

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 Reconstruction of Ninth Line from Steeles Avenue to Box Grove By-pass City of Markham

1. Recommendations

1. Council approve an application for approval to expropriate the land set out in Appendix A, required for the Ninth Line widening and reconstruction project between Steeles Avenue and the Box Grove By-pass.
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approving authority, approve the expropriation of the land provided there is no Hearing of Necessity requested and not withdrawn in accordance with the *Act*.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 Ninth Line Road Widening Project between Steeles Avenue to Box Grove By-pass, in the City of Markham. The location of the property interests required for the project are shown on the map in Appendix A.

A Permanent easement is required for the project.

Key Points:

- Ninth Line/Donald Cousens Parkway is to be widened and urbanized between Steeles Avenue to Fieldside Street, about 600 metres south of Box Grove By-pass
- Construction is scheduled to commence in 2025
- The affected property is located on the east side of Ninth Line, just north of Steeles Avenue
- Expropriation of the land 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 Ninth Line and Donald Cousens Parkway between Steeles Avenue to Fieldside Street in the City of Markham

The Environmental Assessment (EA) was amended in July 2011. The EA recommended widening and urbanizing, which includes converting Ninth Line from a two-lane rural road to a four-lane urban road from Steeles Avenue to Fieldside Street, which is located approximately 600 metres south of Box Grove By-pass. The preferred design shows on-street bike lanes and a 1.5 metre-wide sidewalk on the west side. During the design process, the City of Markham requested 2.5 metre-wide multi use paths on both the east and west side.

The detailed design for the project has progressed, and it has been determined that a permanent interest is required from one property to facilitate the project.

Privately owned land is required to accommodate the project

A permanent easement requirement from one property is necessary to accommodate the Ninth Line road widening project. The property is located at the south end of the project, on the east side of Ninth Line, adjacent to and north of Steeles Avenue.

4. Analysis

Initiating the expropriation process will allow access to the subject land in a timely manner

The subject property of this report is vacant land. Discussions with the owner commenced in 2021 and 2022 when the requirements were identified. Staff will endeavour to negotiate the acquisition or settlement agreement with the property owner throughout the design and construction phases, and as expropriations proceed. However, expropriation is necessary to ensure that the property is available to accommodate project timelines.

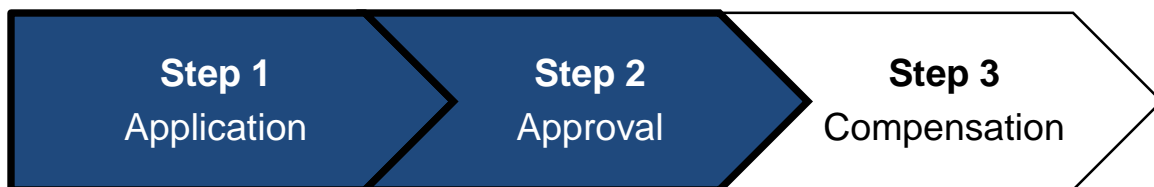
To secure possession and complete the property acquisition for this project, it is recommended the expropriation process proceed concurrently with ongoing discussions with property owner. In the event an acquisition is negotiated prior to the expropriation plan being registered, the expropriation process will stop, and the property will be obtained via the negotiated agreement.

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 the expropriation plan will secure title to the interest in the lands by the Region

If no Hearing of Necessity is required, the expropriation plan 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 plan is anticipated to be in the summer of 2023.

Registration of the expropriation plan 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 plan, the notices of expropriation and possession will be served on the owner. 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 owner to obtain possession.

Environmental due diligence is underway

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 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 an offer of compensation on the owner within three months of registration of the expropriation plan. An appraisal required to support the offer will be prepared and the proposed offer will be the subject of a further report to Council.

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 the Ninth Line road widening project in the City of Markham. 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



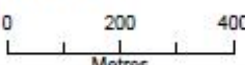





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Appendix A – Property Schedule and Location Map

**Property Schedule
Expropriation of Land
Reconstruction of Ninth Line from
Steeles Avenue to Box Grove By-Pass
City of Markham**

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Remington Steeles 9 Inc.	7131 Ninth Line	Part 1, Part of Lot 1, Concession 9 on Draft Plan P-2100	Permanent Easement (1,185 sq. m)
<p>The permanent easement required is described as a limited interest in perpetuity in, under, over, along and upon and for municipal purposes and necessary to the works to be performed in association with the purpose of widening Ninth Line from north of Steeles Ave. to Fieldside Street, from a 2-lane rural road to a 4-lane urban arterial road and intersection, including sidewalk and multi-use path improvements and 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</p>				



 <p>Produced by: The Regional Municipality of York Property Services, Corporate Services April 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 Reconstruction of Ninth Line from Steeles Avenue to Box Grove By-Pass City of Markham May 4, 2023</p> <div style="text-align: right;">   </div>	<ul style="list-style-type: none">  Subject Property  Interest Required  Parcel  Road  Railway
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