

Clause No. 59 in Report No. 13 of the Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on September 11, 2014.

59

APPLICATION FOR APPROVAL TO EXPROPRIATE WIDENING AND CONSTRUCTION OF BUS RAPID TRANSIT CORRIDOR HIGHWAY 7 WEST, CENTRE STREET AND BATHURST STREET (H2) VIVANEXT PROJECT 90991, CITY OF VAUGHAN

Committee of the Whole recommends adoption of the recommendations contained in the following report dated August 20, 2014 from the Acting Commissioner of Corporate Services:

1. RECOMMENDATIONS

It is recommended that:

1. Council authorize an application for approval to expropriate the following lands for the construction of a bus rapid transit corridor on Highway 7 West, Centre Street and Bathurst Street, within the City of Vaughan:

No.	Owner	Address (YRRTC Reference)	Legal Description	Interest Required
1.	1737445 Ontario Inc.	4100 Highway 7 (Ref No. 20)	Parts 5 and 6 on Plan 65R-16740	Fee Simple
2.	CP REIT Ontario Properties Limited	3940 Highway 7 (Ref. No. 22)	Parts 3 and 7 on Plan 65R-35029	Fee Simple
			Parts 1, 4, 5 and 6 on Plan 65R-35029	Temporary Easement
3.	Canadian Property Holdings (Ontario) Inc. and Calloway REIT (Westridge) Inc.	3900 Highway 7 (Ref No. 23)	Parts 10, 16, 17 and 18 on Plan 65R-35029	Fee Simple
			Parts 14 and 15 on Plan 65R-35029	Permanent Easement
			Parts 8, 9, 11, 12 and 13 on Plan 65R-35029	Temporary Easement
4.	Canadian Tire Properties Inc.	3850 Highway 7 (Ref No. 24)	Part 3 on 65R-35050	Fee Simple
			Parts 1 and 2 on Plan 65R-35050	Temporary Easement

No.	Owner	Address (YRRTC Reference)	Legal Description	Interest Required
5.	Pine View Motors Limited	3790 Highway 7 (Ref No. 25)	Part 7, 8 and 9 on Plan 65R-35050	Fee Simple
			Parts 6 and 10 on Plan 65R-35050	Permanent Easement
			Parts 4 and 5 on Plan 65R-35050	Temporary Easement
6.	Imperial Oil Limited	3764 Highway 7 (Ref No. 26A)	Parts 12 and 13 on Plan 65R-35050	Fee Simple
			Part 11 on Plan 65R-35050	Temporary Easement
7.	2159645 Ontario Inc.	7777 Weston Road (Ref No. 26B)	Part 10 on Plan 65R-35107	Permanent Easement
			Part 11 on Plan 65R-35107	Temporary Easement
8.	Calloway REIT (400 and 7) Inc.	57 Northview Blvd. (Ref No. 26C)	Parts 8 and 9 on Plan 65R-35107	Permanent Easement
			Part 7 on Plan 65R-35107	Temporary Easement
9.	2022573 Ontario Inc.	784 Centre Street (Ref No. 75A)	Parts 1, 2 and 4 on Plan 65R-35020	Fee Simple
			Part 3 on Plan 65R-35020	Temporary Easement
10.	Agau Developments Limited	10 Disera Drive (Ref No. 76)	Parts 5 and 6 on Plan 65R-35020	Temporary Easement
11.	Agau Developments Limited	700 Centre Street (Ref No. 76B)	Part 2 on Plan 65R-35051	Fee Simple
			Part 1 on Plan 65R-35051 and Parts 1 and 2 on Plan 65R-34980	Temporary Easement
12.	Thornhill Shopping Centres Limited	W.S. Bathurst Street (Ref No. 77)	Parts 3 & 4 on Plan 65R-35051	Fee Simple
13.	Agau Developments Limited	700 Centre Street (Ref No. 77A)	Part 5 on Plan 65R-35051	Temporary Easement
14.	Beth Chabad Israeli Community Centre	S.W. Bathurst Street/North Park Road (Ref No. 77B)	Part 6 on Plan 65R-35051	Temporary Easement

No.	Owner	Address (YRRTC Reference)	Legal Description	Interest Required
15.	1541677 Ontario Inc.	7890 Bathurst Street (Ref No. 77C)	Part 8 on Plan 65R-35051	Fee Simple
			Part 7 on Plan 65R-35051	Temporary Easement
16.	Janesville Developments Limited	531 Atkinson Ave. (Ref No. 78C)	Part 1 on Plan 65R-34979	Temporary Easement
17.	YRCC No. 567	23-43(Odd) Glen Crescent and 1-87 Beaumont Place (Ref No. 78BB)	Part 2 on Plan 65R-35101	Permanent Easement
			Part 1 on Plan 65R-35101	Temporary Easement
18.	Ganymede Investments Ltd.	Additional E.S. Bathurst Street (Ref No. 78BB)	Part 1 on Plan 65R-6968	Fee Simple
19.	Ganymede Investments Ltd.	One Foot Reserve Part of Part 1, 65R-7869 Fronting YCRP No. 567 (Ref No. 78BB)	Parts 3 and 4 on Plan 65R-35101	Fee Simple
20.	1529749 Ontario Inc.	7700 Bathurst Street (Ref No. 78BC)	Parts 16, 17, 20 and 21 on Plan 65R-35019	Fee Simple
			Parts 18 and 22 on Plan 65R-35019	Permanent Easement
			Parts 19 and 23 on Plan 65R-35019	Temporary Easement
21.	CF/Realty Holdings Inc. and Ontrea Inc.	Promenade Circle (Ref No. 79A)	Part 15 on Plan 65R-35019	Fee Simple for a term of 5 years
22.	YRCC No. 769	120 Promenade Circle (Ref No. 80)	Parts 2, 5, 6 and 9 on Plan 65R-35019	Fee Simple
			Parts 3 and 7 on Plan 65R-35019	Permanent Easement
			Parts 1, 4 and 8 on Plan 65R-35019	Temporary Easement
23.	Riotrin Properties (Vaughan 3) Inc.	7621 Weston Road (Ref No. 123)	Part 4 on Plan 65R-35107	Fee Simple
			Parts 5 and 6 on Plan 65R-35107	Temporary Easement
24.	Suncor Energy Inc.	3733 Highway 7 (Ref No. 124)	Part 1 on Plan 65R-35107	Fee Simple
			Parts 2 and 3 on Plan 65R-35107	Temporary Easement

No.	Owner	Address (YRRTC Reference)	Legal Description	Interest Required
25.	Dev-West Properties Inc.	7600 Weston Road (Ref No. 125)	Part 1 on Plan 65R-10576 and Part 17 on Plan 65R-35100	Fee Simple
			Part 18 on Plan 65R-35100	Temporary Easement
26.	YRCC No. 600	136 Winges Road (Ref No. 126)	Part 15 on Plan 65R-35100	Fee Simple
			Part 16 on Plan 65R-35100	Temporary Easement
27.	Silvio Di Giammarino	3883 Highway 7 (Ref No. 127)	Parts 10 and 12 on Plan 65R-35100, save and except Part 2 on Plan 65R-35137	Fee Simple
			Parts 11, 13 and 14 on Plan 65R-35100 and Part 2 on Plan 65R-35137, save and except Part 1 on Plan 65R-35137	Temporary Easement
28.	YRCC No. 640	90 Winges Road (Ref No. 128)	Part 8 on Plan 65R-35100	Fee Simple
			Part 9 on Plan 65R-35100	Temporary Easement
29.	Gallu Construction Inc.	40 Winges Road (Ref No. 129)	Parts 4 and 6 on Plan 65R-35100, save and except Part 1 on Plan 65R-35136	Fee Simple
			Parts 5 and 7 on Plan 65R-35100 and Part 1 on Plan 65R-35136	Temporary Easement
30.	Kingsmoor Developments Inc.	177 Whitmore Road (Ref No. 130)	Part 1 on Plan 65R-35100	Fee Simple
			Parts 2 and 3 on Plan 65R-35100	Temporary Easement
31.	200 Whitmore Limited	200 Whitmore Road (Ref No. 130A)	Parts 36, 37, 39, 41, 42 and 43 on Plan 65R-35112, save and except Part 1 on Plan 65R-35144	Fee Simple
			Parts 38 and 40 on Plan 65R-35112 and Part 1 on Plan 65R-35144	Temporary Easement
32.	300 Trowers Limited	300 Trowers Road (Ref No. 131)	Parts 29, 31, 32, 33 and 35 on Plan 65R-35112	Fee Simple

No.	Owner	Address (YRRTC Reference)	Legal Description	Interest Required
			Parts 28, 30 and 34 on Plan 65R-35112	Temporary Easement
33.	250 Trowers Limited	250 Trowers Road (Ref No. 131A)	Parts 24 and 27 on Plan 65R-35112	Fee Simple
			Parts 25 and 26 on Plan 65R-35112	Temporary Easement
34.	Pine Valley Industrial Mews Limited	172 Trowers Road (Ref No. 132)	Parts 16, 18, 20 and 22 on Plan 65R-35112	Fee Simple
			Parts 17, 19, 21 and 23 on Plan 65R-35112	Temporary Easement
35.	Shell Canada Limited	4235 Highway 7 (Ref No. 133)	Parts 11 and 12 on Plan 65R-35112	Fee Simple
			Part 13 on Plan 65R-35112	Permanent Easement
			Parts 14 and 15 on Plan 65R-35112	Temporary Easement
36.	Condor Properties Ltd.	205 Marycroft Avenue (Ref No. 134)	Parts 1, 5 and 10 on Plan 65R-35112	Fee Simple
			Part 6 on Plan 65R-35112	Permanent Easement
			Parts 2, 3, 4, 8 and 9 on Plan 65R-35112	Temporary Easement
37.	YRCC No. 579	200 Marycroft Avenue (Ref No. 135)	Parts 18 and 19 on Plan 65R-35070	Fee Simple
			Part 20 on Plan 65R-35070	Permanent Easement
			Part 21 on Plan 65R-35070	Temporary Easement
38.	Vincal Holdings Inc.	1000 Rowntree Dairy Road (Ref No. 136)	Part 1 on Plan 65R-6945 and Parts 14 and 16 on Plan 65R-35070	Fee Simple
			Parts 15 and 17 on Plan 65R-35070	Temporary Easement
39.	Vincal Holdings Inc.	4401 Highway 7 (Ref No. 137)	Part 3 on Plan 65R-17172 and Parts 3, 5, 8, 11 and 12 on Plan 65R-35070	Fee Simple
			Parts 4, 6, 7, 9, 10 and 13 on Plan 65R-35070	Temporary Easement
40.	The Toronto-Dominion Bank	4499 Highway 7 (Ref No. 138)	Part 2 on Plan 65R-35070	Fee Simple
			Part 1 on Plan 65R-35070	Temporary Easement

No.	Owner	Address (YRRTC Reference)	Legal Description	Interest Required
41.	172965 Canada Limited	4515 Highway 7 (Ref No. 139)	Part 17 on Plan 65R-35094	Fee Simple
			Part 18 on Plan 65R-35094	Temporary Easement
42.	K.L. Lai Investments Limited	4435 Highway 7 and 7700 Pine Valley Drive (Ref No. 140/141)	Parts 3, 4, 7, 10, 13 and 14 on Plan 65R-35094	Fee Simple
			Parts 5 and 15 on Plan 65R-35094	Permanent Easement
			Parts 6, 8, 9, 11, 12 and 16 on Plan 65R-35094	Temporary Easement
43.	Piazza Capri Inc.	4585 Highway 7 (Ref No. 142)	Part 1 on Plan 65R-35094	Temporary Easement
			Part 2 on Plan 65R-35094	Permanent Easement

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

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

The required permanent easements are described as a limited interest in perpetuity 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, Centre Street and Bathurst Street, including associated local roads, and to

No.	Owner	Address (YRRTC Reference)	Legal Description	Interest Required
<p>provide designated lanes for the vivaNext transit system and works ancillary thereto.</p> <p>The required temporary easements are 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, Centre Street and Bathurst Street, including associated local roads, and to provide designated lanes for the vivaNext transit system and works ancillary thereto.</p>				

2. The Commissioner of Corporate Services be authorized to execute the Application for Approval to Expropriate Land and the Notice of Application for Approval to Expropriate Land (the “Notice”) and to serve and publish the Notice, as required under the *Expropriations Act* (the “Act”).
3. The Commissioner of Corporate Services be authorized to forward to the Chief Inquiry Officer any requests for an inquiry that are received and to represent the Region, as necessary, at an inquiry held under the *Act*.
4. Council authorize the introduction of the necessary bylaw to give effect to these recommendations.

2. PURPOSE

This report seeks Council approval for an application to expropriate property interests required for road and intersection improvements, in order to provide designated lanes for the Viva transit system along the Highway 7 corridor (*Attachments 1 and 2*).

Under the *Act*, Council, as approving authority must approve an application prior to the initiation of any proceedings.

3. BACKGROUND

The Region is improving road infrastructure, enhancing streetscaping and constructing dedicated lanes for Viva buses

To facilitate bus rapid transit along portions of the Highway 7, Yonge Street and Davis Drive corridors, the Region, via York Region Rapid Transit Corporation (YRRTC) is improving road infrastructure, enhancing streetscaping and boulevards, and constructing dedicated lanes for Viva buses. The entire project is called vivaNext.

Construction associated with vivaNext is ongoing along Davis Drive in Newmarket, and Highway 7 East in Markham. This report addresses the Highway 7 West corridor (H2), in Vaughan, which is scheduled to begin construction in summer 2015. The corridor runs along Highway 7 West, from Pine Valley Drive to Highway 400, Centre Street, from Highway 7 West to Bathurst Street, and Bathurst Street, from Centre Street to Highway 7 West.

The project has received approval of the Environmental Assessment Report from the Ministry of the Environment

The Environmental Assessment Report from the Ministry of the Environment, dated November 9, 2006, approved the H2 corridor for the vivaNext project.

4. ANALYSIS AND OPTIONS

Negotiations are ongoing to acquire necessary properties before the start of construction

On June 26, 2014, Council authorized an application for approval to expropriate 43 properties along the H2 corridor. Negotiations are now proceeding to acquire land requirements from an additional 41 properties along Highway 7 West and Centre Street.

The lands are required for many uses and activities such as road widenings, driveways, utilities, streetscaping, retaining walls, grading and temporary working areas. The interests required for the project include fee simple, permanent easements and temporary easements. Possession of all lands is required by May 2015.

Initiating expropriation proceedings will ensure that the construction schedule will not be compromised if amicable negotiations are unsuccessful

It is anticipated that negotiations will be successful on some properties. These agreements of purchase and sale will be presented to the applicable approving authorities in due

course. However, it is recommended that the expropriation process proceed concurrently with ongoing negotiations, in order to gain possession of all lands before the start of construction. Timely possession of all lands will reduce the risk of significant property escalation costs and construction delays.

The first step in the process requires Council, as approving authority to authorize an application for approval to expropriate. Subsequently, notice may be served on owners of the subject lands. Receipt of this notice will trigger an owner's right to request a Hearing of Necessity. There is also a statutory obligation to publish the notice.

Staff will continue to negotiate agreements of purchase and sale for the required interests until an expropriation plan is registered.

Link to key Council-approved plans

From Vision to Results: 2011 to 2015 Strategic Plan
Priority Area – Focus Growth along Regional Centres and Corridors
Optimize the transportation capacity and services in Regional Centres and Corridors
The acquisition of the lands will assist the Region in meeting its transportation needs.

5. FINANCIAL IMPLICATIONS

The funds required to complete the property acquisitions have been included in the approved 2014 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 and related facilities, as well as road and intersection improvements along Highway 7 West is critical to the achievement of the vision for the corridor for both the Region and City of Vaughan. Additionally, this project will improve public transit facilities and enrich the streetscapes to support the Region's goal for higher density mixed use transit-oriented development.

7. CONCLUSION

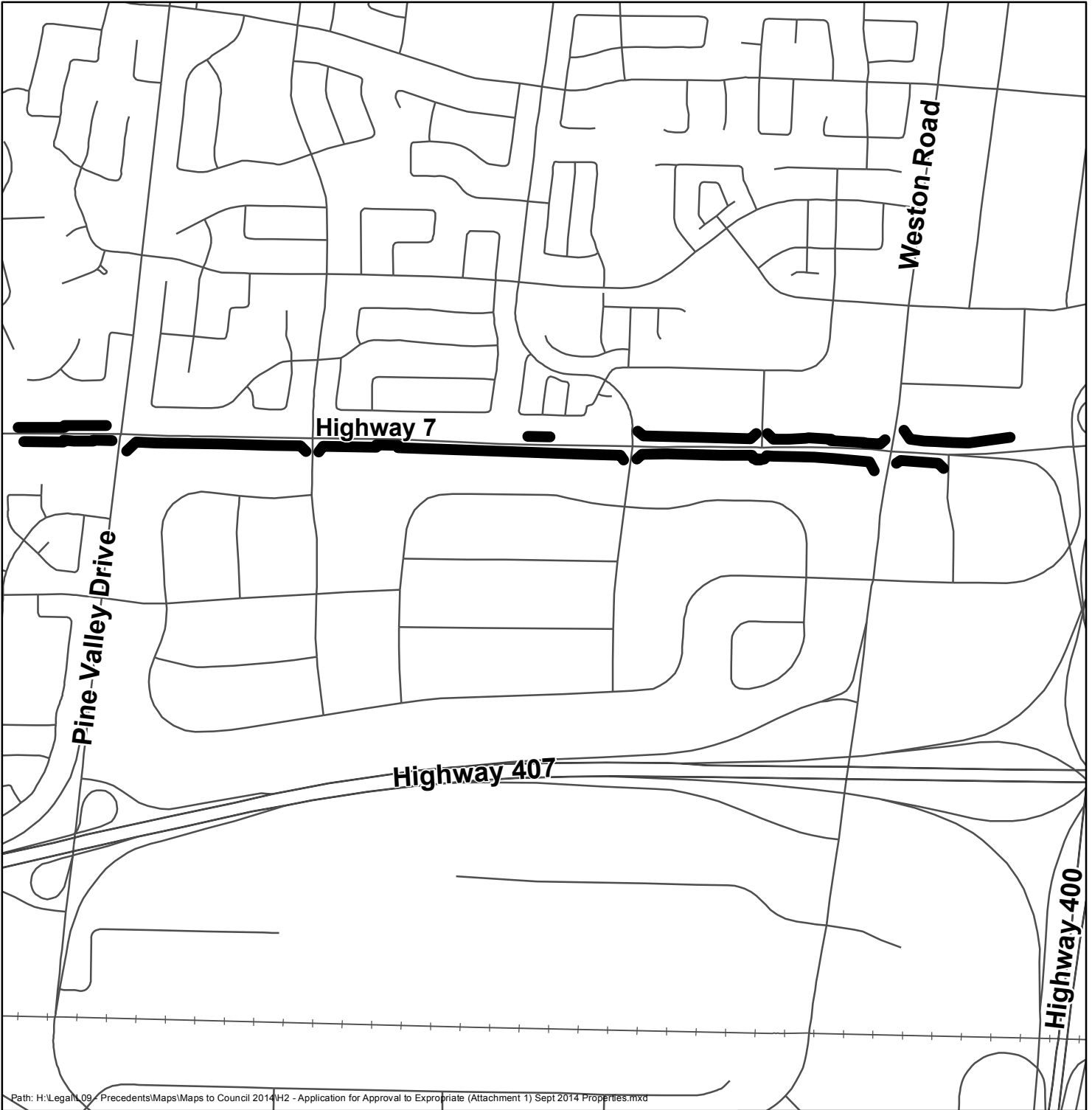
This report seeks Council authorization of an application for approval to expropriate land requirements for the construction of the Highway 7 West corridor. To ensure timely possession of all lands for the start of construction, it is necessary to initiate the expropriation process. Staff will continue to negotiate the acquisition of the required properties and expropriation proceedings will be abandoned where negotiations are

successful. Accordingly, it is recommended that Council approve the acquisition of the lands detailed in this report.

For more information on this report, please contact René Masad, Director, Property Services Branch at Ext. 71684.

The Senior Management Group has reviewed this report.

Attachment (2)



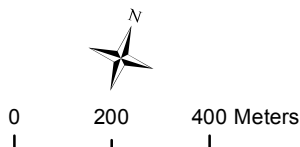
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LOCATION PLAN



Application for Approval to Expropriate
 Widening and Construction of Bus Rapid Transit Corridor
 Highway 7 West, Centre Street and Bathurst Street (H2)
 vivaNext Project 90991, City of Vaughan

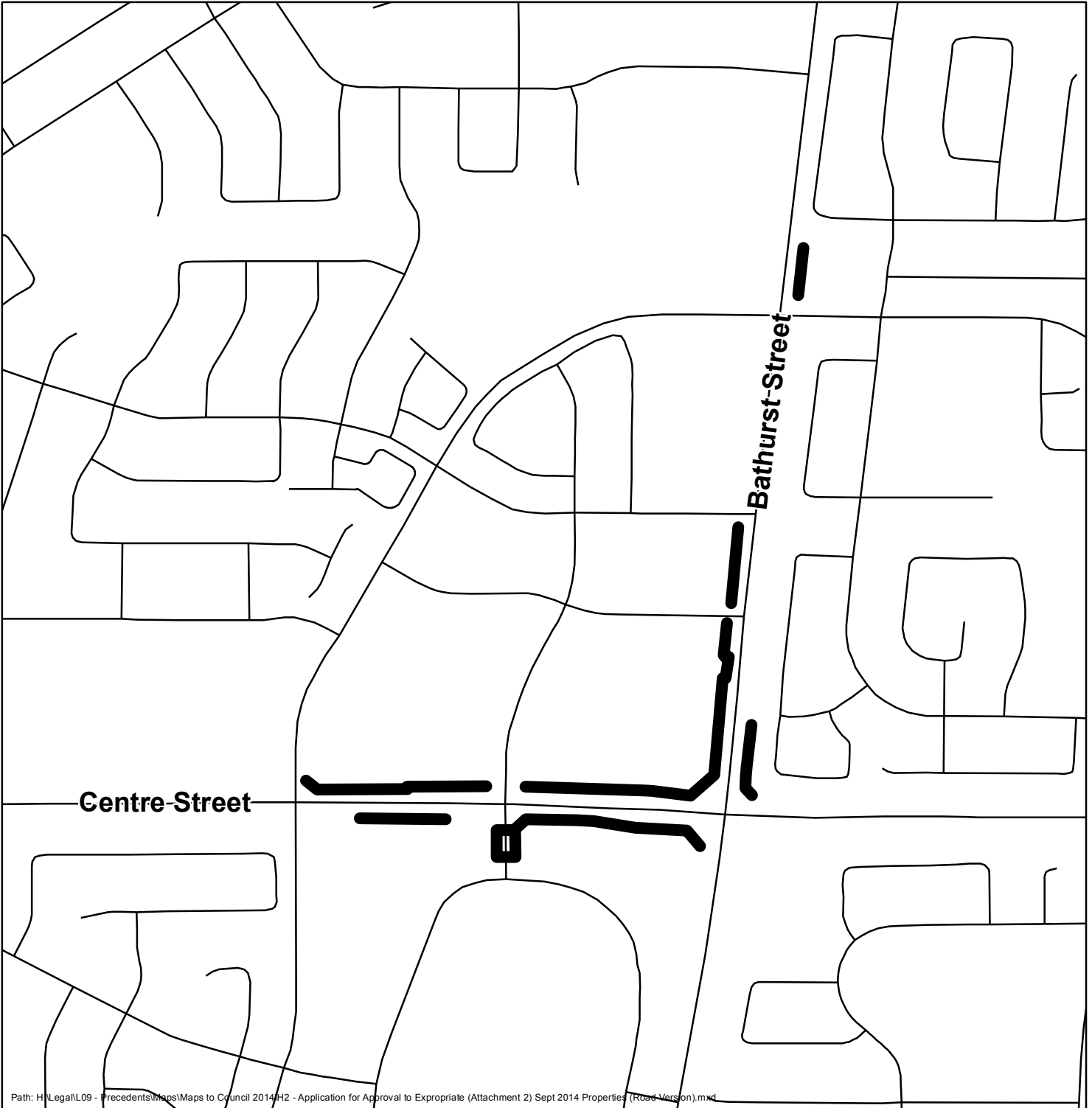


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Legend

-  Subject Properties
-  Roads
-  Railway



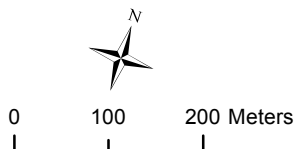
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LOCATION PLAN




Application for Approval to Expropriate
Widening and Construction of Bus Rapid Transit Corridor
Highway 7 West, Centre Street and Bathurst Street (H2)
vivaNext Project 90991, City of Vaughan



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Legend

-  Subject Properties
-  Roads
-  Railway