



Report of the Commissioner of Corporate Services

Expropriation of Land Northeast Vaughan Wastewater Servicing Project City of Vaughan

1. Recommendations

1. Council approve an application for approval to expropriate interests in lands set out in Appendix A, required for the Northeast Vaughan Wastewater Servicing Project, in the City of Vaughan.
2. 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. 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approving authority, approve the expropriation of the lands provided there is no Hearing of Necessity requested and not withdrawn in accordance with the *Act*.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 is authorized to register a plan of expropriation and execute and serve any notices required under the *Act*.
6. Where approval to expropriate land is given, Council authorize the introduction of the necessary bylaw to give effect to these recommendations.

2. Purpose

This report seeks Council approval to proceed with expropriation of lands for Northeast Vaughan Wastewater Servicing Project in the City of Vaughan. Property locations are shown in Appendix A.

Key Points:

- In 2014, the Region completed a Municipal Class Environmental Assessment study for Northeast Vaughan Water and Wastewater Servicing Project
- The preferred solution identified a requirement for a new gravity trunk sewer network within the Keele Street right-of-way from south of Rutherford Road and east, crossing Langstaff Road to the south
- Council authorized expropriation of temporary easements on the subject lands in [March 2023](#) for staging and laydown areas to construct a new gravity trunk sewer. The existing easements will expire before the Region has completed the work, so this proposed expropriation will extend the term
- Construction is scheduled to commence in late June of 2024

3. Background

Municipal Class Environmental Assessment Study identified the need for additional servicing capacity

In 2014, the Region completed a Municipal Class Environmental Assessment study for Northeast Vaughan Water and Wastewater Servicing Projects. The purpose of the Municipal Class Environmental Assessment was to build on the broad recommendations included in the Master Plan to identify preferred solutions to provide water and wastewater servicing and capacity for anticipated growth in northeast Vaughan to 2051.

Preliminary water and wastewater service areas were established by the Region to determine limits and sizing of municipal infrastructure to accommodate Provincially approved growth.

The preferred solution identified a requirement for a new gravity trunk sewer network on the Keele Street right-of-way from south of Rutherford Road and east, crossing Langstaff Road to the south.

Privately owned lands are required to install the new gravity trunk sewer

Acquisition of temporary easements from seven properties is necessary to accommodate installation of the new gravity trunk sewer. All requirements are in proximity of Langstaff Road at the south end of the project.

In March 2023, Council approved the expropriation of temporary easement requirements from seven properties to facilitate this project. As detailed design progressed, it was determined that the easement terms needed to be extended to meet project requirements.

4. Analysis

Initiating expropriation will allow access to the lands in a timely manner

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

To secure continued possession for this project, it is recommended the expropriation process proceed concurrently with ongoing negotiations.

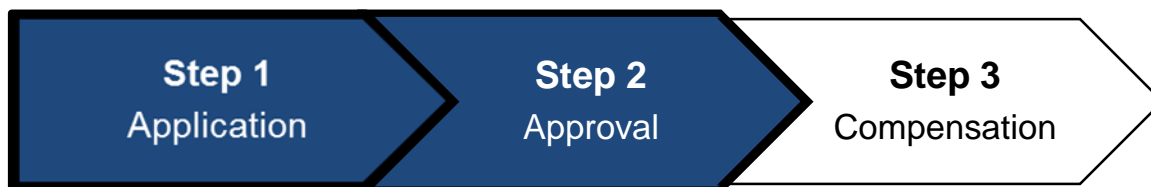
Possession is needed by March 21, 2025, for the works to continue until May 21, 2026.

Council Approval is required at three stages of the expropriation process

Council approval 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. The third step will be the subject of a future report to Council if the expropriation proceeds. Possession of 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 taking of the lands by the Region is fair, sound and reasonably necessary to achieve 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

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 expropriation. This is the second step in the expropriation process, and registration of plans is anticipated to be in the fall of 2024, if there is no request for a Hearing of Necessity.

Registration of expropriation plans is a key step in the expropriation process. It is at this point the Region acquires title to the interest in lands. However, further steps are required to obtain possession, or the right to access the lands.

Following registration of the expropriation plans, notices of expropriation and possession will be served on the owners. Under the *Act*, possession of interest in the land is to take place no sooner than three months after registration of expropriation plans. In addition, offers of compensation must be served on owners to obtain possession.

Environmental due diligence is complete

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

5. Financial Considerations

Funding required to complete property acquisitions for these properties have been included in the 2024 Capital Budget for Environmental Services.

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 the proposed offers will be the subject of a further report to Council.

6. Local Impact

Northeast Vaughan Wastewater Servicing Project will provide wastewater servicing to accommodate anticipated growth in northeast Vaughan to 2051.

7. Conclusion

This report seeks Council approval to authorize expropriation of property interests in the lands for the Northeast Vaughan Wastewater Servicing Project, in the City of Vaughan. To facilitate the project schedule, it is necessary to initiate the expropriation process. Staff continue to negotiate acquisition of the required property needs 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:

Erin Mahoney

Chief Administrative Officer

April 23, 2024

#16029863

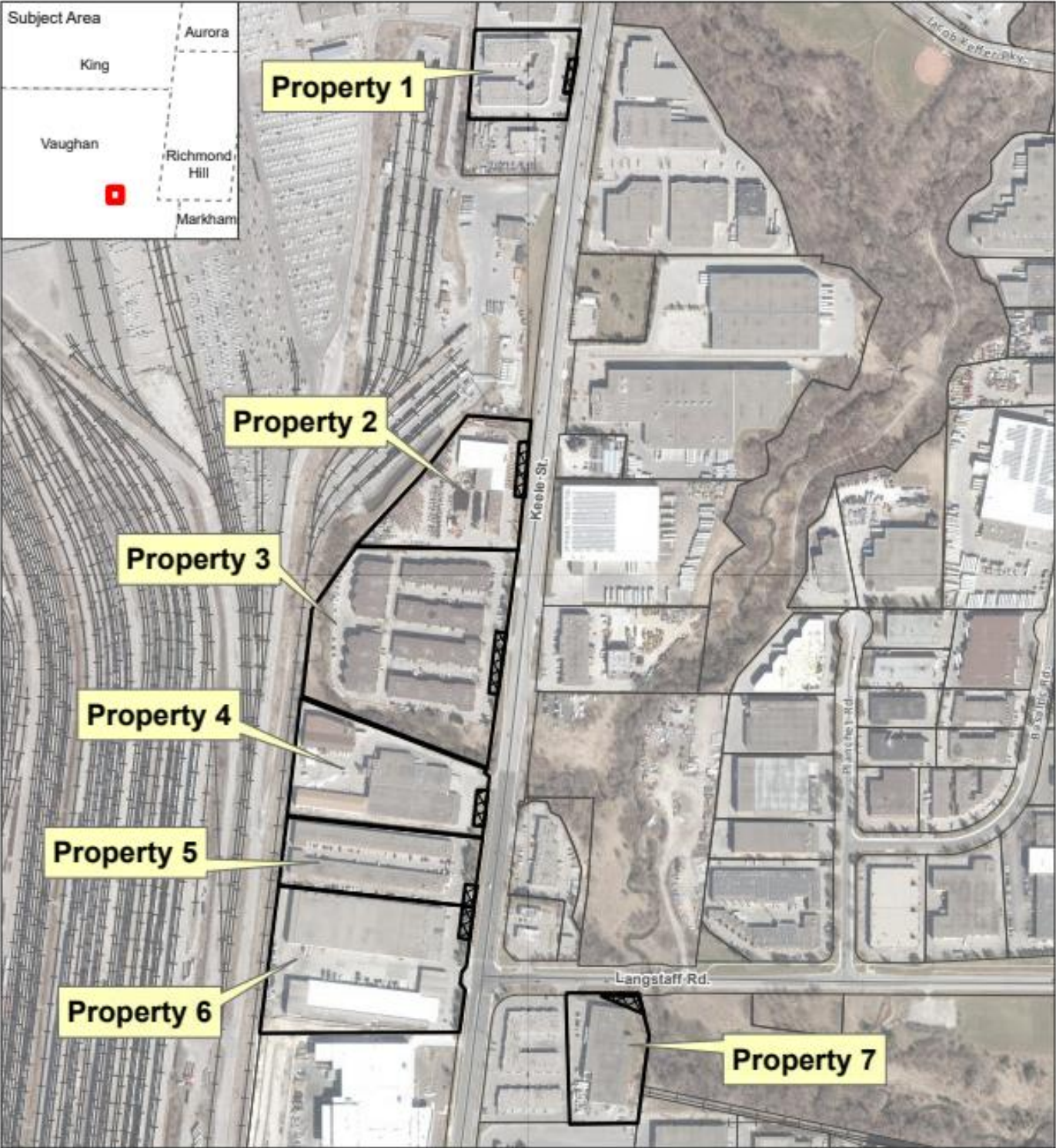
Appendix A – Property Schedule and Location Map

Property Schedule
Expropriation of Land
Northeast Vaughan Wastewater Servicing Project
City of Vaughan

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	York Region Standard Condominium Plan No 1130	8888 Keele Street Vaughan	Part 1, Plan YR3600328	Temporary Easement (108 sq. m.)
2.	Ng Marin Inc. and Marylou Enterprises Limited	8672 Keele Street Vaughan	Parts 1 and 2, Plan YR3600307	Temporary Easement (733 sq. m.)
3.	York Region Condominium Plan No 736	8600 Keele Street Vaughan	Part 1, Plan YR3600293	Temporary Easement (145 sq. m.)
4.	Valcap Properties Inc.	8550 Keele Street Vaughan	Part 1, Plan YR3600315	Temporary Easement (256 sq. m.)
5.	York Region Condominium Plan No 578	8540 Keele Street Vaughan	Part 1, Plan YR3600334	Temporary Easement (108 sq. m.)
6.	RPIG Realty Holdings Ltd.	8500 Keele Street Vaughan	Part 2, Plan YR3600319	Temporary Easement (536 sq. m.)
7.	779009 Ontario Limited	2195 Langstaff Road Vaughan	Part 2, Plan YR3600299	Temporary Easement (59 sq. m.)

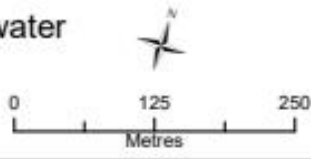
The temporary easements required are described as a temporary limited interest commencing on the date of possession and expiring on May 21, 2026, in, under, over, along and upon and for municipal purposes including, but not limited to, entering on the lands with all vehicles, machinery, workmen and other 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, tree planting, paving, retaining structures, grading and reshaping the lands to the limit of the reconstruction of the municipal road fronting 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) traffic signals, (vi) fencing, (vii) handrails, (viii) sidewalks, and (8) removal and replanting of vegetation, and (9) works ancillary to any of the foregoing and necessary to the works to be performed in association with the purpose of installing a new gravity trunk sewer in the Keele Street right-of-way from south of Rutherford Road and then east crossing Langstaff Road to the south side and works ancillary thereto.

LOCATION MAP



York Region
 Produced by:
 The Regional Municipality of York
 Property Services, Corporate Services
 March 2024
 Data: King's Printer for Ontario 2003-2024
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 See York.ca for disclaimer information.

Location Plan
 Expropriation of Land
 Northeast Vaughan Wastewater
 Servicing Project
 City of Vaughan
 May 9, 2024



- Subject Property
- Interest Required
- Parcel
- Road
- Railway