

Clause 18 in Report No. 12 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on June 25, 2015.

18

Approval to Expropriate  
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 recommendation contained in the report dated May 6, 2015 from the Commissioner of Corporate Services:**

1. Recommendations

It is recommended that:

1. Council, as approving authority, approve the expropriation of the following lands for the widening and reconstruction of Bathurst Street from Highway 7 to Teston Road/Elgin Mills Road, in the City of Vaughan and Town of Richmond Hill, as shown in Attachment 1.
2. The Commissioner of Corporate Services be authorized to execute and serve any notices required under the *Expropriations Act* (the “Act”).
3. Council authorize the introduction of the necessary bylaw to give effect to these recommendations.

2. Purpose

This report seeks Council approval in accordance with the *Act*, to expropriate land required for the widening and reconstruction of Bathurst Street, from Highway 7 to Teston Road/Elgin Mills Road, in the City of Vaughan and Town of Richmond Hill, as shown in Attachment 2.

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### 3. Background

The Region is reconstructing Bathurst Street from Highway 7 to Teston Road/Elgin Mills Road

The Bathurst Street project involves widening the existing four-lane roadway to six lanes, including bike lanes, a landscaped median, noise barriers, culvert replacements, full illumination and continuous sidewalks on both sides. The project length is six kilometres and extends from Highway 7 to Teston Road/Elgin Mills Road, in the City of Vaughan and Town of Richmond Hill.

The Environmental Assessment was completed in 2009 and detailed design is underway.

Possession of the lands is required by October 2015 to allow for utility relocations to begin

Utility relocations are the first construction related item to be considered. Privately owned lands are often required in order to complete the relocations within the new boulevards along the edge of the roadway. Transportation Services requires possession of all lands by October 2015 to start utility relocation and to meet the start of construction planned for 2019.

In September 2014, Council authorized the application for approval to expropriate

On September 11, 2014, Council authorized an Application for Approval to expropriate. On March 20, 2015, the Notice of Application for Approval to Expropriate was served upon the owners. No Hearings of Necessity were requested from any of the owners and this project is continuing to move forward.

This is the second step in the Council approval process for property expropriation, as indicated in the following graphic.



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#### 4. Analysis and Options

Approval to Expropriate will secure access to the lands by October 2015 to ensure that construction can proceed

Draft expropriation plans are being prepared for the properties. It is anticipated the plans will be registered no later than July, 2015. Upon registration of the expropriation plan, notice of the expropriation and possession will be served upon the owners. The appraisal for these properties is anticipated to be completed in the fall of 2015, which will support an offer of compensation to be made before possession can be taken by October 2015.

The Region can take possession on the date set out in the notice of possession, a minimum of three months after service of the notice, but only after statutory offers of compensation have been made.

Negotiations are proceeding to purchase properties, or in the event of expropriation, reach settlements

Property negotiations are ongoing. Of the original 50 properties identified, 18 have been acquired amicably. Staff will continue to negotiate purchases of the remaining 32 properties until expropriation plans have been registered. In the event an agreement is completed prior to the expropriation plan being registered for any of these properties, that property will be removed from the expropriation process. Upon registration of expropriation plans, staff will endeavour to negotiate a compensation settlement with the expropriated owner.

A future report to Council will be presented to seek approval to compensate the owners in accordance with the *Act*

For all expropriated properties, offers of compensation are made to property owners in accordance with section 25 of the *Act*. These offers will be based on independently commissioned appraisals and will be presented to Council for approval by September 2015, in order that offers of compensation can be served in accordance with the *Act*, and possession secured for construction to commence.

Environmental due diligence is underway and due diligence still needs to be completed at one property

Environmental due diligence has been completed except for 9200 Bathurst Street, Richmond Hill. Access has not been granted for this property and there is

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the potential for soil and groundwater impacts to be present at this location. As a result, we cannot determine potential risk with any certainty at this time. Staff is continuing to work with this owner to access the lands in order to complete the remaining required environmental investigations. The review of the environmental reports and identification of properties needing further environmental investigation has been carried out in consultation with Legal Services.

Link to key Council-approved plans

From Vision to Results: 2015 to 2019 Strategic Plan

Priority Area – Strengthen the Region's economy

Focusing on networks and systems that connect people, goods and services

The acquisition of these lands will contribute toward the completion and implementation of the Transportation Master Plan.

## 5. Financial Implications

The budget 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 meet the planned growth in this area.

## 7. Conclusion

The widening and reconstruction of Bathurst Street from Highway 7 to Teston Road/Elgin Mills Road requires the acquisition of 32 properties. Council authorized the application for approval to expropriate in September 2014. No request for a Hearing of Necessity was received.

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This report pertains to the approval to proceed to register an expropriation plan, and serve notice of expropriation and possession upon the owners. Registration of the expropriation plan transfers title to the Region, which is the next step toward possession of the lands required to relocate utilities prior to the start of construction.

In order to ensure timely possession of the lands to commence construction, it is recommended that Council approve the expropriation of these properties. A report to Council will be presented by September 2015, requesting the authority to serve the property owners with offers of compensation. Service of the offers will enable the Region to obtain possession of the lands and allow construction to proceed.

For more information on this report, please contact Jennifer Hughson, Acting Manager, Realty Services, Property Services Branch at ext. 71427.

The Senior Management Group has reviewed this report.

May 6, 2015

Attachments (2)

eDOCS #6132723

Accessible formats or communication supports are available upon request

**Property Schedule  
Approval to Expropriate  
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**

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
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

**ATTACHMENT 1**

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
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**

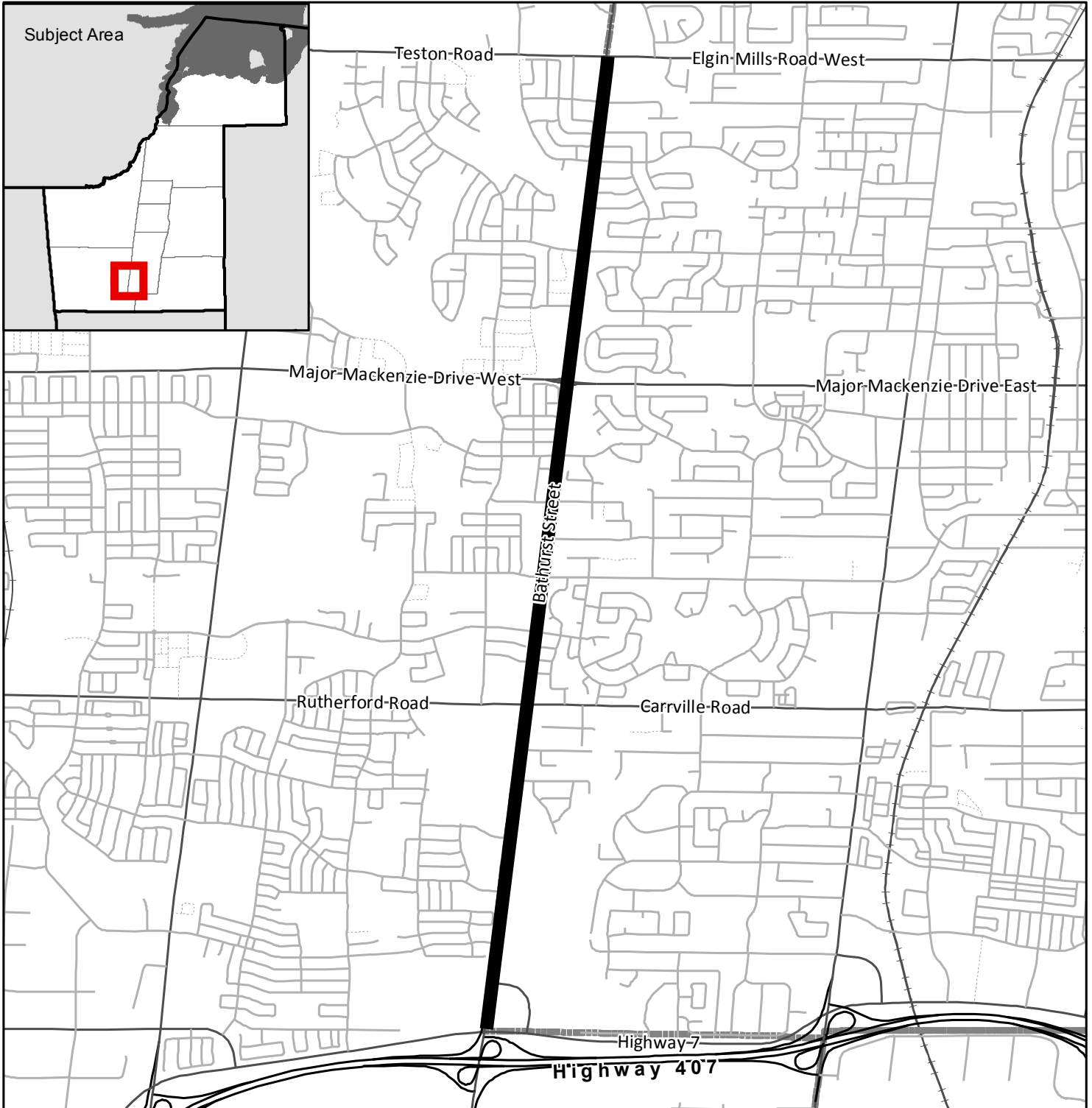
<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
18.	Tiano, Guido Tiano, Rosina	9743 Bathurst Street Richmond Hill	Part 11, Plan 65R34664	Fee Simple for road widening
			Part 12, Plan 65R34664	Temporary Easement
19.	Gineve Inc.	9747 Bathurst Street Richmond 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

**ATTACHMENT 1**

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
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**

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 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  
 May 2015

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