

Clause 16 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.

16
 Expropriation of Land
 Viva Bus Rapid Transit Corridor
 1054 Centre Street
 City of Vaughan

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. Recommendations

It is recommended that:

1. Council authorize an application for approval to expropriate the following land for the construction of the vivaNext bus rapid transit corridor on Highway 7 West, Centre Street and Bathurst Street, in the City of Vaughan:

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Riocan Holdings Inc.	1054 Centre Street Vaughan	Part 1, Plan 65R35906	Temporary Easement
<p>The temporary easement required is described as a temporary limited interest 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</p>				

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 West, Bathurst Street and Centre Street, including associated local roads, and to provide designated lanes for the vivaNext transit system and works ancillary thereto.

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 held under the *Act*.
4. Council, as approving authority, approve the expropriation of the land described in Recommendation 1 provided there is no inquiry (Hearing of Necessity) requested in accordance with the *Act*.
5. Approval is deemed to be given effective 31 days following the publication of the Notice of Application for Approval to Expropriate Land and a Hearing of Necessity is not requested, as aforesaid.
6. Where approval to expropriate the land is given, the Commissioner of Corporate Services be authorized to register a plan of expropriation and execute and serve any notices required under the *Act*.
7. Where approval to expropriate the land 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 a property interest required from 1054 Centre Street for the Highway 7 West vivaNext bus rapid transit project.

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

Provided there is no Hearing of Necessity, this report seeks Council approval to expropriate as described in the application to expropriate.

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 making improvements to the road 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, and the portion of the vivaNext project of 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, is referred to as H2.

The property that is the subject of this report is located on the north side of Centre Street. The land requirement is shown in Attachment 1.

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 and project limits have been extended west to Islington Avenue, requiring 25 additional property requirements

The Region obtained possession of 80 property interests for the Highway 7 West project, from Highway 7 between Pine Valley Drive and Highway 400, Centre Street from Highway 7 West to Bathurst Street, and Bathurst Street from Centre Street to Highway 7 West in 2015.

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 another report currently before Council.

A recent title search indicated an additional parcel is required for the project

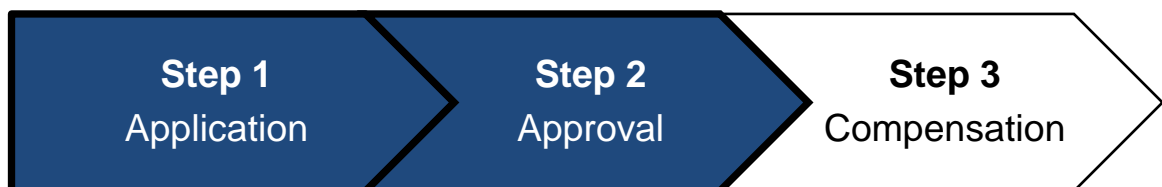
The subject of this report is a portion of a one foot reserve parcel that was understood to be publicly owned, therefore not subject to expropriation. Recent title search work has confirmed that the subject was privately owned and should have been included as part of the project when property requirements were initially determined. The owner of the subject property has already had lands expropriated as part of the original expropriation.

The addition of the subject property brings the total requirement of property interests for the project to 106, including the subject, the 25 new requirements west of Pine Valley Drive and the 80 original requirements.

Construction of the project is expected to commence in the second or third quarter of 2016

The lands considered in this report are a part of the widening and reconstruction of the Highway 7 West corridor. Utility relocations will commence along the corridor in the previously expropriated lands in 2016. YRRTC staff will work closely with the contractor to coordinate these acquisitions with the construction schedule.

For expropriations, approval by Council is requested at three different stages in the process. In an effort to expedite the acquisition of these lands, it was necessary to combine the first and second steps in the Council approval process for this report, as indicated in the graphic below.



4. Analysis and Options

Initiating expropriation proceedings will secure access to the lands

Given the legislated time requirements to obtain possession via expropriation, it is recommended the expropriation process proceed concurrently with ongoing negotiations. This will ensure that access to the lands can be obtained by July 2016.

The first step in the expropriation process requires Council, as approving authority, to authorize an application for approval to expropriate. Subsequently, notice may be served on owners of the subject lands. Receipt of this notice will trigger the owner's right to request a Hearing of Necessity. There is also a statutory obligation to publish the notice.

Provided there is no Hearing of Necessity this report seeks Council approval to expropriate

Following Council approval, owners are served 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 and the Hearing of Necessity proceeds, then 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. 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.

This report seeks Council approval to expropriate the required interests, if a Hearing of Necessity is not requested within the designated time frame.

Registration of an expropriation plan will secure access to the lands and ensure that construction can proceed

For properties where no Hearings of Necessity take place, expropriation plans will be registered at the Land Registry Office. Upon registration of the expropriation plans, the notice of the expropriation and possession will be served

upon the owners. An appraisal will be commissioned to support the offer of compensation to be made before July 2016 possession.

Environmental due diligence will be completed prior to the Region obtaining the lands

As part of the original expropriation, the Region obtained a fee simple interest from the owner of the property that is the subject of this report. This interest is adjacent to the subject. Environmental due diligence was completed for the adjoining interest, and environmental due diligence is currently being completed for the subject land.

Prior to registration of the expropriation plans, the results of the environmental due diligence conducted for the subject property will be reviewed by staff in consultation with Legal Services. In the event contamination or other environmental concerns are identified with respect to the environmental condition of the lands, staff will report to Council on the findings and related cost estimates, as applicable, including recommendations responding to the identified circumstances and the expropriation process.

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 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 that is the subject of this report is included in the 2015 YRRTC Capital Budget. The project is funded by the Province, via the Metrolinx Master Agreement.

Under section 25 of the *Act*, the Region is obligated to serve offers of compensation on owners within three months of the registration of the expropriation plan. The appraisals required to support these offers will be

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prepared and the proposed offers will be the subject of a further report to Council.

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 corridor for the Region. Additionally, upon completion this project will improve public transit facilities and enrich the streetscape in Vaughan.

7. Conclusion

The Region obtained possession of 80 property interests for the Highway 7 West project, from Highway 7 West between Pine Valley Drive and Highway 400, Centre Street from Highway 7 West to Bathurst Street, and Bathurst Street from Centre Street to Highway 7 West in 2015.

Subsequent to the expropriation process having commenced for these interests, further title work led to the conclusion that the subject was not publicly owned, as originally determined. The land is privately owned, and is therefore required for the project.

This report seeks Council approval to proceed with the first two of three steps in the approval process for expropriation.

To ensure the project is not delayed, it is necessary to initiate the expropriation process to secure access to the lands in time for construction to commence. Negotiations are proceeding concurrently with the expropriation process, in an effort to obtain the lands amicably.

Provided the expropriations proceed, a future report will be presented to Council, requesting the authority to serve owners offers of compensation 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.

August 26, 2015

Attachments (1)

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Accessible formats or communication supports are available upon request

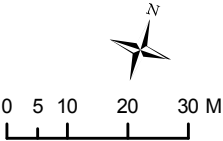


LOCATION PLAN
 Expropriation of Land
 Viva Bus Rapid Transit Corridor
 1054 Centre Street
 City of Vaughan






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

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Legend

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