
Report of the Commissioner of Corporate Services

Expropriation of Land 16th Avenue from Leslie Street to Woodbine Avenue City of Richmond Hill and City of Markham

1. Recommendations

1. Council approve an application for approval to expropriate interests in land in Appendix A, for road widening and improvement of 16th Avenue from Leslie Street to Woodbine Avenue in the Cities of Richmond Hill and 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approve the expropriation of the interests in land provided there is no Hearing of Necessity requested and not withdrawn in accordance with the *Act*.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 Leslie Street to Woodbine Avenue. Property locations are shown in Appendix A.

Key Points:

- Widening of 16th Avenue from Leslie Street to Woodbine Avenue is part of the larger 16th Avenue Project from Leslie Street to Kennedy Road
- In 2022, 19 properties were subject to expropriation
- Three additional parcels of land were identified to support the project
- Construction is set to commence in Summer 2025
- Expropriation is recommended to ensure possession in a timely manner for construction

3. Background

16th Avenue is a key corridor in York Region's Road, Transit and Active Transportation network

The Region is improving the 16th Avenue corridor with additional lanes for transit, high occupancy vehicles and active transportation facilities. Municipal Class Environmental Assessment for 16th Avenue was completed in August 2020 and the Region is currently undertaking detailed design and property acquisition phase of the project.

Additional land requirements to the 2022 expropriation

In 2022, the Region [expropriated](#) lands from 19 owners along 16th Avenue. As design of the project advanced and title review was conducted, three additional land interests were identified as required to facilitate the project.

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 deemed a necessary approach to ensure timely possession of property requirements.

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

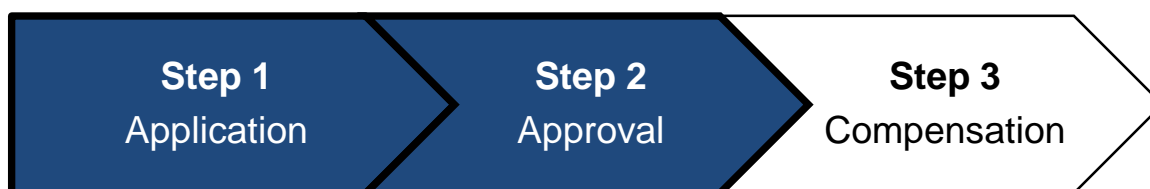
Council approval is required at three stages of expropriation

The 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 offer of compensation to the former land owners.

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 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 the taking of land is fair, sound and reasonably necessary.

If an owner requests a Hearing of Necessity, then after the Hearing, an Inquiry Officer will provide 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

If no Hearing of Necessity is requested, expropriation plans will be registered at the Land Registry Office within three months of Council approving a by-law 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 interest in lands 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 the 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 the expropriation plan. 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 the accommodation of forecasted growth in the Region's Official Plan.

7. Conclusion

This report seeks Council approval to authorize expropriation of lands for improving 16th Avenue, in the Cities of Richmond Hill and Markham. To facilitate the project schedule, it is necessary to initiate the expropriation process. 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
#16123868

Appendix A – Property Schedule and Location Map

Property Schedule
Expropriation of Land
16th Avenue from Leslie Street to Woodbine Avenue
City of Richmond Hill and City of Markham

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Leslie Commons Inc.	1550 16th Avenue Richmond Hill	Parts 1 & 2 Plan 65R40623	Fee Simple (42.6 sq. m.)
2.	Blackshire Investments Inc.	1610 16th Avenue Richmond Hill	Part 1 Plan 65R40630	Fee Simple (41.9 sq. m.)
3.	DIV (Beaver Creek Limited)	30 Leek Crescent Richmond Hill	Part 1 Plan 65R40625	Fee Simple (99.6 sq. m.)
The fee simple interests are being expropriated for the purpose of widening a highway pursuant to section 31(6) of the <i>Municipal Act</i> , 2001, S.O. 2001, c.25, and upon vesting in the Region these fee simple lands shall form part of the highway.				

Subject Area

Newmarket
King
Aurora
Whitchurch
Stouffville
Richmond
Hill
Vaughan
Markham

Property 2

Property 3

Property 1

Leslie St.
Vogell Rd.
16th Ave.
Muralist
Leek Cres
Solid Dr.

Location Plan
Expropriation of Land
16th Avenue From Leslie Street to Woodbine Avenue
City of Richmond Hill and City of Markham
June 13, 2024

York Region

Produced by:
The Regional Municipality of York
Property Services, Corporate Services
April 2024

Data: King's Printer for Ontario 2003-2024

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Metres

Legend:
Subject Property
Interest Required
Parcel
Road