

The Regional Municipality of York

Committee of the Whole
Finance and Administration
May 4, 2023

Report of the Commissioner of Corporate Services

Expropriation of Land Bathurst Street Reconstruction City of Richmond Hill and City of Vaughan

1. Recommendations

1. Council approve an application for approval to expropriate the lands set out in Appendix A, required for the Bathurst Street Reconstruction project from Highway 7 to Teston Road/Elgin Mills Road, in the City of Richmond Hill and the City of Vaughan.
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approving authority, approve the expropriation of the lands provided there is no Hearing of Necessity requested and not withdrawn in accordance with the *Act*.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 Bathurst Street Road reconstruction project from Highway 7 to Teston Road/Elgin Mills Road in the City of

Richmond Hill and City of Vaughan. The locations of the property interests required for the project are shown on the map in Appendix A.

Temporary easements are required for the portion of the project south of Rutherford Road. Property requirements north of Rutherford Road were previously acquired.

Key Points:

- Bathurst Street is to be widened and urbanized between Highway 7 to Teston Road/Elgin Mills Road
- Utility relocations started in 2018, and revisions to the design require further utility relocations in 2023
- Construction is scheduled to commence in the Spring of 2025
- There are six affected properties
- Expropriation of the lands is recommended to ensure possession in a timely manner to allow utility relocations to occur before construction proceeds

3. Background

The Region is planning to widen and urbanize Bathurst Street from Highway 7 to Teston Road/Elgin Mills Road

The Bathurst Street project involves widening the existing four-lane roadway to six lanes, including bike lanes, a landscaped median, noise barriers, culvert replacements, full illumination and continuous sidewalks on both sides. The project length is six kilometres and extends from Highway 7 to Teston Road/Elgin Mills Road, in the City of Richmond Hill and the City of Vaughan.

An Environmental Assessment was completed and utility relocation started in Spring 2018. Revisions to the design led to the project timeline being rescheduled so construction will commence in the Spring of 2025, with additional utility relocations starting in 2023. Temporary easements that were originally acquired have expired, and the lands are still required to facilitate the project. The project team has concluded that temporary easements should be re-acquired on the subject lands.

Privately owned lands are required to accommodate the project

Temporary easement requirements are necessary to accommodate the Bathurst Street reconstruction project for grading and to facilitate working areas during construction. Fee simple lands required to facilitate the project have previously been acquired.

4. Analysis

Staff will negotiate with property owners throughout the expropriation process

Discussions with owners commenced in 2013 and again in 2022 when the requirements needed to be extended. Staff will continue negotiations to obtain the requirements throughout the design and construction phases.

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 necessary to ensure that the properties are acquired 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.

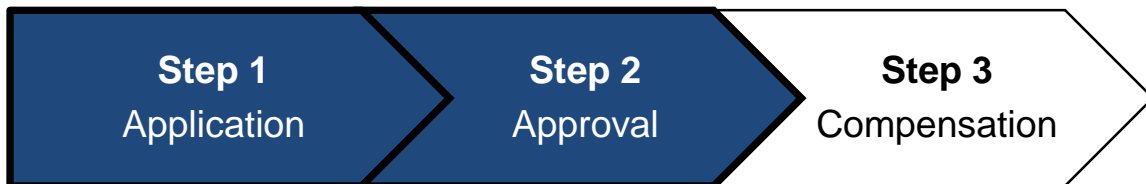
In the event an acquisition is negotiated prior to the expropriation plan being registered, the expropriation process will stop, and the properties will be obtained via the negotiated agreements.

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 to achieve the objectives of the expropriating authority.

If an owner requests a Hearing of Necessity, then after the Hearing, an Inquiry Officer will provide a report providing an opinion as to whether the taking is fair, sound and reasonably necessary to achieve 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. This is the second step in the expropriation process, and registration of the expropriation plans is anticipated to be in the summer of 2023.

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 plans. In addition, offers of compensation must be served on the owns to obtain possession.

Environmental due diligence has been completed

Environmental due diligence was completed for the subject properties. The results were reviewed by staff in consultation with Legal Services. No significant environmental issues were identified.

5. Financial

The funds required to support offers of compensation for the property acquisitions for the project have been included in the 2023-2024 Capital Budget for Public Works, Transportation Services, Capital Planning and Delivery Branch.

Under section 25 of the *Act*, the Region is obligated to serve offers of compensation on owners within three months of registration of the expropriation plan. Appraisals required to support these offers will be prepared and proposed offers will be the subject of a further report to Council.

6. Local Impact

Once construction is complete, the widening and reconstruction of Bathurst Street 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 Bathurst Street Road widening project in the City of Vaughan and the City of Richmond Hill. Construction is scheduled to commence in 2025. 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

April 21, 2023

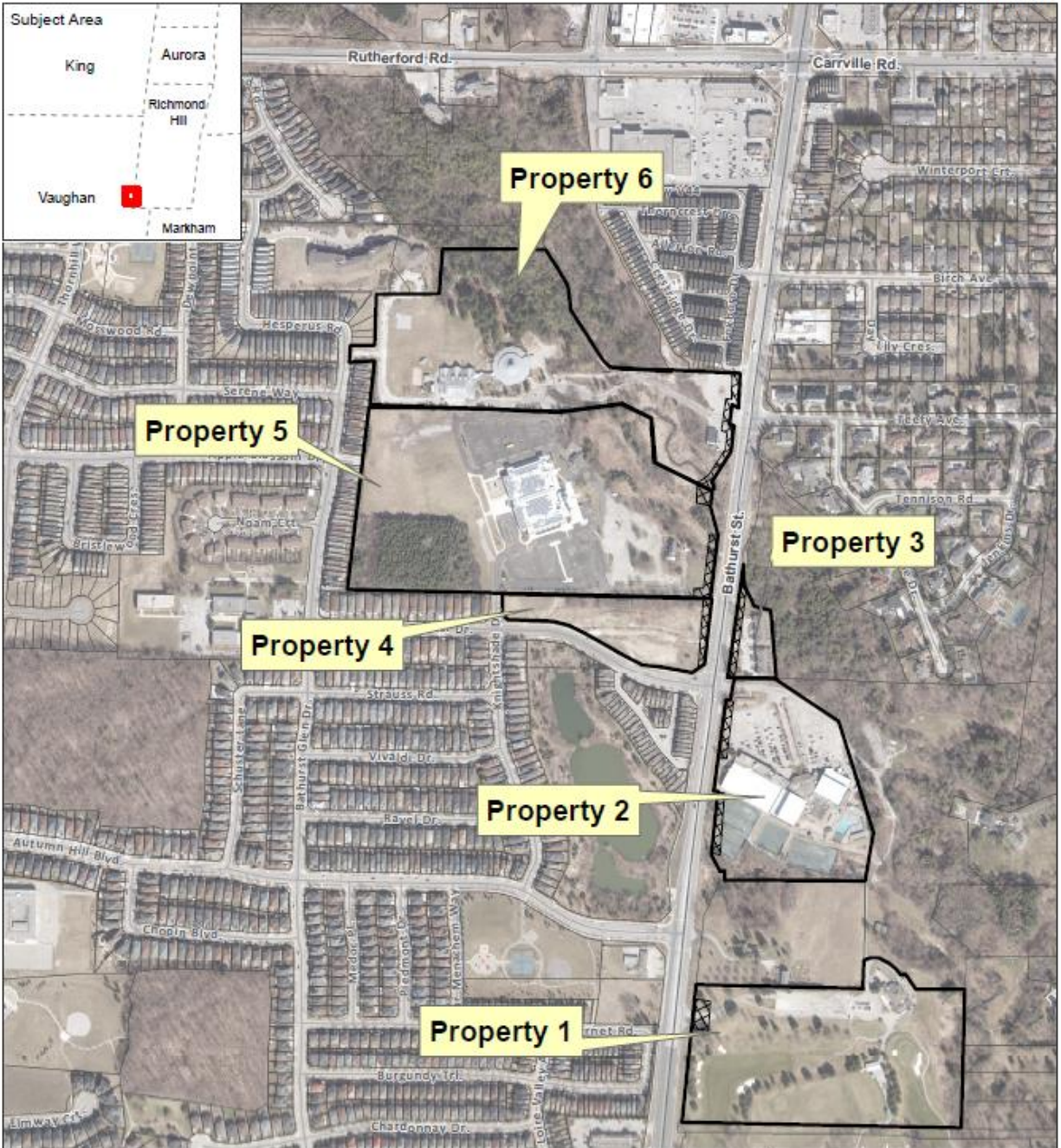
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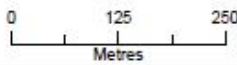




Appendix A – Property Schedule and Location Map

**Property Schedule
Expropriation of Land
Bathurst Street Reconstruction
City of Richmond Hill and City of Vaughan**

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	625684 Ontario Limited APS	8755 Bathurst Street, City of Richmond Hill	Part 7 Plan 65R-34531	Temporary Easement (265.09 sq. m.)
2.	607919 Ontario Limited	8905 Bathurst Street, City of Richmond Hill	Part 8 on both plans 65R-34532 65R-34543	Temporary Easements (339.50 sq. m.) (444.70 sq. m.)
3.	York Region Condominium Corporation No. 893	8909 Bathurst Street, City of Richmond Hill	Part 6 Plan 65R-34543	Temporary Easement (629.50 sq. m.)
4.	8940 Bathurst Street Ltd.	8940 Bathurst Street, City of Vaughan	Part 1 Plan 65R-34543	Temporary Easement (191 sq. m.)
5.	Trustees of the Islamic Shia Ithna-Asheri Jamaat of Toronto	9000 Bathurst Street, City of Vaughan	Parts 1, 2, 3 Plan 65R-34668	Temporary Easement (1147.80 sq. m.)
6.	The Toronto Waldorf School	9100 Bathurst Street, City of Vaughan	Parts 6,10,11,12, 26, 27 Plan 65R-34668	Temporary Easement (631.5 sq. m.)
<p>The temporary easements required are described as a temporary limited interest commencing May 1, 2025, expiring April 30, 2030 in, under, over, along and upon and for municipal purposes including, but not limited to, entering on the lands with all vehicles, machinery, workmen and other material (i) to construct and maintain permanent municipal infrastructure which may include installation, maintenance, relocation and/or removal of traffic turning loops and associated signalization equipment and controls, retaining walls, shoring and formwork and/or drainage, erosion or sediment control measures such as watermains and storm sewers, and (ii) for construction purposes which include, but are not limited to, (1) relocation of existing services and utilities, (2) staging and storage of materials and equipment, (3) geotech testing, borehole testing, and other investigative works, (4) removal, relocation and/or installation of signage, (5) hard and soft landscaping, paving, grading and reshaping the lands to the limit of the reconstruction of municipal road fronting the lands herein described, (6) the installation and removal of temporary (i) pedestrian access and walkways, (ii) parking measures including re-striping of aisles, lanes, and parking stalls, (iii) shoring and formwork, (iv) drainage and erosion/sediment control measures, (v) traffic signals, (vi) fencing, and (vii) handrails, and (7) works ancillary to any of the foregoing and necessary to the works to be performed in association with the purpose of widening Bathurst Street from Highway 7 to Teston Road/Elgin Mills Road, in the City of Vaughan and the City of Richmond Hill.</p>				

LOCATION MAP



 <p>Produced by: The Regional Municipality of York Property Services, Corporate Services March 2023</p> <p>Data: King's Printer for Ontario 2003-2023</p> <p>Imagery: © First Base Solutions Inc. 2021 See York.ca for disclaimer information.</p>	<p>Location Plan Expropriation of Land Bathurst Street Reconstruction City of Richmond Hill and City of Vaughan May 4, 2023</p>  	<ul style="list-style-type: none">  Subject Property  Interest Required  Parcel  Road
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