



Clause No. 11 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
Leslie Street – Wellington Street to Mulock Drive
Town of Aurora and Town of Newmarket

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. Recommendation

It is recommended that:

1. Council authorize the Commissioner of Corporate Services to make offers of compensation to the owners of lands, 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 road widening project from Wellington Street to Mulock Drive, in the Town of Aurora and Town of Newmarket. The locations of the six properties are shown in Attachment 2.

3. Background

The Region is reconstructing Leslie Street from Wellington Street to Mulock Drive

The improvements to Leslie Street from Wellington Street to Mulock Drive include urbanization and road widening from two to four lanes, including on-street cycling. All lands in this report are located within the Town of Aurora.

On September 11, 2014, Council authorized the expropriation of land from eight properties required for the widening and reconstruction of Leslie Street

The expropriation of land is necessary to ensure the construction schedule is not compromised. 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 six 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 September 2015.

The Region can access the land for construction on February 1, 2015, the date set out in the notices possession sent to the owners

The Region acquired title to the remaining six properties when the expropriation plans were registered on September 17, 18 and 25, 2014, however there are additional steps before the Region can access the land. Notices of expropriation and possession were served upon the owners on October 16, 2014, 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 date based on requirements in the *Expropriations Act* and the anticipated date of approval by Council.

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 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

5. Financial Implications

As all the expropriation plans for this project 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 widening of Leslie Street in the Town of Aurora and Town of Newmarket 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 September 17, 18 and 25, 2014, expropriation plans were registered with respect to certain lands required for the Leslie Street 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*.

For more information on this report, please contact René Masad, Director, Property Services Branch at ext. 71684.

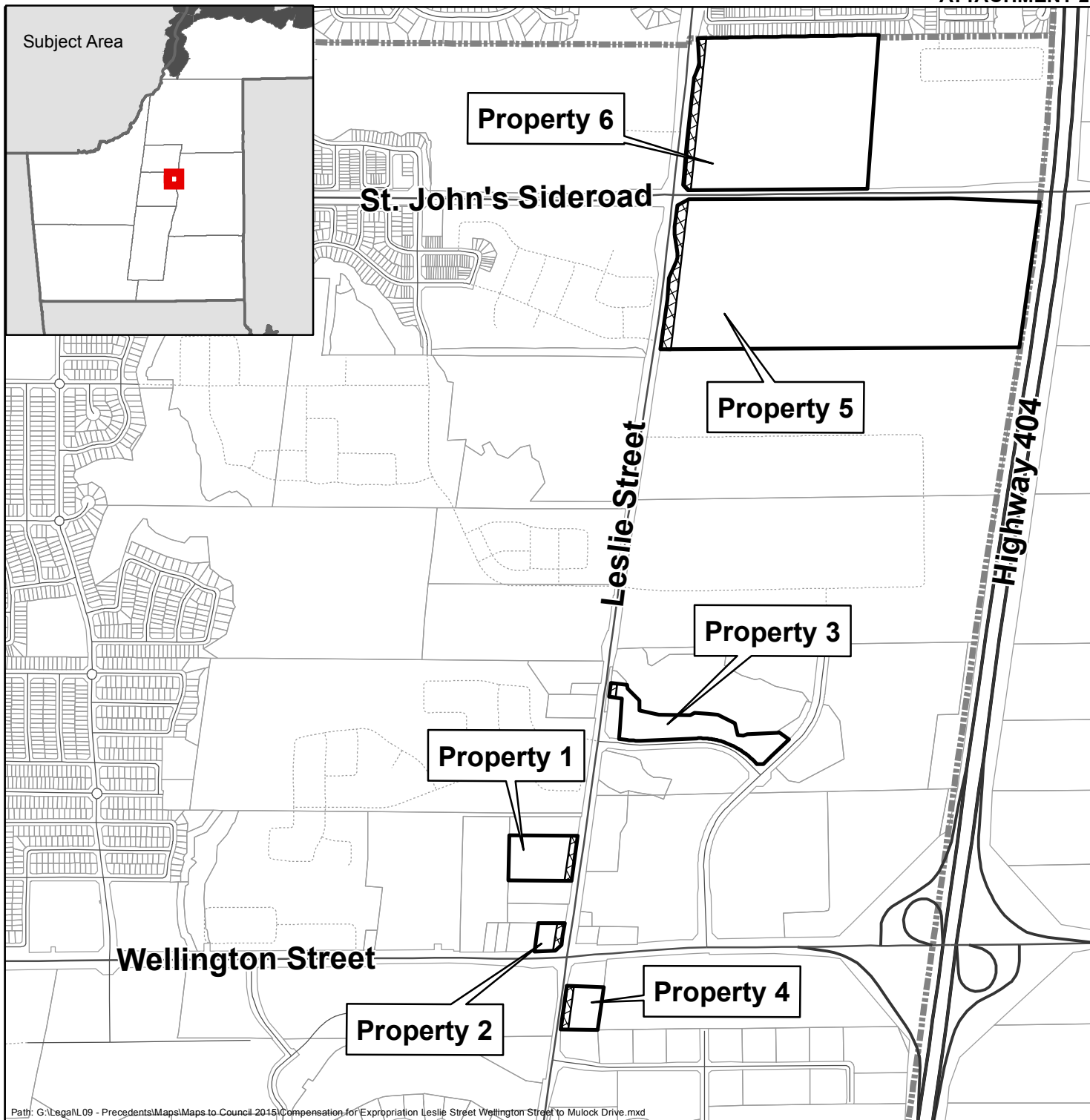
The Senior Management Group has reviewed this report.

Attachments (1)

Accessible formats or communication supports are available upon request

**Property Schedule
 Compensation for Expropriation
 Leslie Street – Wellington Street to Mulock Drive
 Town of Aurora and Town of Newmarket**

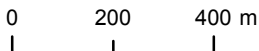
No.	Owner	Municipal Address	Legal Description	Interest Required
1.	The Governing Council of the Salvation Army in Canada	15338 Leslie Street Aurora	Part 1, Plan YR2191580	Temporary Easement
2.	Imperial Oil Limited	1472 Wellington Street Aurora	Part 1, Plan YR2188508	Temporary Easement
3.	State Farm Mutual Automobile Insurance Company	24 State Farm Way Aurora	Parts 1 & 2, Plan YR2191584	Temporary Easement
4.	Elina Developers Inc.	15195 Leslie Street Aurora	Parts 1 & 2, Plan YR2188604	Fee Simple
5.	721312 Ontario Inc.	1625 & 1675 St. John's Sideroad Aurora	Part 1, Plan YR2201800	Fee Simple
			Parts 2 & 3, Plan YR2201800	Temporary Easement
6.	2352107 Ontario Inc.	1588 St. John's Sideroad Aurora	Part 1, Plan YR2201434	Fee Simple
			Part 2, Plan YR2201434	Temporary Easement
<p>The temporary easements are required for the purposes of relocating existing services and utilities, grading and access during the 2-year road contractor warranty period after construction, and will commence on registration of the plan and expire on December 30, 2018.</p>				



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LOCATION PLAN

Compensation for Expropriation
 Leslie Street - Wellington Street to Mulock Drive
 Town of Aurora and Town of Newmarket



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 Corporate Services Department
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Legend

-  Interest Required
-  Subject Properties
-  Parcel
-  Road