

Clause No. 18 in Report No. 12 of the Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on June 26, 2014.

18
COMPENSATION FOR EXPROPRIATION
WIDENING AND CONSTRUCTION OF BUS RAPID TRANSIT CORRIDOR
HIGHWAY 7 WEST (H2-VMC) VIVANEXT PROJECT 90991
CITY OF VAUGHAN

Committee of the Whole recommends adoption of the recommendations contained in the following report dated June 4, 2014 from the Commissioner of Corporate Services:

1. RECOMMENDATIONS

It is recommended that:

1. Council authorize offers of compensation under the *Expropriations Act* (the “Act”) to be made to the owners of the following lands expropriated within the City of Vaughan:

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Required
1	Lorwood Holdings Incorporated	2851 Highway 7 West (Ref No. 119B)	Parts 3 and 4 on Plan 65R34481	Fee Simple
			Part 1 on Plan 65R34729	Permanent Easement
			Part 2 on Plan 65R34729 and Parts 6 and 7 on Plan 65R34481	Temporary Easement

2	La Torinese Drapery Ltd.	2781 Highway 7 West (Ref No. 119)	Parts 1 and 2 on Plan 65R34483	Fee Simple
			Parts 3 and 4 on Plan 65R34483	Temporary Easement
3	562445 Ontario Limited; 562444 Ontario Limited	2220 Highway 7 West and 7777 Keele Street (Ref No. 40)	Parts 3 and 4, Plan 65R34480	Temporary Easement
4	Steele Valley Developments Limited	2160 and 2180 Highway 7 West (Ref No. 41)	Part 3, Plan 65R34482	Temporary Easement
5	656742 Ontario Inc.	2641 Highway 7 West (Ref No. 117C)	Part 4, Plan 65R34484	Temporary Easement
			Part 23, Expropriation Plan YR1694848	Temporary Easement
6	Domy's & Pat's Garage & Auto Collision Ltd.	2685 Highway 7 West (Ref No. 117E)	Part 3, Plan 65R34484	Temporary Easement
			Part 18, Expropriation Plan YR1694848	Temporary Easement
7	Domy's & Pat's Garage & Auto Collision Ltd.	2703 Highway 7 West (Ref No. 118)	Part 2, Plan 65R34484	Temporary Easement
			Part 17, Expropriation Plan YR1694848	Temporary Easement
8	Husky Oil Limited	2757 Highway 7 West (Ref No. 118B)	Part 3, Plan 65R34490	Temporary Easement
			Part 2, Plan 65R34490	Temporary Easement

9	1897150 Ontario Limited	49 Costa Road (Ref No. 118C)	Parts 1, Plan 65R34484	Temporary Easement
			Part 14, Expropriation Plan YR1694848	Temporary Easement
10	1042710 Ontario Limited	3300 Highway 7 West (Ref No. 28)	Parts 4 and 5, Expropriation Plan YR1694787	Temporary Easement
11	2117969 Ontario Inc.	2986 Highway 7 West (Ref No. 30)	Part 1, Expropriation Plan YR1694886	Temporary Easement
12	2117969 Ontario Inc.	2966 Highway 7 West (Ref No. 31)	Part 3, Expropriation Plan YR1694886	Temporary Easement
13	Midvale Estates Limited	2938 Highway 7 West (Ref No. 32)	Part 5, Expropriation Plan YR1694886	Temporary Easement
14	The Hollywood Princess Convention And Banquet Centre Ltd.	2800 Highway 7 West (Ref No. 34A)	Part 8, Expropriation Plan YR1694886	Temporary Easement
15	2780 Highway #7 Investments Inc.	2780 Highway 7 West (Ref No. 35)	Part 1, Expropriation Plan YR1694848	Temporary Easement
16	York Region Condominium Corporation No. 728	23 McCleary Court (Ref No. 36)	Part 3, Expropriation Plan YR1694848	Temporary Easement
17	York Region Condominium Corporation No. 727	35 McCleary Court (Ref No. 37)	Part 5, Expropriation Plan YR1694848	Temporary Easement
18	1176646 Ontario Limited	99 McCleary Court (Ref No. 37A)	Part 8, Expropriation Plan YR1694848	Temporary Easement
19	Nikolakakos, Bill; Nikolakakos,	2661 Highway 7 West (Ref No. 117D)	Part 20, Expropriation Plan YR1694848	Temporary Easement

	Kalliope			
20	2276771 Ontario Inc.	2739 Highway 7 West (Ref No. 118A)	Part 13, Expropriation Plan YR1694848	Temporary Easement
21	2748355 Canada Inc.	Southwest Corner of Highway 7 West & Interchange Way (Ref No. 122)	Part 7, Expropriation Plan YR1694787	Temporary Easement
<p>The permanent easement is required for the purpose of entering on the land with all vehicles, machinery, workmen 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 watermain and storm sewers, (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 Highway 7, (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, (vii) handrails, (7) works ancillary to any of the foregoing.</p> <p>The temporary easements will commence on August 12, 2014 and expire on August 11, 2018, and are required for the purpose of 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 Highway 7, (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>				

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 Highway 7 West project (*Attachment 1 and 2*).

3. BACKGROUND

Council authorized the expropriation of properties for the Highway 7 West project in in April and May 2014

On April 17, 2014 and May 15, 2014, Council authorized the expropriation of the properties required for the construction of the vivaNext Bus Rapid Transit project for the Highway 7 West corridor, from Highway 400 to Bowes Road, in the City of Vaughan. Expropriation plans were registered in May 2014, vesting ownership of the lands in the Region. The *Act* requires the Region to serve offers of compensation within three months of registration of the plan. These offers are based on appraisals of market value.

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 takings, as well as estimates of damages including disturbance and injurious affection. Section 25 of the *Act* requires the Region to offer each owner a choice of two options regarding compensation. Option A involves full compensation for market value and all damages, and Option B regards an offer of market value for the takings, and does not consider other damages. The acceptance of Option A would require the owner to agree to a Release from future claims. Acceptance of Option B provides the owner the opportunity to make a claim for additional compensation in accordance with the *Act*.

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 property acquisitions are included in the 2014 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 the Highway 7 West corridor, from Highway 400 to Bowes Road, is critical to the achievement of the vision for the corridor for both the Region and City of Vaughan. Additionally, this project 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

In May 2014, expropriation plans were registered with respect to certain lands required for the Highway 7 West project. The *Act* requires that offers of compensation for expropriated lands be served on the former owners. 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 René Masad, Director, Property Services Branch at Ext. 71684.

The Senior Management Group has reviewed this report.

Attachment (2)



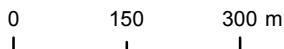
Path: G:\Legal\09 - Precedents\Maps\Maps to Council 2014\H2-VMC - Compensation for Expropriation Attachment 1 of 2.mxd

LOCATION PLAN






Compensation for Expropriation
 Widening and Construction of Bus Rapid Transit Corridor
 Highway 7 West (H2-VMC) vivaNext Project 90991
 City of Vaughan



Produced by:
 Property Services Branch
 Corporate Services Department
 © Copyright, The Regional Municipality of York, April 2014
 © Copyright, First Base Solutions Inc., 2012 Orthophotography
 * Includes © Queen's Printer for Ontario 2003-2013



Legend

-  Interest Required
-  Subject Properties
-  Parcel
-  Road
-  Railway



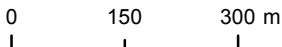
Path: G:\Legal\09 - Precedents\Maps\Maps to Council 2014\H2-VMC - Compensation for Expropriation Attachment 2 of 2.mxd

LOCATION PLAN






Compensation for Expropriation
 Widening and Construction of Bus Rapid Transit Corridor
 Highway 7 West (H2-VMC) vivaNext Project 90991
 City of Vaughan



Produced by:
 Property Services Branch
 Corporate Services Department
 © Copyright, The Regional Municipality of York, April 2014
 © Copyright, First Base Solutions Inc., 2012 Orthophotography
 * Includes © Queen's Printer for Ontario 2003-2013



Legend

-  Interest Required
-  Subject Properties
-  Parcel
-  Road
-  Railway