

The Regional Municipality of York

Committee of the Whole
Finance and Administration
October 8, 2020

Report of the Commissioner of Corporate Services

Expropriation of Land Yonge Street – Davis Drive to Green Lane Town of Newmarket and Town of East Gwillimbury

1. Recommendations

1. Council approve an application for approval to expropriate the lands set out in Attachment 1, for the widening and reconstruction of Yonge Street, in the Town of Newmarket and the Town of East Gwillimbury
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approving authority, approve the expropriation of the lands provided there is no Hearing of Necessity requested and not withdrawn in accordance with the *Act*.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 be 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 proceed with the expropriation of lands for the Yonge Street road widening project between Davis Drive in the Town of Newmarket and Green Lane in the Town of East Gwillimbury. The location of the properties is shown on the map in Attachment 2.

Key Points:

- Expropriations for the project commenced in 2015, with the purpose of achieving a continuous 45 metre right-of-way width along Yonge Street from Davis Drive in the Town of Newmarket to Green Lane in the Town of East Gwillimbury
- Possession of previously expropriated land was obtained in 2018, including land from most of the subject properties
- Additional requirements from the subject properties, plus additional properties for grading and retaining wall installation and maintenance purposes were identified during detailed design. These requirements are the subject of this report

3. Background

The Region is planning to widen Yonge Street from four to six lanes, from Davis Drive in Newmarket to north of Green Lane in East Gwillimbury

An Environmental Assessment (EA) was completed in 2008, and recommended the widening of Yonge Street from four to six lanes with provisions for off street cycling and protection for future rapid transit development from Davis Drive to Green Lane.

Council previously approved expropriations for this project

In [November 2015](#), Council authorized expropriation of 26 property owners, including the subject properties, to ensure that a 45 metre right-of-way width was owned for road widening purposes. A portion of the subject properties were expropriated to facilitate the project at that time.

As detailed engineering design progressed, it was determined that additional land or interests in land are required from various properties to complete the corridor and intersection requirements for the new road.

4. Analysis

Staff continue to negotiate with property owners throughout the expropriation process

The majority of the subject properties are commercial properties on the Yonge Street corridor north of Davis Drive. Discussions with these owners commenced in 2015 when the original requirements were identified. Negotiations to settle the expropriations of the original requirements and obtain the additional requirements are ongoing, and will continue throughout the design and construction phases.

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

The preferred approach to obtaining an interest in land is to negotiate an amicable transaction with the property owner. However, in many cases various events affect the timing of negotiations, such as owners who prefer to finalize negotiations at the completion of the project. In this regard, expropriation is deemed a necessary approach to ensure timely possession of property requirements for the needs of the project.

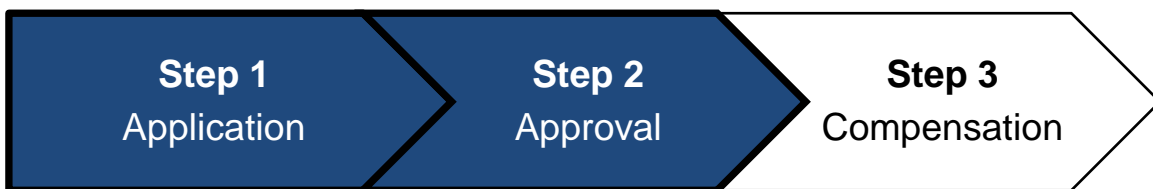
In an effort to secure possession and complete the property acquisition for this project, it is recommended that the expropriation process proceed concurrently with ongoing negotiations.

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 possession to meet the construction schedule, 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 by-law to proceed with the expropriation. This is the second step in the expropriation process, with registration of the plans anticipated to be in the spring of 2021.

Registration of the expropriation plans 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 is underway

A Contamination Overview Study (COS) was completed by external Engineering Design Consultants for the project corridor where this land is located. The COS was reviewed by Property Services and Legal Services. Phase One Environmental Site Assessments (ESA) were completed at numerous sites to assess the environmental condition of the lands. The results identified the need to complete Phase Two ESAs at a few of the sites that are the subject of this report. The required Phase Two ESAs were completed. Property Services and Legal Services staff reviewed the findings of the Phase Two ESAs and noted no concerns. Environmental due diligence is currently underway but not yet complete for one property that is a subject of this report. The results will be reviewed by staff and in the event any concerns are identified, staff will take necessary steps to minimize the Region's exposure to environmental risk and liability and may report to Council with recommendations.

5. Financial

The funding required to complete the property acquisition for this project has been included in the 2020 Capital Budget for Transportation Services, Capital Planning and Delivery Branch.

Under section 25 of the *Act*, the Region is obligated to serve offers of compensation on an owner within three months of the registration of the expropriation plan. The appraisals required to support these offers will be prepared and the proposed offers will be the subject of a further report to Council.

6. Local Impact

Once construction is complete, the six lanes of traffic will improve traffic operations for the travelling public, meet growth in the area, and allow for future rapid transit improvements.

7. Conclusion

This report seeks Council approval to expropriate property interests required for the widening of Yonge Street, from Davis Drive in the Town of Newmarket to Green Lane in the Town of East Gwillimbury. To facilitate the project schedule, it is necessary to initiate the expropriation process from many property owners. 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

September 25, 2020
Attachments (2)
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