



Clause 9 in Report No. 14 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on September 24, 2015.

9

Compensation for Expropriation
Viva Bus Rapid Transit Corridor
9993 Yonge Street
Town of Richmond Hill

Committee of the Whole recommends adoption of the recommendations contained in the following report dated August 27, 2015 from the Commissioner of Corporate Services:

1. Recommendations

It is recommended that:

1. Council authorize the Commissioner of Corporate Services to make an offer of compensation to the owner of the following lands in the Town of Richmond Hill, which was acquired in accordance with the *Expropriations Act* (the “Act”).

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Northcore Holdings Inc.	9993 Yonge Street Richmond Hill	Parts 1 and 2, YR2345911	Fee Simple
The required fee simple interest is described as all right, title and interest for the municipal purpose of implementing road and intersection improvements along Yonge Street, including associated local roads, and to provide designated lanes for the vivaNext transit system and works ancillary thereto.				

2. Purpose

This report seeks Council approval to serve an offer of compensation under section 25 of the *Act* to the owner whose land has been expropriated for the

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Yonge Street vivaNext bus rapid transit project. The subject property is identified on the map in Attachment 1.

3. Background

The Region is constructing dedicated bus rapid transit lanes for vivaNext along Yonge Street in Richmond Hill

To facilitate public transit along Yonge Street, the Region, via York Region Rapid Transit Corporation (YRRTC), is undertaking improvements to the road infrastructure and the construction of dedicated centre lanes for Viva buses, along with enhanced street features and boulevards. The project as a whole is referred to as vivaNext, and the portion of the vivaNext project from Highway 7 to Major Mackenzie Drive on Yonge Street is referred to as Y2.1.

The property that is the subject of this report is located at the south east corner of Yonge Street and Major Mackenzie Drive, known municipally as 9993 Yonge Street. Attachment 2 highlights the impacted portions of the building improvements.

In June 2015, Council authorized the expropriation of a portion of the subject property

In June, 2015, Council authorized the expropriation of a fee simple interest from the subject property for road and intersection improvements on Yonge Street. The expropriation plan was registered August 27, 2015 and the appropriate notices were served upon the owner, in accordance with the Act.

This is Step 3 in the Council approval process for property expropriation as indicated in the graphic below.



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Staff has been communicating with the property owner throughout the expropriation process

Concurrent with the expropriation, staff has been in communication with the owner both to keep them apprised of the process and in an effort to obtain permission to enter agreements. Due to time constraints, it is necessary to proceed with the expropriation of the property concurrently with ongoing discussions in order to secure access to the lands in time for construction to commence.

The Town of Richmond Hill designated this property as being of historic or architectural value

The house at 9993 Yonge Street was built in 1869 and is known as the John Palmer Sr. house. The Town of Richmond Hill By-law 138-99 has designated the house, under part IV of the *Ontario Heritage Act*, R.S.O. 1990, as being of historic or architectural value. To date, the house has not been designated as a heritage property by the Province of Ontario.

Region staff is working closely with the Town of Richmond Hill, YRRTC and the property owner to ensure that the heritage status of the house is not compromised as a result of the Region's requirement.

4. Analysis and Options

An independent appraisal report has established the value which forms the basis of the offer

An independent appraiser was commissioned to provide an appraisal report that includes an estimate of market value for the lands expropriated and considers damages for lost improvements (such as landscaping or parking) and injurious affection (loss in value to the lands retained by the owner).

Section 25 of the *Act* requires the Region to offer the owner a choice of two options regarding compensation. The first offer is an offer of full compensation for the market value of the lands expropriated and any damages for lost 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 an offer 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 lost

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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*.

Possession of expropriated lands cannot be obtained until offers have been served

The Region acquired title to the lands when the expropriation plan was registered at the Land Registry Office. Although ownership is now in the name of the Region, possession is yet to be obtained. In accordance with the *Act*, notices of expropriation and possession were served upon the owner, with possession anticipated for October 2015. In accordance with the *Act*, it is necessary to make offers of compensation to owners in order to obtain possession of the expropriated lands.

In the event the owner does not agree to a full and final settlement upon receipt of the offer made under Section 25 of the *Act*, staff will endeavour to negotiate compensation settlements.

Environmental due diligence was completed for the subject property

As part of its due diligence in acquiring the subject property, a Phase I Environmental Site Assessment was completed. The report from the Phase I study indicated no concerns, and no further action was required with respect to environmental matters associated with the property.

Link to key Council-approved plans

The proposed acquisition for the Y2.1 Yonge Street project supports the objectives of Vision 2051, the Regional Official Plan and the 2015 to 2019 Strategic Plan.

The project addresses a key goal of Vision 2051: Interconnected Systems for Mobility. Public transit is enhanced by improving existing infrastructure and services, improving the speed and reliability of the transit system through the use of intelligent transportation systems, and combining a feeder network of buses operating in dedicated lanes.

As well, the Y2.1 Yonge Street project supports one of the objectives of the Regional Official Plan which is to provide convenient and accessible transit service to all residents and workers of York Region.

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Lastly, one of the Strategic Priority Areas of the 2015 to 2019 Strategic Plan is Strengthen the Region's Economy. Focusing on networks and systems that connect people, goods and services is one of the strategic objectives of this priority area that is supported by the proposed acquisition.

5. Financial Implications

The funding to complete the property acquisitions is included in the 2015 YRRTC Capital Budget. The project is funded by the Province, via the Metrolinx Master Agreement.

6. Local Municipal Impact

The Town of Richmond Hill has designated the John Palmer Sr. house as having heritage significance and has included it in the inventory of buildings of architectural and historical importance. Staff is working closely with the Town of Richmond Hill and YRRTC to ensure that the heritage features of this property are not compromised.

The construction of dedicated bus lanes and related facilities, as well as road and intersection improvements along Yonge Street is critical to the achievement of the vision for this corridor for the Region. Additionally, upon completion this project will improve public transit facilities and enrich the Yonge Street streetscape in Richmond Hill.

7. Conclusion

On June 25, 2015, Council approved the expropriation of lands required from 9993 Yonge Street in the Town of Richmond Hill, which provides for the registration of the expropriation plan and serving notices of the expropriation to owners.

The expropriation plan was registered with the Land Registry office in July 2015. The *Act* requires that offers of compensation for expropriated lands be served on the former owners in order to obtain possession. The values of the proposed offers are based on estimates provided by independently commissioned appraisers. It is recommended that the offer set out in this report be served in accordance with the *Act*.

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

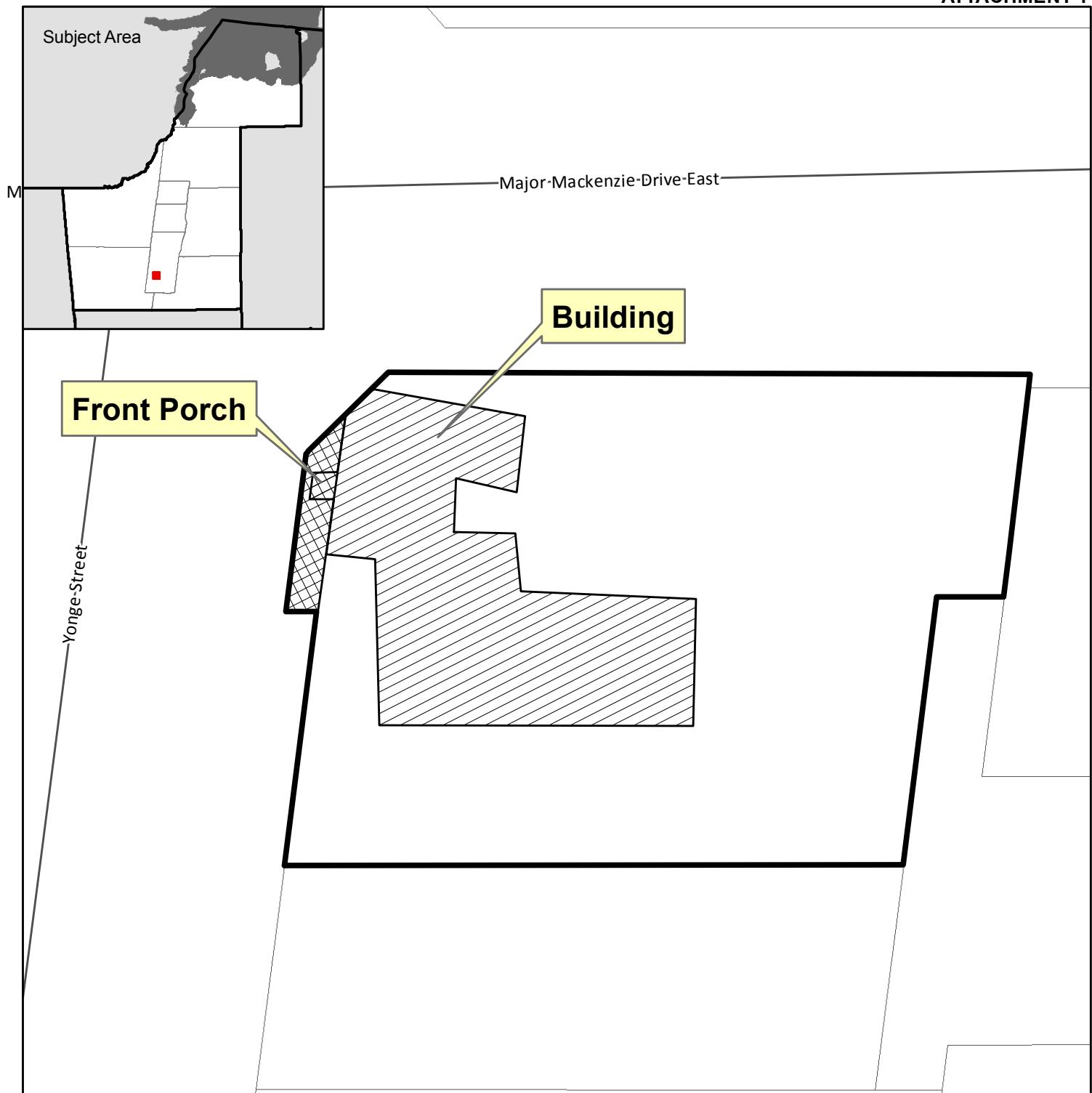
The Senior Management Group has reviewed this report. August 27, 2015

Attachments (2)

Private Attachments (1)

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Accessible formats or communication supports are available upon request



LOCATION PLAN

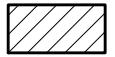
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Property Services, Corporate Services
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Legend

-  Subject Property
-  Interest Required
-  Building
-  Parcel
-  Road



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