

The Regional Municipality of York

Committee of the Whole
Finance and Administration
September 9, 2021

Report of the Commissioner of Corporate Services

Expropriation Settlement Rutherford Road from Westburne Drive to Peter Rupert Avenue City of Vaughan

1. Recommendations

1. Council authorize the settlement of the expropriation of lands identified in Attachment 1, required for the widening and reconstruction of Rutherford Road, City of Vaughan, on the terms set out in this report.
2. The Commissioner of Corporate Services be authorized to execute the Minutes of Settlement and all necessary documentation to complete the transaction in accordance with the Minutes of Settlement.

2. Summary

This report seeks Council approval to enter into a Minutes of Settlement agreement for lands that were expropriated for the widening and reconstruction of Rutherford Road.

The map in Attachment 2 shows the location of the subject land.

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:

- Property was expropriated to facilitate the road widening and the construction of an underpass as part of the Rutherford Road Project at the Barrie GO Rail/Rutherford Road intersection
- The Region and owners negotiated a final settlement following a Board of Negotiation meeting held on September 30, 2020
- The proposed settlement will avoid continued accruing interest costs

3. Background

The Environmental Assessment for improvements to Rutherford Road was completed in mid-2016

The Environmental Assessment (EA) study for improvements to Rutherford Road/Carrville Road from Jane Street to Yonge Street was completed in mid-2016. The EA included a proposed widening of Rutherford Road to six lanes to accommodate HOV/transit priority lanes, sidewalks/cycle tracks on both sides, transit bus pads/shelters, a grade separation at the Barrie GO Rail/Rutherford Road intersection and a landscaped median where sufficient space is available.

The Region has partnered with Metrolinx on the construction of improvements to Rutherford Road from Westburne Drive to Peter Rupert Avenue

The Regional Express Rail project is currently being implemented by Metrolinx at the Barrie GO Rail/Rutherford Road intersection. At the same time, the Region is undertaking improvements to Rutherford Road between Jane Street and Westburne Drive. Given the overlap of these two initiatives, the Region and Metrolinx agreed that Metrolinx would undertake the grade separation works as well as the required improvements to Rutherford Road from Westburne Drive to Peter Rupert Avenue, which are currently underway.

As part of the Region's involvement in this partnership, the Region was responsible for the acquisition of the privately owned lands between Westburne Drive and Peter Rupert Avenue to accommodate the Rutherford Road underpass and widening.

Council approved the expropriation of properties for the Rutherford Road widening and reconstruction project in January 2017

On [January 19, 2017](#), Council authorized the expropriation of the subject properties, for the widening and reconstruction of Rutherford Road between Westburne Drive and Peter Rupert Avenue, in the City of Vaughan.

Negotiations were initiated based on independent appraisals

The owners of the two properties identified in Attachment 1 are represented by the same principal, therefore negotiations for the two properties have been facilitated as a single transaction. An appraisal was prepared, and supported an offer of compensation under Section 25 of the *Act*, which was approved by Council on [September 20, 2018](#).

As negotiations progressed, the owners obtained an additional independent appraisal for the subject lands, which indicated a higher value than the Region's appraisal for the expropriated lands. A negotiated settlement between the parties could not be reached, and a Board of Negotiation meeting was held on September 30, 2020.

4. Analysis

A full and final settlement was negotiated following the Board of Negotiation

Following the Board of Negotiation meeting, the Region and the owners continued to negotiate and in October 2021, reached a full and final settlement, which is subject to Council approval. The settlement addresses all market value issues, interest and all other costs that are to be reimbursed in accordance with the *Act* with no further liabilities to the Region.

The Region will not incur additional expenses once the full and final settlement is completed

The negotiated full and final settlement is in the best interest of the Region and will avoid continued accruing interest costs to the Region in accordance with the *Act*. Upon completion of this agreement the Region will not incur any further claims and associated legal and litigation expensed from the owner in relation to the acquisition.

5. Financial

The funding for this property acquisition is included in the 2021 Capital Budget for Transportation Services.

6. Local Impact

Once construction is complete, the widening and reconstruction of Rutherford Road will provide upgraded capacity to improve traffic operations for the travelling public and support the accommodations of the forecasted growth within this area, as established by the York Region Official Plan.

7. Conclusion

The widening and reconstruction of Rutherford Road to six lanes is to accommodate HOV/transit priority lanes, sidewalks/cycle tracks on both sides, transit bus pads/shelters, a grade separation at the Barrie GO Rail/Rutherford Road intersection.

On January 19, 2017, Council approved the expropriation of the subject lands for the Rutherford Road widening and reconstruction project. The Region has negotiated a full and final settlement with the owner.

It is recommended that Council authorize the expropriation settlement described in this report to conclude the land acquisition, settle all claims related to the expropriation of the subject property and come to a full resolution of the Region and owner's interests in the land acquired.

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

August 27, 2021

Attachments (2)

Private Attachments (1)

#13062800