

Clause 24 in Report No. 9 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on May 17, 2018.

24

Compensation for Expropriation
Viva Bus Rapid Transit Corridor
Highway 7 West, Centre Street and Bathurst Street
City of Vaughan

Committee of the Whole recommends adoption of the following recommendation contained in the report dated April 26, 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”).

Report dated April 26, 2018 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 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 on Highway 7 West, Centre Street and Bathurst Street, in the City of Vaughan, for the vivaNext bus rapid transit corridor. The location of the properties is shown in the maps in Attachments 2, 3 and 4.

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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 Region is constructing dedicated bus rapid transit lanes for vivaNext along Highway 7 West, Centre Street and Bathurst Street in Vaughan

York Region Rapid Transit Corporation (YRRTC) is undertaking improvements to facilitate public transit along Highway 7 West, Centre Street and Bathurst Street by constructing dedicated centre lanes for Viva buses, along with enhanced street features and boulevards. The project as a whole is referred to as vivaNext, with this section of the project consisting of lands on Highway 7 West, Centre Street and Bathurst Street, in the City of Vaughan. Construction is underway and is scheduled to be completed in December 2019.

The final design requires additional lands to be acquired for construction to be completed

Council approved the expropriation of multiple properties on Highway 7 West, Centre Street and Bathurst Street in [January 2015](#), [March 2015](#) and [October 2015](#). In 2016, the corridor was extended west on Highway 7 West to Bruce Street and Council approved the expropriation of additional properties in [March 2016](#). The approvals secured fee simple lands, permanent easements and temporary easements. To date, 113 properties have been affected by this portion of the vivaNext project.

This is a design build project and the drawings have now been finalized. The design requires additional fee simple, permanent easement and temporary easement interests.

This report is for the third of the three steps in the Council approval process for expropriations

In [November 2017](#), Council authorized the application for approval to expropriate interests from an additional 14 properties, followed by the expropriation of the properties provided no Hearing of Necessity is requested. One of the 14 properties is the subject of a future Council report, one is no longer required and

two have been acquired by negotiated agreements. The remaining 10 properties are the subject of this report.

This report is for the third and final step in the expropriation approval process for the 10 property requirements that have been expropriated. Figure 1 below summarizes the three steps in the process for obtaining approval by Council for expropriation. Upon approval by Council of this step, completion of the process will involve the Region serving offers of compensation to expropriated owners and obtaining possession of the land requirements.

Figure 1
Council Approval Steps



4. Analysis and Implications

Possession of the expropriated lands will be obtained after serving the offers of compensation

The Region acquires ownership of lands when the expropriation plans are registered at the Land Registry Office. In accordance with the *Act*, the Region cannot obtain possession until a minimum of three months after notifying an owner that the expropriation plan has been registered. In addition, it is necessary to make offers of compensation to owners in order to obtain possession of the expropriated lands. Possession for eight of the 10 properties is expected to be in June 2018 while possession of the remaining two properties is expected to take place no later than the end of September 2018.

Independent reports support the compensation that forms the basis of offers

Independent consultants were commissioned to provide estimate reports of compensation. The reports include appraisals of market value for the lands expropriated and, if applicable, estimates of compensation for damages. Such

damages may include loss of improvements (such as landscaping or parking) and injurious affection (the loss of value to the lands retained by the owner).

To ensure there are no delays to the project, and to avoid interest penalties in the event that offers are not served within three months of registering the expropriation plan in accordance with the *Act*, compensation estimates are based on appraisals that had not been submitted in final form at the time of writing of this report. Offers of compensation will be based on the final appraisal estimates.

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 is underway on the lands

Environmental due diligence is underway. The results will be reviewed by staff in consultation with Legal Services. In the event any environmental concerns are identified with the lands, appropriate action will be taken to minimize potential exposure to the Region. Any significant issues will be reported back to Council, if necessary.

5. Financial Considerations

The funding for the property acquisition is included in the 2018 YRRTC Capital Budget. The project is funded by the Province, via the Metrolinx Master Agreement.

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6. Local Municipal Impact

The construction of dedicated bus lanes and related facilities, as well as road and intersection improvements is critical to achieving the Region's vision for the project. Additionally, upon completion, this project will improve public transit services and the streetscape on Highway 7 West, Centre Street and Bathurst Street in the City of Vaughan.

7. Conclusion

In February 2018, Council approved the expropriation of property interests on Highway 7 West, Centre Street and Bathurst Street in the City of Vaughan, which provides for the registration of the expropriation plan and serving notices of expropriation to the owner. Originally, 14 land interests were identified, with 10 properties being the subject of this report.

The *Act* requires that an offer of compensation for expropriated land be served on each owner in order to obtain possession. The values of the offers are based on independently commissioned appraisals. 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 Branch at 1-877-464-9675 ext. 71684.

The Senior Management Group has reviewed this report.

April 26, 2018

Attachments (4)
Private Attachments (1)

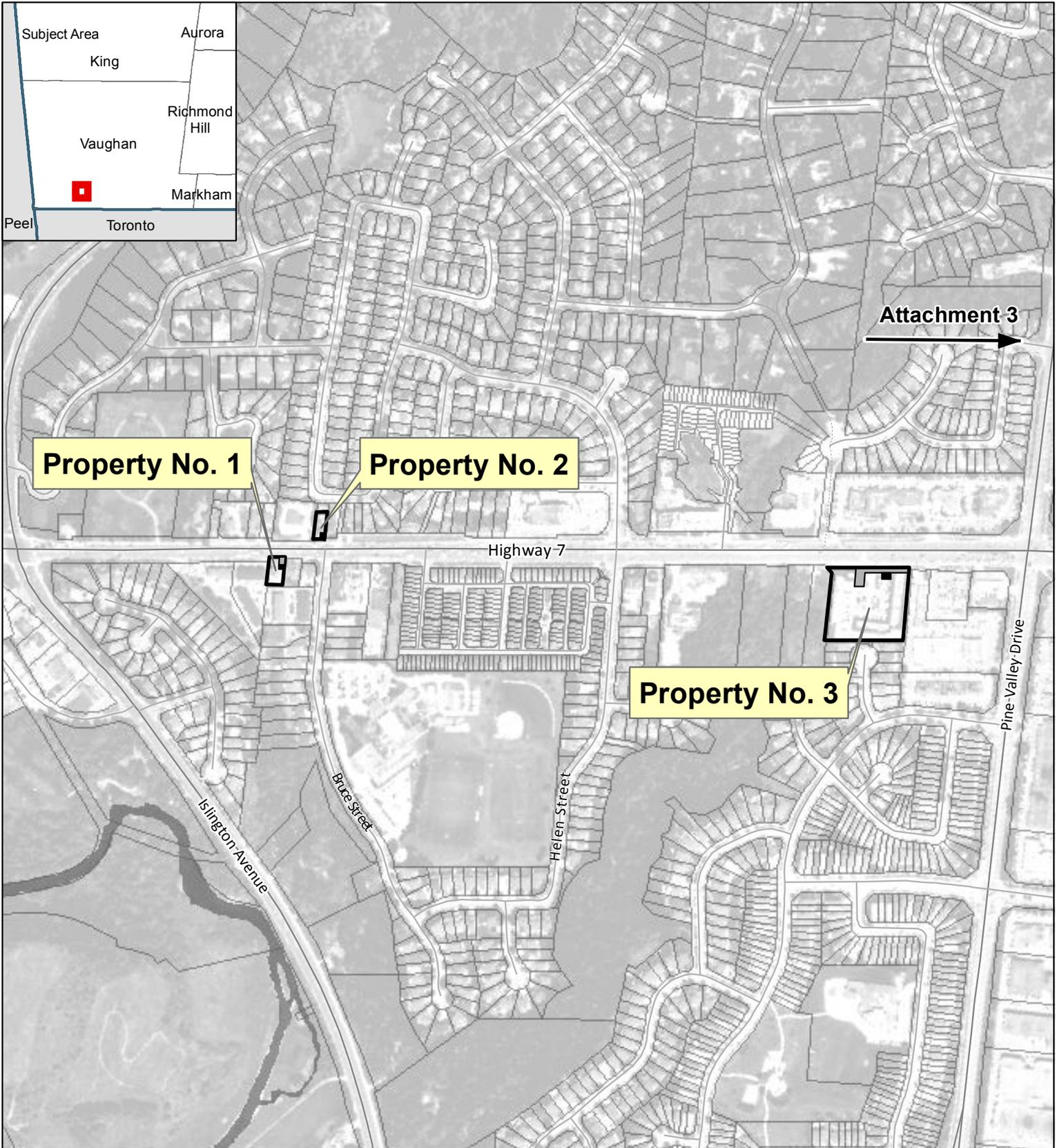
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Accessible formats or communication supports are available upon request

**Property Schedule
Compensation for Expropriation
Viva Bus Rapid Transit Corridor
Highway 7 West, Centre Street and Bathurst Street
City of Vaughan**

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Fortuna, Paul	4871 Highway 7 West Vaughan	Part 1, Plan YR2802019	Temporary Easement
2.	My Place on 7 Inc.	4850 Highway 7 West Vaughan	Part 1, Plan YR2802039	Permanent Easement
			Part 2, 3, Plan YR2802039	Temporary Easement
3.	Piazza Capri Inc.	4585 Highway 7 West Vaughan	Part 1, 2, Plan YR2802170	Temporary Easement
4.	Lee-Mar Developments Limited	4030 Highway 7 West Vaughan	Part 1 Plan YR2802211	Temporary Easement
5.	200 Whitmore Limited	200 Whitmore Road Vaughan	Part 1, Plan YR2802156	Temporary Easement
6.	Suncor Energy Inc.	3733 Highway 7 West Vaughan	Part 1, Plan YR2801990	Temporary Easement
7.	Suncor Energy Inc.	1487 Centre Street Vaughan	Part 1, Plan YR2802010	Temporary Easement
8.	949988 Ontario Ltd.	1102 Centre Street Vaughan	Part 1, Plan 65R37383	Temporary Easement
9.	Riocan Holdings Inc.	1054 Centre Street Vaughan	Part 1, 2, Plan YR2802192	Temporary Easement
10.	8000 Bathurst Street Realty Inc.	8000 Bathurst Street Vaughan	Part 1, 2, Plan 65R37382	Temporary Easement
The permanent easements are required for the purpose of entering on the lands with all vehicles, machinery, workers and other material (I) to construct and maintain permanent municipal infrastructure which may include installation, maintenance,				

No.	Owner	Municipal Address	Legal Description	Interest Required
<p>relocation and/or removal of traffic turning loops and associated signalization equipment and controls, retaining walls, shoring and formwork and/or drainage, erosion or sediment control measures such as water mains and storm sewers; and (II) for construction purposes which may include (1) relocation of existing services and utilities, (2) staging and storage of materials and equipment, (3) geotech testing, borehole testing, and other investigative works, (4) removal, relocation and/or installation of signage, (5) hard and soft landscaping, paving, grading and reshaping the lands to the limit of the reconstruction of Highway 7 West, Centre Street and Bathurst Street, (6) the installation and removal of temporary (i) pedestrian access and walkways, (ii) parking measures including re-striping of aisles, lanes, and parking stalls, (iii) shoring and formwork, (iv) drainage and erosion/sediment control measures, (v) traffic signals, (vi) fencing, and (vii) handrails, and (7) works ancillary to any of the foregoing and necessary to the works to be performed in association with the purpose of implementing road and intersection improvements along Highway 7, Centre Street and Bathurst Street, including associated local roads, and to provide designated lanes for the vivaNext transit system and works ancillary thereto.</p> <p>The temporary easements for 4871 Highway 7 West and 4850 Highway 7 West in Vaughan will commence on registration of the expropriation plan and expire November 30, 2020.</p> <p>The temporary easements for the remaining properties will commence on registration of the expropriation plan and expire March 31, 2020.</p> <p>The temporary easements are required for the purpose of entering on the lands with all vehicles, machinery, workers 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 permanent takings, (3) staging and storage of materials and equipment, (4) geotech testing, borehole testing, and other investigative works, (5) removal, relocation and/or installation of signage, (6) hard and soft landscaping, paving, grading and reshaping the lands to the limit of the reconstruction of Highway 7 West, Centre Street and Bathurst Street, (7) the installation and removal of temporary (i) pedestrian access and walkways, (ii) parking measures including re-striping of aisles, lanes, and parking stalls, (iii) shoring and formwork, (iv) drainage and erosion/sediment control measures, (v) traffic signals, (vi) fencing, and (vii) handrails, and (8) works ancillary to any of the foregoing and necessary to the works to be performed in association with the purpose of implementing road and intersection improvements along Highway 7, Centre Street and Bathurst Street, including associated local roads, and to provide designated lands for the vivaNext transit system and works ancillary thereto.</p>				



Attachment 3

Property No. 1

Property No. 2

Property No. 3

Highway 7

Pine Valley Drive

Islington Avenue

Bruce Street

Helen Street

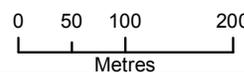


Location Plan
 Compensation for Expropriation
 Viva Bus Rapid Transit Corridor
 Highway 7 West, Centre Street
 and Bathurst Street
 City of Vaughan
 May 10, 2018

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

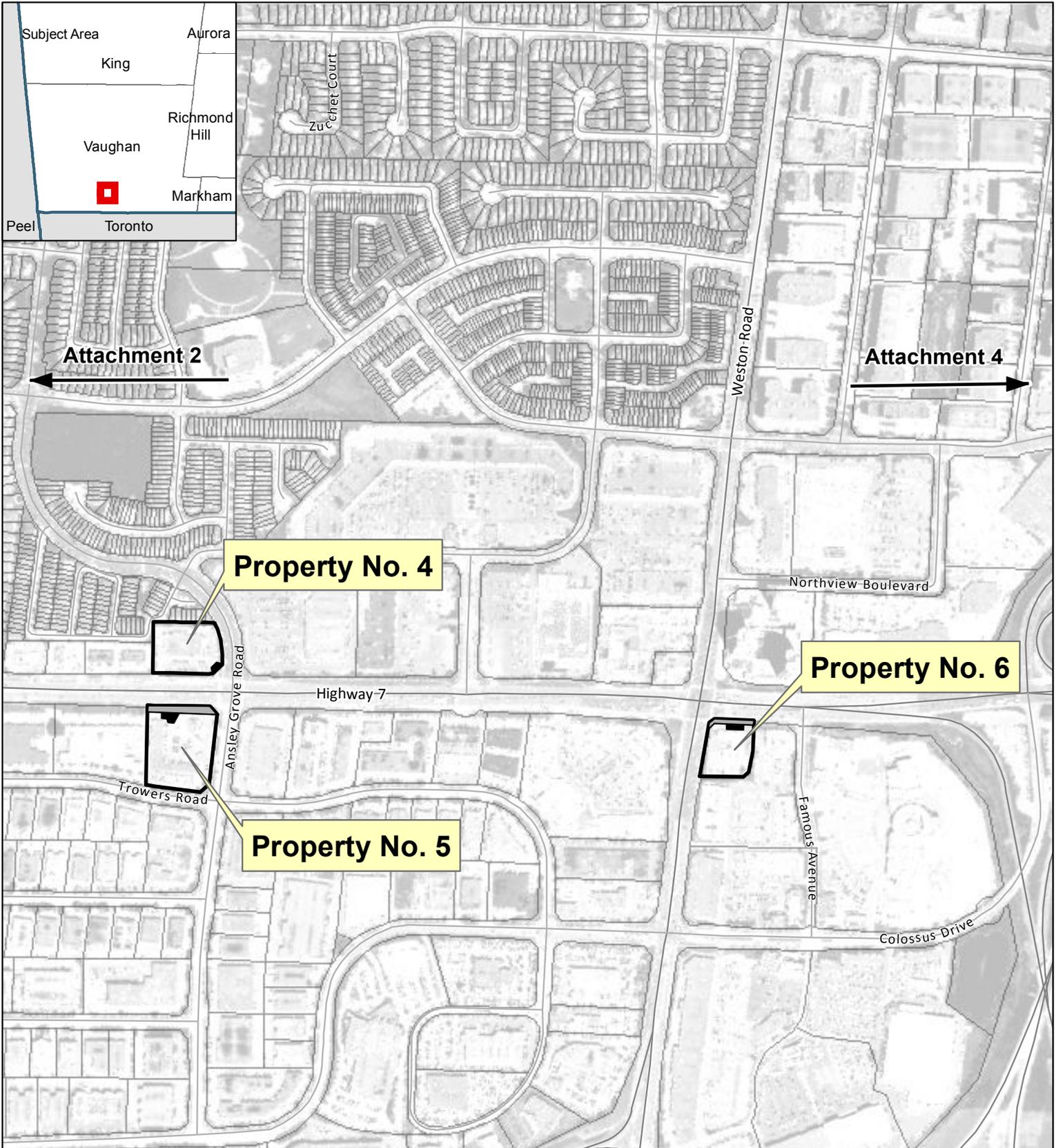
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Legend

- Subject Property
- Existing Regional Easement
- Interest Required
- Parcel
- Road
- Railway

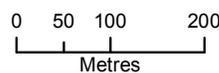


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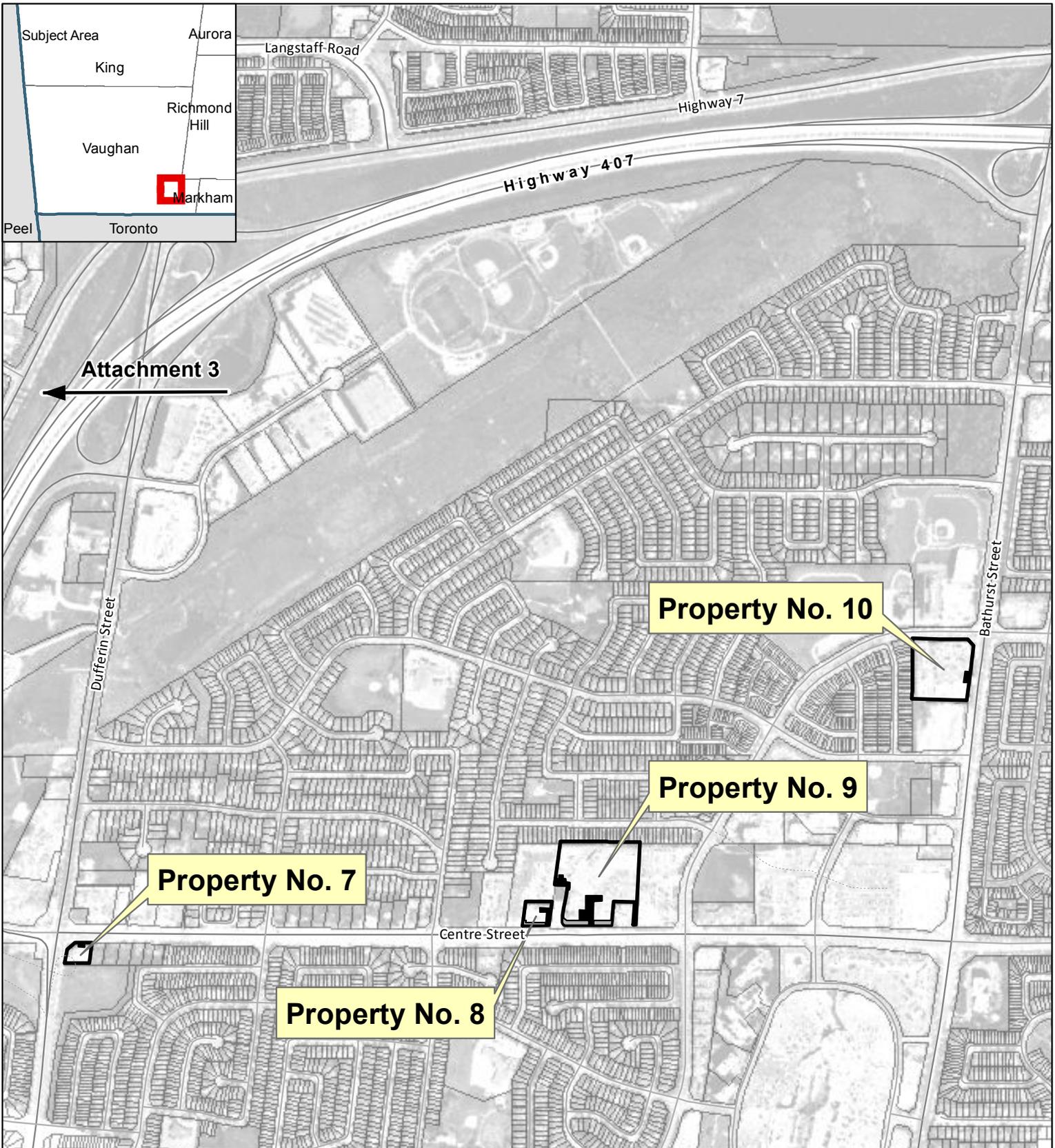
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Legend

- Subject Property
- Existing Regional Easement
- Interest Required
- Parcel
- Road



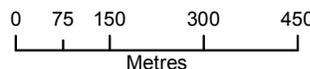
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- Subject Property
- Existing Regional Easement
- Interest Required
- Parcel
- Road