

Clause 9 in Report No. 3 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on February 18, 2016.

9

Compensation for Expropriation  
Viva Bus Rapid Transit Corridor  
Yonge Street, 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 January 22, 2016 from the Commissioner of Corporate Services:

1. Recommendation

It is recommended that:

1. Council authorize the Commissioner of Corporate Services to make offers of compensation to the owners of 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 for the Yonge Street vivaNext bus rapid transit project. The subject properties are identified on the map in Attachment 2.

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. These improvements include the construction of dedicated centre

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lanes for the Viva buses along with enhanced street features and boulevards. The project as a whole is referred to as the vivaNext project.

Council authorized applications for approval to expropriate interests from 57 properties

In 2014 and 2015, Council authorized the initiation of the expropriation process of 57 properties along the Yonge Street corridor from Highway 7 to Major Mackenzie Drive. The Region obtained possession of these lands and construction of the project commenced on June 15, 2015.

As the design of the corridor progressed, additional property requirements have been identified

Utility and sign relocation has commenced along the corridor requiring additional surveying to be completed. As a result, more land from six owners and three new requirements were identified as being needed for construction of the project. The nine subject properties are located on the east side of Yonge Street, between Observatory Lane and Harding Boulevard. York Region Rapid Transit Corporation is currently circumventing these requirements so as to not disrupt pre-construction works.

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

On October 15, 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 from the nine additional properties, 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 offers of compensation to the owners and obtaining possession of the required lands.



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#### 4. Analysis and Options

Possession of expropriated lands will be obtained after serving the offers of compensation

The Region acquired title to the land when the expropriation plans were registered at the Land Registry Office. In accordance with the *Act*, the Region cannot obtain possession until a minimum of three months after notifying owners that the expropriation plans have been registered. In addition, it is necessary to make offers of compensation to owners in order to obtain possession of the expropriated lands. The offers will be delivered on February 23, 2016 prior to possession of the lands for March 2016.

Independent reports have established the values which form the basis of offers

Independent consultants were commissioned to provide reports that include estimates of market value for the lands expropriated and consider damages for lost improvements (such as landscaping or parking), and injurious affection (the loss of value to the lands retained by the owner).

Section 25 of the *Act* requires the Region to offer each owner a choice of two options regarding compensation. The first offer is an offer for full compensation of 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 improvements or injurious affection. If the 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 full and final settlement.

Environmental due diligence will be completed prior to the Region obtaining the lands

The Region had previously expropriated interests from six of the nine properties that are the subject of this report. Environmental due diligence was completed for

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these six interests. However, the additional lands for these six properties, as well as the lands from the three additional properties, are also subject to environmental due diligence.

Phase 1 environmental testing has been completed for all of the additional lands. This has resulted in Phase 2 testing to be conducted for four of the nine properties. Two of the four properties tested have been identified as environmentally impacted and require further investigation. Staff is currently working with Legal Services to address these concerns and to establish the appropriate next steps. Consultation with Legal Services will be conducted prior to the Section 25 offers being served on owners.

Link to key Council-approved plans

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

Public transit is enhanced through the Yonge Street project, addressing the Interconnected Systems for Mobility of Vision 2051. As well, one of the objectives of the Regional Official Plan is to provide convenient and accessible transit services which the project will achieve. Lastly, transportation networks help strengthen the Region's Economy, a priority area of the Strategic Plan.

## 5. Financial Implications

The funding to complete the property acquisitions was included in the 2015 YRRTC Capital Budget, and will be carried forward into the Capital Budget for 2016. 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 along Yonge Street is critical to the achievement of the vision for this corridor and for the Region. This project will also improve public transit facilities and enrich the Yonge Street streetscapes in Richmond Hill.

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## 7. Conclusion

The Region obtained possession of 57 property interests on Yonge Street between Highway 7 and Major Mackenzie Drive on June 15, 2015. Subsequent to the expropriation process more land was determined to be needed from nine property owners.

Expropriation plans were registered with the Land Registry Office on November 24, 2015 with respect to the nine additional interests.

This report seeks Council approval to authorize the Commissioner of Corporate Services to make offers of compensation with regard to these additional nine interests. The *Act* requires that offers of compensation for expropriated lands be served on 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 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 ext. 71684.

The Senior Management Group has reviewed this report. January 22, 2016

Attachments (2)

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Accessible formats or communication supports are available upon request

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

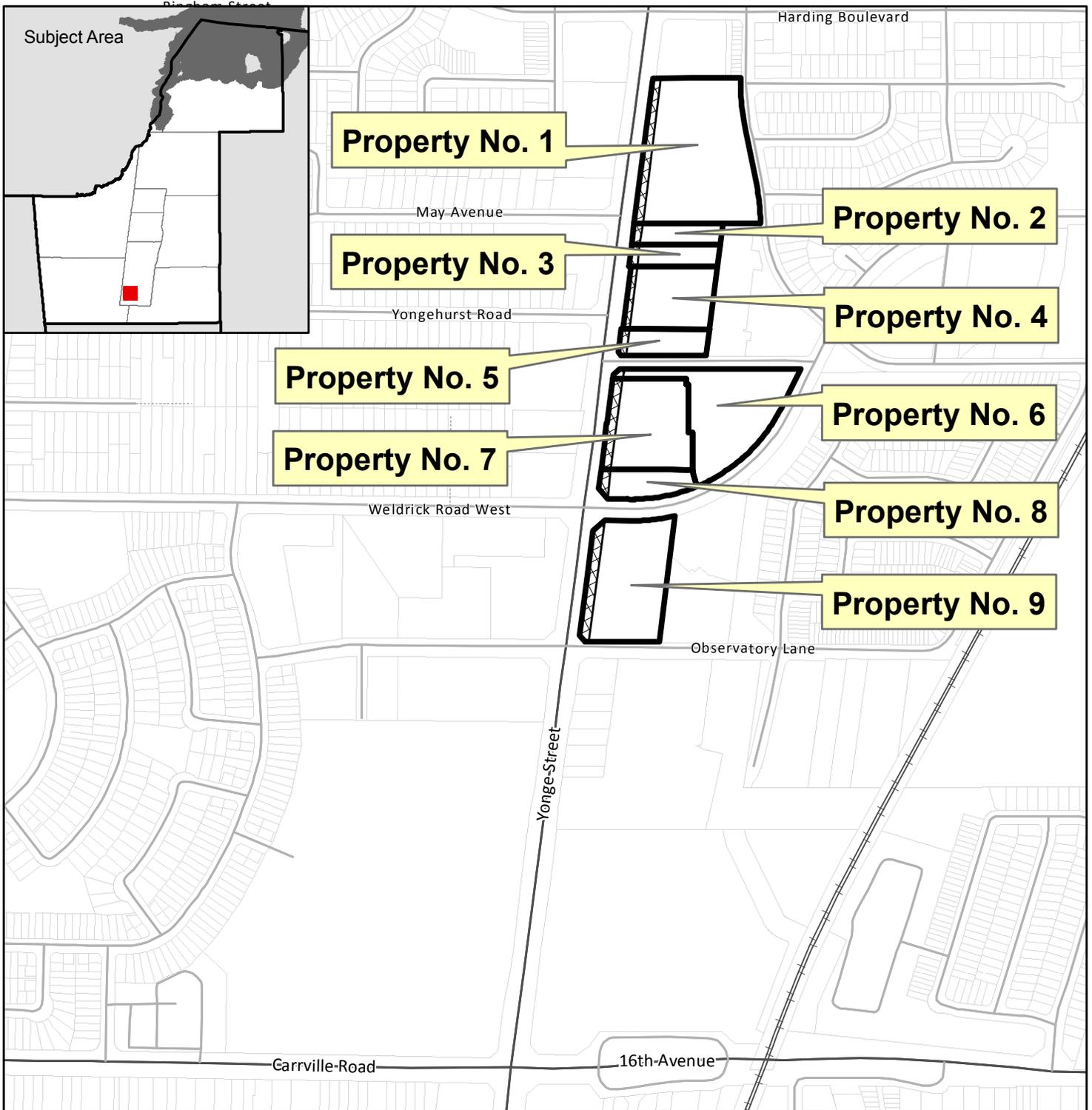
<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
1.	Haleson Developments Limited.	9737 Yonge Street Richmond Hill	Parts 1, 2, 3, 4, 5, 6, Plan YR2393881	Fee Simple
			Parts 7, 8, Plan YR2393881	Permanent Easement
			Parts 9, 10, Plan YR2393881	Temporary Easement
2.	1890152 Ontario Limited	9699 Yonge Street Richmond Hill	Parts 1, 2, Plan YR2393899	Fee Simple
3.	Brillinger Investments Limited/ 1890152 Ontario Limited	9675 Yonge Street Richmond Hill	Parts 1, 2, 3, Plan YR2393916	Fee Simple
			Part 4, Plan YR2393916	Temporary Easement
4.	Clarissa Developments Inc.	9651 Yonge Street Richmond Hill	Parts 1, 2, 3, Plan YR2393928	Fee Simple
5.	Clarissa Square Limited	9631 Yonge Street Richmond Hill	Part 1, Plan YR2393943	Fee Simple
6.	F & F Realty Holdings Inc.	9625 Yonge Street Richmond Hill	Part 1, Plan YR2393950	Fee Simple

No.	Owner	Municipal Address	Legal Description	Interest Required
7.	Prombank Investment Limited	9625 Yonge Street Richmond Hill	Parts 1, 2, 3, 4, 5, Plan YR2393968	Fee Simple
			Part 6, Plan YR2393968	Permanent Easement
			Parts 7, 8, 9, Plan YR2393968	Temporary Easement
8.	512439 Ontario Limited / D.D.M.G. Investments Inc.	9625 Yonge Street Richmond Hill	Parts 1, 2, Plan YR2393986	Fee Simple
			Parts 3, 4, Plan YR2393986	Permanent Easement
9.	Observatory Place Plaza Inc.	9555 Yonge Street Richmond Hill	Part 1, Plan YR2393998	Fee Simple
			Parts 2, 3, 4, Plan YR2393998	Temporary Easement

The fee simple interest required 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.

The permanent easements are required for the purpose of entering on the land[s] with all vehicles, machinery, workers and other material (I) to construct and maintain permanent municipal infrastructure which may include retaining walls, shoring and formwork and/or drainage, erosion/ sediment control measures such as watermains and storm sewers; and (II) for construction purposes which may include (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 Yonge Street, (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.

No.	Owner	Municipal Address	Legal Description	Interest Required
<p>The temporary easements will commence upon registration of an expropriation plan and will expire on February 28, 2019, 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.</p>				



**LOCATION PLAN**

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 Town of Richmond Hill

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

Data Sources:  
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**Legend**

-  Subject Properties
-  Interest Required
-  Parcel
-  Road
-  Railway

