

Clause 12 in Report No. 13 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on September 22, 2016.

12

Approval to Expropriate
York Durham Sewage System Modifications
Town of Aurora and Town of Newmarket

Committee of the Whole recommends adoption of the following recommendations contained in the report dated September 2, 2016 from the Commissioner of Finance:

1. Council, as approving authority, approve the expropriation of the lands set out in Attachment 1, for the York Durham Sewage System Modifications component of the Upper York Sewage Solutions, in the Towns of Aurora and Newmarket.
 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.
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Report dated September 2, 2016 from the Commissioner of Corporate Services now follows:

1. Recommendations

It is recommended that:

1. Council, as approving authority, approve the expropriation of the lands set out in Attachment 1, for the York Durham Sewage System Modifications component of the Upper York Sewage Solutions, in the Towns of Aurora and Newmarket.
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.

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2. Purpose

This report seeks Council approval, in accordance with the *Act*, to expropriate property interests required for the York Durham Sewage System Modifications component of the Upper York Sewage Solutions in the Town of Aurora and the Town of Newmarket. The location of the properties is shown in Attachments 2, 3 and 4.

3. Background

The Upper York Sewage Solutions project will provide servicing for planned growth in the Towns of Aurora, East Gwillimbury and Newmarket

The purpose of the Upper York Sewage Solutions project is to develop a sustainable sewage servicing solution to accommodate planned growth for employment and communities in the Towns of Aurora, East Gwillimbury and Newmarket. All of these municipalities are located in the Lake Simcoe watershed. The York Durham Sewage System Modifications is one of three major components of the Upper York Sewage Solutions project. The other two components are the proposed Water Reclamation Centre and the Total Phosphorous Offsets initiative.

The project is moving through the Environmental Assessment process

The Upper York Sewage Solutions project followed the planning process established under Part II of the *Environmental Assessment Act* for individual environmental assessments. The Environmental Assessment (EA) was conducted in two parts – a Terms of Reference, essentially a road map as to how the EA would be undertaken, and the EA itself. Approval of the Terms of Reference was received from the Minister of Environment on March 11, 2010.

The Upper York Sewage Solutions project Environmental Assessment approval is anticipated for the fall of 2016

The final EA report for this project was submitted to the Minister for approval on July 25, 2014. With submission of the final report, a public comment period followed. The next step involved Ministry staff conducting their own internal review and public consultation process in accordance with regulatory guidelines. The Notice of Completion of Ministry Review was published on Thursday,

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January 21, 2016. The public comment period on the Ministry Review ended Friday, February 26, 2016. All comments received were documented and the next step is for the Minister to render a decision on approval of the EA. Based on discussions with Ministry staff formal approval is now anticipated to be in the fall of 2016.

Before final approval is received, the proponent is permitted under the *Environmental Assessment Act* to obtain land and rights in land for a proposed project at the proponent's risk. This risk is borne by the Region if the project does not receive approval or the Minister's approval requires changes to the project that alter land requirements.

In May 2016, Council authorized the application for approval to expropriate the subject lands

On May 19, 2016 Council authorized the application for approval to expropriate the subject lands. The Notice of Application to Expropriate was served on the owners, following Council authorization.

Upon the receipt of the Notice of Application to Expropriate, each 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 is fair, sound and reasonable. No requests were received.

This is step 2 in the Council approval process for property expropriation as indicated in the graphic below.



Negotiations continue in order to acquire the necessary properties with a view to construction commencing in spring of 2017

The project requires interests in land from properties in the Town of Aurora and Town of Newmarket. Possession of the land is required by early 2017 in order to allow construction to commence in the spring of 2017, subject to approval of the environmental assessment. The two processes of a negotiated transaction and expropriation can occur concurrently. Securing the property through the

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expropriation process will provide certainty of possession within a specific timeframe in order for construction to proceed as scheduled.

4. Analysis and Options

The Region will obtain ownership of the required lands upon registration of expropriation plans

Expropriation plans are being prepared for the subject properties. Upon obtaining approval of the expropriation by Council, the plans will be registered in fall of 2016. Upon registration of the expropriation plans, notices of expropriation and possession will be served on the owners. The Region can take possession and obtain access to the required lands a minimum of three months after the notices have been served to the owners.

A future report to Council will be presented to seek approval to compensate the owners in accordance with the *Act*

The appraisals for these properties are anticipated to be completed in January 2017, which will support offers of compensation being made before possession can be taken by early March 2017. Following possession, the Region will be able to enter the land for construction purposes.

For all expropriated properties, offers of compensation are made to property owners in accordance with section 25 of the *Act*. These offers will be based on independently commissioned appraisals. A report will be presented to Council in February 2017, to approve service of offers of compensation. The Region can take possession of the property upon service of the offers to the expropriated owners.

Environmental due diligence will be completed prior to the Region taking ownership of the lands

Environmental due diligence is currently underway and remains to be completed. Prior to registration of the expropriation plans, the results of the environmental due diligence 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 risk to the Region.

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Link to key Council-approved plans

The proposed acquisition of lands required for the York Durham Sewage System Modifications component of the Upper York Sewage Solutions project supports the objectives of Vision 2051, the Regional Official Plan, the 2015 to 2019 Strategic Plan, the Water and Wastewater Master Plan, and the 10-year Capital Wastewater Program.

One of the goal areas of Vision 2051 is Living Sustainably, which the project addresses through the application of best-in-class technology and practices for wastewater treatment. As well, the project supports one of the objectives of the Regional Official Plan which is to provide long term water and wastewater services. Lastly, an objective identified in the Strategic Plan is to Manage Environmentally Sustainable Growth.

5. Financial Implications

The funding required to complete this property acquisition is included in the approved 2016 Capital Budget for Environmental Services.

6. Local Municipal Impact

The Upper York Sewage Solutions project is a key piece of infrastructure required to accommodate forecasted growth in the Towns of Aurora, East Gwillimbury and Newmarket. The acquisition of the subject properties supports the construction of the York Durham Sewage System Modifications component of the Upper York Sewage Solutions.

7. Conclusion

The purpose of the Upper York Sewage Solutions project is to develop a sustainable sewage servicing solution to accommodate planned growth in the Towns of Aurora, East Gwillimbury and Newmarket.

Council approved the initiation of the expropriation process in May 2016 for the nine properties required for the Upper York Sewage Solutions project. This report requests the approval to proceed to register expropriation plans, and to serve notices of expropriation and possession upon the owners. Upon registration of the expropriation plans, the Region will have ownership of the lands. This is the

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second step toward obtaining the appropriate authority to get possession of the required lands.

Construction is scheduled to commence in early spring of 2017. In order to ensure possession of the lands to proceed with utility relocations, it is recommended that Council approve the expropriation of the required property interests.

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

The Senior Management Group has reviewed this report. September 2, 2016

Attachments (4)

eDOCS #6953505

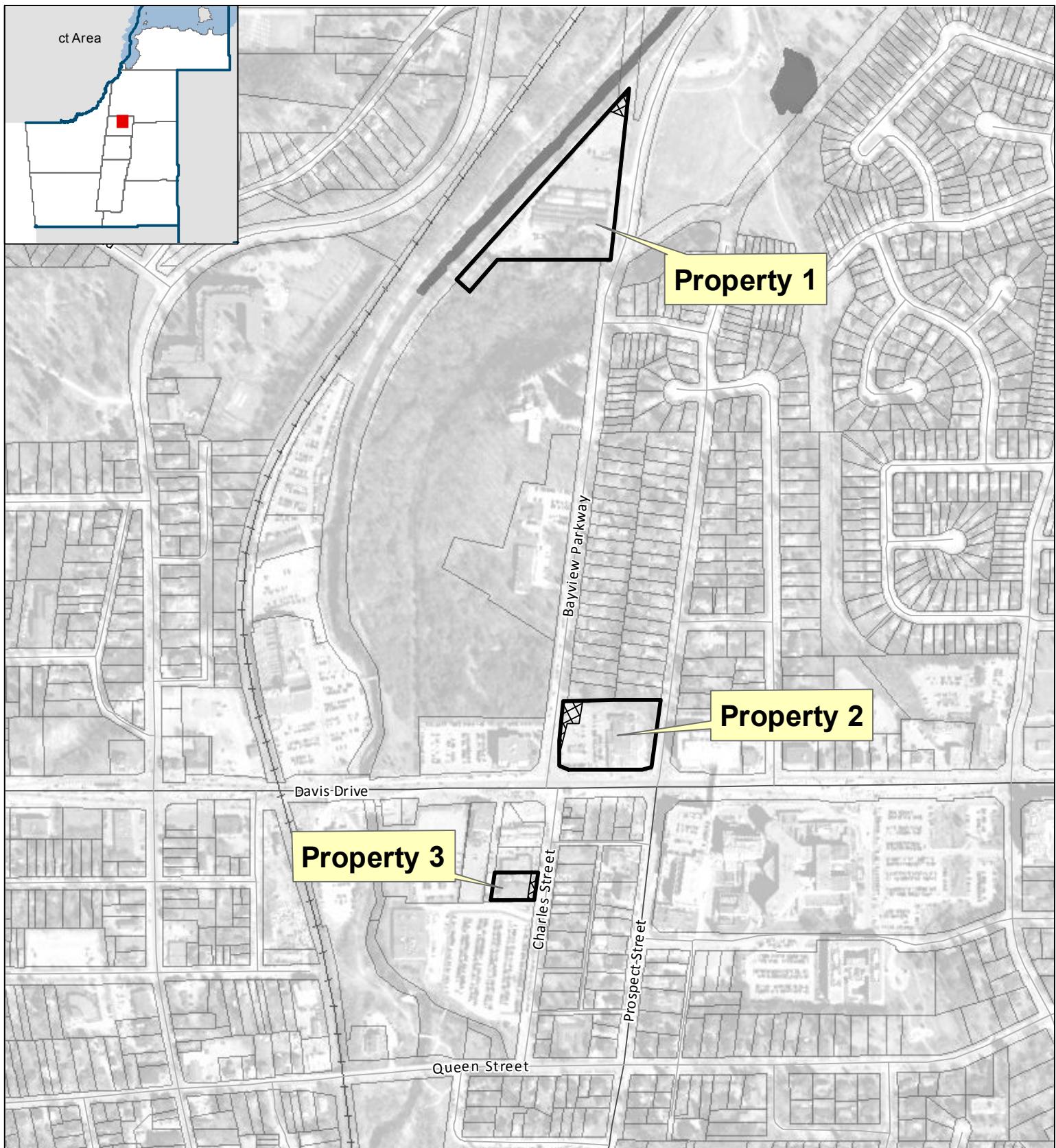
Accessible formats or communication supports are available upon request

**Property Schedule
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No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Lisbeth Hagen Madsen	160 Bayview Parkway Newmarket	Part 1, Plan 65R36338	Temporary Easement
2.	Hong's International	567 Davis Drive Newmarket	Parts 4, 5, 6, Plan 65R36340	Permanent Easement
			Parts 1, 2, 3, Plan 65R36340	Temporary Easement
3.	2330673 Ontario Limited	30 Charles Street Newmarket	Part 1, Plan 65R36341	Permanent Easement
4.	York Region Standard Condominium Corporation No. 1047	543 Timothy Street Newmarket	Part 1, Plan 65R36342	Permanent Easement
5.	Shawn Troyer	330 Second Street Newmarket	Part 1, Plan 65R36339	Temporary Easement
6.	2278899 Ontario Inc.	402 Mulock Drive Newmarket	Parts 5, 6, 7, Plan 65R36343	Permanent Easement
			Parts 1, 2, 3, 4, 8, Plan 65R36343	Temporary Easement
7.	J.F.C. Developments Ltd.	w/s Silken Laumen Drive Newmarket	Part 1, Plan 65R36346	Permanent Easement
			Part 2, Plan 65R36346	Temporary Easement
8.	St Andrews Valley Golf Club Ltd.	N/A Newmarket	Parts 4, 7, Plan 65R36344	Permanent Easement
			Parts 5, 6, 8, Plan 65R36344	Temporary Easement
9.	St Andrews Valley Golf Club Ltd.	4 Pinnacle Trail Aurora	Part 1, Plan 65R36344	Permanent Easement
			Part 2, Plan 65R36344	Temporary Easement

The temporary easements required are described as a temporary limited interest commencing on registration of the plan of expropriation and expiring on December 31,

No.	Owner	Municipal Address	Legal Description	Interest Required
<p>2021 in, under, over, along and upon the lands for municipal purposes including, but not limited to, 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 permanent takings, (3) staging and storage of materials and equipment, (4) geotech testing, borehole testing, and other investigative works, (5) removal, relocation and/or installation of signage, (6) hard and soft landscaping, paving, grading and reshaping the lands to the limit of the reconstruction of the lands herein described, (7) 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) fencing, and (vi) handrails, and (8) works ancillary to any of the foregoing and necessary to the works to be performed in association with the York Durham Sewage System Improvements.</p> <p>The permanent easements required are described as a limited interest in perpetuity in, under, over, along and upon the land 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 retaining walls, shoring and formwork and/or drainage, erosion or sediment control measures such as watermains and storm sewers, 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) geotech 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, (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) fencing, and (vi) handrails, and (7) works ancillary to any of the foregoing and necessary to the works to be performed in association with the York Durham Sewage System Improvements.</p>				

**Location Plan**

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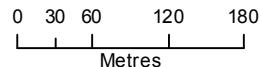
September 15, 2016



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

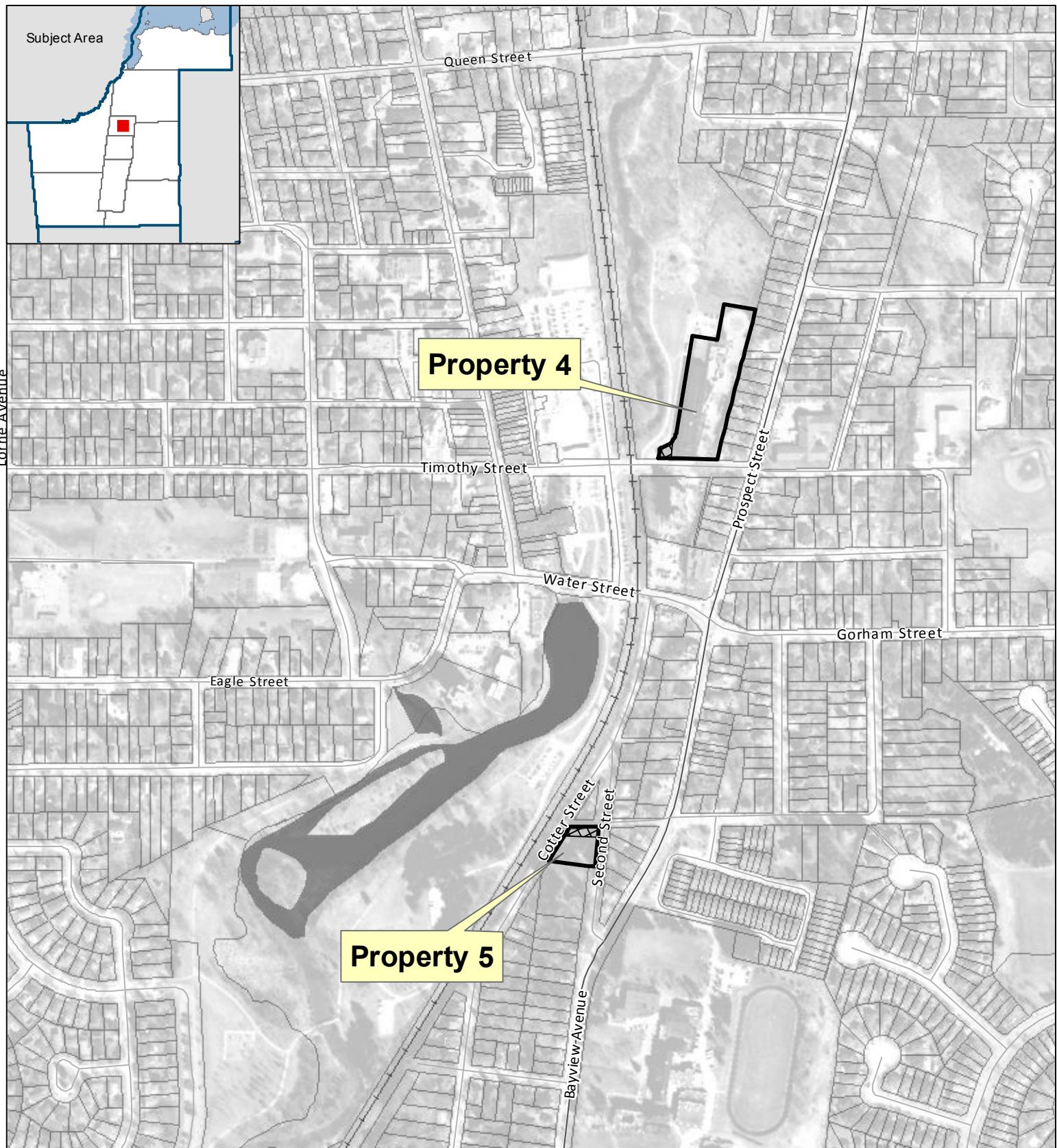
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Imagery:
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**Legend**

- Subject Properties
- Interest Required
- Parcel
- Road
- Railway



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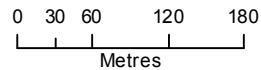
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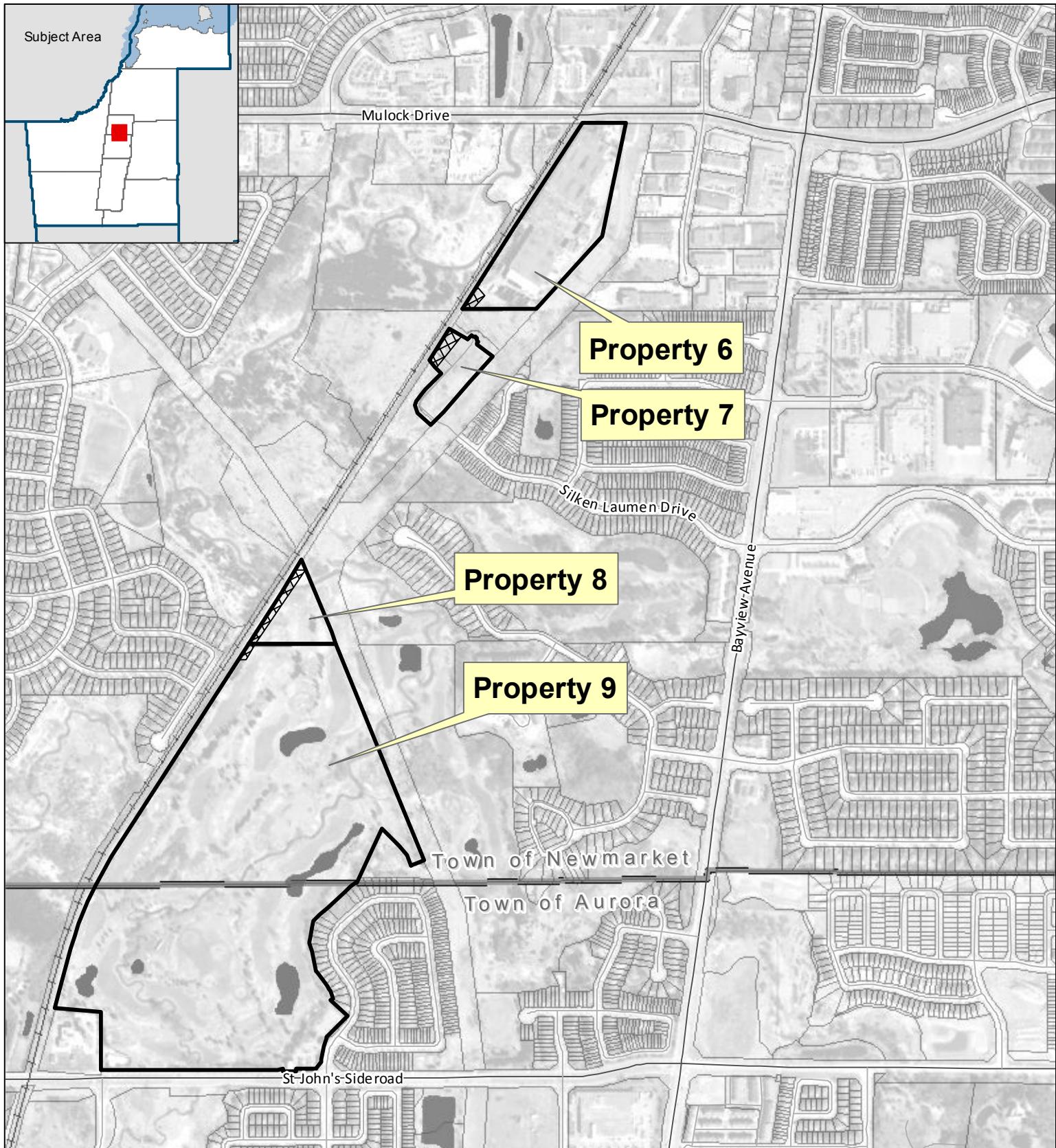
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Legend

- Subject Properties
- Interest Required
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