

Clause 15 in Report No. 7 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on April 21, 2016.

15
 Compensation for Expropriation
 Viva Bus Rapid Transit Corridor
 1054 Centre Street
 City of Vaughan

Committee of the Whole recommends adoption of the following recommendations contained in the report dated March 31, 2016 from the Commissioner of Corporate Services:

1. Council authorize the Commissioner of Corporate Services to make an offer of compensation to the owner of the following land in the City of Vaughan, which were acquired in accordance with the *Expropriations Act* (the “Act”).

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Riocan Holdings Inc.	1054 Centre Street Vaughan	Part 1, Plan YR2426991	Temporary Easement
<p>The temporary easement required is described as a temporary limited interest 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, 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 West, Bathurst Street and Centre Street, including associated local roads, and to provide designated lanes for the vivaNext transit system and works ancillary thereto.</p>				

Report dated March 31, 2016 from the Commissioner of Corporate Services now follows:

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 land in the City of Vaughan, which were acquired in accordance with the *Expropriations Act* (the "Act").

No.	Owner	Municipal Address	Legal Description	Interest Required
2.	Riocan Holdings Inc.	1054 Centre Street Vaughan	Part 1, Plan YR2426991	Temporary Easement

The temporary easement required is described as a temporary limited interest 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, 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 West, Bathurst Street and Centre 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 an owner whose land has been expropriated for the vivaNext bus rapid transit corridor on Centre Street in the City of Vaughan.

3. Background

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

To facilitate public transit along Highway 7 West in Vaughan, the Region, via York Region Rapid Transit Corporation (YRRTC), is undertaking improvements to the road infrastructure and 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. The property that is the subject of this report is located on the north side of Centre Street as shown in Attachment 1.

The Region has secured possession of 80 parcels originally identified and is in the process of acquiring additional properties

The Region obtained possession of 80 property interests in 2015 on Highway 7 West, Centre Street, and Bathurst Street. In early 2015, the corridor was extended westward to include 25 additional land requirements from Bruce Street to Pine Valley Drive in Vaughan and a one foot parcel on Centre Street in Vaughan. Possession of the additional parcel is anticipated for the summer of 2016.

An additional parcel is required from a previously expropriated owner

Following expropriation of the 80 property interests, additional title search work identified a one foot parcel, previously understood to be publicly owned, was a part of the subject property. The one foot parcel is the subject of this report and is adjacent to land that was previously expropriated from the same owner in 2015.

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

In October 2015, Council authorized the first and second steps in the expropriation approval process. The first step was for an application for approval to expropriate interests, and the second step was for the expropriation itself. This report is for the third and final step in the expropriation approval process.

The graphic 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 an offer of compensation to the owner and obtaining possession of the land requirements.



4. Analysis and Options

Possession of this parcel will be obtained after serving the offer of compensation

The Region acquired title to the land when the expropriation plan was registered at the Land Registry Office in February, 2016. 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 an offer of compensation to an owner in order to obtain possession of the expropriated land. The offer will be delivered in April 2016 prior to possession of the land May 2016.

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

The *Act* requires the Region to make an offer of compensation based on a report appraising market value of the lands and damages attributable to the expropriation. An independent appraisal consultant was commissioned by the Region to provide an opinion of value as required and the appraisal will form the basis of the offer to be served on the registered owner.

Section 25 of the *Act* requires the Region to offer the owner a choice of two options regarding compensation. The first offer is for full compensation of the market value of the lands expropriated and any damages for lost improvements and injurious affection. The second offer is for the market value of the lands expropriated and does not include other damages. Acceptance of the second offer allows the owner to 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 full and final settlement.

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. Lastly, a strategic objective identified in the Strategic Plan is the focus on networks and systems that connect people, goods and services.

5. Financial Implications

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

6. Local Municipal Impact

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

7. Conclusion

In October 2015, Council approved the expropriation of the one foot parcel required from 1054 Centre Street in the City of Vaughan, which provides for the

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registration of the expropriation plan and serving notices of expropriation to the owner.

The expropriation plan was registered with the Land Registry Office in February 2016. The *Act* requires that an offer of compensation for expropriated land be served on the former owner in order to obtain possession. The value of the proposed offer is based on an independently commissioned appraisal. It is recommended that the offer set out in this report be served in accordance with the *Act*.

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

The Senior Management Group has reviewed this report. March 31, 2016

Attachments (1)

Private Attachments (1)

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Accessible formats or communication supports are available upon request

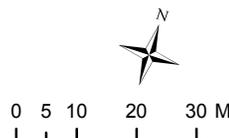


LOCATION PLAN
 Compensation for Expropriation
 Viva Bus Rapid Transit Corridor
 1054 Centre Street
 City of Vaughan

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

Data Sources:
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Legend

-  Interest Required
-  Subject Property
-  Parcel
-  Road
-  Railway