

The Regional Municipality of York

Committee of the Whole
Finance and Administration
January 16, 2020

Report of the Commissioner of Corporate Services

Expropriation Settlement and Abandonment of Land West Vaughan Sewage Servicing Project Langstaff Road and Highway 27 City of Vaughan

1. Recommendations

1. Council authorize the settlement of the expropriated lands in the City of Vaughan, as set out in Attachment 1, which were acquired in accordance with the *Expropriations Act* (the “Act”).
2. Subject to the former owner’s consent and in accordance with Section 41 of the Expropriations Act (the “Act”), Council abandon the fee simple interests and reserve permanent and temporary easements in the lands as set out in Attachment 1.
3. The Commissioner of Corporate Services be authorized to perform all acts necessary to give effect to the foregoing.

2. Summary

This report seeks Council approval to abandon the fee simple interests in land expropriated by the Region, and to reserve permanent and temporary easements on the lands being abandoned by the Region.

The map in Attachment 2 shows the location of the subject land, and includes the areas to be abandoned and retained as permanent and temporary easements.

Private Attachment 1 to this report will be considered in private session as it relates to the abandonment and acquisition of lands by the Region

Key Points:

- Property was expropriated from the former owner to facilitate a portion of the West Vaughan Sewage Servicing Project
- A lesser interest is adequate for the project needs

- The previously authorized expropriation of a fee interests is to be abandoned in favour of permanent and temporary interests

3. Background

Council approved the expropriation of properties for the West Vaughan Sewage Servicing project in January, 2018

In [January 2018](#), Council authorized the expropriation of four properties, including the subject, for the purpose of constructing the West Vaughan sewer tunnel in the City of Vaughan.

The West Vaughan Sewage Servicing project includes a 14.3 kilometre sewer tunnel from the Kleinberg Water Resource Recovery Facility to the Humber Sewage Pumping Station in Woodbridge. The scope of the project includes construction compounds, maintenance shafts and the construction of a new pumping station to replace the existing Humber Sewage Pumping Station.

Environmental Services confirmed lesser property interests are adequate for the project

The Region initially required fee simple interests and a permanent easement at this location. As the project design progressed, Environmental Services determined that fee ownership of the subject property wasn't necessary for the project. The permanent easements and a temporary easement are sufficient to carry out the project objectives.

The Expropriation continued to ensure project timelines were met

The Region acquired title to the land when the expropriation plans were registered at the Land Registry Office on December 10, 2019. Although ownership is now in the name of the Region, possession has yet to be obtained, as the Region did not make an offer of compensation under the *Act* (section 25 offer).

4. Analysis

The former owner has requested that the fee simple interest in the land be returned

Section 41 of the *Act* requires an expropriating authority to notify the former owner of expropriated land if the authority determines that it does not require the land or requires a lesser interest in the land. Upon receipt of the notification, the former owner can either agree to take the land back or require the expropriating authority to retain the land and compensate the owner accordingly.

The former owner has advised the Region that it wants to obtain the lands that were expropriated in fee simple. The Region and Owner have negotiated a settlement for lesser interests, being permanent and temporary easements on the lands that were expropriated in fee simple. The term of the temporary easement will be 30 years.

The Region completed its environmental due diligence

The Region commissioned a Phase One Environmental Site Assessment (ESA) on the required lands to assess potential environmental issues. The ESA concluded that further investigation is required. A Phase Two ESA will be completed and the results of the ESA will be reviewed by staff in consultation with Legal Services, and any further recommendations will be addressed to minimize risk to the Region in terms of the environmental condition of the lands.

5. Financial

Funding for this property acquisition is included in Environmental Services 2020 Capital Budget.

6. Local Impact

The West Vaughan Sewage Servicing Project will benefit residents and the businesses of the City of Vaughan by providing added servicing capacity to facilitate development in the municipality.

7. Conclusion

The Region obtained the approval to proceed with the expropriation of fee simple interests and a permanent easement in the subject land to facilitate the sub-surface sewer from Humber Pumping Station north to Highway 7 and along Highway 27 to Kleinberg. The full extent of the expropriated interests from this property owner is not required. The majority of the land acquired from this owner will only be needed for the duration of construction. Therefore, permanent and temporary easements will be sufficient to facilitate construction. The owner has expressed an interest in retaining a fee simple interests in the property and providing the Region a 30 year temporary easement.

For more information on this report, please contact Michael Shatil, Director, Property Services at 1-877-464-9675 ext. 71684. Accessible formats or communication supports are available upon request.

Recommended by: **Dino Basso**
Commissioner of Corporate Services

Approved for Submission: **Bruce Macgregor**
Chief Administrative Officer

January 10, 2020
Attachments (2)
Private Attachments (1)
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