

Clause 22 in Report No. 12 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on June 25, 2015.

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Compensation for Expropriation
 Leslie Street - Wellington Street to Mulock Drive
 Town of Aurora and Town of Newmarket

Committee of the Whole recommends adoption of the recommendation contained in the report dated May 6, 2015 from the Commissioner of Corporate Services:

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 lands in the Town of Aurora, which were acquired in accordance with the *Expropriations Act* (the "Act").

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Li, Wei Zhang, Han Sen (formerly Flemming, Timothy Earl)	15482 Leslie Street Aurora	Part 24, Plan 65R34509	Temporary Easement
The temporary easement is required for the purposes of relocating existing services and utilities, grading and access during the 2-year road contractor warranty period after construction, and will expire December 30, 2018.				

2. Purpose

This report seeks Council approval to serve an offer of compensation under section 25 of the *Act* to an owner whose land has been expropriated for the

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Leslie Street project from Wellington Street to Mulock Drive, in the Town of Aurora. The location of this property is shown in Attachment 1.

3. Background

The Environmental Assessment study for the widening and reconstruction of Leslie Street was completed in 2012

Leslie Street from Wellington Street to Mulock Drive will be widened from two to four lanes and urbanized to include storm water drainage, curbs, improved sidewalks, multi-use paths and illumination. The Environmental Assessment (EA) for the widening and reconstruction of Leslie Street was undertaken and in 2012 received approval to proceed to construction.

Possession of the lands is required by August 2015 to allow for utility relocations to begin, with construction scheduled to commence in early 2017

Utilities must be relocated prior to actual road construction. Privately owned lands are often required in order to complete the relocations within the new boulevards along the edge of the roadway. Possession of all lands is required by August 2015 to permit pre-construction activities and construction to proceed.

Council authorized the initiation of the expropriation process for the Leslie Street project in October, 2013 for 20 properties

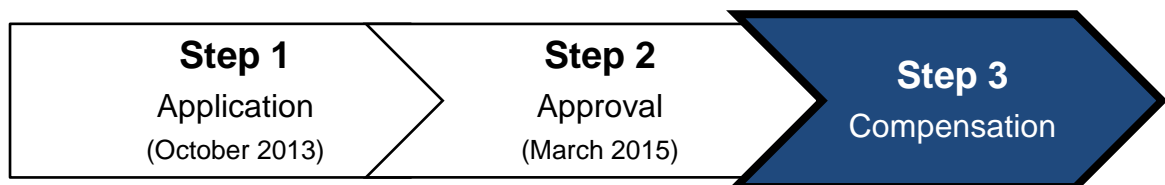
On October 17, 2013, Council authorized an application for approval to expropriate interests from 20 property owners. Nine properties were obtained via amicable agreements, expropriation or minutes of settlement. Nine properties are being dealt with through the development application process. One property is under negotiation as it can't be expropriated (not in the original EA). One owner is the subject of this report.

One property owner requested a Hearing of Necessity, but subsequently sold the property and withdrew the request

The former owner of the subject land requested a Hearing of Necessity. Prior to the Hearing, he sold his entire property to the current owners. The former owner then withdrew his Hearing request. The new owners are fully aware of the expropriation.

It is necessary to continue with the expropriation process to secure access to the lands to accommodate utility relocations and meet the construction schedule.

This is the third step in the Council approval process for property expropriation as indicated in the graphic below.



4. Analysis and Options

An Independent appraisal report has provided the value which forms the basis of the offer

Independent consultants were commissioned to provide an estimate of compensation, including an appraisal of market value for the temporary easement and, estimates of damages for lost improvements (such as landscaping). 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 lost 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 lost 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*.

Possession of expropriated lands will be obtained on the date set out in the notices of possession, after the offer has been served

The Region acquired title to the temporary easement when the expropriation plan was registered at the Land Registry Office on April 2, 2015. Although the easement is now in the name of the Region, possession is yet to be obtained. In accordance with the *Act*, notices of expropriation and possession were served upon the owners, with possession anticipated for July 1, 2015. In accordance with the *Act*, it is necessary to make offers of compensation to owners in order to obtain possession of the expropriated lands.

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In the event an owner does not agree to a full and final settlement upon receipt of the offer made under section 25 of the *Act*, staff will endeavour to negotiate compensation settlements.

Link to key Council-approved plans

From Vision to Results: 2015 to 2019 Strategic Plan

Priority Area – Managing Environmentally Sustainable Growth

Focusing on managing traffic congestion.

The acquisition of these lands will contribute toward the completion of and implementation of the Transportation Master Plan by increasing the number of road land kilometres new and rehabilitated.

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 widening and reconstruction of Leslie Street will provide upgraded capacity to improve traffic operations for the travelling public and will meet the expected growth in this area.

Sidewalk and multi-use paths will be installed on Leslie Street from Wellington Street to State Farm Way to provide multi-modal facilities within the Town of Aurora. The road platform between State Farm Way and the northerly limit of the Town of Aurora will also be constructed to allow for sidewalk and multi-use paths in the future.

7. Conclusion

On April 2, 2015, an expropriation plan was registered with respect to a temporary easement required for this segment of the Leslie Street project. The *Act* requires that an offer of compensation for expropriated interests be served on the new owners in order to obtain possession. The proposed offer is based on an estimate provided by an independently commissioned appraiser. It is

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recommended that the offer set out in this report be served in accordance with the *Act*.

For more information on this report, please contact Jennifer Hughson, Acting Manager, Realty Services, Property Services Branch at ext. 71427.

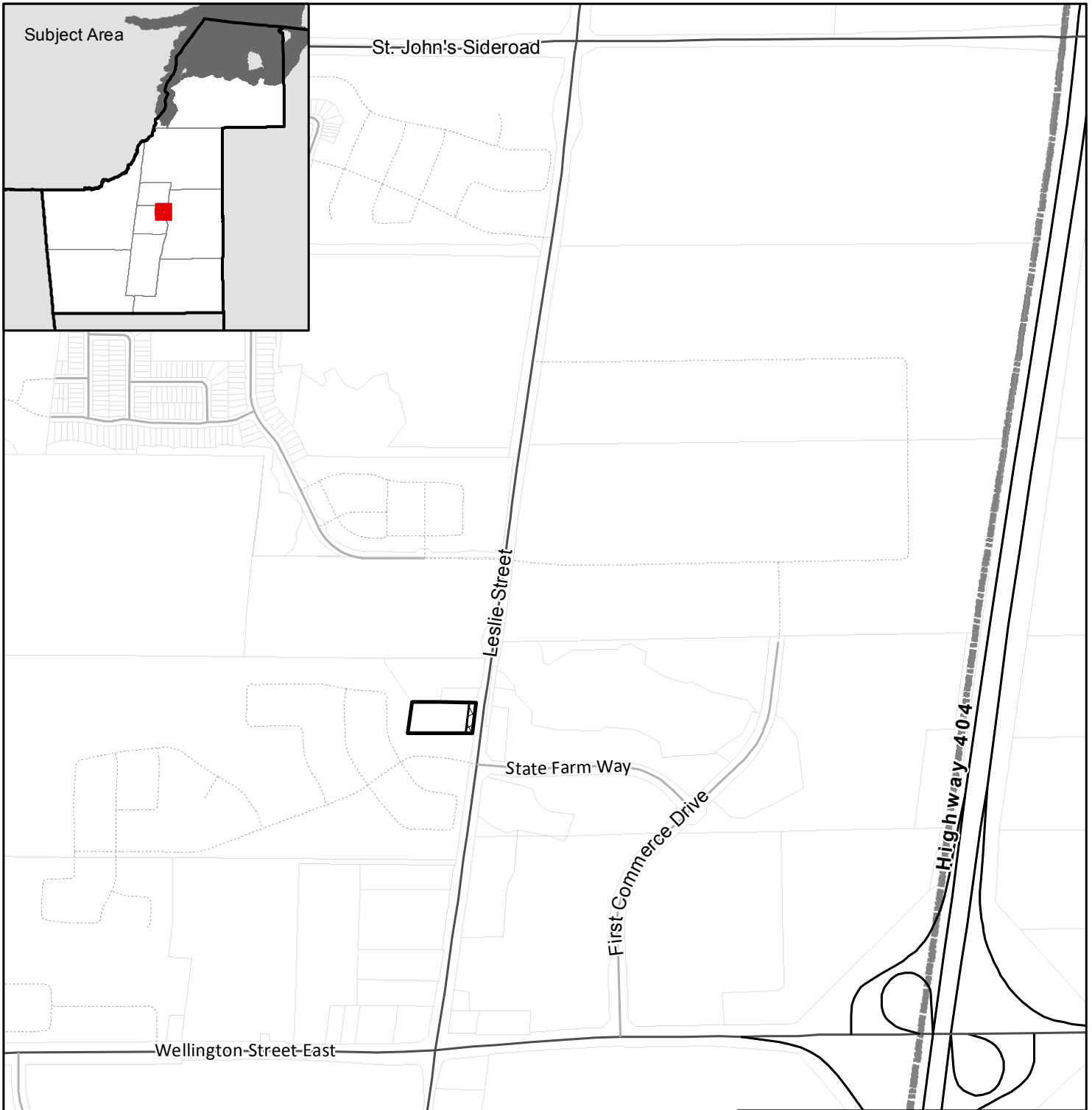
The Senior Management Group has reviewed this report.

May 6, 2015

Attachments (1)

eDOCS #6133262

Accessible formats or communication supports are available upon request



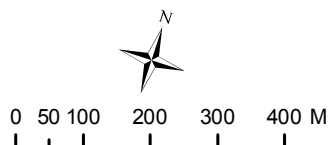
LOCATION PLAN

Compensation for Expropriation
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 The Regional Municipality of York
 Property Services, Corporate Services
 May 2015

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Legend

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