

Clause 12 in Report No. 5 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on March 24, 2016.

12

Approval to Expropriate  
Viva Bus Rapid Transit Corridor  
Highway 7 West, Pine Valley Drive to West of Bruce Street  
City of Vaughan

Committee of the Whole recommends adoption of the following recommendations contained in the report dated February 25, 2016 from the Commissioner of Corporate Services:

1. Council, as approving authority, approve the expropriation of the lands set out in Attachment 1, for the construction of the bus rapid transit corridor on Highway 7 West, Pine Valley Drive to west of Bruce Street in the City of Vaughan.
2. The Commissioner of Corporate Services be authorized to execute and serve any notices required under the Expropriations Act (the "Act").
3. Council authorize the introduction of the necessary bylaw to give effect to these recommendations.

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Report dated February 25, 2016 from the Commissioner of Corporate Services now follows:

1. Recommendations

It is recommended that:

1. Council, as approving authority, approve the expropriation of the lands set out in Attachment 1, for the construction of the bus rapid transit corridor on Highway 7 West, Pine Valley Drive to west of Bruce Street in the City of Vaughan.
2. The Commissioner of Corporate Services be authorized to execute and serve any notices required under the *Expropriations Act* (the "Act").

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City of Vaughan

3. Council authorize the introduction of the necessary bylaw to give effect to these recommendations.
  
2. Purpose

This report seeks Council approval, in accordance with the *Act*, to expropriate portions of land required for Highway 7 West from Pine Valley Drive to west of Bruce Street in the City of Vaughan, for the vivaNext bus rapid transit project. The locations of the required lands are shown in Attachments 2 and 3.

3. Background

The Region is constructing dedicated bus rapid transit lanes for vivaNext along Highway 7 West in Vaughan

York Region Rapid Transit Corporation (YRRTC) is undertaking improvements to facilitate public transit along Highway 7 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 from Bruce Street to Highway 400, Centre Street from Highway 7 West to Bathurst Street, and Bathurst Street from Centre Street to Highway 7 West.

In early 2015, the corridor was extended to include an additional 25 parcels. A total of 105 land requirements, with 80 of the land requirements already acquired, is needed to complete the project work in this section of Highway 7. The remaining properties to be acquired are located on Highway 7 West from Pine Valley Drive to west of Bruce Street. The contract to construct was awarded in September 2015 for this portion of Highway 7.

Possession of the lands is required by September 2016

In order to fulfill contract obligations related to construction of this portion of the corridor, possession of the additional lands is required by September 2016. The original 80 properties were obtained in 2015. Completion of this section of the corridor and the opening of the bus rapid transit lanes is anticipated for the end of 2020.

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In October 2015 Council authorized the initiation of the expropriation process for this section of Highway 7 West

In October 2015 Council authorized an application for approval to expropriate interests from 25 property owners. One property interest is no longer subject to expropriation and will be amicably negotiated while two properties will be the subject of a future report to Council. This reduces the land interests for approval in this report to 22 properties. Following Council approval, the Notice of Application for Approval to Expropriate was served on owners. The interests to be acquired include fee simple, temporary easements and permanent easements.

This is the second step in the Council approval process for property expropriation, as indicated in the graphic below. The purpose of this step is to obtain the approval to proceed with the expropriations by registering expropriation plans, which will vest ownership of the lands to the Region.



A Hearing of Necessity was not requested by any of the 22 owners served

Each owner had 30 days from the date the owner was served the Notice of Application for Approval to Expropriate Lands to request an inquiry (Hearing of Necessity) as to whether the taking of the lands by the Region is fair, sound and reasonably necessary. No requests for a Hearing of Necessity were received from any of the owners.

#### 4. Analysis and Options

Approval to expropriate will secure access to the lands by September 2016

Under the *Act*, the expropriating authority obtains title to the lands by registration of an expropriation plan. Once certain procedural steps are taken by the Region, possession of the lands will be obtained approximately three months after the expropriation plans are registered.

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Draft expropriation plans have been prepared for the 22 properties. Upon obtaining approval of the expropriation by Council, it is anticipated the plans will be registered in April 2016. Upon registration of the expropriation plans, notice of the expropriation and possession will be served upon the owners. Appraisals are anticipated to be completed in the first quarter of 2016. These will support offers of compensation to be made before the September 2016 possession.

Environmental due diligence is being undertaken, and recommendations were made for Phase II testing

A Phase I Environmental Site Assessment (ESA) has been completed by an independent environmental consulting firm, as part of the Region's due diligence process on each of the 22 properties. The environmental consultant has recommended that Phase II ESAs, involving soil and groundwater testing, be completed on two properties. Staff is currently negotiating agreements with owners to provide access to their lands to complete this testing.

The Region will assume ownership of these two properties even if access to the sites is not obtained, in which case the environmental condition will not be completely assessed. Staff will review and determine if suitable deductions from the offer of compensation is appropriate in order to account for potential issues. Subsequent to obtaining possession of these properties through the expropriation process, any remaining Phase II ESA work will be completed along with any required remediation plans to address issues identified during the Phase II ESA process. Upon completion of the review staff will negotiate the compensation for the settlement accordingly.

Link to key Council-approved plans

The proposed acquisition for the vivaNext project supports the objectives of Vision 2051, the Regional Official Plan and the 2015 to 2019 Strategic Plan.

One of the goal areas of Vision 2051 is Interconnected Systems for Mobility, which the project addresses by enhancing public transit. As well, the vivaNext project provides convenient and accessible transit service, in accordance with the Regional Official Plan. Another strategic objective identified in the Strategic Plan is the focus on networks and systems that connect people, goods and services.

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## 5. Financial Implications

The funding to complete the property acquisition is included in the 2016 YRRTC Capital Budget. The project is funded by the Province, via the Metrolinx Master Agreement.

Under section 25 of the *Act*, the Region is obligated to serve offers of compensation on owners within three months of registration of the expropriation plan.

The compensation payable to the owners will be based on independently commissioned appraisals.

## 6. Local Municipal Impact

The construction of dedicated bus lanes and related facilities, as well as road and intersection improvements, along Highway 7 West, Pine Valley Drive to west of Bruce Street is critical to achieving the vision for the Regional corridor.

Additionally, upon completion of construction, this project will improve public transit facilities and enrich the streetscapes in Vaughan to support the Region's goal for higher density mixed use transit-oriented development.

## 7. Conclusion

This report pertains to the approval to proceed to register the expropriation plan and serve notice of expropriation and possession upon the owners. The Region acquires title to the land when the expropriation plan is registered at the Land Registry Office. Registration is the next step toward possession of the lands which is required to facilitate construction of the bus rapid transit corridor.

In order to ensure timely possession of the land to commence construction it is recommended that Council approve the expropriation of the interest requirements.

For more information on this report, please contact Michael Shatil, Director, Property Service Branch at ext. 71684.

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City of Vaughan

The Senior Management Group has reviewed this report.

February 25, 2016

Attachments (3)

eDOCS #6602704

Accessible formats or communication supports are available upon request

**Property Schedule  
Approval to Expropriate  
Viva Bus Rapid Transit Corridor  
Highway 7 West, Pine Valley Drive to West of Bruce Street  
City of Vaughan**

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
1.	Hong Nhi Thach and Mong Dep Tran	4880 Highway 7 West Vaughan	Part 1, Plan 65R35830	Temporary Easement
2.	Trustees of the Woodbridge Congregation of Jehovah's Witnesses	4860 Highway 7 West Vaughan	Part 4, 5, 7, 8, 10, 11, Plan 65R35830	Fee Simple
			Part 2, 3, 6, 9, Plan 65R35830	Temporary Easement
3.	Clive Fraser and Jennifer Fraser	63 Benjamin Drive Vaughan	Part 2, Plan 65R35831	Fee Simple
			Part 1, Plan 65R35831	Temporary Easement
4.	Maria Bucci	57 Benjamin Drive Vaughan	Part 4, Plan 65R35831	Fee Simple
			Part 3, Plan 65R35831	Temporary Easement
5.	Teresa Camillone and Pasquale Camillone	51 Benjamin Drive Vaughan	Part 6, Plan 65R35831	Fee Simple
			Part 5, Plan 65R35831	Temporary Easement
6.	2410174 Ontario Inc.	4800 Highway 7 West Vaughan	Part 9, 10, Plan 65R35831	Fee Simple
			Part 8, Plan 65R35831	Permanent Easement
			Part 7, Plan 65R35831	Temporary Easement

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
7.	Samandar Safari Osqui and Atyhe Sadri Mahrabad	10 Wigwoss Drive Vaughan	Parts 3, 4, Plan 65R35910	Fee Simple
			Part 2, Plan 65R35910	Permanent Easement
			Part 1, Plan 65R35910	Temporary Easement
8.	YRSCC No. 1278	4700 Highway 7 West Vaughan	Parts 1, 2, 3, 4, 5, 6, Plan 65R35928	Temporary Easement
9.	Pebble Creek Developments Inc.	4650 Highway 7 West Vaughan	Parts 8, 12, Plan 65R35910	Fee Simple
			Parts 7, 9, 10, 11, Plan 65R35910	Temporary Easement
10.	YRSCC No. 1099	4620 Highway 7 West Vaughan	Part 14, Plan 65R35910	Fee Simple
			Part 13, Plan 65R35910	Temporary Easement
11.	Pine Valley (FGH) Inc.	4603 Highway 7 West Vaughan	Part 30, Plan 65R35869	Fee Simple
			Part 31, Plan 65R35869	Temporary Easement
12.	Pine Valley (FGH) Inc.	4611 Highway 7 West Vaughan	Part 26, 27, Plan 65R35869	Fee Simple
			Part 28, Plan 65R35869	Permanent Easement
			Part 29, Plan 65R35869	Temporary Easement

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
13.	Pine Valley (FGH) Inc.	Highway 7 West Vaughan	Part 22, 23, Plan 65R35869	Fee Simple
			Part 24, Plan 65R35869	Permanent Easement
			Part 25, Plan 65R35869	Temporary Easement
14.	Ward Funeral Home Limited	4671 Highway 7 West Vaughan	Part 12, 13, 17, 18, 19, Plan 65R35869	Fee Simple
			Part 14, 16, 20, Plan 65R35869	Permanent Easement
			Part 15, 21, Plan 65R35869	Temporary Easement
15.	Michelina Fulgenzi and Lelio Fulgenzi	4685 Highway 7 West Vaughan	Part 7, 8, Plan 65R35869	Fee Simple
			Part 9, Plan 65R35869	Permanent Easement
			Part 10, 11, Plan 65R35869	Temporary Easement
16.	1072795 Ontario Limited	4697 Highway 7 West Vaughan	Part 1, 2, 6, Plan 65R35869	Fee Simple
			Part 3, Plan 65R35869	Permanent Easement
			Part 4, 5, Plan 65R35869	Temporary Easement
17.	YRCECC No. 1160	John Frank Road Vaughan	Part 10 Plan 65R35832	Fee Simple for a Term of 5 Years
18.	YRCECC No. 1088	John Frank Road Vaughan	Part 11 Plan 65R35832	Fee Simple for a Term of 5 Years
19.	Jurij Kowal and Lionel Roberts	S/S Highway 7 West Vaughan	Part 9, Plan 65R35832	Temporary Easement

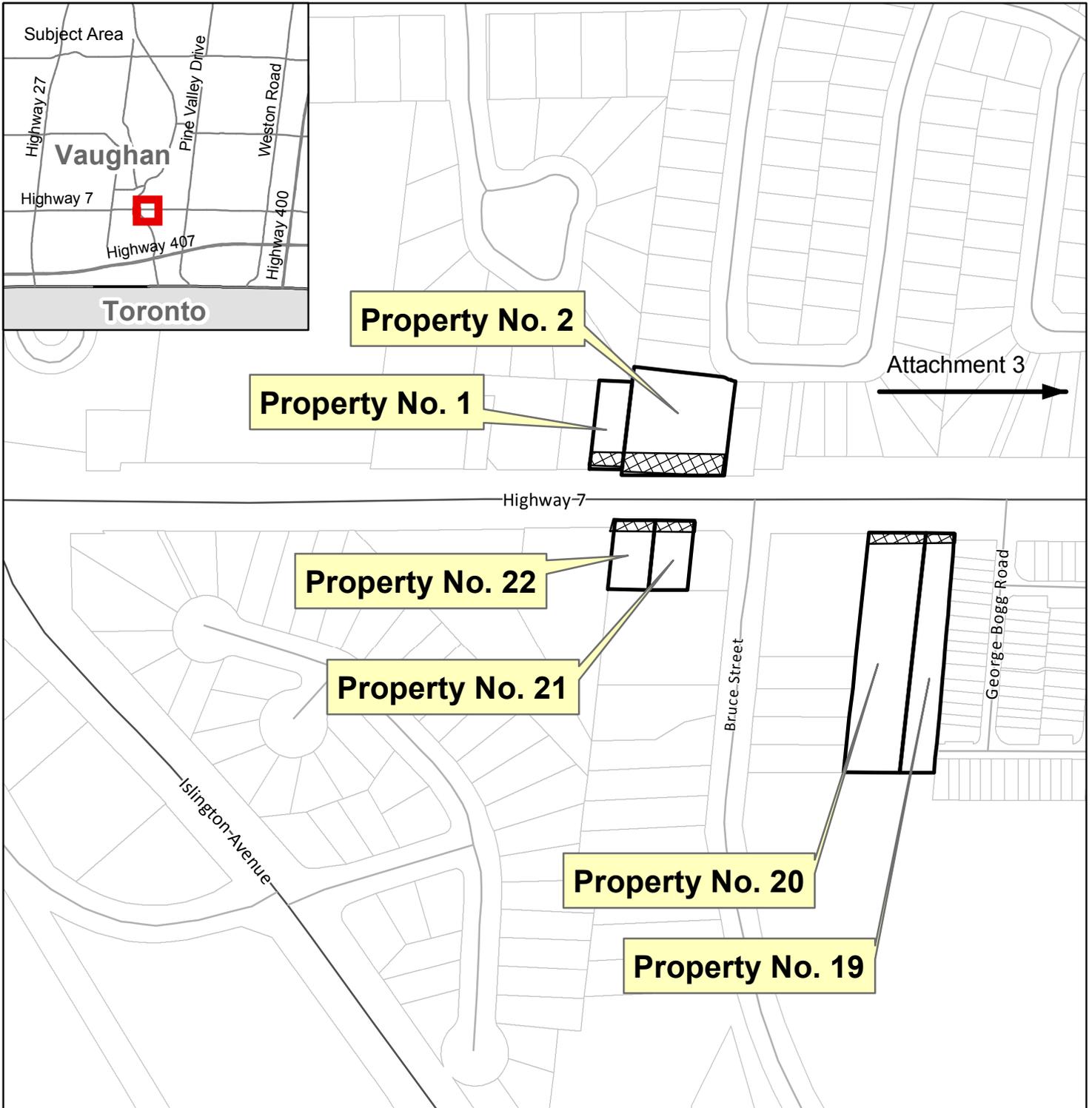
No.	Owner	Municipal Address	Legal Description	Interest Required
20.	Jirij Kowal, Lionel Roberts, Tony Pisegna and Laura Pisegna	4817 Highway 7 West Vaughan	Part 8, Plan 65R35832	Temporary Easement
21.	Julia Cesario and Paul Fortuna	4863 Highway 7 West Vaughan	Part 4, Plan 65R35832	Fee Simple
			Part 5, 6, Plan 65R35832	Temporary Easement
22.	Paul Fortuna	4871 Highway 7 West Vaughan	Part 1, Plan 65R35832	Fee Simple
			Part 2, 3, Plan 65R35832	Temporary Easement

The fee simple interest for a term of 5 years required is described as all right, title and interest for a term of 5 years for the municipal purpose of implementing road and intersection improvements along Highway 7, including associated local roads, and to provide designated lanes for the vivaNext transit system and works ancillary thereto.

The permanent easements required are described as a limited interest in perpetuity being a permanent easement or rights in the nature of a permanent easement in, under, over, along and upon and for municipal purposes including, but not limited to, entering on the lands with all vehicles, machinery, workmen and other material (i) to construct and maintain permanent municipal infrastructure which may include installation, maintenance, 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 watermains and storm sewers; and (ii) for construction purposes which may include, but are not limited to, (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 municipal road fronting the lands herein described, (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, including associated local roads, and to provide designated lanes for the vivaNext transit system and works ancillary thereto.

The temporary easements required are described as a temporary limited interest being a temporary easement or rights in the nature of a temporary easement for a term of five (5) years commencing on registration of the plan of expropriation in, under, over, along and upon and for municipal purposes including, but not limited to, entering on the lands with all vehicles,

No.	Owner	Municipal Address	Legal Description	Interest Required
<p>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 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 the municipal road fronting the lands herein described, (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, including associated local roads, and to provide designated lanes for the vivaNext transit system and works ancillary thereto.</p>				



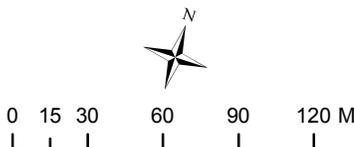
**LOCATION PLAN**

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Produced by:  
 The Regional Municipality of York  
 Property Services, Corporate Services  
 December 2015

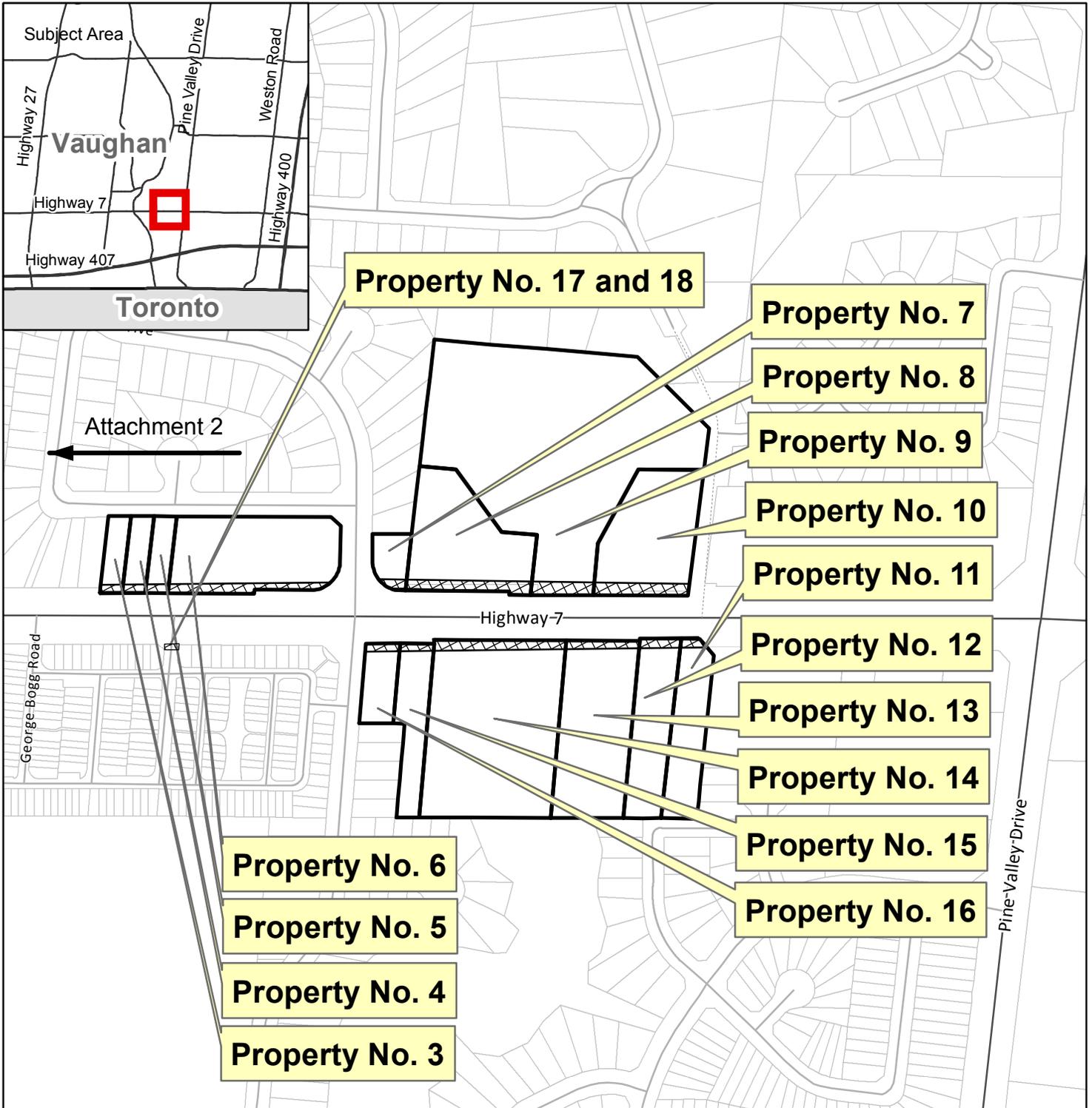
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**Legend**

-  Subject Properties
-  Interest Required
-  Parcel
-  Road



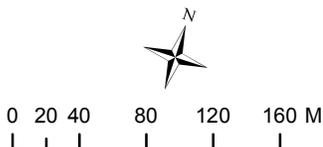
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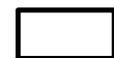
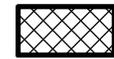
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