

Clause 26 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.

26

Compensation for Expropriation  
Viva Bus Rapid Transit Corridor  
Yonge Street from Levendale Road to Gamble Road/19th Avenue  
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 are being acquired in accordance with the *Expropriations Act* (the “Act”).

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Report dated April 26, 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 Richmond Hill, as set out in Attachment 1, which are being 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 are being expropriated on Yonge Street, from Levendale Road to Gamble Road/19th Avenue, 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.

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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 Levendale Road to Gamble Road/19th Avenue.

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

In [January 2015](#), Council approved the expropriation of property interests which included fee simple, permanent easements and four-year temporary easements. The temporary easements will expire in March 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 March 12, 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 [September 2017](#), Council authorized the application for approval to expropriate and the expropriation of interests from property owners who had not requested a Hearing of Necessity. Two requests for Hearings of Necessity were received. Staff successfully negotiated the withdrawal of both Hearing requests, which resulted in 46 properties that are the subject of this report.

This report is for the third and final step in the expropriation approval process. Figure 1 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.

**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, except for 11305 Yonge Street, which will be registered in 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 from June to August 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 for 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

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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 the fee simple and permanent easement requirements, and 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.

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## 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 are being 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.

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Town of Richmond Hill

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

**Property Schedule  
Compensation for Expropriation  
Yonge Street from Levendale Road to Gamble Road/19th Avenue  
Town of Richmond Hill**

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
1.	Natweiss Investments Limited Grall Corporation Limited 967933 Ontario Limited Sitzer Group Holdings No. 1 Limited	10520 Yonge Street Richmond Hill	Part 1, Plan 65R37298	Permanent Easement
			Parts 1 and 2, Plan 65R37281	Temporary Easement
2.	Loblaws Inc.	10488 Yonge Street Richmond Hill	Part 1, Plan YR2265966	Temporary Easement
3.	1835942 Ontario Inc.	10481 Yonge Street Richmond Hill	Part 2, Plan YR2265974	Temporary Easement
4.	Stonecourt Construction Inc.	10537 Yonge Street Richmond Hill	Part 5, 6, 7, 8, 9, 10, Plan YR2265996	Temporary Easement
5.	Mac's Convenience Stores Inc.	10579 Yonge Street Richmond Hill	Part 5, 6, Plan YR2266766, Part 7, 8, 9, Plan R755878	Temporary Easement
6.	Berndale Investments Limited 554701 Ontario Inc.	10593 Yonge Street Richmond Hill	Part 2, Plan YR2265939	Temporary Easement
7.	Glenridge Construction Company Limited	10605 Yonge Street Richmond Hill	Part 2, Plan YR2265945	Temporary Easement
8.	2473808 Ontario Inc.	10620 Yonge Street Richmond Hill	Part 2, Plan YR2265949	Temporary Easement

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
9.	BRL Realty Limited	10619 Yonge Street Richmond Hill	Part 2, Plan YR2265964	Temporary Easement
10.	Wilsand Holdings Limited	10675 Yonge Street Richmond Hill	Part 3, Plan 65R37295	Additional Temporary Easement
			Part 2, Plan YR2265973	Temporary Easement
11.	10660 Yonge Street Inc.	10660 Yonge Street Richmond Hill	Part 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, Plan YR2265982	Temporary Easement
12.	Maxcare Medical Plaza Incorporated	10670 Yonge Street Richmond Hill	Part 2, 3, Plan YR2265992	Temporary Easement
13.	Sabella Ridge Estates Inc.	10684 and 10692 Yonge Street Richmond Hill	Part 3, 4, Plan YR2266002	Temporary Easement
14.	Shant Ghazarian Aline Ghazarian	10695 Yonge Street Richmond Hill	Part 1, 2, Plan 65R37295	Additional Temporary Easement
			Part 2, Plan YR2266005	Temporary Easement
15.	Yonge Elgin Plaza Ltd.	10720 Yonge Street Richmond Hill	Part 3, 4, Plan YR2266348	Temporary Easement
16.	2262443 Ontario Limited	10731 Yonge Street Richmond Hill	Part 2, Plan YR2266354	Temporary Easement
17.	536591 Ontario Limited	10737 Yonge Street Richmond Hill	Part 4, Plan 65R37262	Additional Temporary Easement
18.	1122270 Ontario Inc.	19 Leonard Street Richmond Hill	Part 3, 4, Plan YR2266004	Temporary Easement



<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
19.	Ninetta Panetta Luigi Panetta	10801 Yonge Street Richmond Hill	Part 1, 2, 3, Plan 65R37262	Additional Temporary Easement
			Part 1, 2, 3, Plan YR2266038	Temporary Easement
20.	Totera Enterprises Limited 2012002 Ontario Ltd.	10815 and 10825 Yonge Street Richmond Hill	Part 1, 2, 3, Plan YR2266053	Temporary Easement
21.	Evelyn Aimis Holdings Inc.	10794 Yonge Street Richmond Hill	Part 1, Plan YR2266059	Temporary Easement
22.	Murlee Holdings Limited	10875 Yonge Street Richmond Hill	Part 3, Plan YR2266062	Temporary Easement
23.	10870 Yonge Street Limited	10870 Yonge Street Richmond Hill	Part 1, 2, Plan 65R37299	Additional Temporary Easement
			Part 1, Plan YR2266216	Temporary Easement
24.	Wilbair Holdings Inc.	10898 Yonge Street Richmond Hill	Part 1, Plan 65R37296	Additional Temporary Easement
			Part 2, Plan YR2266245	Temporary Easement
25.	Dogliola Developments Ltd.	10944 to 10956 Yonge Street Richmond Hill	Part 1, 2, 3, Plan YR2266262	Temporary Easement
26.	North Elgin Centre Inc.	10993 to 11005 Yonge Street Richmond Hill	Part 1, 3, Plan 65R37278	Additional Temporary Easement
27.	Yonge MCD Inc.	11044 Yonge Street Richmond Hill	Part 2, 3, Plan YR2266365	Temporary Easement

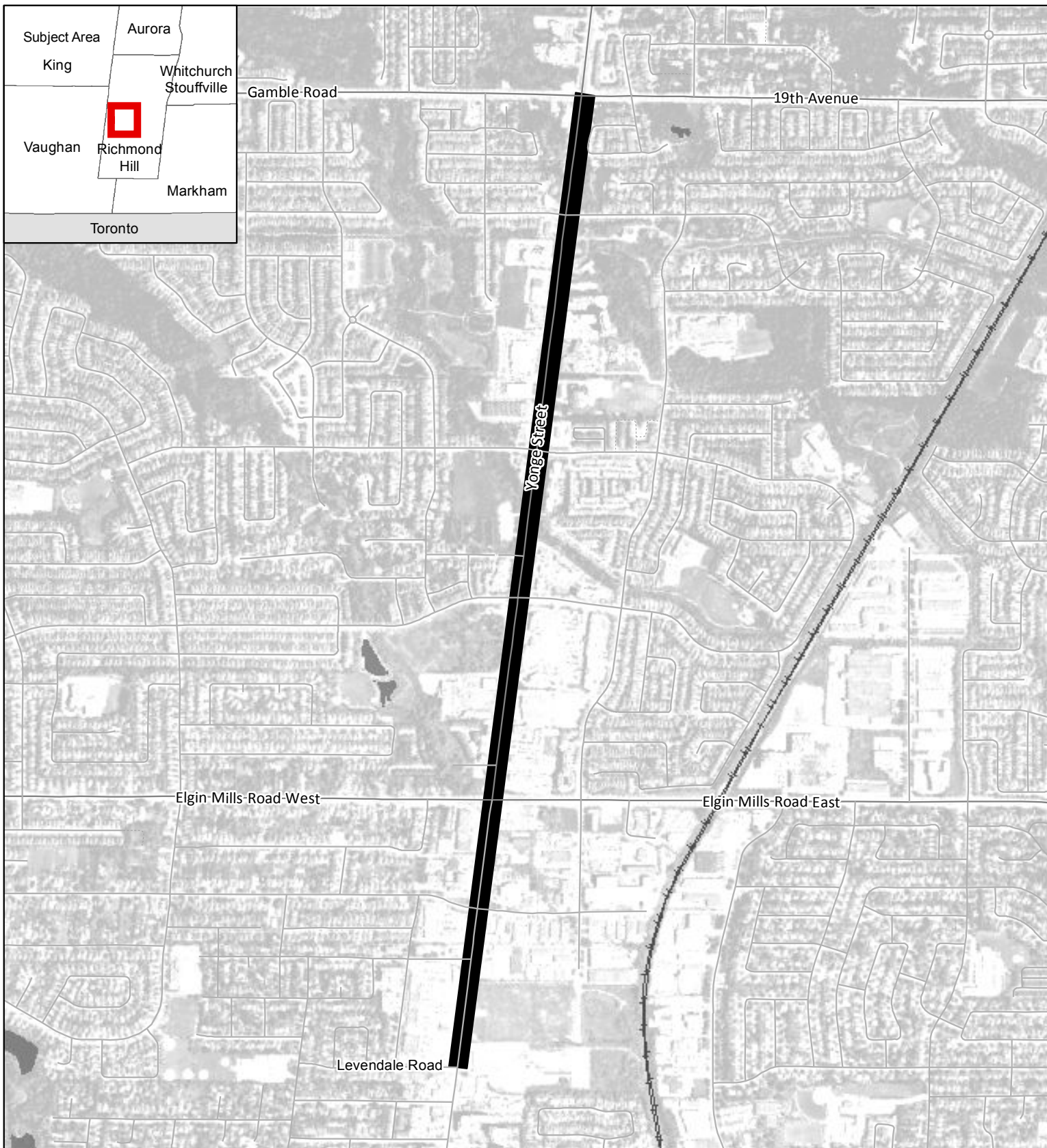
<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
28.	Cars Canada PHA 1 GPSPE L.L.C.	11240 Yonge Street Richmond Hill	Part 1, Plan 65R37283	Additional Temporary Easement
29.	Mon Sheong Foundation	11283 Yonge Street Richmond Hill	Part 1, Plan YR2266435	Temporary Easement
30.	Yongehill Developments 11305 Inc.	11305 Yonge Street Richmond Hill	Part 1, Plan 65R37774	Additional Permanent Easement
			Part 2, 3, Plan 65R37774	Additional Temporary Easement
31.	L'Arche Daybreak	11339 Yonge Street Richmond Hill	Part 1, 2, Plan 65R37242	Additional Temporary Easement
			Part 1, 2, 3, 4, Plan YR2266434	Temporary Easement
32.	GrayFive Developments Inc.	Between 11305 and 11339 Yonge Street Richmond Hill	Part 3, Plan 65R37242	Additional Temporary Easement
33.	Antonio Di Vincenzo	11352 Yonge Street Richmond Hill	Part 3, Plan YR2266439	Temporary Easement
34.	Aralansa Inc.	Southeast corner of Yonge Street and 19th Avenue Richmond Hill	Part 1, Plan YR2266444	Temporary Easement
35.	9720618 Canada Inc.	Northwest corner of Yonge Street and Gamble Road Richmond Hill	Part 2, Plan YR2266450	Temporary Easement
36.	2221508 Ontario Inc.	11151 Yonge Street Richmond Hill	Part 1, Plan 65R37297	Additional Temporary Easement

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
37.	Weins Canada Inc.	11552 Yonge Street Richmond Hill	Part 1, 2, Plan YR2266443	Temporary Easement
38.	J. Cordone Realty Limited	11130 Yonge Street Richmond Hill	Part 2, Plan YR2266445	Temporary Easement
39.	2436196 Ontario Inc.	11160 Yonge Street Richmond Hill	Part 3, Plan YR2266449	Temporary Easement
40.	SKN Development Inc.	11575 Yonge Street Richmond Hill	Part 1, Plan YR2266453	Temporary Easement
41.	New Era Development (2011) Inc.	11611 Yonge Street Richmond Hill	Part 3, 4, Plan 65R37302	Additional Temporary Easement
42.	802553 Ontario Limited	11623 Yonge Street Richmond Hill	Part 1, 2, Plan 65R37302	Additional Temporary Easement
43.	Aldar Developments Inc.	11262 Yonge Street Richmond Hill	Part 1, Plan 65R37220	Additional Temporary Easement
			Part 1, Plan YR2266438	Temporary Easement
44.	Millwin Investments Limited	11300 Yonge Street Richmond Hill	Part 1, 2, 3, 4, Plan YR2266442	Temporary Easement
45.	St. Mary and St. Joseph Coptic Orthodox Church	11308 Yonge Street Richmond Hill	Part 1, 2, Plan YR2266446	Temporary Easement
46.	Loyal True Blue and Orange Home	11181 Yonge Street Richmond Hill	Part 1, Plan 65R37292	Additional Temporary Easement
			Parts1, 2, Plan YR2266447	Temporary Easement

Permanent easement language specific only to 10520 Yonge Street, Richmond Hill:  
A permanent easement or rights in the nature of a permanent easement for the

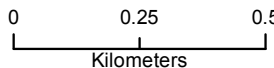
No.	Owner	Municipal Address	Legal Description	Interest Required
<p>purpose of entering on the lands with all vehicles, machinery, workers and other material (I) to construct and maintain permanent municipal infrastructure which may include retaining walls, shoring and formwork and/or drainage, erosion or sediment control measures such as water mains and storm sewers;(II) to construct, operate, inspect/test, maintain, repair, and revise a traffic control signal system including but not limited to pedestrian ramps, signs, detectors and pavement markings; (III) to prohibit any works and/or placements (above and/or underground) in order to maintain the accessibility, visibility, and structural integrity of the traffic control signals system; and (IV) for construction purposes which may include (1) relocating 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 limits of the reconstruction of Yonge Street, (6) the installation and removal of temporary (i) pedestrian access and walkways, (ii) parking measures including rest-stripping 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.</p> <p>Permanent easement language for all other permanent requirements:</p> <p>The permanent easements are required for the purpose of entering on the lands 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 or sediment control measures such as water mains 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-stripping 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.</p> <p>The temporary easements will commence on March 12, 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)</p>				

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
<p>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> <p>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.</p>				



**Location Plan**

Compensation for Expropriation  
 Viva Bus Rapid Transit Corridor  
 Yonge Street from Levendale Road to  
 Gamble Road/19th Avenue  
 Town of Richmond Hill  
 May 10, 2018



**Legend**

-  Subject Corridor
-  Road
-  Railway

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

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