

Clause 15 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  
St. John's Sideroad – Bayview Avenue to Highway 404  
Town of Aurora

**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 Aurora, 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 St. John's Sideroad widening project from Bayview Avenue to Highway 404, in the Town of Aurora. The locations of the properties are shown in Attachment 2.

### 3. Background

The Region is reconstructing St. John's Sideroad from Bayview Avenue to Highway 404

The improvements to St. John's Sideroad from Bayview Avenue to Highway 404, include widening the existing two lane rural road to a 4 lane urban cross section, including on-street cycling facilities.

Council approved the expropriation of land from ten properties required for the St. John's Sideroad project in September 2014

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



In June of 2014 Regional Council approved the application to expropriate 10 interests for 10 properties. After second notices, we proceeded to obtain the approval to expropriate. Council approved this in Sept 2014. We are now moving to the Third Step which is to serve offers of compensation. Transportation Services has negotiated the acquisition of three of the ten parcels from a developer's group. It is necessary to continue with the expropriation process for the remaining seven properties, in order to accommodate utility relocations and meet the construction schedule. The construction is expected to start in June 2016. The Region acquired title to the lands when the expropriation plans were registered on October 16, 2014. The Act requires the Region to serve offers of compensation prior to taking possession of the land. 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 for the five parcels that will now occur

Independent consultants were commissioned to provide estimates of compensation, including appraisals of market value for the lands expropriated and, if applicable, 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*. The approval of the report allows offers to be made to the five property owners.

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

The Region acquired title to the lands when the St. John's Sideroad expropriation plans were registered at the Land Registry Office. Although ownership 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 March 31, 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.

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.

This report is for five of the expropriated properties.

Appraisal reports have been received for five of the properties. Two appraisals have not yet been received. Staff is continuing to negotiate for possession of those two properties. If those expropriations are not settled by the time the

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remaining appraisals are completed, a further compensation for expropriation report will be presented to Council.

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 prior to using the land. The compensation payable to the owners is based on independently commissioned appraisals.

## 6. Local Municipal Impact

Once construction is complete, the widening and reconstruction of St. John's Sideroad, from Bayview Avenue to Highway 404 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

On October 16, 2014 expropriation plans were registered with respect to certain lands required for the St. John's Sideroad 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 an independently commissioned appraiser. It is recommended that the offers set out in this report be served in accordance with the *Act*.

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St. John's Sideroad – Bayview Avenue to Highway 404, Town of Aurora

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. January 28, 2015

Attachments (2)

eDOCS #5747419

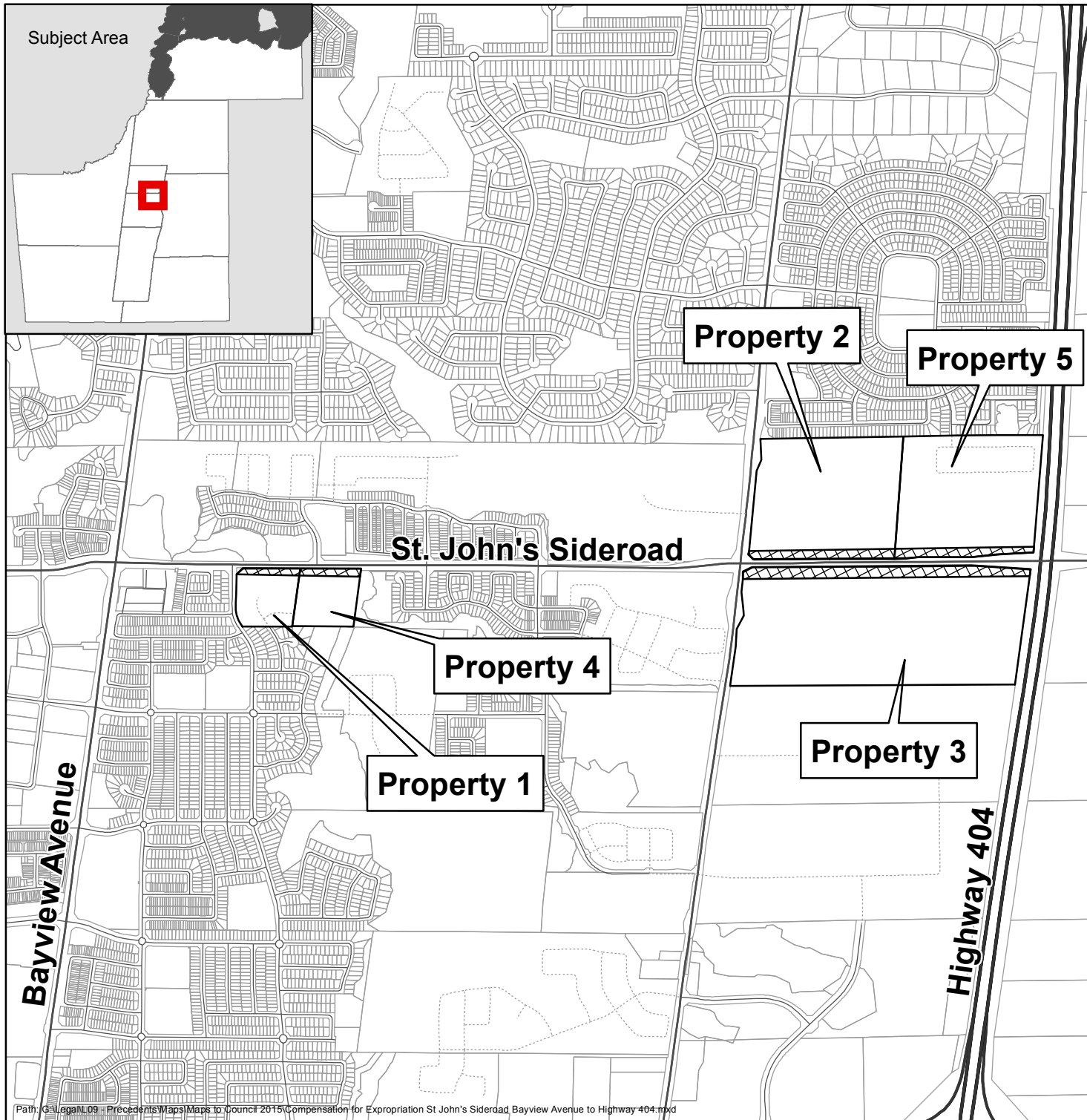
Accessible formats or communication supports are available upon request

**Property Schedule  
Compensation for Expropriation  
St. John's Sideroad – Bayview Avenue to Highway 404  
Town of Aurora**

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
1.	2316411 Ontario Inc.	929 St. John's Sideroad Aurora	Part 15 and 16, Plan 65R34927	Fee Simple
			Part 17, Plan 65R34927	Temporary Easement
2.	2352107 Ontario Inc.	1588 St John's Sideroad Aurora	Part 1, 2, 3 and 4, Plan 65R34920	Fee Simple
3.	721312 Ontario Inc.	1625 & 1675 St. John's Sideroad Aurora	Part 5 and 6, Plan 65R34920	Fee Simple
		1675 St. John's Sideroad Aurora	Part 1 and 2, Plan 65R34921	Fee Simple
4.	Luvian Homes (Aurora) Limited	1001 St. John's Sideroad Aurora	Part 2 and 3, Plan 65R34925	Fee Simple
			Part 4, Plan 65R34925	Temporary Easement
5.	Coppervalley Estates Inc. (formerly Northern Thoroughbred Equine Production Ltd.)	1756 St. John's Sideroad Aurora	Part 3 and 4, Plan 65R34921	Fee Simple

**ATTACHMENT 1**

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
<p>The temporary easements will run for a term of 60 months commencing upon registration of the expropriation plan and are required for the purpose of entering on the lands with all vehicles, machinery, workmen and other material to provide for hard and soft landscaping, grading and reshaping of the lands to the limit of the reconstruction of St. John's Sideroad during construction and the maintenance period.</p> <p>The permanent easements are required for the purpose of entering the lands with all vehicles, machinery, workmen and other material to construct and maintain sewer outlets and headwalls.</p>				



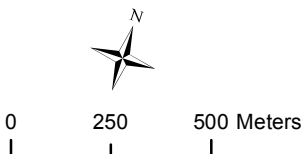
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**LOCATION PLAN**





Compensation for Expropriation  
 St. John's Sideroad - Bayview Avenue to Highway 404  
 Town of Aurora



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 Corporate Services Department  
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**Legend**

-  Interest Acquired
-  Subject Properties
-  Parcel
-  Road