

Clause 10 in Report No. 14 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on September 24, 2015.

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Expropriation Settlement  
 Viva Bus Rapid Transit Corridor  
 560 Davis Drive  
 Town of Newmarket

**Committee of the Whole recommends adoption of the recommendations contained in the following report dated August 27, 2015 from the Commissioner of Corporate Services:**

1. Recommendations

It is recommended that:

1. Council authorize the settlement of the expropriation of the following land required for the construction of the bus rapid transit corridor on Davis Drive, in the Town of Newmarket, on the terms set out in this report.

| No.  | Owner           | Municipal Address            | Legal Description               | Interest Required |
|--|-----------------|------------------------------|---------------------------------|-------------------|
| 1.   | Erzsebet Illyes | 560 Davis Drive<br>Newmarket | Parts 1, 2, 3<br>Plan YR1372030 | Fee Simple        |
| <p>The fee simple interest required is described as all rights, title and interest for the municipal purposes of implementing road and intersection improvements along Davis Drive, including associated local roads, and to provide designated lanes for the vivaNext transit system and works ancillary thereto.</p> |                 |                              |                                 |                   |

2. The Commissioner of Corporate Services be authorized to execute the Minutes of Settlement and all necessary documentation to complete the transaction in accordance with the Minutes of Settlement.

## 2. Purpose

This report seeks Council approval to accept the Minutes of Settlement for lands that have been expropriated for the vivaNext Davis Drive project, as shown in Attachment 1.

## 3. Background

The Region is constructing dedicated bus rapid transit lanes for vivaNext along Davis Drive in Newmarket

To facilitate public transit along Davis Drive in Newmarket, 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 received approval from the Ministry of the Environment in 2005.

The new Viva rapidway along Davis Drive is scheduled to be completed in December of 2015

Construction of the new Viva rapidway along Davis Drive began in 2010 and runs for 2.6 kilometers from Yonge Street to just past the Southlake Regional Health Centre. The Davis Drive rapidway is approximately 70 per cent completed and the rapidway is expected to open in December 2015.

A subsequent construction phase will have all Viva buses running in the curbside lanes from the Southlake Regional Health Centre eastward to Highway 404, a distance of an additional 2.3 kilometres.

### **Lands for Davis Drive project were obtained via expropriation**

The Davis Drive rapidway required various interests from 133 property owners. Possession of all lands was obtained via expropriation, including the subject property at 560 Davis Drive.

### **The Region acquired the entire parcel of lands at 560 Davis Drive**

The subject property is a residential property fronting on the south side of Davis Drive between Charles Street and Prospect Street. The site is improved with a two storey residential home. A significant portion of the building was located

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within the Region's fee simple requirement, which would become road right of way. Demolition of the building was the only feasible means of clearing the right of way for construction of the project. It was necessary to acquire the entire property.

#### 4. Analysis and Options

At the Board of Negotiation meeting in 2011 an settlement was not reached

The owner did not accept the Region's offer of compensation that was served when the Region originally took possession of the lands. The Region and the owner therefore proceeded to a meeting at the Board of Negotiation (the "Board") in 2011, however, at that time a settlement agreement was not achieved.

The Region and owner agreed to mediation and have reached a full and final settlement

Subsequent to the meeting at the Board, the owner requested mediation at the Ontario Municipal Board (OMB). In April 2015, the Region and the owner were able to reach a full and final settlement at the OMB. This settlement included the market value, disturbance damages, interest and other costs as provided under the *Expropriation Act* (the *Act*). The market value is based on independent appraisals. The disturbance damages reflect compensation for relocation costs and five per cent of the market value in accordance with the *Act*.

The negotiated settlement is considered to be in the best interest of the Region, and will avoid a continued accruing interest cost to the Region in accordance with the *Act*. Upon completion of the agreement, the Region will not incur any further claims and associated legal and litigation expenses from the owner in relation to this expropriation.

Link to key Council-approved plans

The proposed acquisition for the D1 Davis Drive project supports the objectives of Vision 2051, the Regional Official Plan and the 2015 to 2019 Strategic Plan.

The project addresses a key goal of Vision 2051: Interconnected Systems for Mobility. Public transit is enhanced by improving existing infrastructure and services, improving the speed and reliability of the transit system through the use

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of intelligent transportation systems, and combining a feeder network of buses operating in dedicated lanes.

As well, the D1 Davis Drive project supports one of the objectives of the Regional Official Plan which is to provide convenient and accessible transit service to all residents and workers of York Region.

Lastly, one of the Strategic Priority Areas of the 2015 to 2019 Strategic Plan is Strengthen the Region's Economy. Focusing on networks and systems that connect people, goods and services is one of the strategic objectives of this priority area that is supported by the proposed acquisition.

## 5. Financial Implications

The funding to complete this property settlement is 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 and related facilities, as well as road and intersection improvements along Davis Drive from Yonge Street, 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 Davis Drive streetscape in Newmarket.

## 7. Conclusion

The Region expropriated the entire site at 560 Davis Drive, Town of Newmarket for the vivaNext project. Attempts at the time to settle were not successful. A subsequent mediation at the OMB resulted in a full and final settlement.

The settlement will include a release preventing any further claim from the owner for this property.

It is recommended that Council authorize the expropriation settlement described in this report to allow completion of the transaction and minimize the cost of settling all claims for this property.

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For more information on this report, please contact Michael Shatil, Director,  
Property Services Branch at ext. 71684.

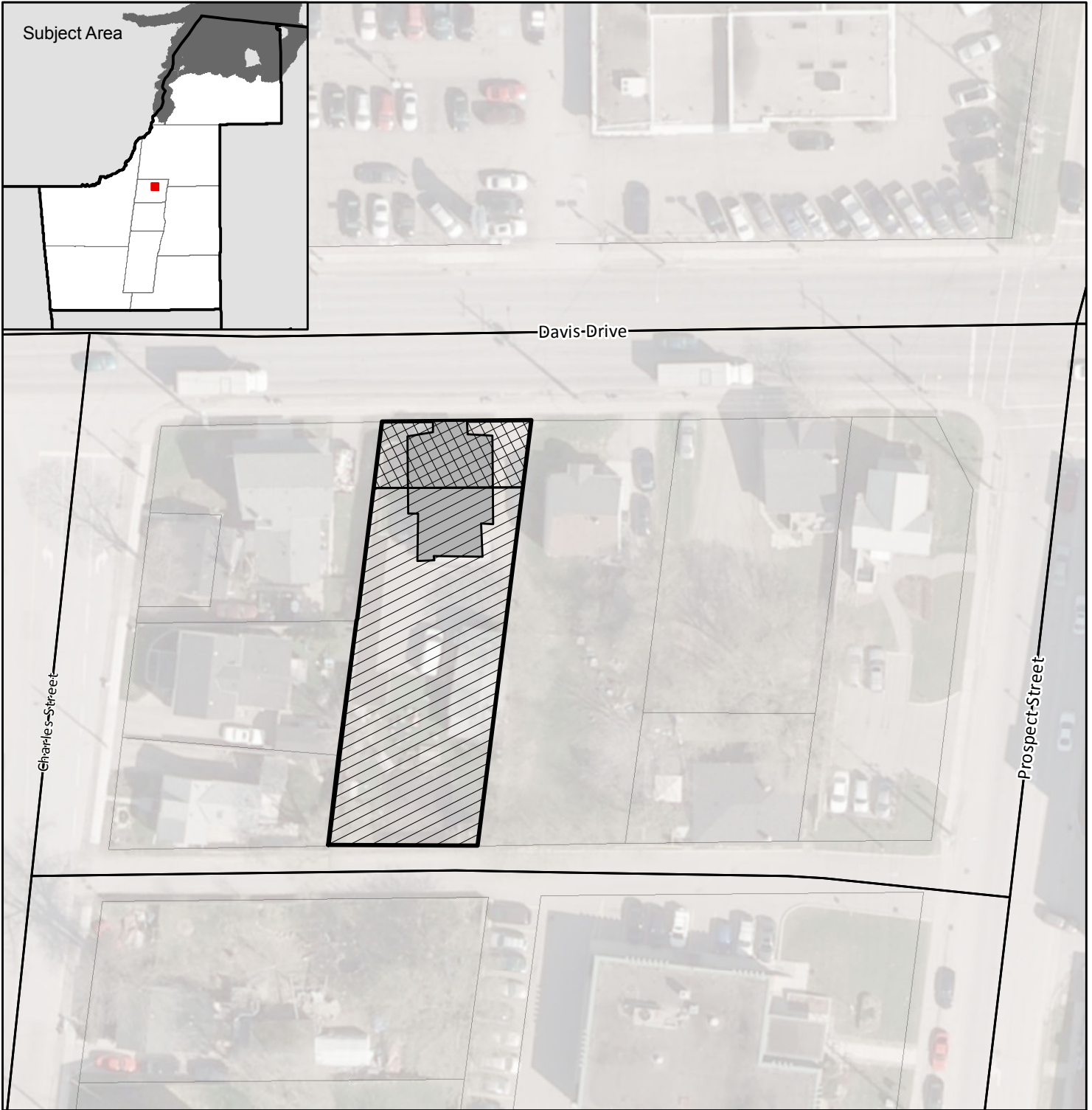
The Senior Management Group has reviewed this report. August 27, 2015

Attachments (1)

Private Attachment (1)

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Accessible formats or communication supports are available upon request



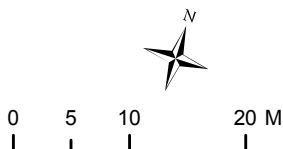
**LOCATION PLAN**

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 560 Davis Drive  
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**Legend**

-  Subject Property
-  Dedicated to Road ROW
-  Potential Surplus
-  Former Building Footprint
-  Parcel
-  Road