

Clause 12 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.

12

Application for Approval to Expropriate  
Keele Street - Steeles Avenue to Highway 7 West  
City of Vaughan

**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. Council authorize an application for approval to expropriate the lands set out in Attachment 1, for the widening and reconstruction of Keele Street, in the City of Vaughan.
2. The Commissioner of Corporate Services be authorized to execute the Application for Approval to Expropriate Land and the Notice of Application for Approval to Expropriate Land (the "Notice") and to serve and publish the Notice, as required under the *Expropriations Act* (the "Act").
3. The Commissioner of Corporate Services be authorized to forward to the Chief Inquiry Officer any requests for an inquiry that are received and to represent the Region, as necessary, at an inquiry under the *Act*.
4. Council authorize the introduction of the necessary bylaws to give effect to these recommendations.

2. Purpose

This report seeks Council approval for an application for approval to expropriate property interests required for the widening of Keele Street, from Steeles Avenue to Highway 7 West in the City of Vaughan, as shown in Attachment 2.

Under the *Act*, Council, as approving authority, must approve an application for expropriation prior to the initiation of any proceedings.

### 3. Background

The Region is planning to improve Keele Street to support growth in the City of Vaughan

The Region completed a Class Environmental Assessment Study (EA) which recommended Keele Street be improved to a six lane urban cross-section with the curb lanes as Transit/HOV lanes, and included on-street cycling facilities, sidewalks, and full illumination. In addition, the existing Canadian National Railways (CNR) Rail Structure on Keele Street, north of Steeles Avenue will be replaced and widened. The study area involved the portion of Keele Street between Steeles Avenue West and Rutherford Road. The EA was approved by the Ministry of the Environment in September 2012.

The timelines for project construction vary between the north and south portions of the project

There are two distinct sections of the Keele Street project, located to the north and south, respectively, of Highway 407. Construction of the portion of the Keele Street project south of Highway 407 is planned to commence in late 2017 to early 2018, and the portion north of Highway 407 will start by mid-2018. In this regard, the process to obtain the property requirements has commenced based on different timelines for the two portions. Properties identified in this report are in the north section.

Possession of portions of land from seven property owners is required in order for utility relocations to proceed

Utility relocations are the first construction related item to be completed. Possession of portions of land from seven properties is required to accommodate utility relocations in the new boulevards along the edge of the roadway. Construction is not scheduled to commence until 2018. However, an adequate timeframe of at least 18 months is required to relocate utilities prior to commencing construction of the corridor. In this regard, possession of the necessary land is required for 2016.

The expropriation process will run concurrently with negotiations

Property negotiations to acquire the necessary lands are on-going. In order to confirm certainty of possession by the spring of 2016, the expropriation process

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will run concurrently with negotiations. Staff will continue to negotiate agreements of purchase and sale for the required interests until expropriation plans have been registered.

This is Step 1 in the Council approval process for property expropriation, as indicated in the graphic below.



#### 4. Analysis and Options

Expropriation provides certainty of possession

The preferred approach to obtaining land is to negotiate a transaction with the property owner. However, in many cases various events affect the timing of negotiations, such as owners who prefer to settle their issues at the completion of the project, or disagreement on the terms of an agreement. In this regard, expropriation is deemed a necessary approach to ensure possession of the lands within a specific timeframe, in order to facilitate the needs of the project.

Owners have the right to request a Hearing of Necessity upon receipt of a Notice of Application for Approval to Expropriate

The first step in the expropriation process is to serve the owners with notice of intent to expropriate, following Council approval. Upon receipt of the Notice of Application for Approval to Expropriate, each owner has 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 reasonably necessary.

If an owner requests an inquiry and the Hearing of Necessity proceeds, then subsequent to the inquiry, an inquiry officer will issue a report providing an opinion as to whether the taking is fair, sound and reasonably necessary, including an explanation for the officer's findings.

Future reports will be presented to Council as the expropriation process proceeds

In the event of a Hearing of Necessity, staff will report to Council with the findings and reasoning of the Inquiry Officer, along with further recommendations supporting or not supporting proceeding with the expropriation. If there is no Hearing of Necessity, the report to Council will address only the expropriation.

After the expropriation, the Region is required under Section 25 of the *Act* to serve an offer of compensation within three months of registration of the expropriation plan. The offer will be based on appraisals of market value and other damages, and possession cannot be secured until the offer of compensation has been served.

The amount of this offer will be reported to Council once the appraisal reports have been completed, before the offers are served to the owners and possession of the lands is secured.

Link to key Council-approved plans

The proposed acquisition for the Keele 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 Keele 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 the focus on networks and systems that connect people, goods and services.

## 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, the road improvements on Keele Street, in the City of Vaughan, will provide upgraded capacity to improve traffic operations for the travelling public and to meet the expected growth in this area.

## 7. Conclusion

The report seeks Council approval to expropriate seven properties from owners along Keele Street in order to commence construction. To ensure the project is not delayed, it is necessary to initiate the expropriation process. Staff will continue negotiating for the acquisition of the required properties prior to the transfer of the property requirements to the Region via expropriation.

Construction is scheduled to commence in 2018, and utility relocations will commence in 2016. 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.

August 26, 2015

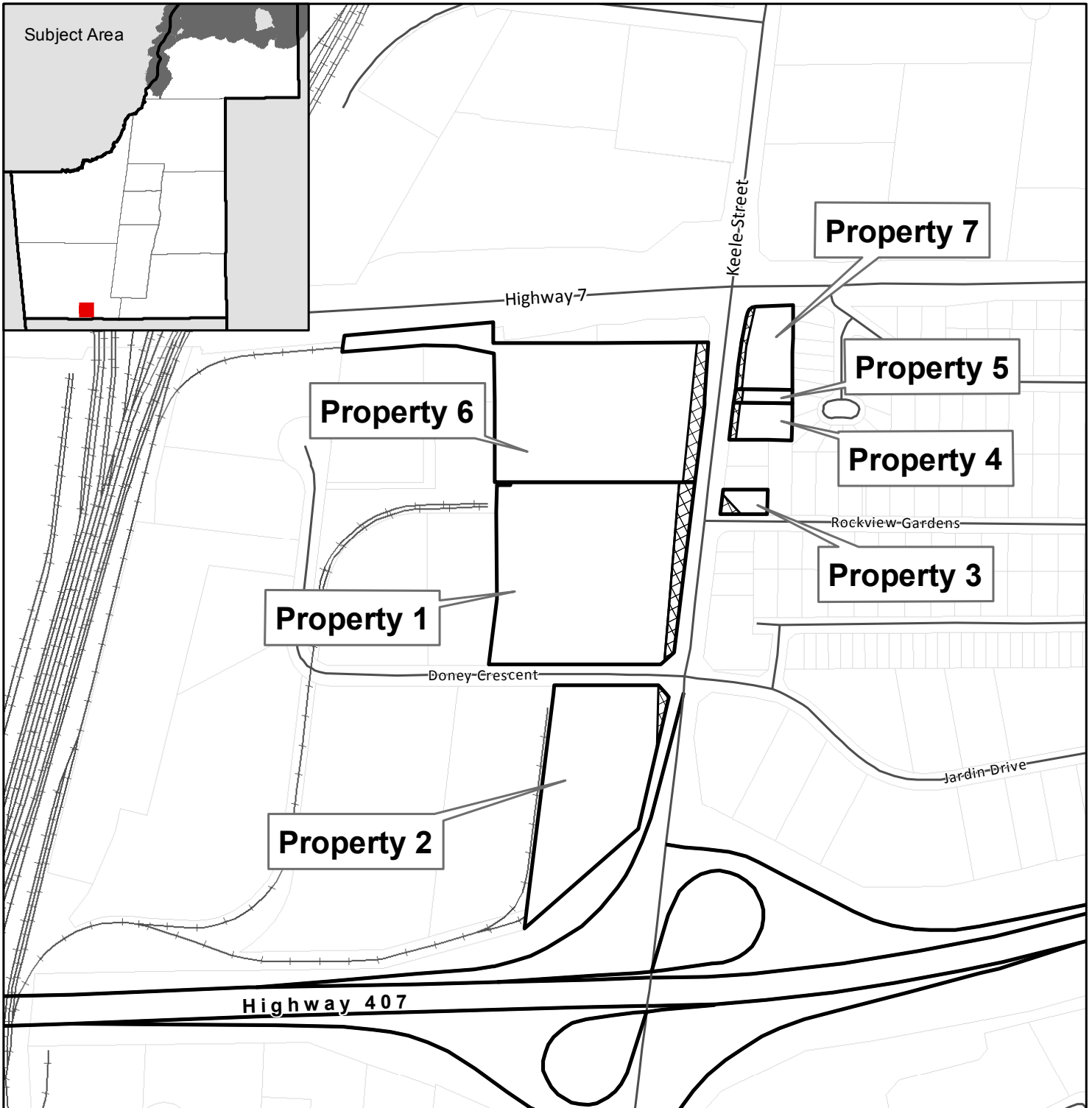
Attachments (2)

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Accessible formats or communication supports are available upon request

**Property Schedule**  
**Application for Approval to Expropriate**  
**Keele Street – Steeles Avenue to Highway 7 West**  
**City of Vaughan**

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
1.	Kohl and Frish Limited	7622 Keele Street Vaughan	Parts 20, 21, 22, Plan 65R34287	Fee Simple
2.	HL & M Marcus Investments Inc.	7400 Keele Street Vaughan	Part 4, Plan 65R34388	Fee Simple
3.	Shakuntal Chaman Enterprises Inc.	7651 Keele Street Vaughan	Part 5, Plan 65R34287	Fee Simple
4.	Nadmarc Group Inc.	7689 Keele Street Vaughan	Part 4, Plan 65R34287	Fee Simple
5.	Georgalis, Theofilos; Georgalis, Evodokia; Georgalis, Emmanuel	7699 Keele Street Vaughan	Part 3, Plan 65R34287	Fee Simple
6.	7700 Keele Street Limited	7700 Keele Street Vaughan	Parts 18, 19, Plan 65R34287	Fee Simple
7.	2112443 Ontario Limited	7733 Keele Street Vaughan	Parts 1, 2, Plan 65R34287	Fee Simple



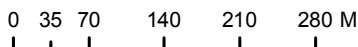
**LOCATION PLAN**

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 City of Vaughan






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**Legend**

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