

Clause 25 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.

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Compensation for Expropriation Viva Bus Rapid Transit Corridor Yonge Street from Highway 7 to Major Mackenzie Drive Town of Richmond Hill

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 the lands in the Town of Richmond Hill, 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:

Council authorize the Commissioner of Corporate Services to make offers
of compensation to the owners of the lands in the Town of Richmond Hill,
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 Yonge Street, from Highway 7 to Major Mackenzie Drive, in the Town of Richmond Hill, for the vivaNext bus rapid transit corridor. The location of the corridor that affects the properties is shown on the map in Attachment 2.

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 Yonge Street in Richmond Hill

York Region Rapid Transit Corporation (YRRTC) is undertaking improvements to facilitate public transit along Yonge 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 Yonge Street from Highway 7 to Major Mackenzie Drive.

New temporary easements are required on lands where existing temporary easements are set to expire during construction

In <u>January 2015</u> and <u>October 2015</u>, Council approved the expropriation of property interests which included fee simple, permanent easements and four-year temporary easements. The temporary easements will expire in February 2019. To allow sufficient time for construction, the existing temporary easements need to be extended. The term of the new temporary easements will commence on February 15, 2019 and expire on April 30, 2021.

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

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 <u>September 2017</u>, Council authorized the application for approval to expropriate and the expropriation of interests from property owners who had not requested a Hearing of Necessity. One Hearing of Necessity was received, although it was determined that the property is no longer required, dismissing the need to proceed with the hearing. In total, 56 properties are affected by the expropriation, and are the subject of this report.

This report is for the third and final step in the expropriation approval process. The graphic below (Figure 1) 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 an offer of compensation to the owner 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 acquired ownership of the lands when the expropriation plans were registered at the Land Registry Office in March and April 2018. 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 to obtain possession of the expropriated lands. The offers will be delivered in June and July 2018 prior to possession of the lands.

Independent reports have established the compensation which 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, estimate of compensation for damages. These 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.

Negotiations for settlements are still underway during the expropriation process

Prior to serving the offers of compensation, staff continues to negotiate expropriation settlements with the property owners. It is anticipated that some settlement agreements will be completed before the expropriation process is completed. Each completed settlement will reduce the required number of offers of compensation pursuant to the *Act*.

Environmental due diligence is underway on the additional lands to be acquired

Environmental due diligence is underway for additional lands to be acquired. The results will be reviewed by staff in consultation with Legal Services. In the event impacts or other environmental concerns are identified with respect to the environmental condition of the lands, the Region will take appropriate action to minimize potential exposure to the Region. Any significant issues will be reported back to Council, if necessary.

Further testing is not required for the temporary easement extensions since the Region is in possession of the lands and construction is underway on the corridor.

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.

6. Local Municipal Impact

This project will improve public transit and streetscape along Yonge Street for the residents of Richmond Hill and York Region.

7. Conclusion

The final Yonge Street design in the Town of Richmond Hill requires additional lands to be acquired and temporary easements to be extended in duration to complete construction. In September 2017, Council approved the expropriation of property interests, which provided for the registration of the expropriation plans and service of notices of expropriation to the owners.

Expropriation plans were registered with the Land Registry Office. The *Act* requires that an offer of compensation for expropriated land be served on the owners 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 (2)

Private Attachments (1)

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Accessible formats or communication supports are available upon request

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Yonge Bayview Holdings Inc.	8705-8725 Yonge Street Richmond Hill	Part 1, Plan R755851	Temporary Easement
2.	Shell Canada Limited	8680 Yonge Street, 8656 and 8674 Yonge Street Richmond Hill	Part 1, 2, Plan YR2256615	Temporary Easement
	Metroview	8700 Yonge Street	Part 1, Plan YR2256751	Temporary Easement Temporary
3.	Developments (Garden) Inc.	Richmond Hill	Part 1, 2, Plan 65R37231 Part 1, Plan 65R37213 Part 1, Plan 65R37213 Part 1, Plan Fart 1, Pla	
4.	1921318 Ontario Limited	8790 Yonge Street Richmond Hill	Part 1, Plan 65R37213	Temporary
5.	Suncor Energy	8830 Yonge Street	Part 1, Plan YR2256717	
	Products Inc.	Richmond Hill	Part 1, Plan 65R37290	Temporary
6.	8874 Yonge Street Inc.	8874 Yonge Street Richmond Hill	Part 2, Plan YR2256767	
7.	R. J. Davies Holdings Ltd.	8779-8781 Yonge Street Richmond Hill	Part 2, Plan YR2256879	Temporary Easement
8.	Saltwhistle Bay Properties Inc.	8825 Yonge Street Richmond Hill	Part 2, 3, Plan YR2257041	Temporary Easement

No.	Owner	Municipal Address	Legal Description	Interest Required
9.	Metroview Developments (Westwood) Inc.	8890 Yonge Street Richmond Hill	Part 2, Plan YR2257128	Temporary Easement
10.	J-G Cordone Investments Limited	8900 Yonge Street Richmond Hill	Part 2, Plan YR2257134	Temporary Easement
11.	Rock N Roll Real Estate Inc.	8910 Yonge Street Richmond Hill	Part 2, Plan YR2257371	Temporary Easement
12.	On Lung Property Investments Ltd.	8950 Yonge Street Richmond Hill	Part 4, Plan YR2257506	Temporary Easement
13.	Travelpoint Properties Inc.	8990 Yonge Street Richmond Hill	Part 1, Plan YR2257847	Temporary Easement
14.	Mazzotta Investment Corporation	9002 Yonge Street Richmond Hill	Part 1, Plan YR2257484	Temporary Easement
15.	1053702 Ontario Limited	9006-9020 Yonge Street Richmond Hill	Part 1, Plan YR2257836	Temporary Easement
16.	9050 Yonge Street Investments Inc.; Montez Office Fund I Holdco Inc.	9050 Yonge Street Richmond Hill	Part 1, Plan 65R37284	Additional Temporary Easement
17.	Black River Scrap Metal Ltd.	9108 Yonge Street Richmond Hill	Part 3, 4, Plan YR2257523	Temporary Easement
18.	Lorenzo Beltrame Gregorio Beltrame	9114 Yonge Street Richmond Hill	Part 3, 4, Plan YR2257626	Temporary Easement
19.	Stephanie Lucas Donna Kalles	9116 Yonge Street Richmond Hill	Part 2, Plan YR2257368	Temporary Easement
20.	Bakerhill Holdings Inc	9144 Yonge Street Richmond Hill	Part 2, Plan YR2257428	Temporary Easement

No.	Owner	Municipal Address	Legal Description	Interest Required
21.	Roland Spiegel	27 Vanity Crescent Richmond Hill	Part 3, 4, Plan YR2257663	Temporary Easement
22.	Raffaele and Vittaria Holdings Limited Antonio and Carmela Holdings Limited	9174 Yonge Street Richmond Hill	Part 2, Plan YR2257367	Temporary Easement
23.	Barkdel Investments Limited Convertapack Limited	9184 Yonge Street Richmond Hill	Part 2, Plan YR2257423	Temporary Easement
24.	A.Campagna Holdings Inc.	9190 Yonge Street Richmond Hill	Part 2, Plan YR2257526	Temporary Easement
25.	Canary Property Inc.	9196 Yonge Street Richmond Hill	Part 4, 5, Plan YR2257841	Temporary Easement
26.	Emilio Russo	9206 Yonge Street Richmond Hill	Part 2, Plan YR2257528	Temporary Easement
27.	Toronto Measuring Equipment Inc.	9212 Yonge Street Richmond Hill	Part 2, Plan YR2257876	Temporary Easement
28.	9218 Yonge Street Incorporated	9218 Yonge Street Richmond Hill	Part 4, 5, 6, Plan YR2257366	Temporary Easement
29.	9218 Yonge Street Incorporated	9218 Yonge Street Richmond Hill	Part 2, Plan YR2257655	Temporary Easement

No.	Owner	Municipal Address	Legal Description	Interest Required
30.	Montez Hillcrest	9350 Yonge Street	Part 2, 3, Plan 65R37304	Fee Simple Conversion
			Part 1, Plan 65R37304	Additional Fee Simple
	Hillcrest Holdings Inc.	Richmond Hill	Part 1, 2, 3, 4, 5, 6, 7, 8, Plan 65R37280	Temporary Easement
			Part 4, Plan 65R37304	Additional Temporary Easement
31.	Whitehorn Investments Limited (30%)	9325 Yonge Street Richmond Hill	Part 1, 2, 3, 4, 5, Plan 65R37303	Temporary Easement
	Ledbrow Investments Ltd. (36%) 891566 Ontario Limited (28%) Stephen–Mitchell Realty Limited (6%)		Part 1, Plan 65R37275	Fee Simple Conversion
			Part 2, Plan 65R37275	Additional Temporary Easement
32.	York Region Condominium Corporation No. 929	23 Observatory Lane Richmond Hill	Part 2, Plan YR2257889	Temporary Easement
33.	York Region Standard Condominium Corporation No. 989	23 Observatory Lane Richmond Hill	Part 1, Plan YR2257902	Temporary Easement
34.	BCIMC Realty Corporation	15-45 Baif Boulevard Richmond Hill	Part 2, Plan YR2257891	Temporary Easement

No.	Owner	Municipal Address	Legal Description	Interest Required
35.	Torview Properties Inc.		Part 11, 12, Plan 65R36096	Temporary Easement
	York Region Standard Condominium Corporation No. 1308	9471 Yonge Street Richmond Hill	Part 9, 10, Plan 65R36096	Temporary Easement
36.	York Region Condominium Corporation No. 601	20 Baif Boulevard Richmond Hill	Part 2, 3, 4, 5, 6, Plan YR2257898	Temporary Easement
37.	Observatory Place	9555 Yonge Street Richmond Hill	Part 1, Plan 65R37244	Additional Temporary Easement
37.	Plaza Inc.		Part 3, 4, 5, 6, Plan 65R35921	Temporary Easement
38.	9580 Investments Inc.	9580 Yonge Street Richmond Hill	Part 2, Plan YR2257893	Temporary Easement
39.	Prombank Investment Limited	9625 Yonge Street Richmond Hill	Part 9, 10, 11, 12, 13, 14, 15, Plan 65R35919	Temporary Easement
40.	NYX 9675 Yonge Ltd.	9675 Yonge Street Richmond Hill	Part 4, 5, Plan 65R35913	Temporary Easement
41.	Mac's Convenience Stores Inc.	9700 Yonge Street Richmond Hill	Part 1, Plan 65R37243	Additional Temporary Easement
42.	Frank Russo Serafino Russo	9712 Yonge Street Richmond Hill	Part 3, Plan YR2257868	Temporary Easement
43.	Haleson	9737 Yonge Street	Part 1, 2, Plan 65R37261	Fee Simple Conversion
43.	Developments Ltd.	Richmond Hill	Part 1, 2, 3, 4, 5, Plan 65R37279	Temporary Easement

No.	Owner	Municipal Address	Legal Description	Interest Required
44.	2305992 Ontario Inc.	West Side Yonge Street, south of Harding Boulevard Richmond Hill	Part 3, 4, Plan YR2257896	Temporary Easement
45.	Baif Developments Limited	West Side Yonge Street, south of Hopkins Street Richmond Hill	Part 3, 4, 5, Plan YR2257917	Temporary Easement
46.	Metroview Developments (Harding) Inc.	9839 Yonge Street Richmond Hill	Part 2, Plan YR2257867	Temporary Easement
47.	9861 Yonge Developments Inc.	9861 Yonge Street Richmond Hill	Part 1, Plan YR2257879	Temporary Easement
48.	Ameeta Nagar	9867 Yonge Street Richmond Hill	Part 4, Plan YR2257901	Temporary Easement
49.	1921647 Ontario Ltd.	9875 Yonge Street Richmond Hill	Part 3, Plan YR2257928	Temporary Easement
50.	1682213 Ontario Inc.	9883 Yonge Street Richmond Hill	Part 1, Plan YR2257871	Temporary Easement
51.	Parvaneh Pakzad	9891 Yonge Street Richmond Hill	Part 1, Plan YR2257883	Temporary Easement
52.	Centerhill Corporation	9901 Yonge Street Richmond Hill	Part 2, Plan YR2257890	Temporary Easement
53.	Missionary Sisters of the Precious Blood	9915 Yonge Street Richmond Hill	Part 2, Plan YR2257880	Temporary Easement
54.	Conrad Family Holdings Ltd.	9955 Yonge Street Richmond Hill	Part 3, Plan 65R37276	Additional Temporary Easement
55.	Mark Alexis and John Alexis	9975 Yonge Street Richmond Hill	Part 2, Plan 65R37276	Additional Temporary Easement

No.	Owner	Municipal Address	Legal Description	Interest Required
56.	Northcore Holdings Inc.	9993 Yonge Street Richmond Hill	Part 1, Plan 65R37276	Additional Temporary Easement

The temporary easements will commence on February 15, 2019 and expire April 30, 2021 and 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 Yonge 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.

The additional temporary easements will commence upon registration of an expropriation plan and will expire on April 30, 2021 and 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 Yonge 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.

Attachment 2

