

# The Regional Municipality of York

Committee of the Whole  
Finance and Administration  
December 3, 2020

Report of the Commissioner of Corporate Services

## Compensation for Expropriation Northeast Vaughan Water Servicing Project City of Vaughan

### 1. Recommendation

Council authorize the Commissioner of Corporate Services to make offers of compensation to the owners of the 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 Northeast Vaughan Water Servicing Project. The lands are identified as Property No. 1 and Property No. 2 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, as it relates to the acquisition of land by the Region.

Key Points:

- In [October 2019](#), Council approved commencement of the expropriation process for two parcels of land for the Northeast Vaughan Water Servicing Project
- Expropriation plans were registered on the respective titles for the subject properties in June 2020
- Each owner must be served with an offer of compensation pursuant to section 25 of the *Act* before the Region can take possession of the expropriated lands
- The anticipated possession date of the expropriated lands is February 1, 2021, with construction commencement in 2023

### 3. Background

#### **The Water and Wastewater Master Plan Update identified the need for additional water servicing capacity**

York Region’s Water and Wastewater Master Plan was updated in 2016. It identified the need for additional water servicing capacity to accommodate the projected increase in residential and employment growth in northeast Vaughan to 2051.

Construction for the proposed elevated water storage tank and pumping station at Property No. 2, located at 11665 Jane Street, is to commence in 2023. Construction of the proposed elevated water storage tank located at Property No. 1 at the intersection of King Vaughan Road and Jane Street is to commence in 2025.

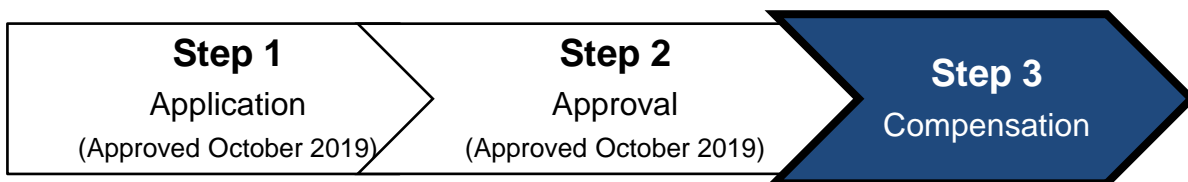
This work is identified in the approved 10-year Capital Plan for Environmental Services.

### 4. Analysis

#### **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 [October 2019](#), Council authorized the first and second steps 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**



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

The Region acquired title to the lands when the expropriation plans were registered at the Land Registry Office on June 22 and 23, 2020. The notice of expropriation was sent to the owners on July 17, 2020. In accordance with the *Act*, the Region cannot obtain possession until 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 February 1, 2021.

### **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 the market value of the land expropriated and does not include other damages such as damages for loss of improvements or injurious affection. If the owner accepts 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 an offer of compensation, staff will endeavour to negotiate a full and final settlement.

### **Environmental due diligence is underway**

Environmental due diligence 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 and the Region has legal access to the land, 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 Northeast Vaughan Water Servicing Project will provide water servicing to accommodate anticipated growth in northeast Vaughan. Staff has consulted with the City of Vaughan staff and has support in the delivery of this project.

## 7. Conclusion

On June 22 and 23, 2020, expropriation plans were registered for the lands required for the construction of the Northeast Vaughan Water Servicing Project, 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 Council approve the offers of compensation for the requirements set out in this report and the serving of those offers 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

November 20, 2020  
Attachments (2)  
Private Attachments (1)  
#11296223