

The Regional Municipality of York

Committee of the Whole
Finance and Administration
June 16, 2022

Report of the Commissioner of Corporate Services

Compensation for Expropriation 14426 Leslie Street Town of Aurora

1. Recommendation

Council approve the Commissioner of Corporate Services to make an offer of compensation to the owner of lands in the Town of Aurora, as set out in Attachment 1, which was 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 owner whose lands have been expropriated for intersection improvement at Leslie Street and Vandorf Sideroad, in the Town of Aurora. The location of the subject property is 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 the disposition of lands by the Region.

Key Points:

- In [June 2020](#), Council approved the commencement of the expropriation process for the lands required for intersection improvement at Leslie Street and Vandorf Sideroad, in the Town of Aurora
- Expropriation plans were registered on title on April 19, 2022, transferring title of the expropriated lands to the Region
- Intersection improvements are required at this location due to poor turning visibility
- 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

Public Works has determined that intersection improvements are warranted at the Leslie Street and Vandorf Sideroad intersection

As traffic continues to increase across the Region, intersection improvements are required to improve safety due to poor corner visibility.

An In-Service Road Safety Review Report was completed by Canada Inc. CIMA+ for this intersection in May 2016. This report examined the intersection for conformity and consistency relative to prevailing guidelines and identified safety and operational issues. CIMA+ noted the following:

- A berm located at the south-west corner of the intersection is part of the private property at 14426 Leslie Street. The existing property at the south-west corner of the intersection is at a higher elevation than the road and obstructs driver's sightline looking southerly. The required land will be used to adjust the grade toward the level of the road to eliminate the sightline obstruction
- A height reduction of the berm is required to improve the sight distance of eastbound drivers
- Construction is scheduled to commence in the fall of 2022
- The acquisition of private land is necessary to provide these intersection improvements

Council authorized the initiation of the expropriation process for the Leslie Street and Vandorf intersection improvements in June 2020

In [June 2020](#), 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 owner. Following Council approval, a Notice of Application for Approval to Expropriate was served on the owner of the property impacted by the intersection improvements. The owner requested a Hearing of Necessity as to whether the taking of the land by the Region is fair, sound and reasonably necessary. A hearing was scheduled for November 24, 2021. The owner dropped his request for a Hearing of Necessity just prior to the hearing.

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 [June 2020](#), 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 owner.

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 plan was registered at the Land Registry Office on April 19, 2022. The Notice of Expropriation was sent to the owner on May 13, 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 August 24, 2022.

An independent appraisal 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 owner does not accept the first offer of compensation, staff will proceed to negotiate a full and final settlement.

Environmental due diligence has been completed

The Region commissioned an Environmental Risk Information Services report and no environmental concerns were identified with the property.

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

The proposed improvements will improve sightlines at Leslie Street and Vandorf Sideroad, which is a well-travelled area in the Town of Aurora. Leslie Street is a Regional road, and Vandorf Sideroad is a local municipal road. Support for this project was provided by Town of Aurora staff.

7. Conclusion

On April 19, 2022, an expropriation plan was registered for the subject lands required for intersection improvement at Leslie Street and Vandorf Sideroad, in the Town of Aurora. The *Act* requires that an offer of compensation for expropriated land be served on the registered owner before taking possession. The proposed offer is based on values provided by an independent appraiser. It is recommended that the offer set out in this report be served in accordance with the *Act*.

For more information on this report, please contact Michael Shatil 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

June 3, 2022

Attachments (2)

Private Attachments (1)

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