

The Regional Municipality of York

Committee of the Whole
Finance and Administration
February 6, 2020

Report of the Commissioner of Corporate Services

Approval to Expropriate West Vaughan Sewage Servicing Project 6666 Rutherford Road City of Vaughan

1. Recommendations

1. Council receive and consider the Inquiry Officer's report from the Hearing of Necessity, shown in Attachment 3, which found the taking of the lands set out in Attachment 1 to be fair, sound and reasonably necessary for the West Vaughan Sewage Servicing Project.
2. Council, as approving authority, approve the expropriation of the lands set out in Attachment 1 for the construction of the West Vaughan Sewage Servicing Project, in the City of Vaughan, and adopt the reasons for the approval set out in Attachment 4.
3. The Commissioner of Corporate Services be authorized to execute and serve any notices required under the Expropriations Act (the "*Act*").
4. Council authorize the introduction of the necessary bylaw to give effect to these recommendations.

2. Summary

This report requests that Council, as required by the *Act*, consider the Inquiry Officer's report that concludes the proposed taking of the subject lands is fair, sound and reasonably necessary for the construction of the West Vaughan Sewage Servicing Project, in the City of Vaughan. The location of the property is located as shown on the map in Attachment 2.

This report also seeks Council approval, in accordance with the *Act*, to expropriate a fee simple interest in a portion of the subject property.

Key Points:

- The owner was served a Notice of Application to Expropriate following Council approval to commence expropriation proceedings

- The subject property owners exercised their right under the *Act* to request a Hearing of Necessity, which took place in October 2019
- In the opinion of the Inquiry Officer's Report, the land requirements from the subject property are fair, sound and reasonably necessary for the construction of the West Vaughan Sewage Servicing Project
- In accordance with the *Act*, Council must consider the Inquiry Officer's report and serve written notice of its decision and written reasons on all parties to the Hearing of Necessity

3. Background

The Master Plan and Environmental Assessment work is complete

York Region's Water and Wastewater Master Plan was approved by Council in 2009, then updated in 2016, and has consistently identified a need for additional sewage servicing capacity to meet the projected growth in West 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 work also includes construction compounds, maintenance shafts and the construction of a new pumping station to replace the existing Humber Sewage Pumping Station.

The Region completed an approved Environmental Assessment (EA) process in 2013. An EA addendum was completed in 2016 to address beneficial changes to the route alignment, construction methodology, and a reduction in property requirements. The construction of the new Humber Sewage Pumping Station is scheduled to commence in 2021 and construction of the sewage tunnel is proposed to commence in 2023. This work is identified in the approved 10-year Capital Plan for Environmental Services.

Council previously approved an expropriation of land for this project

On [June 28, 2018](#), Council authorized an application for approval to expropriate land from the subject property required for the West Vaughan Sewage Servicing project for the purpose of constructing a construction compound to facilitate tunnelling.

The owner of the subject property requested a Hearing of Necessity to determine if the taking of the land was fair, sound and reasonably necessary

The Region received a request for a Hearing of Necessity from the owner of the property that is the subject of this report. The expropriation cannot proceed until the Hearing of Necessity has taken place and the Inquiry Officer has provided an opinion with respect to the proposed taking.

The *Act* provides that Council approval of the proposed expropriation is required upon considering the Inquiry Officer's report. Council must serve written reasons for its decision on

all parties to the Hearing of Necessity, including the Inquiry Officer, within 90 days of receipt of the Inquiry Officer's report. The written reasons must be provided whether or not Council approves the proposed expropriation, or approves it with modifications.

4. Analysis

Approval to expropriate is recommended after review of the Inquiry Officer's Report

Following the October 2019 Hearing of Necessity for the subject property, the Inquiry Officer's report was issued. The report set out an opinion based on the evidence presented by both parties, and is provided in Attachment 3.

The Inquiry Officer concluded the proposed taking of land from the subject property is fair, sound and reasonably necessary in the achievement of the Region's objectives for the West Vaughan Sewage System. The Inquiry Officer was satisfied the Region considered alternatives during the Environmental Assessment and noted property requirements and environmental impacts were kept to a minimum. There was no other location for a construction compound that could join a north-south sewer on Huntington Road, with the east-west West Vaughan sewer on Rutherford Road. All other corners of the intersection are constrained by development.

Upon review of the report by staff, it is recommended the expropriation of the subject land proceed in accordance with the original Notice of Application for Approval to Expropriate that was served on the property owners, for the reasons set out in Attachment 4.

Approval to expropriate will allow the Region to secure ownership of required lands

The approval to serve the owners with a notice of application for approval to expropriate was the first of three steps involving authorization by Council in the expropriation process. The second step in the process is to report to Council on the decision from the Hearing of Necessity and seek approval from Council to obtain ownership of the lands through registration of an expropriation plan.

Approval to make an offer of compensation to the owner is the third step in the Council approval process, which will be the subject of a future report to Council. The three steps in the expropriation approval process are illustrated in Figure 1 below.

Figure 1
Council Approval Steps



Notice of expropriation will be served on the owner in accordance with the *Act*

An expropriation plan will be registered upon receiving Council approval of the recommendations of this report. The Region will acquire interest in the land when the expropriation plan is registered at the Land Registry Office. The owners will then be served with notices of expropriation and possession of the lands. In accordance with the *Act*, it is necessary to make an offer of compensation prior to securing possession of the lands. The offer of compensation will be the subject of a future report to Council.

Environmental due diligence is underway

The Region commissioned a Phase One Environmental Site Assessment (ESA) on the required lands to assess potential environmental issues. Some minor exceedances were noted in the Phase One ESA. As such, the Region will conduct a soil baseline analysis once possession is secured to develop a baseline of existing soil and groundwater conditions on the property prior to any construction activities.

Prior to registration of the expropriation plan, 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 necessary steps to minimize the Region’s exposure to environmental risk and liability and may report to Council as necessary with recommendations depending on the nature and extent of the impacts.

5. Financial

The funding for this property acquisition is included in the 2020 Capital Budget for Environmental Services.

6. Local Impact

The West Vaughan Sewage Servicing Project will provide added servicing capacity to facilitate development in the City of Vaughan to accommodate planned growth.

7. Conclusion

The Region commenced the expropriation process in June 2018 for partial land takings to facilitate construction of the West Vaughan Sewage Servicing Project. Upon receipt of the Notice of Application for Approval to Expropriate, the owners of the subject property requested a Hearing of Necessity to determine if the taking was fair, sound and reasonably necessary.

The Inquiry Officer's report following the Hearing of Necessity concluded the taking of land from the subject property is fair, sound and reasonably necessary.

The *Act* requires Council, as approving authority, consider the Inquiry Officer's report and determine whether to proceed with expropriation. Based on the findings stated in the Inquiry Officer's report, it is recommended that Council approve the expropriation of the lands.

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 27, 2020
Attachments (4)
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