

Clause 20 in Report No. 11 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on June 28, 2018.

20

Expropriation of Land
Yonge Street North of Green Lane
Town of East Gwillimbury

Committee of the Whole recommends adoption of the following recommendations contained in the report dated June 7, 2018 from the Commissioner of Corporate Services:

1. Council authorize an application for approval to expropriate the lands set out in Attachment 1, for the widening and reconstruction of Yonge Street, in the Town of East Gwillimbury
2. The Commissioner of Corporate Services be authorized to execute the Application for Approval to Expropriate Land and the Notice of Application for Approval to Expropriate Land (the "Notice") and to serve and publish the Notice, as required under the Expropriations Act (the "Act").
3. The Commissioner of Corporate Services be authorized to forward to the Chief Inquiry Officer any requests for an inquiry that are received and to represent the Region, as necessary, at an inquiry (Hearing of Necessity) held under the Act.
4. Council, as approving authority, approve the expropriation of the lands provided there is no Hearing of Necessity requested and not withdrawn in accordance with the Act. Council approval is deemed to be given effective 31 days following the publication of the Notice and when a Hearing of Necessity is not requested in accordance with the Act.
5. Where approval to expropriate the land is given, the Commissioner of Corporate Services be authorized to register a plan of expropriation and execute and serve any notices required under the Act.
6. Where approval to expropriate the land is given, Council authorize the introduction of the necessary bylaw to give effect to these recommendations.

Report dated June 7, 2018 from the Commissioner of Corporate Services now follows:

1. Recommendations

It is recommended that:

1. Council authorize an application for approval to expropriate the lands set out in Attachment 1, for the widening and reconstruction of Yonge Street, in the Town of East Gwillimbury
2. The Commissioner of Corporate Services be authorized to execute the Application for Approval to Expropriate Land and the Notice of Application for Approval to Expropriate Land (the "Notice") and to serve and publish the Notice, as required under the *Expropriations Act* (the "Act").
3. The Commissioner of Corporate Services be authorized to forward to the Chief Inquiry Officer any requests for an inquiry that are received and to represent the Region, as necessary, at an inquiry (Hearing of Necessity) held under the *Act*.
4. Council, as approving authority, approve the expropriation of the lands provided there is no Hearing of Necessity requested and not withdrawn in accordance with the *Act*. Council approval is deemed to be given effective 31 days following the publication of the Notice and when a Hearing of Necessity is not requested in accordance with the *Act*.
5. Where approval to expropriate the land is given, the Commissioner of Corporate Services be authorized to register a plan of expropriation and execute and serve any notices required under the *Act*.
6. Where approval to expropriate the land is given, Council authorize the introduction of the necessary bylaw to give effect to these recommendations.

2. Purpose

This report seeks Council approval for an application for approval to expropriate property interests required for the widening of Yonge Street, including the addition of facilities for active cycling and pedestrian transportation, from Davis Drive in the Town of Newmarket to north of Green Lane in the Town of East Gwillimbury. The location of the properties is shown in Attachment 2.

This report seeks Council approval to expropriate the interest in the land in the event no Hearing of Necessity is requested, and have not otherwise been acquired by the Region through ongoing negotiations.

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3. Background and Previous Council Direction

The Region is planning to widen Yonge Street from four to six lanes, from Davis Drive in Newmarket to north of Green Lane in East Gwillimbury

The North Yonge Street Corridor Public Transit and Associated Road Improvements Environmental Study Report (ESR) was completed in 2008. It recommended the widening of Yonge Street, from Davis Drive to Green Lane, from four to six lanes.

Expropriation commenced in 2015

In [November 2015](#), [June 2016](#), [November 2016](#), [September 2017](#) and [November 2017](#) the expropriation process was authorized by Council for 26 properties between Davis Drive in the Town of Newmarket and Green Lane in the Town of East Gwillimbury. Ten properties were ultimately removed from this expropriation track due to development applications and negotiated acquisition agreements.

Negotiations continue to acquire the necessary properties for construction to commence in 2022

The project requires portions of land from two additional properties north of Green Lane to accommodate utility relocation and construction. Negotiations and expropriation will occur concurrently. Securing the property through the expropriation process will provide certainty that utility relocations and construction can proceed as scheduled.

4. Analysis and Implications

Staff continue to negotiate with the property owners throughout the expropriation process

Staff commenced discussions with property owners in 2015, and will continue to negotiate the acquisition of the property rights needed for construction, or settlements of outstanding expropriations. In accordance with the Region's land acquisition policy, an independent property appraiser has been engaged to provide an individual market value appraisal to support negotiations.

Initiating the expropriation process will allow access to the land

The preferred approach to obtaining interest in land is to negotiate an amicable transaction with the property owner. However, in many cases various events affect the timing of negotiations, such as owners who prefer to finalize negotiations at the completion of the project. In this regard, expropriation is deemed a necessary approach to ensure timely possession of property requirements for the needs of the project.

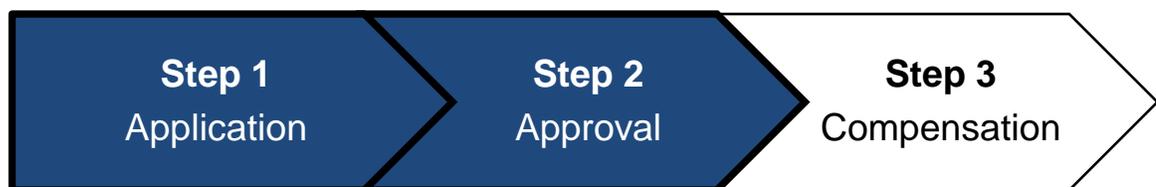
In an effort to secure possession and complete the property acquisition for this project, it is recommended that the expropriation process proceed concurrently with ongoing negotiations.

Council Approval is required at three stages of the expropriation process

Approval by Council is required at three stages in the expropriation process. These include the request to Council to authorize an application for approval to expropriate the land, the expropriation itself, and the offer of compensation made to the former owner of the land.

In an effort to ensure possession to meet the construction schedule, the first and second steps in the Council approval process have been combined for this report, as indicated in Figure 1 below. The third step will be the subject of a future report to Council, in the event the expropriation proceeds. Possession of the land cannot be obtained until this third step has been completed and the owner is served an offer of compensation.

Figure 1
Council Approval Steps



Owners have the right to request a Hearing of Necessity upon receipt of a Notice of Application for Approval to Expropriate

The first step in the expropriation process is to serve the registered owner with a notice of intention to expropriate, following Council approval. Upon receipt of the Notice of Application for Approval to Expropriate, the owner has the right within

30 days of receipt to request an inquiry (Hearing of Necessity) to determine whether the taking of the land by the Region is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority.

If an owner requests a Hearing of Necessity, then subsequent to the Hearing, an inquiry officer will provide a report providing an opinion as to whether the taking is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority, including an explanation for the Inquiry Officer's findings.

Registration of an expropriation plan will secure title to the interest in the land by the Region

If no Hearing of Necessity is requested, an expropriation plan will be registered at the Land Registry Office within three months of Council granting approval of a by-law to proceed with the expropriation. This is the second step in the expropriation process, with registration of the plan anticipated to be in the fall of 2018.

Registration of the expropriation plan is a key step in the expropriation process. It is at this point that the Region acquires title to the interest in the land. However, further steps are required to obtain possession, or the right to access the land.

Following the registration of the expropriation plan, the notice of expropriation and possession will be served on the owner. Under the *Act*, possession of the interest in the land is to take place no sooner than three months after registration of the expropriation plan. In addition, offers of compensation must be served on the owner to obtain possession.

Environmental due diligence will be completed prior to the Region taking ownership of the interest in the land

Prior to registration of the expropriation plan, the results of the environmental due diligence conducted for the lands will be reviewed by staff, including consultation with Legal Services. In the event environmental impacts are identified, staff will take the necessary steps to minimize the Region's exposure to environmental risk and liability and may report to Council with recommendations.

5. Financial Considerations

The funding required to complete the property acquisition for this project has been included in the 2018 Capital Budget for Transportation Services, Capital Planning and Delivery Branch, but will not likely be spent or accrued until 2019.

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Under section 25 of the *Act*, the Region is obligated to serve offers of compensation on an owner within three months of the registration of the expropriation plan. The appraisals required to support these offers will be prepared and the proposed offers will be the subject of a further report to Council.

6. Local Municipal Impact

Once construction is complete, the six lanes of traffic will improve traffic operations for the travelling public, meet growth in the area, and allow for future conversion to a more intensive rapid transit configuration when conditions permit.

7. Conclusion

This report seeks Council approval to expropriate property interests required for the widening of Yonge Street, from Davis Drive in the Town of Newmarket to north of Green Lane in the Town of East Gwillimbury. To facilitate the project schedule, it is necessary to initiate the expropriation process from two property owners. Staff continues to negotiate for the acquisition of the required property and expropriation proceedings will be discontinued in the event that negotiations are successful.

For more information on this report, please contact Michael Shatil, Director, Property Services at 1-877-464-9675 ext. 71684.

The Senior Management Group has reviewed this report.

June 7, 2018

Attachments (2)

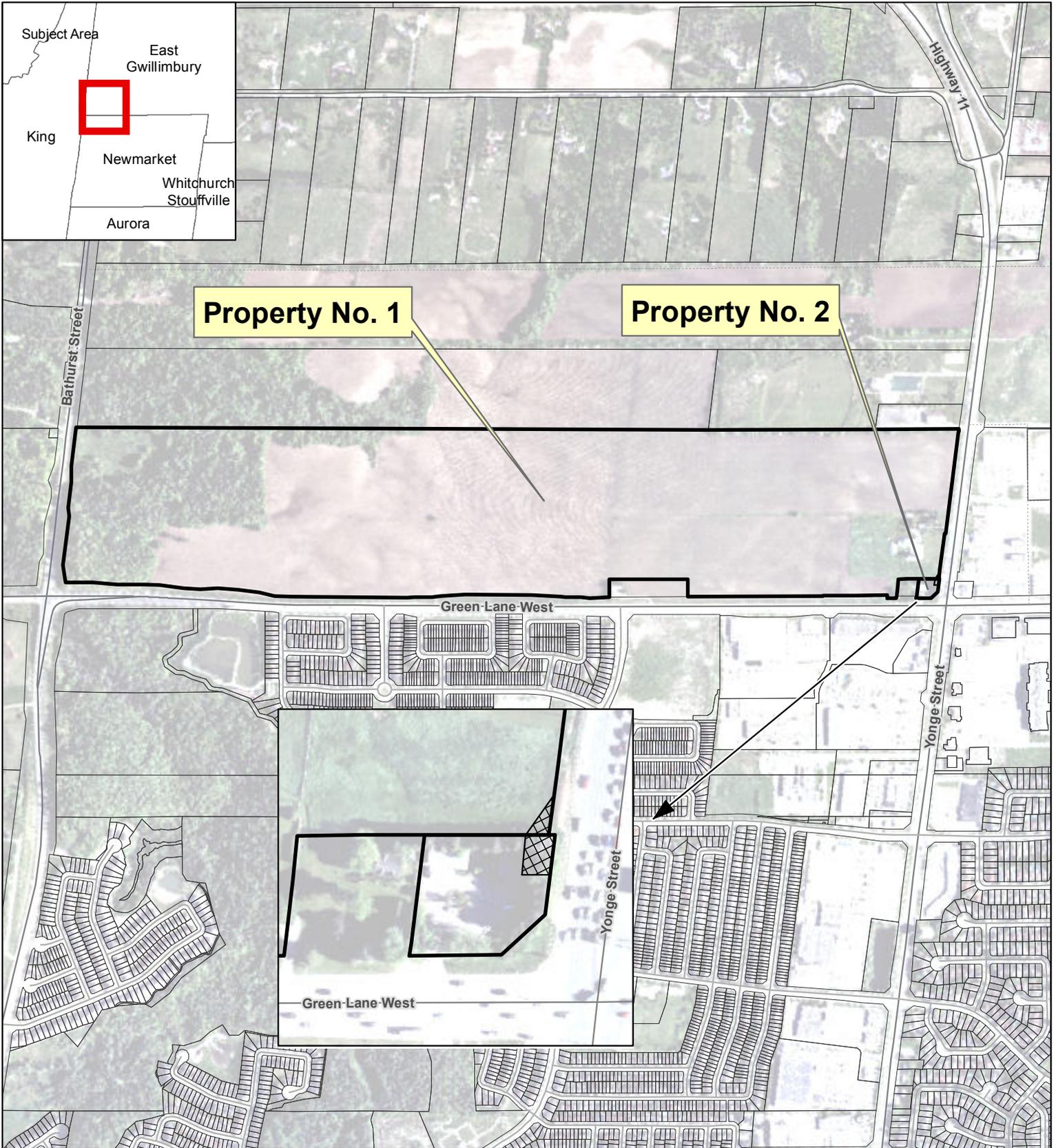
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Accessible formats or communication supports are available upon request

**Property Schedule
Expropriation of Land
Yonge Street North of Green Lane
Town of East Gwillimbury**

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Yonge Green Lane GP Inc.	22 Green Lane West East Gwillimbury	Part 2 Draft Plan L12012396	Permanent Easement
2.	Marcass IT Professional Services Inc.	6 Green Lane West, East Gwillimbury	Part 1 Draft Plan L12012396	Fee Simple

The permanent easement required is described as a limited interest in perpetuity in, under, over, along and upon and for municipal purposes including, but not limited to, entering on the lands with all vehicles, machinery, workmen and other material (i) to construct and maintain permanent municipal infrastructure which may include installation, maintenance, relocation and/or removal of traffic turning loops and associated signalization equipment and controls, retaining walls, shoring and formwork and/or drainage, erosion or sediment control measures, and (ii) for construction purposes which include, but are not limited to, (1) relocation of existing services and utilities, (2) staging and storage of materials and equipment, (3) geo-tech testing, borehole testing, and other investigative works, (4) removal, relocation and/or installation of signage, (5) hard and soft landscaping, paving, grading and reshaping the lands to the limit of the reconstruction of municipal road fronting the lands herein described, (6) the installation and removal of temporary (i) pedestrian access and walkways, (ii) parking measures including re-striping of aisles, lanes, and parking stalls, (iii) shoring and formwork, (iv) drainage and erosion/sediment control measures, (v) traffic signals, (vi) fencing, and (vii) handrails, and (7) works ancillary to any of the foregoing and necessary to the works to be performed in association with the widening, construction and maintenance of Yonge Street in the Town of East Gwillimbury.

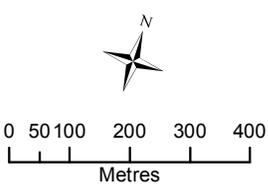


Property No. 1

Property No. 2

Location Plan
 Expropriation of Land
 Yonge Street
 North of Green Lane
 Town of East Gwillimbury
 June 21, 2018

- Legend**
-  Subject Property
 -  Interest Required
 -  Parcel
 -  Road




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