

Clause 20 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.

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Expropriation of Land  
Viva Bus Rapid Transit Corridor  
Yonge Street, Highway 7 to Major Mackenzie Drive  
Town of Richmond Hill

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

1. Recommendations

It is recommended that:

1. Council authorize an application for approval to expropriate the lands set out in Attachment 1 for the construction of the vivaNext bus rapid transit corridor on Yonge Street, in the Town of Richmond Hill
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.

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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 property interests required for the Yonge Street vivaNext bus rapid transit project, from Highway 7 to Major Mackenzie Drive in the Town of Richmond Hill as shown in Attachment 1.

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 Yonge Street in Richmond Hill

To facilitate public transit along Yonge Street in Richmond Hill, 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 project, and the portion of the vivaNext project from Highway 7 to Major Mackenzie Drive on Yonge Street is referred to as Y2.1.

The nine properties that are subject of this report are located on the east side of Yonge Street, between Observatory Lane and Harding Boulevard. The land requirements are shown in Attachment 2.

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In 2014 and 2015, Council authorized the initiation of the expropriation process for 57 properties

Council authorized applications for approval to expropriate interests from 57 property owners. The Region obtained possession of these lands on June 15, 2015.

As the design of the corridor progressed, additional properties requirements have been identified

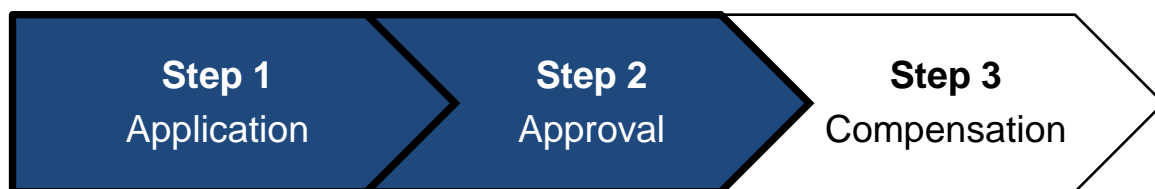
Utility and sign relocation has commenced requiring additional surveying to be completed. Through this exercise, it was identified that the original surveying was incorrect as one of the surveying bars was placed in the wrong location, causing inaccurate ownership information being provided to the Region. As a result of this, additional lands were identified as being needed for construction of the project.

Of the nine properties that are the subject of this report, six properties have already had lands expropriated as part of the original expropriation.

Construction of the project commenced on June 15, 2015

The lands considered in this report are a part of the widening and reconstruction of the Y2.1 corridor. Utility relocation has commenced along the corridor in the previously expropriated lands. 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.



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#### 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 took 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

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upon the owners. Appraisals have been commissioned to support the offers of compensation to be made before July 2016 possession.

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

The Region had previously expropriated interests from six of the nine properties that are the subject of this report. Environmental due diligence was completed for these six interests. However, the additional lands for these six properties, as well as the interests from the three additional properties, are also subject to environmental due diligence, which is currently being completed.

Prior to registration of the expropriation plans, the results of the environmental due diligence conducted for these properties 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 Y2.1 Yonge Street project supports the objectives of Vision 2051, the Regional Official Plan and the 2015 to 2019 Strategic Plan.

Public transit is enhanced through the Y2.1 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 acquisitions that are the subject of to this report are included in the 2016 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 prepared and the proposed offers will be the subject of a further report to council.

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## 6. Local Municipal Impact

The construction of dedicated bus lanes and related facilities, as well as road and intersection improvements, along Yonge Street, from Highway 7 to Major Mackenzie Drive, 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 Richmond Hill.

## 7. Conclusion

The Region obtained possession of property interests from 57 owners on Yonge Street between Highway 7 and Major Mackenzie Drive on June 15, 2015. Subsequent to the expropriation process having commenced for these interests, it was determined that additional interests were required for the project. These included additional interests from six property owners that were subject to the original expropriation, and interests from three property owners that had not previously been subject to expropriation for the Y2.1 project.

These additional nine interests were identified when survey errors were discovered during the utility and sign relocation process. 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 (2)

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Accessible formats or communication supports are available upon request