

Clause 26 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 23, 2016.

26

Expropriation of Land
Major Mackenzie Drive from Highway 50 to
Highway 427 Interchange
City of Vaughan

Committee of the Whole recommends adoption of the following recommendations contained in the report dated June 2, 2016 from the Commissioner of Corporate Services:

1. Council authorize an application for approval to expropriate the lands set out in Attachment 1 (the “Lands”) for the widening and reconstruction of Major Mackenzie Drive, between Highway 50 and the Highway 427 Interchange, in the City of Vaughan.
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 in accordance with the *Act*.
5. 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*.
6. Where approval to expropriate the Lands 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*.
7. Where approval to expropriate the Lands is given, Council authorize the introduction of the necessary bylaw to give effect to these recommendations.

Report dated June 2, 2016 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 (the "Lands") for the widening and reconstruction of Major Mackenzie Drive, between Highway 50 and the Highway 427 Interchange, in the City of Vaughan.
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 in accordance with the *Act*.
5. 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*.
6. Where approval to expropriate the Lands 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*.
7. Where approval to expropriate the Lands is given, 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 for an application to expropriate property interests required for the widening and reconstruction of Major Mackenzie Drive from Highway 50 to the Highway 427 Interchange, in the City of Vaughan as shown in Attachment 2.

This report seeks Council approval to expropriate any of the Lands for which no Hearing of Necessity is requested, and which have not otherwise been acquired by the Region through ongoing negotiations.

3. Background

The Region is planning to reconstruct Major Mackenzie Drive from Highway 50 to the Highway 427 Interchange in the City of Vaughan

The Western Vaughan Individual Environmental Assessment (IEA) was approved by Council on February 17, 2011. There is northward expansion of the residential/commercial land base both approved and under construction, creating transportation pressures in the western portion of the City of Vaughan. With these transportation pressures, along with the planned extension of Highway 427 to Major Mackenzie Drive, the IEA identified the immediate need for the widening and reconstruction of Major Mackenzie Drive.

Major Mackenzie Drive will tie into the Highway 427 Interchange

Major Mackenzie Drive is an important east-west arterial road that provides connectivity across the Region. As part of the approved IEA, Major Mackenzie Drive from Highway 400 to Highway 50 will be improved to six lanes, including Transit-HOV lanes and off-street cycling facilities.

The Ministry of Transportation of Ontario (MTO) is extending Highway 427 from Highway 7 to Major Mackenzie Drive, ending with an interchange at Major Mackenzie Drive. MTO has requested proposals from interested proponents to design, build and finance the project with the intent of having construction begin in 2017 and be completed in 2020. The section of Major Mackenzie Drive within the limits of the Highway 427 corridor will be constructed by MTO. The Region has requested MTO include in their construction the remaining section of Major Mackenzie Drive from the Highway 427 corridor westerly to Highway 50. MTO has agreed to construct this section of the corridor and have included it in their

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construction contract. The Region is responsible for acquiring the necessary property so that construction can start in the spring of 2017.

Possession of the lands is required by spring of 2017 to ensure MTO has access to the land to begin roadway construction. Securing the property through the expropriation process will provide certainty that construction can proceed as scheduled.

Staff will be negotiating with property owners throughout the expropriation process

Land requirements for the construction of this project will affect seven properties along the corridor. One of the seven properties is owned by Canadian Pacific Railway Company and is not subject to expropriation. The land requirement from Canadian Pacific Railway Company will be acquired by amicable negotiations. The remaining six properties are the subject of this report.

Staff has commenced discussions with property owners to acquire the property needed for construction. In accordance with the Region's land acquisition policy, an independent property appraiser will be procured to provide individual market value appraisals to be used during negotiations.

4. Analysis and Options

Initiating the expropriation process will secure access to the lands to accommodate timely delivery of infrastructure

The preferred approach to obtaining land is to negotiate a transaction with the property owner. However, in many cases various events affect the timing of negotiations, such as owners who prefer to settle their issues at the completion of the project. In this regard, expropriation is deemed a necessary approach to ensure possession of lands in order to facilitate the needs of a project.

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

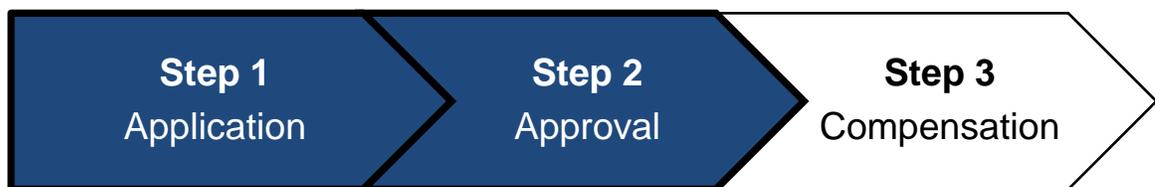
Staff will continue to negotiate agreements of purchase and sale for the required interests concurrently with the expropriation process, until an expropriation plan has been registered.

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Approval by Council is required at various 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 Lands, the expropriation of the Lands, and the offer of compensation made to the former owner of the Lands for the losses suffered as a consequence of the expropriation.

In an effort to ensure possession of the Lands to meet the coordinated construction schedule, the first and second steps in the Council approval process have been combined for this report, as indicated in the graphic below. The third step will be the subject of a future report to Council, in the event the expropriations proceed. Possession of the Lands cannot be obtained until this third step has been completed and the owners are served offers of compensation.



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 owners with notice of intent to expropriate, following Council approval. Upon receipt of the Notice of Application for Approval to Expropriate, each owner has 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 reasonably necessary.

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, including an explanation for the inquiry officer's findings.

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Registration of expropriation plans will secure ownership of the Lands by the Region

For properties where no Hearings of Necessity are requested, expropriation plans will be registered at the Land Registry Office. This is anticipated to be in December, 2016.

Registration of the expropriation plans is a key step in the expropriation process. It is at this point that the Region acquires ownership of the Lands. However, further steps are required in order to obtain possession, or the right to access, the Lands.

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

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

A Contamination Overview Study was completed in May 2016 and identified Areas of Potential Environmental Concern. Those areas will be subject to a Phase One Environmental Site Assessment to clear the property or determine the specific requirements of Phase Two Environmental Site Assessments. Prior to registration of the expropriation plans, 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 report to Council with recommendations.

Link to key Council-approved plans

The proposed acquisition for the Major Mackenzie Drive project supports the objectives of Vision 2051, the Regional Official Plan and the 2015 to 2019 Strategic Plan.

One of the goal areas of Vision 2051 is Interconnected Systems for Mobility, which the project addresses by providing an interconnected network for mobility that links people to jobs. As well, the Major Mackenzie project supports one of the objectives of the Regional Official Plan which is to ensure streets support all modes of transportation. Lastly, an objective identified in the Strategic Plan is the focus on networks and systems that connect people, goods and services.

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5. Financial Implications

The funding required to complete the property acquisitions that are the subject of this report are included in the 2016 Capital Budget for Transportation Services, Capital Planning and Delivery.

Under section 25 of the *Act*, the Region is obligated to serve offers of compensation on owners 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 widening and reconstruction of Major Mackenzie Drive will provide upgraded capacity to improve traffic operations for the travelling public and will support the accommodation of the forecasted growth within this area, as established by “Places to Grow” and reflected in the York Region Official Plan.

7. Conclusion

The construction of the widening and reconstruction of Major Mackenzie Drive from Highway 50 to the Highway 427 Interchange, in the City of Vaughan requires the acquisition of interests in land from six property owners.

Negotiations with property owners to acquire the Lands are proceeding concurrently with the expropriation process, in an effort to obtain the lands by March 2017. To ensure the timely acquisition of the required lands to meet construction timelines, it is necessary to initiate the expropriation process.

Staff will continue to negotiate the acquisition of the required properties until expropriation plans are registered. The expropriation proceedings will be abandoned for those properties where amicable negotiations are successful.

The expropriation process requires various approvals by Council. Upon approval of the recommendations of this report, staff will notify the affected property owners of its intent to expropriate, and will proceed with the expropriation of Lands for which no Hearings of Necessity are requested. The Region will not take possession of the Lands until Council approves the offers of compensation to owners, which will be the subject of a future report.

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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.

June 2, 2016

Attachments (2)

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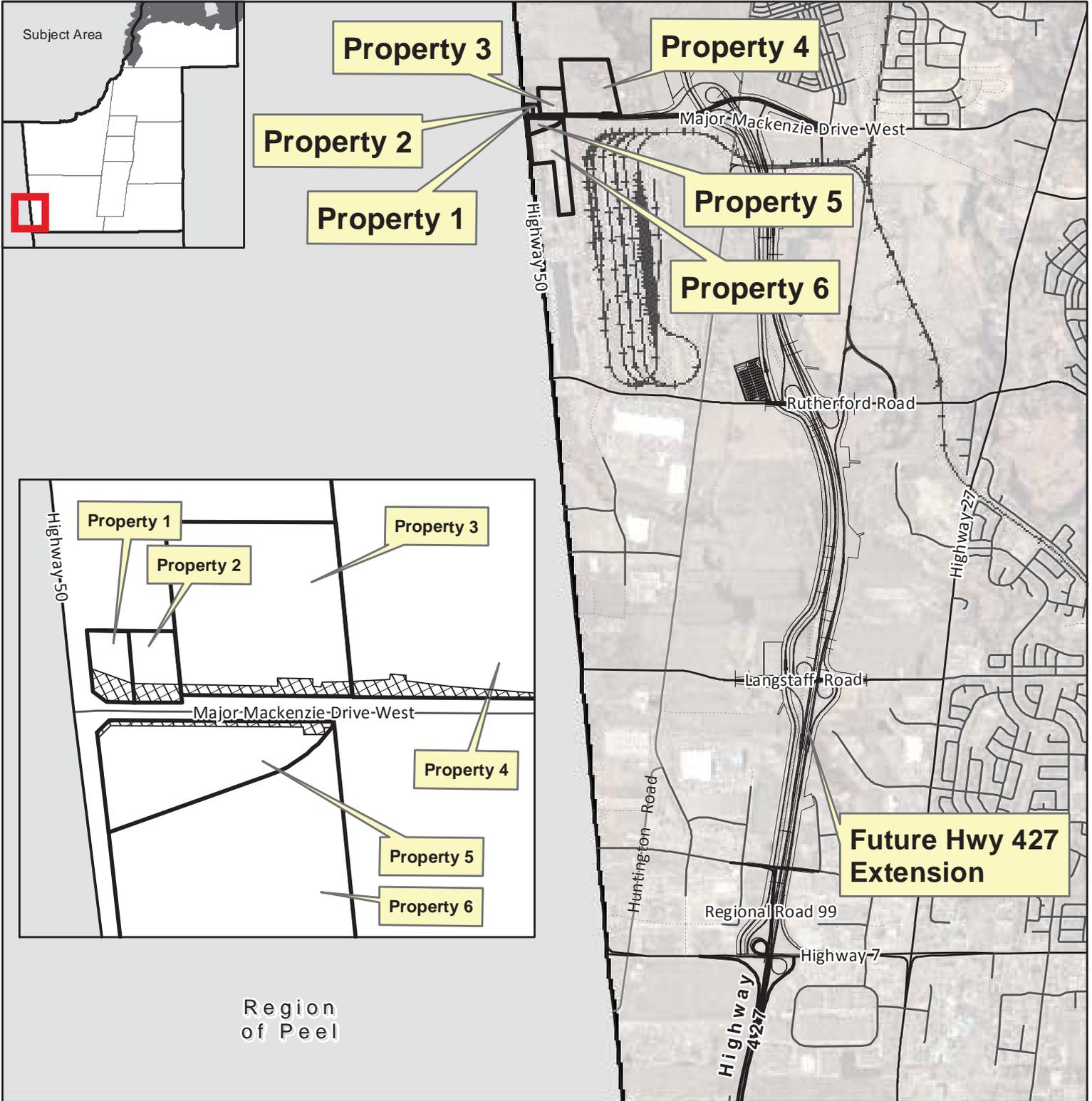
Accessible formats or communication supports are available upon request

**Property Schedule
Expropriation of Land
Major Mackenzie Drive from Highway 50 to
Highway 427 Interchange
City of Vaughan**

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	2138192 Ontario Inc.	10021 Highway 50 Vaughan	Part 1, Plan 65R36395	Fee Simple
2.	Singh, Jaswinder Khangura, Harkit Khangura, Jaswinder Mann, Harpreet Mann, Parmjit Lally, Surjit	7300 Major Mackenzie Drive Vaughan	Part 1, Plan 65R36388	Fee Simple
			Part 2, Plan 65R36388	Temporary Easement
3.	3942198 Canada Inc.	7290 Major Mackenzie Drive Vaughan	Parts 1 & 2, Plan 65R36393	Fee Simple
			Part 3, Plan 65R36393	Temporary Easement
4.	Guscon Mackenzie Ltd.	7050 Major Mackenzie Drive Vaughan	Parts 1 & 2, Plan 65R36392	Fee Simple
			Part 3, Plan 65R36392	Temporary Easement
5.	666248 Ontario Limited	7301 Major Mackenzie Drive Vaughan	Parts 1, 2 & 5 Plan 65R36390	Fee Simple
			Parts 3 & 4, Plan 65R36390	Temporary Easement
6.	Consolidated Fastfrate (Ontario) Holdings Inc.	9701 Highway 50 Vaughan	Part 1, Plan 65R36389	Fee Simple

The temporary easements will commence on March 31, 2017 and expire on December 31, 2022, and are 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) geotech testing, borehole testing, and other investigative works, (5) removal, relocation and/or installation of signage, (6)

No.	Owner	Municipal Address	Legal Description	Interest Required
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.				



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Major Mackenzie Drive from Highway 50 to Highway 427
Interchange, City of Vaughan**

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

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