

Clause 15 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.

15

Application for Approval to Expropriate  
Viva Bus Rapid Transit Corridor  
Highway 7 West, Pine Valley Drive to West of Bruce Street  
City of Vaughan

Committee of the Whole recommends adoption of the following recommendations contained in the report dated September 24, 2015 from the Commissioner of Corporate Services:

1. Recommendations

It is recommended that:

1. Council authorize an application for approval to expropriate the land as set out in Attachment 1 for the construction of the vivaNext bus rapid transit corridor on Highway 7 West, 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 request for an inquiry that is received and to represent the Region, as necessary, at any inquiry held under the *Act*.
4. Council authorize the introduction of the necessary bylaw to give effect to these recommendations.

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## 2. Purpose

This report seeks Council approval for an application for approval to expropriate 24 new property interests required for the Highway 7 West vivaNext bus rapid transit project, between Pine Valley Drive and west of Bruce Street, as shown in Attachments 2 and 3.

Under the *Act*, Council, as approving authority, must approve an application for expropriation prior to the initiation of any proceedings.

## 3. Background

The Region is constructing dedicated bus rapid transit lanes for vivaNext along Highway 7 in Vaughan

To facilitate public transit along Highway 7 in Vaughan, the Region, via York Region Rapid Transit Corporation (YRRTC), is undertaking improvements to the road infrastructure and the construction of dedicated centre lanes for Viva buses, along with enhanced street features and boulevards. The project as a whole is referred to as vivaNext, and the portion of the vivaNext project 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, is referred to as H2.

The 24 properties that are the subject of this report are located on the north and south sides of Highway 7 West, between Pine Valley Drive and west of Bruce Street. The land requirements are shown in Attachments 2 and 3.

The H2 corridor received approval of the Environmental Assessment Report from the Ministry of the Environment on November 9, 2006. Negotiations and expropriations are now proceeding to acquire the lands necessary for construction.

The Region has secured possession of 80 parcels originally identified for H2

In 2014, Council authorized applications for approval to expropriate interests and in 2015, Council approved the expropriation. Offers of compensation were served to owners in July 2015, and possession of the expropriated interests by the Region was obtained in August 2015. A total of 80 properties were subject to

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requirements for the project, with the western boundary of the project anticipated to be Pine Valley Drive.

Project limits have been extended west to west of Bruce Street, requiring 24 additional property requirements

In early 2015, upon receipt of cost proposals from design/build proponents, YRRTC determined that it could extend the H2 project to the west of Pine Valley Drive, due to lower project costs than originally anticipated. This expansion led to the requirement of land from an additional 25 properties, bringing the total requirement of property interests for the project to 105. The 25 additional interests are the subject of this report.

This is Step 1 in the Council approval process for these properties, as indicated in the graphic below.



Completion of the corridor and the opening of the bus rapid transit centre lanes is anticipated by the end of 2019.

#### 4. Analysis and Options

Initiating expropriation proceedings will ensure that the construction schedule will not be compromised

Construction of the H2 corridor is scheduled to commence in spring of 2016 with utility work within the property interests already acquired along Highway 7 West from Pine Valley Drive to Highway 400, Centre Street from Highway 7 West to Bathurst Street and Bathurst Street from Centre Street to Highway 7 West. The additional 25 property requirements will be added to the project scope and construction will not be delayed, provided possession is achieved by July 2016.

The ownership interests include fee simple, permanent easement and temporary easement. Two of the 25 property acquisitions were identified as full buyouts due to the significant impacts to the existing buildings.

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

If an owner requests an inquiry, a Hearing of Necessity will proceed. Subsequent to the inquiry, an inquiry officer will provide a report stating an opinion as to whether the taking is fair, sound and reasonable, including an explanation for the findings. The deadline for owners to request a Hearing of Necessity is anticipated to be November 2015.

Future reports will be presented to Council as the expropriation process proceeds

In the event of a Hearing of Necessity, staff will report to Council as to the findings and reasoning of the Inquiry Officer, along with further recommendations as to whether or not expropriation of the lands should proceed. If there is no Hearing of Necessity, the report to Council will address only the expropriation.

After the expropriation, the Region is required under section 25 of the *Act* to serve offers of compensation within three months of registration of the expropriation plans. The offers will be based on appraisals of market value and other damages, and possession cannot be secured until the offers of compensation have been served.

The amount of this offer will be reported to Council once the appraisal report has been completed, and before the offer has been served on the owner and possession of the land secured.

Environmental due diligence is underway

A Phase I Environmental Site Assessment (ESA) has been completed by an independent environmental consulting firm as part of the Region's due diligence. The Phase I report has identified five properties for additional investigation (Phase II ESA) and the balance of the properties do not require further investigation regarding environmental concerns. The results of Phase II testing will be considered as negotiations and expropriations proceed.

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Link to key Council-approved plans

The proposed acquisition for the H2 Highway 7 West project supports the objectives of Vision 2051, the Regional Official Plan and the 2015 to 2019 Strategic Plan.

Public transit is enhanced through the H2 Highway 7 West project, addressing the Interconnected Systems for Mobility of Vision 2051. As well, one of the objectives of the Regional Official Plan is to provide convenient and accessible transit services which the project will achieve. Lastly, transportation networks help strengthen the Region's Economy, a priority area of the Strategic Plan.

## 5. Financial Implications

The funding required to complete the property acquisition for this project has been included in the 2015 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, road and intersection improvements is critical to the achievement of the vision for the Highway 7 corridor for the Region. Additionally, upon completion this project will improve public transit facilities and enrich the Highway 7 West streetscape in Vaughan.

## 7. Conclusion

The original limits of the bus Rapidway project (H2) was along Highway 7 West from Pine Valley Drive 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 acquired possession of 80 properties through a previous expropriation for this section of the project.

Project limits have been revised, expanding further west from Pine Valley Drive to west of Bruce Street, resulting in an additional 25 property requirements which are the subject of this report. The requirements that are the subject of this report

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will be added to the project scope and construction will not be delayed, provided possession is achieved by July 2016.

As a result, this report seeks Council approval to expropriate the additional 25 land requirements for the construction of the Highway 7 corridor.

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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.

September 24, 2015

Attachments (3)

6325542

Accessible formats or communication supports are available upon request

**Property Schedule  
Application for Approval to Expropriate  
Viva Bus Rapid Transit Corridor  
Highway 7 West, Pine Valley Drive to West of Bruce Street  
City of Vaughan**

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
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.	Jose Gomes Cordeiro and Maria Do Carmo Jordao Cordeiro	4850 Highway 7 West Vaughan	Part of Lot 6, Concession 7, Vaughan as in Deed No. R706450 and Block 20, Plan 65M2902	Fee Simple (Full buyout)
4.	Jose Gomes Cordeiro and Maria Do Carmo Cordeiro	79 Arrowhead Drive Vaughan	Block 21, Plan 65M2902	Fee Simple (Full buyout)
5.	Clive Fraser and Jennifer Fraser	63 Benjamin Drive Vaughan	Part 2, Plan 65R35831	Fee Simple
			Part 1, Plan 65R35831	Temporary Easement
6.	Maria Bucci	57 Benjamin Drive Vaughan	Part 4, Plan 65R35831	Fee Simple
			Part 3, Plan 65R35831	Temporary Easement



<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
7.	Teresa Camillone and Pasquale Camillone	51 Benjamin Drive Vaughan	Part 6, Plan 65R35831	Fee Simple
			Part 5, Plan 65R35831	Temporary Easement
8.	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
9.	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
10.	YRSCC No. 1278	4700 Highway 7 West Vaughan	Parts 1, 2, 3, 4, 5, 6, Plan 65R35928	Temporary Easement
11.	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
12.	YRSCC No. 1099	4620 Highway 7 West Vaughan	Part 14, Plan 65R35910	Fee Simple
			Part 13, Plan 65R35910	Temporary Easement

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
13.	2058258 Ontario Limited	4603 Highway 7 West Vaughan	Part 30, Plan 65R35869	Fee Simple
			Part 31, Plan 65R35869	Temporary Easement
14.	2058258 Ontario Limited	4611 Highway 7 West Vaughan	Part 26, 27, Plan 65R35869	Fee Simple
			Part 28, Plan 65R35869	Permanent Easement
			Part 29, Plan 65R35869	Temporary Easement
15.	2058258 Ontario Limited	Highway 7 West Vaughan	Part 22, 23, Plan 65R35869	Fee Simple
			Part 24, Plan 65R35869	Permanent Easement
			Part 25, Plan 65R35869	Temporary Easement
16.	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

## Attachment 1

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
17.	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
18.	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
19.	YRCECC No. 1160	John Frank Road Vaughan	Part 10 Plan 65R35832	Fee Simple for a Term of 5 Years
20.	YRCECC No. 1088	John Frank Road Vaughan	Part 11 Plan 65R35832	Fee Simple for a Term of 5 Years
21.	Jirij Kowal and Lionel Roberts	S/S Highway 7 West Vaughan	Part 9, Plan 65R35832	Temporary Easement
22.	Jirij Kowal, Lionel Roberts, Tony Pisegna and Laura Pisegna	4817 Highway 7 West Vaughan	Part 8, Plan 65R35832	Temporary Easement
23.	The Bell Telephone Company of Canada	4831 Highway 7 West Vaughan	Part 7, Plan 65R35832	Temporary Easement

No.	Owner	Municipal Address	Legal Description	Interest Required
24.	Julia Cesario and Paul Fortuna	4863 Highway 7 West Vaughan	Part 4, Plan 65R35832	Fee Simple
			Part 5, 6, Plan 65R35832	Temporary Easement
25.	Paul Fortuna	4871 Highway 7 West Vaughan	Part 1, Plan 65R35832	Fee Simple
			Part 2, 3, Plan 65R35832	Temporary Easement

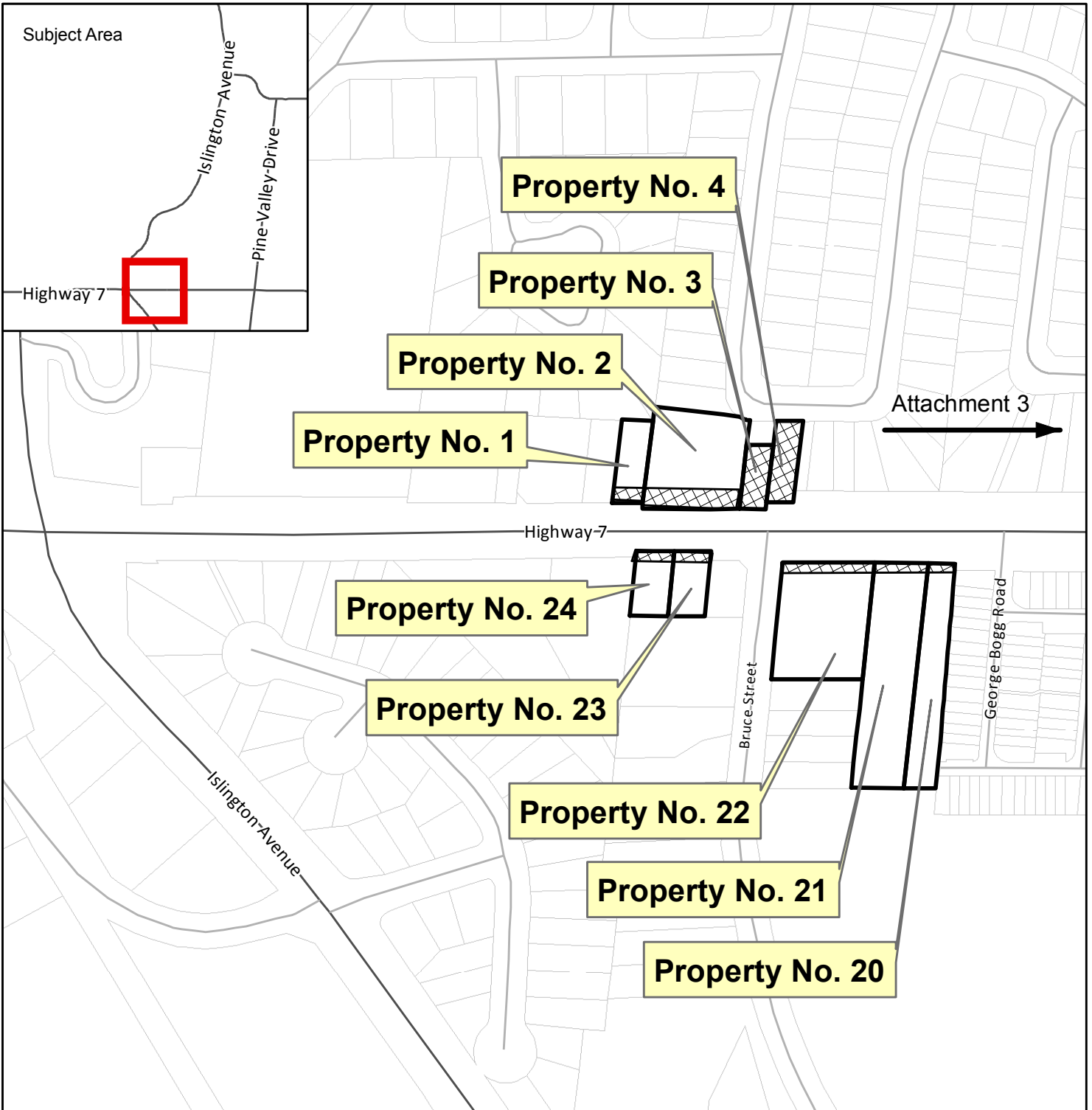
The fee simple interest required is described as all right, title and interest for the municipal purpose of implementing road and intersection improvements along Highway 7, including associated local roads, and to provide designated lanes for the vivaNext transit system and works ancillary thereto.

The 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 lanes for the vivaNext transit system and works ancillary thereto.

The temporary easements required are described as a temporary limited interest being a

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



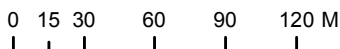
**LOCATION PLAN**

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

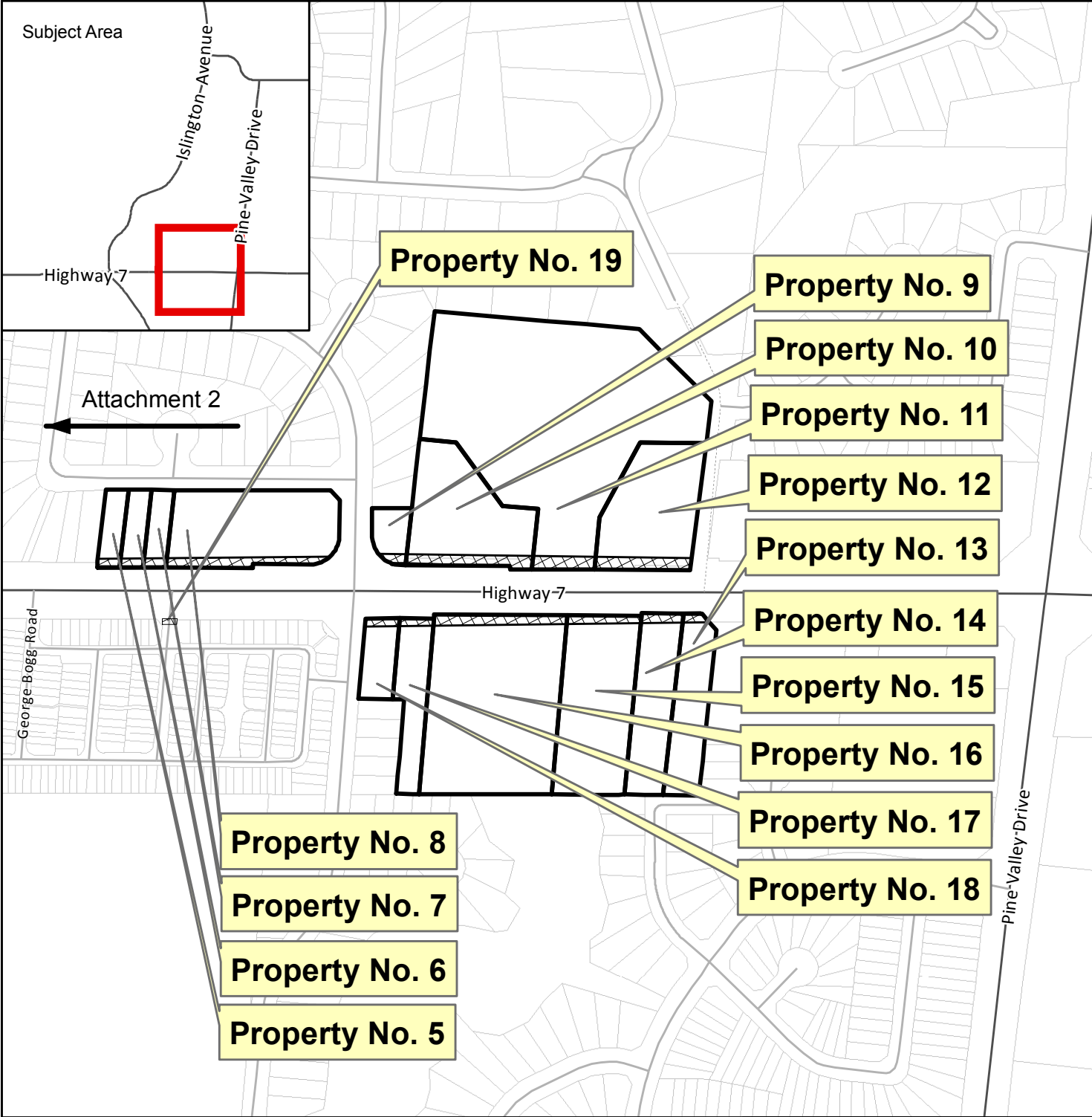
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**Legend**

-  Subject Properties
-  Interest Required
-  Parcel
-  Road



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-  Interest Required
-  Parcel
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