

The Regional Municipality of York

Committee of the Whole
Finance and Administration
November 14, 2019

Report of the Commissioner of Corporate Services

Approval to Expropriate Yonge Street – Davis Drive to Green Lane Town of Newmarket

1. Recommendations

1. Council, as approving authority, approve the expropriation of land set out in Attachment 1, for the widening and reconstruction of Yonge Street, in the Town of Newmarket.
2. The Commissioner of Corporate Services be authorized to register a plan of expropriation, execute and serve any notices required under the *Act*.
3. Council authorize the introduction of the necessary bylaw to give effect to these recommendations.

2. Summary

This report seeks Council approval to proceed with expropriation of land in the Town of Newmarket. The location of the property is shown on the map in Attachment 2.

Key Points:

- Expropriations for the project commenced in 2015, with the purpose of achieving a continuous 45 metre right-of-way width along Yonge Street from Davis Drive in the Town of Newmarket to Green Lane in the Town of East Gwillimbury
- The subject property is used as a Storm Water Management (SWM) pond. The property requirement involves a portion of the subject land situated adjacent to the west side of Yonge Street, east of the SWM pond

3. Background

The Region is planning to widen Yonge Street from four to six lanes, from Davis Drive in Newmarket to north of Green Lane in East Gwillimbury

An Environmental Assessment was completed as part of the vivaNext project, and recommended widening Yonge Street from four to six lanes with provisions for off street cycling and protection for future rapid transit development from Davis Drive to Green Lane. The project subsequently was not undertaken as part of vivaNext, with a new capital program commencing by Transportation Services. In [November 2015](#), Council authorized expropriation of 26 properties, including the subject property, to facilitate the project.

Negotiations to acquire the subject property were not completed due to unclear ownership on title

The expropriation process was not completed for the subject property concurrently with the other property requirements on the corridor because staff anticipated that an acquisition would be negotiated with the property owner. The subject property is owned by a numbered company. However, due to matters associated with ownership of the numbered company, negotiations did not proceed as expected. In this regard, it is necessary to proceed with expropriation.

4. Analysis

Continuing the expropriation process will allow access to the subject land

The preferred approach to obtaining an interest in land is to negotiate an amicable transaction with the property owner. In the current situation, expropriation is deemed a necessary approach to ensure possession of property requirements for the needs of the project.

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 the land, the expropriation itself, and the offer of compensation made to the former owner of the land.

This report is for the second step of the expropriation process, 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 land cannot be obtained until this third step has been completed and the owner is served an offer of compensation.

**Figure 1
Council Approval Steps**



Registration of an expropriation plan will secure title to the interest in the land by the Region

An expropriation plan will be registered at the Land Registry Office within three months of Council granting approval of a bylaw to proceed with expropriation. Registration of the plan is anticipated to be in early 2020.

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

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

Environmental due diligence has been completed for the land

A Phase Two Environmental Site Assessment (ESA) was completed by environmental consultants for the project corridor where this land is located. The results of the Phase Two ESA were reviewed by Property Services and Legal Services. No significant environmental issues were identified and no further work was recommended.

5. Financial

Funding required to complete the property acquisition for this project has been included in the 2019 Capital Budget for Transportation Services.

Under section 25 of the *Act*, the Region is obligated to serve offers of compensation on an owner within three months of registration of the expropriation plan. Appraisals required to support these offers will be prepared and the proposed offers will be the subject of a further report to Council.

6. Local Impact

Once construction is complete, the six lanes of traffic will improve traffic operations for the travelling public and support the growth expectations in the area.

7. Conclusion

This report seeks Council authorization to expropriate a property interest required for the widening of Yonge Street, from Davis Drive in the Town of Newmarket to Green Lane in the Town of East Gwillimbury. To facilitate the project schedule, it is necessary to initiate the expropriation process from one property owner.

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

November 1, 2019
Attachments (2)
#9925014