

Clause 16 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
Highway 7 – Town Centre Boulevard to Sciberras Road
City of Markham

Committee of the Whole recommends adoption of the recommendation contained in the following report dated February 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 in the City of Markham, 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 *Expropriation Act* to owners whose lands have been expropriated for the Highway 7 project from Town Centre Boulevard to Sciberras Road, in the City of Markham. The locations of the properties are shown in Attachment 2.

3. Background

The Region is reconstructing Highway 7 from Town Centre Boulevard to Sciberras Road

An Individual Environmental Assessment (IEA) Report was approved in November 2006 for the York Region Rapid Transit Plan on Highway 7.

Compensation for Expropriation

Highway 7 – Town Centre Boulevard to Sciberras Road, City of Markham

The improvements to Highway 7 from Town Centre Boulevard to Sciberras Road include urbanization and road widening from four to six lanes, including enhanced streetscaping, off-road cycling and a City of Markham watermain replacement.

Council approved the expropriation of land from 33 properties required for the Highway 7 project in September 2014

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



The expropriation of land is necessary to ensure the construction schedule is not compromised. Thirty-three properties were approved for expropriation in January 2014 they have been reduced to eleven as follows:

- One agreement of purchase of sale
- Eleven temporary easements were converted to signed permissions to enter
- Ten properties had existing permissions to enter registered on title through the development approval process

Expropriation plans have been registered for the remaining eleven properties. Staff is continuing to negotiate settlements of the properties that Council authorized approval to expropriate in September 2014. It is necessary to continue with the expropriation process, in order to secure access to the lands to accommodate utility relocations and meet the construction schedule. The construction is expected to start in June 2015.

The Region acquired title to the remaining eleven properties when the expropriation plans were registered on October 22, November 25 and 28, 2014. 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, 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*.

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

The Region acquired title to the lands when the expropriation plans were registered at the Land Registry Office in October and November 2014. 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 four of the eleven expropriated properties

Appraisal reports have been received for four of the eleven properties. Staff is continuing to negotiate with the remaining seven property owners. If those expropriations are not settled by the time the 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 expropriated owners. The compensation payable to the owners is based on independently commissioned appraisals.

6. Local Municipal Impact

Once construction is complete, the widening of Highway 7, from Town Centre Boulevard to Sciberras Road 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 22, November 25 and 28, 2014 expropriation plans were registered with respect to certain lands required for the Highway 7 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, Realty Services, Property Services Branch at ext. 71427.

Compensation for Expropriation
Highway 7 – Town Centre Boulevard to Sciberras Road, City of Markham

The Senior Management Group has reviewed this report.

January 28, 2015

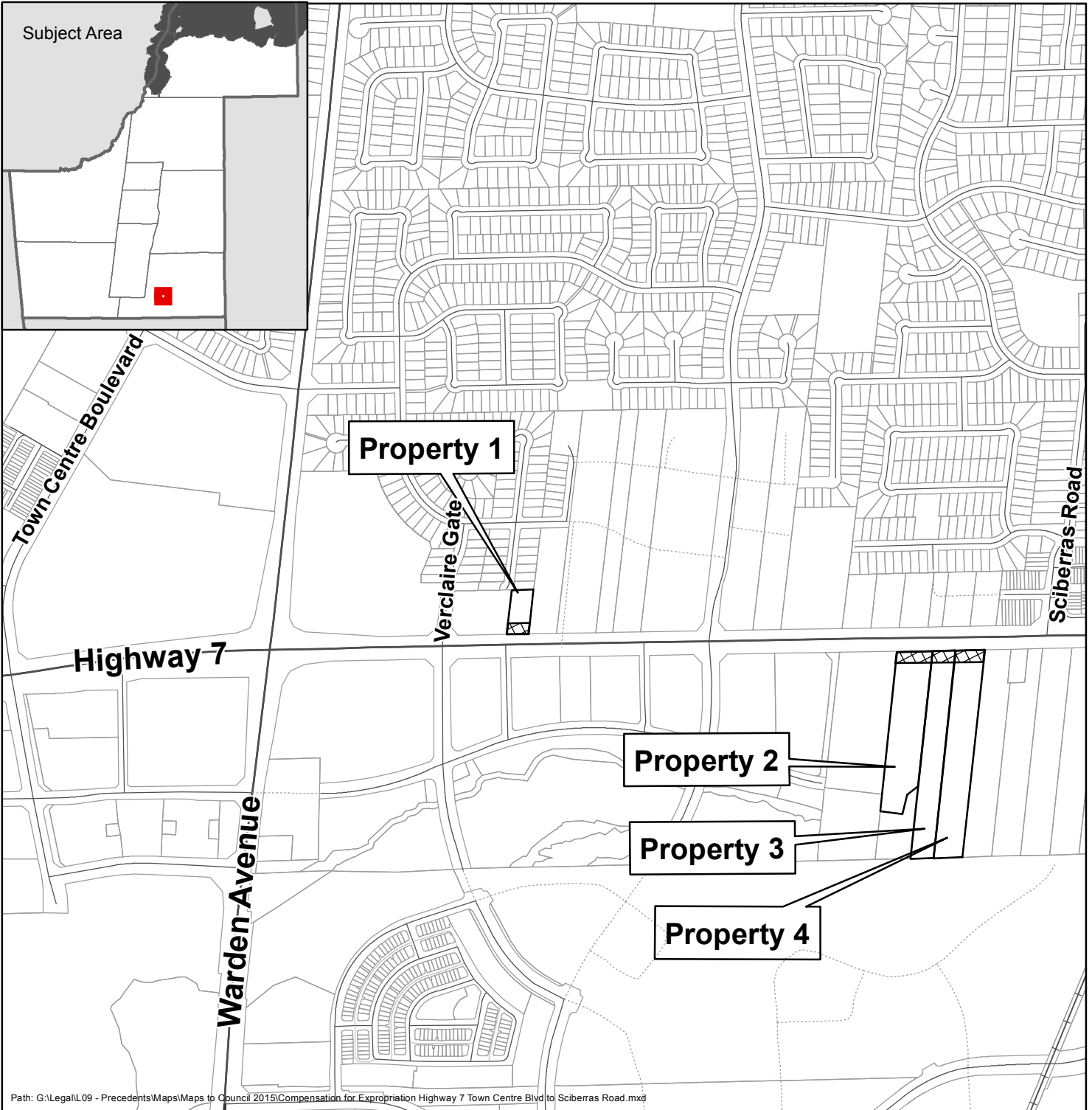
Attachments (2)

eDOCS #5747460

Accessible formats or communication supports are available upon request

**Property Schedule
Compensation for Expropriation
Highway 7 – Town Centre Boulevard to Sciberras Road
City of Markham**

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	2073236 Ontario Inc.	3882 Highway 7 Markham	Parts 1 and 3, draft plan L12-011628 now 65R34866	Fee Simple
			Parts 2 and 4, draft plan L12-011628 now 65R34866	Temporary Easement
2.	2412367 Ontario Limited and 2412369 Ontario Limited (former owner: Sheridan Nurseries Limited)	4101 Highway 7 Markham	Parts 1, 3, 5 & 6, draft plan L12-011630 now 65R34928	Temporary Easement
			Parts 2 & 4, draft plan L12-011630 now 65R34928	Fee Simple
3.	2412371 Ontario Limited (former owners: Wedekind, Maria Wedekind, Susan)	4121 Highway 7 Markham	Part 1, draft plan L12-011631 now 65R-34843	Fee Simple
4.	Young, Paul William	4137 Highway 7 Markham	Part 1, draft plan L12-011632 now 65R34844	Fee Simple
<p>The temporary easements will commence on June 1, 2015 and expire on May 31, 2020 and are required for the purpose of entering on lands with all vehicle, machinery, workmen and other materials to provide for hard and soft landscaping, grading and reshaping of the lands to the limit of the reconstruction of Highway 7 and works ancillary thereto.</p>				



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LOCATION MAP






Compensation for Expropriation
 Highway 7 - Town Centre Boulevard to Sciberras Road
 City of Markham



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 Corporate Services Department
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Legend

-  Interest Acquired
-  Subject Properties
-  Parcel
-  Road
-  Railway