

# The Regional Municipality of York

Committee of the Whole  
Finance and Administration  
June 11, 2020

Report of the Commissioner of Corporate Services

## **Expropriation of Land 14426 Leslie Street Town of Aurora**

### **1. Recommendations**

1. Council approve an application for approval to expropriate the lands set out in Attachment 1, required for intersection improvement at Leslie Street and Vandorf Sideroad in the Town of Aurora.
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approving authority, approve the expropriation of the lands provided there is no Hearing of Necessity requested and not withdrawn in accordance with the *Act*.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 is 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 expropriate land for the intersection improvements at Leslie Street and Vandorf Sideroad in the Town of Aurora. The location of the property is shown on the map in Attachment 2.

Key Points:

- Intersection improvements are required at this location due to poor turning visibility
- Expropriation gives the Region the ability to commence construction in a timely manner

## 3. Background

### **Transportation Services has determined that intersection improvements are warranted at the Leslie Street and Vandorf Sideroad intersection**

As traffic continues to increase across the Region, intersection improvements are required to improve safety due to poor corner visibility.

An In-Service Road Safety Review Report was completed by Canada Inc. CIMA+ for this intersection in May 2016. This report examined the intersection for conformity and consistency relative to prevailing guidelines and identified safety and operational issues. Along with a number of other recommendations, CIMA+ noted the following:

- A berm located at the south west corner of the intersection is part of the private property at 14426 Leslie Street. The existing property at the south west corner of the intersection is at a higher elevation than the road and obstructs driver's sightline looking southerly. The required land will be used to adjust the grade toward the level of the road to eliminate the sightline obstruction.
- A height reduction of the berm is required to improve the sight distance of eastbound drivers
- Construction is scheduled to commence in the summer of 2021
- The acquisition of private land is necessary to provide these intersection improvements.

## 4. Analysis

### **Staff continues to negotiate with property owner throughout the expropriation**

Staff has met with the property owner and discussed options that could avoid expropriation. Negotiations started in late 2018 with no agreement reached with the owner. Staff will continue efforts to negotiate with the owner throughout the expropriation process.

### **Initiating the expropriation process will allow access to the subject lands in a timely manner**

The preferred approach to obtaining an interest in land is to negotiate an acquisition with the property owner. However, expropriation is deemed a necessary approach to ensure timely possession of property requirements for the needs of the project.

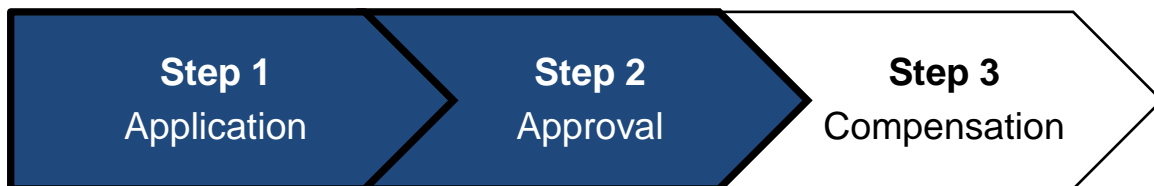
In an effort to secure possession and complete the property acquisition for this project, it is recommended that the expropriation process proceed concurrently with ongoing negotiations.

### **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 timely possession, 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. If there is a Hearing of Necessity request, staff will not proceed with Step 2 of the process, but instead report back to Council with the Hearing Officer's Report.

### **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 bylaw to proceed with the expropriation. This is the second step in the expropriation process, with registration of the plan anticipated to be in the fall of 2020.

Registration of the expropriation plan 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 will be completed prior to the Region taking ownership of the lands**

Environmental due diligence is currently underway and will be completed prior to the expropriation. Prior to registration of the expropriation plans, 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 and may report to Council with recommendations depending on the nature and extent of the impacts.

## **5. Financial**

The funds required to support offers of compensation for the property acquisitions have been included in the 2020 Capital Budget for Transportation Services, Capital Planning and Delivery Branch, and the project is identified to be constructed in the 2021 approved Capital Plan.

## 6. Local Impact

The proposed improvements will improve sightlines at Leslie Street and Vandorf Sideroad, which is a well-travelled area in the Town of Aurora. Leslie Street is a Regional road, and Vandorf Sideroad is a local municipal road. Support for this acquisition was provided by Town of Aurora staff.

## 7. Conclusion

This report seeks Council approval to expropriate property interests required for intersection improvements at Leslie Street and Vandorf Sideroad in the Town of Aurora. Staff will continue to negotiate an amicable deal with the owner and in the event that negotiations are successful, expropriation proceedings will be discontinued. To facilitate the project schedule, it is necessary to initiate the expropriation process.

---

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)  
#10684625