

Clause 18 in Report No. 6 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on March 26 , 2015.

Approval to Expropriate  
Viva Bus Rapid Transit Corridor  
Highway 7 West, Centre Street and Bathurst Street  
City of Vaughan

**Committee of the Whole recommends adoption of the recommendations contained in the following report dated January 28, 2015 from the Commissioner of Corporate Services:**

1. Recommendations

It is recommended that:

1. Council, as approving authority, approve the expropriation of the lands, as set out in Attachment 1, for the construction of the bus rapid transit corridor on Highway 7 West, Centre Street and Bathurst Street in the City of Vaughan.
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 portions of land required for the widening and reconstruction of Highway 7 West, Centre Street and Bathurst Street corridor in the City of Vaughan to provide dedicated Viva rapid transit lanes, as shown in Attachments 2 and 3.

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### 3. Background

The Region is constructing dedicated bus rapid transit lanes for vivaNext along Highway 7 West, Centre Street and Bathurst Street in Vaughan

To facilitate public transit along Highway 7, 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 of the Environmental Assessment Report from the Ministry of the Environment in April of 2006. The contract to commence construction will be awarded in mid-2015 for the portion of Highway 7 that is the subject of this report.

Development of the bus rapid transit on Highway 7 is being undertaken in phases

The new vivaNext bus rapid transit project is being designed and constructed in phases on Highway 7. Construction first commenced in 2010 on a nine kilometre stretch of Highway 7 from Yonge Street in Richmond Hill, easterly to Warden Avenue, at which point it turns south along Warden Avenue, then east along a portion of Enterprise Avenue to Birchmount Road in Markham. This project was referred to as H3, with the initial land requirement secured in 2009. Construction is complete, subject to some minor works, such as streetscaping.

In the summer of 2013, construction of another portion of Highway 7, referenced as H2-VMC (Vaughan Metropolitan Centre) commenced on a four kilometre stretch from Highway 400, easterly to the Go Rail line east of Keele Street. The land requirement for this portion of Highway 7 was secured in 2012.

The subject lands comprise the next phase of development, from Pine Valley Drive in Vaughan to Yonge Street in Richmond Hill, excluding H2-VMC

The next phase of Highway 7 involves two separate sections and incorporates the lands that are the subject of this report. This phase of the vivaNext project is referred to as H2, as shown in Attachment 2.

The west section of H2 is located in Vaughan. It is approximately three kilometres in length, from a point west of Pine Valley Drive to Highway 400. The

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east section is eight kilometres in length, from the GO Transit rail line east of Keele Street in Vaughan, to Yonge Street in Richmond Hill. The bus rapid transit corridor in this section will divert from Highway 7 to Centre Street and Bathurst Street. All of the land requirements for the east section are located on Centre Street and Bathurst Street in Vaughan, and the three parcels that are subject of this report are located on or adjacent to Centre Street.

The aforementioned H2-VMC project is situated between the two sections that comprise the H2 corridor.

The Region has obtained 82 of 85 properties required for the project

In 2014 and 2015, Council granted approval to acquire 82 of the 85 properties required for the H2 corridor. The three properties that are the subject of this report are the remaining interests to be acquired.

Lands for the newest phases of Highway 7 are required by third quarter of 2015

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. In order to fulfill contract obligations related to construction of the corridor, possession of all lands is required by August 2015. Completion of the corridor and the opening of the bus rapid transit centre lanes are anticipated for the end of 2019.

In June 2014 and September 2014, Council authorized the initiation of the expropriation process for the Highway 7 (H2) project

On June 26, 2014 and September 11, 2014, Council authorized an application for approval to expropriate interests from 43 property owners at each Council meeting, for a total of 86 property owners. The three properties that are the subjects of this report were included as part of the 86 properties. The Council reporting was presented in two phases due to timing matters related to the completion of survey work.

Since the Council approvals, ownership of two of the properties was consolidated, bringing the total number of expropriations to 85. In addition, three properties were acquired leaving a balance of 82 properties still required for the

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project. Following each Council approval, the Notice of Application for Approval to Expropriate was served on owners.

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



Hearings of Necessity were pending for three properties, all of which have been withdrawn

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. Concord Foods owns two properties, and had requested a Hearing for each, and a Hearing request was pending for the owner of a third property. Upon obtaining a clearer understanding of the process, both owners have withdrawn their requests for Hearings of Necessity. These properties are the subject of this report.

Staff will continue negotiations with all owners. It is necessary to complete expropriation of all properties in order to secure access to the lands in time for construction to commence.

#### 4. Analysis and Options

Approval to expropriate will secure access to the lands by August 2015

Draft expropriation plans have been prepared for the subject properties. It is anticipated the plans will be registered in April 2015. Upon registration of the expropriation plans, notice of the expropriation and possession will be served upon the owners. Appraisals are anticipated to be completed in the first quarter of 2015. These will support offers of compensation to be made before August 2015 possession.

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

The Region will obtain possession of the three subject properties concurrently with the balance of properties on the corridor

Once the expropriation is approved, registration of the expropriation plan will occur during the second quarter of 2015. This will line up with the 79 properties already approved for expropriation for Highway 7 West, Centre Street and Bathurst Street.

The Region requires access to a portion of a private road via a fee simple interest for five years

There is a private road surrounding the Promenade Mall. This is encumbered by permanent easements for the benefit of surrounding properties. The portion of the private road required for the project is encumbered by the same easements. Since it would be extremely difficult to obtain access permission from all of the easement holders, construction coordination and timelines would be adversely affected, leading to project delays and added expense. Fee simple ownership is the highest ownership of property and therefore this approach ensures that the project has greater control of the lands during the term of the project. Once the project has been completed, property ownership will be transferred back to the current owners at no cost to the owner.

Staff has recently commenced negotiations and is proceeding to purchase the necessary properties, or in the event of expropriation, reach settlements

Property negotiations to acquire the necessary lands have recently commenced with the receipt of appraisal reports. Staff will continue to negotiate purchases of the required interests until expropriation plans have been registered. In the event an agreement is completed prior to the expropriation plans being registered, the property will be removed from the list of properties to be expropriated. However, for transactions not completed upon registration of the expropriation plan, staff will endeavour to negotiate compensation settlements with expropriated owners.

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Environmental due diligence is being undertaken, and recommendations were made for Phase II testing on all three properties

A Phase I Environmental Site Assessment (ESA) has been completed by an independent environmental consulting firm, as part of the Region's due diligence for the acquisitions of the three property requirements being considered for this report. The Phase I reports included recommendations that Phase II testing be completed. The research for this type of testing requires access to the owners' lands in order to complete borehole drilling to obtain samples of soil and water in order to determine the level of contamination, if any, in the land. Staff is currently negotiating Permission to Enter agreements with these owners.

In the event that one or both property owners deny the Region access to the land to complete the Phase II testing, environmental due diligence will not be completed before the Region assumes ownership of these properties so the environmental condition of these properties will not have been completely assessed. Once the Region obtains possession of these properties through the expropriation process, Phase II testing will be completed along with any subsequent remediation plans that may be required to address issues identified during the Phase II testing.

Link to key Council-approved plans

From Vision to Results: 2011 to 2015 Strategic Plan

Priority Area – Focus Growth along Regional Centres and Corridors

Optimize the transportation capacity and services in Regional Centres and Corridors

The acquisition of the lands will assist the Region in meeting its transportation needs.

## 5. Financial Implications

The budget to complete the property acquisitions has been 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

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plan. The appraisals required to support these offers are currently being prepared and the proposed offers will be the subject of a further report to Council.

## 6. Local Municipal Impact

The construction of dedicated bus lanes and related facilities, as well as road and intersection improvements, along Highway 7 West, Centre Street and Bathurst Street is critical to the achievement of the vision for the corridor for the Region. Additionally, upon completion of construction, this project will improve public transit facilities and enrich the streetscapes in Vaughan to support the Region's goal for higher density mixed use transit-oriented development.

## 7. Conclusion

Council approval was obtained on January 22, 2015 for the expropriation of 79 of the 85 properties required for the widening and construction of Highway 7 West, Centre Street and Bathurst Street. Three properties of the 85 were previously acquired. The project still requires the acquisition of various interests from the remaining three properties. These three properties were not included in the January 22, 2015 report to Council due to pending Hearings of Necessity, applications for which have since been withdrawn.

This report pertains to the approval to proceed to register expropriation plans, and serve notice of expropriation and possession upon the owners. The Region acquires title to the land when the expropriation plan is registered at the Land Registry Office. Registration is the next step toward possession of the lands required to commence construction of the bus rapid transit project on these sections of Highway 7 West, Centre Street and Bathurst Street.

In order to ensure timely possession of the lands to commence construction, it is recommended that Council approve the expropriation of the interests required. A report to Council will be presented in the second quarter of 2015, requesting the authority to serve property owners with offers of compensation, which will in turn, correspond to the Region obtaining possession of the lands.

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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.

January 28, 2015

Attachments (4)

eDOCS #5835757

Accessible formats or communication supports are available upon request



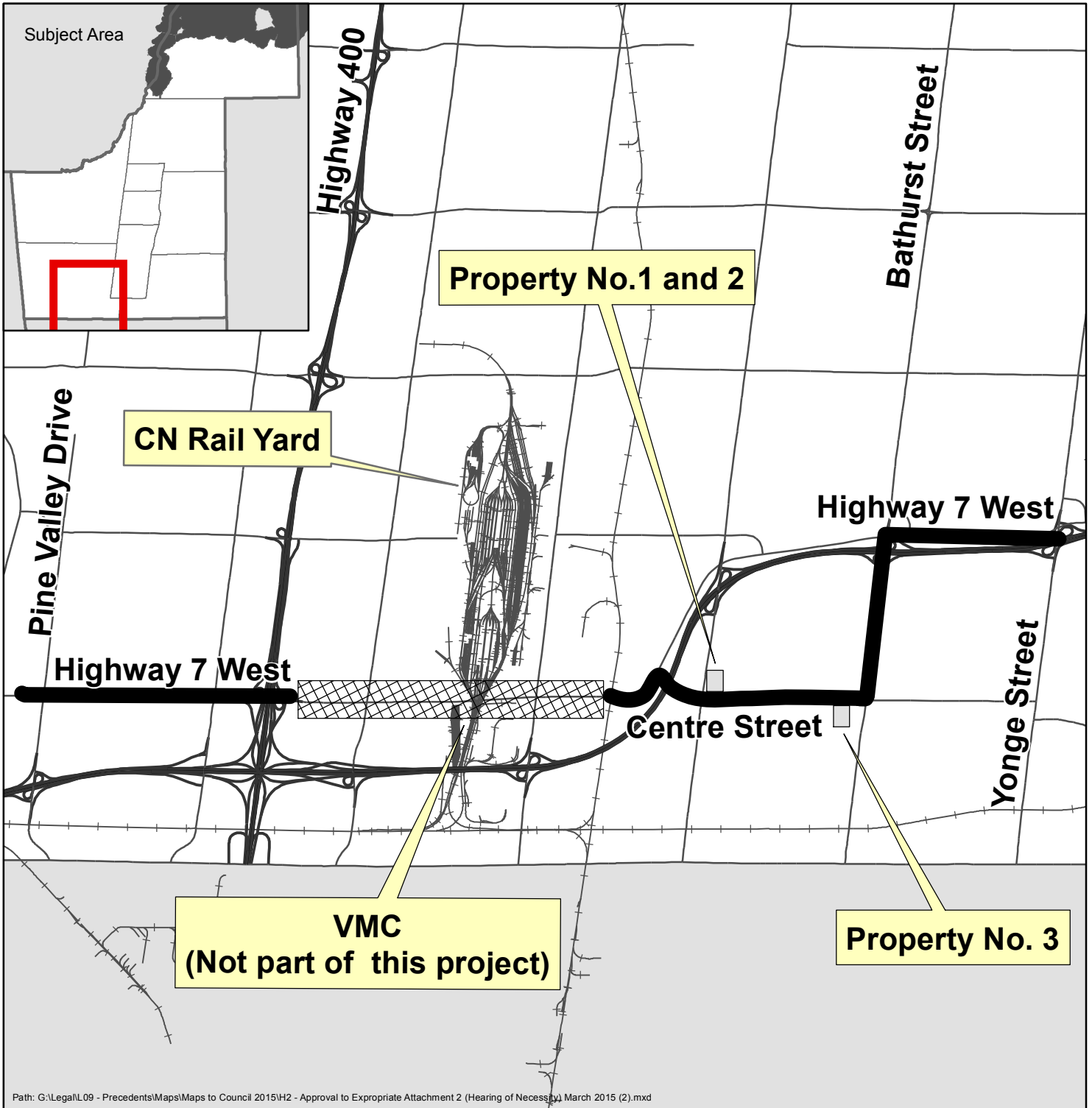
**Property Schedule  
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No.	Owner	Municipal Address	Legal Description	Interest Required
1.	235539 Ontario Inc. (o/a Concord Foods)	1450 Centre Street Vaughan	Parts 12 and 13 on Plan 65R34917	Fee Simple
			Part 14 on Plan 65R34917	Permanent Easement
			Part 15 on Plan 65R34917	Temporary Easement
2.		1438 Centre Street Vaughan	Parts 6 and 7 on Plan 65R34917	Fee Simple
			Part 8 on Plan 65R34917	Permanent Easement
			Part 9 on Plan 65R34917	Temporary Easement
3.	CF/Realty Holdings Inc. and Ontrea Inc.	Promenade Circle Vaughan	Part 15 on Plan 65R35019	Fee Simple for a term of five years

The required fee simple interests are described as all right, title and interest for the municipal purpose of implementing road and intersection improvements along Highway 7 West, Centre Street and Bathurst Street, including associated local roads, and to provide designated lanes for the vivaNext transit system and works ancillary thereto.

The required fee simple interest for a term of 5 years is described as all right, title and interest for a term of 5 years commencing on registration of the plan of expropriation for the municipal purpose of implementing road and intersection improvements along Highway 7 West, Centre Street and Bathurst Street, including associated local roads, and to provide designated lanes for the vivaNext transit system and works ancillary

No.	Owner	Municipal Address	Legal Description	Interest Required
<p>thereto.</p> <p>The required permanent easements are described as a limited interest in perpetuity in, under, over, along and upon and for municipal purposes including, but not limited to, entering on the lands with all vehicles, machinery, workmen and other material (i) to construct and maintain permanent municipal infrastructure which may include installation, maintenance, relocation and/or removal of traffic turning loops and associated signalization equipment and controls, retaining walls, shoring and formwork and/or drainage, erosion or sediment control measures such as watermains and storm sewers; and (ii) for construction purposes which may include, but are not limited to, (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 municipal road fronting the lands herein described, (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 and necessary to the works to be performed in association with the purpose of implementing road and intersection improvements along Highway 7, Centre Street and Bathurst Street, including associated local roads, and to provide designated lanes for the vivaNext transit system and works ancillary thereto.</p> <p>The required temporary easements are described as a temporary limited interest for a term of five (5) years commencing on registration of the plan of expropriation in, under, over, along and upon and for municipal purposes including, but not limited to, 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 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 the municipal road fronting the lands herein described, (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 and necessary to the works to be performed in association with the purpose of implementing road and intersection improvements along Highway 7, Centre Street and Bathurst Street, including associated local roads, and to provide designated lanes for the vivaNext transit system and works ancillary thereto.</p>				



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**LOCATION PLAN**






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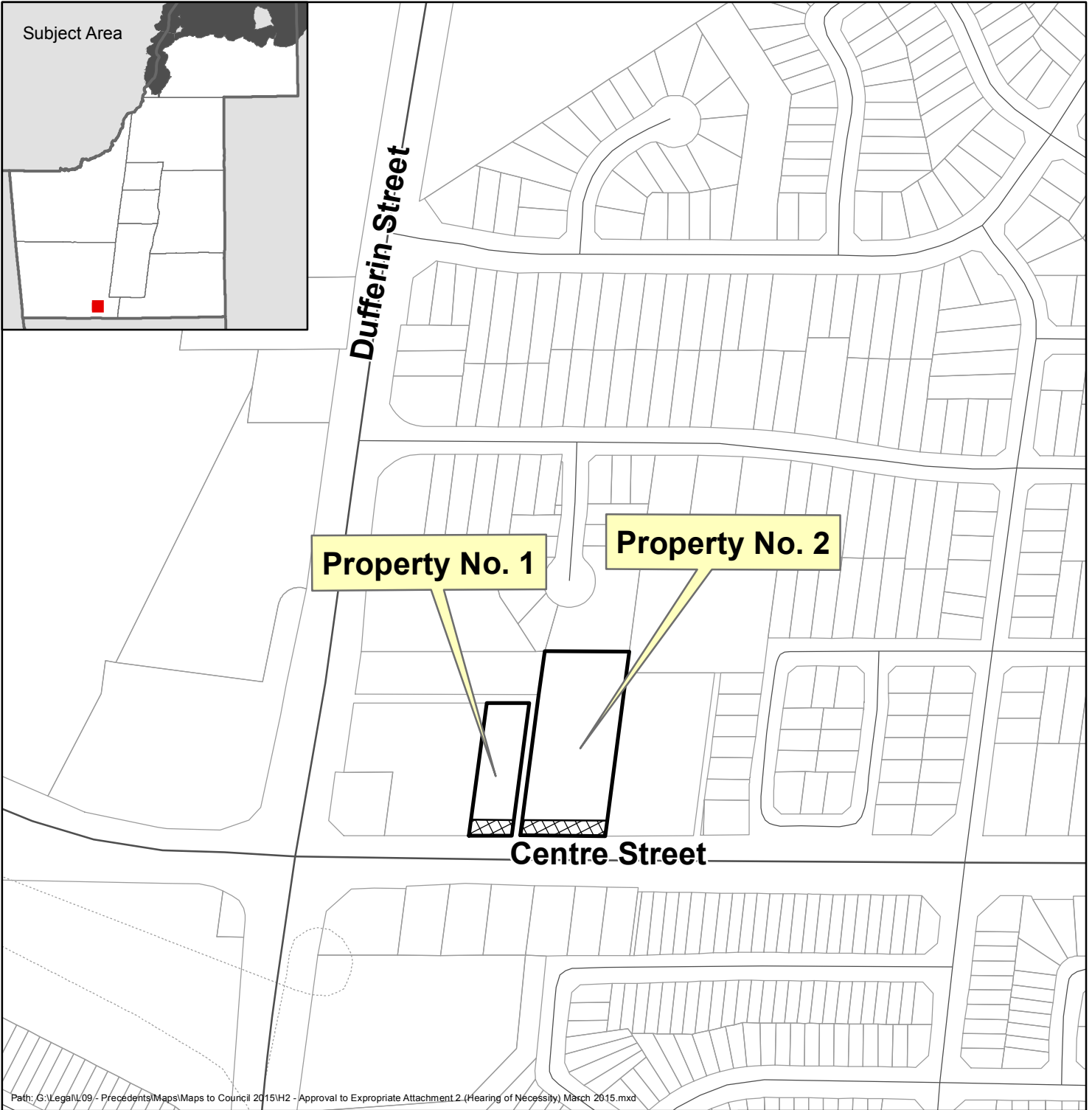


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**Legend**

-  Subject Properties
-  Subject Corridor
-  Vaughan Metropolitan Centre (VMC)
-  Road
-  Railway



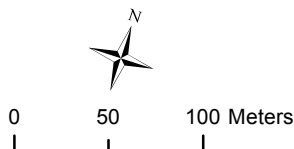
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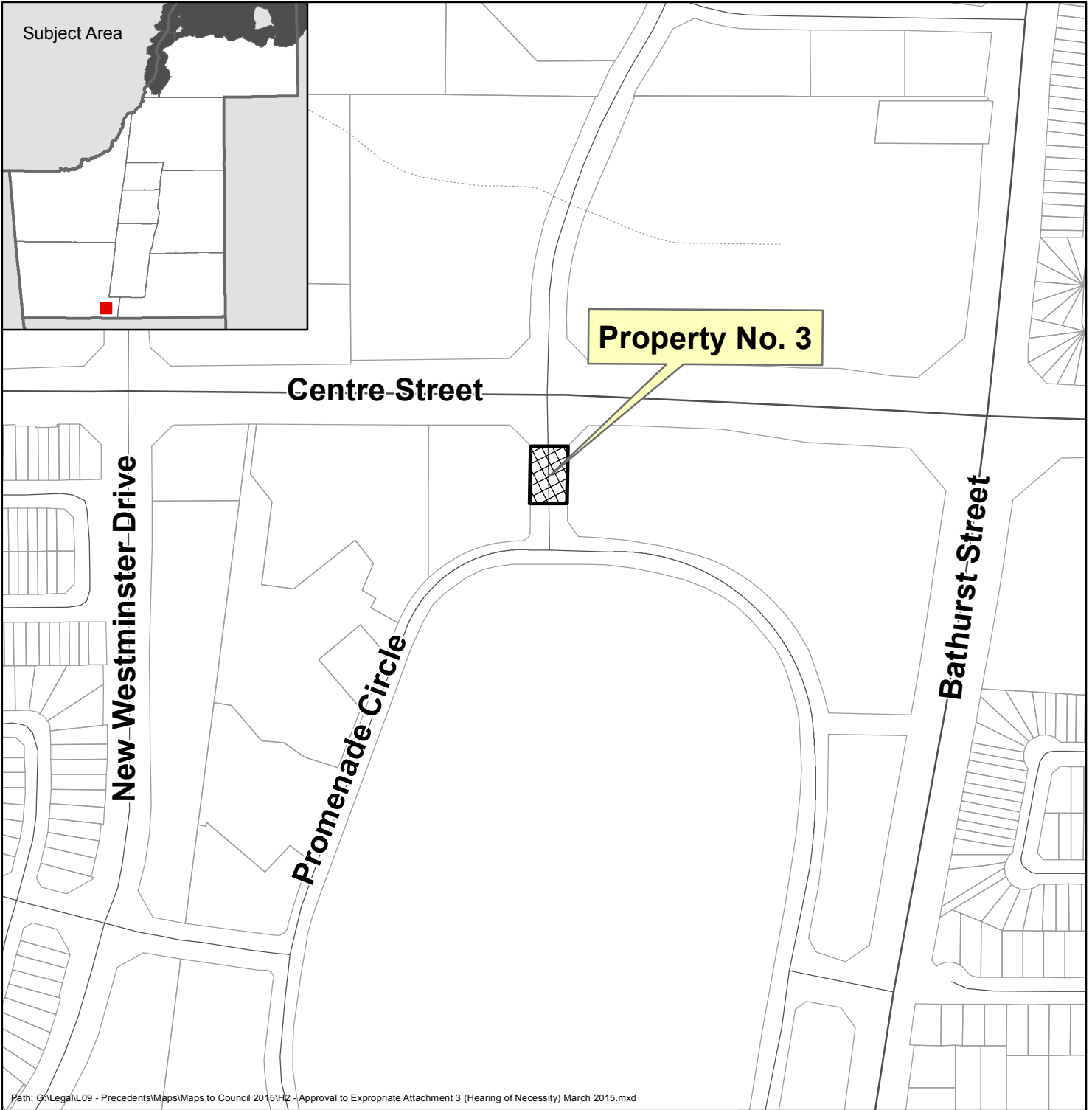


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### Legend

-  Interest Required
-  Subject Property
-  Parcel
-  Road



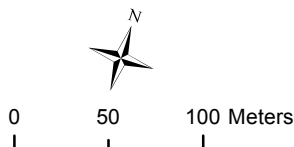
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**LOCATION PLAN**





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**Legend**

-  Interest Required
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