

Clause No. 18 in Report No. 10 of the Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on May 15, 2014.

**10**  
**COMPENSATION FOR EXPROPRIATION**  
**WIDENING AND CONSTRUCTION OF BUS RAPID TRANSIT CORRIDOR**  
**DAVIS DRIVE (D1) VIVANEXT PROJECT 90991**  
**TOWN OF NEWMARKET**

**Committee of the Whole recommends adoption of the recommendation contained in the following report dated April 20, 2014 from the Commissioner of Corporate Services:**

**1. RECOMMENDATIONS**

It is recommended that Council authorize offers of compensation under the *Expropriations Act* (the “Act”) to be made to the owners of the following lands expropriated within the Town of Newmarket:

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Acquired</b>
1	Lawton Brothers (Realties) Limited	69 Davis Drive	Part 1 on Plan YR2094585	Temporary Easement
2	D.J.G.S. Investments	77-83 Davis Drive	Parts 1 and 2 on Plan YR2094709	Temporary Easement
3	Peter Ieraci	85-87 Davis Drive	Part 1 on Plan YR2094720	Temporary Easement
4	Peter Ieraci and Nicolina Ieraci	89-91 Davis Drive	Parts 1 and 2 on Plan YR2094589	Temporary Easement

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Acquired</b>
5	F.G.A. Investments Ltd.	93-97 Davis Drive	Part 1 on Plan YR2094594	Temporary Easement
6	377804 Ontario Limited	99-101 Davis Drive	Part 1 on Plan YR2094616	Temporary Easement
7	Golda Fishman and Seymour Fishman	103 Davis Drive	Part 1 on Plan YR2094706	Temporary Easement
8	1620119 Ontario Ltd.	105 Davis Drive	Parts 1 and 2 on Plan YR2094711	Temporary Easement
9	Suncor Energy Inc.	111 Davis Drive	Part 1 on Plan YR2094667	Temporary Easement
10	Shant Ghazarian and Aline Ghazarian	135 Davis Drive	Part1 on Plan YR2094670	Temporary Easement
11	1344459 Ontario Limited	191 Davis Drive	Part 1 on Plan YR2094595	Temporary Easement
12	301085 Ontario Ltd.	Vacant Land, south side Penn Avenue Lots 257 and 258	Parts 1 and 2 on Plan YR2094600	Temporary Easement
13	Eugene McSweeney, Kevin McSweeney and Shawn McSweeney	Vacant Land, south side Penn Avenue Lots 255 and 256	Parts 1 and 2 on Plan YR2094592	Temporary Easement

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Acquired</b>
14	Harnox Holdings Limited	Vacant Land, south side Penn Avenue Lots 253 and 254	Parts 1 and 2 on Plan YR2094607	Temporary Easement
15	Crojan Investments Inc.	251-259 Davis Drive	Part 1 on Plan YR2094599	Temporary Easement
16	Ka Khaon Tan, Seng Tan and Suan Lin	8 Hill Street	Part 1 on Plan YR2094606	Temporary Easement
17	Lincoln Reginald Hew and Amy Matilda Hew	291 Davis Drive	Part 1 on Plan YR2094614	Temporary Easement
18	Newmarket-Tay Power Distribution Ltd.	315 Davis Drive	Parts 1 and 2 on Plan YR2094684	Temporary Easement
19	Bethel Christian Reformed Church of Newmarket	333 Davis Drive	Part 1 on Plan YR2094603	Temporary Easement
20	Shohreh Torabi, Kevin Rod and Mirhassan Darbeigy	345 Davis Drive	Part 1 on Plan YR2094602	Temporary Easement
21	Mirhassan Darybeigy	351 Davis Drive	Part 1 on Plan YR2094620	Temporary Easement

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Acquired</b>
22	Fung Loy Kok Institute of Taoism	355 Davis Drive	Part 1 on Plan YR2094605	Temporary Easement
23	Tammy Ward and Michael McGregor	359 Davis Drive	Part 1 on Plan YR2095024	Temporary Easement
24	Jennifer Lynn Croppo	371 Davis Drive	Part 1 on Plan YR2094642	Temporary Easement
25	Steven Douglas Whitfield and Elizabeth Ellen Whitfield	383-415 Davis Drive	Parts 1, 2, and 3 on Plan YR2094598	Temporary Easement
26	Aekh Corporation Inc.	435-441 Davis Drive	Part 1 on Plan YR2094628	Temporary Easement
27	Bonseph (Tannery) Ltd.	447-455 Davis Drive	Part 1 on Plan YR2094608	Temporary Easement
28	Bonseph (Tannery) Ltd.	465 Davis Drive	Parts 1, 2, and 3 on Plan YR2094669	Temporary Easement
29	SHI Properties Inc.	531 Davis Drive	Part 1 on Plan YR2094678	Temporary Easement
30	Hongs International Group Ltd.	567 Davis Drive	Part 1 on Plan YR2094597	Temporary Easement

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Acquired</b>
31	Beswick Properties Inc.	581-589 Davis Drive and 597 Davis Drive	Parts 1, 2, 3 and 4 on Plan YR2094696	Temporary Easement
32	York North Medical Dental Building Limited	603 Davis Drive	Part 1 on Plan YR2094636	Temporary Easement
33	York Region Realty Com Inc.	615 Davis Drive	Part 1 on Plan YR2094590	Temporary Easement
34	Southlake Regional Health Centre	625 Davis Drive	Part 1 on Plan YR2095506	Temporary Easement
35	2153657 Ontario Inc.	631 Davis Drive	Part 1 on Plan YR2095188	Temporary Easement
36	TC Corp.	641 Davis Drive	Part 1 on Plan YR2095183	Temporary Easement
37	Dorothy Tidman	647 Davis Drive	Part 1 on Plan YR2095076	Temporary Easement
38	SRI Realty (No. 3) Inc. and Obelysk Inc.	655 Davis Drive	Part 1 on Plan YR2095080	Temporary Easement
39	Har-Jo Management Services Canada Ltd.	665 Davis Drive	Parts 1, 2, and 3 on Plan YR2095141	Temporary Easement

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Acquired</b>
40	679 Davis Drive Holdings Ltd.	679 Davis Drive	Part 1 on Plan YR2094979	Temporary Easement
41	2229677 Ontario Inc.	693 Davis Drive	Part 1 on Plan YR2094754	Temporary Easement
42	403483 Ontario Ltd.	713 Davis Drive	Parts 1 and 2 on Plan YR2094908	Temporary Easement
43	Platinum Property Investments Inc.	721 Davis Drive	Part 1 on Plan YR2095146	Temporary Easement
44	Taxa Developments Limited	749-777 Davis Drive	Part 1 on Plan YR2095086	Temporary Easement
45	West Rose Construction Limited	795 Davis Drive	Parts 1, 2, 3, and 4 on Plan YR2094889	Temporary Easement
46	Loblaw Properties Limited	20 Davis Drive	Part 1 on Plan YR2095179	Temporary Easement
47	Monashee Holdings Ltd. And Timeoso Inc.	54 Davis Drive	Parts 1, 2, 3, 4, 5, 6, 7 and 8 on Plan YR2094881	Temporary Easement
48	Davis Drive Investments Limited	130 Davis Drive	Part 1 on Plan YR2095004	Temporary Easement
49	Newmarket Plaza Limited	130 Davis Drive	Parts 1, 2, and 3 on Plan YR2094897	Temporary Easement

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Acquired</b>
50	York Region Condominium No. 698	200 Davis Drive	Part 1 on Plan YR2095090	Temporary Easement
51	York Region Condominium No. 836	270 Davis Drive	Part 1 on Plan YR2094995	Temporary Easement
52	Carpenters Local 27 Housing Co-operative Inc.	280 Davis Drive	Parts 1, 2, 3, and 4 on Plan YR2095142	Temporary Easement
53	26 Lorne Avenue Corp.	26 Lorne Avenue	Part 1 on Plan YR2094772	Temporary Easement
54	Samuel Librach	25 Lorne Avenue	Part 1 on Plan YR2095083	Temporary Easement
55	Freedon Development Limited	350 Davis Drive	Parts 1 and 2 on Plan YR2095175	Temporary Easement
56	Har Jo Management Services Canada Ltd.	390 Davis Drive	Part 1 on Plan YR2095006	Temporary Easement
57	1652040 Ontario Inc.	400-406 Davis Drive	Part 1 on Plan YR2095013	Temporary Easement
58	King Fei Investments Limited	16 Main Street South	Part 1 on Plan YR2095191	Temporary Easement

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Acquired</b>
59	The House of York Dining Lounge Ltd., Kata-Ma-Va Petro Holdings Inc.	446 Davis Drive	Part 1 on Plan YR2095030	Temporary Easement
60	Newmarket Property Corporation	31 Superior Street	Parts 1 and 2 on Plan YR2095023	Temporary Easement
61	Arbor Memorial Inc.	524 Davis Drive	Part 1 on Plan YR2095148	Temporary Easement
62	Sunoco Inc.	534 Davis Drive	Part 1 on Plan R755631	Temporary Easement
63	York Region Condominium Corporation No. 695	712 Davis Drive	Part 1 on Plan YR2095064	Temporary Easement
64	Future Needs Inc.	730 Davis Drive	Part 1 on Plan YR2094765	Temporary Easement
65	Newmarket Gospel Hall	736 Davis Drive	Part 1 on Plan YR2094985	Temporary Easement
66	Southlake Regional Health Centre	776 Davis Drive	Part 1 on Plan YR2095065	Temporary Easement
67	Pallas Realty Corporation	5 Alexander Road	Part 1 on Plan YR2095192	Temporary Easement



No.	Owner	Municipal Address	Legal Description	Interest Acquired
68	Ontmar Investment Limited	800-828 Davis Drive	Part 1 on Plan YR2094905	Temporary Easement
<p>The temporary easements will run from May 31, 2014 and expire on October 31, 2015, 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 Davis Drive, (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 Davis Drive project (*Attachment 1*).

**3. BACKGROUND**

**Land requirements for the vivaNext bus rapid transit network in the Davis Drive corridor were obtained in 2009**

On January 22, 2009, Council authorized the approval to expropriate certain land in connection with road and intersection improvements along Davis Drive, in the Town of Newmarket. Lands were acquired via expropriation in 2009, including 83 temporary easement interests for terms of three years. The temporary easement interests expropriated in 2009 expired between August 26, 2012, and September 24, 2012.

It was determined that some of the temporary easement interests, expropriated in 2009, would be required beyond the 2012 expiries in order to accommodate ongoing construction. Therefore, on June 28, 2012, Council authorized the approval to expropriate

80 temporary easements, and possession of the lands was secured between December 2012 and January 2013. The expiry date for the temporary easements expropriated in 2012 is May, 2014.

**Some temporary easements were extended in 2014 for an additional period to facilitate completion of the construction**

Construction along the corridor is progressing, but construction delays required the existing temporary easement lands beyond the current expiry date of May 2014. On November 21, 2013, Council authorized the expropriation of Eighty-one (81) properties required for the construction of the vivaNext Bus Rapid Transit project, for the Davis Drive corridor, from Yonge Street to Alexander Road, in the Town of Newmarket.

This report seeks compensation for Sixty-eight (68) of the properties that had been previously expropriated. Various properties have been removed from this compensation report, as the Region was able to amicably negotiate settlements, or they are no longer required for construction purposes.

**In accordance with the *Expropriations Act*, the Region must serve compensation offers within three months of expropriation**

Expropriation plans were registered between February 12-18, 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 and other damages.

**4. ANALYSIS AND OPTIONS**

**Independent appraisal reports have established the values that form the basis of the offers**

An independent appraisal firm prepared appraisal report updates estimating the market value of the subject properties, as well as damages for injurious affection. These Appraisal Report updates include a copy of the 2012 Appraisal Report and provide an analysis of all market data relevant to the 2014 section 25 offer dates. 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 owner(s) is based on in house appraisals.

## **6. LOCAL MUNICIPAL IMPACT**

The construction of dedicated bus lanes and related facilities, as well as road and intersection improvements, along Davis Drive, from Yonge Street to Alexander Road, is critical to the achievement of the vision for the corridor for both the Region and Town of Newmarket. 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**

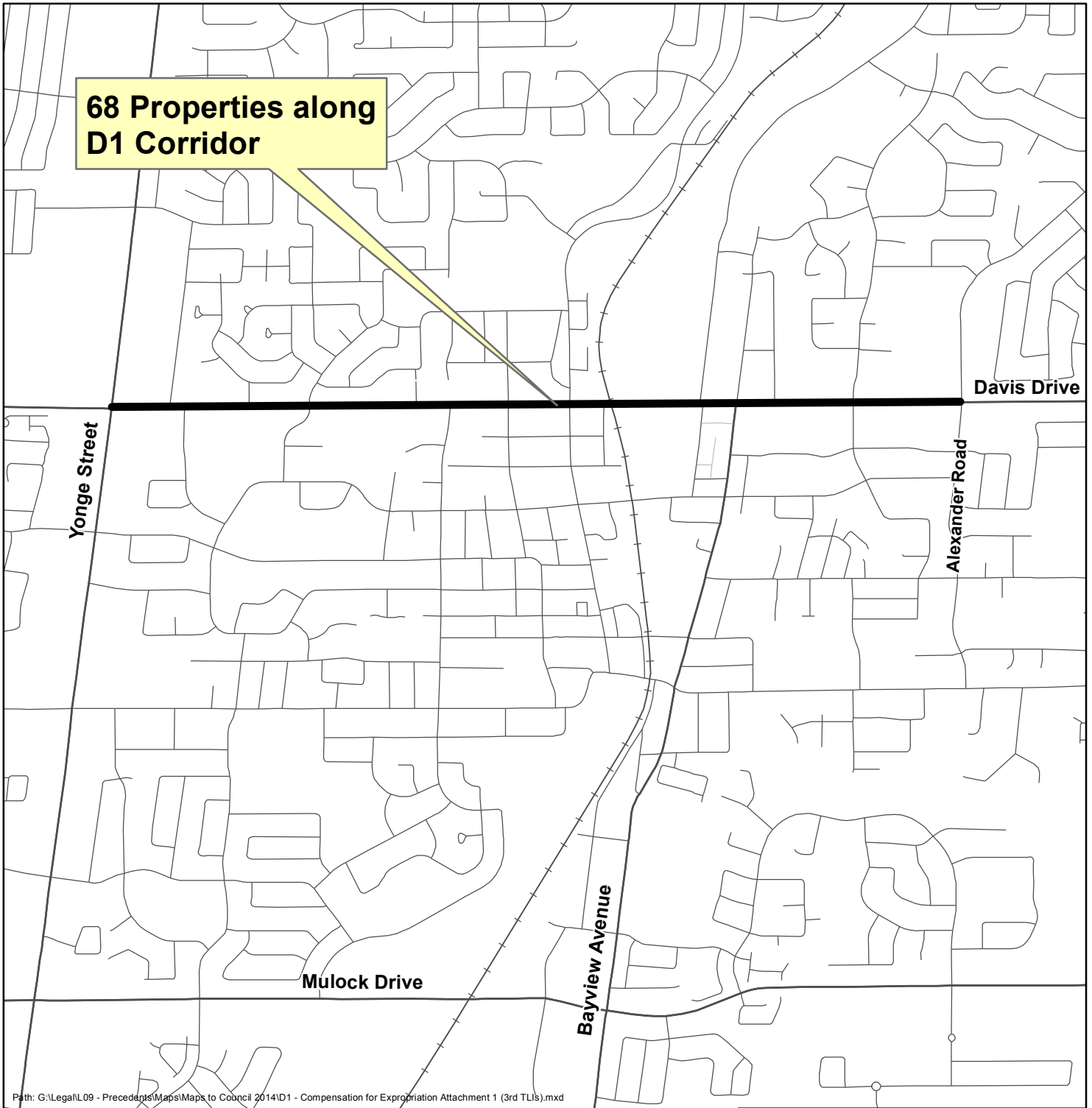
Between February 12-18, 2014, expropriation plans were registered with respect to certain lands required for the Davis Drive project. The *Act* requires that offers of compensation for expropriated lands be served on the former owners. It is recommended that the offers set out in this report be served 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 (1)*

68 Properties along  
D1 Corridor



Path: G:\Legal\I09 - Precedents\Maps\Maps to Council 2014\ID1 - Compensation for Expropriation Attachment 1 (3rd TLIs).mxd




### LOCATION PLAN

Compensation for Expropriation  
Widening and Construction of Bus Rapid Transit Corridor  
Davis Drive (D1) vivaNext Project 90991  
Town of Newmarket



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### Legend

-  Subject Corridor
-  Road
-  Railway

