

Clause 11 in Report No. 6 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on March 12, 2015.

Application for Approval to Expropriate
Leslie Street - Bloomington Road to Bethesda Sideroad
Town of Richmond Hill

Committee of the Whole recommends adoption of the recommendations contained in the following report dated January 28, 2015 from the Commissioner of Corporate Services:

1. Recommendations

It is recommended that:

1. Council authorize an application for approval to expropriate the following lands, for the widening and reconstruction of Leslie Street, in the Town of Richmond Hill.

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Bethesda Investments Limited	1600 Bethesda Sideroad Richmond Hill	Parts 1 and 2 Plan 65R34213	Fee Simple
			Part 3 Plan 65R34213	Permanent Easement
The permanent easement is required for the purpose of constructing and maintaining a wildlife corridor and permanent drainage feature.				

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").

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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 held 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. This is required for the improvements to Leslie Street from Bloomington Road to Bethesda Sideroad, in the Town of Richmond Hill. The location of this property is shown in Attachment 1.

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

3. Background

The Region received approval to reconstruct Leslie Street from Bloomington Road to Bethesda Sideroad in the Town of Richmond Hill in 2008

In 2008 an Environmental Assessment study approved the reconstruction of Leslie Street as a two-lane rural cross-section between Bethesda Sideroad and Bloomington Road. The improvements to Leslie Street from Bloomington Road to Bethesda Sideroad include reconstructing the two-lane road to Regional standards, elevating the road at Haynes Lake and eliminating a jog at the Leslie Street and Bethesda Sideroad intersection. The project provides a wildlife passage and enhancements to the natural environment.

In October 2013, Council authorized the initiation of the expropriation process for nine properties

This is the first step in the Council approval process for property expropriation, as indicated in the graphics below.



On October 17, 2013, Council authorized an Application for Approval to Expropriate interests from a total of nine property owners. Five of the properties have been acquired by agreement or by expropriation. A compensation for expropriation report for three properties is being presented to Council at the same time as this report. The expropriation of the ninth property, the subject of this report, was invalid as the title had forfeited to the Province of Ontario at the time that Council authorized the Application for Approval to Expropriate and approved the expropriation of the property.

The change in ownership requires the Region to recommence the expropriation process

At the time Council authorized the Application for Approval to Expropriate and approved the expropriation of the property, the registered owner was identified as an Ontario corporation. However, the owner's corporate registration had been revoked and the property forfeited to the Province of Ontario. The Region does not have jurisdiction to expropriate property owned by the Province. The owner's corporate registration was reinstated in January 2015 and it recovered its property from the Province. Accordingly, the expropriation process needs to recommence.

4. Analysis and Options

Initiating the expropriation process will secure access to the lands

Several properties have already been acquired within this corridor through agreements or expropriation. Staff is negotiating the purchase of the subject property in an effort to secure possession and complete the property acquisition for this corridor so that utility relocations can be undertaken.

It is recommended the expropriation process proceed concurrently with ongoing negotiations. This will provide certainty of possession for utility relocations to commence.

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Owners have the right to request a Hearing of Necessity upon receipt of a Notice of Application to expropriate

The first step in the expropriation process is to serve owners with notice of intent to expropriate, following Council approval. Upon receipt of the Notice of Application 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 reasonable.

If an owner requests an inquiry and the Hearing of Necessity proceeds, then subsequent to the inquiry, an inquiry officer will provide a report stating his/her opinion as to whether the taking is fair, sound and reasonable, including an explanation for his/her 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 as to the findings and reasoning of the inquiry officer, along with further recommendations as to whether or not expropriation of the lands should proceed. 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 report has been completed and before the offer has been served on the owner and possession of the land is secured.

Environmental due diligence has been completed

The environmental investigations, involving searches of public records, have been carried out to the extent deemed appropriate in consultation with Legal Services. The environmental reports for this property have been reviewed by staff and no issues were identified.

Link to key Council-approved plans

From Vision to Results: 2011 to 2015 Strategic Plan

Priority Area – Continue to Deliver and Sustain Critical Infrastructure

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Improve mobility for users on Regional transportation corridors

The acquisition of this land will assist the Region in meeting its transportation needs

5. Financial Implications

The budget 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

The reconstruction of Leslie Street together with a jog elimination at Bethesda Sideroad, in the community of Richmond Hill, will improve traffic operations for the public.

7. Conclusion

This report seeks Council approval to expropriate one property from an owner at the intersection of Leslie Street and Bethesda Sideroad in order to implement road and intersection improvements. It is necessary to re-initiate the expropriation process by the forfeiture of the owner's property to the Crown.

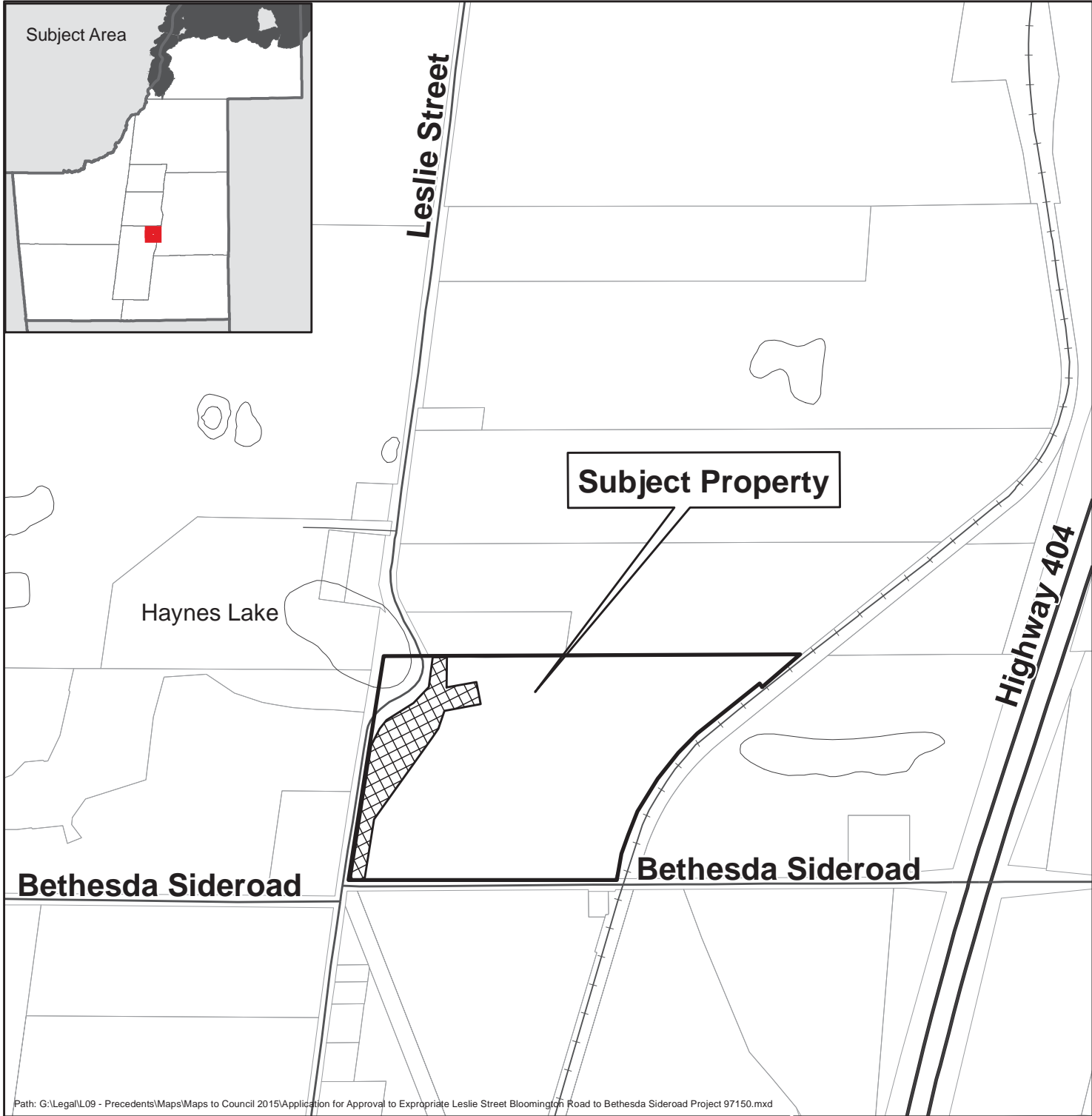
For more information on this report, please contact Jennifer Hughson, Acting Manager of Realty Services, Property Services Branch at ext. 71427.

The Senior Management Group has reviewed this report. January 28, 2015

Attachments (1)

eDOCS #5840959

Accessible formats or communication supports are available upon request



Path: G:\Legal\L09 - Precedents\Maps\Maps to Council 2015\Application for Approval to Expropriate Leslie Street Bloomington Road to Bethesda Sideroad Project 97150.mxd

LOCATION PLAN






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Legend

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