

Clause 10 in Report No. 16 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on October 15, 2015.

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Abandonment of Expropriated Land  
Highway 7 - Town Centre Boulevard to Sciberras Road  
City of Markham

**Committee of the Whole recommends adoption of the recommendations contained in the following report dated August 26, 2015 from the Commissioner of Corporates Services:**

1. Recommendations

It is recommended that:

1. Subject to the former owners executing the required election to take back the lands, Council abandon the lands set out in Attachment 1 in accordance with Section 41 of the *Expropriations Act* (the "Act").
2. Authority be granted for the execution of the Notice of Abandonment and the Declaration of Abandonment pursuant to the *Act* and the introduction of the necessary bill in Council to give effect to the foregoing.
3. The appropriate Regional Officials perform all acts necessary to give effect to the foregoing.

2. Purpose

This report seeks Council approval to abandon the temporary easement interest in three properties as described in Attachment 2.

### 3. Background

Council authorized the expropriation of properties for the Highway 7 project in September, 2014

On September 11, 2014, Council authorized the expropriation of 33 properties, including the subject properties for the purpose of widening Highway 7, from Town Centre Boulevard to Sciberras Road, in the City of Markham. After Council approval, 23 properties were obtained amicably and expropriation plans were registered for the remaining 10 properties including the three properties that are the subject of this report.

It was determined that expropriation was not necessary for three properties

Transportation staff has advised the properties that are the subject of this report are needed for road grading for the benefit of the owner and Permission to Enter agreements are sufficient for the Region's purpose. The Region has received Permission to Enter agreements from the owners after expropriation plans had been registered.

### 4. Analysis and Options

The Owners are entitled to unencumbered ownership of these lands

Compensation for the expropriation of temporary easements has not been paid out. Section 41 of the *Act* provides for the abandonment of expropriated land where compensation has not yet been paid in full. When expropriated land is abandoned by the expropriating authority, it reverts to the owner from whom it was expropriated. The Owners have verbally indicated that they are willing to re-obtain ownership of the expropriated interests. Offers of compensation have not been served on the owners.

Link to key Council-approved plans

The Highway 7 project supports the objectives of Vision 2051, the Regional Official Plan and the 2015 to 2019 Strategic Plan. The abandonment of the expropriations is not directly related to key Council-approved plans, but is being undertaken in an effort to minimize financial obligations associated with expropriation.

## 5. Financial Implications

The abandonment of a portion of the temporary easement interest will prevent further costs to the Region to such as land costs, appraisal costs and other possible unresolved expropriation related costs.

## 6. Local Municipal Impact

The temporary easements negatively affected the owners' ability to develop their property. The owners' future development of their lands is a key component to beautification and urbanization of this area of Markham.

## 7. Conclusion

There are outstanding expropriations with three property owners 2426483 Ontario Limited, Scardred 7 Company Limited and 1421121 Ontario Limited. The expropriated temporary easement interests are not required since the Region has obtained Permission to Enter agreements. It is recommended that the temporary interests be abandoned and the process to transfer the lands back to the owners be initiated.

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.

August 26, 2015

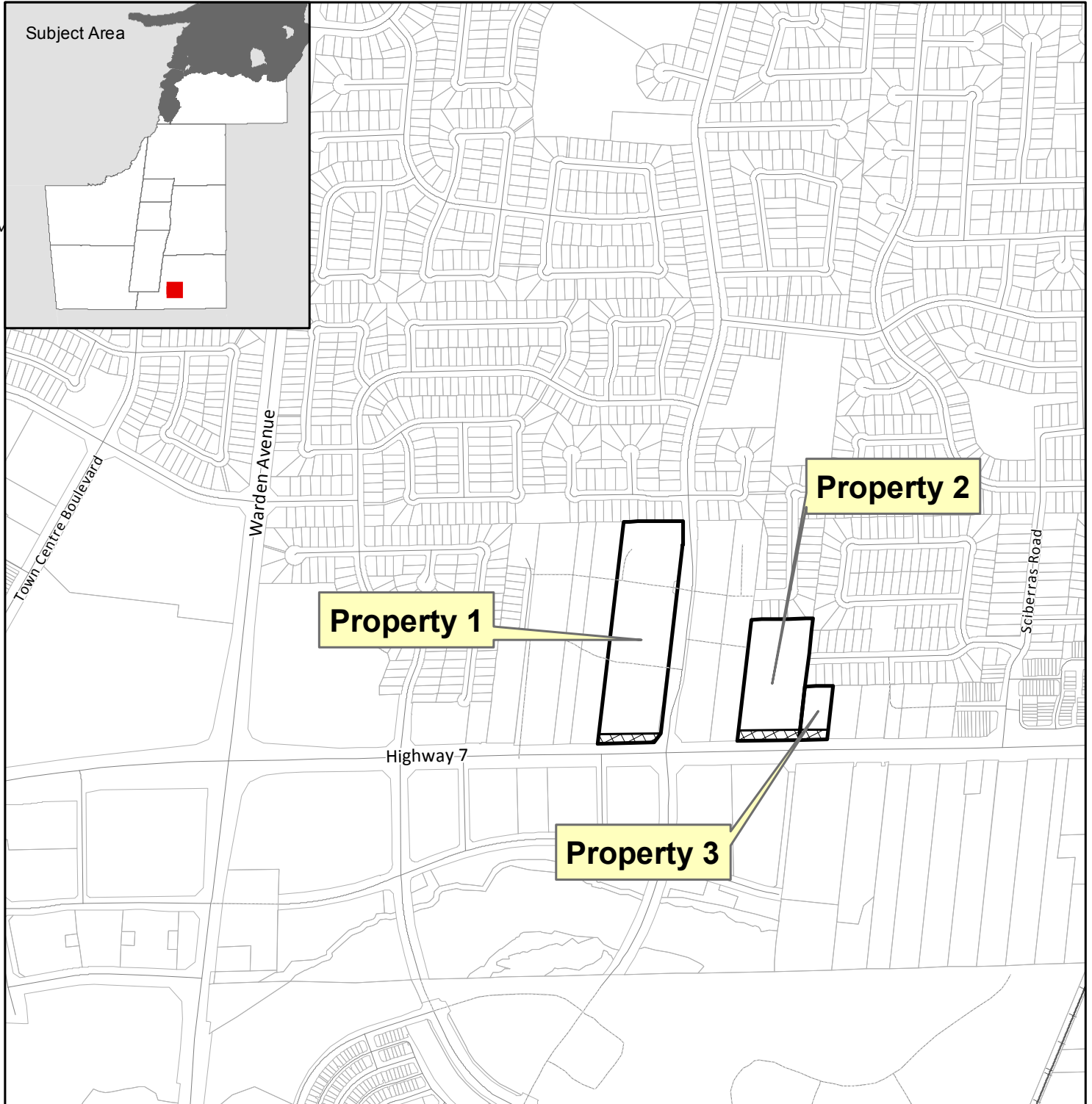
Attachments (2)

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Accessible formats or communication supports are available upon request

**Property Schedule  
Abandonment of Expropriated Land  
Highway 7 – Town Centre Boulevard to Sciberras Road  
City of Markham**

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
1.	2426483 Ontario Limited formerly Unionville Development	3972 Highway 7 Markham	Part 1, Plan 65R34848	Temporary Easement
2.	Scardred 7 Company Limited	4038 Highway 7 Markham	Part 1, Plan 65R34842	Temporary Easement
3.	1421121 Ontario Limited	4080 Highway 7 Markham	Parts 1, 2 and 3, Plan 65R34786	Temporary Easement
<p>The temporary easements will commence on June 1, 2015 and expire on May 31, 2020 and are required for the purpose of entering on lands with all vehicle, machinery, workmen and other materials to provide for hard and soft landscaping, grading and reshaping of the lands to the limit of the reconstruction of Highway 7 and works ancillary thereto.</p>				



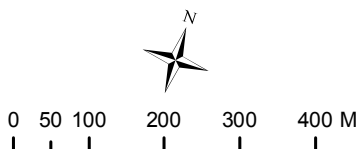
**LOCATION PLAN**

Abandonment of Expropriated Land  
 Highway 7 - Town Centre Boulevard to Sciberras Road  
 City of Markham






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 Property Services, Corporate Services  
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**Legend**

-  Interest Expropriated
-  Subject Property
-  Parcel
-  Roads
-  Railway