

Clause No. 3 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.

3
COMPENSATION FOR EXPROPRIATION
WIDENING AND CONSTRUCTION OF BUS RAPID TRANSIT CORRIDOR
YONGE STREET (Y3.2) VIVANEXT PROJECT 90991
TOWN OF NEWMARKET

Committee of the Whole recommends adoption of the following recommendations contained in the report dated January 30, 2014 from 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 Town of Newmarket:

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Acquired
1	Skamari Investments Inc.	16635 Yonge Street (1)	Part 1, Plan YR2071896	Temporary Easement
2	Tavco Realty Holdings Inc.	16655 Yonge Street (2)	Part 1, Plan YR2071898	Temporary Easement
3	275057 Ontario Limited	16715 Yonge Street (3)	Part 1, Plan YR2071904	Fee Simple
			Part 2, Plan YR2071904	Temporary Easement

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Acquired
4	The Canada Trust Company (Trustee of the Joyce Mulock Trust) Deborah Jane Barbour (Trustee of the Joyce Mulock Trust)	16780 Yonge Street (4)	Part 1, Plan YR2071906	Fee Simple
			Part 2, Plan YR2071906	Temporary Easement
5	Newmarket Property Corporation	16775 Yonge Street (5)	Part 1, Plan YR2071907	Fee Simple
			Part 2, Plan YR2071907	Permanent Easement
			Part 3, Plan YR2071907	Temporary Easement
6	Criterion Development Corporation	Vacant Lands w/s Yonge Street (6)	Part 1, Plan YR2071911	Fee Simple
			Part 2, Plan YR2071911	Temporary Easement
7	York Region Condominium Corporation No. 877	Brandy Lane Way (9)	Parts 1, 2 and 3, Plan YR2071922	Fee Simple
			Part 4, Plan YR2071922	Permanent Easement
			Parts 5, 6 and 7, Plan YR2071922	Temporary Easement
8	Newmarket – Tay Power Distribution Ltd.	16845 Yonge Street (10)	Part 1, Plan YR2071927	Fee Simple
			Part 2, Plan YR2071927	Temporary Easement
9	York North Condominium Corporation No. 5	20 William Roe Boulevard (11)	Parts 2, 3, 5 and 6, Plan YR2071942	Fee Simple
			Parts 1, 4 and 7, Plan YR2071942	Temporary Easement
10	7181 Woodbine Investments Inc.	16900 Yonge Street (11A)	Part 1, Plan YR2071951	Fee Simple

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Acquired
11	Invivo Investments Limited	16925 Yonge Street (12)	Parts 1, 2, 3, 4 and 5, Plan YR2071954	Fee Simple
			Parts 6, 7 and 8, Plan YR2071954	Permanent Easement
			Parts 9, 10 and 11, Plan YR2071954	Temporary Easement
12	1209104 Ontario Limited	Vacant Lands w/s Yonge Street (13)	Part 1, Plan YR2071956	Fee Simple
			Part 2, Plan YR2071956	Temporary Easement
13	LT Realities Inc.	16995 Yonge Street (14)	Parts 1, 2, 3, 4, 5, 6, 11 and 12, Plan YR2071962	Fee Simple
			Parts 7, 8, 9 and 17, Plan YR2071962	Permanent Easement
			Parts 10, 13, 14, 15, 16, 18, 19 and 20, Plan YR2071962	Temporary Easement
14	Trustees of the Canadian Yearly Meeting of the Religious Society of Friends (Quakers)	17000 Yonge Street (15)	Part 1, Plan YR2071964	Temporary Easement
15	The Trustees of the Yonge Street Monthly Meeting of the Religious Society of Friends	17030 Yonge Street (16)	Part 1, Plan YR2071969	Temporary Easement

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Acquired
16	Thana Group Limited	17035 Yonge Street (17)	Parts 1 and 2, Plan YR2074287	Fee Simple
			Parts 3 and 4, Plan YR2074287	Permanent Easement
			Parts 5, 6 and 7, Plan YR2074287	Temporary Easement
17	Kindwin Markham Limited	17046 Yonge Street (18)	Part 1, Plan YR2071970	Temporary Easement
18	Marlies Schellin	17070 Yonge Street (20)	Part 1, Plan YR2071972	Fee Simple
			Part 2, Plan YR2071972	Permanent Easement
			Part 3, Plan YR2071972	Temporary Easement
19	H.J. Pfaff Motors Limited	17065 Yonge Street (21)	Part 1, Plan YR2071977	Fee Simple
			Parts 2 and 3, Plan YR2071977	Permanent Easement
			Part 4, Plan YR2071977	Temporary Easement
20	993113 Ontario Inc.	17089 Yonge Street (22)	Part 1, Plan YR2071484	Fee Simple
			Part 2, Plan YR2071484	Permanent Easement
			Part 3, Plan YR2071484	Temporary Easement
21	2089929 Ontario Limited	17095 Yonge Street (24)	Part 1, Plan YR2071503	Fee Simple
			Part 2, Plan YR2071503	Permanent Easement
			Part 3, Plan YR2071503	Temporary Easement
22	Suncor Energy Inc.	17111 Yonge Street (25)	Parts 1 and 2, Plan YR2071509	Fee Simple
			Parts 3 and 4, Plan YR2071509	Permanent Easement
			Parts 5 and 6, Plan YR2071509	Temporary Easement

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Acquired
23	Imperial Oil Limited	17145 Yonge Street (26)	Part 1, Plan YR2073974	Fee Simple
			Part 2, Plan YR2073974	Temporary Easement
24	Seven Star Investments Inc.	17175 Yonge Street (28)	Part 1, Plan YR2071513	Fee Simple
			Parts 2 and 3, Plan YR2071513	Permanent Easement
			Part 4, Plan YR2071513	Temporary Easement
25	Brillinger Investments Limited	17295 Yonge Street (31)	Parts 1 and 2, Plan YR2071516	Fee Simple
			Part 3, Plan YR2071516	Temporary Easement
26	Yongemill Group Inc.	17310 Yonge Street (32)	Parts 1, 2, 3 and 4, Plan YR2071518	Fee Simple
			Parts 5 and 6, Plan YR2071518	Permanent Easement
			Parts 7 and 8, Plan YR2071518	Temporary Easement
27	Moshioan Productions Limited	17315 Yonge Street (33)	Part 1, Plan YR2071519	Fee Simple
			Part 2, Plan YR2071519	Temporary Easement
28	1045838 Ontario Inc.	17335 Yonge Street (34)	Part 1, Plan YR2071523	Fee Simple
	1255552 Ontario Inc.		Part 2, Plan YR2071523	Temporary Easement
29	Newmarket Property Corporation	17360 Yonge Street (35)	Parts 1 and 2, Plan YR2071494	Temporary Easement
30	2143811 Ontario Limited	17365 Yonge Street (36)	Parts 3 and 4, Plan YR2071524	Temporary Easement
31	2143811 Ontario Limited	17395 Yonge Street (37)	Parts 1 and 2, Plan YR2071524	Temporary Easement

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Acquired
32	Crossland Centre (1990) Inc.	17380 – 17410 Yonge Street (38)	Parts 1, 2 and 3, Plan YR2071526	Fee Simple
			Parts 4 and 5, Plan YR2071526	Temporary Easement
33	Municipality of York Region	17380 – 17410 Yonge Street (38A)	Parts 1, Plan YR2071472	Fee Simple
34	Collison Estates Ltd.	17415 Yonge Street (39)	Part 1, Plan YR2071527	Temporary Easement
35	Yonge Centre Properties Inc.	17440 Yonge Street (40)	Parts 1, 2 and 3, Plan YR2071554	Fee Simple
			Parts 4, 5, 6 and 7, Plan YR2071554	Temporary Easement
36	Loblaw Properties Limited	20 Davis Drive (41)	Part 1, Plan YR2071545	Permanent Easement
			Parts 2, 3 and 4, Plan YR2071545	Temporary Easement
<p>The three year temporary easements will commence upon registration of the plan and are required for the purpose of entering in, under, over, along and upon the lands described herein for the municipal purpose of entering on the land with all vehicles, machinery, workmen and other material to provide for hard and soft landscaping, grading and re-shaping the land to the limit of the reconstruction of Yonge Street and works ancillary thereto.</p> <p>The permanent easements and/or right in the nature of permanent easements are required for the purpose of entering in, under, over, along and upon the lands described herein for the municipal purpose of entering on the lands with all vehicles, machinery, workmen and other material to construct and maintain retaining walls and works ancillary thereto.</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 Yonge Street project (*Attachment 1*).

3. BACKGROUND

Council authorized the expropriation of properties for the Yonge Street project in October 2013

On October 17, 2013, Council authorized the expropriation of properties required for the construction of the vivaNext Bus Rapid Transit project, for the Yonge Street corridor, between Sawmill Valley Drive/Savage Road to Davis Drive, in the Town of Newmarket. Expropriation plans were registered between December 9, 2013 and December 13, 2013, 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 reports estimating the market value of each of the subject properties and any damages for injurious affection. Section 25 of the *Act* requires the Region to offer each owner a choice of (a) full compensation for the owner's interest or (b) immediate payment of 100 per cent of the market value and other damages.

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 total compensation to all owners is \$3,345,053.13.

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 independently commissioned appraisals.

6. LOCAL MUNICIPAL IMPACT

The construction of dedicated bus lanes and related facilities, as well as road and intersection improvements, along Yonge Street, from Sawmill Valley Drive/Savage Road to Davis Drive, 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.

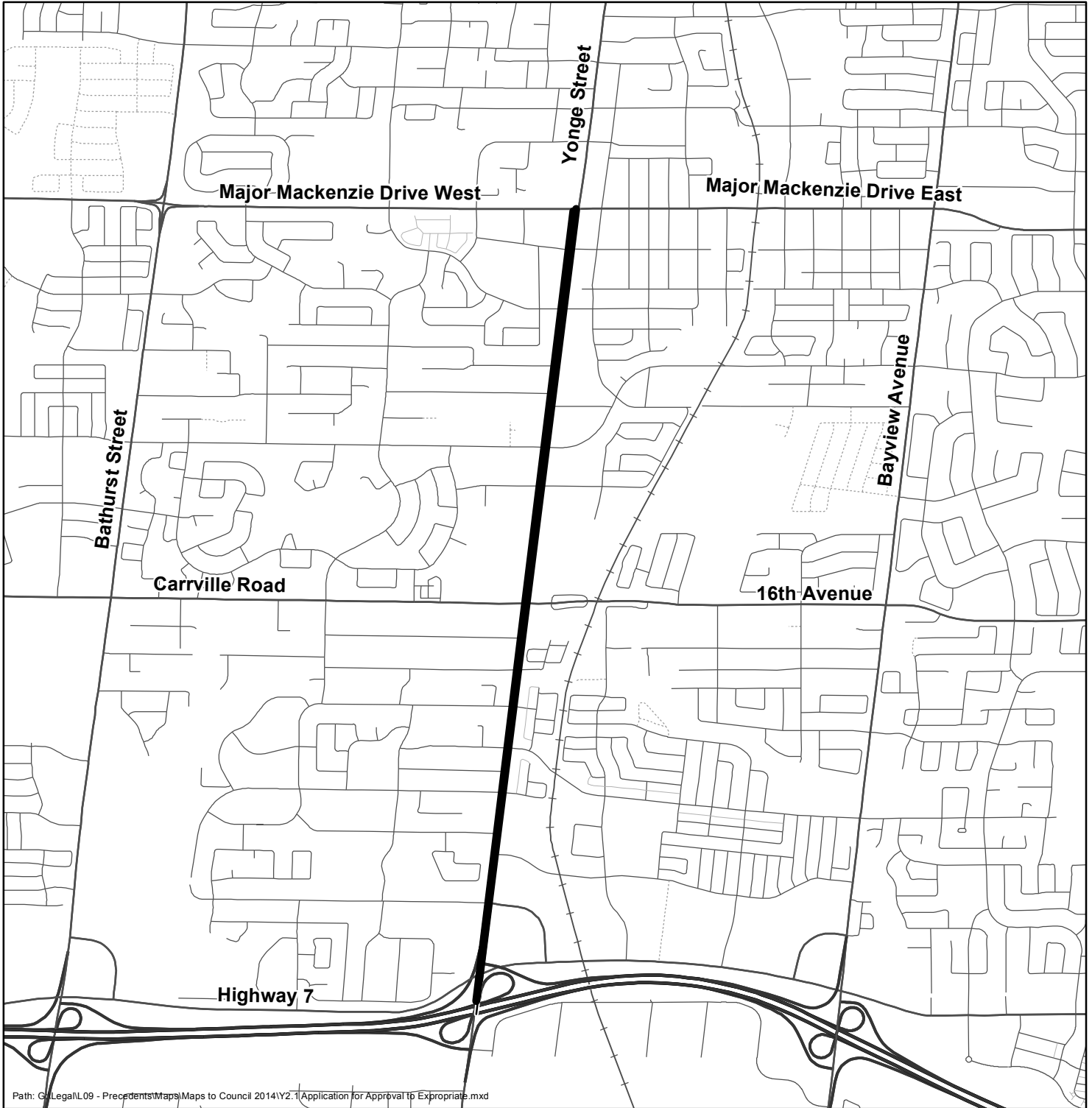
7. CONCLUSION

Between December 9, 2013 and December 13, 2013, an expropriation plan was registered with respect to certain lands required for the Yonge Street 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)



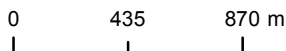
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LOCATION PLAN




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