

# **The Regional Municipality of York**

Committee of the Whole  
Finance and Administration  
May 14, 2020

Report of the Commissioner of Corporate Services

## **Compensation for Expropriation Rutherford Road from Peter Rupert Avenue to Bathurst Street City of Vaughan**

### **1. Recommendation**

Council approve 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. Summary**

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 widening of Rutherford Road from Peter Rupert Avenue to Bathurst Street, in the City of Vaughan. The location of the lands is shown on the maps in Attachment 2, 3 and 4.

Private Attachment 1 to this report will be considered in private session pursuant to section 239(2)(c) of the *Municipal Act*, 2001, because it relates to acquisition of land by the Region.

Key Points:

- In [June 2018](#), Council approved the commencement of the expropriation process for this first phase of the widening and reconstruction of Rutherford Road, from four to six lanes between Peter Rupert Avenue to Bathurst Street
- Expropriation plans were registered on title on January 10, 2020, transferring title of the expropriated lands to the Region
- An owner must be served with an offer of compensation pursuant to section 25 of the *Act* prior to the Region taking possession of the expropriated lands
- The anticipated possession date of the expropriated lands is May 11, 2020, with construction commencement later in the spring of 2022

### **3. Background**

#### **Rutherford Road is proposed to be widened from Jane Street to Bathurst Street**

The need for improvements to Rutherford Road from Jane Street to Bathurst Street in the City of Vaughan has been identified in the Region's recently updated Transportation Master Plan. These improvements have also been included in the approved 2018 10-Year Roads and Transit Capital Construction Program.

The Environmental Assessment (EA) study for improvements to Rutherford Road (named Carrville Road east of Bathurst Street) from Jane Street to Yonge Street was completed in mid-2016.

The design on this portion of the project includes a proposed widening of Rutherford Road to six lanes to accommodate HOV/transit priority lanes, multi-use paths on both sides, transit bus pads/shelters, and a landscaped median where sufficient space is available. Also included is the widening of the existing bridge over the Canadian National Railway tracks at the MacMillan Yard.

Construction for Rutherford Road from Peter Rupert Avenue to Bathurst Street is scheduled to commence in 2022. The land requirements that are the subject of this report are located within this section of the project.

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

Figure 1 below summarizes the three steps in the process for obtaining approval by Council for expropriation. In [June 2018](#), Council authorized the first and second step of the approval process.

This report is for the third and final step in the expropriation approval process. Upon approval of this step by Council, the Region will serve an offer of compensation to the owners.

**Figure 1**  
**Council Approval Steps**



## 4. Analysis

### **Possession of expropriated lands will be obtained after serving offers of compensation**

The Region acquired title to the lands when the expropriation plan was registered at the Land Registry Office on January 10, 2020. The notice of expropriation was sent to the owners on February 6, 2020. In accordance with the *Act*, the Region cannot obtain possession until a minimum of three months after notifying owners that the expropriation plan has been registered. In addition, it is necessary to make offers of compensation to owners to obtain possession of the expropriated land. The offers of compensation will be delivered in anticipation of possession of the land on May 11, 2020.

### **An independent report established the values to form the basis of the offer of compensation**

An independent consultant was commissioned to provide an estimate report of compensation.

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 land expropriated and any damages for loss of improvements and injurious affection. If the owner accepts the offer, with a few exceptions, the offer is accepted in full satisfaction of any claims the owner may have with respect to the expropriation.

The second offer is to pay the owner market value of the land expropriated and does not include an offer to pay any other damages such as damages for loss of improvements or injurious affection. If the owners accept the second offer, the owner may make a future claim for additional compensation in accordance with the *Act*.

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

## **Environmental due diligence is underway**

A Contamination Overview Study was completed as part of the Class Environmental Assessment Study and identified Areas of potential environmental concern. Phase One Environmental Site Assessments (ESA) were performed at numerous sites to assess the potential environmental condition of the lands. The results identified the need to complete a Phase Two ESA at one of the sites that is the subject of this report.

Staff continues to work with the property owner to access the lands to complete the required environmental investigations. Prior to the delivery of an offer, Legal Services will review the findings of the Phase Two ESA. In the event environmental impacts are identified, staff will take necessary steps to minimize the Region's exposure to environmental risk and liability and, if necessary, report to Council with recommendations.

## **5. Financial**

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

## **6. Local Impact**

Once construction is complete, the widening and reconstruction of Rutherford Road will provide upgraded capacity to improve traffic operations for the travelling public and support the accommodations of the forecasted growth within this area, as established by the York Region Official Plan.

## **7. Conclusion**

On January 10, 2020, expropriation plans were registered for the lands required for Rutherford Road from Peter Rupert Avenue to Bathurst Street, in the City of Vaughan. The *Act* requires that an offer of compensation for expropriated lands be served on the registered owners before taking possession. The proposed offers are based on estimates provided by an independently commissioned appraiser. 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 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

May 1, 2020  
Attachments (4)  
Private Attachments (1)  
#10504817