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Clause No. 8 in Report No. 2 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on January 22, 2015.

Compensation for Expropriation  
Keele Street and Lloydtown/Aurora Road  
Township of King

**Committee of the Whole recommends adoption of the following recommendation contained in the report dated December 19, 2014 from the Commissioner of Corporate Services:**

1. Recommendations

It is recommended that:

1. Council authorize the Commissioner of Corporate Services to make an offer of compensation to the owner of the following land in the Township of King, which was acquired in accordance with the *Expropriations Act* (the "Act").

| No. | Owner                                    | Municipal Address                     | Legal Description         | Interest Required |
|-----|--|---------------------------------------|---------------------------|-------------------|
| 1.  | Puopolo, Donato<br>Mainse-Puopolo, Jamie | 2320<br>Lloydtown/Aurora Road<br>King | Part 1, Plan<br>YR2194432 | Fee Simple        |

2. Purpose

This report seeks Council approval to serve offers of compensation under section 25 of the *Act* to owners whose land has been expropriated for the Keele Street and Lloydtown/Aurora Road intersection improvement project, in the Township of King. The location of the property is shown in Attachment 1.

### 3. Background

The construction of a roundabout at the intersection of Keele Street and Lloydtown/Aurora Road in the Township of King, was first approved in the 2011 Roads 10 Year Capital Plan. Regional and Township of King staff are supportive of the preferred solution to construct a roundabout at this location, which was contained in Report 7 of the Transportation Services Committee and approved by Council on September 20, 2012. The project is classified as Class Environmental Assessment Schedule A+, hence considered approved to proceed to project implementation.

On September 11, 2014, Council authorized the expropriation of land from four of five properties required for the construction

The expropriation of land is necessary to ensure the construction schedule is not compromised. Staff had acquired one of the five properties by negotiated agreement of purchase and sale prior to the expropriation. Staff is continuing to negotiate settlements of the properties presented to Council on September 11, 2014. It was necessary to continue with the expropriation process for the four remaining properties in order to secure ownership of the lands to accommodate utility relocations and meet the construction schedule. The construction is expected to start in July 2015.

In order to get access to the land for construction, compensation must be offered for one remaining expropriated property for which compensation has not yet been finalized

Staff has negotiated final compensation with three of the five owners. The owners of the fourth property requested a hearing of necessity and then withdrew it. A report is being presented to Council on the same date as this report for approval to expropriate that property. This report relates to the fifth property. The Region acquired title to the land when the expropriation plan was registered on September 30, 2014, however there are additional steps before the Region can access the land. Notices of expropriation and possession were served upon the owners, which advised the owners that the Region had expropriated their land and that we would be taking possession on February 1, 2015, at which time the Region can access the land for construction. Staff calculates this possession date based on requirements in the *Expropriations Act* and the anticipated date of approval by Council.

#### 4. Analysis and Options

An independent appraisal report has 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 expropriated land, 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 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 land when the expropriation plan was registered at the Land Registry Office. 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.

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 key transportation needs.

## 5. Financial Implications

As all the expropriation plans for were registered in 2014, all funds to pay for the lands are accrued and have 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 within three months of registration of the expropriation plan. The compensation payable to the owners is based on independently commissioned appraisals.

## 6. Local Municipal Impact

Once construction is complete, the intersection improvement project at Keele Street and Lloydtown/Aurora Road, in the Township of King, will provide upgraded capacity to improve traffic flow for the travelling public in this area.

## 7. Conclusion

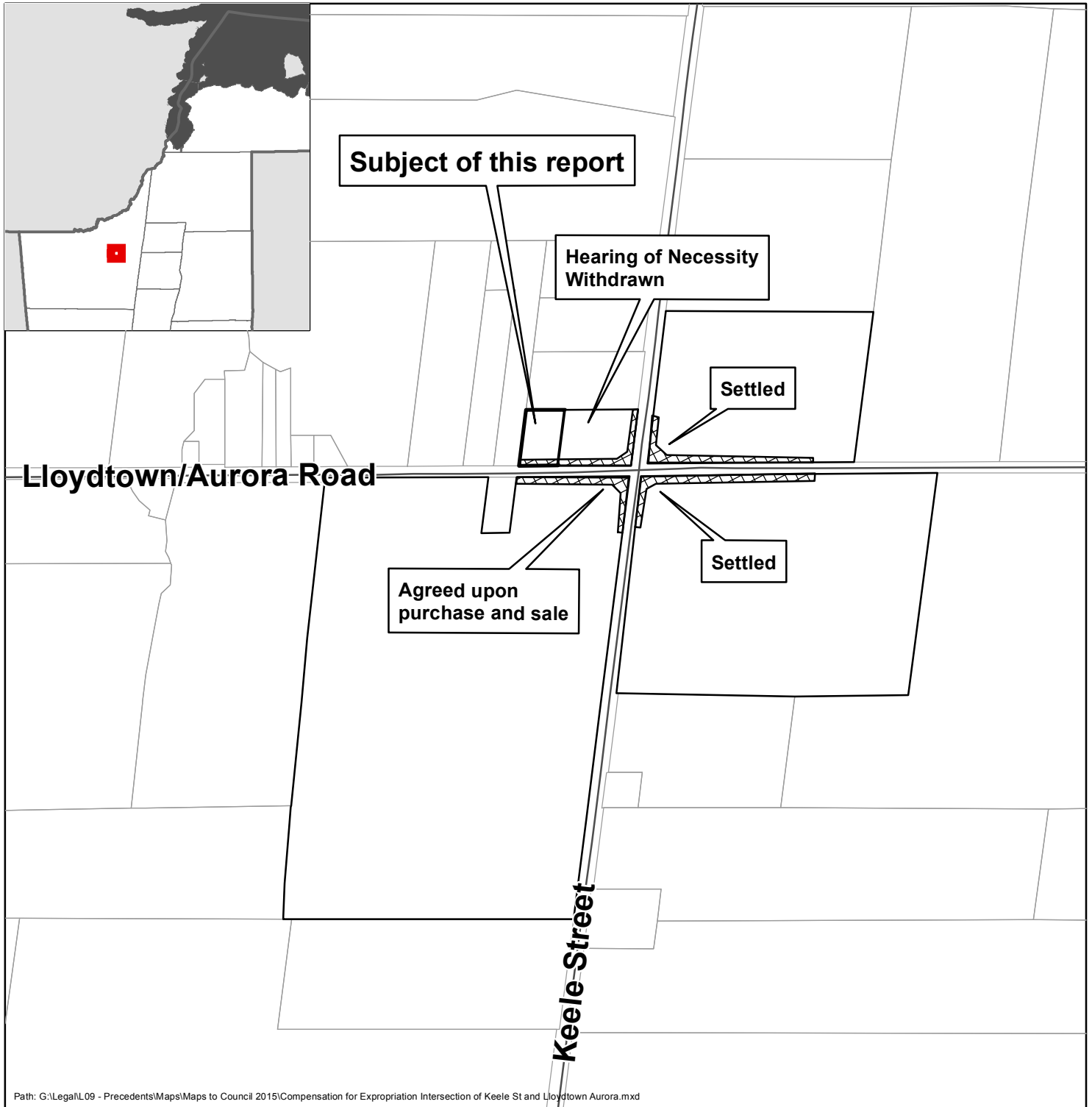
On September 30, 2014, an expropriation plan was registered with respect to certain lands required for the Keele Street and Lloydtown/Aurora Road project. The *Act* requires that offers of compensation for expropriated lands be served on the former owners in order to obtain possession. The proposed offers 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 René Masad, Director, Property Services at ext. 71684.

The Senior Management Group has reviewed this report.

Attachments (1)

Accessible formats or communication supports are available upon request



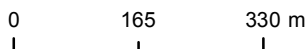
Path: G:\Legal\L09 - Precedents\Maps\Maps to Council 2015\Compensation for Expropriation Intersection of Keele St and Lloydtown Aurora.mxd

### LOCATION PLAN





Compensation for Expropriation  
 Intersection of Keele Street and Lloydtown/Aurora Road  
 Township of King



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 Corporate Services Department  
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### Legend

-  Interest Required
-  Subject Property
-  Parcel
-  Road