

Expropriations Act

**DECISION AND REASONS
FOR APPROVAL TO EXPROPRIATE LAND**

To: **1688643 Ontario Limited and 2382279 Ontario Limited**
c/o Gerard Borean, Parente Borean LLP
3883 Highway 7, Suite 207
Woodbridge, Ontario L4L 6C1
Landowners

And To: **Douglas Colbourne**
1402-39 Old Mill Rd.
Toronto, ON M8X 1G6
Inquiry Officer

IN THE MATTER OF an application by The Regional Municipality of York for approval to expropriate land, being:

Fee Simple

Part of the West $\frac{3}{4}$ of Lot 16, Concession 4 Geographic Township of Vaughan, County of York, City of Vaughan, Regional Municipality of York designated as Parts 1, 2, 3, 4 & 5 on Plan 65R-37087.

For the purposes of the widening and reconstruction of Rutherford Road (YR 73) from Jane Street (YR 55) to Westburne Drive.

AND IN THE MATTER OF a Hearing of Necessity having been conducted on Friday, March 1, 2019, at the hour of 10:00 a.m., at Board Room #10030, in the offices of The Regional Municipality of York, 145 Harry Walker Parkway North, Newmarket, Ontario.

AND IN THE MATTER OF a Report of Inquiry Officer Douglas Colbourne, issued on March 13, 2019.

The Council of The Regional Municipality of York has received the Report of the Inquiry Officer and has considered the Report, including the findings and opinions therein.

The Council of The Corporation of the Regional Municipality of York has **granted** to The Corporation of The Regional Municipality of York, on May 16, 2019, **approval to expropriate** the following lands:

The fee simple interest in the lands described as part of the West $\frac{3}{4}$ of Lot 16, Concession 4 Geographic Township of Vaughan, County of York, City of Vaughan, Regional Municipality of York designated as Parts 1, 2, 3, 4 & 5 on Plan 65R-37087.

The Council of The Corporation of The Regional Municipality of York approved the expropriation of the lands described in the application for the following reasons:

1. The objective of The Regional Municipality of York is to to widen and reconstruct Rutherford Road (YR 73) from Jane Street (YR 55) to Westburne Drive.
2. Transportation improvements are necessary to improve capacity, network connectivity, quality of service and mobility for pedestrians, cyclists, transit users and motorists along the Rutherford Road corridor, and to address long term travel demands which are projected to exceed existing capacity. If left unaddressed, the problems identified along Rutherford Road will be exacerbated by future growth of population, employment, and building developments.
3. The project will transform Rutherford Road into a multimodal corridor and complete street that is accessible to all users, provide a continuous sidewalk and continuous cycling facilities along Rutherford Road, improve the efficiency of transit service, improve streetscaping, and increase capacity and improve the level of service for motorists and the movement of goods along the Rutherford Road corridor.
4. The project includes the widening of the roadway to accommodate high occupancy vehicle/transit priority lanes, sidewalks/cycle tracks on both sides of Rutherford Road, transit bus pads/shelters, and a landscaped median where sufficient space is available.

5. The lands described herein are necessary for widening and reconstruction of Rutherford Road from Jane Street to Westburne Drive and works ancillary thereto.
6. The Report of the Inquiry Officer contains the finding that the proposed taking of the lands described in the application is reasonably defensible.
7. To date, the attempts by the Region to acquire the required property interests by means of amicable negotiations with the owners of the lands described herein have been unsuccessful.
8. Further delay with respect to the acquisition of the required lands may adversely affect the construction schedule for the undertaking, while prolonging and intensifying the deficiencies affecting the Regional Road.

DATED at York this _____ day of May, 2019.

The Council of The Regional Municipality Of York

Wayne Emmerson, Regional Chair

Christopher Raynor, Regional Clerk