

Clause 19 in Report No. 16 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on November 16, 2017.

19

Expropriation of Land
Viva Bus Rapid Transit Corridor
Highway 7 West, Centre Street, Bathurst Street
City of Vaughan

Committee of the Whole recommends adoption of the following recommendations contained in the report dated October 26, 2017 from the Commissioner of Corporate Services:

1. Council authorize an application for approval to expropriate the lands identified in Attachment 1 (the “Lands”) for the construction of the vivaNext bus rapid transit corridor on Highway 7 West, Centre Street and Bathurst Street, in the City of Vaughan.
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 (Hearing of Necessity) held under the Act.
4. Council, as approving authority, approve the expropriation of the Lands provided there is no Hearing of Necessity requested in accordance with the Act. Council approval is deemed to be given effective 31 days following the publication of the Notice and when a Hearing of Necessity is not requested in accordance with the Act.
5. Where approval to expropriate the Lands is given, the Commissioner of Corporate Services be authorized to register a certificate of approval and plan of expropriation, and execute and serve any notices required under the Act.
6. Where approval to expropriate the Lands is given, Council authorize the introduction of the necessary bylaw to give effect to these recommendations.

Report dated October 26, 2017 from the Commissioner of Corporate Services now follows:

1. Recommendations

It is recommended that:

1. Council authorize an application for approval to expropriate the lands identified in Attachment 1 (the “Lands”) for the construction of the vivaNext bus rapid transit corridor on Highway 7 West, Centre Street and Bathurst Street, in the City of Vaughan.
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 (Hearing of Necessity) held under the *Act*.
4. Council, as approving authority, approve the expropriation of the Lands provided there is no Hearing of Necessity requested in accordance with the *Act*. Council approval is deemed to be given effective 31 days following the publication of the Notice and when a Hearing of Necessity is not requested in accordance with the *Act*.
5. Where approval to expropriate the Lands is given, the Commissioner of Corporate Services be authorized to register a certificate of approval and plan of expropriation, and execute and serve any notices required under the *Act*.
6. Where approval to expropriate the Lands is given, 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 the construction of the vivaNext bus rapid transit corridor on Highway 7 West, Centre Street and Bathurst Street, in the City of Vaughan, as shown in Attachments 2, 3 and 4.

This report further seeks Council approval to expropriate any of the Lands for which no Hearing of Necessity is requested, and which have not otherwise been acquired by the Region through negotiations.

3. Background and Previous Council Direction

The Region is constructing dedicated bus rapid transit lanes for vivaNext along Highway 7 West, Centre Street and Bathurst Street

To facilitate public transit along Highway 7, Centre Street and Bathurst 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. The subject properties are located on Highway 7 West, Centre Street and Bathurst Street, in the City of Vaughan.

Council approved the expropriation of multiple properties on Highway 7 West, Centre Street and Bathurst Street in [January 2015](#), [March 2015](#) and [October 2015](#). In 2016, the corridor was extended west on Highway 7 West to Bruce Street and Council approved the expropriation of additional properties in [March 2016](#). The approvals secured fee simple lands, permanent easements and temporary easements for a five year term. To date, 103 properties have been affected by this portion of the vivaNext project.

Fourteen additional property requirements were identified during corridor design

The need was identified for additional fee simple lands, permanent easements and temporary easements from 14 properties. Five of the properties have not previously been subject to land requirements for the vivaNext project.

4. Analysis and Implications

Initiating the expropriation process will secure access to the Lands

In an effort to secure possession and complete the additional property acquisitions for this project, it is recommended the expropriation process proceed concurrently with ongoing negotiations.

The preferred approach to obtaining land is to negotiate a transaction with the property owner. However, in many cases various events affect the timing of negotiations, such as owners who prefer to finalize negotiations at the completion of the project. In this regard, expropriation is necessary to ensure timely possession of the lands for the project.

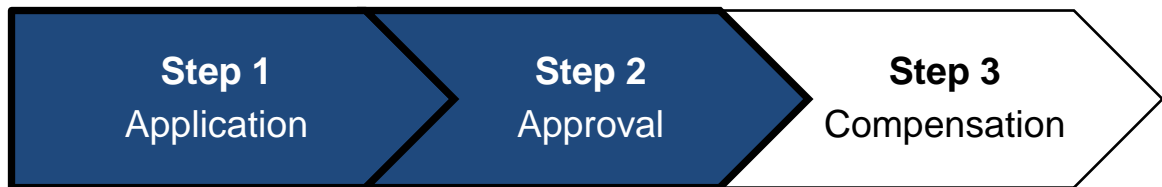
Staff will continue to negotiate agreements of purchase and sale for the required interests concurrently with the expropriation process, until an expropriation plan has been registered or a negotiated agreement is completed.

Approval by Council is required at various stages of the expropriation process

Approval by Council is required at three stages in the expropriation process. These include the request to Council to authorize an application for approval to expropriate the Lands, the expropriation of the Lands, and the offer of compensation made to the former owner of the Lands for the losses suffered as a consequence of the expropriation.

In an effort to ensure possession of the Lands meets the construction schedule, the first and second steps in the Council approval process have been combined for this report, as indicated in the graphic below. The third step will be the subject of a future report to Council if the expropriations proceed. Possession of the Lands cannot be obtained until the third step has been completed and the owners are served offers of compensation.

Figure 1
Council Approval Steps



Owners have the right to request a Hearing of Necessity upon receipt of a Notice of Application for Approval to Expropriate Land

The first step in the expropriation process is to serve owners with notice of intent to expropriate, following Council approval. Upon receipt of the Notice of Application for Approval to Expropriate Land, each owner has 30 days to request an inquiry (Hearing of Necessity) as to whether the taking of the lands by the Region is fair, sound and reasonably necessary.

If an owner requests a Hearing of Necessity, then subsequent to the Hearing, an Inquiry Officer will provide a report with an opinion as to whether the taking is fair, sound and reasonably necessary, including an explanation of the Inquiry Officer's findings.

Registration of expropriation plans will secure ownership of the Lands by the Region

For properties where no Hearings of Necessity are requested, a certificate of approval and plan of expropriation will be registered at the Land Registry Office. This is the second step in the expropriation process, and is anticipated to occur in the first quarter of 2018.

Registration of the expropriation plans is a key step in the expropriation process. It is at this point that the Region acquires ownership of the Lands. However, further steps are required to obtain possession, or the right to access the Lands.

Following the registration of the expropriation plans, the notice of expropriation, election and possession will be served on the owners. Under the *Act*, possession of the Lands is to take place no sooner than three months after registration of the expropriation plans. In addition, offers of compensation must be served on the owners to obtain possession. This is the third step in the expropriation process, which requires Council approval.

Environmental due diligence is underway on the lands

Environmental due diligence is underway. The results will be reviewed by staff in consultation with Legal Services. In the event any environmental concerns are identified with the Lands, appropriate action will be taken to minimize potential exposure to the Region. Any significant issues will be reported back to Council, if necessary.

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

The construction of dedicated bus lanes and related facilities, as well as road and intersection improvements is critical to achieving the Region's plan for the corridor. This project will improve public transit services and the streetscape on Highway 7 West, Centre Street and Bathurst Street in Vaughan.

7. Conclusion

The Region has acquired possession of multiple property interests through previous expropriations and negotiated agreements to facilitate the vivaNext project along Highway 7 West, Centre Street and Bathurst Street in Vaughan. Additional property requirements have been identified by the project team, which are the subject of this report. Possession is required by mid-2018 to maintain the construction timing.

It is recommended that Council approve the initiation of the expropriation process for the additional property requirements detailed in this report.

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.

October 26, 2017

Attachments (4)

7964069

Accessible formats or communication supports are available upon request

**Property Schedule
Expropriation of Land
Viva Bus Rapid Transit Corridor
Highway 7 West, Centre Street, Bathurst Street
City of Vaughan**

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Paul Fortuna	4871 Highway 7 West Vaughan	Part 1, Plan 65R37386	Temporary Easement
2.	Jose Gomes Cordeiro Maria Do Carmo Jordao Cordeiro	4850 Highway 7 West Vaughan	Part 1, 2, 3, Plan 65R37387	Permanent Easement
				Temporary Easement
3.	2410174 Ontario Inc.	4800 Highway 7 West Vaughan	Part 1, 2, 3, Plan 65R37414	Fee Simple Strata
4.	Piazza Capri Inc.	4585 Highway 7 West Vaughan	Part 1, 2, Plan 65R37413	Temporary Easement
5.	Lee-Mar Developments Limited	4030 Highway 7 West Vaughan	Part 1, Plan 65R37356	Temporary Easement
6.	200 Whitmore Limited	200 Whitmore Road Vaughan	Part 1, Plan 65R37359	Temporary Easement
7.	2159645 Ontario Inc.	7777 Weston Road Vaughan	Part 1, 2, 3, Plan 65R37358	Fee Simple
				Temporary Easement
8.	Suncor Energy Inc.	3733 Highway 7 West Vaughan	Part 1, Plan 65R37355	Temporary Easement
9.	Calloway Reit (400 and 7) Inc.	57 and 101 Northview Boulevard Vaughan	Part 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, Plan 65R37346	Fee Simple
				Permanent Easement
				Temporary Easement

No.	Owner	Municipal Address	Legal Description	Interest Required
10.	1493130 Ontario Limited	Famous Avenue Vaughan	Part 1, Plan 65R37357	Fee Simple
11.	Suncor Energy Inc.	1487 Centre Street Vaughan	Part 1, Plan 65R37381	Temporary Easement
12.	949988 Ontario Ltd.	1102 Centre Street Vaughan	Part 1, Plan 65R37383	Temporary Easement
13.	Riocan Holdings Inc.	1054 Centre Street Vaughan	Part 1, 2, Plan 65R37384	Temporary Easement
14.	8000 Bathurst Street Realty Inc.	8000 Bathurst Street Vaughan	Part 1, 2, Plan 65R37382	Temporary Easement

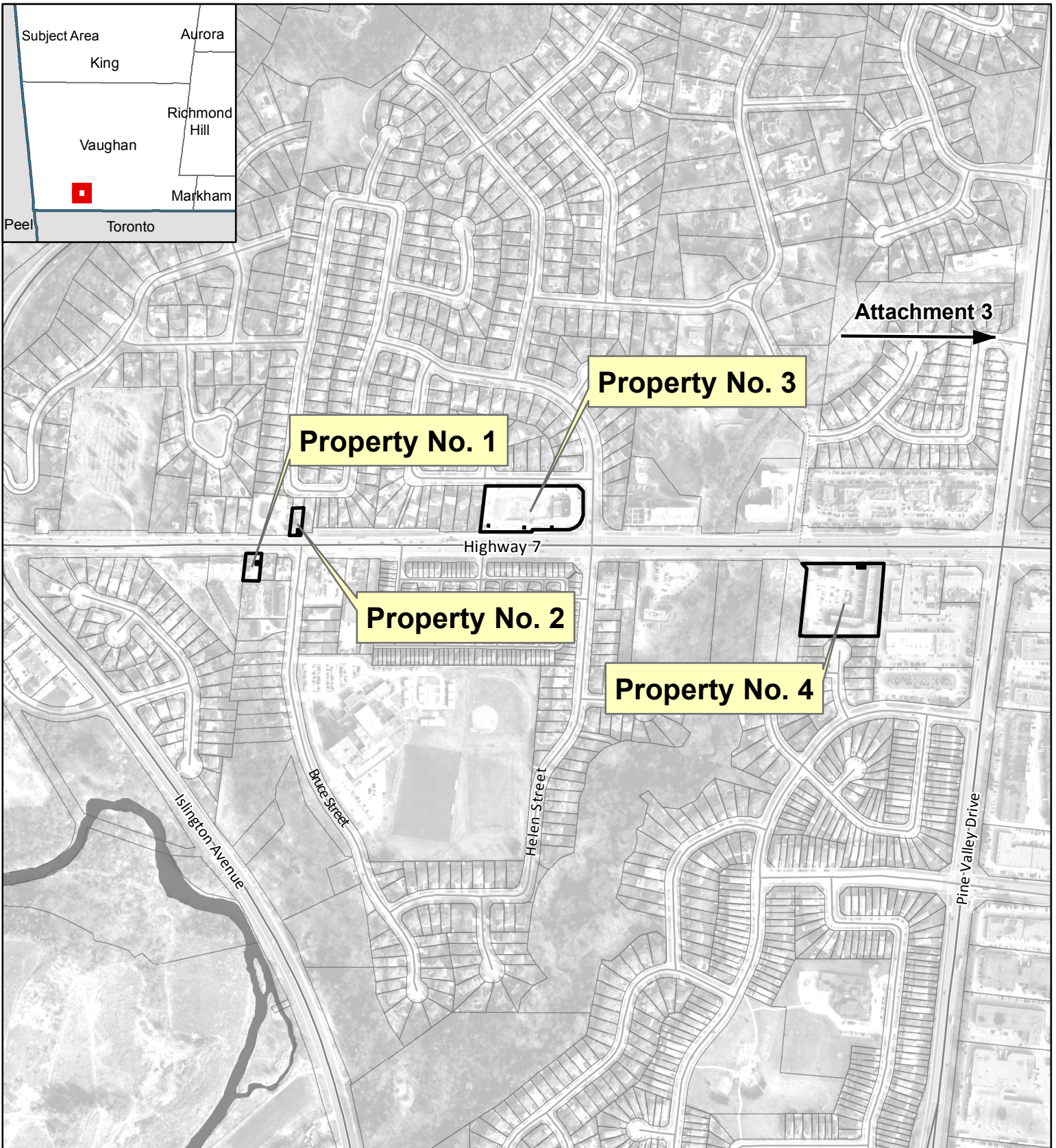
The permanent easements are required for the purpose of entering on the lands with all vehicles, machinery, workers and other material (I) to construct and maintain permanent municipal infrastructure which may include installation, maintenance, relocation and/or removal of traffic turning loops and associated signalization equipment and controls, retaining walls, shoring and formwork and/or drainage, erosion or sediment control measures such as 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 Highway 7 West, Centre Street and Bathurst 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 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.

The temporary easements for 4871 Highway 7 West and 4850 Highway 7 West in Vaughan will commence on registration of the expropriation plan and expire November 30, 2020.

The temporary easements for the remaining properties will commence on registration of the expropriation plan and expire March 31, 2020.

The temporary easements 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)

No.	Owner	Municipal Address	Legal Description	Interest Required
<p>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 Highway 7 West, Centre Street and Bathurst 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 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 lands for the vivaNext transit system and works ancillary thereto.</p>				

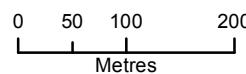


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October 2017






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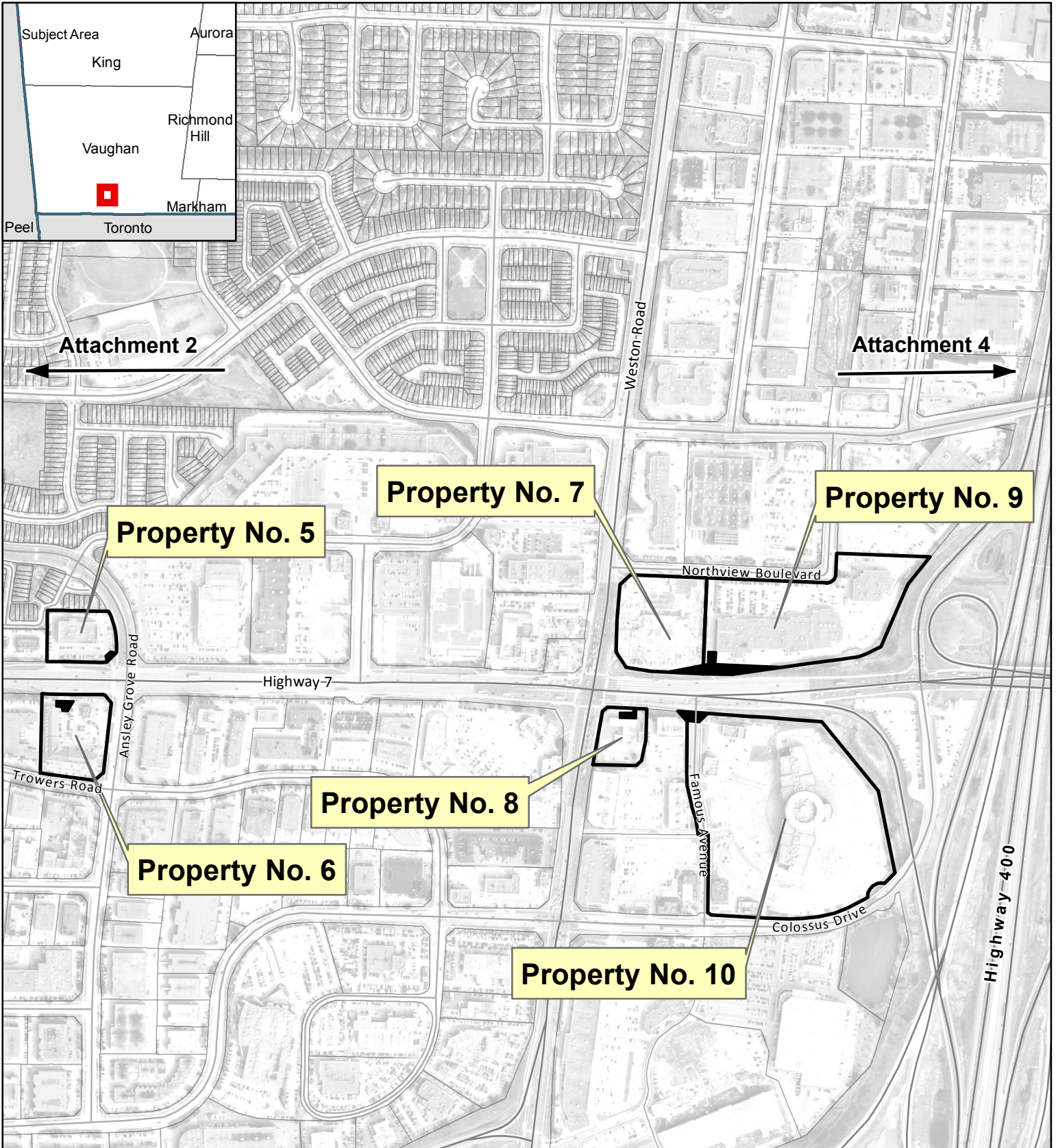
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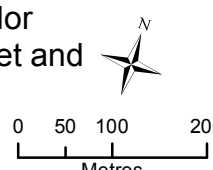




Location Plan
Expropriation of Land
Viva Bus Rapid Transit Corridor
Highway 7 West, Centre Street and
Bathurst Street
City of Vaughan
November 9, 2017

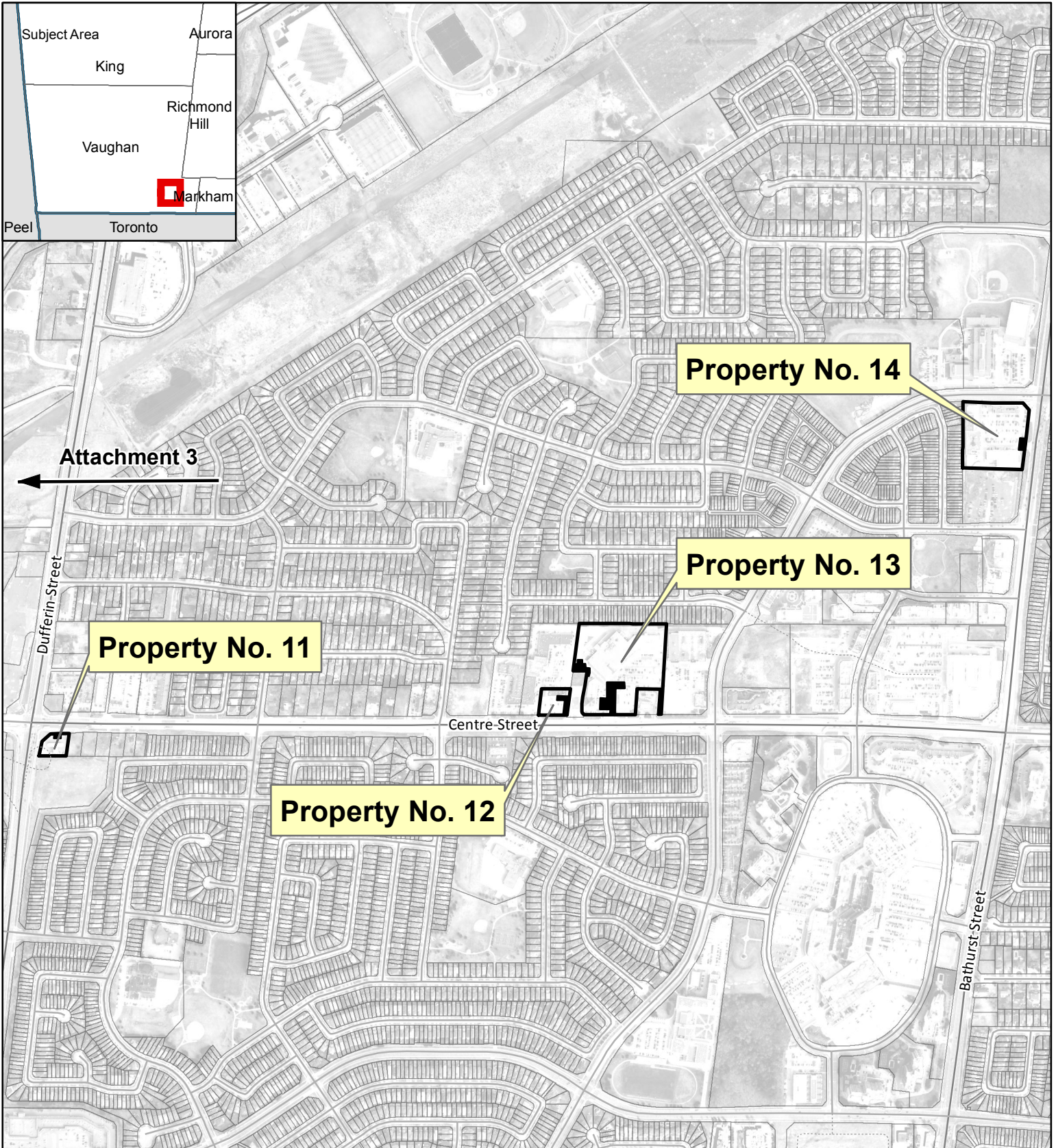


Legend

-  Subject Property
-  Interest Required
-  Parcel
-  Road
-  Railway



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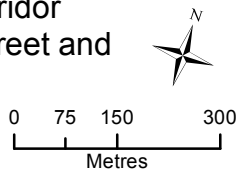


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Location Plan
Expropriation of Land
Viva Bus Rapid Transit Corridor
Highway 7 West, Centre Street and
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City of Vaughan
November 9, 2017



Legend

-  Subject Property
-  Interest Required
-  Parcel
-  Road