

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 21, 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 August 23, 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").

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Report dated August 23, 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 *Act* to owners whose lands have been expropriated for the Yonge Street road widening project from Davis Drive in the Town of Newmarket to

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Green Lane in the Town of East Gwillimbury. The location of the properties is shown on the map in 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 was completed in 2008 as part of the vivaNext bus rapid transit project on Yonge Street. It recommended the widening of Yonge Street from four to six lanes with provision for off street biking and protection for future Viva Rapid Transit from Davis Drive in Newmarket to Green Lane in East Gwillimbury.

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

Possession of the lands is required by the end of 2017 for utility relocations to be completed before planned road construction in 2020.

Staff is negotiating with property owners to obtain the required lands. Pursuing the required properties through the expropriation process during negotiations provides certainty that construction will proceed on schedule.

Council previously approved the Application for Approval to Expropriate and the Approval to Expropriate

In [November 2015](#), Council authorized an application for approval to expropriate land from 26 property owners. The Notice of Application for Approval to Expropriate was served April 22, 2016. Upon receipt of the notice, each owner had 30 days to request an inquiry (Hearing of Necessity) as to whether the taking of the land by the Region was fair, sound and reasonably necessary. The Region received a request for a Hearing of Necessity from one property owner (Rionew) within the 30 days.

In [June 2016](#), Council approved the expropriation of land from 24 of the original 26 property owners. One property was no longer required because the required construction was completed as part of the vivaNext bus transit project along Davis Drive. The property owner who requested the Hearing of Necessity (Rionew) was removed from the June Council approval to allow the other properties to proceed while this property is addressed separately.

Rionew withdrew its request for a Hearing of Necessity as a result of consultations with staff, and in [November 2016](#), Council approved the expropriation of land from Rionew.

This report seeks Council authorization to serve offers of compensation

This report requests Council authorization to issue offers of compensation to 16 of the 25 owners that the Region requires land from for the project. Three amicable transactions have closed and these three property owners have been removed from the expropriation process. The expropriation process is currently not proceeding for the remaining six properties.

This is step 3 in the Council approval process for property expropriation, as indicated below.



#### 4. Analysis and Implications

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 environmental site assessments (ESAs) have been

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completed and based on the results of the Phase One ESAs, Phase Two ESAs are under way to complete additional environmental testing at specified locations. Staff will review these results in consultation with Legal Services. Once possession has been obtained, further environmental work will be performed to ascertain its condition, and a report will be made to Council if required.

Possession of the expropriated lands will be obtained on the date set out in the Notice of Possession, after the offers have been served

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 were served with notices of expropriation and possession, with possession as of October 16, 2017 and, the Region must make an offer of compensation to the owner to obtain possession of the expropriated lands.

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.

Town of Newmarket and Regional staff are also working together to complete the design for new intersections to Upper Canada Mall and Canadian Tire, as envisioned in the Town of Newmarket's "Urban Centre Secondary Plan".

7. Conclusion

In September 2016, the Region registered expropriation plans to acquire the lands required for the Yonge Street project, from Davis Drive to Green Lane. The *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*.

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

The Senior Management Group has reviewed this report.

August 23, 2017

Attachments (2)

Private Attachments (1)

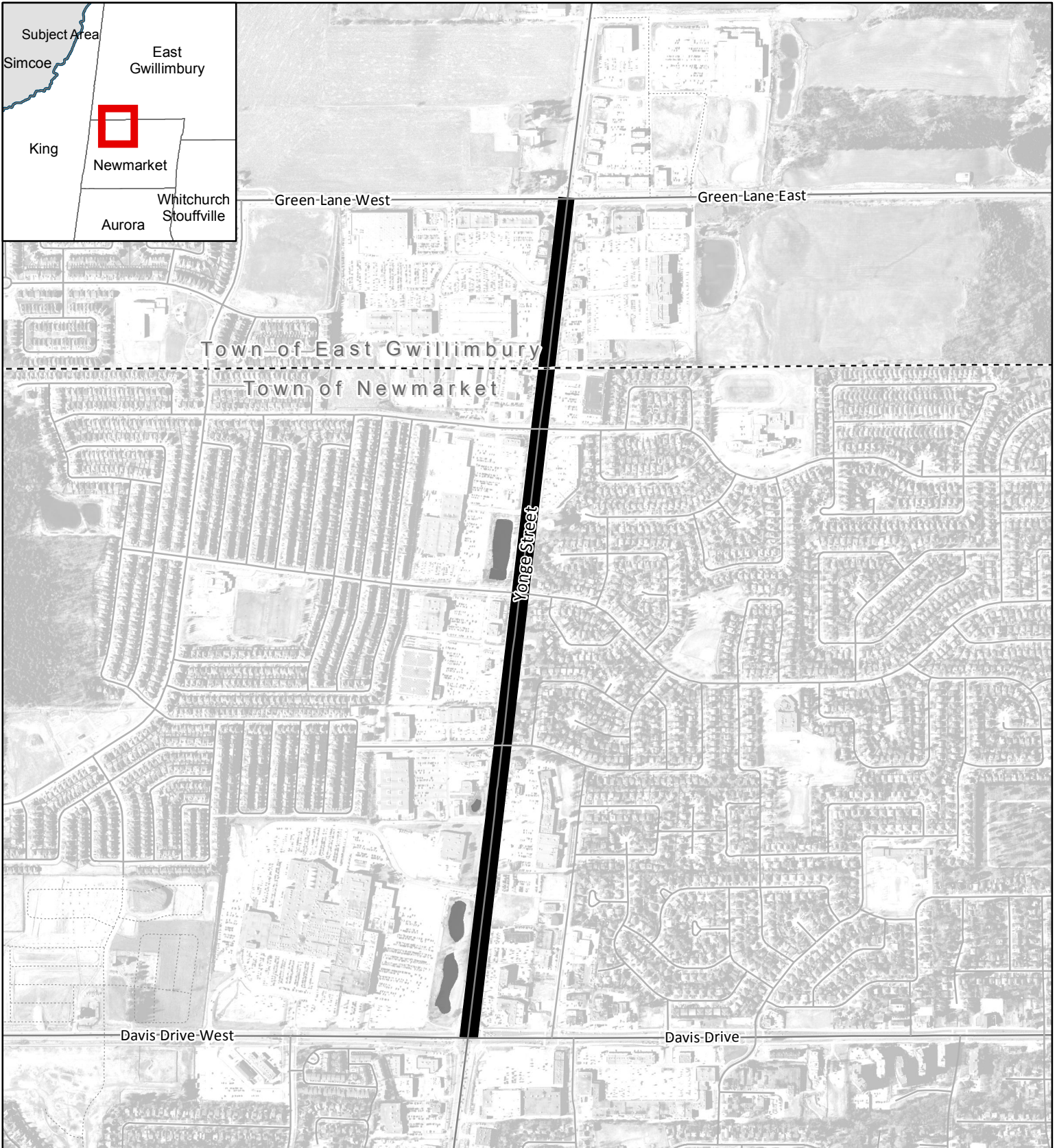
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Accessible formats or communication supports are available upon request

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

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
1.	Home Depot Holdings Inc.	17850 Yonge Street Newmarket	Part 1, Plan YR2546904	Fee Simple
2.	Yulee Developments Inc.	17860, 17940, 18040, 18080, & 18090 Yonge Street Newmarket	Parts 1, 2, 3, Plan YR2547042	Fee Simple
			Parts 1, 2, 3, Plan YR2546959	Fee Simple
			Parts 1, 2, 3, 4, 5, Plan YR2547454	Fee Simple
3.	CP REIT Ontario Properties Limited	18120 Yonge Street East Gwillimbury	Part 1, Plan YR2546871	Fee Simple
4.	Lee-Mar Developments Limited	18154 Yonge Street East Gwillimbury	Parts 1, 2 Plan YR2546896	Fee Simple
5.	Riotrin Properties (Newmarket) Inc.	18126 Yonge Street East Gwillimbury	Parts 1, 2, 3, Plan YR2547083	Fee Simple
6.	Antonio Desciscio Franca Desciscio	194 Lancaster Avenue Newmarket	Part 1, Plan YR2546946	Fee Simple
7.	Tarun Suri Bo Min Gong	196 Lancaster Avenue Newmarket	Part 1, Plan YR2547148	Fee Simple
8.	Wrock & Son Construction Limited	200 Lancaster Avenue & 17837 Yonge Street Newmarket	Parts 1, 2, 3, 4, 5, Plan YR2546932	Fee Simple

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
9.	572112 Ontario Limited	17837 Yonge Street Newmarket	Part 1, Plan YR2547197	Fee Simple
10.	Heino Mineur Barbara Mineur	17845 Yonge Street Newmarket	Part 1, Plan YR2546943	Fee Simple
11.	Lily Sook Ping Lee	17859 Yonge Street Newmarket	Part 1, Plan YR2547045	Fee Simple
12.	NNV Holdings Inc.	17867 Yonge Street Newmarket	Part 1, Plan YR2546906	Fee Simple
13.	Sheppard Avenue Inc.	18075 Yonge Street Newmarket	Parts 1, 2, 3, 4, Plan YR2546921	Fee Simple
14.	Fetlar Holdings Limited Fetlar Holdings Ltd.	18187 Yonge Street East Gwillimbury	Parts 1, 2, Plan YR2547451	Fee Simple
15.	Heatherwoods Development Corporation	Lands adjoining 13 Kingston Road, and other properties Newmarket	Parts 1, 2, 3, 4, 5, 6, Plan YR2546986	Fee Simple
			Part 1, Plan YR2546885	Fee Simple
16.	Rionew Holdings Inc.	17810, 17820, & 17830 Yonge Street Newmarket	Parts 1, 2 Plan YR2594369	Fee Simple

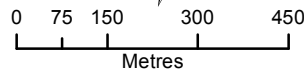


**Location Plan**  
 Compensation for Expropriation  
 Yonge Street from Davis Drive to Green Lane  
 Town of Newmarket and  
 Town of East Gwillimbury  
 September 7, 2017




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 Property Services, Corporate Services  
 August 2017

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**Legend**

-  Project Limit
-  Municipal Boundary
-  Road