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Clause No. 10 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  
Major Mackenzie Drive – Weston Road to Islington Avenue  
City of Vaughan

**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 offers of compensation to the owners of lands in the City of Vaughan, 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 Major Mackenzie Drive project from Weston Road to Islington Avenue, in the City of Vaughan. The locations of the nine properties are shown in Attachment 2.

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### 3. Background

The reconstruction of Major Mackenzie Drive, between Weston Road and Islington Avenue in the City of Vaughan was approved under the Western Vaughan Individual Environmental Assessment in 2011

The Region is undertaking improvements to Major Mackenzie Drive between Weston Road and Islington Avenue, in the City of Vaughan to facilitate urbanization and road widening from two to six lanes, including Transit-HOV lanes and off-street cycling facilities.

The widening and reconstruction of Major Mackenzie Drive from Weston Road to Islington Avenue is part of the approved Western Vaughan Individual Environmental Assessment, which was contained in Report No. 2 of the Transportation Services Committee and approved by Council on February 17, 2011.

On September 11, 2014, Council authorized the expropriation of land from 20 properties required for the widening and reconstruction of Major Mackenzie Drive

Staff acquired eight of the 20 required properties by negotiated agreements of purchase and sale. Three properties were the subject of Hearing of Necessity requests and are being addressed in an approval to expropriate report going to Council at the same time as this report. Expropriation plans have been registered for the remaining nine properties. 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 in order to secure ownership of 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 land when the expropriation plan was registered on December 1, 2014. The *Act* requires the Region to serve offers of compensation within three months of registration of the plan. These offers are based on appraisals of market value and other damages, if 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 expropriated lands will be obtained after serving the offers

The Region acquired title to the land when the expropriation plan was registered at the Land Registry Office on December 1, 2014. Notices of expropriation and possession were served upon the owners on December 18, 2014, with possession anticipated for March 22, 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.

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

Financial Services has advised that the Region accrues the money owing on expropriation on the date that the plan is registered. All plans on this project were registered in 2014. The budget required to complete the property acquisitions 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 within three months of registration of the expropriation plan. These offers cannot be served until after Council approval, which is beyond the three month period, therefore the Region must also pay interest from the date the plan was registered, rather than from the date of possession. 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 Major Mackenzie Drive, between Weston Road and Islington Avenue 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 December 1, 2014, expropriation plans were registered with respect to certain lands required for Major Mackenzie Drive between Weston Road and Islington Avenue, in the City of Vaughan. 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 Branch at ext. 71684.

The Senior Management Group has reviewed this report.

Attachments (2)

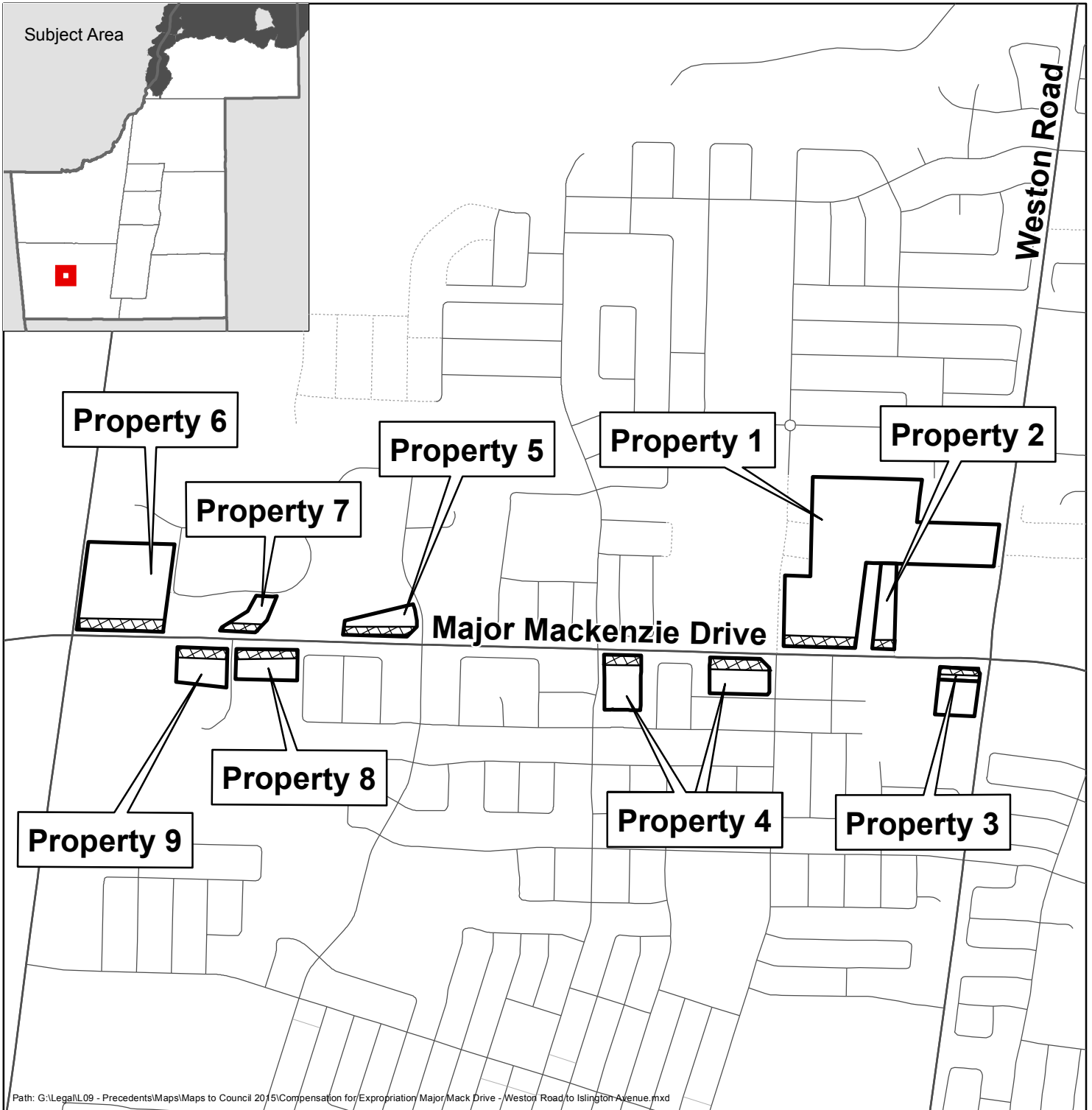
Accessible formats or communication supports are available upon request

**Property Schedule  
 Compensation for Expropriation  
 Major Mackenzie Drive – Weston Road to Islington Avenue  
 City of Vaughan**

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
1.	Maplequest (Vaughan) Developments Inc.	10100 Weston Road Vaughan	Part 1, Plan YR2223409	Fee Simple for road widening
			Part 2, Plan YR2223409	Temporary Easement
2.	Russo, Maria Russo, Leonardo	3836 Major Mackenzie Drive Vaughan	Part 1, Plan YR2223404	Temporary Easement
3.	647057 Ontario Limited	9900 Weston Road Vaughan	Part 1, Plan YR2223442	Fee Simple for road widening
			Part 2, Plan YR2223442	Temporary Easement
4.	Terwol Developments Limited	Not Assigned Vaughan	Part 1, Plan YR2223435	Fee Simple for road widening
			Part 1, Plan YR2223412	
			Part 2, Plan YR2223435	Temporary Easement
			Part 2, Plan YR2223412	
5.	Barker, Ross Barker, June	16 Millwood Parkway Vaughan	Part 3, Plan YR2223467	Temporary Easement
			Part 2, Plan YR2223467	Fee Simple for 0.3 metre reserve
			Part 1, Plan YR2223467	Fee Simple for road widening
6.	Calvi, Frank Calvi, Rose	10071 Pine Valley Drive	Part 1, Plan YR2223429	Fee Simple for road widening

No.	Owner	Municipal Address	Legal Description	Interest Required
	Fiorello, Elizabeth	Vaughan	Part 2, Plan YR2223429	Temporary Easement
			Part 3, Plan YR2223429	Fee Simple for road widening
7.	2360133 Ontario Inc.	Part of Block 18, Registered Plan 65M2234 Vaughan	Part 1, Plan YR2223419	Fee Simple for road widening
			Part 2, Plan YR2223419	Fee Simple for 0.3 metre reserve
			Part 3, Plan YR2223419	Temporary Easement
8.	Presutto, Guido Presutto, Pietruccia Presutto, Robert Presutto, Paola	11 Woodend Place Vaughan	Part 2, Plan YR2223457	Temporary Easement
			Part 1, Plan YR2223457	Fee Simple for road widening
9.	Tomei, Frank Tomei, Mara Ramundi, Ralph	4405 Major Mackenzie Drive Vaughan	Parts 1, 4, and 9, Plan YR2223450	Fee Simple for road widening
			Parts 2, 5 and 8, Plan YR2223450	Fee Simple for 0.3 metre reserve
			Parts 3, 6 and 7, Plan YR2223450	Temporary Easement

The temporary easements will commence on March 1, 2015 and expire on December 31, 2020, and are required for the purpose of entering on the lands with all vehicles, machinery, workmen and other material for construction purposes, which may include (1) relocation of existing services and utilities, (2) work that supports the construction of municipal infrastructure within the Region's right-of-way, (3) staging and storage of materials and equipment, (4) geotech testing, borehole testing, and other investigative works, (5) removal, relocation and/or installation of signage, (6) landscaping, paving, grading and reshaping the lands to the limit of the reconstruction, (7) the installation and removal of temporary infrastructure related to the construction, and (8) works ancillary to any of the foregoing.



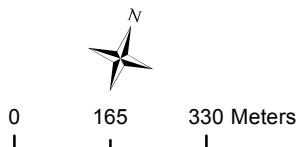
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### LOCATION MAP

Compensation for Expropriation  
Major Mackenzie Drive - Weston Road to Islington Avenue  
City of Vaughan



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Property Services Branch  
Corporate Services Department  
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### Legend

-  Interest Required
-  Subject Properties
-  Parcel
-  Road