

The Regional Municipality of York

Committee of the Whole
Finance and Administration
June 10, 2021

Report of the Commissioner of Corporate Services

Compensation for Expropriation Yonge Street – Davis Drive to Green Lane Town of East Gwillimbury and Town of Newmarket

1. Recommendation

Council approve the Commissioner of Corporate Services to make offers of compensation to the owners of lands in the Town of Newmarket and the Town of 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 have been expropriated for the Yonge Street road widening project. The locations of the properties are shown on the maps in Attachments 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:

- Land acquisition for 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 occurred between 2015 and 2018
- Detailed engineering design identified the need for additional infrastructure in the Town of Newmarket and Town of East Gwillimbury. Additional requirements were identified at the subject locations
- Utility relocations required to support road construction commenced in January 2021
- Road construction is scheduled to commence in 2022

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

An Environmental Assessment (EA) recommended the widening of Yonge Street from four to six lanes with provisions for off street cycling 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 [October 2020](#), Council authorized the expropriation of property interests from 30 owners along both sides of Yonge Street between Davis Drive and Green Lane, to accommodate additional infrastructure requirements identified during detailed engineering and utility relocation design.

In December 2020, Notices of Expropriation were sent to eight of the 30 property owners who had not signed Minutes of Settlement with the Region during prior negotiations or expropriations. The decision was made not to expropriate interests from the remaining 22 property owners at that time, and to continue the effort to negotiate amicable agreements of purchase and sale.

This report seeks Council authorization to serve offers of compensation

This report requests Council authorization to issue offers of compensation to the owners whose properties are the subject of this report. 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**



4. Analysis

Expropriation plans have been registered for the subject lands

The Region acquired title to the lands when the expropriation plans were registered at the Land Registry Office. Although the Region obtained title of the land when the expropriation plans were registered, possession is only obtained after offers of compensation have been

served in accordance with section 25 of the *Act*. Expropriation plans were registered in April and May 2021, and possession of the lands is anticipated for August 30, 2021.

Independent appraisal reports provide the value which forms the basis of the offers

Independent appraisals were commissioned to provide the offers 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 lands expropriated. If the owner accepts the offer, then the owner, with a few exceptions, accepts the offer in full satisfaction of any claims the owner may have with respect to the expropriation. The second is an offer to pay the owner the market value of the lands expropriated but permits the owner to make a future claim for additional compensation in accordance with the *Act*.

Environmental due diligence has been undertaken

A Contamination Overview Study (COS), Phase One and Phase Two Environmental Site Assessments were completed by external engineering design consultants for the project corridor where these lands are located. Property Services and Legal Services staff reviewed the findings of the Phase Two ESAs and noted no significant concerns.

5. Financial

The funding required to complete the property acquisition for these properties has been included in the 2021 Capital Budget for Transportation Services, Capital Planning and Delivery Branch.

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 April and May 2021, the Region registered expropriation plans to acquire the lands required for the Yonge Street road widening project, from eight properties along both sides of Yonge Street. The *Act* requires the Region to serve offers of compensation on expropriated owners before obtaining possession. Offers are based on appraisals provided by independent appraisers commissioned by the Region. It is recommended the offers set out in these 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 28, 2021

Attachments (3)

Private Attachments (1)

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