



Clause No. 12 in Report No. 2 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on January 22, 2015.

Approval to Expropriate
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 recommendation contained in the report dated December 19, 2014 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 Yonge Street, in the Town of Richmond Hill.
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 road and intersection improvements in order to provide designated lanes for the Viva transit system along the Yonge Street corridor, from Highway 7 to Major Mackenzie Drive in the Town of Richmond Hill, as shown 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 of the Environmental Assessment Report 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 within this report comprise all 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. 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 June 2015. Completion of the corridor and the opening of the bus rapid transit centre lanes is anticipated by the end of 2018.

In February 2014 and September 2014, 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.

Six property owners requested Hearings of Necessity, all of which were subsequently 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. Six of the owners who were served notice requested a Hearing. Staff subsequently met with these owners 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 have withdrawn their requests for Hearings of Necessity, and these properties are included in this report.

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

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

A draft expropriation plan has been prepared for the subject properties. It is anticipated the plan will be registered in February 2015. Upon registration of the expropriation plan, notice of the expropriation and possession will be served upon the owners. Appraisals are anticipated to be completed in the second quarter of 2015, which will support offers of compensation to be made before June 2015 possession.

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.

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

Property negotiations to acquire the necessary lands are ongoing. No transactions have been finalized, although staff will continue to negotiate purchases of the required interests until an expropriation plan has been registered. In the event an agreement is completed prior to the expropriation plan being registered, the given 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.

A future report to Council will be presented to seek approval to compensate 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 in the second quarter of 2015 in order that offers of compensation can be served in accordance with the *Act*, and possession can be secured for construction to commence.

Upon receiving Council approval of the recommendations of this report, expropriation plans will be registered. This is an imperative step in the expropriation process. The Region acquires title to the land when the expropriation plan is registered at the Land Registry Office. In accordance with the *Act*, it is necessary to make an offer of compensation prior to securing possession of the land in February 2015. The offers of compensation will be the subject of a forthcoming report to Council. The amount of compensation is to be based on independent appraisals. Staff reviews appraisal reports to ensure that the opinions of the appraiser are well supported, however, the value estimates are not validated by staff in order to ensure the independence of the appraisers' estimates.

Environmental due diligence is being undertaken, and recommendations were made for Phase II testing on 30 of the 56 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 56 property requirements for this project. The Phase I report has identified that no further investigation is required regarding environmental concerns for 26 of the properties. For the remaining 30 properties,

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.

For 14 properties, access was denied by property owners. As a result, environmental due diligence will not be completed before the Region assumes ownership of these properties so the environmental condition of these properties has not 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 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.

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 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 Richmond Hill to support the Region's goal for higher density mixed use transit-oriented development.

6. Conclusion

The widening and construction of Yonge Street, between Highway 7 and Major Mackenzie Drive requires the acquisition of various interests from 56 property owners. Council authorized the applications for approval to expropriate in February 2014 and September 2014.

This report pertains to the approval to proceed to register expropriation plans, and serve notice of expropriation and possession upon the owners. Registration of the expropriation plans transfers title to the Region, which is the next step toward possession of the lands required to commence construction of the bus rapid transit project on this section of Yonge 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.

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

The Senior Management Group has reviewed this report.

Attachments (2)

Accessible formats or communication supports are available upon request

**Property Schedule
Approval to Expropriate
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 19, Plan 65R35266	Temporary Easement
2.	Shell Canada Limited	8680 Yonge Street, 8656 and 8674 Yonge Street Richmond Hill	Parts 5 and 6, Plan 65R34630	Temporary Easement
3.	KPS Securities Inc.	8700 Yonge Street Richmond Hill	Part 1, Plan 65R34630	Temporary Easement
4.	Suncor Energy Products Inc.	8830 Yonge Street Richmond Hill	Part 5, Plan 65R34635	Temporary Easement
5.	Angelo Cimetta Louise Cimetta as to 55% interest as JT Josephine Cimetta Angelo Cimetta as to 35% interest as JT Angelo Cimetta Louise Cimetta (in trust) (as to 10%)	8874 Yonge Street Richmond Hill	Part 3, Plan 65R34635	Fee Simple
			Part 4, Plan 65R34635	Temporary Easement
6.	R. J. Davies Holdings Ltd.	8779-8781 Yonge Street Richmond Hill	Part 12, Plan 65R34646	Fee Simple
			Part 11, Plan 65R34646	Temporary Easement

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No.	Owner	Municipal Address	Legal Description	Interest Required
7.	Saltwhistle Bay Properties Inc.	8825 Yonge Street Richmond Hill	Part 13, Plan 65R34646	Fee Simple
			Parts 14 and 16, Plan 65R34646	Temporary Easement
8.	Great Land (Westwood) Inc.	8890 Yonge Street Richmond Hill	Part 1, Plan 65R34635	Fee Simple
			Part 2, Plan 65R34635	Temporary Easement
9.	J-G Cordone Investments Limited	8900 Yonge Street Richmond Hill	Part 2, Plan 65R34649	Fee Simple
			Part 1, Plan 65R34649	Temporary Easement
10.	Rock N Roll Real Estate Inc.	8910 Yonge Street Richmond Hill	Part 3, Plan 65R34649	Fee Simple
			Part 4, Plan 65R34649	Temporary Easement
11.	On Lung Property Investments Ltd.	8950 Yonge Street Richmond Hill	Parts 5, 7 and 8, Plan 65R34649	Fee Simple
			Part 6, Plan 65R34649	Temporary Easement
12.	Travelpoint Properties Inc.	8990 Yonge Street Richmond Hill	Part 9, Plan 65R34649	Temporary Easement
13.	Mazzotta Investment Corporation	9002 Yonge Street Richmond Hill	Part 10, Plan 65R34649	Temporary Easement
14.	1053702 Ontario Limited	9006 – 9020 Yonge Street Richmond Hill	Part 11, Plan 65R34649	Temporary Easement
15.	Black River Scrap Metal Ltd.	9108 Yonge Street Richmond Hill	Parts 14 and 16, Plan 65R34649	Fee Simple
			Parts 13 and 15, Plan 65R34649	Temporary Easement

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No.	Owner	Municipal Address	Legal Description	Interest Required
16.	Lorenzo Beltrame Gregorio Beltrame	9114 Yonge Street Richmond Hill	Parts 18 and 20, Plan 65R34649	Fee Simple
			Parts 17 and 19, Plan 65R34649	Temporary Easement
17.	Stephanie Lucas Donna Kalles	9116 Yonge Street Richmond Hill	Part 22, Plan 65R34649	Fee Simple
			Part 21, Plan 65R34649	Temporary Easement
18.	628627 Ontario Inc.	9144 Yonge Street Richmond Hill	Part 1, Plan 65R34660	Fee Simple
			Part 2, Plan 65R34660	Temporary Easement
19.	Roland Spiegel	27 Vanity Crescent Richmond Hill	Parts 1 and 4, Plan 65R34648	Fee Simple
			Parts 2 and 3, Plan 65R34648	Temporary Easement
20.	Raffaele and Vittaria Holdings Limited Antonio and Carmela Holdings Limited	9174 Yonge Street Richmond Hill	Part 4, Plan 65R34660	Fee Simple
			Part 3, Plan 65R34660	Temporary Easement
21.	Barkdel Investments Limited Convertapack Limited	9184 Yonge Street Richmond Hill	Part 5, Plan 65R34660	Fee Simple
			Part 6, Plan 65R34660	Temporary Easement
22.	Antonio Campagna	9190 Yonge Street Richmond Hill	Part 7, Plan 65R34660	Fee Simple
			Part 8, Plan 65R34660	Temporary Easement

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No.	Owner	Municipal Address	Legal Description	Interest Required
23.	Luigi DiMarco Lina DiMarco	9196 Yonge Street Richmond Hill	Parts 9, 12 and 23, Plan 65R34660	Fee Simple
			Parts 10 and 11, Plan 65R34660	Temporary Easement
24.	Emilio Russo	9206 Yonge Street Richmond Hill	Part 14, Plan 65R34660	Fee Simple
			Part 13, Plan 65R34660	Temporary Easement
25.	Toronto Measuring Equipment Inc.	9212 Yonge Street Richmond Hill	Part 16, Plan 65R34660	Fee Simple
			Part 15, 65R34660	Temporary Easement
26.	Haulover Investments Ltd.	9251 Yonge Street Richmond Hill	Parts 8 and 12, Plan 65R34648	Temporary Easement
27.	9218 Yonge Street Incorporated	9218 Yonge Street Richmond Hill	Parts 18, 24 and 25, Plan 65R34660	Fee Simple
			Parts 17, 26 and 27, Plan 65R34660	Temporary Easement
28.	9218 Yonge Street Incorporated	9218 Yonge Street Richmond Hill	Part 19, Plan 65R34660	Fee Simple
			Part 20, Plan 65R34660	Temporary Easement
29.	Montez Hillcrest Inc. Hillcrest Holdings Inc.	9350 Yonge Street Richmond Hill	Parts 3 and 12, Plan 65R34678	Fee Simple
			Parts 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17 and 18, Plan 65R34678	Temporary Easement

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No.	Owner	Municipal Address	Legal Description	Interest Required
30.	Whitehorn Investments Limited (30%) Harold Lederman Limited (36%) 891566 Ontario Limited (28%) Stephen–Mitchell Realty Limited (6%)	9325 Yonge Street Richmond Hill	Parts 1, 3 and 6, Plan 65R34653	Fee Simple
			Parts 2, 4 and 5, Plan 65R34653	Temporary Easement
31.	York Region Condominium Corporation No. 929	23 Observatory Lane Richmond Hill	Part 7, Plan 65R34653	Fee Simple
			Part 8, Plan 65R34653	Temporary Easement
32.	York Region Standard Condominium Corporation No. 989	23 Observatory Lane Richmond Hill	Part 9, Plan 65R34653	Temporary Easement
33.	BCIMC Realty Corporation	15-45 Baif Boulevard Richmond Hill	Part 24, Plan 65R34678	Fee Simple
			Part 23, Plan 65R34678	Temporary Easement
34.	Torview Properties Inc.	9471 Yonge Street Richmond Hill	Part 11, Plan 65R34653	Temporary Easement
35.	York Region Condominium Corporation No. 601	20 Baif Boulevard Richmond Hill	Part 25, Plan 65R34678	Fee Simple
			Parts 26, 27, 28 and 29, Plan 65R34678	Temporary Easement
36.	Observatory Place Plaza Inc.	9555 Yonge Street Richmond Hill	Part 2, Plan 65R34673	Fee Simple
			Part 1, Plan 65R34673	Temporary Easement

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No.	Owner	Municipal Address	Legal Description	Interest Required
37.	Zaraska Hotels Limited Pauline Zaraska Hotels Limited	9555 Yonge Street Richmond Hill	Part 39, Plan 65R4275	Fee Simple
38.	Suncor Energy Inc.	9550 Yonge Street Richmond Hill	Part 3, Plan 65R34652	Fee Simple
			Part 4, Plan 65R34652	Temporary Easement
39.	512439 Ontario Limited (75%) D.D.M.G. Investments Inc. (25%)	9625 Yonge Street Richmond Hill	Parts 8 and 9, Plan 65R34673	Fee Simple
			Parts 7 and 10, Plan 65R34673	Permanent Easement
40.	Uni-World Corporation Limited	9580 Yonge Street Richmond Hill	Part 1, Plan 65R34652	Fee Simple
			Part 2, Plan 65R34652	Temporary Easement
41.	Prombank Investment Limited	9625 Yonge Street Richmond Hill	Part 11, Plan 65R34673	Fee Simple
			Part 12, Plan 65R34673	Permanent Easement
			Part 13, Plan 65R34673	Temporary Easement
42.	Brillinger Investments Limited 1890152 Ontario Limited	9675 Yonge Street Richmond Hill	Part 5, Plan 65R34679	Temporary Easement
43.	Frank Russo Serafino Russo	9712 Yonge Street Richmond Hill	Parts 5 and 6, Plan 65R34677	Fee Simple
			Part 7, Plan 65R34677	Temporary Easement

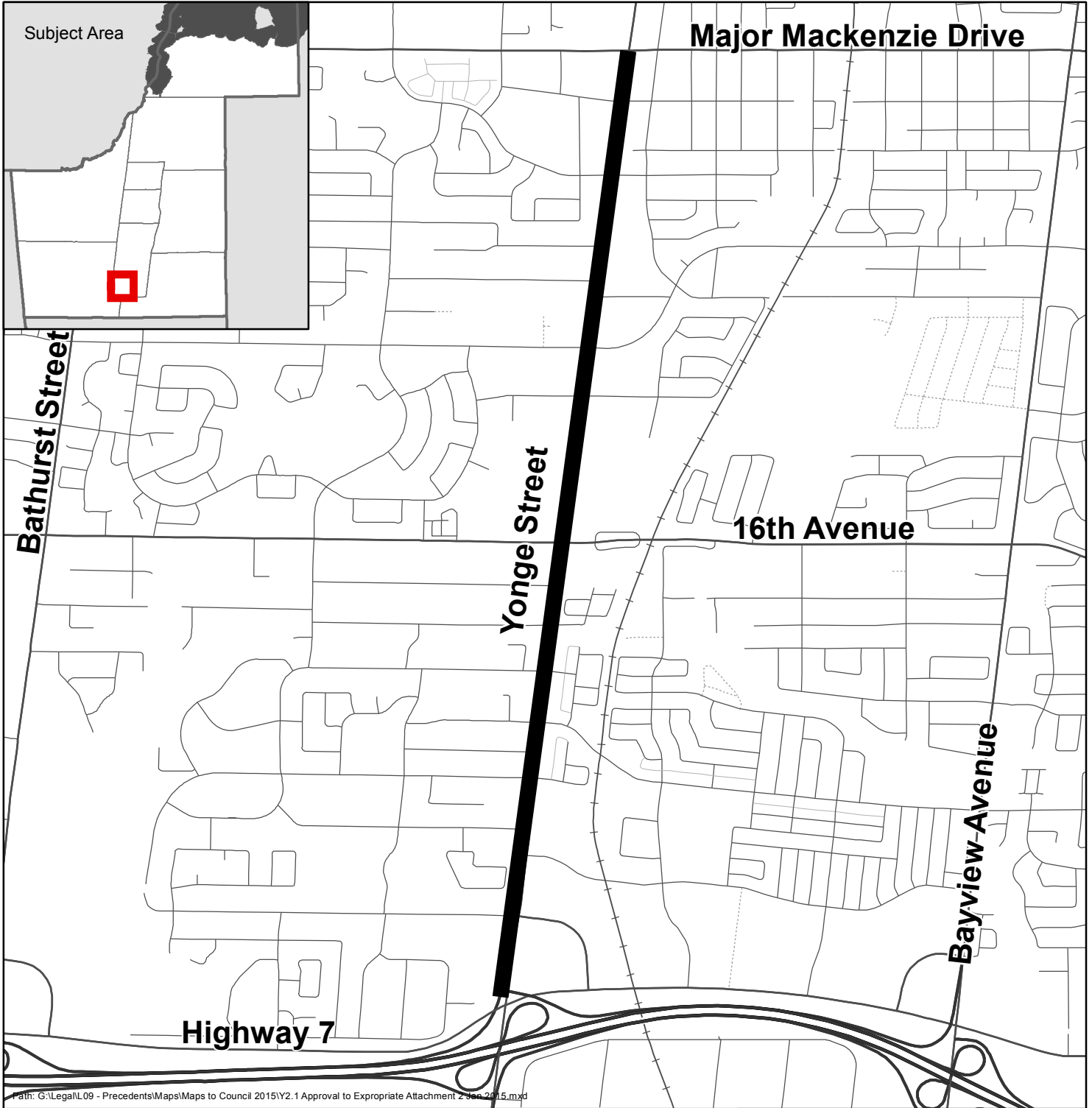
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No.	Owner	Municipal Address	Legal Description	Interest Required
44.	1703173 Ontario Inc.	9724 Yonge Street Richmond Hill	Parts 9 and 10, Plan 65R34677	Fee Simple
			Part 8, Plan 65R34677	Temporary Easement
45.	Haleson Developments Ltd.	9737 Yonge Street Richmond Hill	Parts 8, 11 and 13, Plan 65R34679	Fee Simple
			Part 12, Plan 65R34679	Permanent Easement
			Parts 9 and 10, Plan 65R34679	Temporary Easement
46.	2305992 Ontario Inc.	West Side Yonge Street, south of Harding Blvd. Richmond Hill	Parts 12 and 13, Plan 65R34677	Fee Simple
			Parts 11 and 14, Plan 65R34677	Temporary Easement
47.	Baif Developments Limited	East Side Yonge Street, south of Hopkins Street Richmond Hill	Parts 2 and 4, Plan 65R34687	Fee Simple
			Parts 1, 3 and 5, Plan 65R34687	Temporary Easement
48.	Diane Elliott-Nicolaou Chris Nicolaou James Christie Nicolaou Tina Donis John Tzountzouris Steve Tzountzouris	9839 Yonge Street Richmond Hill	Part 3, Plan 65R34695	Fee Simple
			Part 2, Plan 65R34695	Temporary Easement
49.	9861 Yonge Developments Inc.	9861 Yonge Street Richmond Hill	Part 6, Plan 65R34695	Temporary Easement

No.	Owner	Municipal Address	Legal Description	Interest Required
50.	Ameeta Nagar	9867 Yonge Street Richmond Hill	Part 8, Plan 65R34695	Fee Simple
			Parts 7 and 10, Plan 65R34695	Permanent Easement
			Part 9, Plan 65R34695	Temporary Easement
51.	Zaeem Flowers Inc.	9875 Yonge Street Richmond Hill	Part 12, Plan 65R34695	Fee Simple
			Part 11, Plan 65R34695	Permanent Easement
			Part 13, Plan 65R34695	Temporary Easement
52.	1682213 Ontario Inc.	9883 Yonge Street Richmond Hill	Part 15, Plan 65R34695	Temporary Easement
53.	Ahmad Famil Sabzevari	9891 Yonge Street Richmond Hill	Part 17, Plan 65R34695	Temporary Easement
54.	Centerhill Corporation	9901 Yonge Street Richmond Hill	Part 18, Plan 65R34695	Fee Simple
			Part 19, Plan 65R34695	Temporary Easement
55.	Missionary Sisters of the Precious Blood	9915 Yonge Street Richmond Hill	Part 21, Plan 65R34695	Fee Simple
			Part 20, Plan 65R34695	Temporary Easement
56.	Clarissa Square Limited	Northeast corner of Yonge Street and Clarissa Drive Richmond Hill	Part 4, Plan 64R3104	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)

No.	Owner	Municipal Address	Legal Description	Interest Required
<p>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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LOCATION PLAN

Approval to Expropriate
 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 0.25 0.5 Kilometers