

Clause 10 in Report No. 5 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on March 23, 2017.

10
 Compensation for Expropriation
 15195 Leslie Street
 Town of Aurora

Committee of the Whole recommends adoption of the following recommendation contained in the report dated February 22, 2017 from the Commissioner of Corporate Services:

1. Council authorize the Commissioner of Corporate Services to make an offer of compensation to the owner of the following land in the Town of Aurora, which was acquired in accordance with the *Expropriations Act* (the "Act").

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Elina Developers Inc.	15195 Leslie Street Aurora	Part 1, Plan YR2557556	Permanent Easement
			Part 2, Plan YR2557556	Temporary Easement
<p>The permanent easement required is described as a limited interest in perpetuity being a permanent easement or rights in the nature of a permanent easement in, under, over, along and upon and for municipal purposes including, but not limited to, entering onto the lands with all vehicles, machinery, workmen and other material (i) to construct and maintain permanent municipal infrastructure, including a ditch; and (ii) for construction purposes which may include but are not limited to, (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) geo-tech 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.</p> <p>The temporary easement will run for a term of 24 months, commencing on</p>				

No.	Owner	Municipal Address	Legal Description	Interest Required
the date of registration of the easement (October 7, 2016), and is 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) geo-tech 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.				

Report dated February 22, 2017 from the Commissioner of Corporate Services now follows:

1. Recommendations

It is recommended that:

- Council authorize the Commissioner of Corporate Services to make an offer of compensation to the owner of the following land in the Town of Aurora, which was acquired in accordance with the *Expropriations Act* (the "Act").

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Elina Developers Inc.	15195 Leslie Street Aurora	Part 1, Plan YR2557556	Permanent Easement
			Part 2, Plan YR2557556	Temporary Easement

No.	Owner	Municipal Address	Legal Description	Interest Required
<p>The permanent easement required is described as a limited interest in perpetuity being a permanent easement or rights in the nature of a permanent easement in, under, over, along and upon and for municipal purposes including, but not limited to, entering onto the lands with all vehicles, machinery, workmen and other material (i) to construct and maintain permanent municipal infrastructure, including a ditch; and (ii) for construction purposes which may include but are not limited to, (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) geo-tech 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.</p> <p>The temporary easement will run for a term of 24 months, commencing on the date of registration of the easement (October 7, 2016), and is 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) geo-tech 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.</p>				

2. Purpose

This report seeks Council approval to serve an offer of compensation under section 25 of the *Act* to an owner whose property has been expropriated for the Leslie Street road widening project from south of Wellington Street East to St. John's Sideroad in the Town of Aurora. The location of this property is shown in Attachment 1.

3. Background and Previous Council Direction

An Environmental Assessment was completed in 2011

The Environmental Assessment (EA) recommended that Leslie Street be reconstructed as a four-lane urban cross-section, between Wellington Street East in the Town of Aurora and Mulock Drive, in the Town of Newmarket.

Expropriation on this project commenced in 2013

Negotiations to obtain land commenced in 2013, and Council authorized an Application for Approval to Expropriate fee simple interests from 20 property owners in [October, 2013](#).

As detailed engineering design progressed, an additional fee simple requirement was identified on the subject property. In [May, 2014](#), Council authorized an Application for Approval to Expropriate the additional requirement from this owner. The Notice of Application was served, and the owner did not request an inquiry (Hearing of Necessity).

In [September, 2014](#), Council authorized the Approval to Expropriate the fee simple interest on this property, and [January, 2015](#), Council authorized the payment of Compensation to this owner.

Detailed engineering design identified a requirement for permanent and temporary easements for drainage and grading purposes. Negotiations with the owner for an amicable transaction were not successful.

Council previously approved the Application for Approval to Expropriate and the Approval to Expropriate easement interests in the land required for this project

In [June, 2016](#), Council received and authorized an application for approval to expropriate permanent and temporary easement interests in the land from this property owner. The Notice of Application to Expropriate was served July 26, 2016. Upon receipt of the Notice of Application to Expropriate, the owner had the right within 30 days, to request an inquiry (Hearing of Necessity) to determine whether the taking of the land by the Region was fair, sound and reasonably necessary. No request was received. The expropriation plan was registered on October 7, 2016.

This report requests Council authorization to issue an offer of compensation to this owner.

This is step 3 in the Council approval process for property expropriation, as indicated on the following graphic.



4. Analysis and Implications

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

The Region commissioned an independent appraisal to provide the offer of compensation. 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*.

Environmental due diligence is under way

As part of the environmental due diligence process, a Contamination Overview Study was completed for the corridor to identify potential environmental concerns. Phase Two environmental site assessments have been performed on the Region lands adjoining these lands. The results of these investigations were reviewed by staff in consultation with Legal Services. Once possession has been obtained, further environmental work will be performed to assure certainty of its condition, and a report will be made to Council if required.

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

The Region acquired title to the land when the expropriation plan was registered at the Land Registry Office. 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

indicated to be January 30, 2017. Possession of the lands was subsequently postponed, and a revised notice of possession will be sent to indicate the date of possession of early April, 2017. In accordance with the *Act*, it is necessary to make an offer of compensation to the owner to obtain possession of the expropriated lands.

5. Financial Considerations

The funds required to complete the property acquisition for this project are allocated in the approved 2017 Capital Budget for Transportation Services, Capital Delivery – Roads.

6. Local Municipal Impact

The reconstruction of Leslie Street in the Town of Aurora will provide upgraded capacity to improve traffic operations and meet expected growth in the area.

The inclusion of a sidewalk and multi-use path, between Don Hillock Drive and Wellington Street East, will promote pedestrian accessibility and connectivity within the surrounding community.

7. Conclusion

On October 7, 2016, an expropriation plan was registered to acquire land required for the Leslie Street project. The *Act* requires that an offer of compensation for the expropriated lands be served on the owner in order to obtain possession. The proposed offer is based on an appraisal provided by an independent 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 Michael Shatil, Director of Property Services Branch at 1-877-464-9675 ext. 71684.

Compensation for Expropriation
15195 Leslie Street, Town of Aurora

The Senior Management Group has reviewed this report.

February 22, 2017

Attachments (1)

Private Attachments (1)

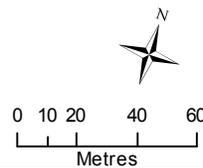
7353372

Accessible formats or communication supports are available upon request



Location Plan

Compensation for Expropriation
 15195 Leslie Street
 Town of Aurora
 March 9, 2017



Legend

-  Subject Property
-  Previously Expropriated
-  Permanent Easement
-  Temporary Easement
-  Parcel
-  Road



Produced by:
 The Regional Municipality of York
 Property Services, Corporate Services
 December 2016

Data: © Queen's Printer for Ontario 2003-2016

Imagery:
 See eYork.ca for disclaimer in formation.