

# The Regional Municipality of York

Committee of the Whole  
Finance and Administration  
January 13, 2022

Report of the Commissioner of Corporate Services

## **Expropriation of Land 117 and 127 Langstaff Road East City of Markham**

### **1. Recommendations**

1. Council approve an application for approval to expropriate the lands set out in Attachment 1, required for the reconstruction of Cedar Avenue at Langstaff Road East in the City of Markham.
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approving authority, approve the expropriation of the lands provided there is no Hearing of Necessity requested and not withdrawn in accordance with the *Act*.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 required for the reconstruction of the Cedar Avenue and Langstaff Road East intersection in the City of Markham. The location of the properties is shown on the map in Attachment 2.

Lands are required from two private landowners to facilitate the intersection reconstruction.

Key Points:

- The reconstruction of the Cedar Avenue and Langstaff Road East intersection is part of a project that extends from Langstaff Road East in Markham to High Tech Road in Richmond Hill
- Construction is set to commence in the fall of 2022
- The extension of Red Cedar Avenue/Cedar Avenue from Langstaff Road East to High Tech Road is scheduled to be completed over different construction years as per the Region's current approved 2021 10-year roads and transit capital construction program
- Expropriation of the lands is recommended to ensure possession in a timely manner to provide certainty on construction timelines

### 3. Background

#### **Extension of Red Cedar/Cedar Avenue is a key element in planned growth**

York Region's 2016 Transportation Master Plan Update identified a new road linking the Langstaff Gateway and Richmond Hill Centre. The extension of Red Cedar/Cedar Avenue from Langstaff Road East to High Tech Road will support the planned growth in these areas.

The Municipal Class Environmental Assessment for Langstaff Road East to High Tech Road was completed in September of 2020 and the Region initiated the detailed design and property acquisition phase of the project in spring of 2021.

#### **Privately owned lands are required to accommodate the project**

Acquisition of partial requirements from two properties is necessary to accommodate the improvements and address current and future transportation needs. The privately owned lands are located on the south side of Langstaff Road East on the east and west side of Cedar Avenue. Expropriating the requirements provides certainty on construction timelines, which are scheduled to commence in 2022 but will be phased through 2023.

### 4. Analysis

#### **Staff will negotiate with property owners throughout the expropriation**

The subject properties of this report are a residential property and a commercial property. Discussions with the owners commenced in spring of 2021 when the requirements were identified. Staff will continue negotiations to obtain the requirements throughout the design and construction phases, to obtain lands through negotiated purchase agreements, rather than expropriation.

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

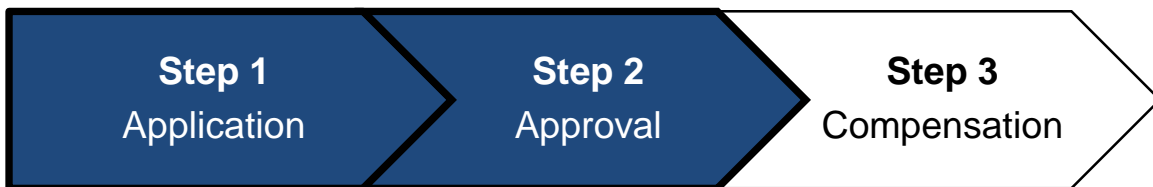
The preferred approach to obtaining an interest in land is to negotiate an acquisition with the property owner. However, expropriation is deemed a necessary approach to ensure timely possession of property requirements for the 2022 start of construction.

## **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 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

## **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 is anticipated to take place in the summer of 2022.

Registration of the expropriation plans 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 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**

Phase One Environmental Site Assessments (ESA) were completed by the Region's consultant in May 2021. The Phase One ESAs identified areas of potential environmental concern and recommended that a Phase Two ESA be undertaken, which remains to be completed. The results of the environmental due diligence 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 2022 Capital Budget for Transportation Services.

## **6. Local Impact**

Once construction is complete this project will connect the Langstaff Gateway in Markham to the Richmond Hill Centre in Richmond Hill. This project provides improved traffic operations that will benefit road users, area residents and businesses in the vicinity of the Langstaff Gateway and Richmond Hill Centre in both Richmond Hill and Markham. 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 the reconstruction of the Cedar Avenue and Langstaff Road East intersection in the City of Markham. To facilitate the project schedule, it is necessary to initiate the expropriation process. Staff will continue to negotiate for the acquisition of the required property and expropriation proceedings will be discontinued if negotiations are successful.

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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

December 17, 2021  
Attachments (2)  
#13324361