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Report of the Commissioner of Corporate Services

**Expropriation of Land Northeast Vaughan Wastewater Servicing Project  
City of Vaughan**

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**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 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of interests in the lands set out in Appendix A provided there is no Hearing of Necessity requested and not withdrawn in accordance with the *Act*.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 an expropriation plan 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 expropriate interests in land for the Northeast Vaughan Wastewater Servicing Project in the City of Vaughan. Property locations are shown on the three location maps in Appendix A.

### Key Points:

- In 2019, the Region completed a Municipal Class Environmental Assessment study for Northeast Vaughan Water and Wastewater Servicing Project
- Requirement for a new gravity trunk sewer network was identified within the Jane Street right-of-way from Teston Road south along Jane Street to Riverrock Gate
- Temporary easements are required for staging and laydown areas for construction of a gravity trunk sewer
- Project will proceed in three phases. Phase two is the subject of this report. This phase runs along the Jane Street right-of-way south of Teston Road heading south to Riverrock Gate
- Construction is scheduled to commence in late Summer of 2025

## 3. Background

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

In 2019, the Region completed a Municipal Class Environmental Assessment (EA) for the Northeast Vaughan Water and Wastewater Servicing Projects. The purpose of the EA was to build on recommendations included in the Master Plan to identify the preferred solution to provide water and wastewater servicing and capacity for anticipated growth in northeast Vaughan to 2051.

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

The preferred solution identified a requirement for new gravity trunk sewer networks to be constructed in three phases. Phase one is on the Keele Street right-of-way from south of Rutherford Road and east, crossing Langstaff Road to the south. Phase 2 is the subject of this report and is on the Jane Street right-of-way south of Teston Road heading south to Riverrock Gate.

In [March 2023](#), Council approved the expropriation of temporary easement requirements from seven properties to facilitate Phase One. The timing of phase 3 is not yet determined.

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

Acquisition of temporary easements from nine properties is necessary to accommodate installation of the gravity trunk sewer. All requirements are close to the Jane Street right of way.

### **4. Analysis**

#### **Expropriation will allow access to the lands in a timely manner**

Negotiations with owners will proceed throughout the expropriation process. If negotiated transactions 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 expropriation proceed concurrently with ongoing negotiations.

Possession is needed by the second quarter of 2025 for work to begin in Summer 2025.

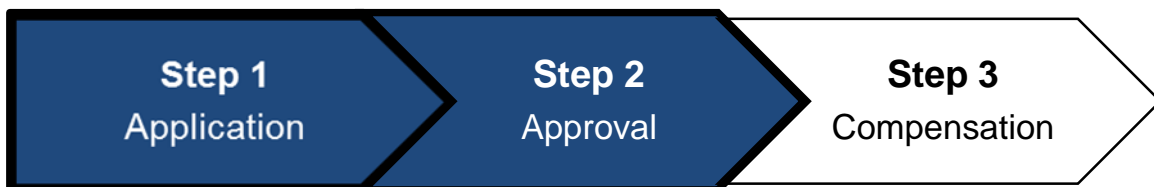
#### **Council approval is required at three stages of the expropriation process**

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

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 lands**

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 expropriation process, and registration of plans is anticipated to be in Q1 of 2025.

Registration of expropriation plans is a key step in the expropriation process. 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 expropriation plans, notices of expropriation and possession will be served on the 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**

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 property acquisitions has 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 offers will be prepared and the proposed offers will be the subject of a further report to Council.

## 6. Local Impact

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

## 7. Conclusion

This report seeks Council approval to authorize expropriation of property interests in lands for the Northeast Vaughan Wastewater Servicing Project, in the City of Vaughan. To facilitate the project schedule, expropriation must be initiated. Staff will continue to negotiate acquisition of property requirements. 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:

**Erin Mahoney**

Chief Administrative Officer

May 28, 2024

#16055353

Appendix A – Property Schedule and Location Maps

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

<b>No</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
1.	Cacoeli Terra Vaughan Ltd.	10811 Jane Street, Vaughan	Part 1 on 21-21-665-00-R1	Temporary Easement (42.9 sq. m.)
2.	Canada's Wonderland Company	9580 Jane Street, Vaughan	Part 1 on 21-21-665-00-S2 Part 1 on 21-21-665-00-R3 Part 1 on 21-21-665-00-S3	Temporary Easement (4937.3 sq. m.)
3.	9300 Jane Ltd.	9300 Jane Street, Vaughan	Part 1 on 21-21-665-00-R4A	Temporary Easement (291.9 sq. m.)
4.	Lorwood Holdings Incorporated	3100 Rutherford Road, Vaughan	Part 3 and 4 on 21-21-665-00-R4B	Temporary Easement (22.8 sq. m.)
5.	Common Element YRSCB No 1086	9100 Jane Street, Vaughan	Part 1, 2, 3, 4 and 5 on 21-21-665-00-S4	Temporary Easement (339.5 sq. m.)
6.	APR (Jane Street) Inc.	9088 Jane Street, Vaughan	Part 6 on 21-21-665-00-S4	Temporary Easement (109.7 sq. m.)

The temporary easements required are described as a temporary limited interest commencing on the date of possession and expiring on June 30, 2029, 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-stripping 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 Jane Street right-of-way from south of Teston Road to south of Rutherford Road and works ancillary thereto.





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© Legal/23 - Planning/AMPO/Map to Council 2024/From: Northeast Vaughan Wastewater Phase 3 map/To: 2024 Northeast Vaughan Wastewater Phase 3 map/10/24



**LOCATION MAP 2**

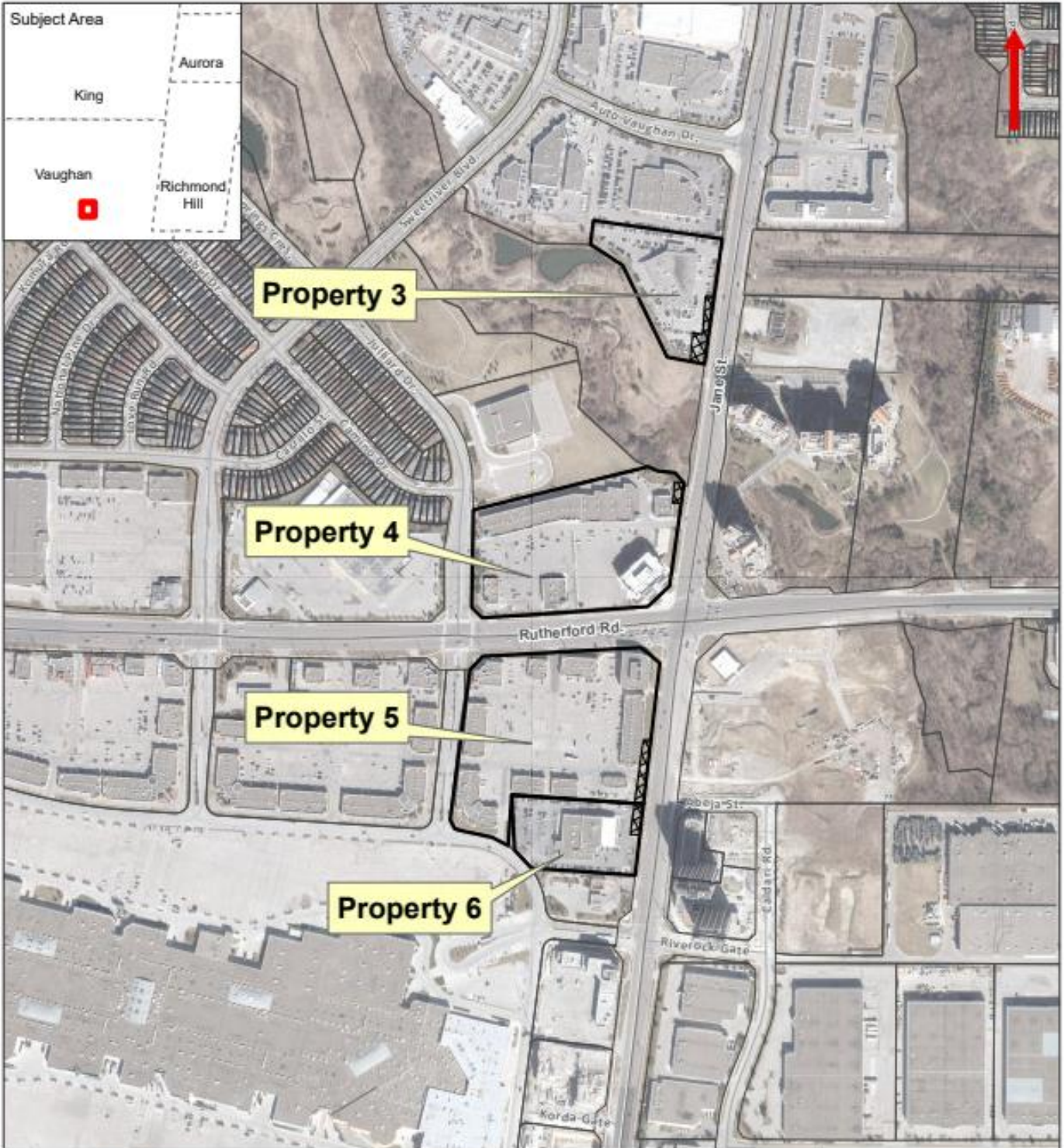




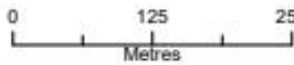





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© Image 101 - Photomaps/Map2Maps to Council 2024/2023; Northeast, Vaughan, Wastewater\_Phase 2; 2024/2023; Northeast, Vaughan, Wastewater\_Phase 2; Map/Copy



**LOCATION MAP 3**



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