

Clause 18 in Report No. 16 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on November 16, 2017.

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Compensation for Expropriation
Yonge Street from Davis Drive to Green Lane
Town of Newmarket and Town of East Gwillimbury

Committee of the Whole recommends adoption of the following recommendation contained in the report dated October 26, 2017 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 Town of Newmarket and the Town of East Gwillimbury, as set out in Attachment 1, which were acquired in accordance with the *Expropriations Act* (the “Act”).

Report dated October 26, 2017 from the Commissioner of Corporate Services now follows:

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 Town of Newmarket and the Town of East Gwillimbury, 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 *Expropriations Act* to owners whose lands have been expropriated for the Yonge Street road widening project from Davis Drive in the Town of

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Newmarket to Green Lane in the Town of East Gwillimbury. The locations of the properties are shown on Attachment 2.

Private Attachment 1 to this report will be considered in private session as it relates to the acquisition of land by the Region.

3. Background and Previous Council Direction

An Environmental Assessment was completed in 2008

An Environmental Assessment (EA) was completed in 2008 as part of the vivaNext bus rapid transit project on Yonge Street, with the portion of Yonge Street north of Davis Drive in Newmarket being managed by Transportation Services. The EA recommended the widening of Yonge Street from four to six lanes with provisions for off street cycling and protection for future Viva Rapid Transit from Davis Drive to Green Lane.

Land acquisition negotiations continue so utility relocations can begin by the end of 2017

Staff is negotiating with property owners to obtain the required lands by the end of 2017 to facilitate utility relocations. Pursuing the required lands through the expropriation process while land negotiations are underway provides certainty that construction will proceed on schedule.

Council previously approved expropriations for the project

In [November 2015](#), [June 2016](#), [November 2016](#), and [September 2017](#), Council had authorized expropriations at various stages for 26 property owners. The expropriation process was completed for 16 of the affected owners, and the remainder were obtained through negotiated agreements or dedications through development approvals. The remaining two properties are the subject of this report.

This report seeks Council authorization to serve offers of compensation

This report requests Council authorization to issue offers of compensation to the two remaining owners that the Region requires land from for the project. This is the third of three steps in the Council approval process for property expropriation, as indicated in Figure 1 below.

Figure 1
Step 3 - Compensation



4. Analysis and Implications

The acquisition and expropriation process for the project has been completed for all but two properties

The properties that are the subject of this report are located across from one another on Yonge Street. Due to several issues regarding the alignment of the respective driveways, design changes were warranted which led to the design of a new 4-way intersection. Addressing the design during the acquisition and expropriation processes led to the two properties taking on a different timeline for possession, relative to other land requirements for the project. The timing of acquiring the subject lands through expropriation will not affect the construction schedule for the project.

Independent appraisal reports provide the value which forms the basis of the offers

Independent appraisals were commissioned to provide the offers of compensation. 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. 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 is an offer to pay the owner the market value of the lands expropriated, but permits the owner to make a future claim for additional compensation in accordance with the *Act*.

Environmental due diligence has been undertaken

As part of the environmental due diligence process, a Contaminant Overview Study was completed for the corridor to identify potential environmental concerns. Phase One and Two environmental site assessments (ESA) have been completed, and no further action is required.

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The Region acquired title to the lands when the expropriation plans were registered at the Land Registry Office. Although the Region has ownership, possession is only obtained after the owner has been served with an offer of compensation. The owners are being served with a possession notice in September 2017, with a possession date of December 21, 2017.

5. Financial Considerations

The 2017 Capital Budget for Transportation Services, Capital Delivery – Roads contains the funding required to complete the property acquisition for this project.

6. Local Municipal Impact

The widening of Yonge Street in the Town of Newmarket and the Town of East Gwillimbury will improve road capacity for the travelling public.

Regional staff is also working together with Town of Newmarket staff to complete the design for new signalized intersections to Upper Canada Mall and Canadian Tire from Yonge Street, as envisioned in the Town of Newmarket's "Urban Centre Secondary Plan". These new intersections will create greater connectivity of the road network, which will support future growth of the Town of Newmarket and the Town of East Gwillimbury.

7. Conclusion

In September 2016, the Region registered expropriation plans to acquire the lands required for the Yonge Street road widening project, from Davis Drive to Green Lane. The *Expropriations Act* requires the Region to serve offers of compensation on expropriated owners before obtaining possession. Offers are based on appraisals provided by independent appraisers commissioned by the Region. It is recommended the offers set out in these appraisals 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.

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The Senior Management Group has reviewed this report.

October 26, 2017

Attachments (2)

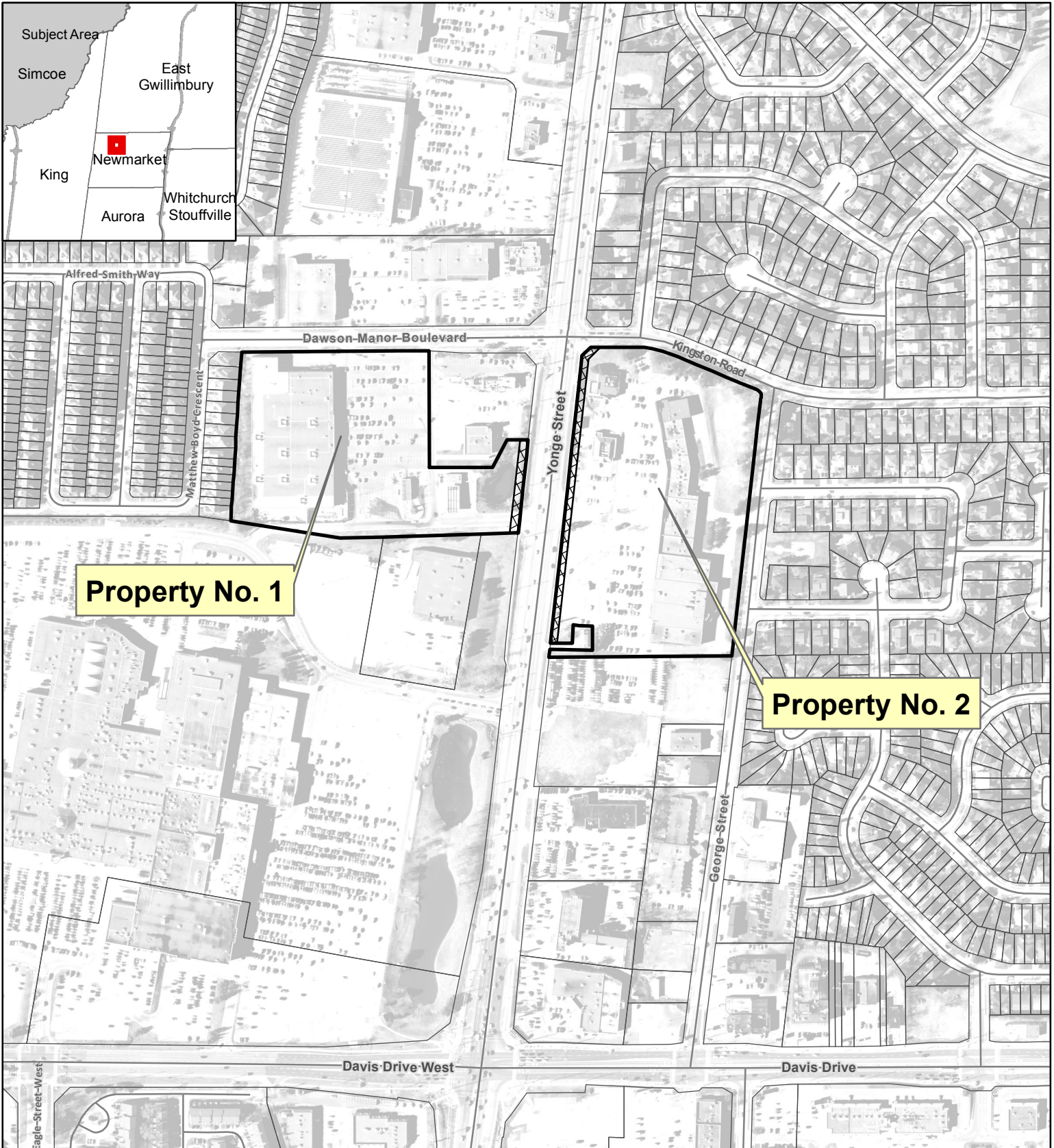
Private Attachments (1)

eDOCS# 7964064

Accessible formats or communication supports are available upon request

**Property Schedule
 Compensation for Expropriation
 Yonge Street from Davis Drive to Green Lane
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No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Canadian Tire Corporation, Limited	17750 Yonge Street Newmarket	Part 1 Plan YR2548006 In Land Titles Part 2 Plan R756232 In Land Registry	Fee Simple
2.	Yonge-Kingston Centre Inc.	17725 Yonge Street Newmarket	Parts 1, 2, 3, Plan YR2547033	Fee Simple






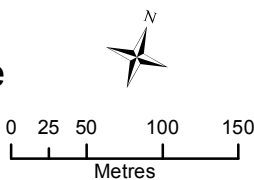
Property No. 1


Property No. 2

Location Plan
 Compensation for Expropriation
 Yonge Street from
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Legend

-  Subject Property
-  Interest Required
-  Parcel
-  Road




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