

Clause 14 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 October 15, 2015.

14

Compensation for Expropriation
Bathurst Street - Highway 7 to Teston Road/Elgin Mills Road
City of Vaughan and Town of Richmond Hill

Committee of the Whole recommends adoption of the following recommendations contained in the report dated August 26, 2015 from the Commissioner of Corporate Services:

1. Recommendation

It is recommended that:

1. Council authorize the Commissioner of Corporate Services to make offers of compensation to the owners of lands as set out in Attachment 1, for the widening and reconstruction of Bathurst Street between Highway 7 and Teston Road/Elgin Mills, in the City of Vaughan and the Town of Richmond Hill, 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 for the Bathurst Street project from Highway 7 to Teston Road/Elgin Mills Road, in the City of Vaughan and the Town of Richmond Hill, as shown in Attachment 2.

3. Background

The Region received approval in 2009 to reconstruct Bathurst Street from Highway 7 to Teston Road/Elgin Mills Road

The improvements to Bathurst Street from Highway 7 to Teston Road/Elgin Mills Road include urbanization and road widening from four to six lanes, Transit-HOV lanes and off-street cycling facilities. The project was approved under the Class Environmental Assessment Study in 2009. Utility relocation will begin in spring 2016 and construction is scheduled for spring 2019.

Council authorized the initiation of the expropriation process for the Bathurst Street project in September 2014

In September 2014, Council authorized an Application for Approval to Expropriate interests from 67 property owners. Seventeen properties are no longer required and another 18 have been acquired through negotiated agreements. There have been no Hearings of Necessity requested for the remaining 32 properties that are the subject of this report.

This is Step 3 in the Council approval process for property expropriation as indicated in the graphic below.



4. Analysis and Options

The Region acquired title to the lands and will have access after serving offers of compensation

The Region acquired title to the lands when the expropriation plans were registered on August 2015. Although ownership is now in the name of the Region, possession is yet to be obtained. In accordance with the *Act*, both notices of expropriation and possession were served on the owners with a possession date of November 2015. In order to take possession of the lands as of the date of possession, under section 25 of the *Act*, the Region is required to

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first serve offers of compensation to the owners within three months of registration of the expropriation plans. These offers are based on appraisals of market value which will be discussed with the owners. Once the Region gets possession, construction can begin. In the event any owner does not accept an offer of compensation, staff will endeavour to negotiate full and final settlement.

The values which form the basis of the offers are established by independent appraisal reports

Independent appraisal consultants were commissioned to provide estimates of compensation. The reports include appraisals of market value for the lands expropriated and, estimates of damages for lost improvements (such as landscaping or parking) and injurious affection (the loss of value to the lands retained by the owner).

Section 25 of the *Act* requires the Region to make two offers of compensation to an owner. The first offer is an offer of full compensation for the market value of the lands expropriated and any damages for lost 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 an offer 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 lost 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*.

Environmental due diligence still needs to be completed at one property

Environmental due diligence has been completed on 31 of the 32 properties. Staff is currently working with the one remaining owner in order to gain access to the remaining property in order to complete the required environmental investigation. The review of the environmental reports and identification of properties needing further environmental investigation will be carried out in consultation with Legal Services.

Link to key Council-approved plans

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

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One of the key goals of Vision 2051 is Interconnected Systems for Mobility, which the project addresses by providing an interconnected network for mobility that links people to jobs. As well, the Bathurst Street project supports one of the objectives of the Regional Official Plan which is to ensure streets support all modes of transportation. 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 required to complete the property acquisition for this project has been included in the 2015 Capital Budget for Transportation Services, Capital Delivery – Roads.

6. Local Municipal Impact

Once construction is complete, the widening and reconstruction of Bathurst Street between Highway 7 and Teston Road/Elgin Mills Road will provide upgraded capacity to improve traffic operations for the travelling public and support the accommodation of the forecasted growth within this area, as established by “Places to Grow” and reflected in the York Region Official Plan.

7. Conclusion

The road widening and reconstruction of Bathurst Street, between Highway 7 and Teston Road/Elgin Mills Road required the partial acquisitions of 50 privately owned properties. Eighteen properties have been acquired by the Region and the remaining 32 are the subject of this report. In August 2015 expropriation plans were registered with respect to the remaining properties, vesting ownership of the lands to the Region. This will allow utility relocation to begin in spring 2016 and road construction in 2019.

The *Act* requires that offers of compensation for expropriated lands be served on the former owners in order to obtain possession of the lands. The proposed offers are based on estimates provided by an independently commissioned appraiser. 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 ext. 71684.

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The Senior Management Group has reviewed this report. August 26, 2015

Attachments (2)

Private Attachments (1)

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Accessible formats or communication supports are available upon request

**Property Schedule
 Compensation for Expropriation
 Bathurst Street – Highway 7 to Teston Road/Elgin Mills Road
 City of Vaughan and Town of Richmond Hill**

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Ner Israel – Joseph (J.T.) Tanenbaum Yeshivah College Of Toronto	8940 Bathurst Street Vaughan	Part 1, Plan 65R34543	Temporary Easement
			Part 2, Plan 65R34543	Fee Simple for 0.3m reserve
			Part 3, Plan 65R34543	Fee Simple for road widening
2.	Trustees Of The Islamic Shia Ithna-Asheri Jamaat Of Toronto	9000 Bathurst Street Vaughan	Part 1, Plan 65R34668	Temporary Easement
			Part 2, Plan 65R34668	Temporary Easement
			Part 3, Plan 65R34668	Temporary Easement
3.	The Toronto Waldorf School	9100 Bathurst Street Vaughan	Part 6, Plan 65R34668	Temporary Easement
			Part 7, Plan 65R34668	Fee Simple for road widening
			Part 8, Plan 65R34668	Fee Simple for road widening
			Part 9, Plan 65R34668	Fee Simple for road widening
			Part 10, Plan 65R34668	Temporary Easement
			Part 11, Plan 65R34668	Temporary Easement
			Part 12, Plan 65R34668	Temporary Easement
			Part 26, Plan 65R34668	Temporary Easement
Part 27, Plan 65R34668	Temporary Easement			

ATTACHMENT 1

No.	Owner	Municipal Address	Legal Description	Interest Required
4.	Siniscalco, Vince Siniscalco, Tina	142 Teefy Avenue Richmond Hill	Part 13, Plan 65R34668	Temporary Easement
5.	Zarrinnia, Javid Zarrinnia, Fariba Zaghi	141 Teefy Avenue Richmond Hill	Part 15, Plan 65R34668	Fee Simple for road widening
			Part 16, Plan 65R34668	Fee Simple for 0.3m reserve
			Part 17, Plan 65R34668	Temporary Easement
6.	Kahn, Abraham Kahn, Kayla	144 Birch Avenue Richmond Hill	Part 10, Plan 65R34243	Fee Simple for road widening
			Part 11, Plan 65R34243	Temporary Easement
7.	Calloway REIT (Rutherford) Inc.	9200 Bathurst Street Vaughan	Part 1, Plan 65R34539	Temporary Easement
			Part 2, Plan 65R34539	Temporary Easement
			Part 3, Plan 65R34539	Fee Simple for road widening
8.	Park, Hyunjun Park, Kyungae	9195 Bathurst Street Richmond Hill	Part 20, Plan 65R34539	Fee Simple for road widening
			Part 21, Plan 65R34539	Fee Simple for road widening
9.	Joseph And Wolf Lebovic Jewish Community Campus	49 Lebovic Campus Drive Vaughan	Part 2, Plan 65R34565	Temporary Easement
			Part 3, Plan 65R34565	Fee Simple for road widening
			Part 4, Plan 65R34565	Fee Simple for 0.3m reserve

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10.	North Bathurst Developments Limited	9600 Bathurst Street Richmond Hill	Part 1, Plan 65R34256	Temporary Easement
			Part 2, Plan 65R34256	Fee Simple for 0.3m reserve
			Part 3, Plan 65R34256	Fee Simple for road widening
11.	Wang, Li Mu, Xiang Qiu	9623 Bathurst Street Richmond Hill	Part 8, Plan 65R34256	Fee Simple for road widening
			Part 9, Plan 65R34256	Temporary Easement
			Part 10, Plan 65R34256	Temporary Easement
12.	Blassnig, Bruno Blassnig, Delia	9665 Bathurst Street Richmond Hill	Part 11, Plan 65R34256	Temporary Easement
13.	Mohabir, Chandrowtie	9673 Bathurst Street Richmond Hill	Part 12, Plan 65R34256	Temporary Easement
14.	Salituro, Peter Salituro, Rosalba	9681 Bathurst Street Richmond Hill	Part 13, Plan 65R34256	Temporary Easement
15.	Richmond Hill Russian Jewish Centre	9699 Bathurst Street Richmond Hill	Part 14, Plan 65R34256	Fee Simple for road widening
			Part 15, Plan 65R34256	Temporary Easement
16.	Richmond Hill Russian Jewish Centre	89 Stockdale Crescent Richmond Hill	Part 16, Plan 65R34256	Temporary Easement
			Part 17, Plan 65R34256	Fee Simple for 0.3m reserve
			Part 18, Plan 65R34256	Fee Simple for road widening
17.	Dimartino Homes Ltd.	9737 Bathurst Street Richmond Hill	Part 9, Plan 65R34664	Fee Simple for road widening
			Part 10, Plan 65R34664	Temporary Easement

ATTACHMENT 1

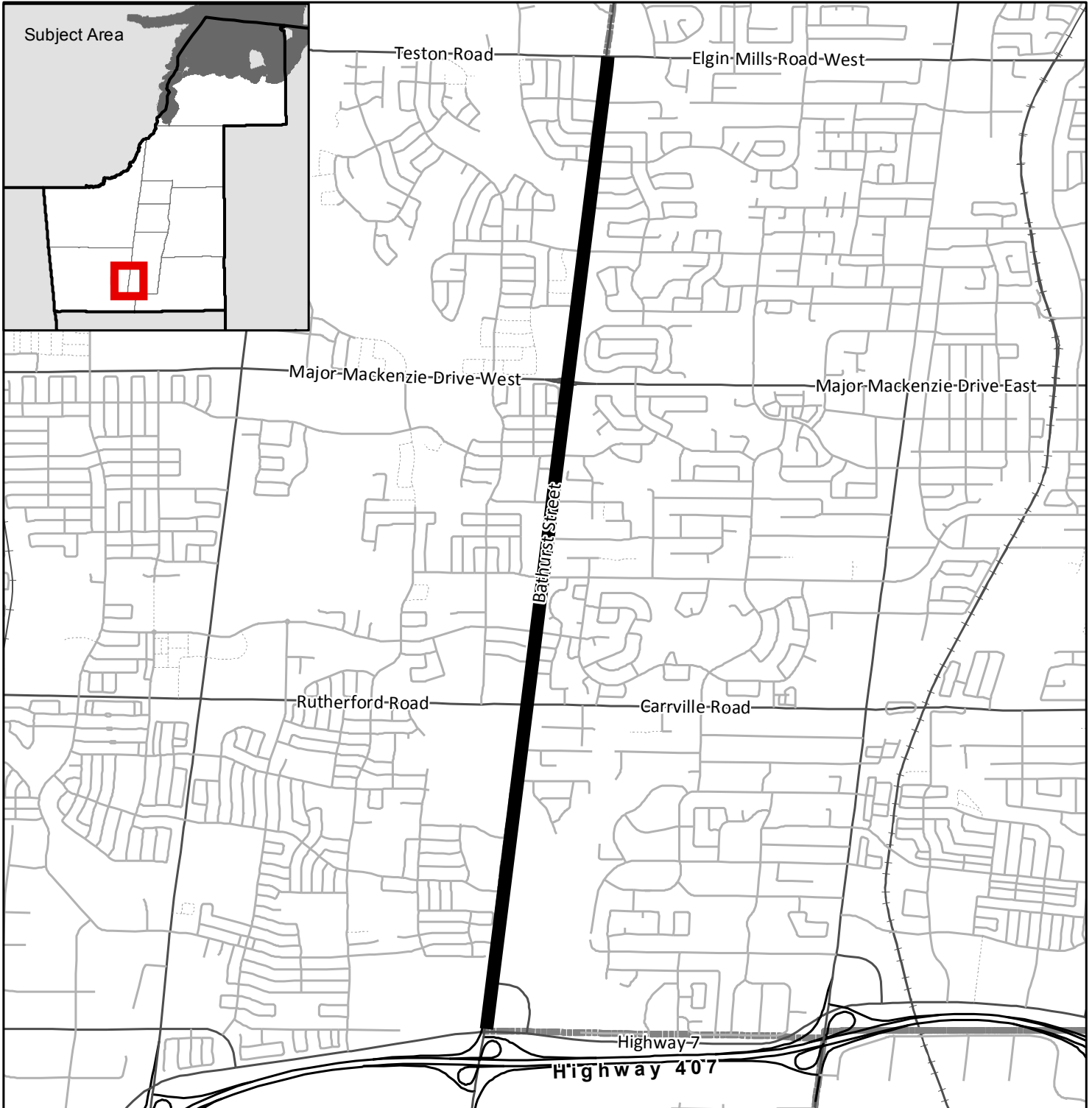
No.	Owner	Municipal Address	Legal Description	Interest Required
18.	Tiano, Guido Tiano, Rosina	9743 Bathurst Street Richmond Hill	Part 11, Plan 65R34664	Fee Simple for road widening
			Part 12, Plan 65R34664	Temporary Easement
19.	Gineve Inc.	9747 Bathurst Street Richmond Hill	Part 13, Plan 65R34664	Temporary Easement
			Part 14, Plan 65R34664	Fee Simple for road widening
20.	Aliojaghazi, Ferhad Kargari, Akram	9751 Bathurst Street Richmond Hill	Part 15, Plan 65R34664	Fee Simple for road widening
			Part 16, Plan 65R34664	Temporary Easement
21.	Abara, Emmanuel Abara, Erinma	9755 Bathurst Street Richmond Hill	Part 17, Plan 65R34664	Fee Simple for road widening
			Part 18, Plan 65R34664	Temporary Easement
22.	The First Korean Presbyterian Church Of Toronto	10360 Bathurst Street Vaughan	Part 6, Plan 65R34897	Temporary Easement
			Part 7, Plan 65R34897	Fee Simple for road widening
			Part 8, Plan 65R34897	Temporary Easement
			Part 9, Plan 65R34897	Fee Simple for road widening
			Part 10, Plan 65R34897	Fee Simple for road widening
			Part 11, Plan 65R34897	Temporary Easement
23.	Pisano, Giuseppe Pisano, Emma	10601 Bathurst Street Richmond Hill	Part 18, Plan 65R34657	Temporary Easement
24.	Kovacs, Suzanne Kovacs, Leslie	10605 Bathurst Street Richmond Hill	Part 19, Plan 65R34657	Temporary Easement

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No.	Owner	Municipal Address	Legal Description	Interest Required
25.	Chandi, Barjinder Kaur Chandi, Kulwinder Singh Chandi, Gursharn Singh	10669 Bathurst Street Richmond Hill	Part 20, Plan 65R34657	Temporary Easement
26.	Paraschiv, Cornel Dorin Paraschiv, Corina Laura	10673 Bathurst Street Richmond Hill	Part 21, Plan 65R34657	Temporary Easement
27.	Kelebeeva, Leila	10675 Bathurst Street Richmond Hill	Part 22, Plan 65R34657	Temporary Easement
28.	Titan 10703 Bathurst Inc.	10703 Bathurst Street Richmond Hill	Part 1, Plan 65R34896	Fee Simple for road widening
			Part 2, Plan 65R34896	Temporary Easement
29.	York Region Condominium Corporation No. 930	10719 Bathurst Street Richmond Hill	Part 3, Plan 65R34896	Temporary Easement
			Part 4, Plan 65R34896	Temporary Easement
30.	Elhurst Mills Inc.	10737 Bathurst Street Richmond Hill	Part 5, Plan 65R34896	Temporary Easement
31.	Andrin Bathurst Homes Limited	Part of Lot 25 Concession 2 Vaughan	Part 6, Plan 65R34896	Temporary Easement
			Part 7, Plan 65R34896	Temporary Easement
			Part 8, Plan 65R34896	Temporary Easement
			Parts 9, Plan 65R34896	Fee Simple for 0.3m reserve
			Part 10, Plan 65R34896	Fee Simple for road widening

ATTACHMENT 1





No.	Owner	Municipal Address	Legal Description	Interest Required
32.	Nonnodesto Income Inc.	Part of Lot 25 Concession 2 Vaughan	Part 11, Plan 65R34896	Temporary Easement
			Part 12, Plan 65R34896	Temporary Easement
			Part 13, Plan 65R34896	Fee Simple for road widening
<p>The temporary easements will run for a term of 60 months, commencing on May 1, 2019, and are required for the purpose of 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 right-of-way, (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) landscaping, paving, grading and reshaping the lands to the limit of the reconstruction, (7) the installation and removal of temporary infrastructure related to the construction, and (8) works ancillary to any of the foregoing.</p>				



LOCATION PLAN

Compensation for Expropriation
 Bathurst Street - Highway 7 to Teston Road/Elgin Mills Road
 City of Vaughan and Town of Richmond Hill

Legend

-  Subject Properties
-  Road
-  Railway
-  Municipal Boundary

Produced by:
 The Regional Municipality of York
 Property Services, Corporate Services
 June 2015

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