

# The Regional Municipality of York

Committee of the Whole  
Finance and Administration  
April 8, 2021

Report of the Commissioner of Corporate Services

## **Compensation for Expropriation Mid-Block Crossing of Highway 404 North of 16th Avenue City of Richmond Hill and City of Markham**

### **1. Recommendation**

Council authorize the Commissioner of Corporate Services to make offers of compensation to the owners of land in the City of Richmond Hill and the City of Markham.

### **2. Summary**

This report seeks Council approval to serve offers of compensation under Section 25 of the *Expropriations Act* (the “Act”) to owners whose lands have been expropriated for the Mid-Block Crossing of Highway 404, North of 16th Avenue, in the City of Richmond Hill and the City of Markham. The locations of the properties are shown on the map in Attachment 2 and 3.

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.

Key Points:

- In [October 2019](#), Council approved commencement of the expropriation process for the Mid-Block Crossing of Highway 404 Between 16th Ave and Major Mackenzie Drive, Markham
- Expropriation plans were registered on the respective titles for the subject properties in November 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 May 11, 2021, with construction commencing in 2023

### **3. Background**

#### **The Highway 404 Mid-Block Crossings Study confirmed that Mid-Block Crossings are integral to the area transportation network**

In 2012, the Region completed the Highway 404 Mid-Block Crossings Study, which concluded that implementing the road improvements to these areas will yield transportation benefits. The Mid-Block Crossing north of 16th Avenue is required to manage traffic congestion and provide additional transportation capacity in the area. The Municipal Class Environmental Assessment (EA) for the Highway 404 Mid-Block Crossing north of 16th Avenue was completed in March 2015, and in 2016 the Region initiated the detailed design and property acquisition phase of the project.

#### **Privately owned lands are required to accommodate the Mid-Block Crossing**

Acquisition of 12 properties is necessary to accommodate the Mid-Block Crossing. The properties are located on the east and west side of Highway 404 midway between 16th Avenue and Major Mackenzie Drive. Transportation Services has begun the process of seeking provincial permitting and approvals with design underway. Compensating for the property now and thereby confirming possession gives the Region certainty on price and flexibility of construction start time.

### **4. Analysis**

#### **Council previously approved expropriations for the project**

In [October 2019](#), Council authorized the expropriations subject to this report. Council approved the expropriations of interests from 14 properties necessary for the construction of the road. Of the 14 properties in the initial report to Council, staff negotiated agreements in accordance with Section 30 of the *Act* with two of the property owners. The remaining 12 are the subject of this report.

#### **This report seeks Council authorization to serve offers of compensation**

This report requests Council authorization to issue offers of compensation to 12 owners of the affected lands. This is the third of three steps in the Council approval process for property expropriation, as indicated in Figure 1 below.

**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 November 26, 2020. The notice of expropriation was sent to the owners on February 11, 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 May 11, 2021.

**Independent appraisals established the values to form the basis of the offer of compensation**

An independent consultant was commissioned to provide estimates of value to support the proposed compensation.

Section 25 of the *Act* requires the Region to make two offers of compensation to owners. 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 owners accept the offers, with a few exceptions, the offer is accepted in full satisfaction of any claims the owners may have with respect to the expropriation.

The second offer is to pay the owners 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 owners accept the second offers, the owners 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 the proposed expropriations is included in the 2021 Capital Budget for Transportation Services, Capital Planning and Delivery Branch.

## **6. Local Impact**

The project provides improved access opportunities that will benefit road users, area residents and businesses and potential future development areas along the Highway 404 corridor in both Richmond Hill and Markham. The project will further support the accommodation of the forecasted growth in the Region's Official Plan.

Staff has consulted with the City of Richmond Hill and the City of Markham regarding the delivery of this project. Both municipalities support the Region proceeding with the project. Staff is currently engaged in discussion to formalize cost sharing agreements with both Municipalities, which are expected to be completed prior to construction.

## **7. Conclusion**

On November 26, 2020, expropriation plans were registered for the lands required for the construction of the Mid-Block Crossing of Highway 404, North of 16th Avenue in the City of Richmond Hill and the City of Markham. 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*.

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For more information on this report, please contact Michael Shatil, Director, Property Services at 1-877-464-9675 ext. 71864. 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

March 26, 2021  
Attachments (3)  
Private Attachments (1)  
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