

Clause 29 in Report No. 12 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on September 20, 2018.

29

Compensation for Expropriation
Rutherford Road from Westburne Drive to Peter Rupert Avenue
City of Vaughan

Committee of the Whole recommends adoption of the following recommendation contained in the report dated August 16, 2018 from the Commissioner of Corporate Services:

1. Council authorize 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”).

(See Clause 42.)

Report dated August 16, 2018 from the Commissioner of Corporate Services now follows:

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1. Recommendations

It is recommended that:

1. Council authorize 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. Purpose

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 Westburne Drive to Peter Rupert Avenue, 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.

3. Background and Previous Council Direction

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

The Environmental Assessment (EA) study for improvements to Rutherford Road/Carrville Road from Jane Street to Yonge Street was completed in mid-2016. The EA included 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, a grade separation at the Barrie GO Rail/Rutherford Road intersection and a landscaped median where sufficient space is available.

The Region has partnered with Metrolinx on the construction of improvements to Rutherford Road from Westburne Drive to Peter Rupert Avenue

The Regional Express Rail project is currently being implemented by Metrolinx at the Barrie GO Rail/Rutherford Road intersection. At the same time, the Region is undertaking improvements to Rutherford Road between Jane Street and Westburne Drive. Given the overlap of these two initiatives, the Region and Metrolinx have agreed in principle that Metrolinx will undertake the grade separation works as well as the required improvements to Rutherford Road from Westburne Drive to Peter Rupert Avenue as outlined in the approved EA.

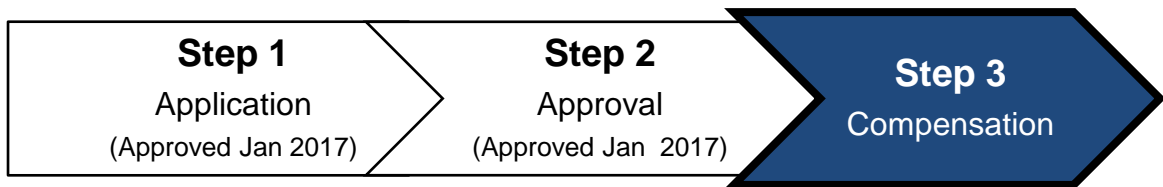
The property acquisitions that are the subject of this report are privately owned lands located between Westburne Drive and Peter Rupert Avenue.

This report is for the third of the three steps 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 [January 19, 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 upon receipt of reports confirming the compensation amounts.

Figure 1
Council Approval Steps



4. Analysis and Implications

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 May 24, 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 in September 2018. Metrolinx is scheduled to commence construction in fall 2018.

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

Independent consultants were commissioned to provide estimate reports of compensation. The reports include appraisals of market value for the lands

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expropriated and, if applicable, estimates of compensation for damages for loss of improvements (such as landscaping or parking) and injurious affection (the loss of value to the lands retained by the owner).

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 and any damages for loss of improvements and injurious affection. 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 offer is to pay the owner the market value of the lands expropriated and does not include an offer to pay any other damages such as damages for loss of improvements or injurious affection. If an owner accepts the second offer, the owner may 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 endeavour to negotiate a full and final settlement.

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. A Phase One Environmental Site Assessment (ESA) was performed to assess the potential environmental condition of the lands. Based on the results of the Phase One ESA, a Phase Two ESA was required. The Phase Two ESA was completed and reviewed by staff in consultation with Legal Services. No significant environmental issues were identified and no further action is warranted with regards to the environmental conditions of the lands.

5. Financial Considerations

The funding for this property acquisition is included in the 2018 Capital Budget for Transportation Services.

6. Local Municipal Impact

Once construction is complete, the widening and reconstruction of Rutherford Road will provide upgraded capacity to improve traffic operations for the

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travelling public and support the accommodations of the forecasted growth within this area, as established by the York Region Official Plan.

7. Conclusion

On May 24, 2018, expropriation plans were registered for the lands required for Rutherford Road from Westburne Drive to Peter Rupert Avenue, in the City of Vaughan. The *Act* requires that offer of compensation for expropriated lands be served on the registered owner before taking possession. The proposed offers are based on estimates provided by independently commissioned appraisers. It is recommended that the offers set out in this report be served in accordance with the *Act*.

For more information on this report, please contact Michael Shatil, Director, Property Services at 1-877-464-9675 ext. 71684.

The Senior Management Group has reviewed this report.

Recommended by:

Approved for Submission:

Dino Basso
Commissioner of Corporate Services

Bruce Macgregor
Chief Administrative Officer

August 16, 2018

Attachments (2)

Private Attachments (1)

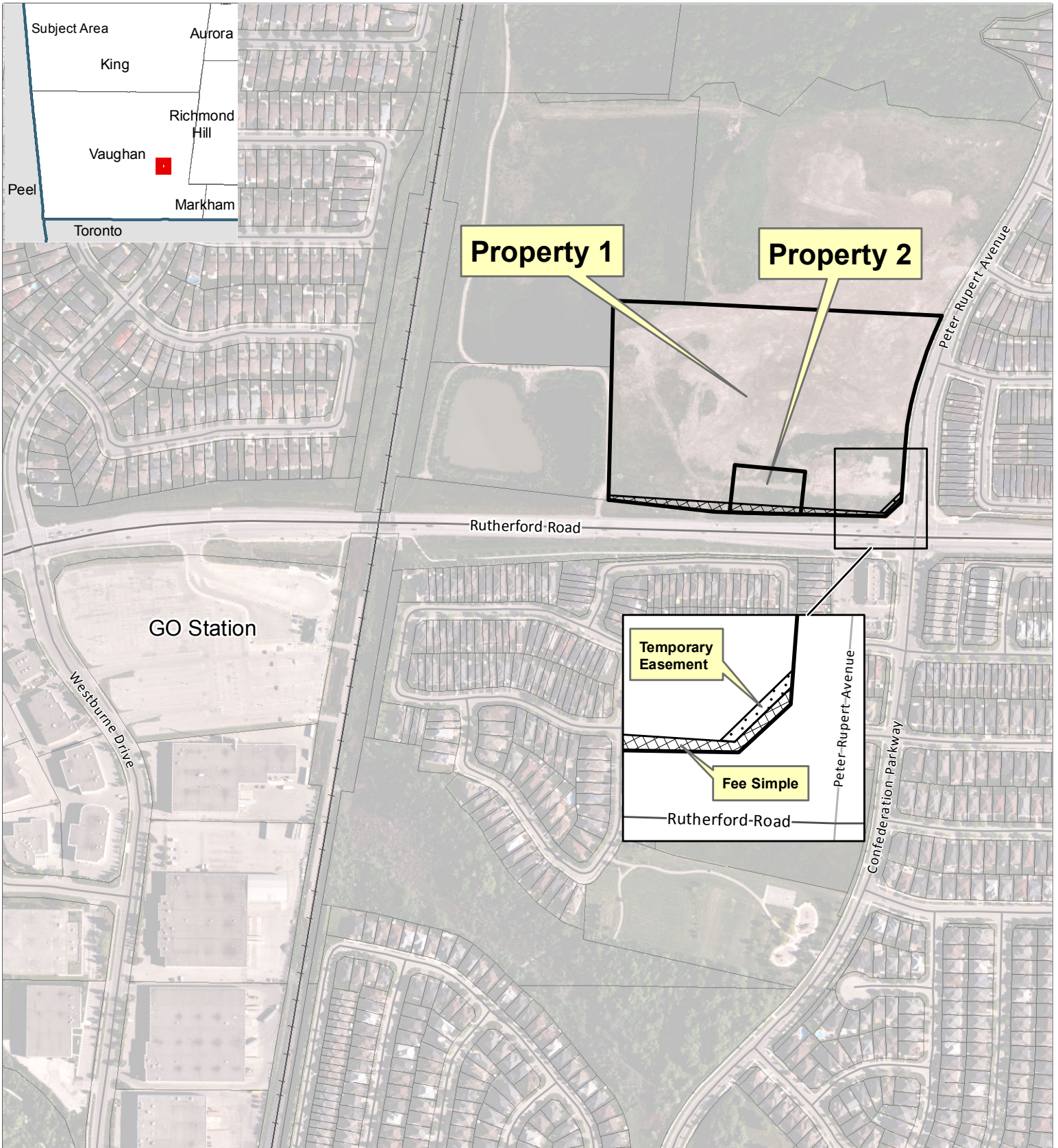
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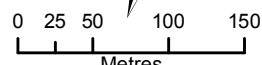






Accessible formats or communication supports are available upon request

**Property Schedule
 Compensation for Expropriation
 Rutherford Road from Westburne Drive to Peter Rupert Avenue
 City of Vaughan**

| No. | Owner | Municipal Address | Legal Description | Interest Required |
|-----|---------------------------|--------------------------------|---|--------------------|
| 1. | Block 18 Properties Inc. | 74 Peter Rupert Avenue Vaughan | Part 3, 4, 6, 7, 18, 20, Plan 65R36863 | Temporary Easement |
| | | | Part 9, 10, 14, 15, 16, 19, 21, Plan 65R36863 | Fee Simple |
| 2. | Block 18 (Rutherford) Inc | 1820 Rutherford Road Vaughan | Part 12, 22, Plan 65R36863 | Fee Simple |

The temporary easement will run for a term of 60 months, commencing on the date of registration of the easement, and is required for the purpose of entering on the lands with all vehicles, machinery, workmen and other material for construction purposes, which may include (1) relocation of existing services and utilities, (2) work that supports the construction of municipal infrastructure within the Region’s right-of-way, (3) staging and storage of materials and equipment, (4) geo-tech testing, borehole testing, and other investigative works, (5) removal, relocation, and/or installation of signage, (6) landscaping, paving, grading and reshaping the lands to the limit of the reconstruction, (7) the installation and removal of temporary infrastructure related to the construction, and (8) works ancillary to any of the foregoing.



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|  <p>Produced by: The Regional Municipality of York Property Services, Corporate Services August 2018</p> <p>Data: © Queen's Printer for Ontario 2003-2018</p> <p>Imagery: © First Base Solutions Inc. 2017 See York.ca for disclaimer information.</p> | <h3 style="text-align: center;">Location Plan</h3> <p style="text-align: center;">Compensation for Expropriation Rutherford Road from Westburne Drive to Peter Rupert Avenue City of Vaughan September 6, 2018</p> <div style="text-align: center;">   </div> | <h3 style="text-align: center;">Legend</h3> <ul style="list-style-type: none">  Subject Property  Fee Simple  Temporary Easement  Parcel  Road  Railway |
|---|--|---|