

The Regional Municipality of York

Committee of the Whole
Finance and Administration
April 8, 2021

Report of the Commissioner of Corporate Services

Expropriation of Land 19th Avenue from Bayview Avenue to Leslie Street City of Richmond Hill

1. Recommendations

1. Council approve an application for approval to expropriate the lands set out in Attachment 1, required for 19th Avenue Road Widening from Bayview Avenue to Leslie Street in the City of Richmond Hill.
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approving authority, approve the expropriation of the lands provided there is no Hearing of Necessity requested and not withdrawn in accordance with the *Act*.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 19th Avenue Road Widening Project from Bayview Avenue to Leslie Street, in the City of Richmond Hill. The location of the entire project is shown on the map in Attachment 2.

Temporary easement and fee simple interests are required for the widening of 19th Avenue.

Key Points:

- 19th Avenue is to be widened and urbanized from Bayview Avenue to Leslie Street
- Construction is scheduled to commence in Spring 2022
- Expropriation of the lands is recommended to ensure possession in a timely manner to provide for utility relocations

3. Background

The Region is planning to widen and urbanize 19th Avenue between Bayview Avenue and Leslie Street in Richmond Hill

An Environmental Assessment (EA) was completed in 2003 and recommended widening and urbanizing which includes converting the road from a rural cross section to installing curbs, storm sewer system, streetlights and boulevards/sidewalks along 19th Avenue between Bayview Avenue and Leslie Street.

The detailed design for the project has progressed, and it is determined that interests are required from various properties to facilitate the corridor and three future intersections between Bayview Avenue and Leslie Street.

Privately owned lands are required to accommodate the project

Partial requirements from four properties are necessary to accommodate the 19th Avenue road widening project. The properties are located on the north side of 19th Avenue between Bayview Avenue and Leslie Street.

4. Analysis

Staff continue to negotiate with property owners throughout the expropriation process

The subject properties of this report are rural residential and vacant farmlands. Discussions with owners commenced in 2019 when the requirements were identified. Staff will continue negotiations to obtain the requirements throughout the design and construction phases. In

the event an acquisition is negotiated prior to the expropriation plan being registered, the expropriation process will stop and the property will be obtained via the negotiated agreement.

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 may be a necessary approach to ensure that all four properties are required to accommodate project timelines.

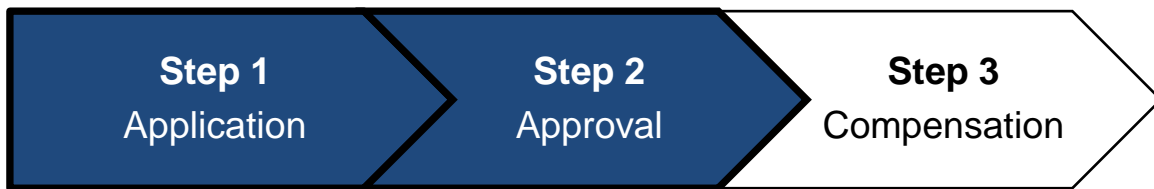
To secure possession and complete the property acquisition for this project, it is recommended the expropriation process proceed concurrently with ongoing negotiations.

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.

To ensure possession to meet the construction schedule, 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 of 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.

Registration of expropriation plans will secure title to the interest in the lands by the Region

If no Hearing of Necessity is required, expropriation plans will be registered at the Land Registry Office within three months of Council granting approval of a by-law to proceed with the expropriation. Registration of the expropriation plans anticipated to be in the summer of 2021.

Registration of the expropriation plans is a key step in the expropriation process. It is at this point 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 plans, the notices of expropriation and possession will be served on the owners. 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 owners 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 remains to be completed. The results of the environmental due diligence conducted for the land 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 for the widening of 19th Avenue between Bayview Avenue and Leslie Street have been included in the 2020 and 2021 Capital Budget for Transportation Services, Capital Planning and Delivery Branch.

6. Local Impact

Once construction is complete, the two lanes will be widened to four lanes. This will improve traffic operations for the travelling public and meet growth in the area. The project will further support the accommodation of the forecasted growth in the Region's Official Plan.

7. Conclusion

This report seeks Council approval to expropriate property interests required for 19th Avenue road widening in the City of Richmond Hill. To facilitate the project schedule, it is necessary to initiate the expropriation process. Staff continues to negotiate for the acquisition of the required property and expropriation proceedings will be discontinued if negotiations are successful.

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

March 26, 2021

Attachments (2)

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