

Clause No. 41 in Report No. 13 of the Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on September 11, 2014.

**41**  
**APPROVAL TO EXPROPRIATE**  
**WIDENING AND RECONSTRUCTION OF HIGHWAY 7 PROJECT 98180**  
**CITY OF MARKHAM**

**Committee of the Whole recommends adoption of the recommendations contained in the following report dated August 18, 2014 from the Acting Commissioner of Corporate Services :**

**1. RECOMMENDATIONS**

It is recommended that:

1. Council, as approving authority, approve the expropriation of the following lands for the widening and reconstruction of Highway 7, within the City of Markham:

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
1	2073236 Ontario Inc.	3882 Highway 7	Parts 1 and 3, draft plan L12-011628 now 65R-34866	Fee Simple
			Parts 2 and 4, draft plan L12-011628 now 65R-34866	Temporary Easement
2	Roman Catholic Episcopal Corporation	3898 Highway 7	Part 1, draft plan L12-011621 now 65R-34785	Fee Simple
			Part 2, draft plan L12-011621 now 65R-34785	Temporary Easement
3	Hildebrand, Jack	3912 Highway 7	Part 1, draft plan L12-011622 now 65R-34776	Fee Simple
			Part 2, draft plan L12-011622 now 65R-34776	Temporary Easement

No.	Owner	Municipal Address	Legal Description	Interest Required
4	Hotson, Bonnie Lynne Hildebrand, Robert Ross Hildebrand, Douglas Harold Hildebrand, John Charles Roy	3928 Highway 7	Part 1, draft plan L12-011623 now 65R-34841	Temporary Easement
5	2124123 Ontario Limited	3940 Highway 7	Part 1, draft plan L12-011629 now 65R-34867	Temporary Easement
6	Unionville Development	3972 Highway 7	Part 1, draft plan L12-011625 now 65R-34848	Temporary Easement
7	1820266 Ontario Inc.	4002 Highway 7	Part 1, draft plan L12-011626 now 65R-34849 Part 2, draft plan L12-011626 now 65R-34849	Temporary Easement
8	Scardred 7 Company Limited	4038 Highway 7	Part 1, draft plan L12-011627 now 65R-34842	Temporary Easement
9	1421121 Ontario Limited	4080 Highway 7	Part 1, draft plan L12-011604 now 65R-34786 Part 2, draft plan L12-011604 now 65R-34786 Part 3, draft plan L12-011604 now 65R-34786	Temporary Easement
10	Boutakis, Basil	4128 Highway 7	Parts 1 & 3, draft plan L12-011605 now 65R-34839 Parts 2 & 4, draft plan L12-011605 now 65R-34839	Temporary Easement  Fee Simple
11	Apcom Enterprises Inc.	4142 Highway 7	Part 1, draft plan L12-011606 now 65R-34840 Part 2, draft plan L12-011606 now	Temporary Easement  Fee Simple

No.	Owner	Municipal Address	Legal Description	Interest Required
			65R-34840	
12	Sham, Wing Leung Lee, Serfina Kam Ling	93 Lichfield Road	Part 1, draft plan L12-011607 now 65R-34780	Temporary Easement
13	Gillespie, Joanne Elizabeth	91 Lichfield Road	Part 1, draft plan L12-011608 now 65R-34781	Temporary Easement
14	Ador-Dionisio Saturnino III Luk May	89 Lichfield Road	Part 1, draft plan L12-011609 now 65R-34778	Temporary Easement
15	Shim, Hing Min	87 Lichfield Road	Part 1, draft plan L12-011610 now 65R-34782	Temporary Easement
16	Mitchell, Donald Thomas Sun, Anna	85 Lichfield Road	Part 1, draft plan L12-011611 now 65R-34779	Temporary Easement
17	Fung, Mee Hung, Yan, Daniel Pui Chak	83 Lichfield Road	Part 1, draft plan L12-011612 now 65R-34862	Temporary Easement
18	Tsang, Jack K.Y. Lee, Avis K.S.	81 Lichfield Road	Part 1, draft plan L12-011613 now 65R-34863	Temporary Easement
19	Sheikh, Ali Ijaz Rafi, Binish	79 Lichfield Road	Part 1, draft plan L12-011616 now 65R-34777	Temporary Easement
20	Baum, Salomon Baum, Ilde Mar Moncada de	77 Lichfield Road	Part 1, draft plan L12-011617 now 65R-34784	Temporary Easement
21	Yu, Suk-Yin	75 Lichfield Road	Part 1, draft plan L12-011618 now 65R-34783	Temporary Easement
22	YRC No. 535	16 Ashglen Way 1	Part 1, draft plan L12-011614 now 65R-34852	Temporary Easement
23	YRC No. 539	2 Ashglen Way 1	Part 1, draft plan L12-011615 now 65R-34853	Temporary Easement
24	1771107 Ontario Inc.	Not Assigned 02988-0714	Part 1, draft plan L12-011619 now 65R-34905	Temporary Easement
25	1826985 Ontario Inc.	Not Assigned 02988-0680	Part 1, draft plan L12-011620 now	Temporary Easement

No.	Owner	Municipal Address	Legal Description	Interest Required
			65R-34929	
26	1826997 Ontario Inc.	Not Assigned 02988-0681	Part 1, draft plan L12-011624 now 65R-34933	Temporary Easement
27	1826997 Ontario Inc.	Not Assigned 02988-0682	Part 2, draft plan L12-011624 now 65R-34933	Temporary Easement
28	Sheridan Nurseries Limited	4101 Highway 7	Parts 1, 3, 5 & 6, draft plan L12-011630 now 65R-34928	Temporary Easement
			Parts 2 & 4, draft plan L12-011630 now 65R-34928	Fee Simple
29	Wedekind, Maria Wedekind, Susan	4121 Highway 7	Part 1, draft plan L12-011631 now 65R-34843	Fee Simple
30	Young, Paul William	4137 Highway 7	Part 1, draft plan L12-011632 now 65R-34844	Fee Simple
31	Antonel, Elio Antonel, Rosalina	4151 Highway 7	Part 1, draft plan L12-011633 now 65R-34845	Fee Simple
32	1246896 Ontario Inc. 1246897 Ontario Inc.	4171 Highway 7	Part 1, draft plan L12-011634 now 65R-34846	Temporary Easement
33	Kealson Limited	4189 Highway 7	Part 1, draft plan L12-011636 now 65R-34865	Fee Simple
			Part 2, draft plan L12-011636 now 65R-34865	Temporary Easement
<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>				

2. The Commissioner of Corporate Services be authorized to execute and serve any notices required under the *Expropriations Act* (the "Act").

3. Council authorize the introduction of the necessary bylaw to give effect to these recommendations.

## 2. PURPOSE

This report seeks Council approval to expropriate property interests required for the widening and reconstruction of Highway 7 in the City of Markham (*Attachment 1*).

## 3. BACKGROUND

### **In January 2014, Council authorized initiating proceedings to expropriate lands required for the Highway 7 project**

The widening and reconstruction of Highway 7 from Verclaire Gate to Sciberras Road is scheduled to commence in April 2015. On January 16, 2014, Council authorized an application for approval to expropriate a total of 51 interests from 33 properties, including 13 fee simple interests, and 38 temporary easements. The Notice of Application to Expropriate was served to owners following Council authorization.

Upon receipt of the Notice of Application to Expropriate, each owner had the right within 30 days of receipt, to request an inquiry (Hearing of Necessity) as to whether the taking of the lands by the Region is fair, sound and reasonable. Two of the owners who were served notice had requested a Hearing. After meeting with staff, these two owners have waived their Hearing of Necessity requests.

Staff has secured two of the 33 properties and will continue negotiations. It is necessary to complete expropriation of the remaining properties in order to secure access to the lands in time for construction to commence.

## 4. ANALYSIS AND OPTIONS

### **Registration of an expropriation plan will secure access to the lands and ensure that construction can proceed**

Under the *Act*, registration of an expropriation plan vests lands in the expropriating authority. Subject to the Region taking certain procedural steps, the Region will obtain possession of the lands approximately three months after the registration of the plan of expropriation.

A draft expropriation plan has been prepared for the subject properties. It is anticipated the plan will be registered no later than December 10, 2014. Accordingly, the Region will have access to the property no later than March 2015, enabling construction to proceed on time.

The environmental due diligence reports for these properties have been reviewed by staff in consultation with Legal Services.

### **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 strategic transportation needs as set out in the Transportation Master Plan.

## **5. FINANCIAL IMPLICATIONS**

The funds required to complete the property acquisition for this project have been included in the approved 2014 Capital Budget for the Transportation and Community Planning Department, Roads Branch.

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 appraisals required to support these offers are currently being prepared and the proposed offers will be the subject of a further report to Council.

## **6. LOCAL MUNICIPAL IMPACT**

The widening and reconstruction of Highway 7, from Verclaire Gate to Sciberras Road, in Markham will provide upgraded capacity to improve traffic operations for the travelling public and will meet the expected growth in this area.

## **7. CONCLUSION**

The widening and reconstruction of Highway 7, from Verclaire Gate to Sciberras Road will require the acquisition of 51 property interests from 33 properties. Staff is continuing to negotiate with owners. In order to ensure timely possession of the lands to commence construction, it is recommended that Council approve the expropriation of the balance of the interests required. Staff will negotiate for the acquisition of the required properties and expropriation proceedings will be abandoned in cases where negotiations are successful.

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.

*Attachment (1)*





**LOCATION PLAN**

Approval to Expropriate  
 Widening and Reconstruction of Highway 7 Project 98180  
 City of Markham



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 Corporate Services Department  
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**Legend**

-  Subject Lands
-  Railway

