

Clause 8 in Report No. 3 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on February 18, 2016.

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Compensation for Expropriation  
Major Mackenzie Drive - Canadian Pacific Railway Crossing to  
Islington Avenue, City of Vaughan

Committee of the Whole recommends adoption of the following recommendation contained in the report dated January 22, 2016 from the Commissioner of Corporate Services:

1. Recommendation

It is recommended that:

1. Council authorize the Commissioner of Corporate Services to make offers of compensation to the owners of lands in the City of Vaughan, as set out in Attachment 1, which were acquired in accordance with the *Expropriations Act* (the "Act").

2. Purpose

This report seeks Council approval to serve offers of compensation under section 25 of the *Act* to owners whose lands have been expropriated for the Major Mackenzie Drive project from approximately five hundred metres west of the Canadian Pacific Railway (CPR) crossing to Islington Avenue, in the City of Vaughan.

3. Background

Major Mackenzie Drive is being widened between the CPR Crossing and Islington Avenue in Vaughan

The Region is undertaking improvements to Major Mackenzie Drive from approximately five hundred metres west of the CPR crossing to Islington Avenue, in the City of Vaughan to widen the road from two to six lanes. This includes the

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extension of Major Mackenzie Drive westerly from the south intersection on Highway 27 to the existing alignment of Major Mackenzie Drive east of the CPR crossing. The project includes a bridge across the Humber River and a grade separation at the CPR crossing. Major Mackenzie Drive will tie into the planned extension of Highway 427.

The property acquisitions that are subject in this report are privately owned lands located east of the CPR crossing and west of Islington Avenue. The location of the properties is shown in Attachment 2.

This report is for the third of the three steps in the Council approval process for expropriations

On May 21, 2015, Council authorized the first step in the expropriation approval process, for an application for approval to expropriate interests from eight property owners. One property is the subject of a Hearing of Necessity request and will be addressed in a separate report. On September 24, 2015, Council authorized the expropriation of the remaining seven properties, which was the second step in the expropriation approval process. Of these seven properties, negotiations are proceeding with one owner, therefore it is not being considered at this time. The remaining six required properties are the subject of this report, which is the third and final step in the expropriation approval process.

The graphic below summarizes the three steps in the process for obtaining approval by Council for expropriation. Upon approval by Council of this step, completion of the process will involve the Region serving offers of compensation to the owners and obtaining possession of the required lands.



#### 4. Analysis and Options

Possession of expropriated lands will be obtained after serving the offers of compensation

The Region acquired title to the land when the expropriation plans were registered at the Land Registry Office. In accordance with the *Act*, the Region

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cannot obtain possession until a minimum of three months after notifying owners that the expropriation plans have been registered. In addition, it is necessary to make offers of compensation to owners in order to obtain possession of the expropriated lands. The offers of compensation will be delivered in anticipation of possession of the lands for February 2016. Utility relocation is scheduled to commence in the spring of 2016.

Independent reports have established the values which form the basis of offers

Independent consultants were commissioned to provide estimate reports of compensation. The reports include appraisals of market value for the lands expropriated and, if applicable, estimates of damages for loss of improvements (such as landscaping or parking) and injurious affection (the loss of value to the lands retained by the owner).

Section 25 of the *Act* requires the Region to make two offers of compensation to an owner. The first is an offer of full compensation for the market value of the lands expropriated and any damages for loss of improvements and injurious affection. 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 to pay the owner the market value of the lands expropriated and does not include an offer to pay any other damages such as damages for loss of improvements or injurious affection. If an owner accepts the second offer, the owner may make a future claim for additional compensation in accordance with the *Act*.

In the event that an owner does not accept the first offer of compensation, staff will endeavour to negotiate full and final settlement.

Environmental due diligence has been undertaken

A contamination overview study was completed for the limits of this project. The review of the environmental reports and identification of properties requiring further environmental investigation was carried out in consultation with Legal Services. Based on the results of this work, Phase One Environmental Site Assessments (ESAs) were completed at two sites. The results of this work identified the need to complete a Phase Two ESA at both sites related in part to the presence of a former waste disposal landfill site in the vicinity.

Staff continues to work with both property owners to access the lands to complete the required environmental investigations. Prior to delivery of offers,

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Property Services and Legal Services will review the findings from the Phase Two ESAs. The Region's practice is to remediate or complete additional work with respect to identified contamination in order to limit potential liability to the Region. If remediation work will be required, the Region will seek to deduct the estimated remediation costs from the expropriation process or through a negotiated settlement, however, full recovery of these costs may not be possible. Any issues identified will be reported back to Council, if necessary.

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, a strategic objective identified in the Strategic Plan is the focus on networks and systems that connect people, goods and services.

### 5. Financial Implications

The funding required to complete the property acquisitions has been included in the 2016 Capital Budget for Transportation Services, Capital Delivery – Roads.

### 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

On October 16, 2015, expropriation plans were registered with respect to lands required for Major Mackenzie Drive from approximately five hundred metres west of the CPR crossing to Islington Avenue, in the City of Vaughan. The Act requires

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that offers of compensation for expropriated lands be served on the former owners in order to obtain possession. The proposed offers are based on estimates provided by independently commissioned appraisers. It is recommended that the offers set out in this report be served in accordance with the *Act*.

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.

January 22, 2016

Attachments (2)

Private Attachments (1)

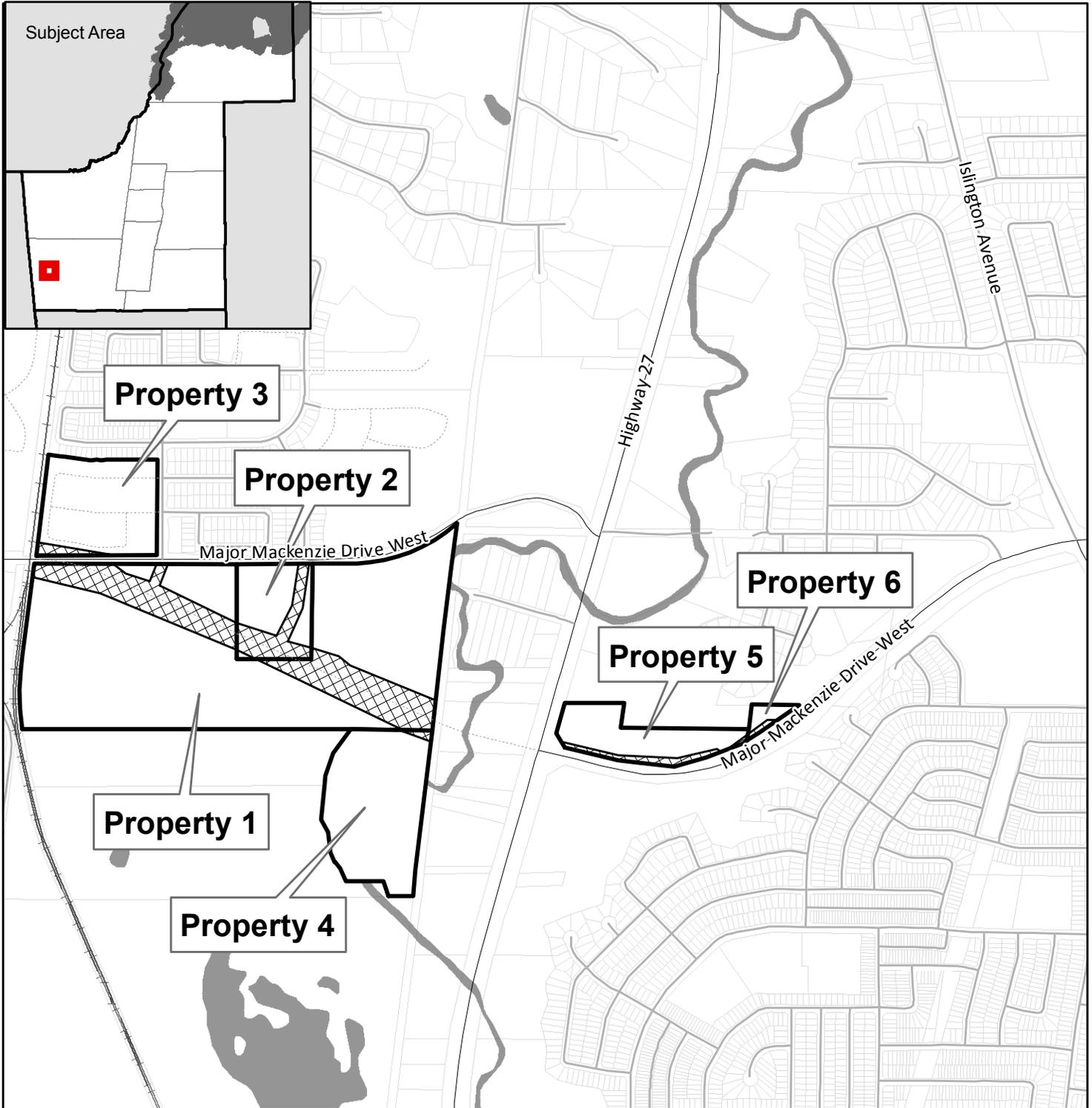
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Accessible formats or communication supports are available upon request

**Property Schedule  
Compensation for Expropriation  
Major Mackenzie Drive – Canadian Pacific Railway Crossing  
to Islington Avenue, City of Vaughan**

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	U-Pak Disposals Limited	South side of Major Mackenzie Drive, east of CPR Vaughan	Parts 5, 6, 7, 8, 9, 10, 11, 12 & 13, Plan 65R35531	Fee Simple
			Parts 1, 2, 3, 4, 5, 6, & 7, Plan 65R35528	
			Parts 1, 2, 3, 4, 5, 6 & 7, Plan 65R35532	
2.	O'Connor, Timothy	6181 Major Mackenzie Drive Vaughan	Part 1, Plan 65R35527	Fee Simple
			Parts 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 & 18, Plan 65R35532	
3.	Kleindor Developments Inc.	N/A Vaughan	Parts 3 & 4, Plan 65R35531	Fee Simple
			Part 2, Plan 65R35531	Temporary Easement
4.	Trustees for the Lawful Members of the Polish Army Veterans' Association of America, Post 114, Toronto	South side of Major Mackenzie Drive, west of Hwy 27 Vaughan	Part 8, Plan 65R35528	Fee Simple
5.	Popela, Irene	9829 Highway 27 Vaughan	Parts 1 & 2, Plan 65R35524	Fee Simple
6.	United Castlepoint South Inc., Trustee	North Side of Major Mackenzie Drive, east of Hwy 27 Vaughan	Part 3, Plan 65R35524	Fee Simple
			Part 1, Plan 65R35522	

The temporary easements will commence on May 1, 2016 and expire on December 31, 2020, 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) 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.



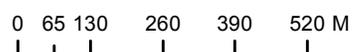
**LOCATION PLAN**

Compensation for Expropriation  
 Major Mackenzie Drive - Canadian Pacific Railway Crossing  
 to Islington Avenue, City of Vaughan

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

Data Sources:  
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**Legend**

-  Subject Property
-  Interest Required
-  Parcel
-  Road
-  Canadian Pacific Railway
-  River
-  Lake