

Clause 21 in Report No. 12 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on June 25, 2015.

21

Compensation for Expropriation  
 Bayview Avenue – 19th Avenue to Stouffville Road  
 Town of Richmond Hill

**Committee of the Whole recommends adoption of the recommendation contained in the report dated May 6, 2015 from the Commissioner of Corporate Services:**

1. Recommendation

It is recommended that:

1. Council authorize the Commissioner of Corporate Services to make an offer of compensation to the owner of the following lands in the Town of Richmond Hill, which were acquired in accordance with the *Expropriations Act* (the “Act”).

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Barat, Abdul	752 19th Avenue Richmond Hill	Part 1 on Plan 65R34832, and Part 7 on Plan 65R34134, together with a right-of-way as in MA62281 as amended by RH48945 together with a right-of-way as in MA62282	Fee Simple (Full Buy-out)

2. Purpose

This report seeks Council approval to serve an offer of compensation under section 25 of the *Act* to an owner whose land has been expropriated for the

Bayview Avenue project from 19th Avenue to Stouffville Road, in the Town of Richmond Hill. The location of this property is shown in Attachment 1.

### 3. Background

The Environmental Assessment Study for the widening and reconstruction of Bayview Avenue from 19<sup>th</sup> Avenue to Stouffville Road was completed in 2008

Bayview Avenue from 19th Avenue to Stouffville Road will be urbanized on the east side, and widened from two to four lanes. The project includes intersection improvements and protection of a cold water fishery channel habitat. The Environmental Assessment study for the widening and reconstruction of Bayview Avenue was completed in 2008, and is currently scheduled to begin construction in front of this property in 2016.

In September 2013 and June 2014, Council authorized the initiation of the expropriation process for this property

On September 26, 2013, Council authorized an application for approval to expropriate interests from nine property owners, including this property. Originally Council authorized an application for approval to expropriate a part of this property. As the design progressed, it was determined that a full buy-out of this property was necessary due to the residential structure being impacted by side-slope grading (demolition is necessary). Council authorized an application for approval to expropriate the remainder of the property on June 26, 2014. The Notice of Application for Approval to Expropriate was served on this owner. This owner had 30 days from the date the owner was served with the Notice of Application for Approval to Expropriate to request an inquiry (Hearing of Necessity) as to whether the taking of the lands by the Region was fair, sound and reasonably necessary. This owner requested a Hearing of Necessity. Staff met and negotiated with this owner through 2014, resulting in the withdrawal of the request in December, 2014.

Staff continues to negotiate with this owner throughout the expropriation process, to obtain a Minutes of Settlement

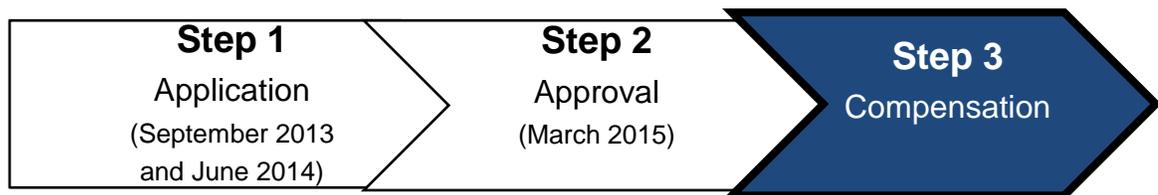
The expropriation process commenced when Council approved the application for approval to expropriate. Concurrent with expropriation, staff continues to negotiate with this owner in an effort to acquire the lands via minutes of settlement. It is necessary to proceed with the expropriation of this property

concurrently with ongoing negotiations, in order to secure access to the lands in time for construction to commence in front of this property in 2016.

The Region acquired title to the lands when the expropriation plan was registered on April 29, 2015. The *Act* requires the Region to serve an offer of compensation upon the owner. This offer is based on an appraisal of market value which will be discussed with the owner.

The Region can take possession on the date set out in the notice of possession, a minimum of three months after service of the notice, but only after the statutory offer of compensation has been made.

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



#### 4. Analysis and Options

An independent appraisal report has provided the value which forms the basis of the offer

An independent appraiser consultant was commissioned to provide the estimate of compensation for this total buy-out. 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. 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, but permits the owner to make a future claim for additional compensation in accordance with the *Act*.

Compensation for Expropriation  
Bayview Avenue – 19th Avenue to Stouffville Road  
Town of Richmond Hill

Possession of the expropriated lands will be obtained on the date set out in the notice of possession, after the offer has been served

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 by mid-October 2015. In accordance with the *Act*, it is necessary to make an offer of compensation to the owner 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: 2015 to 2019 Strategic Plan

Priority Area – Manage Environmentally Sustainable Growth

Managing traffic congestion

The acquisition of these lands will contribute toward the completion and implementation of the Transportation Master Plan, by increasing the number of road lane kilometres new and rehabilitated.

## 5. Financial Implications

The funding required to complete the property acquisition for this project has been included in the 2015 Capital Budget for Transportation Services, Capital Delivery – Roads.

After the existing residence is demolished and road construction is complete, the remainder lands will be a viable small-acreage building lot, which could be sold or put to other Regional uses.

## 6. Local Municipal Impact

Once construction is complete, the widening and reconstruction of Bayview Avenue will provide upgraded capacity to improve traffic operations for the

Compensation for Expropriation  
Bayview Avenue – 19th Avenue to Stouffville Road  
Town of Richmond Hill

travelling public and will meet the planned growth in this area. The improvements to and relocation of the existing ditches will support a cold water fishery habitat.

## 7. Conclusion

This acquisition is a total buy-out of a 1 acre improved rural residential property, in a prestige estate residential area, in the Town of Richmond Hill. On April 29, 2015 an expropriation plan was registered with respect to these lands, which are required for the Bayview Avenue project. Construction is currently scheduled for 2016. The *Act* requires that an offer of compensation for the expropriated lands be served on the former owner in order to obtain possession. The proposed offer is based on an appraisal provided by an independently commissioned appraiser. It is recommended that the offer 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.

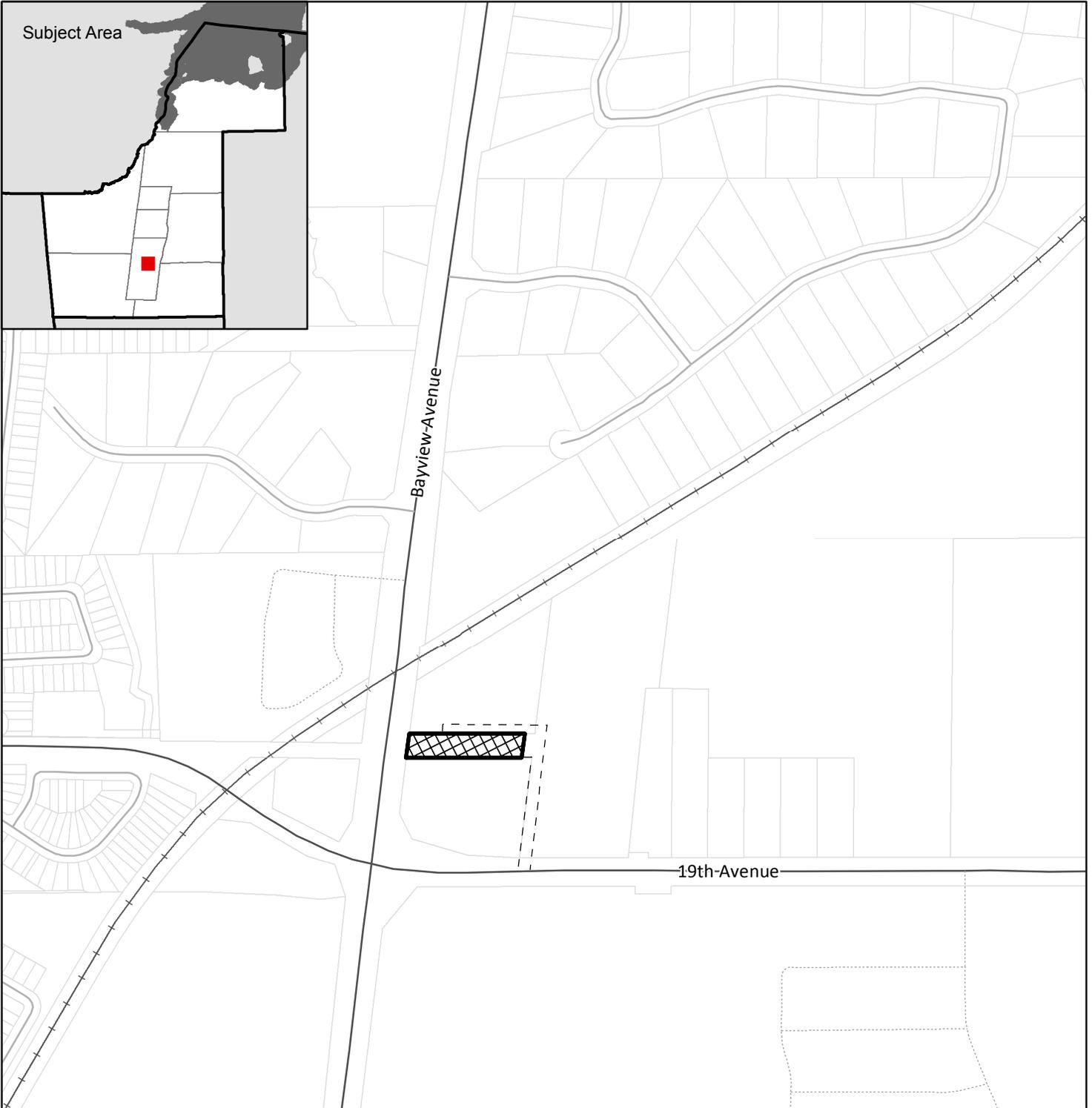
The Senior Management Group has reviewed this report.

May 6, 2015

Attachments (1)

eDOCS #6133227

Accessible formats or communication supports are available upon request



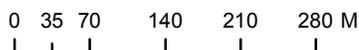
**LOCATION PLAN**

Compensation for Expropriation  
 Bayview Avenue - 19th Avenue to Stouffville Road  
 Town of Richmond Hill

Produced by:  
 The Regional Municipality of York  
 Property Services, Corporate Service  
 May 2015

Data Sources:  
 © Copyright, The Regional Municipalities of Durham and Peel,  
 County of Simcoe, City of Toronto  
 \* © Queen's Printer for Ontario 2003-2015

See York.ca for disclaimer information.



**Legend**

-  Subject Property
-  Interest Required
-  Mutual Driveway
-  Parcel
-  Road
-  Railway