

THE REGIONAL MUNICIPALITY OF YORK

BYLAW NO. 2016-18

To acquire certain lands for or in connection with the construction of the bus rapid transit corridor along Highway 7, City of Vaughan

WHEREAS the Council of The Regional Municipality of York on October 15, 2015, by its adoption of Clause 15 of Report 16 of the Committee of the Whole authorized an application for approval to expropriate the lands therein referred to for or in connection with the construction of the bus rapid transit corridor along Highway 7 from Pine Valley Drive to west of Bruce Street, in the City of Vaughan; and

WHEREAS Notice of Application for Approval to Expropriate Land has been served upon the registered owners of the lands and has been published pursuant to the provisions of the *Expropriations Act*, R.S.O. 1990, c. E.26, as amended (the "Act"); and

WHEREAS no notification of a desire for a hearing has been received and the time for giving such notification has expired; and

WHEREAS the Council of The Regional Municipality of York on March 24, 2016, by its adoption of Clause 12 of Report 5 of the Committee of the Whole approved the expropriation of the hereinafter described lands.

Now, therefore, the Council of The Regional Municipality of York
HEREBY ENACTS as follows:

1. The expropriation of the lands referred to in section 3 is hereby approved for or in connection with the construction of the bus rapid transit corridor along

Highway 7 from Pine Valley Drive to west of Bruce Street, in the City of Vaughan.

2. The Regional Chair and Regional Clerk are hereby authorized and directed to execute a Certificate of Approval pursuant to the Act.

3. The Region, as expropriating authority, expropriate the following lands, by the preparation, execution and registration of a plan of expropriation:

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Hong Nhi Thach and Mong Dep Tran	4880 Highway 7 West Vaughan	Part 1, Plan 65R35830	Temporary Easement
2.	Trustees of the Woodbridge Congregation of Jehovah's Witnesses	4860 Highway 7 West Vaughan	Part 4, 5, 7, 8, 10, 11, Plan 65R35830	Fee Simple
			Part 2, 3, 6, 9, Plan 65R35830	Temporary Easement
3.	Clive Fraser and Jennifer Fraser	63 Benjamin Drive Vaughan	Part 2, Plan 65R35831	Fee Simple
			Part 1, Plan 65R35831	Temporary Easement
4.	Maria Bucci	57 Benjamin Drive Vaughan	Part 4, Plan 65R35831	Fee Simple
			Part 3, Plan 65R35831	Temporary Easement
5.	Teresa Camillone and Pasquale Camillone	51 Benjamin Drive Vaughan	Part 6, Plan 65R35831	Fee Simple
			Part 5, Plan 65R35831	Temporary Easement
6.	2410174 Ontario Inc.	4800 Highway 7 West Vaughan	Part 9, 10, Plan 65R35831	Fee Simple

No.	Owner	Municipal Address	Legal Description	Interest Required
			Part 8, Plan 65R35831	Permanent Easement
			Part 7, Plan 65R35831	Temporary Easement
7.	Samandar Safari Osqui and Atyhe Sadri Mahrabad	10 Wigwoss Drive Vaughan	Parts 3, 4, Plan 65R35910	Fee Simple
			Part 2, Plan 65R35910	Permanent Easement
			Part 1, Plan 65R35910	Temporary Easement
8.	YRSCC No. 1278	4700 Highway 7 West Vaughan	Parts 1, 2, 3, 4, 5, 6, Plan 65R35928	Temporary Easement
9.	Pebble Creek Developments Inc.	4650 Highway 7 West Vaughan	Parts 8, 12, Plan 65R35910	Fee Simple
			Parts 7, 9, 10, 11, Plan 65R35910	Temporary Easement
10.	YRSCC No. 1099	4620 Highway 7 West Vaughan	Part 14, Plan 65R35910	Fee Simple
			Part 13, Plan 65R35910	Temporary Easement
11.	Pine Valley (FGH) Inc.	4603 Highway 7 West Vaughan	Part 30, Plan 65R35869	Fee Simple
			Part 31, Plan 65R35869	Temporary Easement
12.	Pine Valley (FGH) Inc.	4611 Highway 7 West Vaughan	Part 26, 27, Plan 65R35869	Fee Simple
			Part 28, Plan 65R35869	Permanent Easement

No.	Owner	Municipal Address	Legal Description	Interest Required
			Part 29, Plan 65R35869	Temporary Easement
13.	Pine Valley (FGH) Inc.	Highway 7 West Vaughan	Part 22, 23, Plan 65R35869	Fee Simple
			Part 24, Plan 65R35869	Permanent Easement
			Part 25, Plan 65R35869	Temporary Easement
14.	Ward Funeral Home Limited	4671 Highway 7 West Vaughan	Part 12, 13, 17, 18, 19, Plan 65R35869	Fee Simple
			Part 14, 16, 20, Plan 65R35869	Permanent Easement
			Part 15, 21, Plan 65R35869	Temporary Easement
15.	Michelina Fulgenzi and Lelio Fulgenzi	4685 Highway 7 West Vaughan	Part 7, 8, Plan 65R35869	Fee Simple
			Part 9, Plan 65R35869	Permanent Easement
			Part 10, 11, Plan 65R35869	Temporary Easement
16.	1072795 Ontario Limited	4697 Highway 7 West Vaughan	Part 1, 2, 6, Plan 65R35869	Fee Simple
			Part 3, Plan 65R35869	Permanent Easement
			Part 4, 5, Plan 65R35869	Temporary Easement
17.	YRCECC No. 1160	John Frank Road Vaughan	Part 10 Plan 65R35832	Fee Simple for a Term of 5 Years

No.	Owner	Municipal Address	Legal Description	Interest Required
18.	YRCECC No. 1088	John Frank Road Vaughan	Part 11 Plan 65R35832	Fee Simple for a Term of 5 Years
19.	Jurij Kowal and Lionel Roberts	S/S Highway 7 West Vaughan	Part 9, Plan 65R35832	Temporary Easement
20.	Jirij Kowal, Lionel Roberts, Tony Pisegna and Laura Pisegna	4817 Highway 7 West Vaughan	Part 8, Plan 65R35832	Temporary Easement
21.	Julia Cesario and Paul Fortuna	4863 Highway 7 West Vaughan	Part 4, Plan 65R35832	Fee Simple
			Part 5, 6, Plan 65R35832	Temporary Easement
22.	Paul Fortuna	4871 Highway 7 West Vaughan	Part 1, Plan 65R35832	Fee Simple
			Part 2, 3, Plan 65R35832	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, including associated local roads, and to provide designated

No.	Owner	Municipal Address	Legal Description	Interest Required
<p>lanes for the vivaNext transit system and works ancillary thereto.</p> <p>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 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, including associated local roads, and to provide designated lanes for the vivaNext transit system and works ancillary thereto.</p>				

4. The Commissioner of Corporate Services is authorized to cause the said plan or plans to be registered in the proper Land Registry Office, to give notice of such expropriation in accordance with the Act and to execute all necessary documents to effect the transaction.

5. Plan Nos. 65R-35830, 65R-35831, 65R-35832, 65R-35869, 65R-35910 and 65R-35928, hereto attached, shall form part of this bylaw.

ENACTED AND PASSED on March 24, 2016.

Denis Kelly
Regional Clerk

Wayne Emmerson
Regional Chair

Authorized by Clause 12 of Report 5 of the Committee of the Whole, adopted by Council at its meeting on March 24, 2016.