

# The Regional Municipality of York

Committee of the Whole  
Finance and Administration  
April 11, 2019

Report of the Commissioner of Corporate Services

## **Compensation for Expropriation Rutherford Road from Jane Street to Westburne Drive City of Vaughan**

### **1. Recommendation**

Council approve the Commissioner of Corporate Services to make offers of compensation to the owners of lands in the City of Vaughan, as set out in Attachment 1, which were acquired in accordance with the *Expropriations Act* (the “Act”).

### **2. Summary**

This report seeks Council approval to serve offers of compensation under section 25 of the *Act* to owners whose lands have been expropriated for the widening of Rutherford Road from Jane Street to Westburne Drive, in the City of Vaughan. The location of the lands is shown on the map in Attachment 2.

Private Attachment 1 to this report will be considered in private session because it relates to the acquisition of land by the Region.

Key Points:

- In [June 2017](#), Council approved the commencement of the expropriation process for this first phase of the widening and reconstruction of Rutherford Road, from four to six lanes between Jane Street and Westburne Drive
- Expropriation plans were registered on title on December 10, 2018, transferring title of the expropriated lands to the Region
- An owner must be served with an offer of compensation pursuant to section 25 of the *Act* prior to the Region taking possession of the expropriated lands
- The anticipated possession date of the expropriated lands is May 3, 2019, with construction commencement later in the spring of 2019

### 3. Background

#### **The Environmental Assessment for improvements to Rutherford Road was completed in mid-2016**

The need to improve Rutherford Road from Jane Street to Bathurst Street, in the City of Vaughan, was identified in the Region’s recently updated Transportation Master Plan. These improvements were also included in the approved 2016 10-Year Roads and Transit Capital Construction Program.

The Environmental Assessment (EA) study for improvements to Rutherford Road (named Carrville Road east of Bathurst Street) from Jane Street to Yonge Street was completed mid-2016.

The design on this portion of the project includes a proposed widening of Rutherford Road to six lanes to accommodate HOV/transit priority lanes, sidewalks/cycle tracks on both sides, transit bus pads/shelters, and a landscaped median where sufficient space is available. Also included are a grade separation at the Barrie GO Rail/Rutherford Road intersection, a widening of the bridge over the Canadian National Railway tracks at the MacMillan Yard, and intersection improvements at Keele Street.

The first phase of construction between Jane Street and Westburne Drive is scheduled to commence in spring 2019. The lands that are the subject of this report are located in this initial phase of the project.

#### **This report is for the third step in the Council approval process for expropriations**

Figure 1 below summarizes the three steps in the process for obtaining approval by Council for expropriation. On [June 29, 2017](#), Council authorized the first two steps of the process.

This report is for the third and final step in the expropriation approval process. Upon approval by Council of this step, the Region will serve offers of compensation to the owners.

**Figure 1  
Council Approval Steps**



## 4. Analysis

### **Possession of expropriated lands will be obtained after serving the offers of compensation**

The Region acquired title to the lands when the expropriation plans were registered at the Land Registry Office on December 10, 2018. In accordance with the *Act*, the Region cannot obtain possession until a minimum of three months after notifying owners that the expropriation plans have been registered. In addition, it is necessary to make offers of compensation to owners as a prerequisite to obtaining possession of the expropriated lands. The offers of compensation are proposed to be delivered in anticipation of possession of the lands on May 3, 2019. Utility relocation is scheduled to commence during spring 2019.

### **Independent appraisal reports have established the compensation which will form the basis of offers**

Independent appraisals were commissioned to provide the offers of compensation. Section 25 of the *Act* requires the Region to make two offers of compensation to an owner. The first is an offer of full compensation for the market value of the lands expropriated. If the owner accepts the offer, then the owner, with a few exceptions, accepts the offer in full satisfaction of any claims the owner may have with respect to the expropriation. The second is an offer to pay the owner the market value of the lands expropriated, but permits the owner to make a future claim for additional compensation in accordance with the *Act*.

In the event that an owner does not accept the first offer of compensation, staff will negotiate a full and final settlement after the expropriation.

### **Environmental due diligence has been undertaken**

A Contamination Overview Study was completed as part of the Class Environmental Assessment Study and identified Areas of Potential Environmental Concern. Phase One Environmental Site Assessments (ESA) were performed at numerous sites to assess the potential environmental condition of the lands. The results identified the need to complete a Phase Two ESA at one of the sites that is the subject of this report.

The required Phase Two ESA was completed. Property Services and Legal Services staff reviewed the findings of this Phase Two ESA and noted no concerns.

## 5. Financial

The funding for this property acquisition is included in the 2019 Capital Budget for Transportation Services.

## 6. Local Impact

Once construction is complete, the widening and reconstruction of Rutherford Road will provide upgraded capacity to improve traffic operations for the travelling public and support the accommodations of the forecasted growth within this area, as established by the York Region Official Plan.

## 7. Conclusion

On December 10, 2018, expropriation plans were registered for the lands required for Rutherford Road from Jane Street to Westburne Drive, in the City of Vaughan. The *Act* requires that an offer of compensation for expropriated lands be served on the registered owners before taking possession. The proposed offers are based on estimates provided by an independently commissioned appraiser. It is recommended that the offers set out in this report be served in accordance with the *Act*.

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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:

**Bruce Macgregor**  
Chief Administrative Officer

March 29, 2019  
Attachments (2)  
Private Attachments (1)  
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