

Clause 10 in Report No. 8 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on April 23, 2015.

10

Compensation for Expropriation
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 following recommendations contained in the report dated February 25, 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 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 (Y2.1) project from Highway 7 to Major Mackenzie Drive, 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.

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. 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 for the portion of Yonge Street in Richmond Hill that is the subject of this report.

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

The lands considered in this report are comprised of the land requirements for the vivaNext bus rapid transit project on Yonge Street between Highway 7 and Major Mackenzie Drive in Richmond Hill. Utility relocations are the first construction related item to be considered. Possession of privately owned lands by June 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 for 56 properties

On February 20, 2014, Council authorized an application for approval to expropriate interests from a total of 55 property owners. As the design of the corridor progressed, one additional property was identified as a requirement, bringing the total number of affected properties to 56. Council authorized an application for approval to expropriate the additional property on September 11, 2014. Following each Council approval, the Notice of Application for Approval to Expropriate was served to the owners of the 56 affected properties.

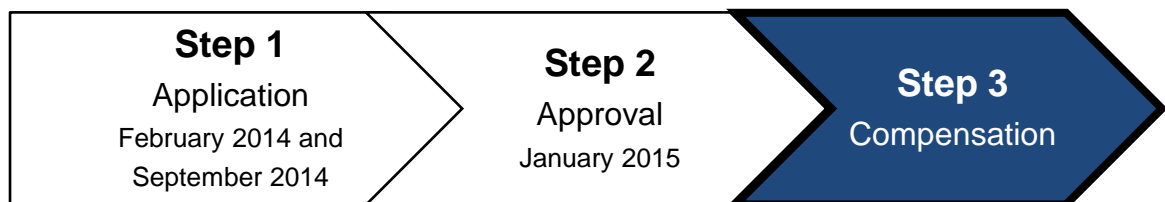
In January 2015, Council authorized the expropriation of the lands

Each owner had 30 days from the date the owner was served the Notice of Application for Approval to Expropriate Land to request an inquiry (Hearing of Necessity) as to whether the taking of the lands by the Region is fair, sound and

reasonably necessary. Staff met with the six owners who requested hearings, to explain the project, the effects of the requirements on their respective lands, and the expropriation process. Upon obtaining a clearer understanding of the process, all six owners withdrew their requests for Hearings of Necessity.

Upon confirmation that no Hearings of Necessity were scheduled, Council approved the expropriation of the 56 properties required for this portion of the project on January 22, 2015. Expropriation plans were registered in February 2015, and the appropriate notices were served upon owners, in accordance with the *Act*.

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 acquire lands via agreements of purchase and sale. 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

Compensation for Expropriation
Viva Bus Rapid Transit Corridor
Yonge Street - Highway 7 to Major Mackenzie Drive
Town of Richmond Hill

owner a choice of two options regarding compensation. The first offer is an offer of 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 offer is an offer to pay the owner the market value of the lands expropriated and does not include an offer to pay any other damages such as damages for lost improvements 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*.

Possession of expropriated lands will be obtained 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 June 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 this land will support the development of bus rapid transit corridors, which will increase of the number of rapidway lane kilometers and transit ridership per capita.

Compensation for Expropriation
Viva Bus Rapid Transit Corridor
Yonge Street - Highway 7 to Major Mackenzie Drive
Town of Richmond Hill

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 Highway 7 to Major Mackenzie Drive, is critical to achieve the Region's vision for the corridor. Additionally, upon completion this project will improve public transit facilities and enrich the streetscapes in Richmond Hill.

7. Conclusion

On February 20, 2014, Council authorized an application for approval to expropriate lands from 55 property owners and on September 11, 2014, Council authorized an additional property to be expropriated 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 February 2015 with respect to the lands required for the Yonge Street (Y2.1) project. The *Act* requires that offers of compensation for expropriated lands be served on the former owners in order to obtain possession. 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.

Compensation for Expropriation
Viva Bus Rapid Transit Corridor
Yonge Street - Highway 7 to Major Mackenzie Drive
Town of Richmond Hill

The Senior Management Group has reviewed this report.

February 25, 2015

Attachments (2)

eDOCS #6033948

Accessible formats or communication supports are available upon request

**Property Schedule
Compensation for Expropriation
Viva Bus Rapid Transit Corridor
Yonge Street – Highway 7 to Major Mackenzie Drive
Town of Richmond Hill**

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Yonge Bayview Holdings Inc.	8705-8725 Yonge Street Richmond Hill	Part 1, Plan R755851	Temporary Easement
2.	Shell Canada Limited	8680 Yonge Street, 8656 and 8674 Yonge Street Richmond Hill	Parts 1, 2, Plan YR2256615	Temporary Easement
3.	KPS Securities Inc.	8700 Yonge Street Richmond Hill	Part 1, Plan YR2256751	Temporary Easement
4.	Suncor Energy Products Inc.	8830 Yonge Street Richmond Hill	Part 1, Plan YR2256717	Temporary Easement
5.	8874 Yonge Street Inc.	8874 Yonge Street Richmond Hill	Part 1, Plan YR2256767	Fee Simple
			Part 2, Plan YR2256767	Temporary Easement
6.	R. J. Davies Holdings Ltd.	8779-8781 Yonge Street Richmond Hill	Part 1, Plan YR2256879	Fee Simple
			Part 2, Plan YR2256879	Temporary Easement
7.	Saltwhistle Bay Properties Inc.	8825 Yonge Street Richmond Hill	Part 1, Plan YR2257041	Fee Simple
			Parts 2, 3, Plan YR2257041	Temporary Easement
8.	Great Land (Westwood) Inc.	8890 Yonge Street Richmond Hill	Part 1, Plan YR2257128	Fee Simple
			Part 2, Plan YR2257128	Temporary Easement

ATTACHMENT 1

No.	Owner	Municipal Address	Legal Description	Interest Required
9.	J-G Cordone Investments Limited	8900 Yonge Street Richmond Hill	Part 1, Plan YR2257134	Fee Simple
			Part 2, Plan YR2257134	Temporary Easement
10.	Rock N Roll Real Estate Inc.	8910 Yonge Street Richmond Hill	Part 1, Plan YR2257371	Fee Simple
			Part 2, Plan YR2257371	Temporary Easement
11.	On Lung Property Investments Ltd.	8950 Yonge Street Richmond Hill	Parts 1, 2, 3, Plan YR2257506	Fee Simple
			Part 4, Plan YR2257506	Temporary Easement
12.	Travelpoint Properties Inc.	8990 Yonge Street Richmond Hill	Part 1, Plan YR2257484	Temporary Easement
13.	Mazzotta Investment Corporation	9002 Yonge Street Richmond Hill	Part 1, Plan YR2257484	Temporary Easement
14.	1053702 Ontario Limited	9006-9020 Yonge Street Richmond Hill	Part 1, Plan YR2257836	Temporary Easement
15.	Black River Scrap Metal Ltd.	9108 Yonge Street Richmond Hill	Parts 1, 2, Plan YR2257523	Fee Simple
			Parts 3, 4, Plan YR2257523	Temporary Easement
16.	Lorenzo Beltrame Gregorio Beltrame	9114 Yonge Street Richmond Hill	Parts 1, 2, Plan YR2257626	Fee Simple
			Parts 3, 4, Plan YR2257626	Temporary Easement
17.	Stephanie Lucas Donna Kalles	9116 Yonge Street Richmond Hill	Part 1, Plan YR2257368	Fee Simple
			Part 2, Plan YR2257268	Temporary Easement

ATTACHMENT 1

No.	Owner	Municipal Address	Legal Description	Interest Required
18.	628627 Ontario Inc.	9144 Yonge Street Richmond Hill	Part 1, Plan YR2257428	Fee Simple
			Part 2, Plan YR2257428	Temporary Easement
19.	Roland Spiegel	27 Vanity Crescent Richmond Hill	Parts 1, 2, Plan YR2257663	Fee Simple
			Parts 3, 4, Plan YR2257663	Temporary Easement
20.	Raffaele and Vittaria Holdings Limited Antonio and Carmela Holdings Limited	9174 Yonge Street Richmond Hill	Part 1, Plan YR2257367	Fee Simple
			Part 2, Plan YR2257367	Temporary Easement
21.	Barkdel Investments Limited Convertapack Limited	9184 Yonge Street Richmond Hill	Part 1, Plan YR2257423	Fee Simple
			Part 2, Plan YR2257423	Temporary Easement
22.	A.Campagna Holdings Inc.	9190 Yonge Street Richmond Hill	Part 1, Plan YR2257526	Fee Simple
			Part 2, Plan YR2257526	Temporary Easement
23.	Luigi DiMarco Lina DiMarco	9196 Yonge Street Richmond Hill	Parts 1, 2, 3, Plan YR2257841	Fee Simple
			Parts 4, 5, Plan YR2257841	Temporary Easement
24.	Emilio Russo	9206 Yonge Street Richmond Hill	Part 1, Plan YR2257528	Fee Simple
			Part 12, Plan YR2257528	Temporary Easement

ATTACHMENT 1

No.	Owner	Municipal Address	Legal Description	Interest Required
25.	Toronto Measuring Equipment Inc.	9212 Yonge Street Richmond Hill	Part 1, Plan YR2257876	Fee Simple
			Part 2, Plan YR2257876	Temporary Easement
26.	Haulover Investments Ltd.	9251 Yonge Street Richmond Hill	Parts 1, 2, Plan YR2257638	Temporary Easement
27.	9218 Yonge Street Street Incorporated	9218 Yonge Street Richmond Hill	Parts 1, 2, 3, Plan YR2257366	Fee Simple
			Parts 4, 5, 6, Plan YR2257366	Temporary Easement
28.	9218 Yonge Street Street Incorporated	9218 Yonge Street Richmond Hill	Part 1, Plan YR2257655	Fee Simple
			Part 2, Plan YR2257655	Temporary Easement
29.	Montez Hillcrest Inc. Hillcrest Holdings Inc.	9350 Yonge Street Richmond Hill	Parts 1, 2, Plan YR2262738	Fee Simple
			Parts 3, 4, 5, 6, 7, 8, 9, 10, 11, Plan YR2262738	Temporary Easement
30.	Whitehorn Investments Limited (30%) Ledbrow Investments Ltd. (36%) 891566 Ontario Limited (28%) Stephen–Mitchell Realty Limited (6%)	9325 Yonge Street Richmond Hill	Parts 1, 2, 3, Plan YR2257874	Fee Simple
			Parts 4, 5, 6, Plan YR2257874	Temporary Easement

ATTACHMENT 1

No.	Owner	Municipal Address	Legal Description	Interest Required
31.	York Region Condominium Corporation No. 929	23 Observatory Lane Richmond Hill	Part 1, Plan YR2257889	Fee Simple
			Part 2, Plan YR2257889	Temporary Easement
32.	York Region Standard Condominium Corporation No. 989	23 Observatory Lane Richmond Hill	Part 1, Plan YR2257902	Temporary Easement
33.	BCIMC Realty Corporation	15-45 Baif Boulevard Richmond Hill	Part 1, Plan YR2257891	Fee Simple
			Part 2, Plan YR2257891	Temporary Easement
34.	Torview Properties Inc.	9471 Yonge Street Richmond Hill	Part 1, Plan YR2257885	Temporary Easement
35.	York Region Condominium Corporation No. 601	20 Baif Boulevard Richmond Hill	Part 1, Plan YR2257898	Fee Simple
			Parts 2, 3, 4, 5, 6, Plan YR2257898	Temporary Easement
36.	Observatory Place Plaza Inc.	9555 Yonge Street Richmond Hill	Part 1, Plan YR2257887	Fee Simple
			Part 2, Plan YR2257887	Temporary Easement
37.	Zaraska Hotels Limited Pauline Zaraska Hotels Limited	9555 Yonge Street Richmond Hill	Part 1, Plan YR2257877	Fee Simple
38.	Suncor Energy Inc.	9550 Yonge Street Richmond Hill	Part 1, Plan YR2257881	Fee Simple
			Part 2, Plan YR2257881	Temporary Easement

ATTACHMENT 1

No.	Owner	Municipal Address	Legal Description	Interest Required
39.	512439 Ontario Limited (75%) D.D.M.G. Investments Inc. (25%)	9625 Yonge Street Richmond Hill	Parts 1, 2, Plan YR2257942	Fee Simple
			Parts 3, 4, Plan YR2257942	Permanent Easement
40.	Uni-World Corporation Limited	9580 Yonge Street Richmond Hill	Part 1, Plan YR2257893	Fee Simple
			Parts 3, 4, Plan YR2257942	Temporary Easement
41.	Prombank Investment Limited	9625 Yonge Street Richmond Hill	Part 1, Plan YR2257884	Fee Simple
			Part 2, Plan YR2257884	Permanent Easement
			Part 3, Plan YR2257884	Temporary Easement
42.	Brillinger Investments Limited 1890152 Ontario Limited	9675 Yonge Street Richmond Hill	Part 1, Plan YR2257875	Temporary Easement
43.	Frank Russo Serafino Russo	9712 Yonge Street Richmond Hill	Parts 1, 2, Plan YR2257868	Fee Simple
			Part 3, Plan YR2257868	Temporary Easement
44.	1703173 Ontario Inc.	9724 Yonge Street Richmond Hill	Parts 1, 2, Plan YR2257931	Fee Simple
			Part 3, Plan YR2257931	Temporary Easement
45.	Haleson Developments Ltd.	9737 Yonge Street Richmond Hill	Parts 1, 2, 3, Plan YR2257907	Fee Simple
			Part 4, Plan YR2257907	Permanent Easement
			Parts 5, 6, Plan YR2257907	Temporary Easement

ATTACHMENT 1

No.	Owner	Municipal Address	Legal Description	Interest Required
46.	2305992 Ontario Inc.	West Side Yonge Street, south of Harding Boulevard Richmond Hill	Parts 1, 2, Plan YR2257896	Fee Simple
			Parts 3, 4, Plan YR2257896	Temporary Easement
47.	Baif Developments Limited	East Side Yonge Street, south of Hopkins Street Richmond Hill	Parts 1, 2, Plan YR2257917	Fee Simple
			Parts 3, 4, 5, Plan YR2257917	Temporary Easement
48.	2370082 Ontario Inc.	9839 Yonge Street Richmond Hill	Part 1, Plan YR2257867	Fee Simple
			Part 2, Plan YR2257867	Temporary Easement
49.	9861 Yonge Developments Inc.	9861 Yonge Street Richmond Hill	Part 1, Plan YR2257879	Temporary Easement
50.	Ameeta Nagar	9867 Yonge Street Richmond Hill	Part 1, Plan YR2257901	Fee Simple
			Parts 2, 3, Plan YR2257901	Permanent Easement
			Part 4, Plan YR2257901	Temporary Easement
51.	1921647 Ontario Ltd.	9875 Yonge Street Richmond Hill	Part 1, Plan YR2257928	Fee Simple
			Part 2, Plan YR2257928	Permanent Easement
			Part 3, Plan YR2257928	Temporary Easement
52.	1682213 Ontario Inc.	9883 Yonge Street Richmond Hill	Part 1, Plan YR2257871	Temporary Easement
53.	Parvaneh Pakzad	9891 Yonge Street Richmond Hill	Part 1, Plan YR2257883	Temporary Easement

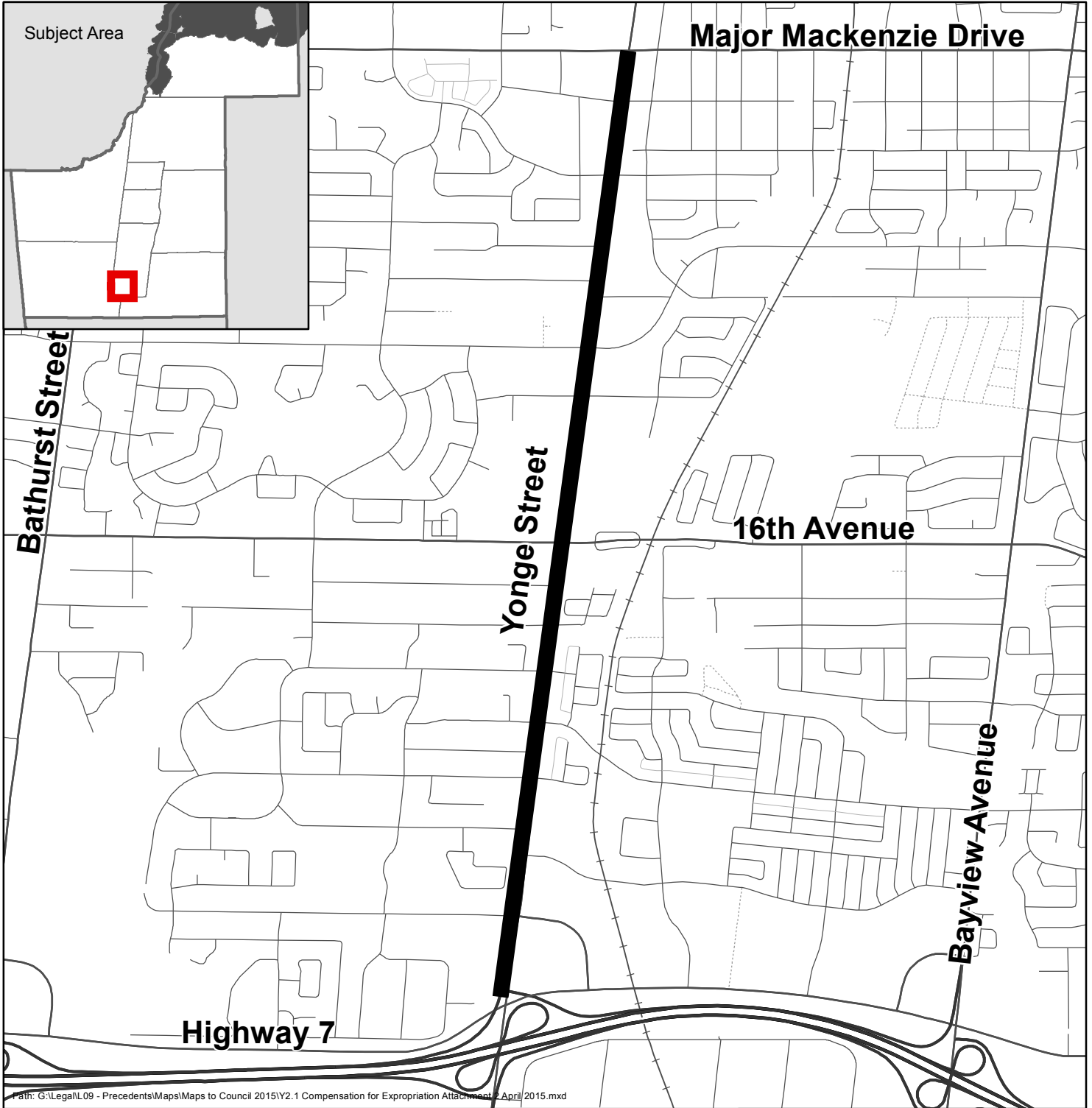
No.	Owner	Municipal Address	Legal Description	Interest Required
54.	Centerhill Corporation	9901 Yonge Street Richmond Hill	Part 1, Plan YR2257890	Fee Simple
			Part 2, Plan YR2257890	Temporary Easement
55.	Missionary Sisters of the Precious Blood	9915 Yonge Street Richmond Hill	Part 1, Plan YR2257880	Fee Simple
			Part 2, Plan YR2257880	Temporary Easement
56.	Clarissa Square Limited	Northeast corner of Yonge Street and Clarissa Drive Richmond Hill	Part 1, Plan YR2257888	Fee Simple

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.

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

ATTACHMENT 1

No.	Owner	Municipal Address	Legal Description	Interest Required
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.				



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LOCATION PLAN

Compensation for Expropriation
 Viva Bus Rapid Transit Corridor
 Yonge Street - Highway 7 to Major Mackenzie Drive
 Town of Richmond Hill



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 Property Services Branch
 Corporate Services Department
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Legend

-  Subject Corridor
-  Road
-  Railway



0 325 650 Meters