

Clause 17 in Report No. 11 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on June 28, 2018.

17

Compensation for Expropriation  
Viva Bus Rapid Transit Corridor  
Yonge Street from  
Sawmill Valley Drive/Savage Road to Davis Drive  
Town of Newmarket

Committee of the Whole recommends adoption of the following recommendation contained in the report dated June 7, 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 Newmarket, as set out in Attachment 1, which were acquired in accordance with the Expropriations Act (the "Act").

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Report dated June 7, 2018 from the Commissioner of Corporate Services now follows:

1. Recommendations

It is recommended that:

1. Council authorize the Commissioner of Corporate Services to make offers of compensation to the owners of the lands in the Town of Newmarket, 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 Sawmill Valley Drive/Savage Road to Davis Drive, in the Town of Newmarket, for the vivaNext bus rapid transit project. The location of the properties is shown on the map in Attachment 2.

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Private Attachment 1 to this report will be considered in private session because it relates to land acquisitions by the Region.

### 3. Background and Previous Council Direction

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

To facilitate public transit along Yonge Street, York Region Rapid Transit Corporation (YRRTC), on behalf of the Region, is undertaking road infrastructure improvements and constructing dedicated centre lanes for Viva buses, with enhanced street features and boulevards.

Council approved the expropriation of multiple properties on Yonge Street in the Town of Newmarket in [October 2013](#), [January 2014](#) and [June 2016](#). Lands were also acquired by negotiated agreements. The approvals secured fee simple lands, permanent easements and temporary easements. Construction is underway and is scheduled to be completed in December 2019.

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

The Region acquired and expropriated temporary easements on Yonge Street that will expire between December 9, 2018 and January 1, 2019. Construction is underway, however, additional time is required to complete the project. The existing temporary easement areas will be required beyond the expiry date of the easements. Upon expiry of the existing easements, new easements will be required on the same lands, with an expiry date of December 31, 2019.

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

This is a design build project and the final designs have now been finalized. The design requires additional area for the temporary easement interests on two of the properties identified in Attachment 1.

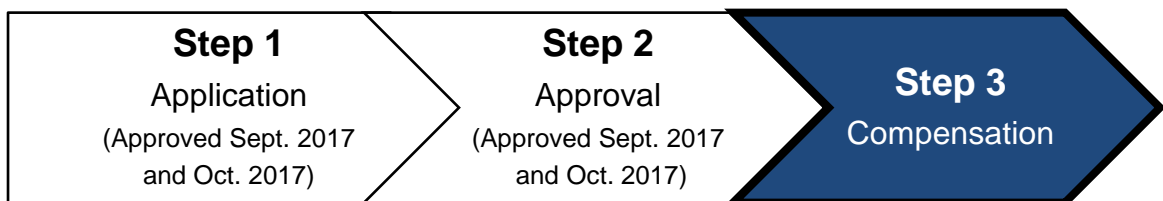
This report is for the third of the three steps in the Council approval process for expropriations

In [September](#) and [October](#) 2017, Council authorized the application for approval to expropriate and the expropriation of interests from owners who had not

requested a Hearing of Necessity. No requests for a Hearing of Necessity were received for the subject properties.

Figure 1 below summarizes the three steps in the process for obtaining approval by Council for expropriation. This report is the third and final step in the expropriation approval process. 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 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 April and May 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 July 2018 with possession shortly thereafter.

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, estimates 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).

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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 offer is 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 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.

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

Environmental due diligence is underway for the two 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 acquisitions is included in the 2018 YRRTC Capital Budget. The project is funded by the Province, via the Metrolinx Master Agreement.

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## 6. Local Municipal Impact

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

## 7. Conclusion

The final Yonge Street design in the Town of Newmarket requires additional lands to be acquired and temporary easements to be extended in duration to complete construction. In September and October 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 offers of compensation for expropriated lands 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.

June 7, 2018

Attachments (2)

Private Attachments (1)

#8547005

Accessible formats or communication supports are available upon request

**Property Schedule  
Compensation for Expropriation  
Viva Bus Rapid Transit Corridor  
Yonge Street from Sawmill Valley Drive/Savage Road to Davis Drive  
Town of Newmarket**

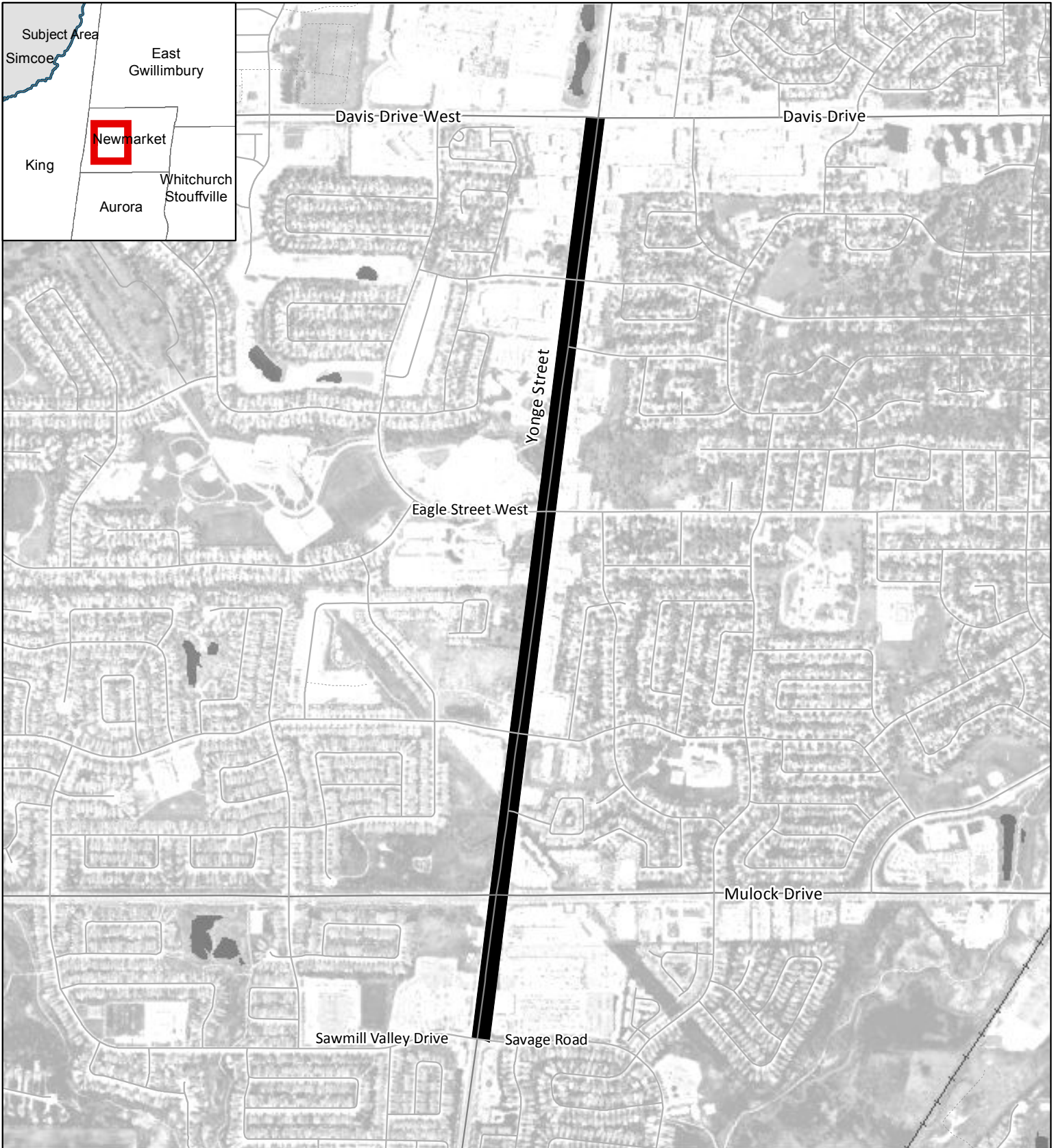
<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
1.	Skamari Investments Inc.	16635 Yonge Street Newmarket	Part 1, Plan YR2822864	Temporary Easement
2.	Tavco Realty Holdings Inc.	16655 Yonge Street Newmarket	Part 1, Plan YR2822887	Temporary Easement
3.	York Region Condominium Corporation No. 877	Brandy Lane Way Newmarket	Part 1, 2, 3, Plan YR2822873	Temporary Easement
4.	Newmarket-Tay Power Distribution Ltd.	16845 Yonge Street Newmarket	Part 1, Plan YR2822902	Temporary Easement
5.	York North Condominium Corporation No. 5	20 William Roe Boulevard Newmarket	Parts 1, 2, Plan YR2820924	Temporary Easement
			Part 1, Plan YR2820899	Additional Temporary Easement
6.	Invivo Investments Limited	16925 Yonge Street Newmarket	Part 1, 2, 3, Plan YR2822879	Temporary Easement
7.	LT Realties Inc.	16995 Yonge Street Newmarket	Part 1, 2, 3, 4, 5, 6, 7, 8 Plan YR2820912	Temporary Easement
			Part 1, 2, 3, Plan YR2820906	Additional Temporary Easement
8.	Thana Group Limited	17035 Yonge Street Newmarket	Part 1, 2, 3, Plan YR2822852	Temporary Easement
9.	1965114 Ontario Inc.	17065 Yonge Street Newmarket	Part 1, Plan YR2822934	Temporary Easement
10.	993113 Ontario Inc.	17089 Yonge Street Newmarket	Part 1, Plan YR2822917	Temporary Easement

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
11.	2089929 Ontario Limited	17095 Yonge Street Newmarket	Part 1, Plan YR2822880	Temporary Easement
12.	Suncor Energy Inc.	17111 Yonge Street Newmarket	Part 1, 2, Plan YR2822882	Temporary Easement
13.	Mac's Convenience Stores Inc.	17145 Yonge Street Newmarket	Part 1, Plan YR2822915	Temporary Easement
14.	Seven Star Investments Inc.	17175 Yonge Street Newmarket	Part 1, Plan YR2822930	Temporary Easement
15.	Calgas Investments Limited	17215 Yonge Street Newmarket	Part 1, Plan YR2822910	Temporary Easement
16.	2563389 Ontario Inc.	17295 Yonge Street Newmarket	Part 1, Plan YR2822893	Temporary Easement
17.	Moshoian Productions Limited	17315 Yonge Street Newmarket	Part 1, Plan YR2822907	Temporary Easement
18.	1045838 Ontario Inc. 1255552 Ontario Inc.	17335 Yonge Street Newmarket	Part 1, Plan YR2822912	Temporary Easement
19.	2143811 Ontario Limited	17365 Yonge Street Newmarket	Part 3, 4, Plan YR2822878	Temporary Easement
20.	2143811 Ontario Limited	17395 Yonge Street Newmarket	Part 1, 2, Plan YR2822878	Temporary Easement
21.	Collison Estates Ltd.	17415 Yonge Street Newmarket	Part 1, Plan YR2822891	Temporary Easement

The temporary easements will commence on December 10, 2018 and will expire on December 31, 2019 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

No.	Owner	Municipal Address	Legal Description	Interest Required
<p>necessary to the works to be performed in association with the 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.</p> <p>The additional temporary easements will commence upon registration of the expropriation plan and will expire on December 31, 2019 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 Yonge Street, including associated local roads, and to provide designated lanes for the vivaNext transit system and works ancillary thereto.</p>				



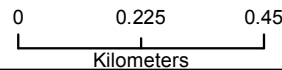


**Location Plan**  
 Compensation for Expropriation  
 Viva Bus Rapid Transit Corridor  
 Yonge Street from Sawmill Valley Drive/  
 Savage Road to Davis Drive  
 Town of Newmarket  
 June 21, 2018




Produced by:  
 The Regional Municipality of York  
 Property Services, Corporate Services  
 April 2018

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**Legend**

-  Subject Corridor
-  Road
-  Railway