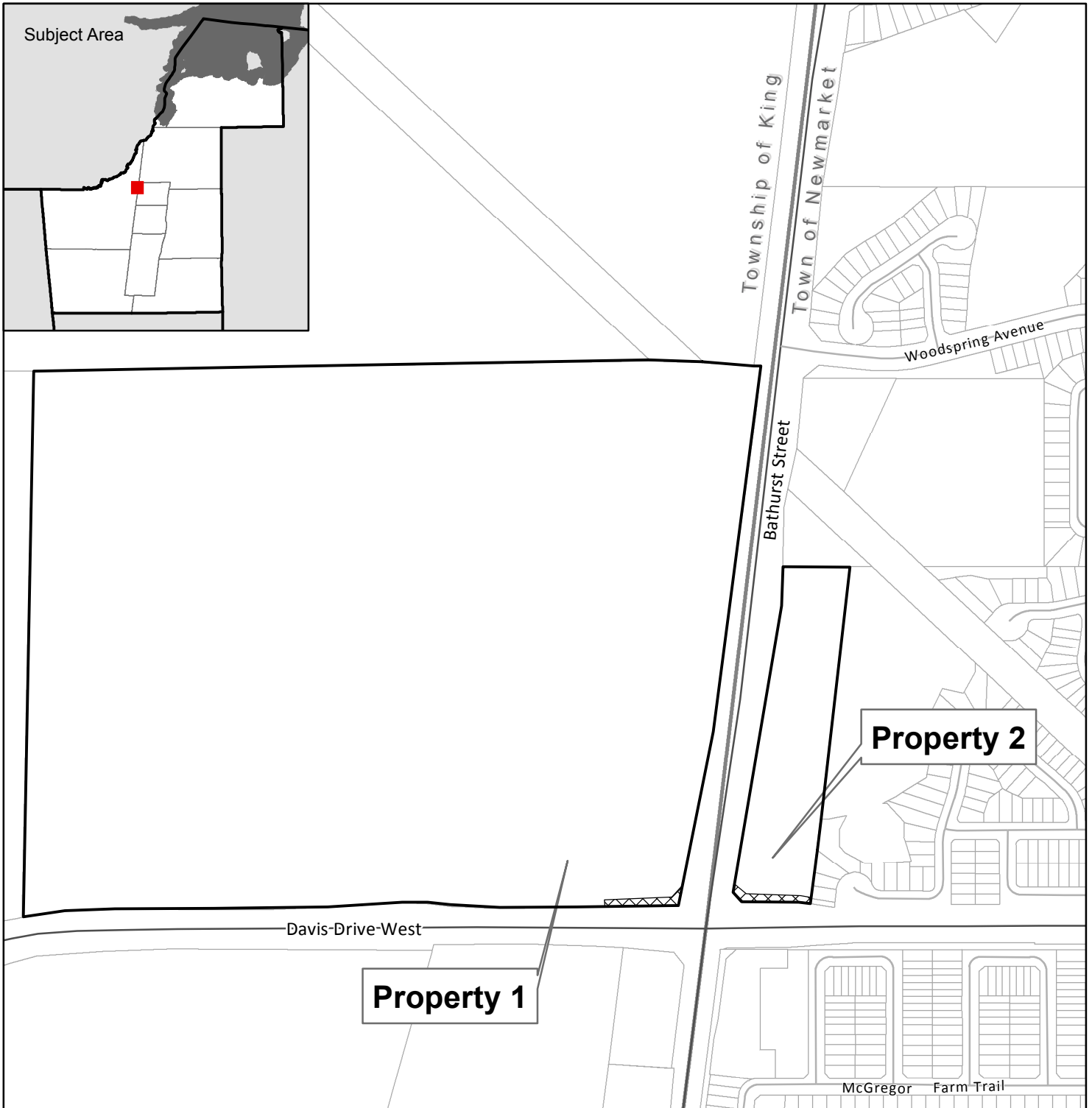
Private Attachments (1)

eDOCS #6492994

Accessible formats or communication supports are available upon request

**Property Schedule  
Compensation for Expropriation  
Davis Drive at Bathurst Street  
Town of Newmarket and Township of King**

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
1.	2201506 Ontario Limited	17680 Bathurst Street Township of King	Part 1, Plan 65R35669	Fee Simple
2.	Devon Estates Limited	North/east corner of Davis Drive West and Bathurst Street Town of Newmarket	Part 1, Plan 65R35670	Fee Simple



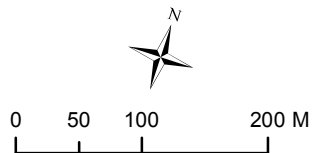
**LOCATION PLAN**

Compensation for Expropriation  
 Davis Drive at Bathurst Street  
 Town of Newmarket and Township of King






Produced by:  
 The Regional Municipality of York  
 Property Services, Corporate Services  
 October 2015

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**Legend**

-  Subject Properties
-  Interest Required
-  Parcel
-  Road
-  Municipal Boundary