

Clause No. 2 in Report No. 4 of the Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting on February 20, 2014.

2

APPLICATION FOR APPROVAL TO EXPROPRIATE WIDENING AND CONSTRUCTION OF BUS RAPID TRANSIT CORRIDOR YONGE STREET (Y2.1) VIVANEXT PROJECT 90991 TOWN OF RICHMOND HILL

Committee of the Whole recommends adoption of the following recommendations contained in the report dated January 30, 2014 from the Commissioner of Corporate Services:

1. RECOMMENDATIONS

It is recommended that:

1. Council authorize an application for approval to expropriate the following lands within the Town of Richmond Hill.

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Required
1.	Yonge Bayview Holdings Inc.	8705-8725 Yonge Street (3)	Part 3, Plan 65R-31434	Temporary Easement
2.	Shell Canada Limited	8680 Yonge Street, 8656 & 8674 Yonge Street (9, 10, 11)	Parts 5 and 6, Plan 65R-34630	Temporary Easement
3.	KPS Securities Inc.	8700 Yonge Street (12)	Part 1, Plan 65R-34630	Temporary Easement
4.	Suncor Energy Products Inc.	8830 Yonge Street (19)	Part 5, Plan 65R-34635	Temporary Easement

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Required
5.	Angelo Cimetta Louise Cimetta as to 55% interest as JT Josephine Cimetta	8874 Yonge Street (21)	Part 3, Plan 65R- 34635	Fee Simple
			Part 4, Plan 65R- 34635	Temporary Easement
6.	R. J. Davies Holdings Ltd.	8779-8781 Yonge Street (22a)	Part 12, Plan 65R-34646	Fee Simple
			Part 11, Plan 65R-34646	Temporary Easement
7.	Saltwhistle Bay Properties Inc.	8825 Yonge Street (22b)	Part 13, Plan 65R-34646	Fee Simple
			Parts 14 and 16, Plan 65R-34646	Temporary Easement
8.	Great Land (Westwood) Inc.	8890 Yonge Street (23)	Part 1, Plan 65R- 34635	Fee Simple
			Part 2, Plan 65R- 34635	Temporary Easement
9.	J-G Cordone Investments Limited	8900 Yonge Street (24)	Part 2, Plan 65R- 34649	Fee Simple
			Part 1, Plan 65R- 34649	Temporary Easement

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Required
10.	Rock N Roll Real Estate Inc.	8910 Yonge Street (25)	Part 3, Plan 65R- 34649	Fee Simple
			Part 4, Plan 65R- 34649	Temporary Easement
11.	On Lung Property Investments Ltd.	8950 Yonge Street (26)	Parts 5, 7 and 8, Plan 65R-34649	Fee Simple
			Part 6, Plan 65R- 34649	Temporary Easement
12.	Travelpoint Properties Inc.	8990 Yonge Street (27)	Part 9, Plan 65R- 34649	Temporary Easement
13.	Mazzotta Investment Corporation	9002 Yonge Street (27c)	Part 10, Plan 65R-34649	Temporary Easement
14.	1053702 Ontario Limited	9006 – 9020 Yonge Street (27d)	Part 11, Plan 65R-34649	Temporary Easement
15.	Black River Scrap Metal Ltd.	9108 Yonge Street (31)	Parts 14 and 16, Plan 65R-34649	Fee Simple
			Parts 13 and 15, Plan 65R-34649	Temporary Easement
16.	Lorenzo Beltrame Gregorio Beltrame	9114 Yonge Street (32)	Parts 18 and 20, Plan 65R-34649	Fee Simple
			Parts 17 and 19, Plan 65R-34649	Temporary Easement

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Required
17.	Stephanie Lucas Donna Kalles	9116 Yonge Street (33)	Part 22, Plan 65R-34649	Fee Simple
			Part 21, Plan 65R-34649	Temporary Easement
18.	628627 Ontario Inc.	9144 Yonge Street (34)	Part 1, Plan 65R- 34660	Fee Simple
			Part 2, Plan 65R- 34660	Temporary Easement
19.	Roland Spiegel	27 Vanity Crescent (34a)	Parts 1 and 4, Plan 65R-34648	Fee Simple
			Parts 2 and 3, Plan 65R-34648	Temporary Easement
20.	Raffaele and Vittaria Holdings Limited Antonio and Carmela Holdings Limited	9174 Yonge Street (35)	Part 4, Plan 65R- 34660	Fee Simple
			Part 3, Plan 65R- 34660	Temporary Easement
21.	Barkdel Investments Limited Convertapack Limited	9184 Yonge Street (36)	Part 5, Plan 65R- 34660	Fee Simple
			Part 6, Plan 65R- 34660	Temporary Easement

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Required
22.	Antonio Campagna	9190 Yonge Street (37)	Part 7, Plan 65R- 34660	Fee Simple
			Part 8, Plan 65R- 34660	Temporary Easement
23.	Luigi DiMarco Lina DiMarco	9196 Yonge Street (38)	Parts 9, 12 and 23, Plan 65R- 34660	Fee Simple
			Parts 10 and 11, Plan 65R-34660	Temporary Easement
24.	Emilio Russo	9206 Yonge Street (39)	Part 14, Plan 65R-34660	Fee Simple
			Part 13, Plan 65R-34660	Temporary Easement
25.	Toronto Measuring Equipment Inc.	9212 Yonge Street (41)	Part 16, Plan 65R-34660	Fee Simple
			Part 15, 65R- 34660	Temporary Easement
26.	Haulover Investments Ltd.	9251 Yonge Street (42a)	Parts 8 and 12, Plan 65R-34648	Temporary Easement
27.	9218 Yonge Street Incorporated	9218 Yonge Street (43)	Parts 18, 24 and 25, Plan 65R- 34660	Fee Simple
			Parts 17, 26 and 27, Plan 65R- 34660	Temporary Easement

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Required
28.	9218 Yonge Street Incorporated	9218 Yonge Street (44)	Part 19, Plan 65R-34660	Fee Simple
			Part 20, Plan 65R-34660	Temporary Easement
29.	Montez Hillcrest Inc. Hillcrest Holdings Inc.	9350 Yonge Street (45, 49a/b/c)	Parts 3 and 12, Plan 65R-34678	Fee Simple
			Parts 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17 and 18, Plan 65R-34678	Temporary Easement
30.	Whitehorn Investments Limited (30%) Harold Lederman Limited (36%) 891566 Ontario Limited (28%) Stephen- Mitchell Realty Limited (6%)	9325 Yonge Street (48)	Parts 1, 3 and 6, Plan 65R-34653	Fee Simple
			Parts 2, 4 and 5, Plan 65R-34653	Temporary Easement
31.	York Region Condominium Corporation No. 929	23 Observatory Lane (48a)	Part 7, Plan 65R- 34653	Fee Simple
			Part 8, Plan 65R- 34653	Temporary Easement
32.	York Region Standard Condominium Corporation No. 989	23 Observatory Lane (48b)	Part 9, Plan 65R- 34653	Temporary Easement

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Required
33.	BCIMC Realty Corporation	15-45 Baif Boulevard (49d)	Part 24, Plan 65R-34678	Fee Simple
			Part 23, Plan 65R-34678	Temporary Easement
34.	Torview Properties Inc.	9471 Yonge Street (52)	Part 11, Plan 65R-34653	Temporary Easement
35.	York Region Condominium Corporation No. 601	20 Baif Boulevard (56)	Part 25, Plan 65R-34678	Fee Simple
			Parts 26, 27, 28 and 29, Plan 65R-34678	Temporary Easement
36.	Observatory Place Plaza Inc.	9555 Yonge Street (57)	Part 2, Plan 65R-34673	Fee Simple
			Part 1, Plan 65R-34673	Temporary Easement
37.	Zaraska Hotels Limited Pauline Zaraska Hotels Limited	9555 Yonge Street (57a)	Part 39, Plan 65R-4275	Fee Simple
38.	Suncor Energy Inc.	9550 Yonge Street (58)	Part 3, Plan 65R-34652	Fee Simple
			Part 4, Plan 65R-34652	Temporary Easement

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Required
39.	512439 Ontario Limited (75%)	9625 Yonge Street (59)	Parts 8 and 9, Plan 65R-34673	Fee Simple
	D.D.M.G. Investments Inc. (25%)		Parts 7 and 10, Plan 65R-34673	Permanent Easement
40.	Uni-World Corporation Limited	9580 Yonge Street (60)	Part 1, Plan 65R-34652	Fee Simple
			Part 2, Plan 65R-34652	Temporary Easement
41.	Prombank Investment Limited	9625 Yonge Street (61)	Part 11, Plan 65R-34673	Fee Simple
			Part 12, Plan 65R-34673	Permanent Easement
			Part 13, Plan 65R-34673	Temporary Easement
42.	Brillinger Investments Limited 1890152 Ontario Limited	9675 Yonge Street (64a)	Part 5, Plan 65R-34679	Temporary Easement
43.	Frank Russo Serafino Russo	9712 Yonge Street (66)	Parts 5 and 6, Plan 65R-34677	Fee Simple
			Part 7, Plan 65R-34677	Temporary Easement
44.	1703173 Ontario Inc.	9724 Yonge Street (67)	Parts 9 and 10, Plan 65R-34677	Fee Simple
			Part 8, Plan 65R-34677	Temporary Easement

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Required
45.	Haleson Developments Ltd.	9737 Yonge Street (68)	Parts 8, 11 and 13, Plan 65R- 34679	Fee Simple
			Part 12, Plan 65R-34679	Permanent Easement
			Parts 9 and 10, Plan 65R-34679	Temporary Easement
46.	2305992 Ontario Inc.	West Side Yonge Street, south of Harding Blvd. (68a)	Parts 12 and 13, Plan 65R-34677	Fee Simple
			Parts 11 and 14, Plan 65R-34677	Temporary Easement
47.	Baif Developments Limited	East Side Yonge Street, south of Hopkins Street (70)	Parts 2 and 4, Plan 65R-34687	Fee Simple
			Parts 1, 3 and 5, Plan 65R-34687	Temporary Easement
48.	Diane Elliott- Nicolaou Chris Nicolaou James Christie Nicolaou Tina Donis John Tzountzouris Steve Tzountzouris	9839 Yonge Street (71a)	Part 3, Plan 65R- 34695	Fee Simple
			Part 2, Plan 65R- 34695	Temporary Easement
49.	9861 Yonge Developments Inc.	9861 Yonge Street (71c)	Part 6, Plan 65R- 34695	Temporary Easement

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Required
50.	Ameeta Nagar	9867 Yonge Street (71d)	Part 8, Plan 65R-34695	Fee Simple
			Parts 7 and 10, Plan 65R-34695	Permanent Easement
			Part 9, Plan 65R-34695	Temporary Easement
51.	Zaeem Flowers Inc.	9875 Yonge Street (71e)	Part 12, Plan 65R-34695	Fee Simple
			Part 11, Plan 65R-34695	Permanent Easement
			Part 13, Plan 65R-34695	Temporary Easement
52.	1682213 Ontario Inc.	9883 Yonge Street (71f)	Part 15, Plan 65R-34695	Temporary Easement
53.	Ahmad Famil Sabzevari	9891 Yonge Street (71g)	Part 17, Plan 65R-34695	Temporary Easement
54.	Centerhill Corporation	9901 Yonge Street (71h)	Part 18, Plan 65R-34695	Fee Simple
			Part 19, Plan 65R-34695	Temporary Easement
55.	Missionary Sisters of the Precious Blood	9915 Yonge Street (71i)	Part 21, Plan 65R-34695	Fee Simple
			Part 20, Plan 65R-34695	Temporary Easement

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Required

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 property interests required for 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 (*Attachment 1*).

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

3. BACKGROUND

The Region is undertaking improvements to the road infrastructure and the construction of dedicated lanes for Viva buses

To facilitate bus rapid transit along critical portions of the Highway 7, Yonge Street and Davis Drive corridors, the Region, via York Region Rapid Transit Corporation (YRRTC), is undertaking improvements to the road infrastructure and the construction of dedicated lanes for Viva buses, along with enhanced streetscaping and boulevards. The project as a whole is referred to as vivaNext.

Construction associated with vivaNext is ongoing on Davis Drive, in Newmarket, and Highway 7, east of Yonge Street, in Markham. The corridor in question for this report is Yonge Street (Y2.1), from Highway 7 to Major Mackenzie Drive. In order to implement the Rapidway on this corridor, road widenings will be required that will result in a significant number of property takings and impacts on existing uses.

The project has received approval of the Environmental Assessment Report from the Ministry of the Environment in April 2006

Viva project Y2.1 received approval of the Environmental Assessment Report from the Ministry of the Environment on April 6, 2006.

4. ANALYSIS AND OPTIONS

Negotiations are proceeding to acquire the necessary properties with a view to possession of lands required by June 2015

The project will require the acquisition of 55 properties, principally for road widening purposes. Several temporary easements are also required to accommodate construction. Possession of all lands is required by June 2015. Construction within the existing right-of-way is scheduled to commence in June 2014.

Property negotiations to acquire the necessary lands will commence shortly. Staff will continue to negotiate agreements of purchase and sale for the required interests until an expropriation plan has been registered.

Initiating expropriation proceedings will ensure the construction schedule will not be compromised if land acquisitions are delayed

It is anticipated that negotiations will be successfully concluded on many outstanding properties. These agreements will be presented to the approving authorities in due course. However, given the legislated time requirements to obtain possession via expropriation, it is recommended the expropriation process proceed concurrently with ongoing negotiations to ensure that YRRTC can effectively obtain access to the lands to accommodate construction scheduling. Timely possession of the required lands will reduce the risk of project delays associated with development along these corridors.

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.

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 have been included in the 2014 YRRTC Capital Budget. The project is funded by the Province, via the Metrolinx Master Agreement.

6. 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 both the Region and Town of Richmond Hill. 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.

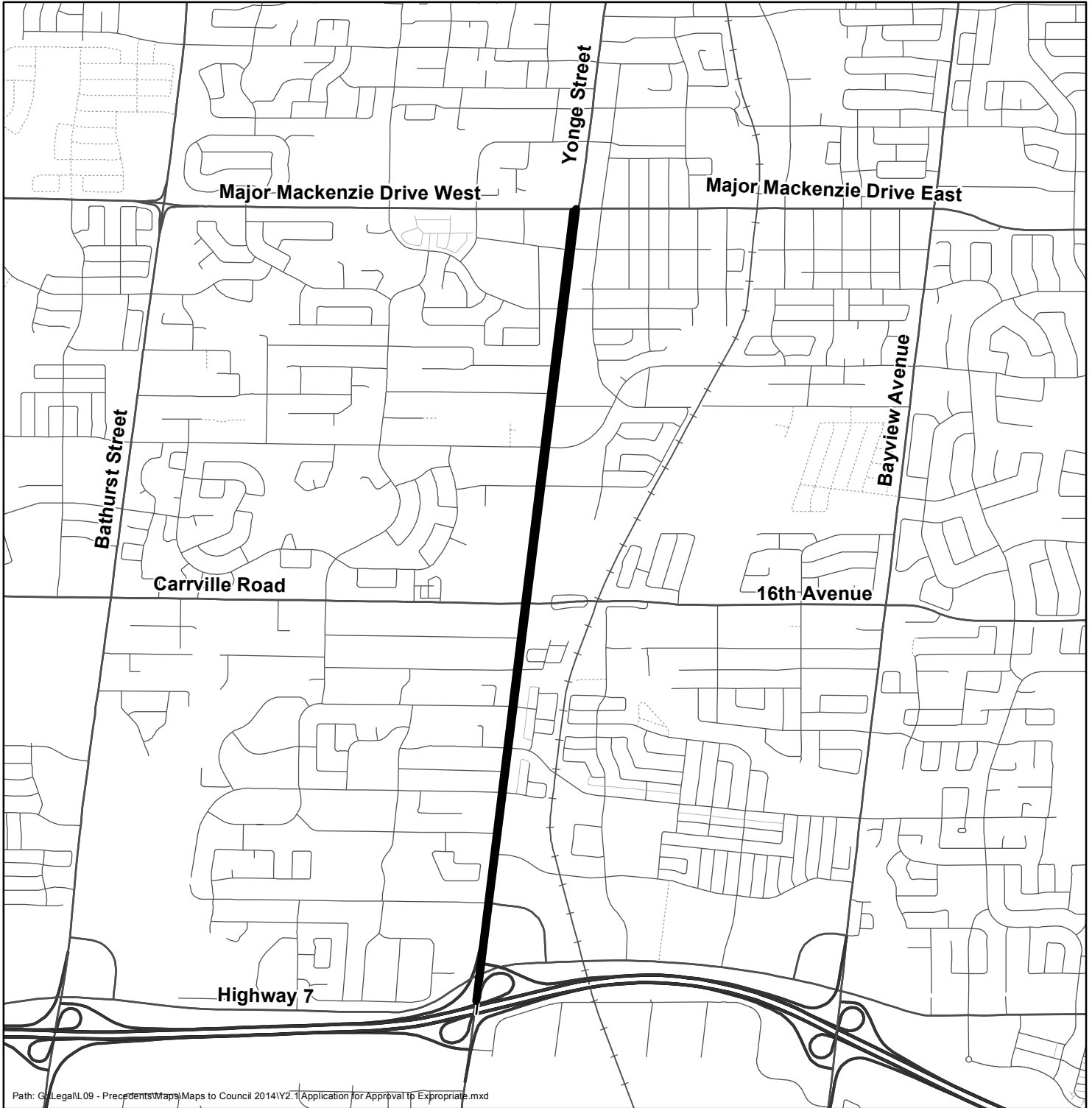
7. CONCLUSION

This report seeks Council approval to expropriate partial land takings from owners, along Yonge Street, in order to facilitate the construction of dedicated bus lanes, related facilities, road and intersection improvements. To ensure the project is not delayed, it is necessary to initiate the expropriation process to secure access to the lands in time for construction to commence. Staff will continue to negotiate for the acquisition of the required properties and expropriation proceedings will be abandoned in cases where negotiations are successful.

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)



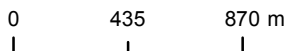
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LOCATION PLAN




Application for Approval to Expropriate
 Widening and Construction of Bus Rapid Transit Corridor
 Yonge Street (Y2.1) vivaNext Project 90991
 Town of Richmond Hill



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Legend

-  Subject Properties
-  Road
-  Railway