

The Regional Municipality of York

Committee of the Whole
Finance and Administration
June 11, 2020

Report of the Commissioner of Corporate Services

Compensation for Expropriation 225 and 236 The Queensway South Town of Georgina

1. Recommendation

Council approve the Commissioner of Corporate Services to make an offer of compensation to the owners of lands in the Town of Georgina 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 proceed with expropriation of lands, in the Town of Georgina, for the installation of traffic signals. The locations of the properties are shown on the map in Attachment 2.

Key Points:

- Traffic and pedestrian signals are required at this location due to high traffic volume
- Privately owned lands are required to accommodate the installation of new traffic and pedestrian signals
- This report seeks Council’s approval to compensate the owners to secure possession of the required lands
- Possession gives the Region the ability to commence construction
- Construction is scheduled for the fall of 2020

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.

3. Background

Transportation Services has determined that traffic signals are warranted at The Queensway South and Cameron Crescent and Richmond Park Drive intersection

As traffic continues to increase across the Region, traffic signals are increasingly required to balance movements on major corridors and facilitate access to local communities. Regional Council approved the revised policy for the installation of traffic and pedestrian signals in June 2015. In keeping with the revised policy, Transportation Services has determined that traffic controls are required at this intersection due to the increase of traffic and pedestrian use. Construction is scheduled to commence in the late fall of 2020.

Privately owned lands are required to accommodate the traffic and pedestrian signals

The acquisition of interests from two properties is necessary to provide daylight triangles for the construction of traffic and pedestrian signals at the intersection of The Queensway South and Cameron Crescent and Richmond Park Drive in the Town of Georgina. The land requirements are at the southeast and southwest corners of the intersection. The locations of the properties are shown on the map in Attachment 2.

4. Analysis

This report is for the third of three steps in the Council approval process for expropriation

Figure 1 below summarizes the three steps in the process for obtaining approval by Council for expropriation. This 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**



An Expropriation plan has been registered for the subject lands

The Region acquired title to the lands when the expropriation plans were registered at the Land Registry Office. The notice of expropriation was sent to the owners on March 10, 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 June 30, 2020.

An independent appraisal report provides the value which forms the basis of the offer

An independent consultant was commissioned to provide a report of compensation to be paid to the owners.

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 complete on one property and continues on the other

Environmental due diligence has been completed for the Region's interests in 225 The Queensway South. A Phase One Environmental Site Assessment was completed and no significant issues were identified for 225 The Queensway South.

Environmental due diligence is currently underway and remains to be completed for the Region's interests in 236 The Queensway South. 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 the necessary steps to minimize the Region's exposure to environmental risk and liability.

5. Financial

The funding required to complete the property acquisition for this property has been included in the 2020 Capital Budget for Transportation Services.

6. Local Impact

The subject lands will be incorporated into The Queensway South road right of way. Once construction is complete, the new traffic signals will improve traffic operations for the travelling public and meet growth in the area.

7. Conclusion

In January 2020, the Region commenced expropriation to acquire lands required for the installation of traffic signals at the intersection of The Queensway South and Cameron Crescent and Richmond Park Drive in the Town of Georgina. The *Act* requires the Region to serve an offer of compensation on an expropriated owner before obtaining possession. The offer is based on an appraisal provided by an independent appraiser commissioned by the Region. It is recommended the offer set out in this appraisal 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 29, 2020
Attachments (2)
Private Attachments (1)
#10712191