

The Regional Municipality of York

Committee of the Whole
Finance and Administration
January 16, 2020

Report of the Commissioner of Corporate Services

Expropriation of Land 225 and 236 The Queensway South Town of Georgina

1. Recommendations

1. Council approve an application for approval to expropriate the lands set out in Attachment 1, required for the traffic signals at the intersection of The Queensway South and Cameron Crescent and Richmond Park Drive in the Town of Georgina.
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approving authority, approve the expropriation of the lands provided there is no Hearing of Necessity requested and not withdrawn in accordance with the *Act*. 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*.
5. Where approval to expropriate the land is given, the Commissioner of Corporate Services is authorized to register a plan of expropriation and execute and serve any notices required under the *Act*.
6. Where approval to expropriate the land is given, Council authorize the introduction of the necessary bylaw to give effect to these recommendations.

2. Summary

This report seeks Council approval to expropriate land for the installation of traffic signals at the intersection of The Queensway South and Cameron Crescent and Richmond Park Drive in the Town of Georgina. The locations of the properties are shown on the map in Attachment 2.

Key Points:

- The Region's Traffic and Pedestrian Signal Policy provides guidelines for the installation of traffic and pedestrian signals
- Traffic signals are required at this location due to high traffic volume as determined by Transportation Services
- Possession gives the Region the ability to commence construction

3. Background

Transportation Services has determined that traffic signals are warranted at the Queensway South and Cameron Crescent/Richmond Park Drive intersection

As traffic continues to increase across the Region, traffic signals are increasingly required to balance movements on major corridors and facilitate access to local communities.

Council approved the revised policy for the installation of traffic or pedestrian signals in [June 2015](#). In keeping with the revised policy, Transportation Services has determined that traffic controls are required at this intersection due to the increase of traffic and pedestrian use. Construction is scheduled to commence in the late fall of 2020.

Privately owned lands are required to accommodate the traffic and pedestrian signals

The acquisition of interests from two properties is necessary to provide daylight triangles for the construction of traffic and pedestrian signals at the intersection of The Queensway South and Cameron Crescent and Richmond Park Drive in the Town of Georgina. The land requirements are at the southeast and southwest corners of the intersection.

4. Analysis

Staff continues to negotiate with property owners throughout the expropriation

The subject properties are zoned as business park employment lands, and the owners of the two properties are related. The Region has attempted to reach out to the owners since the start of the project without success. Staff will continue efforts to contact and negotiate with owners throughout the expropriation process.

Initiating the expropriation process will allow access to the subject lands in a timely manner

The preferred approach to obtaining an interest in land is to negotiate an acquisition with the property owner. However, expropriation is deemed a necessary approach to ensure timely possession of property requirements for the needs of the project.

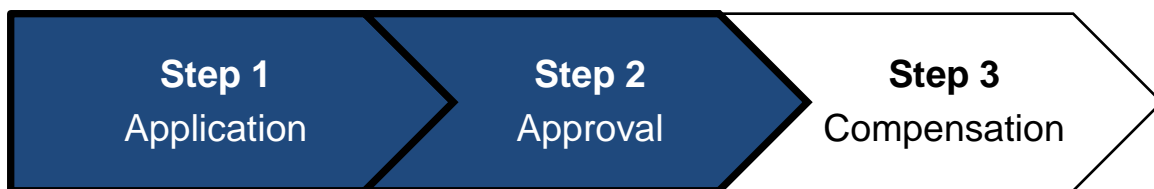
In an effort to secure possession and complete the property acquisition for this project, it is recommended that the expropriation process proceed concurrently with ongoing negotiations.

Council Approval is required at three 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 land, the expropriation itself, and the offer of compensation made to the former owner of the land.

In an effort to ensure timely possession, the first and second steps in the Council approval process have been combined for this report, as indicated in Figure 1 below. The third step will be the subject of a future report to Council, in the event the expropriation proceeds. Possession of the land cannot be obtained until this third step has been completed and the owner is served an Offer of Compensation.

Figure 1
Council Approval Steps



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 the registered owner with a Notice of Intention to Expropriate, following Council approval. Upon receipt of the Notice of Application for Approval to Expropriate, the owner has the right within 30 days of receipt to request an inquiry (Hearing of Necessity) to determine whether the taking of the land by the Region is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority.

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 in the achievement of the objectives of the expropriating authority.

Registration of an expropriation plan will secure title to the interest in the land by the Region

If no Hearing of Necessity is requested, an expropriation plan will be registered at the Land Registry Office within three months of Council granting approval of a bylaw to proceed with the expropriation. This is the second step in the expropriation process, with registration of the plan anticipated to be in the spring of 2020.

Registration of the expropriation plan is a key step in the expropriation process. It is at this point that the Region acquires title to the interest in the land. However, further steps are required to obtain possession, or the right to access the land.

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

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 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 may report to Council with recommendations depending on the nature and extent of the impacts.

5. Financial

The funds required to support offers of compensation for the property acquisitions have been included in the 2020 Capital Budget for Transportation Services, Capital Planning and Delivery Branch.

6. Local Impact

The installation of traffic and pedestrian signals at this location will balance movement on The Queensway South and facilitate access to both Cameron Crescent and Richmond Park Drive.

7. Conclusion

This report seeks Council approval to expropriate property interests required for the installation of traffic and pedestrian signals at the intersection of The Queensway South and Cameron Crescent and Richmond Park Drive in Town of Georgina. To facilitate the project schedule, it is necessary to initiate the expropriation process. Staff continues to negotiate for the acquisition of the required property and expropriation proceedings will be discontinued in the event that negotiations are successful.

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)
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