



Clause No. 13 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 – Major Mackenzie Drive to
Gamble Road/19th Avenue, 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 Levendale Road to Gamble Road/19th Avenue, 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 July 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 Levendale Road and Gamble Road/19th Avenue. 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 July 2015. Completion of the corridor and the opening of the bus rapid transit centre lanes are anticipated for the end of 2018.

In April 2014 and September 2014, Council authorized the initiation of the expropriation process for Yonge Street between Levendale Road and Gamble Road/19th Avenue

On April 17, 2014, Council authorized an application for approval to expropriate interests from a total of 38 property owners. As the design of the corridor progressed, seven additional properties were identified as requirements, bringing the total number of affected properties to 45. 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 to the owners of the 45 affected properties.

Two 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. Two 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 the respective lands, and the expropriation process. Upon obtaining a clearer understanding of the process, both 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 July 2015

A draft expropriation plan has been prepared for the subject properties. It is anticipated the plan will be registered in March 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 July, 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 in order 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 July 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 21 of the 44 properties

A Phase I Environmental Site Assessment (ESA) is completed by an independent environmental consulting firm, as part of the Region's due diligence for the acquisition of the 44 property requirements for this project. The Phase I report has identified that no further investigation is required regarding environmental concerns for 23 of the properties. For the remaining 21 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 12 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 subsequent remediation plans that may be required to address issues identified during 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.

6. Local Municipal Impact

The construction of dedicated bus lanes and related facilities, as well as road and intersection improvements along Yonge Street, from Leventdale Road to Gamble Road/19th Avenue 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.

7. Conclusion

The widening and construction of Yonge Street, between Levendale Road and Gamble Road/19th Avenue requires the acquisition of various interests from 45 property owners. Council authorized the applications for approval to expropriate in April 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. The Region acquires title to the land when the expropriation plan is registered at the Land Registry Office. Registration is the next step towards 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 – Major Mackenzie Drive 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 4, Plan 65R34760	Fee Simple
			Part 3, Plan 65R34760	Temporary Easement
2.	Loblaws Inc.	10488 Yonge Street Richmond Hill	Part 2, Plan 65R34760	Temporary Easement
3.	George P. Dickson	Remnant in front of 10520 and 10594 Yonge Street Richmond Hill	Part 7, Plan 65R34760	Fee Simple
4.	1835942 Ontario Inc.	10481 Yonge Street Richmond Hill	Part 2, Plan 65R34732	Fee Simple
			Part 1, Plan 65R34732	Temporary Easement
5.	Stonecourt Construction Inc.	10537 Yonge Street Richmond Hill	Parts 4, 10, 13, 28, Plan 65R34732	Fee Simple
			Parts 3, 5, 8, 9, 11, 12, Plan 65R34732	Temporary Easement

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No.	Owner	Municipal Address	Legal Description	Interest Required
6.	172965 Canada Limited	10579 Yonge Street Richmond Hill	Parts 15, 16, 19, 21, Plan 65R34732	Fee Simple
			Parts 14, 17, 18, 20, Plan 65R34732	Temporary Easement
7.	Berndale Investments Limited 554701 Ontario Inc.	10593 Yonge Street Richmond Hill	Part 22, Plan 65R34732	Fee Simple
			Part 23, Plan 65R34732	Temporary Easement
8.	Glenridge Construction Company Limited	10605 Yonge Street Richmond Hill	Part 24, Plan 65R34732	Fee Simple
			Part 25, Plan 65R34732	Temporary Easement
9.	Yooxli Ltd.	10620 Yonge Street Richmond Hill	Part 6, Plan 65R34760	Fee Simple
			Part 5, Plan 65R34760	Temporary Easement
10.	BRL Realty Limited	10619 Yonge Street Richmond Hill	Part 26, Plan 65R34732	Fee Simple
			Part 27, Plan 65R34732	Temporary Easement
11.	Wilsand Holdings Limited	10675 Yonge Street Richmond Hill	Part 2, Plan 65R34733	Fee Simple
			Part 1, Plan 65R34733	Temporary Easement
12.	Berfield Financial Holdings Inc.	10660 Yonge Street Richmond Hill	Parts 1, 4, 7, 10, 13, 15, Plan 65R34764	Fee Simple
			Parts 2, 3, 5, 6, 8, 9, 11, 12, 14, 16, Plan 65R34764	Temporary Easement
13.	Maxcare Medical Plaza Incorporated	10670 Yonge Street	Parts 17, 33, Plan 65R34764	Fee Simple

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No.	Owner	Municipal Address	Legal Description	Interest Required
		Richmond Hill	Parts 18, 34, Plan 65R34764	Temporary Easement
14.	Sabella Ridge Estates Inc.	10684 and 10692 Yonge Street Richmond Hill	Parts 20, 21, Plan 65R34764	Fee Simple
			Parts 19, 22, Plan 65R34764	Temporary Easement
15.	Shant Ghazarian Aline Ghazarian	10695 Yonge Street Richmond Hill	Part 4, Plan 65R34733	Fee Simple
			Part 3, Plan 65R34733	Temporary Easement
16.	2073302 Ontario Inc.	10711 Yonge Street Richmond Hill	Part 6, Plan 65R34733	Fee Simple
			Part 5, Plan 65R34733	Temporary Easement
17.	Yonge Elgin Plaza Ltd.	10720 Yonge Street Richmond Hill	Parts 24, 26, Plan 65R34764	Fee Simple
			Parts 23, 25, Plan 65R34764	Temporary Easement
18.	2262443 Ontario Limited	10731 Yonge Street Richmond Hill	Part 7, Plan 65R34733	Fee Simple
			Part 8, Plan 65R34733	Temporary Easement
19.	1122270 Ontario Inc.	19 Leonard Street Richmond Hill	Parts 27, 28, Plan 65R34764	Fee Simple
			Parts 29, 30, Plan 65R34764	Temporary Easement
20.	Armando Joe Guido Angelo Guido Anna Rita Guido	10766 Yonge Street Richmond Hill	Part 32, Plan 65R34764	Fee Simple
			Part 31, Plan 65R34764	Temporary Easement
21.	Ninetta Panetta Luigi Panetta	10801 Yonge Street Richmond Hill	Parts 1, 2, 3, Plan 65R34773	Temporary Easement

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No.	Owner	Municipal Address	Legal Description	Interest Required
22.	Totera Enterprises Limited 2012002 Ontario Ltd.	10815 and 10825 Yonge Street Richmond Hill	Parts 4, 5, 6, Plan 65R34773	Temporary Easement
23.	Evelyn Aimis Holdings Inc.	10794 Yonge Street Richmond Hill	Part 2, Plan 65R34769	Temporary Easement
24.	Murlee Holdings Limited	10875 Yonge Street Richmond Hill	Part 9, Plan 65R34773	Fee Simple
			Part 8, Plan 65R34773	Permanent Easement
			Part 7, Plan 65R34773	Temporary Easement
25.	10870 Yonge Street Limited	10870 Yonge Street Richmond Hill	Part 3, Plan 65R31421	Temporary Easement
26.	Wilbair Holdings Inc.	10898 Yonge Street Richmond Hill	Part 5, Plan 65R34769	Fee Simple
			Part 5, Plan 65R31421	Temporary Easement
27.	S&E Consultants Limited	10944-10956 Yonge Street Richmond Hill	Parts 6, 7, 8, Plan 65R34769	Temporary Easement
28.	Yonge MCD Inc.	11044 Yonge Street Richmond Hill	Part 1, Plan 65R34772	Permanent Easement
			Parts 2, 3, Plan 65R34772	Temporary Easement
29.	Mon Sheong Foundation	11283 Yonge Street Richmond Hill	Parts 1, 2, Plan 65R34737	Temporary Easement
30.	L'Arche Daybreak	11339 Yonge Street Richmond Hill	Parts 3, 4, 5, 6 Plan 65R34737	Temporary Easement

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No.	Owner	Municipal Address	Legal Description	Interest Required
31.	Antonio Di Vincenzo	11352 Yonge Street Richmond Hill	Parts 2, 3, Plan 65R34771	Fee Simple
			Part 1, Plan 65R34771	Temporary Easement
32.	Aralansa Inc.	e/s Yonge Street, s/s 19th Avenue Richmond Hill	Part 6, Plan 65R34768	Temporary Easement
33.	Valleyford Development Corporation	w/s Yonge Street, north of Gamble Richmond Hill	Part 1, Plan 65R34759	Fee Simple
			Part 2, Plan 65R34759	Temporary Easement
34.	Weins Canada Inc.	11552 Yonge Street Richmond Hill	Parts 3, 4, Plan 65R34759	Temporary Easement
35.	J. Cordone Realty Limited	11130 Yonge Street Richmond Hill	Part 4, Plan 65R34772	Fee Simple
			Part 5, Plan 65R34772	Temporary Easement
36.	Jeffrey Wynn	11160 Yonge Street Richmond Hill	Parts 6, 8, Plan 65R34772	Fee Simple
			Part 7, Plan 65R34772	Temporary Easement
37.	SKN Development Inc.	11575 Yonge Street Richmond Hill	Part 1, Plan 65R34768	Temporary Easement
38.	New Era Development (2011) Inc.	11611 Yonge Street Richmond Hill	Parts 4, 5, Plan 65R34768	Fee Simple
			Parts 2, 3, Plan 65R34768	Temporary Easement
39.	Grace Cordone Limited	East Side Yonge Street, south of Silverwood Drive Richmond Hill	Part 2, Plan 65R13950	Fee Simple

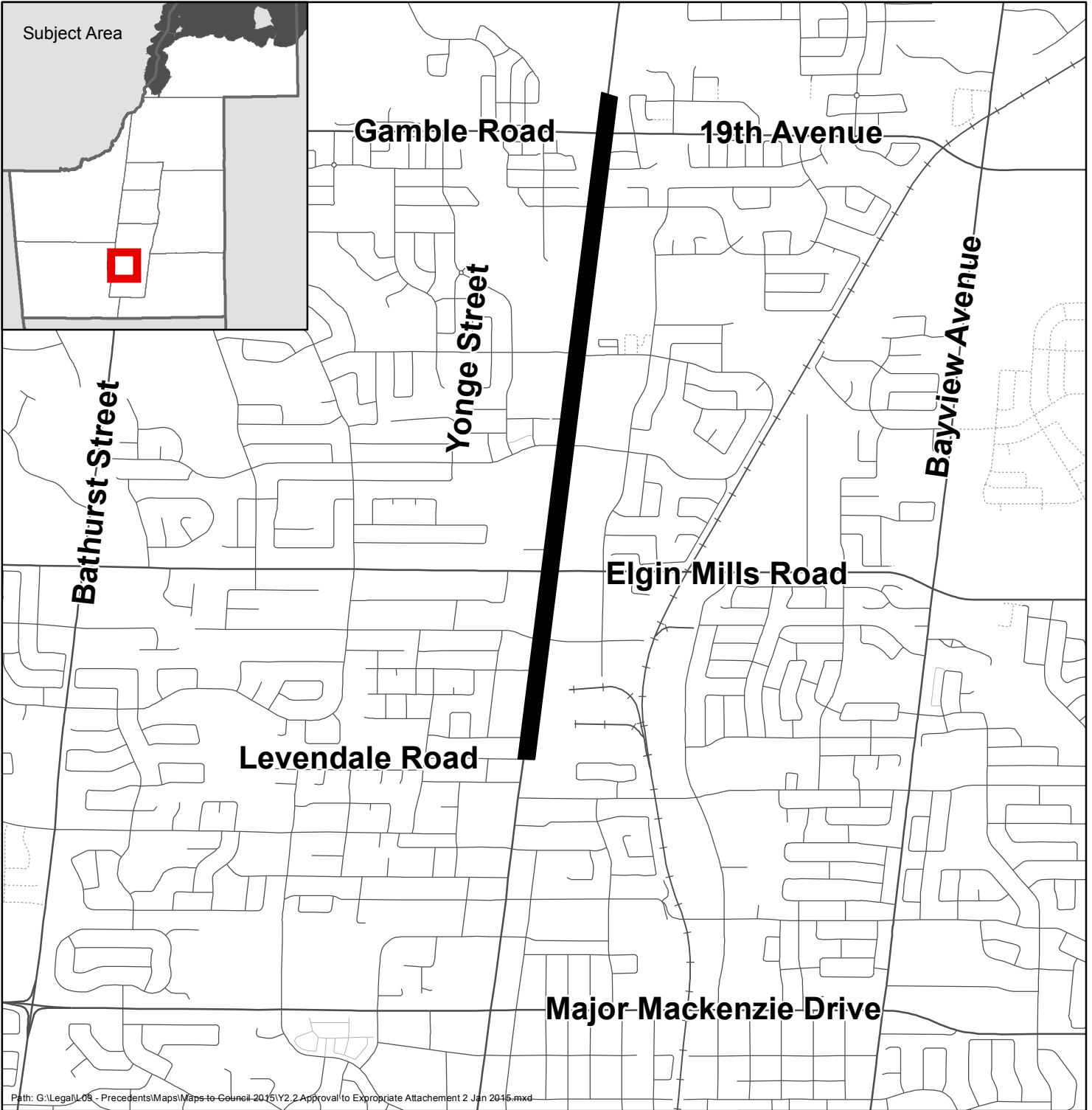
No.	Owner	Municipal Address	Legal Description	Interest Required
40.	Murlee Holdings Limited	10875 Yonge Street Richmond Hill	Part 1, Plan 65R35077	Temporary Easement
41.	Aldar Developments Inc.	11262 Yonge Street Richmond Hill	Part 1, Plan 65R35071	Temporary Easement
42.	Millwin Investments Limited	11300 Yonge Street Richmond Hill	Parts 2, 3, 4, 5, Plan 65R35071	Temporary Easement
43.	St. Mary and St. Joseph Coptic Orthodox Church	11308 Yonge Street Richmond Hill	Parts 6, 7, Plan 65R35071	Temporary Easement
44.	1214420 Ontario Limited	11488 Yonge Street Richmond Hill	Part 3, Plan 65R35072	Fee Simple
45.	Loyal True Blue and Orange Home	11181 Yonge Street Richmond Hill	Parts 1, 2, Plan 65R35076	Temporary Easement

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

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No.	Owner	Municipal Address	Legal Description	Interest Required
the reconstruction of Yonge Street, (7) the installation and removal of temporary (i) pedestrian access and walkways, (ii) parking measures including re-stripping 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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LOCATON PLAN

Approval to Expropriate
 Viva Bus Rapid Transit Corridor
 Yonge Street - Major Mackenzie Drive to Gamble Road/19th Ave
 Town of Richmond Hill



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 Corporate Services Department
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Legend

-  Subject Corridor
-  Road
-  Railway

