

Clause 21 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 19, 2018.

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Final Settlement Related to Expropriation  
Viva Bus Rapid Transit Corridor  
8555 Woodbine Avenue  
City of Markham

Committee of the Whole recommends adoption of the following recommendations contained in the report dated March 28, 2018 from the Commissioner of Corporate Services:

1. Council authorize the final settlement of all claims related to the property identified in Attachment 1, for the construction of the bus rapid transit corridor on Highway 7, in the City of Markham.
2. The Commissioner of Corporate Services be authorized to execute the Minutes of Settlement and all necessary documentation to complete the transaction in accordance with the Minutes of Settlement.

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Report dated March 28, 2018 from the Commissioner of Corporate Services now follows:

1. Recommendations

It is recommended that:

1. Council authorize the final settlement of all claims related to the property identified in Attachment 1, for the construction of the bus rapid transit corridor on Highway 7, in the City of Markham.
2. The Commissioner of Corporate Services be authorized to execute the Minutes of Settlement and all necessary documentation to complete the transaction in accordance with the Minutes of Settlement.

Final Settlement Related to Expropriation  
Viva Bus Rapid Transit Corridor  
8555 Woodbine Avenue, City of Markham

## 2. Purpose

This report seeks Council approval to accept the full and final Minutes of Settlement for claims for compensation by the owner and tenant at 8555 Woodbine Avenue in Markham for the vivaNext project. The property location is shown on the map in Attachment 2.

Private Attachment 1 to this report will be considered in private session because it relates to the acquisition of land by the Region and the claim for compensation by the owner of the property.

## 3. Background and Previous Council Direction

The Region constructed dedicated bus rapid transit lanes for the vivaNext project along Highway 7 in Markham

To facilitate public transit along Highway 7, York Region Rapid Transit Corporation (YRRTC) on behalf of the Region, constructed dedicated centre lanes for Viva buses, with enhanced street features and boulevards from Bayview Avenue to South Town Centre Boulevard in Richmond Hill and Markham. Following approval from the Ministry of the Environment, construction of the new rapid way began in February 2011, and was completed in August 2015.

Land requirements were identified to complete the project and steps were taken to obtain the lands

The Region identified land requirements from property owners as part of the vivaNext project on the Highway 7 corridor between Bayview Avenue and South Town Centre Boulevard in Richmond Hill and Markham. All lands required to facilitate the project were obtained through amicable negotiations, expropriation, and Regional site plan approvals.

Settlements were reached with the fee simple owners

The original land requirements were obtained in December 2009 based on Council approvals in [October 2009](#), which included the subject property. Additional temporary easements were required from the owner in December 2012, which were approved by Council in [October 2012](#). For both expropriations, appraisals were prepared and used to make offers of compensation under Section 25 of the *Expropriations Act* (the "Act") to the registered owners.

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8555 Woodbine Avenue, City of Markham

The owner of 8555 Woodbine Avenue also owned a grocery business on the property. As such, the owner is entitled to compensation under the *Act* as an owner and a tenant. The property owner accepted an offer of compensation under section 25B of the *Act* for the 2009 and 2012 expropriations. The acceptance of this offer provided the owner the right to make a claim for further compensation. An agreement has been negotiated to resolve the owner's claims as an owner and a tenant. The settlement that is the subject of this report is with Angelico Investments Inc. (Owner) and Michael-Angelo's Market Place Inc. (Tenant).

The Tenant submitted a claim to the Region resulting from the effects of construction in the area on the grocery store business

By virtue of its leasehold interest at the time of the expropriations, the Tenant is entitled to make a claim for compensation pursuant to the *Act*. The Tenant made a claim for construction-related impacts on its business, which was prepared by a business analyst. Upon receipt of the claim, the Region obtained a professional claim review and retail market assessment, which formed the basis of the Region's position during negotiations.

#### 4. Analysis and Implications

A settlement has been negotiated with the Owner/Tenant

With the assistance of the Board of Negotiation, the Region, Owner and Tenant have negotiated a full and final settlement of all expropriation interests associated with the ownership and tenancy, for various damages and other costs in accordance with the *Act*.

The Region will not incur additional expenses once the final settlement is completed

The negotiated full and final settlement is considered to be in the best interest of the Region. The Region will not incur any further claims and associated legal and litigation expenses from the Owner or Tenant in relation to the acquisition.

Environmental due diligence has been completed on the fee simple lands and permanent easements

Environmental due diligence has been completed. The results have been reviewed by staff in consultation with Legal Services. No significant issues were identified and no further investigation is required.

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## 5. Financial Considerations

The funding to complete this expropriation settlement 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 has improved public transit and streetscape along Highway 7 for the residents of Richmond Hill and Markham.

## 7. Conclusion

The Region expropriated land from 8555 Woodbine Avenue in Markham for the vivaNext project. A settlement has been completed with the owner and tenant of the property.

The Region has negotiated a full and final settlement with the owner and tenant that represents good value to the Region.

It is recommended that Council authorize the expropriation settlement described in this report to settle all claims with Angelico Investments Inc. and Michael-Angelo's Market Place Inc.

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.

March 28, 2018

Attachments (2)

Private Attachments (1)

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


Accessible formats or communication supports are available upon request

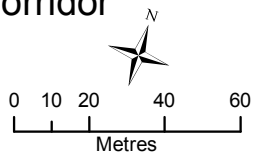
**Property Schedule  
Expropriation Settlement  
Viva Bus Rapid Transit Corridor  
8555 Woodbine Avenue  
City of Markham**

No.	Owner	Municipal Address	Legal Description and Interest Required	Claim Type
1.	Angelico Investments Inc. (Owner)  and  Michael-Angelo's Market Place Inc. (Tenant)	8555 Woodbine Avenue Markham	Part 1, Expropriation Plan YR1366729 (Fee Simple)	Market Value, Disturbance Damages, Injurious Affection, Business Loss
			Part 4, Expropriation Plan YR1366729 (Permanent Easement)	
			Part 2, 3, Expropriation Plan YR1366729 (3 year Temporary Easement)	
			Part 1, 2 Expropriation Plan YR1885695 (22 month Temporary Easement)	



**Location Plan**  
 Expropriation Settlement  
 Viva Bus Rapid Transit Corridor  
 8555 Woodbine Avenue  
 City of Markham  
 April 12, 2018

- Legend**
-  Subject Property
  -  Interest Required
  -  Parcel
  -  Road



  
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 The Regional Municipality of York  
 Property Services, Corporate Services  
 March 2018  
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