

Clause 32 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.

32  
Expropriation of Land  
53 Jacob Keffer Parkway  
City of Vaughan

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

1. Council authorize an application for approval to expropriate a fee simple interest in the lands set out in Attachment 1, for the construction of a Paramedic Response Station at 53 Jacob Keffer Parkway, 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approving authority, approve the expropriation of the lands provided there is no Hearing of Necessity requested and not withdrawn in accordance with the Act.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.

---

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

## 1. Recommendations

It is recommended that:

1. Council authorize an application for approval to expropriate a fee simple interest in the lands set out in Attachment 1, for the construction of a Paramedic Response Station at 53 Jacob Keffer Parkway, 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. Purpose

This report seeks Council approval for an application to expropriate property interests needed for the development of a paramedic response station in the southeast quadrant of Keele Street and Rutherford Road in the City of Vaughan, as shown on the map in Attachment 2.

This report further seeks Council approval to expropriate any of the lands for which no Hearing of Necessity is requested and not subsequently withdrawn by

Expropriation of Land  
53 Jacob Keffer Parkway  
City of Vaughan

the owner, and that have not otherwise been acquired by the Region through ongoing negotiations.

### 3. Background

The 10-year Paramedic Services Resources and Facilities Master Plan identifies optimal paramedic response station locations

In [September 2012](#), Council approved the 10-year Paramedic Services Resources and Facilities Master Plan (the Master Plan). The Region created the Master Plan in response to increasing demand for paramedic services. It allocates personnel, vehicles and stations for the Region to maintain service levels and meet performance time standards. The capital plan component was constructed using range-cover modeling (lowest capital cost to best incident coverage) to identify the exact number and location of paramedic response stations. The modelling ensured that responding vehicles from any location are within a given travel time in 95 per cent of all cases Region-wide.

From the completed range cover analysis, the consultant identified five new replacement sites and seven new growth related sites. One of the growth related sites corresponds to this recommended land purchase. The resulting capital component of the Master Plan achieves a range cover of 10 minutes or less in 97 per cent of incidents Region-wide.

The Master Plan identified need for a paramedic response station to service the southeast area of Vaughan known as Maple

The Master Plan identified areas focused along Highway 7 and Rutherford Road east of Highway 400 to Keele Street, as the preferred location for a new paramedic response station. The area is characterized by employment lands with significant areas of industrial development land. The area is currently serviced by two stations located in Woodbridge.

As indicated in the modelling, ongoing development in the City of Vaughan is anticipated to result in increased call volumes. Development of a new station in this area is required to ensure that Council's approved Response Time Performance Plan targets are met.

Expropriation of Land  
53 Jacob Keffer Parkway  
City of Vaughan

Site requirements for a four bay paramedic response station are approximately one acre in size

Four bay paramedic response stations require approximately one acre of land to facilitate vehicle circulation and drive-through bays. Road frontages, site depth and lot configurations can impact the building position and site layout which in turn impact response time.

The search was difficult due to limited land supply and high property values in Maple

An expanded search for a suitable property has been ongoing for three years. Twenty Six (26) potential sites were reviewed by the consulting firm and staff to ensure compatibility with existing and future locations. Factors such as a lack of servicing, inability to sever, unsupportive land use policies and land values outside of the Region's budget parameters prevented a successful acquisition.

A suitable property was located in the east Maple community of Vaughan

The proposed replacement site is the subject property at 53 Jacob Keffer Parkway east of Keele Street and south of Rutherford Road. This vacant property is somewhat irregular in shape and contains an area of 0.90 acres (3,627.0282 square metres) with a road frontage of 154.33 feet (47.039 metres). The neighbourhood is predominantly composed of industrial buildings south of Rutherford Road from Keele Street to the GO station and rail line at the east limit.

The Maple community is highly urbanized with limited available developable land. The area is undergoing various stages of development and redevelopment to high-density residential, and multi-storey commercial office and retail uses. As a result, there is a lack of both available sites and sites that meet budget constraints.

Along minor collector roads, parcels are often too small, require land assembly and are more appealing for higher density uses. Vacant land rates along arterial corridors are greater than the subject property value.

In consideration of these factors, there are limited opportunities for the Region to obtain suitable land in the vicinity. The acquisition of the proposed site represents a good opportunity for the Region.

Staff has confirmed that the site is well-suited for a four-bay paramedic response station

The Master Plan classifies the site as a “good” location, which will provide a high level of service and meet performance time standards.

The Region’s consulting architect confirmed that the site could accommodate a tandem four-bay station that would meet the Region’s requirements.

#### 4. Analysis and Implications

Negotiations with the property owner are ongoing

Property requirements for the construction of a Paramedic Response Station at 53 Jacob Keffer Parkway will require the fee simple interest of the entire property. Upon development of the facility, there will be no surplus land on the site.

Staff has initiated discussions with the property owner to acquire the property. The owner has listed the property for over a year based on a prospective purchaser or user entering into a design-build or build-to-suit agreement with the owner.

In accordance with the Region’s land acquisition policy, two independent real estate appraisers were engaged to provide individual market value appraisals and provide the basis for the Region’s purchase offer. The property owner countered the Region’s offer at an amount considerably higher than the values indicated by the two appraisals.

Initiating the expropriation process now will allow access to the lands and timely delivery of the required Paramedic Response Station

The preferred approach to obtaining land is to negotiate a transaction with the property owner. However, in this instance the owner is not in agreement with the terms of the agreement and is not willing to negotiate. Expropriation is necessary to ensure timely possession of lands.

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

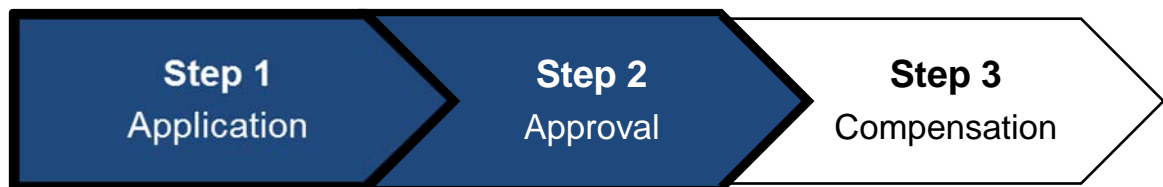
Staff will continue to negotiate an agreement of purchase and sale for the required interests along with the expropriation process, until an expropriation plan has been registered.

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 lands, the expropriation itself, and the offer of compensation to the former owner of the lands for losses suffered as a consequence of the expropriation.

In an effort to ensure possession of the lands to meet the construction schedule, the first and second steps in the Council approval process have been combined for this report, as indicated in the graphic 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 the owner is served an offer of compensation.

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



The owner has 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, an 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 in achieving 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 with an opinion as to whether the taking is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority, including an explanation for the Inquiry Officer's findings.

Expropriation of Land  
53 Jacob Keffer Parkway  
City of Vaughan

Registration of an expropriation plan will secure ownership of the lands by the Region

In the event of a Hearing of Necessity, staff will report to Council on the Inquiry Officer's findings, and make recommendations whether expropriation of the lands should proceed. If a Hearing of Necessity is not requested, an expropriation plan will be registered at the Land Registry Office within three months of Council granting approval of a by-law to proceed with the expropriation.

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

Following the registration of the expropriation plan, the notice of expropriation and possession will be served on the owner. Under the *Act*, possession of the lands 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 owner to obtain possession.

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

A Phase One Environmental Site Assessment (ESA) will be performed to assess the potential environmental condition of the lands. Based on the results of the Phase One ESA, a Phase Two ESA may be required to confirm the presence or absence of environmental impacts identified in the Phase One ESA.

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.

## 5. Financial Considerations

This acquisition is included in the approved 2019 Paramedic Services Capital budget.

Expropriation of Land  
53 Jacob Keffer Parkway  
City of Vaughan

## 6. Local Municipal Impact

The construction of the replacement station will support increasing demand by ensuring optimal response time performance and resource allocation. The station will also support forecasted Regional growth established by the *Places to Grow Act* and reflected in the Regional Official Plan.

## 7. Conclusion

The Maple area of Vaughan is currently serviced by the Woodbridge and Vaughan-Racco stations. Development in the City of Vaughan is anticipated to result in increased call volumes. Development of a new station in this area is required to ensure that Council's approved Response Time Performance Plan targets are met.

A three year search to acquire a suitable vacant parcel of land in the subject area has resulted in the subject site. Negotiations with the property owner to date have not been successful.

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

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)

eDOCS #8801455

Accessible formats or communication supports are available upon request



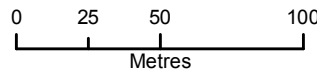
**Property Schedule  
Expropriation of Land  
53 Jacob Keffer Parkway  
City of Vaughan**

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
1.	J-Park Holdings Limited	53 Jacob Keffer Parkway Vaughan	Lot 4, Plan 65M2795	Fee Simple




**Location Plan**

Expropriation of Land  
 53 Jacob Keffer Parkway  
 City of Vaughan  
 September 6, 2018



**Legend**

-  Subject Property
-  Interest Required
-  Parcel
-  Road



Produced by:  
 The Regional Municipality of York  
 Property Services, Corporate Services  
 July 2018

Data: © Queen's Printer for Ontario 2003-2018

Imagery:  
 See York.ca for disclaimer information.  
 © First Base Solutions Inc. 2016