

Clause No. 58 in Report No. 13 of the Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on September 11, 2014.

58

APPLICATION FOR APPROVAL TO EXPROPRIATE FACILITIES AND TERMINALS – VMC TERMINAL PROJECT 90992 AND TORONTO-YORK SPADINA SUBWAY EXTENSION PROJECT 90996 CITY OF VAUGHAN

Committee of the Whole recommends adoption of the recommendations contained in the following report dated August 18, 2014 from the Acting Commissioner of Corporate Services:

1. RECOMMENDATIONS

It is recommended that:

1. Council authorize an application for approval to expropriate the following lands for the construction of the Vaughan Metropolitan Centre Bus Terminal and Toronto-York Spadina Subway Extension, within the City of Vaughan:

No.	Owner	Municipal Address	Legal Description	Interest Required
1	Calloway REIT (Sevenbridge) Inc.	3150 - 3120 Highway 7, 101 Edgeley Boulevard, Millway Avenue	Parts, 86, 88, 93, 94, 95 and 97, Plan 65R-34128	Fee simple
2	The Regional Municipality of York	(west side), Southwest corner of Portage Parkway and Millway Avenue	Parts 78, 79, 82, 89, 92 and 96, Plan 65R-34128	Fee simple

2. The Commissioner of Corporate Services be authorized to execute the Application for Approval to Expropriate Land and the Notice of Application for Approval to Expropriate Land (the “Notice”) and to serve and publish the Notice, as required under the *Expropriations Act* (the “Act”).

3. The Commissioner of Corporate Services be authorized to forward to the Chief Inquiry Officer any requests for an inquiry that are received and to represent the Region, as necessary, at an inquiry held under the *Act*.
4. Council authorize the introduction of the necessary bylaws to give effect to these recommendations.

2. PURPOSE

This report seeks Council approval for an application to expropriate minor property interests for the Toronto-York Spadina Subway Extension and Vaughan Metropolitan Centre Bus Terminal projects (*Attachment 1*).

Under the *Act*, Council, as approving authority, must approve an application prior to the initiation of any proceedings.

3. BACKGROUND

Construction of the Toronto-York Spadina Subway Extension (TYSSE) project is underway

The Toronto-York Spadina Subway Extension (TYSSE) project involves the construction of subway tunnels, stations, emergency exit buildings, power substations, parking lots, roads and other subway-related infrastructure. The project extends from Steeles Avenue West to Highway 7, in the City of Vaughan.

On November 29, 2009, the YYSSE project received Ministry of the Environment approval of the Environmental Assessment Report prepared by the Region, with respect to the part of the project located within the Region.

In 2010 and 2011, the initial land requirements were acquired by negotiation and expropriation. Construction has been ongoing since 2011, with tunneling completed. Negotiations and expropriations are now proceeding to acquire additional minor property interests.

Construction of the Vaughan Metropolitan Centre (VMC) Bus Terminal project will begin upon phased completion of YYSSE construction, overlapping the bus terminal site

The Vaughan Metropolitan Centre (VMC) Bus Terminal will be located at the northern limit of the YYSSE project. It is part of a proposed multi-modal transportation hub consisting of the YRT bus terminal, passenger pick-up and drop-off area, vivaNext bus

rapid transit station and TTC subway station. All the facilities will be connected by sidewalks and underground tunnels.

The components of the TYSSE project within York Region were approved by the Ministry of the Environment in 2008, based on the “Response to the Conditions of Approval Vaughan North-South Subway Alignment Optimization Report”. Supplementary reports identifying changes to the station alignment and bus facilities, consistent with the amending procedure under the original approval, were accepted by the Ministry of the Environment in 2010 and 2012.

In 2012, the Region, TYSSE staff and property owners held discussions to identify a suitable site for the bus terminal. In March 2013, the initial land requirements for the VMC Bus Terminal were acquired by negotiation. Construction is scheduled to begin in 2015. Negotiations and expropriations are now proceeding to acquire additional minor property interests.

4. ANALYSIS AND OPTIONS

Negotiations have been unsuccessful to acquire the necessary minor land requirements

There is a leasehold interest on the vacant land that was acquired amicably in March 2013. The leasehold interest needs to be cleared off of the title while preserving the lessee’s ability to operate on its remaining lands. So far, negotiations to clear the title have been unsuccessful.

On June 26, 2014, Council approved an Application for Approval to Expropriate the leasehold interest. Subsequently, the Land Registry Office informed the Region that it will not allow the expropriation of any leasehold interests that do not have separate leasehold parcel registers.

In order to clear the leasehold interest off of the title to the Region’s lands and satisfy the Land Registry Office’s administrative requirements, it is necessary to expropriate the fee simple interest of both Calloway REIT (Sevenbridge) Inc. and the Region.

Initiating expropriation proceedings will ensure the construction schedule will not be compromised if an amicable acquisition is unsuccessful

It is recommended that the expropriation proceed concurrently with ongoing negotiations in order to deliver clear title of the lands on time for the various stages of construction by each project. Timely acquisition or expropriation will reduce the risk of property escalation costs and construction delays.

The first step in the process requires Council, as approving authority to authorize an application for approval to expropriate. Subsequently, notice may be served on owners of the subject lands. Receipt of this notice will trigger an owner's right to request a Hearing of Necessity. There is also a statutory obligation to publish the notice.

Staff will continue to negotiate clear title of the required interests until an expropriation plan is registered.

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 funds required to complete the TYSSE portion of the acquisition are included in the \$2.6 billion TYSSE project budget, of which the Region contributes up to \$351 million. The costs are fully recoverable from the TYSSE budget.

The funds required to complete the VMC Bus Terminal portion of the acquisition are included in the TYSSE project budget and/or the 2014 YRRTC Capital Budget. The allocation to each budget will be by mutual agreement to each project after the finalization of planning and staging activities.

6. LOCAL MUNICIPAL IMPACT

The construction of the TYSSE and VMC Bus Terminal projects are critical to the achievement of the vision for each corridor and facility, for both the Region and City of Vaughan. Additionally, these projects will improve public transit facilities and enrich the streetscapes to support the Region's goal for higher density mixed use transit-oriented development.

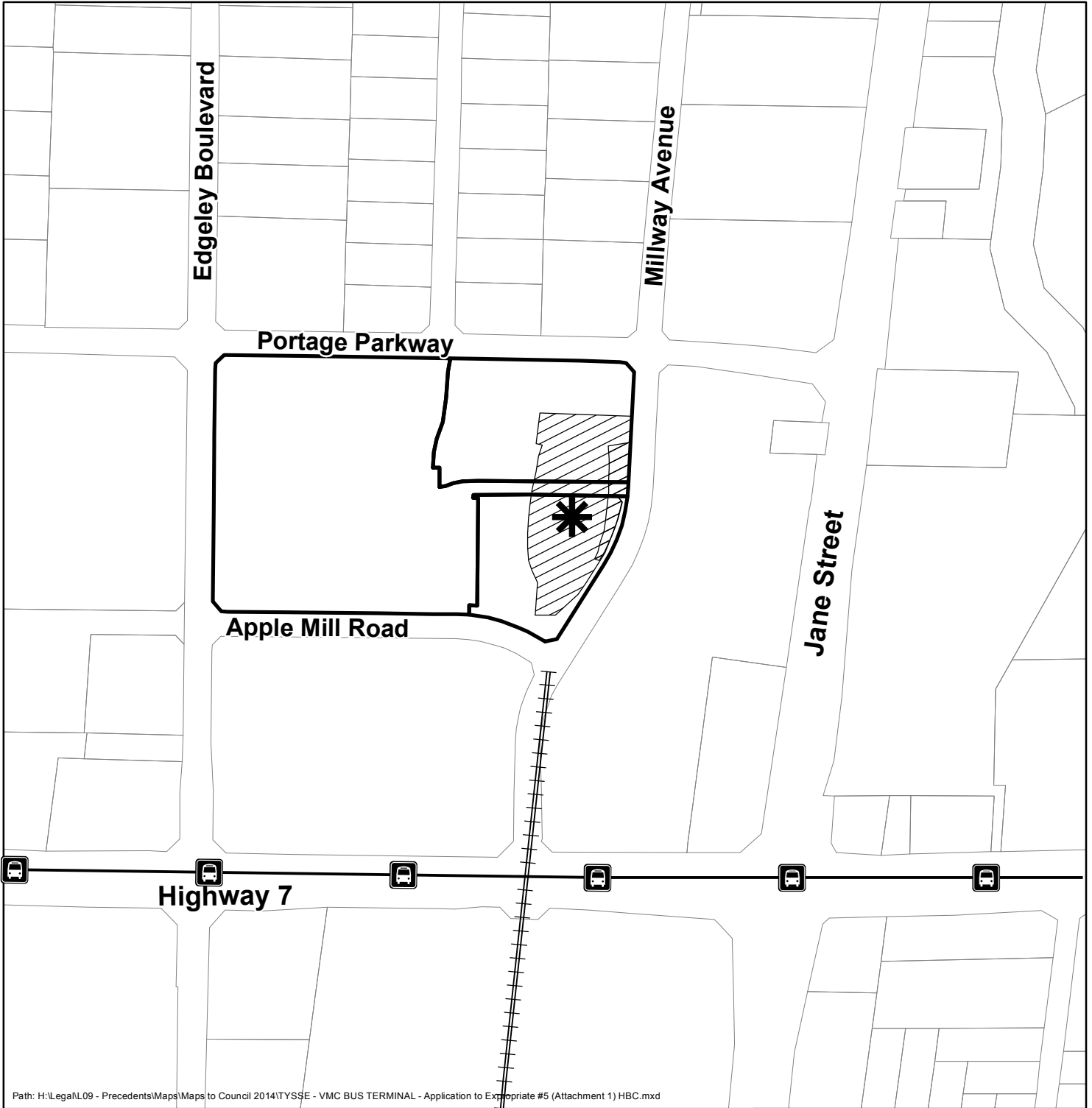
7. CONCLUSION

This report seeks Council approval to expropriate minor property rights for the construction of the TYSSE and VMC Bus Terminal projects. So far, negotiations have been unsuccessful, so it is necessary to initiate the expropriation process. However, expropriation proceedings will be abandoned if negotiations are successful. Accordingly, it is recommended that Council approve the acquisition of the lands detailed in this report.

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.

Attachment (1)



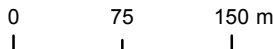
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LOCATION PLAN







Application for Approval to Expropriate
Facilities and Terminals – VMC Terminal Project 90992 and
Toronto-York Spadina Subway Extension Project 90996
City of Vaughan



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Property Services Branch
Corporate Services Department
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Legend

-  Subject Properties
-  Approximate Requirements
-  Subway Alignment
-  VMC Bus Terminal
-  vivaNext Rapidway
-  Parcel