

The Regional Municipality of York

Committee of the Whole
Finance and Administration
September 10, 2020

Report of the Commissioner of Corporate Services

Compensation for Expropriation West Vaughan Sewage Servicing Project 6666 Rutherford Road City of Vaughan

1. Recommendation

Council authorize the Commissioner of Corporate Services to make an offer of compensation to the owner of land in the City of Vaughan, as set out in Attachment 1, which was acquired in accordance with the *Expropriations Act* (the “Act”).

2. Summary

This report seeks Council approval to serve an offer of compensation under section 25 of the *Act* to an owner whose land has been expropriated for the West Vaughan Sewage Servicing Project in the City of Vaughan. The location of this property is shown on the map in Attachment 2.

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:

- Expropriations for the project commenced in 2018, with the purpose of acquiring the necessary construction compound and sewer path lands
- This owner requested a Hearing of Necessity, which occurred on October 30, 2019
- The Inquiry Officer’s decision was rendered December 9, 2019 and concluded that the Region’s requirement was fair, sound and reasonably necessary
- Council approved the registration of the expropriation plan in February, 2020
- The expropriation plan was registered at the Land Registry on May 21, 2020

3. Background

The Water and Wastewater 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 Hearing was held on October 30, 2019. The Inquiry Officer's decision was that the taking was fair, sound and reasonably necessary to achieve the Region's objectives.

4. Analysis

Approval to expropriate allowed the Region to secure ownership of the 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 sought approval from Council to obtain ownership of the lands through the registration of an expropriation plan.

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

Figure 1
Council Approval Steps



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

The Region acquired title to the land when the expropriation plan was registered May 21, 2020 at the Land Registry Office. The owners were then 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.

Environmental due diligence remains to be completed

Environmental due diligence was conducted but remains to be completed. Permission to enter the lands to conduct further due diligence to investigate environmental impacts has not been granted to the Region. Once possession is obtained, additional environmental due diligence will be conducted and the results will be reviewed by staff, including consultation with Legal Services. 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 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 benefit the residents and the businesses of the City of Vaughan by providing added servicing capacity to facilitate development in the Municipality.

7. Conclusion

The Region commenced the expropriation process on June 28, 2018, for partial land takings to facilitate the construction of the West Vaughan Sewage Servicing Project. A Hearing of Necessity was held on October 30, 2019. The Inquiry Officer provided a report that concluded that the taking of land from the subject property is fair, sound and reasonably necessary.

It is recommended that Council approve the proposed offer of compensation with respect to the expropriation of the requirements from these 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

August 27, 2020
Attachments (2)
Private Attachments (1)
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