

# The Regional Municipality of York

Regional Council  
June 27, 2019

Report of the Commissioner of Corporate Services

## **Approval to Expropriate West Vaughan Sewage Servicing Project City of Vaughan**

### **1. Recommendations**

1. Council receive and consider the Inquiry Officer's report from the Hearing of Necessity in relation to the lands set out in Attachment 1, which found the taking of the land to be fair, sound and reasonably necessary
2. Council, as approving authority, approve the expropriation of the lands set out in Attachment 1 for the construction of the West Vaughan Sewage Servicing Project, in the City of Vaughan, and adopt the reasons for the approval set out in Attachment 4.
3. The Commissioner of Corporate Services be authorized to execute and serve any notices required under the Expropriations Act (the "Act").
4. Council authorize the introduction of the necessary by-law to give effect to these recommendations.

### **2. Summary**

This report requests that Council, as required by the *Act*, consider the Inquiry Officer's report that concludes the proposed taking of the subject lands is fair, sound and reasonably necessary for the construction of the West Vaughan Sewage Servicing Project, in the City of Vaughan. The location of the property is shown on the map in Attachment 2.

This report also seeks Council approval, in accordance with the *Act*, to expropriate portions of land from the subject property.

#### Key Points:

- The owner was served a Notice of Application to Expropriate following Council approval to commence expropriation proceedings in September 2018
- The subject property owners exercised their right under the *Act* to request a Hearing of Necessity and the hearing took place June 4, 2019

- In the opinion of the Inquiry Officer, the land requirements from the subject property are fair, sound and reasonably necessary for the construction of the West Vaughan Sewage Servicing Project
- In accordance with the *Act*, Council must consider the Inquiry Officer's report and serve written notice of its decision and written reasons on all parties to the Hearing of Necessity

### **3. Background**

#### **The Water and Wastewater Master Plan identifies a need to expand the Regional trunk sanitary sewer system**

In April 2016, the Region completed the York Region Water and Wastewater Master Plan Update. This study identified a need for additional sewage servicing capacity to meet the projected growth in West Vaughan.

The West Vaughan Sewage Servicing project includes a 14.3-kilometre sewer tunnel from the Kleinberg Water Resource Recovery Facility to the Humber Sewage Pumping Station in Woodbridge. The scope of work also includes construction compounds, maintenance shafts and the construction of a new pumping station to replace the existing Humber Sewage Pumping Station.

#### **The Environmental Assessment was completed in 2013 and the Addendum in 2016**

The Region completed a Municipal Class Environmental Assessment (Class EA) "Schedule C" process in 2013. A Class EA addendum was completed in 2016 to address beneficial changes to the route alignment and construction methodology. Property requirement changes were identified in the Class EA Addendum. The property required is in accordance with the Class EA and the Class EA Addendum.

#### **Project construction is scheduled to commence in 2021**

The construction of the new Humber Sewage Pumping Station is scheduled to commence in 2021 and construction of the sewage tunnel is proposed to commence in 2023. This work was identified in the Region's approved 10-year Capital Plan.

#### **Council previously approved an expropriation of land for this project**

On [September 20, 2018](#), Council authorized an application for approval to expropriate land from the subject property, required for the West Vaughan Sewage Servicing project, using revised language for the easement terms.

## **The owner of the subject property requested a Hearing of Necessity to determine if the taking of the land was fair, sound and reasonably necessary**

The Region received a request for a Hearing of Necessity from the owner of the property that is the subject of this report. The expropriation cannot proceed until the Hearing of Necessity has taken place and the Inquiry Officer has provided an opinion with respect to the proposed taking.

The Hearing of Necessity for the subject property was held on June 4, 2019.

The *Act* provides that Council, after considering the report, can decide to approve or not approve or approve with modifications the proposed expropriation. Council must serve written reasons for its decision on all parties to the Hearing of Necessity, including the Inquiry Officer, within 90 days of receipt of the Inquiry Officer's report.

### **4. Analysis**

#### **Approval to expropriate is recommended after review of the Inquiry Officer's Report**

The Inquiry Officer's report, provided in Attachment 3, was submitted on June 17, 2019. The Inquiry Officer's report set out an opinion based on the evidence and arguments of the parties as required by the *Act*.

Based on the evidence and arguments provided by both parties, the Inquiry Officer concluded the proposed taking of land from the subject property is fair, sound and reasonably necessary. The Inquiry Officer was satisfied that the Region considered alternatives during the environmental assessment and noted that the final location of the construction compound had been moved away from a vital commercial corner at the request of the prior owner. Property requirements and environmental impacts were kept to a minimum.

Upon review of the report by the Region, it is recommended that the expropriation of the subject land proceed in accordance with the original Notice of Application for Approval to Expropriate that was served on the property owners, for the reasons set out in Attachment 4.

#### **Approval to expropriate will allow the Region to secure ownership of the lands**

The approval to serve the owners with a notice of application for approval to expropriate was the first of three steps involving authorization by Council in the expropriation process. The second step in the process is the purpose of this report, which seeks the approval from Council to obtain ownership of the lands through the registration of an expropriation plan.

The approval to make an offer of compensation to the owner is the third step in the Council approval process, which will be the subject of a future report to Council. The three steps in the expropriation approval process are illustrated in Figure 1 below.

**Figure 1**  
**Council Approval Steps**



**Notice of the expropriation will be served upon the owner in accordance with the *Act***

An expropriation plan will be registered upon receiving Council approval of the recommendations of this report. The Region will acquire interest in the land when the expropriation plan is registered at the Land Registry Office. The owners will then be served with notices of expropriation and possession of the lands. In accordance with the *Act*, it is necessary to make an offer of compensation prior to securing possession of the lands. The offer of compensation will be the subject of a future report to Council.

**Environmental due diligence is underway**

Environmental due diligence is currently underway and remains to be completed. Prior to registration of the expropriation plan, the results of the environmental due diligence conducted for the lands will be reviewed by staff, including consultation with Legal Services. In the event environmental impacts are identified, staff will take the 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 the impacts.

**5. Financial**

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

**6. Local Impact**

The West Vaughan Sewage Servicing Project will benefit the residents and the businesses of the City of Vaughan by providing added servicing capacity to facilitate development in the municipality.

## 7. Conclusion

The Region commenced the expropriation process on September 20, 2018 for partial land takings to facilitate the construction of the West Vaughan Sewage Servicing Project. Upon receipt of the Notice of Application for Approval to Expropriate, the owners of the property that is the subject of this report requested a Hearing of Necessity to determine if the taking was fair, sound and reasonably necessary.

The Hearing of Necessity was held on June 4, 2019. On June 17, 2019 the Inquiry Officer provided a report that concluded that the taking of land from the subject property is fair, sound and reasonably necessary.

The *Act* requires that Council, as approving authority, consider the Inquiry Officer's report and determine whether to proceed with the expropriation. Based on the findings stated in the Inquiry Officer's report, it is recommended that Council approve the expropriation of the lands.

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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

June 26, 2019  
Attachments (4)  
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