

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 Yonge Street - Davis Drive to Green Lane Town of Newmarket and Town of East Gwillimbury

1. Recommendation

Council approve the Commissioner of Corporate Services to make offers of compensation to the owners of lands in the Towns of Newmarket and East Gwillimbury, 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 were expropriated for the Yonge Street road widening project. The locations of the properties are shown on the maps in Attachments 2 and 3.

Key Points:

- Expropriations for the project commenced in 2015, with the purpose of achieving a continuous 45 metre right-of-way width on Yonge Street from Davis Drive in the Town of Newmarket to Green Lane in the Town of East Gwillimbury
- Possession of the majority of the required corridor land was obtained in 2017
- A property at the southeast corner of Yonge Street and Green Lane was identified during the project’s detailed design phase as having not received the daylighting triangles at the Yonge Street entrance to the Silver City theatre and restaurant complex in accordance with the site plan agreement, due to an oversight by the Region. An additional small strip widening was also required
- A property at the northwest corner of Yonge Street and Bonshaw Avenue is used as a Storm Water Management (SWM) pond. The property requirement involves a strip of land adjacent to the west side of Yonge Street, east of the SWM pond
- Road construction is planned to commence in 2022, as per the approved 2020 10-year Roads & Transit Capital Construction Program

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

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

The North Yonge Street Corridor Public Transit and Associated Road Improvements Environmental Assessment (EA) was completed in 2008, which recommended the interim widening of Yonge Street from four to six lanes with provisions for dedicated Transit HOV lanes, cycling facilities, and protection for future rapid transit development from Davis Drive to Green Lane.

The subject lands are additional to lands previously acquired for the Yonge Street widening project

In [November 2015](#) and [June 2016](#), Council authorized and approved expropriation of land from 26 property owners, to ensure that a 45 metre right-of-way width was owned for road widening purposes.

In [September 2017](#), Council authorized offers of compensation to 16 of the 26 property owners to complete the majority of expropriations for the corridor. Some properties were removed from the process as they had submitted development applications that would transfer land to the Region for a nominal sum. Some owners entered into amicable agreements.

Subsequent detailed engineering design determined that additional land was required from Property No. 1 at its entrance to the site from Yonge Street. This land is necessary to facilitate a signalized intersection. Daylighting triangles typically have equipment on them.

Investigation of Property 2 with the beneficial owners and the Town of Newmarket concluded that the Town did not want to take ownership of this pond, but the Town has a permanent easement across the entire property that stipulates its only use is as a SWM pond.

In [April 2019](#), Council authorized the commencement of this additional expropriation process regarding the requirement from Property No. 1. A request for a Hearing of Necessity was not received.

In [November 2019](#), Council approved the expropriation of the requirements from Property No. 2. A request for a Hearing of Necessity was not received.

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. 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 owner of Property No. 1 on February 26, 2020, and to the owner of Property No. 2 on March 12, 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 31, 2020 and June 19, 2020.

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

An independent consultant was retained 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 an owner does not accept the first offer of compensation, staff will endeavour to negotiate a full and final settlement.

Environmental due diligence has been undertaken

As part of the environmental due diligence process, a Contamination Overview Study (COS) was completed by external engineering design consultants to identify potential environmental concerns. Legal Services was consulted about the results of the COS and the need for further investigations. Based on the COS and other available environmental information, no significant environmental concerns were identified and no further work is required.

5. Financial

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

6. Local Impact

The subject lands will be incorporated into the Yonge Street widening project. 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

In January and February 2020, the Region registered expropriation plans to acquire lands required for the Yonge Street road widening project, from a property at the southeast corner of Yonge Street and Green Lane, and a property at the northwest corner of Yonge Street and Bonshaw Avenue. The *Act* requires the Region to serve an offer of compensation on an expropriated owner before obtaining possession. The offers are based on appraisals provided by an independent appraiser commissioned by the Region. It is recommended the offer set out in the appraisals 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 (3)
Private Attachments (1)
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