



Report of the Commissioner of Corporate Services

**Expropriation of Land 16th Avenue from Woodbine Avenue to Warden Avenue
City of Markham**

1. Recommendations

1. Council approve an application for approval to expropriate the interests in land set out in Attachment 1, for road widening and improvement of 16th Avenue from Woodbine Avenue to Warden Avenue, in the City of Markham.
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 received and to represent the Region at an inquiry (Hearing of Necessity) held under the *Act*.
4. Council, as approving authority, approve the expropriation of the interests in land provided there is no Hearing of Necessity requested and not withdrawn in accordance with the *Act*.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 authorize the introduction of the necessary bylaw to give effect to these recommendations.

2. Purpose

This report seeks Council approval to expropriate land for traffic improvement work on 16th Avenue from Woodbine Avenue to Warden Avenue. The corridor is shown in Appendix A.

Key Points:

- Widening of 16th Avenue from Woodbine Avenue to Warden Avenue is part of the larger 16th Avenue Project that spans from Leslie Street to Kennedy Road
- Project requires lands in fee simple, and permanent and temporary easement rights
- Construction is set to commence in Summer 2025
- Expropriation is recommended to ensure property acquisition and access to the temporary requirements until end of 2029

3. Background

16th Avenue is a key corridor in the Region's road, transit and active transportation network

The Region is improving 16th Avenue with additional lanes for transit, high occupancy vehicles and active transportation facilities. The corridor connects with the provincial highway network, commuter GO rail, the Region's rapid transit network, future subway extensions, and local municipal road networks.

Municipal Class Environmental Assessment for 16th Avenue was completed August 2020, and detailed design and property acquisition phase of the project is underway. Road improvements include boulevard and active transportation enhancements (noise walls, sidewalks, multi-use paths and cycling paths).

4. Analysis

Initiating expropriation will allow access to land in a timely manner

Negotiations with owners will proceed throughout the expropriation process. If negotiated transactions cannot be completed to meet the project schedule, expropriation is necessary to ensure timely possession of property requirements.

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

Possession is needed by early 2025 for works to commence in the Summer of 2025.

Council approval is required at three stages of the expropriation process

Three stages of expropriation that require Council approval include the request to Council to authorize an application for approval to expropriate land, the expropriation itself, and offers of compensation to former owners of the lands.

To ensure possession to meet the construction schedule, 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 subject of a future report to Council if the expropriation proceeds.

Possession of land cannot be obtained until this third step has been completed and owners are served offers 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 expropriation is to serve registered owners with a notice of intention to expropriate, following Council approval. Upon receipt of the Notice of Application for Approval to Expropriate, owners have the right within 30 days of receipt to request an inquiry (Hearing of Necessity) to determine whether taking of the land by the Region is fair, sound and reasonably necessary.

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.

Registration of expropriation plans will secure title to the interest in the land 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 approving a bylaw to proceed with expropriation. This is the second step in the process, with registration of plans anticipated in December 2024.

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

Following registration of expropriation plans, notices of expropriation and possession will be served on owners. Under the *Act*, possession of 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 currently underway

Environmental due diligence is currently underway. Results of environmental due diligence will be reviewed by staff in consultation with Legal Services. Staff will take 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 impacts.

5. Financial Considerations

Funding required to complete acquisitions has been included in the 2024 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 expropriation plans. Appraisals required to support offers will be prepared and proposed offers will be the subject of a further report to Council.

6. Local Impact

Widening and reconstructing 16th Avenue will improve traffic operations for the travelling public and support accommodation of forecasted growth in the Region's Official Plan.

7. Conclusion

This report seeks Council approval to authorize expropriation of fee simple, permanent, and temporary easement rights for improving 16th Avenue, in the City of Markham. To facilitate the project schedule, it is necessary to initiate the expropriation process. Staff will negotiate acquisitions of 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:

Erin Mahoney
Chief Administrative Officer

May 28, 2024
#15979422

Appendix A – Location Map
Attachment 1 – Property Schedule (#16134138)

LOCATION MAP

