

Clause 23 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.

23

Compensation for Expropriation
Major Mackenzie Drive – Weston Road to Islington Avenue
City of Vaughan

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 offers of compensation to the owners of lands as set out in Attachment 1, for the widening and reconstruction of Major Mackenzie Drive, between Weston Road and Islington Avenue, in the City of Vaughan, 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 the Major Mackenzie Drive project from Weston Road to Islington Avenue, in the City of Vaughan. The locations of the three properties are shown in Attachment 2.

3. Background

The Region received approval in 2011 to reconstruct Major Mackenzie Drive from Weston Road to Islington Avenue

The improvements to Major Mackenzie Drive from Weston Road to Islington Avenue include urbanization and road widening from two to six lanes, including Transit-HOV lanes and off-street cycling facilities. The project was approved under the Western Vaughan Individual Environmental Assessment in 2011.

Council authorized the initiation of the expropriation process for the Major Mackenzie Drive project in January 2014

In January, 2014, Council authorized an Application for Approval to Expropriate interests from a total of twenty property owners. Seventeen properties have been acquired by negotiated agreement, or by expropriation. We are now completing the expropriation process for the remaining three properties for which Hearings of Necessity were requested.

Council considered the Hearing of Necessity report in January 2015 and authorized expropriation to proceed

Three owners requested a Hearing of Necessity. The hearing was held on November 12, 2014. The Inquiry Officer concluded that the taking of the lands was fair, sound and reasonably necessary and the Inquiry Officer's report was submitted to Council for consideration in January 2015. Council subsequently approved the expropriation of these properties.

It is necessary to continue with the expropriation process to secure access to the lands to accommodate utility relocations and meet the construction schedule. Although construction is expected to start in the June of 2015, they will work around these remaining properties for a very short period until possession can be obtained.

This is the third step in the Council approval process for the remaining three expropriated properties as indicated in the graphic below.



4. Analysis and Options

Independent appraisal reports have established the values which form the basis of the offers

Independent consultants were commissioned to provide estimates of compensation, including appraisals of market value for the lands expropriated and, estimates of damages for lost 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 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*.

In the event an owner does not agree to a full and final settlement upon receipt of the offer, staff will endeavour to negotiate until full and final settlement is achieved.

The Region has acquired title to the lands and will have access upon service of offers of compensation

The Region acquired title to the lands when the expropriation plans were registered on February 24, 2015. Although ownership is now in the name of the Region, possession is yet to be obtained. In accordance with the *Act*, both notices of expropriation and possession were served on the owners with a possession date of July 2, 2015. In order to take possession of the lands as of the date of possession, under section 25 of the *Act* the Region is required to first serve offers of compensation upon the owners within three months of registration of the expropriation plans. These offers are based on appraisals of market value which will be discussed with the owners.

[Link to key Council-approved plans](#)

From Vision to Results: 2015 to 2019 Strategic Plan

Priority Area – Strengthen the Region's economy

Compensation for Expropriation

Major Mackenzie Drive - Weston Road to Islington Avenue, City of Vaughan

Focusing on networks and systems that connect people, goods and services

The acquisition of these lands will contribute toward the completion and implementation of the Transportation Master Plan.

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 Major Mackenzie Drive, between Weston Road and Islington Avenue will provide upgraded capacity to improve traffic operations for the travelling public and will 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 Major Mackenzie Drive from Weston Road to Islington Avenue requires the partial acquisitions of twenty privately owned properties. Seventeen of the twenty have been acquired by the Region and the remaining three are the subject of this report. In February, 2015 expropriation plans were registered with respect to these three remaining properties, vesting ownership of the lands to the Region.

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

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Major Mackenzie Drive - Weston Road to Islington Avenue, City of Vaughan

The Senior Management Group has reviewed this report.

May 6, 2015

Attachments (2)

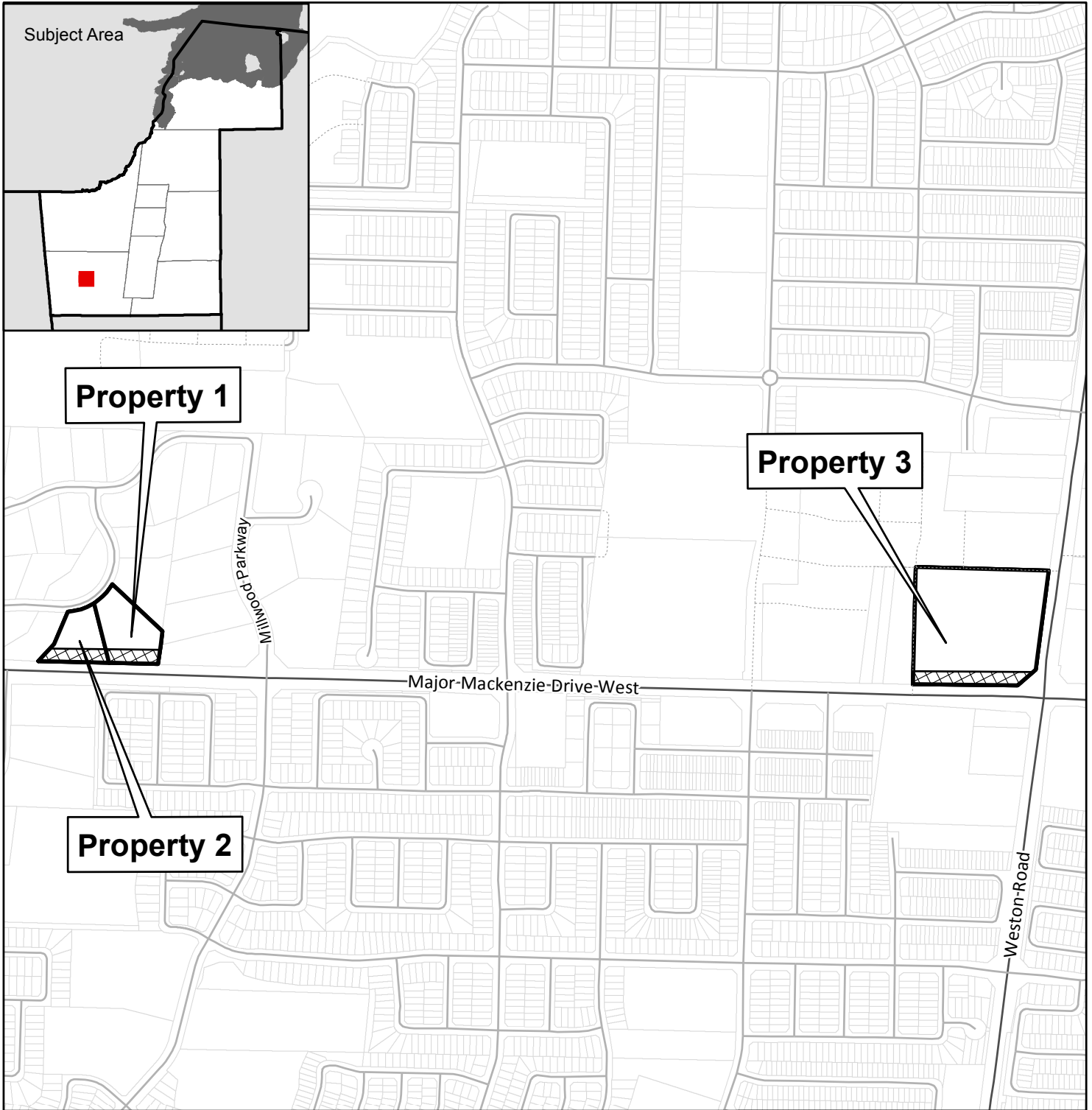
eDOCS #6133282

Accessible formats or communication supports are available upon request

**Property Schedule
 Compensation for Expropriation
 Major Mackenzie Drive – Weston Road to Islington Avenue
 City of Vaughan**

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Gurrizan, Marina	61 Petermar Drive Vaughan	Part 1 and 4, Plan 65R34552	Temporary Easement
			Part 2, Plan 65R34552	Fee Simple for 0.3 metre reserve
			Part 3, Plan 65R34552	Fee Simple for road widening
2.	Follegot, Giovanni	73 Petermar Drive Vaughan	Part 19, Plan 65R34557	Fee Simple for road widening
			Part 20, Plan 65R34557	Fee Simple for 0.3 metre reserve
			Part 21, Plan 65R34557	Temporary Easement
3.	Cicchino Holdings Ltd.	3812 Major Mackenzie Drive Vaughan	Part 1, Plan 65R35388	Temporary Easement

The temporary easements will commence on March 1, 2015, and expire on December 31, 2020, and are 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.



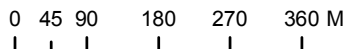
LOCATION PLAN

Compensation for Expropriation
 Major Mackenzie Drive - Weston Road to Islington Avenue
 City of Vaughan






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 The Regional Municipality of York
 Property Services, Corporate Service
 May 2015

Data Sources:
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Legend

-  Subject Properties
-  Interest Required
-  Parcel
-  Road
-  Railway