

The Regional Municipality of York

Committee of the Whole
Finance and Administration
October 10, 2019

Report of the Commissioner of Corporate Services

Expropriation of Land Northeast Vaughan Water Servicing Project City of Vaughan

1. Recommendations

1. Council approve an application for approval to expropriate the lands set out in Attachment 1, required for the Northeast Vaughan Water Servicing Project in the City of Vaughan.
2. The 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. The Commissioner of Corporate Services be authorized to forward to the Chief Inquiry Officer any requests for an inquiry that are received and to represent the Region, as necessary, at an inquiry (Hearing of Necessity) held under the *Act*.
4. Council, as approving authority, approve the expropriation of the lands provided there is no Hearing of Necessity requested and not withdrawn in accordance with the *Act*. Council approval is deemed to be given effective 31 days following the publication of the Notice and when a Hearing of Necessity is not requested in accordance with the *Act*.
5. Where approval to expropriate the lands 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 lands is given, Council authorize the introduction of the necessary bylaw to give effect to these recommendations.

2. Summary

This report seeks Council approval to expropriate land for two elevated water storage tanks and one water pumping station. The location of the properties is shown on the map in attachment 2.

Key Points:

- Council received an information report from the Commissioner of Environmental Services that identified preferred locations for new water facilities in [November 2017](#)
- The lands are required to meet additional water servicing capacity needs
- Possession gives the Region ability to proceed with upcoming detailed design and construction

3. Background

The Water and Wastewater Master Plan Update identified the need for additional water servicing capacity

The Region's 2016 Water and Wastewater Master Plan Update identified the need for additional water servicing capacity to accommodate the projected increase in residential and employment growth in northeast Vaughan to 2051.

Privately owned lands are required to accommodate additional servicing capacity

The acquisition of two sites is necessary to accommodate two water storage facilities and one water pumping station. The properties are located on the northeast corner of Jane Street and Kirby Road and the southwest corner of King Vaughan Road and Jane Street.

4. Analysis

Staff continues to negotiate with property owners throughout the expropriation process

The subject properties of this report are vacant land holdings being held for future redevelopment. In May 2017, the owners were approached regarding the proposed infrastructure being located on their properties. Discussions continued with the owners regarding placement of the infrastructure. In June 2018, property acquisition discussions commenced with the property owners.

Negotiations to acquire the lands will continue throughout the expropriation process. In accordance with the Region's land acquisition policy, an independent property appraiser has been engaged to provide market value appraisals to support negotiations.

Initiating the expropriation process will allow the Region to secure ownership of the subject lands

The preferred approach to obtaining an interest in land is to negotiate an acquisition with the property owner. However, expropriation is deemed necessary to secure ownership and timely possession of the lands for the project.

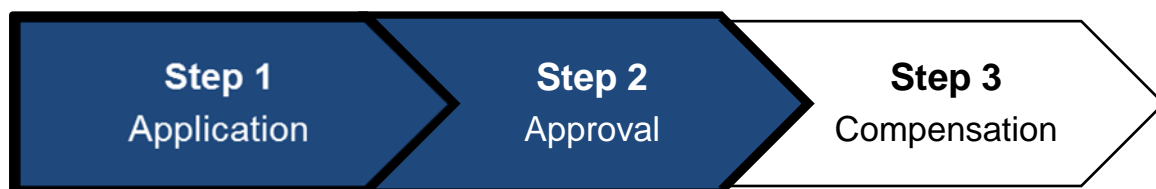
In an effort to secure possession and complete the property acquisition for this project, it is recommended the expropriation process proceed concurrently with ongoing negotiations.

Council Approval is required at three stages of the expropriation process

Approval by Council is required at three stages in the expropriation process. These include the request to Council to authorize an application for approval to expropriate lands, the expropriation itself, and the offer of compensation made to the former owner of the lands.

In an effort 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 below. The third step will be the subject of a future report to Council in the event the expropriation proceeds. Possession of the 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 the right to request a Hearing of Necessity upon receipt of a Notice of Application for Approval to Expropriate

The first step in the expropriation process is to serve the 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 the taking of the lands by the Region is fair, sound and reasonably necessary to achieve the objectives of the expropriating authority.

If an owner requests a Hearing of Necessity, then subsequent to the Hearing, an Inquiry Officer will provide a report providing an opinion as to whether the taking is fair, sound and reasonably necessary to achieve the objectives of the expropriating authority.

Registration of expropriation plans will secure title to the interest in the lands by the Region

If no Hearing of Necessity is requested, expropriation plans will be registered at the Land Registry Office within three months of Council granting approval of a bylaw to proceed with the expropriation. This is the second step in the expropriation process, and registration of the plans is anticipated to be in the spring of 2020.

Registration of the expropriation plans is a key step in the expropriation process. It is at this point the Region acquires title to the interest in the lands. However, further steps are required to obtain possession, or the right to access the lands.

Following registration of the expropriation plans, notice of expropriation and possession will be served on the owners. Under the *Act*, possession of the interest in the land is to take place no sooner than three months after registration of the expropriation plans. In addition, offers of compensation must be served on the owners to obtain possession.

Environmental due diligence will be completed prior to the Region taking ownership of the lands

An Environmental Site Screening Report was completed by the Region's consultant in December 2017 for the properties shortlisted for the project. The Screening did not identify any significant environmental concerns with the subject lands.

The Region will conduct a Phase 1 Environmental Site Assessment (ESA) and Phase 2 ESA if required. The results will be reviewed by staff and in the event environmental impacts are identified, staff will take necessary steps to minimize the Region's exposure to environmental risk and liability and may report to Council with recommendations.

5. Financial

The funds required to complete the property acquisitions for this project have been included in Environmental Services 2019, 10 Year Capital Plan under Northeast Vaughan Water Servicing Project.

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 these offers will be prepared and proposed offers will be the subject of a further report to Council.

6. Local Impact

The Northeast Vaughan Water Servicing Project will provide water servicing to accommodate anticipated growth in northeast Vaughan. Staff has consulted with the City of Vaughan staff and has support in the delivery of this project.

7. Conclusion

This report seeks Council approval to expropriate interest in the lands for the Northeast Vaughan Water Servicing Project in the City of Vaughan. To facilitate the project schedule, it is necessary to initiate the expropriation process. Staff will continue to negotiate acquisition of the interest in the lands and 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: **Bruce Macgregor**
Chief Administrative Officer

September 4, 2019
Attachments (2)
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