

The Regional Municipality of York

Committee of the Whole
Finance and Administration
March 3, 2022

Report of the Commissioner of Corporate Services

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

1. Recommendation

Council approve the Commissioner of Corporate Services to make offers of compensation to the owners of the lands in the City of Richmond Hill, 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 an offer of compensation under section 25 of the Act to the property owners whose lands have been expropriated for the widening of 19th Avenue from Bayview Avenue to Leslie Street in the City of Richmond Hill. The locations of the subject properties are shown on the map in Attachment 2.

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 April 2021, Council approved the commencement of the expropriation process for the widening and reconstruction of 19th Avenue from Bayview Avenue to Leslie Street, from two to four lanes
- Construction is scheduled to commence in Spring 2022
- Expropriation plans were registered on title on December 22, 2021 and December 23, 2021, transferring title of the expropriated lands to the Region
- An owner must be served with an offer of compensation pursuant to section 25 of the Act prior to the Region taking possession of the expropriated lands

3. Background

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

The Region is widening 19th Avenue from two to four lanes between Bayview Avenue and Leslie Street, in the City of 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 was determined that interests are required from various properties to facilitate the corridor and three future intersections between Bayview Avenue and Leslie Street.

Council authorized the initiation of the expropriation process for the 19th Avenue project in April 2021

In [April 2021](#), Council authorized the Application for Approval to Expropriate and the Approval to Expropriate provided there was no inquiry (Hearing of Necessity) requested from the property owners. Following Council approval, Notice of Application for Approval to Expropriate was served on the owners of the properties impacted by the project. Each owner had 30 days from the date the owner was served the Notice to request a Hearing of Necessity as to whether the taking of the land by the Region is fair, sound and reasonably necessary.

This report is for the third of three steps in the Council approval process for expropriations

Figure 1 below summarizes the three steps in the process for obtaining approval by Council for expropriation. In [April 2021](#), Council authorized the first and second steps of the approval process.

This report is for the third and final step in the expropriation approval process. Upon approval of this step by Council, the Region will serve an offer of compensation to the owners.

Figure 1
Council Approval Steps



4. Analysis

Possession of expropriated land 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 December 22, 2021 and December 23, 2021. The Notice of Expropriation was sent to the owners on January 18, 2022. In accordance with the *Act*, the Region cannot obtain possession until a minimum of 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 lands. The offers of compensation will be delivered in anticipation of possession of the lands on April 25, 2022.

An independent report established the values to form the basis of the offers of compensation

An independent appraiser was commissioned to provide an estimate report 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 land expropriated and any damages for loss of improvements and injurious affection. If the owners accept the offer, the offer is accepted in full satisfaction of any claims the owners may have with respect to the expropriation, with a few exceptions.

The second offer is to pay the owners market value of the land expropriated and does not include an offer to pay any other damages such as damages for loss of improvements or injurious affection. If the owners accept the second offer, the owners may make a future claim for additional compensation in accordance with the *Act*.

In the event the owners do not accept the first offer of compensation, staff will endeavour to negotiate a full and final settlement.

Environmental due diligence was completed

A Phase One Environmental Site Assessment was completed for the Region's interests on Property No. 1 at 880 19th Avenue and no significant issues were identified that required further environmental investigation.

Phase One and Phase Two Environmental Site Assessments were completed for the Region's interests on Property Nos. 2, 3 and 4 at 930 19th Avenue and 940 19th Avenue. The results of the soil and groundwater testing confirmed that environmental impacts related to farming activities and historical land uses are present in the lands. Staff will continue to work on an appropriate remediation plan and will take the necessary steps to minimize the Region's potential exposure to environmental risk and liability and, if necessary, report to Council with recommendations.

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, this section of 19th Avenue will have been widened from two lanes 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

On December 22, 2021 and December 23, 2021, expropriation plans were registered for the subject lands required for reconstruction of 19th Avenue between Bayview Avenue and Leslie Street, in the City of Richmond Hill. The *Act* requires that an offer of compensation for expropriated land be served on the registered owners before taking possession. The proposed offer is based on values provided by an independently commissioned appraiser. It is recommended that the offers set out in this report 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

February 18, 2022

Attachments (2)

Private Attachments (1)

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