

Clause 17 in Report No. 10 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on May 21, 2015.

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Compensation for Expropriation
Viva Bus Rapid Transit Corridor
Yonge Street - Levendale Road to
Gamble Road/19th Avenue, Town of Richmond Hill

Committee of the Whole recommends adoption of the following recommendations contained in the report dated April 1, 2015 from the Commissioner of Corporate Services:

1. Recommendation

It is recommended that:

1. Council authorize the Commissioner of Corporate Services to make offers of compensation to the owners of lands in the Town of Richmond Hill, as set out in Attachment 1, which were acquired for the construction of the Viva bus rapid transit Yonge Street corridor, and in accordance with the *Expropriations Act* (the "Act").

2. Purpose

This report seeks Council approval to serve offers of compensation under section 25 of the *Act* to owners whose lands have been expropriated for the Yonge Street (Y2.2) project from Major Mackenzie Drive to Gamble Road/19th Avenue, in the Town of Richmond Hill. The locations of the properties that are the subject of this report are shown on the map in Attachment 2.

Compensation for Expropriation

Viva Bus Rapid Transit Corridor Yonge Street – Levendale Road to Gamble Road/19th Avenue, Town of Richmond Hill

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 undertaking improvements to the road infrastructure and the construction of dedicated centre lanes for Viva buses along with enhanced street features and boulevards. There will be no construction from Major Mackenzie Drive through the heritage district. The project received approval from the Ministry of the Environment in November of 2006. The design-build contract was awarded in the spring of 2014 to York Rapidlink Constructors.

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

The lands referred to in this report comprise the land requirements for the vivaNext bus rapid transit project on Yonge Street between Major Mackenzie Drive and Gamble Road/19th Avenue in Richmond Hill. Utility relocations are the first construction related item to be considered. Possession of privately owned lands by July 2015 will allow for the start of utility relocations in the new boulevards along the edge of the roadways. Completion of the corridor and the opening of the bus rapid transit centre lanes is anticipated by the end of 2018.

Council authorized the initiation of the expropriation process

On April 17, 2014, Council authorized an application for approval to expropriate. As the design of the corridor progressed, additional property requirements were identified. Council authorized an application for approval to expropriate the additional properties on September 11, 2014. Following each Council approval, the Notice of Application for Approval to Expropriate was served on the owners of the properties.

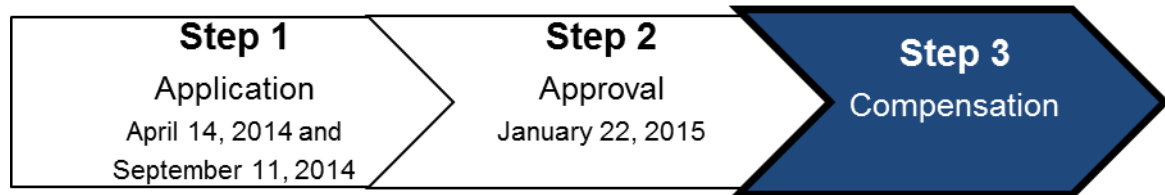
In January 2015, Council authorized the expropriation of the lands

Council approved the expropriation of the properties required for this portion of the project on January 22, 2015. The Region took title to the lands when the expropriation plans were registered in March 2015. The appropriate notices were served upon owners, in accordance with the *Act*.

Compensation for Expropriation

Viva Bus Rapid Transit Corridor Yonge Street – Levendale Road to Gamble Road/19th Avenue, Town of Richmond Hill

This is the third step in the Council approval process for property expropriation as indicated in the graphic below.



Staff is negotiating with property owners throughout the expropriation process

The expropriation process commenced when Council approved the applications for approval to expropriate. Concurrent with the expropriation, staff is negotiating with affected owners in an effort to obtain permission to enter agreements and settlement agreements. It is necessary to proceed with the expropriation of all properties concurrently with ongoing negotiations in order to secure access to the lands in time for construction to commence.

4. Analysis and Options

Independent appraisal reports have established the values which form the basis of the offers

Independent consultants were commissioned to provide estimates of compensation including appraisals of market value for the lands expropriated and, if applicable, estimates of damages for lost improvements (such as landscaping or parking) and injurious affection (the loss of value to the lands retained by the owner).

Section 25 of the *Act* requires the Region to offer each owner a choice of two options regarding compensation. The first offer is for full compensation for the market value of the lands expropriated and any damages for lost improvements and injurious affection. If the owner accepts the offer, then the owner, with a few exceptions, accepts the offer in full satisfaction of any claims the owner may have with respect to the expropriation. The second is an offer to pay the owner the market value of the lands expropriated and does not include other damages such as disturbance or injurious affection. If an owner accepts the second offer the owner may make a future claim for additional compensation in accordance with the *Act*.

Compensation for Expropriation

Viva Bus Rapid Transit Corridor Yonge Street – Leventdale Road to Gamble Road/19th Avenue, Town of Richmond Hill

Possession of expropriated lands will be obtained in July 2015 upon serving offers

The Region acquired title to the lands when the expropriation plan was registered at the Land Registry Office. Although ownership is now in the name of the Region, possession is yet to be obtained. Notices of expropriation and possession were served upon the owners, with possession anticipated for July 15, 2015. In accordance with the *Act*, it is necessary to make offers of compensation to owners in order to obtain possession of the expropriated lands.

In the event an owner does not agree to a full and final settlement upon receipt of the offer made under section 25 of the *Act*, staff will endeavour to negotiate compensation settlements.

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

Priority Area – Manage Environmentally Sustainable Growth

Managing traffic congestion

The acquisition of these lands will support the development of bus rapid transit corridors, which is intended to increase of the number of rapidway lane kilometres and transit ridership per capita.

5. Financial Implications

The funding to complete the property acquisitions 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 registration of the expropriation plan. The compensation payable to the owners is based on independently commissioned appraisals.

6. Local Municipal Impact

The construction of dedicated bus lanes and related facilities, as well as road and intersection improvements along Yonge Street from Major Mackenzie Drive to Gamble Road/19th Avenue, 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 streetscapes in Richmond Hill.

7. Conclusion

On April 17, 2014 and September 11, 2014, Council authorized applications for approval to expropriate lands to facilitate public transit along Yonge Street in Richmond Hill.

On January 22, 2015 Council approved the second step of the expropriation process to be taken, which is the preparation, execution and registration of the expropriation plans.

Expropriation plans were registered with the Land Registry office in March 2015 with respect to the lands required for the Yonge Street (Y2.2) project. The *Act* requires that offers of compensation for expropriated lands be served on the former owners in order to obtain possession which is anticipated for July 15, 2015. The values of the proposed offers are based on estimates provided by independently commissioned appraisers. It is recommended that the offers set out in this report be served in accordance with the *Act*.

For more information on this report, please contact Eric Bjornson, Acting Manager, Realty Services, Property Services Branch at ext. 71706.

The Senior Management Group has reviewed this report.

April 1, 2015

Attachments (2)

eDOCS #6076330

Accessible formats or communication supports are available upon request

**Property Schedule
 Compensation for Expropriation
 Viva Bus Rapid Transit Corridor
 Yonge Street – Levedale Road to Gamble Road/19th Avenue
 Town of Richmond Hill**

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Natweiss Investments Limited Grall Corporation Limited 967933 Ontario Limited Sitzer Group Holdings No. 1 Limited	10520 Yonge Street Richmond Hill	Part 1, Plan YR2265932	Fee Simple
			Part 2, Plan YR2265932	Temporary Easement
2.	Loblaws Inc.	10488 Yonge Street Richmond Hill	Part 1, Plan YR2265966	Temporary Easement
3.	1835942 Ontario Inc.	10481 Yonge Street Richmond Hill	Part 1, Plan YR2265974	Fee Simple
			Part 2, Plan YR2265974	Temporary Easement
4.	Stonecourt Construction Inc.	10537 Yonge Street Richmond Hill	Parts 1, 2, 3, 4, YR2265996	Fee Simple
			Parts 5, 6, 7, 8, 9, 10, Plan YR2265996	Temporary Easement
5.	172965 Canada Limited	10579 Yonge Street Richmond Hill	Parts 1, 2, 3, 4, YR2266766 and R755878	Fee Simple
			Parts 5, 6, 7, 8, 9, YR2266766 and R755878	Temporary Easement

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No.	Owner	Municipal Address	Legal Description	Interest Required
6.	Berndale Investments Limited 554701 Ontario Inc.	10593 Yonge Street Richmond Hill	Part 1, Plan YR2265939	Fee Simple
			Part 2, Plan YR2265939	Temporary Easement
7.	Glenridge Construction Company Limited	10605 Yonge Street Richmond Hill	Part 1, Plan YR2265945	Fee Simple
			Part 2, Plan YR2265945	Temporary Easement
8.	Yooxli Ltd.	10620 Yonge Street Richmond Hill	Part 1, Plan YR2265949	Fee Simple
			Part 2, Plan YR2265949	Temporary Easement
9.	BRL Realty Limited	10619 Yonge Street Richmond Hill	Part 1, Plan YR2265964	Fee Simple
			Part 2, Plan YR2265964	Temporary Easement
10.	Wilsand Holdings Limited	10675 Yonge Street Richmond Hill	Part 1, Plan YR2265973	Fee Simple
			Part 2, Plan YR2265973	Temporary Easement
11.	Berfield Financial Holdings Inc.	10660 Yonge Street Richmond Hill	Parts 1, 2, 3, 4, 5, YR2265982	Fee Simple
			Parts 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, Plan YR2265982	Temporary Easement
12.	Maxcare Medical Plaza Incorporated	10670 Yonge Street Richmond Hill	Parts 1, Plan YR2265992	Fee Simple
			Parts 2, 3, Plan YR2265992	Temporary Easement

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No.	Owner	Municipal Address	Legal Description	Interest Required
13.	Sabella Ridge Estates Inc.	10684 and 10692 Yonge Street Richmond Hill	Parts 1, 2, Plan YR2266002	Fee Simple
			Parts 3, 4, Plan YR2266002	Temporary Easement
14.	Shant Ghazarian Aline Ghazarian	10695 Yonge Street Richmond Hill	Part 1, Plan YR2266005	Fee Simple
			Part 2, Plan YR2266005	Temporary Easement
15.	2073302 Ontario Inc.	10711 Yonge Street Richmond Hill	Part 1, Plan YR2266345	Fee Simple
			Part 2, Plan YR2266345	Temporary Easement
16.	Yonge Elgin Plaza Ltd.	10720 Yonge Street Richmond Hill	Parts 1, 2, Plan YR2266348	Fee Simple
			Parts 3, 4, Plan YR2266348	Temporary Easement
17.	2262443 Ontario Limited	10731 Yonge Street Richmond Hill	Part 1, Plan YR2266354	Fee Simple
			Part 2, Plan YR2266354	Temporary Easement
18.	1122270 Ontario Inc.	19 Leonard Street Richmond Hill	Parts 1, 2, Plan YR2266004	Fee Simple
			Parts 3, 4, Plan YR2266004	Temporary Easement
19.	Armando Joe Guido Angelo Guido Anna Rita Guido	10766 Yonge Street Richmond Hill	Part 1, Plan YR2266029	Fee Simple
			Part 2, Plan YR2266029	Temporary Easement
20.	Ninetta Panetta Luigi Panetta	10801 Yonge Street Richmond Hill	Parts 1, 2, 3, Plan YR2266038	Temporary Easement

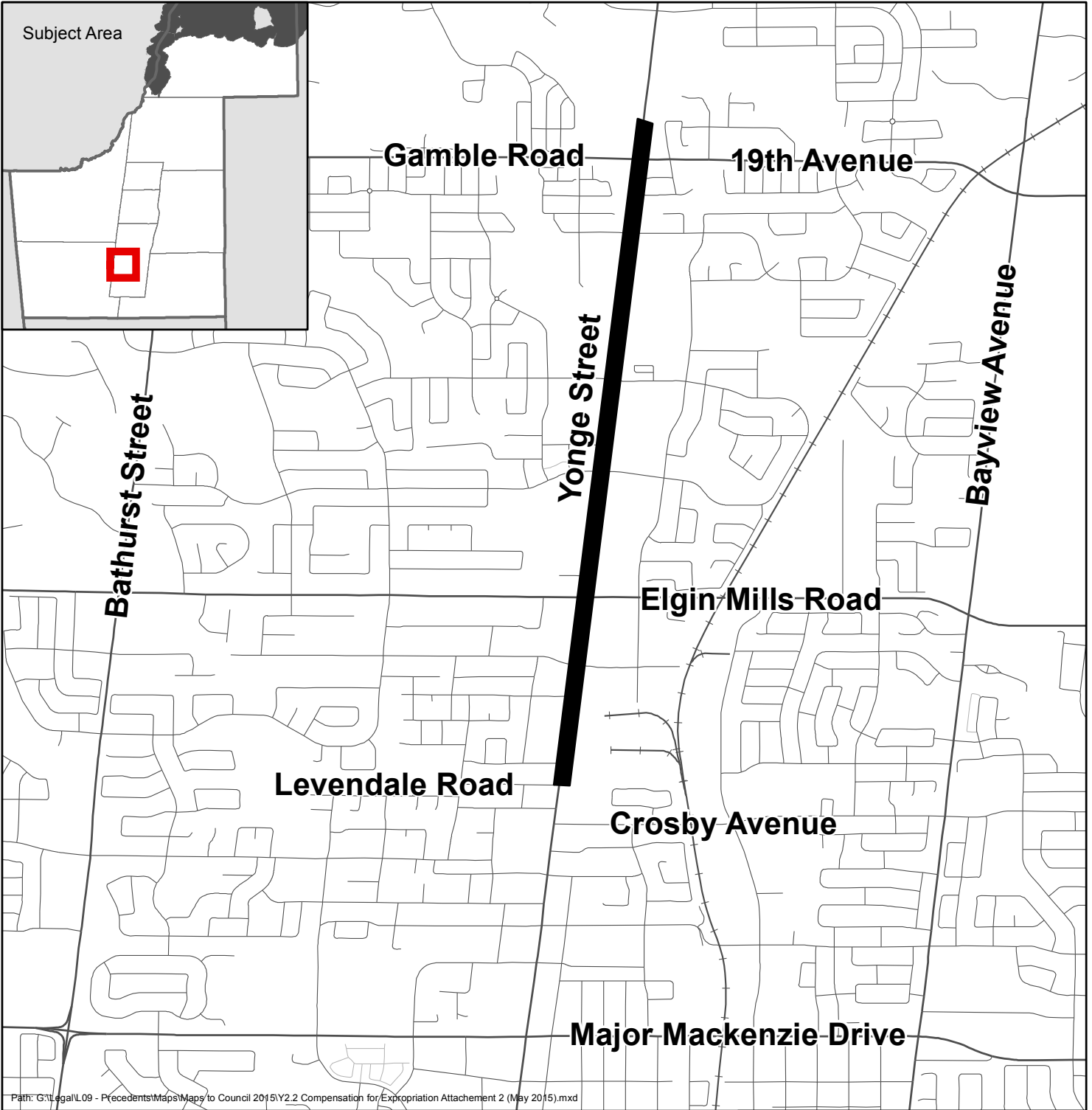
ATTACHMENT 1

No.	Owner	Municipal Address	Legal Description	Interest Required
21.	Totera Enterprises Limited 2012002 Ontario Ltd.	10815 and 10825 Yonge Street Richmond Hill	Parts 1, 2, 3, Plan YR2266053	Temporary Easement
22.	Hakim Optical Laboratory Limited	10794 Yonge Street Richmond Hill	Part 1, Plan YR2266059	Temporary Easement
23.	Murlee Holdings Limited	10875 Yonge Street Richmond Hill	Part 1, Plan YR2266062	Fee Simple
			Part 2, Plan YR2266062	Permanent Easement
			Part 3, Plan YR2266062	Temporary Easement
24.	10870 Yonge Street Limited	10870 Yonge Street Richmond Hill	Part 1, Plan YR2266216	Temporary Easement
25.	Wilbair Holdings Inc.	10898 Yonge Street Richmond Hill	Part 1, Plan YR2266245	Fee Simple
			Part 2, Plan YR2266245	Temporary Easement
26.	S&E Consultants Limited	10944-10956 Yonge Street Richmond Hill	Parts 1, 2, 3, Plan YR2266262	Temporary Easement
27.	Yonge MCD Inc.	11044 Yonge Street Richmond Hill	Part 1, Plan YR2266365	Permanent Easement
			Parts 2, 3, Plan YR2266365	Temporary Easement
28.	Mon Sheong Foundation	11283 Yonge Street Richmond Hill	Parts 1, Plan YR2266435	Temporary Easement
29.	L'Arche Daybreak	11339 Yonge Street Richmond Hill	Parts 1, 2, 3, 4, Plan YR2266434	Temporary Easement
30.	Antonio Di Vincenzo	11352 Yonge Street Richmond Hill	Parts 1, 2, Plan YR2266439	Fee Simple
			Part 3, Plan YR2266439	Temporary Easement

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No.	Owner	Municipal Address	Legal Description	Interest Required
31.	Aralansa Inc.	e/s Yonge Street, s/s 19th Avenue Richmond Hill	Part 1, Plan YR2266444	Temporary Easement
32.	1626238 Ontario Inc.	w/s Yonge Street, north of Gamble Richmond Hill	Part 1, Plan YR2266450	Fee Simple
			Part 2, Plan YR2266450	Temporary Easement
33.	Weins Canada Inc.	11552 Yonge Street Richmond Hill	Parts 1, 2, Plan YR2266443	Temporary Easement
34.	J. Cordone Realty Limited	11130 Yonge Street Richmond Hill	Part 1, Plan YR2266445	Fee Simple
			Part 2, Plan YR2266445	Temporary Easement
35.	2436196 Ontario Inc.	11160 Yonge Street Richmond Hill	Parts 1, 2, Plan YR2266449	Fee Simple
			Part 3, Plan YR2266449	Temporary Easement
36.	SKN Development Inc.	11575 Yonge Street Richmond Hill	Part 1, Plan YR2266453	Temporary Easement
37.	Grace Cordone Limited	East Side Yonge Street, south of Silverwood Drive Richmond Hill	Part 1, Plan YR2266432	Fee Simple
38.	Aldar Developments Inc.	11262 Yonge Street Richmond Hill	Part 1, Plan YR2266438	Temporary Easement
39.	Millwin Investments Limited	11300 Yonge Street Richmond Hill	Parts 1, 2, 3, 4, YR2266442	Temporary Easement
40.	St. Mary and St. Joseph Coptic Orthodox Church	11308 Yonge Street Richmond Hill	Parts 1, 2, Plan YR2266446	Temporary Easement
41.	1214420 Ontario Limited	11488 Yonge Street Richmond Hill	Part 1, Plan YR2266441	Fee Simple
42.	Loyal True Blue and Orange Home	11181 Yonge Street Richmond Hill	Parts 1, 2, Plan YR2266447	Temporary Easement

No.	Owner	Municipal Address	Legal Description	Interest Required
<p>The permanent easements are required for the purpose of entering on the lands with all vehicles, machinery, workers and other material (I) to construct and maintain permanent municipal infrastructure which may include retaining walls, shoring and formwork and/or drainage, erosion or sediment control measures such as water mains and storm sewers; and (II) for construction purposes which may include (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 Yonge Street, (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.</p> <p>The four year temporary easements will commence upon registration of an expropriation plan and are required for the purpose of entering on the lands with all vehicles, machinery, workers 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 Yonge Street, (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.</p>				



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LOCATON PLAN

Compensation for Expropriation
 Viva Bus Rapid Transit Corridor
 Yonge Street - Levendale Road to Gamble Road/19th
 Avenue, Town of Richmond Hill



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 Corporate Services Department
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Legend

-  Subject Corridor
-  Road
-  Railway

