

# **The Regional Municipality of York**

Committee of the Whole  
Finance and Administration  
June 15, 2023

Report of the Commissioner of Corporate Services

## **Expropriation of Land 7850 and 9200 Weston Road City of Vaughan**

### **1. Recommendations**

1. Council approve an application for approval to expropriate the lands set out in Appendix A, for traffic improvement work affecting Weston Road, in 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approving authority, approve the expropriation of the lands provided there is no Hearing of Necessity requested and not withdrawn in accordance with the *Act*.
5. Where approval to expropriate the land 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 land is given, Council authorizes the introduction of the necessary bylaw to give effect to these recommendations.

### **2. Summary**

This report seeks Council approval to authorize the expropriation of lands for traffic improvement work on Weston Road, between Highway 407 and Fieldstone Drive/Chrislea Road (Phase 1) and between future Bass Pro Mills Extension to Hawkview Boulevard (Phase 2). The locations of the properties are shown on the map in Appendix A.

## Key Points:

- Weston Road is to be widened from a four-lane urban road to six lanes from Highway 407 to a future extension of Bass Pro Mills Drive, in two phases of construction (2024 and 2027)
- 7850 Weston Road requires additional land to allow intersection improvements that will include upgrading signalization to accommodate current Accessibility for Ontarians with Disabilities Act (AODA) standards. Boulevard improvements will allow active transportation (sidewalks, multi-use paths and cycling paths)
- 9200 Weston Road presently has existing traffic signal equipment on private property. Permanent easements are required to provide access and other rights to the Region
- Expropriation is recommended to facilitate access to the requirements by the end of 2023

### 3. Background

#### **The Region is planning to widen Weston Road to an urban six lane standard in Vaughan**

The design of Weston Road was optimized to minimize property impacts. The Weston Road corridor was generally wide enough to accommodate most of the improvements at that time.

There are two sections of Weston Road identified in the Region's 10-year Capital Road Construction Plan for improvements in 2024 and 2027. The section of Weston Road between Highway 407 to Fieldstone Drive/Chrislea Road (Phase 1) is planned for improvements in 2024, except for the Highway 7 and Weston Road intersection that was improved as part of vivaNext improvement works along Highway 7.

The section of Weston Road between the future Bass Pro Mills Extension to Hawkview Boulevard (Phase 2) is planned for improvements in 2027, but presently contains traffic signal equipment on private property.

The two sections of Weston Road (Phases 1 and 2) are to be widened from the current urban four-lane to a six-lane urban road section with all signalized intersections upgraded to current AODA standards and to improve traffic operations where possible. The improvements within the Weston Road corridor will also include accommodation for active transportation facilities (sidewalks, multi-use paths, cycling paths) within the boulevard areas on each side of the road within both Phases as applicable.

## 4. Analysis

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

Negotiations with the owners will proceed throughout the expropriation process. In the event a negotiated transaction cannot be completed in a timely manner, expropriation is deemed a necessary approach to ensure timely possession of property requirements for the needs of the project.

To secure possession before construction and to complete the property acquisition for this project, it is recommended that the expropriation process proceed concurrently with ongoing negotiations.

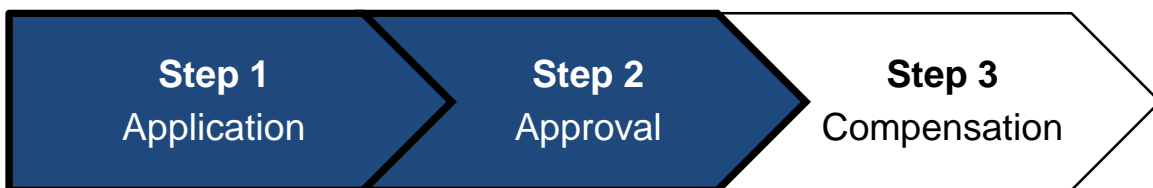
Possession is needed by the end of 2023 for the works to be carried out in 2024.

### **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 to request an inquiry (Hearing of Necessity) to determine whether the taking of the land by the Region is fair, sound and reasonably necessary in the achievement of 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 in the achievement of the objectives of the expropriating authority.

## **Registration of an expropriation plan will secure title to the interest in the land by the Region**

If no Hearing of Necessity is requested, an 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, with registration of the plans anticipated to be in the fall or early winter of 2023, if there is no request for a Hearing of Necessity.

Registration of the expropriation plans is a key step in the expropriation process. It is at this point that 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 notice 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 currently underway and remains to be completed**

The results of the environmental due diligence conducted for the lands will be reviewed by staff, including consultation with Legal Services. 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 funding required to complete the property acquisition for these properties has been included in the 2023 Public Works Capital Budget.

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**

Traffic operations for the travelling public will be improved.

## 7. Conclusion

This report seeks Council approval to authorize expropriation of a fee simple interest from one property and a permanent easement interest from another property that are required for the improvement of Weston Road, in the City of Vaughan. Staff continue to negotiate for the acquisition of the required property needs and expropriation proceedings will be discontinued in the event 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

June 2, 2023

#15048906

Appendix A – Property Schedule and Location Maps

**Property Schedule  
Expropriation of Land  
7850 and 9200 Weston Road  
City of Vaughan**

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
1.	Canadian Property Holdings (Ontario) Inc [50%]  Calloway REIT (Westridge) Inc [50%]	7850 Weston Road Vaughan	Part 1, Plan 65R-40357	Fee Simple (77.9 sq. m.)
2.	Piazza Villagio Corp.	9200 Weston Road Vaughan	Parts 1, 2, 3 Plan 65R-40358	Permanent Easement (340 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 implementing road and intersection improvements along Weston Road, including associated local roads and accesses 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 traffic and pedestrian signalization equipment and controls, pavement line markings, sidewalks, bicycle facilities, roadway infrastructures, signage, 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 and bicycle accesses 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 and pedestrian signals and equipment, (vi) fencing, and (vii) handrails, and (7) works ancillary to any of the foregoing.</p>				

# LOCATION MAP

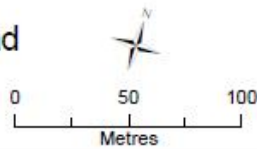


## Location Plan Expropriation of Land 7850 and 9200 Weston Road City of Vaughan June 15, 2023

Produced by:  
The Regional Municipality of York  
Property Services, Corporate Services  
May 2023

Data: King's Printer for Ontario 2003-2023



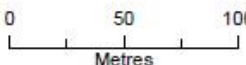




Imagery: © First Base Solutions Inc. 2021  
See York.ca for disclaimer information.



- Subject Property
- Interest Required
- Parcel
- Road

**LOCATION MAP**



 <p>Produced by: The Regional Municipality of York Property Services, Corporate Services May 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><b>Location Plan</b> Expropriation of Land 7850 and 9200 Weston Road City of Vaughan June 15, 2023</p> <div style="text-align: center;">    </div>	<ul style="list-style-type: none"> <li> Subject Property</li> <li> Interest Required</li> <li> Parcel</li> <li> Road</li> </ul>
---	---	---

G:\Legal\125 - Precedents\MAP8\Maps to Council 2023\Expropriation\_520E\_Weston\_Rd.mxd