

Clause 12 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 26, 2015.

Compensation for Expropriation
Leslie Street - Bloomington Road to Bethesda Sideroad
Town of Richmond Hill

Committee of the Whole recommends adoption of the recommendation contained in the following report dated January 28, 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 in the Town of Richmond Hill, as set out in Attachment 1, 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 Leslie Street project from Bloomington Road to Bethesda Sideroad in the Town of Richmond Hill. The locations of the three properties are shown on the map in Attachment 2.

3. Background

The Region received approval to reconstruct Leslie Street from Bloomington Road to Bethesda Sideroad in 2008

A 2008 Environmental Assessment study approved the reconstruction of Leslie Street as a two-lane rural cross-section between Bethesda Sideroad and

Compensation for Expropriation
Leslie Street - Bloomington Road to Bethesda Sideroad
Town of Richmond Hill

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.

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

This is the third step in the Council approval process for property expropriation, as indicated in the graphic 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 expropriation report for three of the properties is the subject of this report. An Application for Approval to Expropriate interests from the ninth property is being presented to Council at the same time as this report.

The three owners in this report requested a Hearing of Necessity, which was held June 11, 2014

Three owners requested a hearing of necessity. The hearing was scheduled on June 11, 2014. Of the three owners who requested a hearing, only one attended. The two that didn't attend are deemed to have waived their right to a hearing, however, they have submitted Minutes of Settlement offers, which are under consideration. The hearing was held for the one owner who attended. The Hearing Officer delivered an opinion that the taking of the lands is fair, sound and reasonably necessary and his report was submitted to Council for consideration in September 2014.

It is necessary to continue with the expropriation process of the three properties that were subject to hearing of necessity requests, in order to secure access to the lands to accommodate utility relocations.

The Region acquired title to the lands when the expropriation plans were registered on October 3, 2014. The *Act* requires the Region to serve offers of

compensation upon the owners. These offers are based on appraisals of market value and other damages, as applicable.

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 trees and 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 April 1, 2015 and after the offers have been served

Although title 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 April 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. This report triggers compensation offers which will lead to possession by April 2015.

Link to key Council-approved plans

From Vision to Results: 2011 to 2015 Strategic Plan

Priority Area – Continue to Deliver and Sustain Critical Infrastructure

Improve mobility for users on Regional transportation corridors

The acquisition of these lands will assist the Region in meeting its transportation needs.

5. Financial Implications

As all the expropriation plans for this project were registered in 2014, the budget to pay for the lands is accrued and has been included in the 2014 Capital Budget for Transportation Services, Capital Delivery – Roads.

Under section 25 of the *Act*, the Region is obligated to serve offers of compensation on owners. The compensation payable to the owners is based on independently commissioned appraisals.

6. Local Municipal Impact

Once construction is complete, the realignment and reconstruction of Leslie Street, from Bloomington Road to Bethesda Sideroad, together with a jog elimination at Bethesda Sideroad, will provide improved traffic operations for the travelling public.

7. Conclusion

On October 3, 2014, expropriation plans were registered with respect to certain lands required for the Leslie Street road project. The *Act* requires that offers of compensation for expropriated lands be served on the former owners in order to obtain possession. The proposed offers are based on estimates provided by independently commissioned appraisers. 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 of Realty Services, Property Services Branch at ext. 71427.

The Senior Management Group has reviewed this report.

January 28, 2015

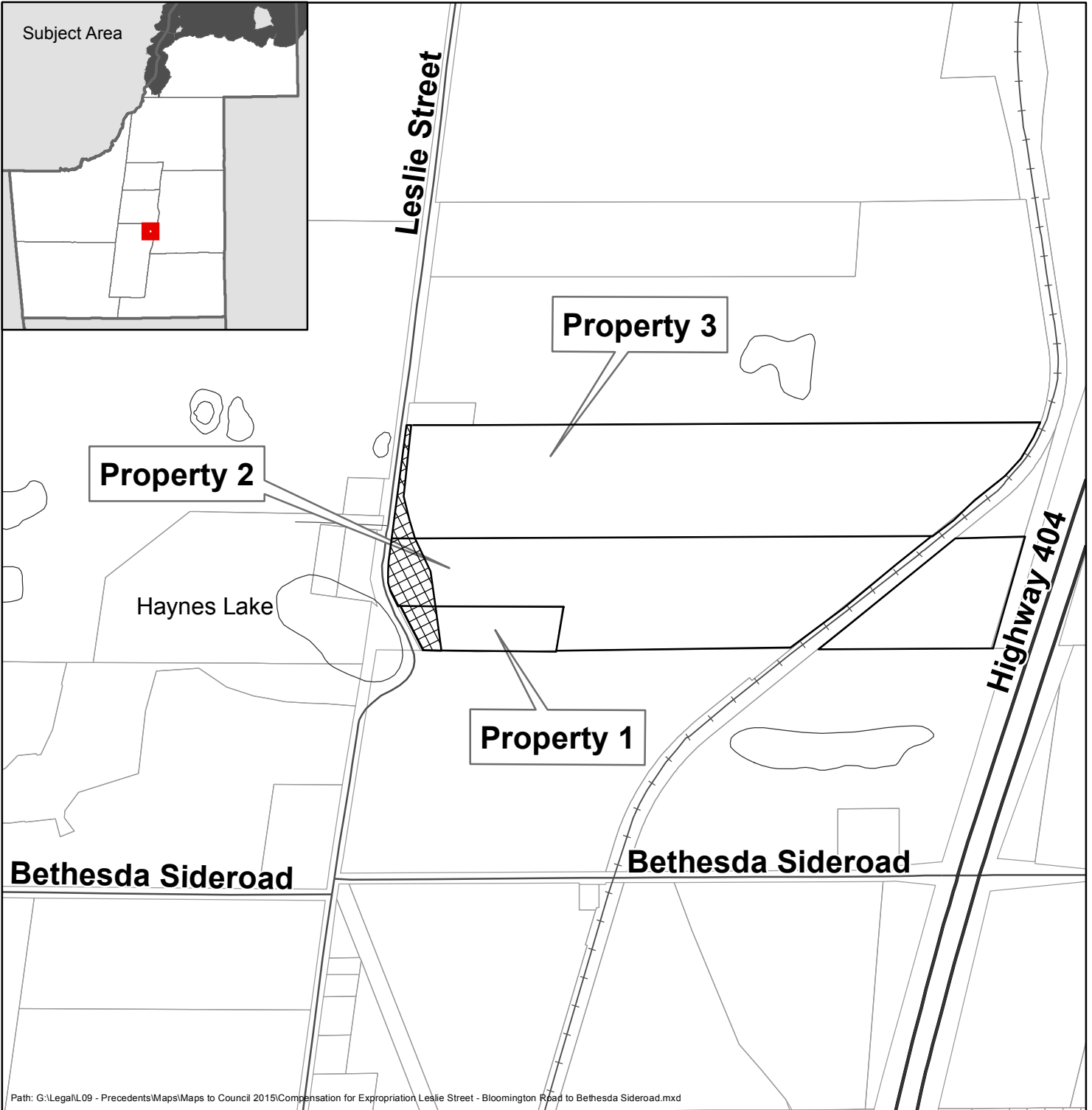
Attachments (2)

eDOCS #5747332

Accessible formats or communication supports are available upon request

**Property Schedule
 Compensation for Expropriation
 Leslie Street – Bloomington Road to Bethesda Sideroad
 Town of Richmond Hill**

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Mitchell, Keith Mitchell, Elisabeth	13205 Leslie Street Richmond Hill	Part 1, Plan 65R34214	Fee Simple
2.	Emery, Heather	13251 Leslie Street Richmond Hill	Parts 2, 3 and 4, Plan 65R34214	Fee Simple
3.	Carleton, Richard Weston Helmstadter, Carol Foster Savidge	13265 Leslie Street Richmond Hill	Part 5, Plan 65R34214	Fee Simple



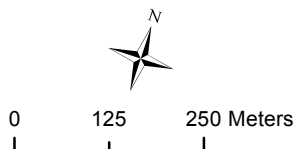
Path: G:\Legal\I09 - Precedents\Maps\Maps to Council 2015\Compensation for Expropriation Leslie Street - Bloomington Road to Bethesda Sideroad.mxd

LOCATION PLAN






Compensation for Expropriation
 Leslie Street - Bloomington Road to Bethesda Sideroad
 Town of Richmond Hill



Produced by:
 Property Services Branch
 Corporate Services Department
 © Copyright, The Regional Municipality of York, January, 2015
 © Copyright, First Base Solutions Inc. 2013 Orthophotography
 * Includes © Queen's Printer for Ontario 2003-2014



Legend

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