

# **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 Tuclor Lane Sanitary Trunk Sewer Rehabilitation City of Markham**

### **1. Recommendations**

1. Council approve an application for approval to expropriate the lands set out in Appendix A, required for the Tuclor Lane Sanitary Trunk Sewer Rehabilitation Project 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approving authority, approve the expropriation of the lands provided there is no Hearing of Necessity requested and not withdrawn in accordance with the *Act*.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 lands is given, the Commissioner of Corporate Services be authorized to register a plan of expropriation and execute and serve any notices required under the *Act*.
6. Where approval to expropriate the lands 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 lands for the Tuclor Lane Sanitary Trunk Sewer Rehabilitation project. The location of the properties is shown on the map in Appendix A.

Key Points:

- The Region's gravity sewer and maintenance hole management program identified the near term need to upgrade the Tuclor Lane sanitary trunk sewer
- The lands are required to set up a temporary by-pass system and construction of a temporary access road to upgrade and extend the life of the existing sewer and maintenance holes
- Permanent easements are required to access and maintain existing infrastructure
- Pre-construction engineering studies commenced in May 2022
- Possession of the property requirements gives the Region the ability to proceed with the upcoming construction

## 3. Background

### **The gravity sewer and maintenance hole management program identified the need to upgrade the Tuclor Lane sanitary sewer**

The Tuclor Lane sanitary trunk sewer was built by the Province in 1956 and transferred to the Region in 1999. The Region's gravity sewer and maintenance hole management program identified the need to upgrade the sewer. The upgrade will extend the life of the existing sewer and maintenance holes and facilitate future operational sewer maintenance needs.

Privately owned lands are required to accommodate the sewer upgrade. The acquisition of permanent and temporary easement interests from nine properties is necessary to accommodate the upgrade of the sanitary trunk sewer. The properties are located in the vicinity of Rougecrest Drive and the St. Andrew's and Elmwood Cemeteries on the north and south sides of Highway 7.

## 4. Analysis

### **Initiating the expropriation process will allow the Region to secure ownership of the subject lands**

The subject properties of this report are residential properties and a cemetery. The property owners have been notified of the project. Discussions regarding property acquisitions have commenced and are ongoing.

Staff will continue to negotiate acquisitions or settlement agreements with property owners throughout the design and construction phases, and as expropriations proceed. However, expropriation is necessary to ensure that the properties are required to accommodate project timelines.

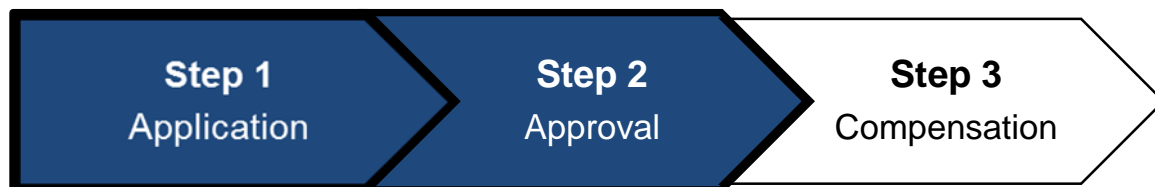
To secure possession and complete the property acquisition for this project, it is recommended the expropriation process proceed concurrently with ongoing discussions with property owners. In the event an acquisition is negotiated prior to the expropriation plan being registered, the expropriation process 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 lands, the expropriation itself, and the offer of compensation made to the former owner of the lands.

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 lands cannot be obtained until this third step has been completed and each 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 lands 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 subsequent to 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 requested, expropriation plans will be registered at the Land Registry Office within three months of Council granting approval of a bylaw to proceed with the expropriation. This is the second step in the expropriation process, and registration of the plans is anticipated to be in the winter 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 lands. However, further steps are required to obtain possession, or the right to access the lands.

Following registration of the expropriation plans, notice 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 owners to obtain possession.

## **Environmental due diligence is underway**

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 complete the property acquisitions for this project have been included in Public Works, Environmental Services 2023 Capital Budget under Tuclor Lane Sanitary Trunk Sewer Rehabilitation Project.

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**

The Tuclor Lane Sanitary Trunk Sewer project will upgrade the existing sanitary trunk sewer and extend the life of the sewer and maintenance holes.

## 7. Conclusion

This report seeks Council approval to expropriate temporary and permanent easement interest in the lands for the Tuclor Lane Sanitary Trunk Sewer Rehabilitation Project in the City of Markham. To facilitate the project schedule, it is necessary to initiate the expropriation process. Staff will continue to negotiate acquisition of the interest in the lands 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

April 21, 2023

#14258479

Appendix A – Property Schedule and Location Map

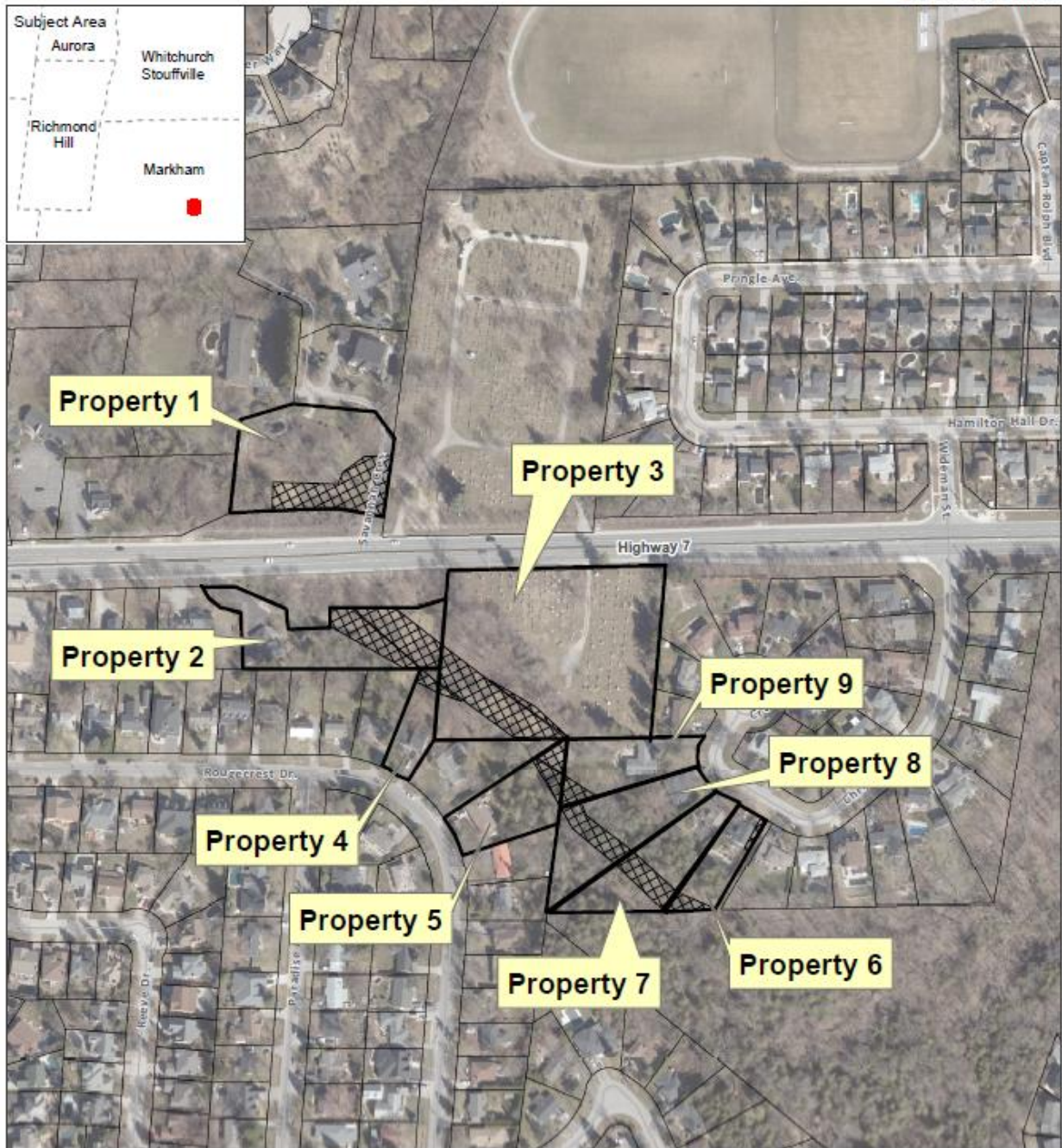
**Property Schedule  
Expropriation of Land  
Tuclor Lane Sanitary Trunk Sewer Rehabilitation  
City of Markham**



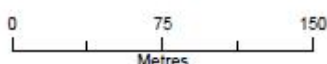




<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
1.	Mary Pilling, John Cattanach, Margaret Mumford	4 Savannah Crescent Markham	Parts 1, 2, 3 & 4, Plan No 23-043-00-01	Temporary Easement (1647.7 sq. m.)
2.	Osmond Remedios Maria Remedios	6127 Highway 7 Markham	Parts 2 & 4, Plan No 23-043-00-02	Permanent Easement (777 sq. m.)
			Parts 1 & 3, Plan No 23-043-00-02	Temporary Easement (529.9 sq. m.)
3.	Trustees of the St Andrews Congregation of the United Church of Canada	6181 Highway 7 Markham	Parts 9 & 10, Plan No 23-043-00-02	Permanent Easement (1137.4 sq. m.)
			Parts 8 & 11, Plan No 23-043-00-02	Temporary Easement (139.2 sq. m.)
4.	Clayton Cary Sandra Page	24 Rougecrest Drive Markham	Part 7, Plan No 23-043-00-02	Temporary Easement (31.1 sq.m.)
5.	Antonietta Ceniti	28 Rougecrest Drive Markham	Parts 13 & 15, Plan No 23-043-00-02	Permanent Easement (130.3 sq.m.)
			Parts 12 & 14, Plan No 23-043-00-02	Temporary Easement (163.3 sq.m.)
6.	Sancia Pinto-Rajathurai and Priyaraj Rajathurai	25 Christman Court Markham	Parts 20, 21 & 22, Plan No 23-043-00-02	Temporary Easement (276.8 sq.m.)
7.	Leonard and Jennifer Churchill	27 Christman Court Markham	Part 19, Plan No 23-043-00-02	Temporary Easement (632.3 sq.m.)
8.	Jennifer Hunter Derek McMillan	29 Christman Court Markham	Parts 17 & 18, Plan No 23-043-00-02	Temporary Easement (755.7 sq.m.)
9.	Heather Chalmers Allan Seychuk	31 Christman Court Markham	Part 16, Plan No 23-043-00-02	Temporary Easement (223.9 sq.m.)

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
<p>The temporary easements required are described as a temporary limited interest commencing on registration of the plan of expropriation and expiring in twelve (12) months, 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 for construction purposes, which may include (1) relocation of existing services and utilities, (2) work that supports the construction of municipal infrastructure within the Region's permanent takings, (3) staging and storage of materials and equipment, (4) geotechnical investigations, borehole drilling, installation of temporary monitoring wells, and other investigative works, (5) removal, relocation and/or installation of signage, (6) hard and soft landscaping, paving, grading and reshaping the lands to the limit of the reconstruction of the lands herein described, (7) 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) fencing, and (vi) handrails, (8) removal and re-planting of vegetation, and (9) temporarily laying overland a forcemain that conveys sewage flows (10) works ancillary to any of the foregoing and necessary to the works to be performed in association with the Tuclor Lane Sanitary Trunk Sewer Rehabilitation.</p> <p>The permanent easements required are described as a limited interest in perpetuity 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 operation, installation, maintenance, relocation and/or removal of the Tuclor Lane Sanitary Trunk Sewer, 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) geotechnical investigations, borehole drilling, installation of temporary monitoring wells, 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, (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) fencing, and (vi) handrails, (7) removal and re-planting of vegetation, and (8) temporarily laying overland a forcemain that conveys sewage flows, and (9) works ancillary to any of the foregoing and necessary to the works to be performed in association with the Tuclor Lane Sanitary Trunk Sewer Rehabilitation.</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 <small>See York.ca for disclaimer information.</small></p>	<p><b>Location Plan</b> Expropriation of Land Tuclor Lane Sanitary Trunk Sewer Rehabilitation City of Markham May 4, 2023</p> <div style="text-align: right;">    </div>	<ul style="list-style-type: none"> <li> Subject Property</li> <li> Interest Required</li> <li> Parcel</li> <li> Road</li> </ul>
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