

Clause 24 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 23, 2016.

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Compensation for Expropriation
Viva Bus Rapid Transit Corridor
Highway 7 West, from Pine Valley Drive to west of Bruce Street
City of Vaughan

Committee of the Whole recommends adoption of the following recommendation contained in the report dated June 2, 2016 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 City of Vaughan, as set out in Attachment 1, which were acquired in accordance with the Expropriations Act (the "Act").

Report dated June 2, 2016 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 City of Vaughan, 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 Highway 7 West, from Pine Valley Drive to west of Bruce Street, in the City of Vaughan, for the vivaNext bus rapid transit corridor. The location of the properties is shown on the maps in Attachments 2 and 3.

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3. Background

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

To facilitate public transit along Highway 7 West in Vaughan, the Region, via York Region Rapid Transit Corporation (YRRTC), is undertaking improvements to the road infrastructure and 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 Highway 7 West from west of Bruce Street to Highway 400, Centre Street from Highway 7 West to Bathurst Street, and Bathurst Street from Centre Street to Highway 7 West.

The Region has secured possession of 81 parcels and is in the process of acquiring additional properties

The Region obtained possession of 81 property interests in 2015 and 2016 on Highway 7 West, Centre Street, and Bathurst Street. In early 2015, the corridor was extended westward to include 25 additional land requirements from Pine Valley Drive to west of Bruce Street in Vaughan.

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

In October 2015, Council authorized the first step of the expropriation approval process, which was an application for approval to expropriate 25 property interests. Of the 25 properties, one property interest is no longer subject to expropriation and two properties will be the subject of a future Council report. This reduces the land interests for this report to 22 properties. Council authorized the approval to expropriate the lands in March 2016, which was the second step to approve the expropriation. This report is for the third and final step in the expropriation approval process for the 22 properties.

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 an offer of compensation to the owner and obtaining possession of the land requirements.



4. Analysis and Options

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

The Region acquired title to the lands when the expropriation plans were registered at the Land Registry Office in the second quarter of 2016. 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 in order to obtain possession of the expropriated lands. The offers will be delivered in the third quarter of 2016 prior to possession of the lands.

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

The *Act* requires the Region to make offers of compensation based on reports appraising market value of the lands and damages attributable to the expropriations. Independent appraisal consultants were commissioned by the Region to provide opinions of value as required and the appraisals will form the basis of the offers to be served on the registered owners.

Section 25 of the *Act* requires the Region to offer owners a choice of two options regarding compensation. The first offer is for full compensation of the market value of the lands expropriated and any damages for lost improvements and injurious affection. The second offer is for the market value of the lands expropriated and does not include other damages. Acceptance of the second offer allows the owner to 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.

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[Link to key Council-approved plans](#)

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

One of the goal areas of Vision 2051 is Interconnected Systems for Mobility, which the project addresses by enhancing public transit. As well, the vivaNext project provides convenient and accessible transit service, in accordance with the Regional Official Plan. Lastly, a strategic objective identified in the Strategic Plan is the focus on networks and systems that connect people, goods and services.

5. Financial Implications

The funding for the property acquisition is included in the 2016 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, related facilities, as well as road and intersection improvements is critical to the achievement of the vision for the project. Additionally, upon completion, this project will improve public transit facilities and enrich the streetscape in Vaughan.

7. Conclusion

In March 2016, Council approved the expropriation of 22 property interests on Highway 7 West in the City of Vaughan, which provides for the registration of the expropriation plan and serving notices of expropriation to the owner.

The expropriation plan was registered with the Land Registry Office in the second quarter of 2016. The *Act* requires that an offer of compensation for expropriated land be served on the former owner in order to obtain possession. The value of the proposed offer is based on an independently commissioned appraisal. It is recommended that the offer set out in this report be served in accordance with the *Act*.

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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.

June 2, 2016

Attachments (3)

Private Attachments (1)

6791030

Accessible formats or communication supports are available upon request

**Property Schedule
 Compensation for Expropriation
 Viva Bus Rapid Transit Corridor
 Highway 7 West, from Pine Valley Drive to west of Bruce Street
 City of Vaughan**

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Hong Nhi Thach and Mong Dep Tran	4880 Highway 7 West Vaughan	Part 1, Plan YR2459717	Temporary Easement
2.	Trustees of the Woodbridge Congregation of Jehovah's Witnesses	4860 Highway 7 West Vaughan	Part 3, 4, 6, 7, 9, 10, Plan YR2459718	Fee Simple
			Part 1, 2, 5, 8, Plan YR2459718	Temporary Easement
3.	Clive Fraser and Jennifer Fraser	63 Benjamin Drive Vaughan	Part 2, Plan YR2459803	Fee Simple
			Part 1, Plan YR2459803	Temporary Easement
4.	Maria Bucci	57 Benjamin Drive Vaughan	Part 2, Plan YR2459814	Fee Simple
			Part 1, Plan YR2459814	Temporary Easement
5.	Teresa Camillone and Pasquale Camillone	51 Benjamin Drive Vaughan	Part 2, Plan YR2459819	Fee Simple
			Part 1, Plan YR2459819	Temporary Easement
6.	2410174 Ontario Inc.	4800 Highway 7 West Vaughan	Part 9, 10, Plan 65R35831	Fee Simple
			Part 8, Plan 65R35831	Permanent Easement
			Part 7, Plan 65R35831	Temporary Easement

No.	Owner	Municipal Address	Legal Description	Interest Required
7.	Samandar Safari Osqui and Atyhe Sadri Mahrabad	10 Wigwoss Drive Vaughan	Parts 3, 4, Plan YR2461036	Fee Simple
			Part 2, Plan YR2461036	Permanent Easement
			Part 1, Plan YR2461036	Temporary Easement
8.	York Region Standard Condominium Corporation No. 1278	4700 Highway 7 West Vaughan	Parts 1, 2, 3, 4, 5, 6, Plan YR2461826	Temporary Easement
9.	Pebble Creek Developments Inc.	4650 Highway 7 West Vaughan	Part 2, 6, Plan YR2461566	Fee Simple
			Parts 1, 3, 4, 5, Plan YR2461566	Temporary Easement
10.	York Region Standard Condominium Corporation No. 1099	4620 Highway 7 West Vaughan	Part 2, Plan YR2462636	Fee Simple
			Part 1, Plan YR2462636	Temporary Easement
11.	Pine Valley (FGH) Inc.	4603 Highway 7 West Vaughan	Part 1, Plan YR2461638	Fee Simple
			Part 2, Plan YR2461638	Temporary Easement
12.	Pine Valley (FGH) Inc.	4611 Highway 7 West Vaughan	Part 1, 2, Plan YR2461052	Fee Simple
			Part 3, Plan YR2461052	Permanent Easement
			Part 4, Plan YR2461052	Temporary Easement

No.	Owner	Municipal Address	Legal Description	Interest Required
13.	Pine Valley (FGH) Inc.	Highway 7 West Vaughan	Part 1, 2, Plan YR2461538	Fee Simple
			Part 3, Plan YR2461538	Permanent Easement
			Part 4, Plan YR2461538	Temporary Easement
14.	Ward Funeral Home Limited	4671 Highway 7 West Vaughan	Part 1, 2, 6, 7, 8, Plan YR2461474	Fee Simple
			Part 3, 5, 9, Plan YR2461474	Permanent Easement
			Part 4, 10, Plan YR2461474	Temporary Easement
15.	Michelina Fulgenzi and Lelio Fulgenzi	4685 Highway 7 West Vaughan	Part 1, 2, Plan YR2461694	Fee Simple
			Part 3, Plan YR2461694	Permanent Easement
			Part 4, 5, Plan YR2461694	Temporary Easement
16.	1072795 Ontario Limited	4697 Highway 7 West Vaughan	Part 1, 2, 6, Plan YR2461547	Fee Simple
			Part 3, Plan YR2461547	Permanent Easement
			Part 4, 5, Plan YR2461547	Temporary Easement
17.	York Region Common Elements Condominium Plan No. 1160	John Frank Road Vaughan	Part 1, Plan YR2459836	Fee Simple for a Term of 5 Years
18.	York Region Common Elements Condominium Plan No. 1088	John Frank Road Vaughan	Part 1, Plan YR2459830	Fee Simple for a Term of 5 Years
19.	Jurij Kowal and Lionel Roberts	S/S Highway 7 West Vaughan	Part 1, Plan YR2459722	Temporary Easement

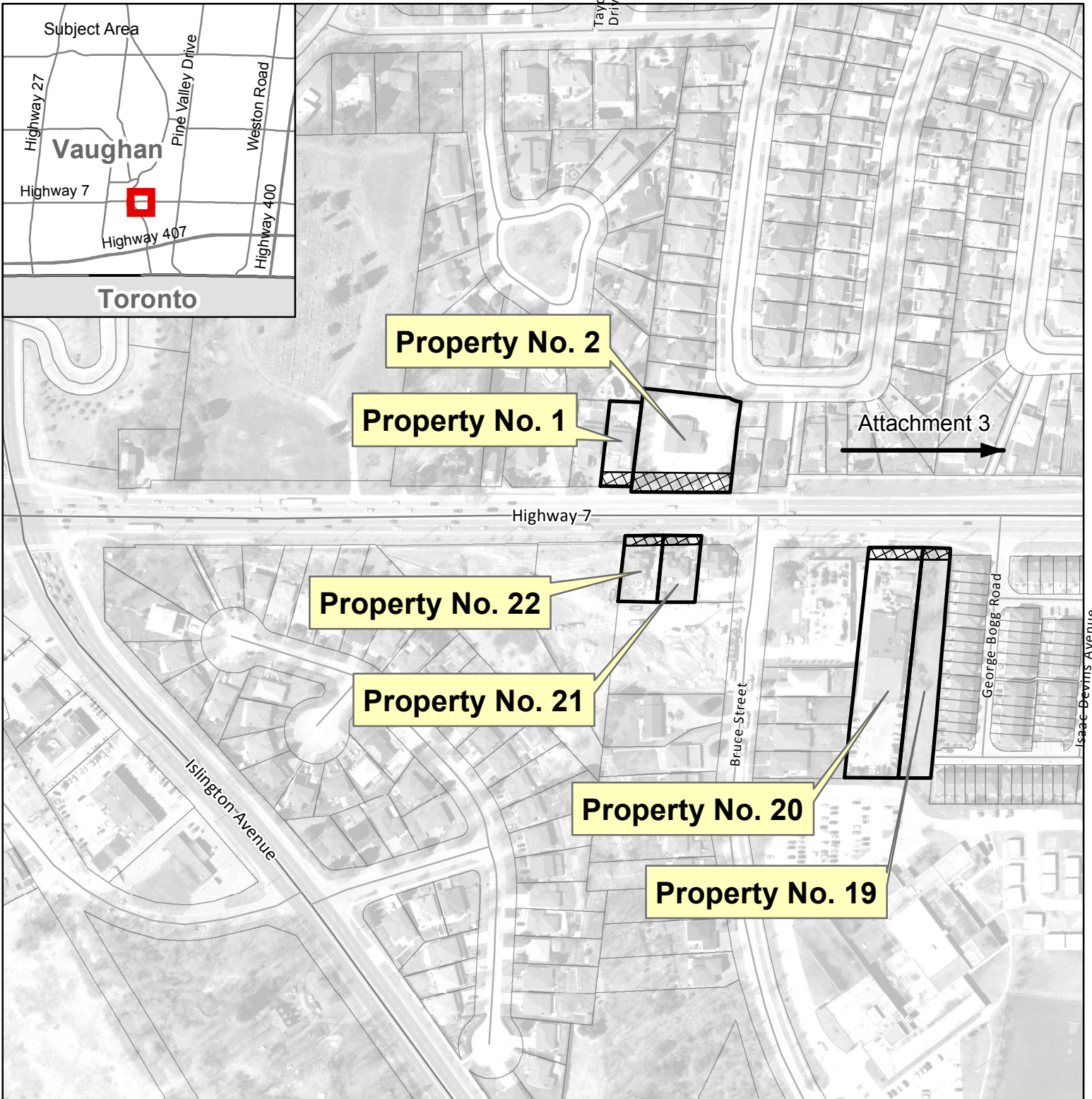
No.	Owner	Municipal Address	Legal Description	Interest Required
20.	Jirij Kowal, Lionel Roberts, Tony Pisegna and Laura Pisegna	4817 Highway 7 West Vaughan	Part 1, Plan YR2459731	Temporary Easement
21.	Julia Cesario and Paul Fortuna	4863 Highway 7 West Vaughan	Part 1, Plan YR2459734	Fee Simple
			Part 2, 3, Plan YR2459734	Temporary Easement
22.	Paul Fortuna	4871 Highway 7 West Vaughan	Part 1, Plan YR2459737	Fee Simple
			Part 2, 3, Plan YR2459737	Temporary Easement

The fee simple interest for a term of 5 years required is described as all right, title and interest for a term of 5 years for the municipal purpose of implementing road and intersection improvements along Highway 7, including associated local roads, and to provide designated lanes for the vivaNext transit system and works ancillary thereto.

The permanent easements required are described as a limited interest in perpetuity being a permanent easement or rights in the nature of a permanent easement 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 (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 watermains and storm sewers; and (ii) for construction purposes which may include, but are not limited to, (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 municipal road fronting the lands herein described, (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 required are described as a temporary limited interest being a temporary easement or rights in the nature of a temporary easement for a term of five (5) years commencing on registration of the plan of expropriation in, under, over, along and upon and for

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

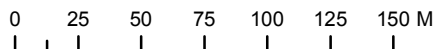
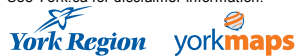


Location Plan





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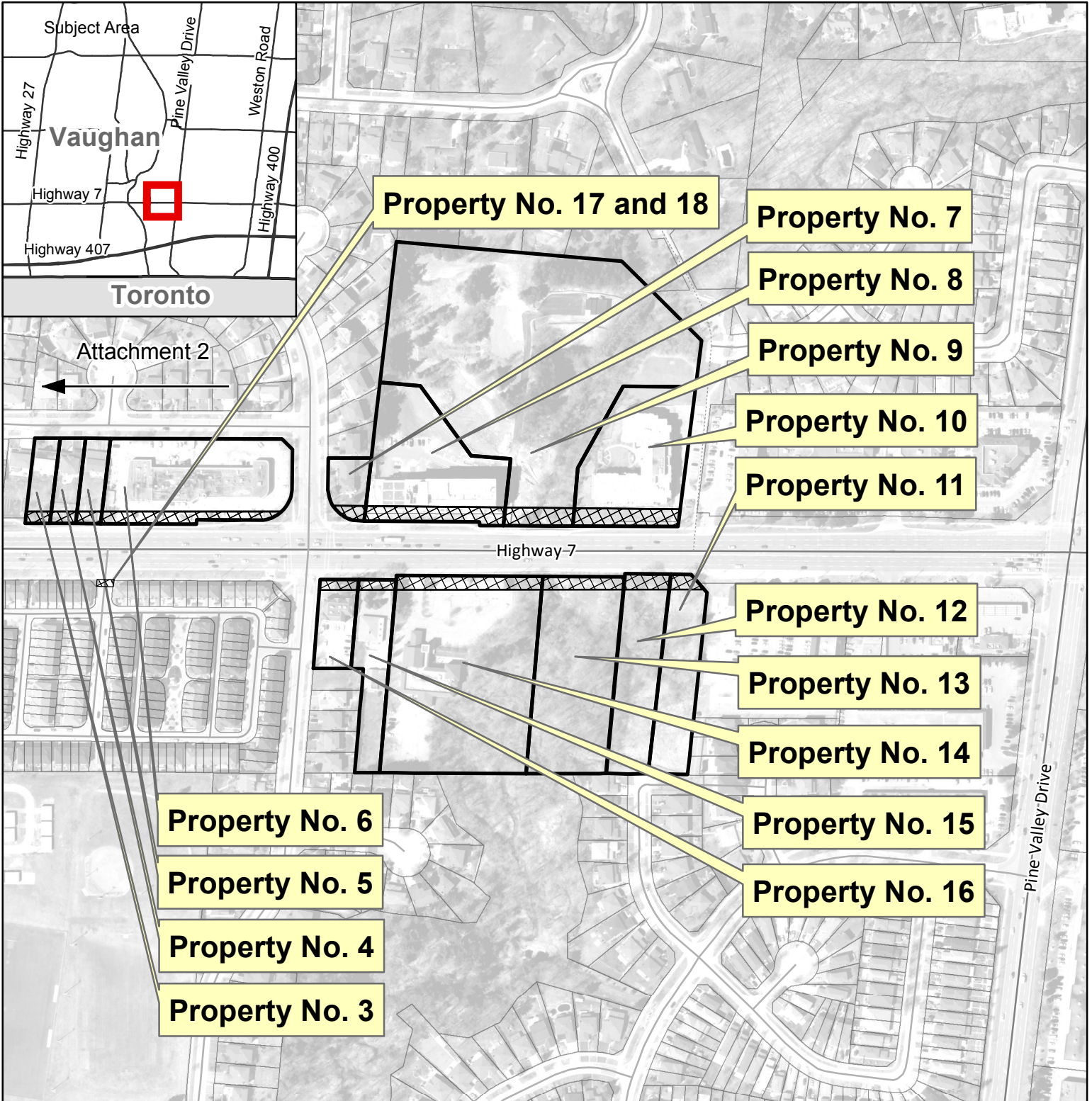
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Legend

-  Subject Properties
-  Interests Required
-  Parcel
-  Road

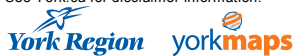


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-  Interests Required
-  Parcel
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