

Clause No. 17 in Report No. 6 of the Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting on November 21, 2013.

17
APPROVAL TO EXPROPRIATE LANDS
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 following recommendations contained in the report dated October 30, 2013 from the Commissioner of Corporate Services:

1. RECOMMENDATIONS

It is recommended that:

1. Council, as approving authority, approve the expropriation of the following lands within the Town of Newmarket:

No.	Owner	Municipal Address	Legal Description	Interest Required
1	1858106 Ontario Inc.	17555 Yonge Street	Parts 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 on Plan YR1888740	Temporary Easement
2	1858106 Ontario Inc.	39 Davis Drive	Part 1 on Plan YR1886186	Temporary Easement
3	Lawton Brothers (Realties) Limited	69 Davis Drive	Part 3 on Plan YR1369526	Temporary Easement
4	D.J.G.S. Investments	77-83 Davis Drive	Parts 1 and 2 on Plan YR1886217	Temporary Easement
5	Peter Ieraci	85 Davis Drive	Part 1 on Plan YR1887019	Temporary Easement
6	Peter Ieraci and Nicolina Ieraci	89-91 Davis Drive	Parts 1 and 2 on Plan YR1887029	Temporary Easement

No.	Owner	Municipal Address	Legal Description	Interest Required
7	F.G.A. Investments Ltd.	93-97 Davis Drive	Part 1 on Plan YR1887035	Temporary Easement
8	377804 Ontario Limited	99-101 Davis Drive	Part 1 on Plan YR1887050	Temporary Easement
9	Golda Fishman and Seymour Fishman	103 Davis Drive	Part 1 on Plan YR1889503	Temporary Easement
10	1620119 Ontario Ltd.	105 Davis Drive	Parts 5 and 6 on Plan YR1369307	Temporary Easement
11	Suncor Energy Inc.	111 Davis Drive	Part 1 on Plan YR1886252	Temporary Easement
12	Shant Ghazarian and Aline Ghazarian	135 Davis Drive	Part 1 on Plan YR1886309	Temporary Easement
13	2092811 Ontario Limited	161 Davis Drive	Part 1 on Plan YR1887725	Temporary Easement
14	1344459 Ontario Limited	191 Davis Drive	Part 1 on Plan YR1888829	Temporary Easement
15	301085 Ontario Ltd.	Vacant Land, south side Penn Avenue Lots 257 and 258	Parts 1 and 2 on Plan YR1889172	Temporary Easement
16	Eugene McSweeny, Kevin McSweeny and Shawn McSweeny	Vacant Land, south side Penn Avenue Lots 255 and 256	Parts 1 and 2 on Plan YR1885953	Temporary Easement
17	Harnox Holdings Limited	Vacant Land, south side Penn Avenue	Parts 1 and 2 on Plan YR1885990	Temporary Easement

No.	Owner	Municipal Address	Legal Description	Interest Required
		Lots 253 and 254		
18	Dennis Ramsarran and Stephanie Grylls	188 Penn Avenue	Part 1 on Plan YR1886014	Temporary Easement
19	Gary Scott and Joan Audrey Scott	190 Penn Avenue	Part 1 on Plan YR1886057	Temporary Easement
20	Gabrielle Gligor and Claudia Gligor	192 Penn Avenue	Part 1 on Plan YR1886076	Temporary Easement
21	Claudia Gligor	194 Penn Avenue	Part 1 on Plan YR1886157	Temporary Easement
22	Andrew Fereday Kilgour	196 Penn Avenue	Part 3 on Plan R753720	Temporary Easement
23	Francis Calzado and Jacinta Calzado	198 Penn Avenue	Part 3 on Plan YR1368747	Temporary Easement
24	Debra Heathcote	200 Penn Avenue	Part 1 on Plan YR1889204	Temporary Easement
25	Debra Ramdihal	202 Penn Avenue	Part 3 on Plan YR1369726	Temporary Easement
26	Crojan Investments	251-259 Davis Drive	Part 1 on Plan YR1886325	Temporary Easement
27	Ka Khaoon Tan, Seng Tan and Suan Lin	8 Hill Street	Part 1 on Plan YR1886379	Temporary Easement
28	Lincoln Reginald Hew and Amy Matilda Hew	291 Davis Drive	Part 1 on Plan YR1886587	Temporary Easement

No.	Owner	Municipal Address	Legal Description	Interest Required
29	Newmarket-Tay Power Distribution Ltd.	315 Davis Drive	Part 1 on Plan YR1886361 and Part 1 on Plan YR1886608	Temporary Easement
30	Bethel Christian Reformed Church of Newmarket	333 Davis Drive	Part 1 on Plan YR1886621	Temporary Easement
31	Shohreh Torabi, Kevin Rod and Mirhassan Darbeigy	345 Davis Drive	Part 1 on Plan YR1886632	Temporary Easement
32	Mirhassan Darybeigy	351 Davis Drive	Part 1 on Plan YR1886664	Temporary Easement
33	Fung Loy Kok Institute of Taoism	355 Davis Drive	Part 1 on Plan YR1889234	Temporary Easement
34	Tammy Ward and Michael McGregor	359 Davis Drive	Part 2 on Plan YR1371100	Temporary Easement
35	Jennifer Lynn Croppo	371 Davis Drive	Part 1 on Plan YR1886715	Temporary Easement
36	Steven Douglas Whitfield and Elizabeth Ellen Whitfield	383-415 Davis Drive	Parts 1, 2 and 3 on Plan YR1886755	Temporary Easement
37	Aekh Corporation Inc.	435 Davis Drive	Part 1 on Plan YR1886781	Temporary Easement
38	Bonseph (Tannery) Ltd.	447-455 Davis Drive	Part 1 on Plan YR1887063	Temporary Easement
39	Bonseph (Tannery) Ltd.	465 Davis Drive	Parts 1, 2, and 3 on Plan YR1887084	Temporary Easement

No.	Owner	Municipal Address	Legal Description	Interest Required
40	SHI Properties Inc.	531 Davis Drive	Part 1 on Plan YR1887768	Temporary Easement
41	Hongs International Group Ltd.	567 Davis Drive	Part 2 on Plan YR1371736	Temporary Easement
42	Beswick Properties	581-589 Davis Drive and 597 Davis Drive	Parts 1, 2 and 3 on Plan YR1889258 and Part 4 on Plan YR1889258	Temporary Easement
43	York North Medical Dental Building Limited	603 Davis Drive	Part 4 on Plan YR1371738	Temporary Easement
44	York Region Realty Com Inc.	615 Davis Drive	Part 1 on Plan YR1887225	Temporary Easement
45	Southlake Regional Health Centre	625 Davis Drive	Part 1 on Plan YR1887422	Temporary Easement
46	2153657 Ontario Inc.	631 Davis Drive	Part 1 on Plan YR1887448	Temporary Easement
47	TC Corp.	641 Davis Drive	Part 1 on Plan YR1889281	Temporary Easement
48	Dorothy Tidman	647 Davis Drive	Part 1 on Plan YR1887514	Temporary Easement
49	SRI Realty (No. 3) Inc. and Obelysk Inc.	655 Davis Drive	Part 1 on Plan YR1887556	Temporary Easement
50	Har-Jo Management Services Canada Ltd.	665 Davis Drive	Parts 1, 2 and 3 on Plan YR1887578	Temporary Easement
51	679 Davis Drive	679 Davis	Part 1 on	Temporary Easement

No.	Owner	Municipal Address	Legal Description	Interest Required
	Holdings Ltd.	Drive	Plan YR1889309	
52	2229677 Ontario Inc.	693 Davis Drive	Part 1 on Plan YR1888975	Temporary Easement
53	403483 Ontario Ltd.	713 Davis Drive	Parts 1 and 2 on Plan YR1888996	Temporary Easement
54	Platinum Property Investments Inc.	721 Davis Drive	Part 1 on Plan YR1887126	Temporary Easement
55	Taxa Developments Limited	749 Davis Drive	Part 1 on Plan YR1887135	Temporary Easement
56	West Rose Construction Limited	795 Davis Drive	Parts 1, 2, 3 and 4 on Plan YR1888139	Temporary Easement
57	Loblaw Properties Limited	20 Davis Drive	Part 1 on Plan YR1888923	Temporary Easement
58	Monashee Holdings Ltd. And Timeoso Inc.	54 Davis Drive	Parts 3, 4, 5, 6, 11, 12, 15 and 16 on Plan YR1367335	Temporary Easement
59	Davis Drive Investments Limited	130 Davis Drive	Part 1 on Plan YR1888441	Temporary Easement
60	Newmarket Plaza Limited	130 Davis Drive	Parts 1, 2 and 3 on Plan YR1888557	Temporary Easement
61	York Region Condominium No. 698	200 Davis Drive	Part 1 on Plan YR1888794	Temporary Easement
62	York Region Condominium No. 836	270 Davis Drive	Part 1 on Plan YR1886693	Temporary Easement
63	Carpenters Local 27	280 Davis	Parts 1, 2, 3 and 4	Temporary Easement

No.	Owner	Municipal Address	Legal Description	Interest Required
	Housing Co-operative Inc.	Drive	on Plan YR1889357	
64	26 Lorne Avenue Corp.	26 Lorne Avenue	Part 1 on Plan YR1888900	Temporary Easement
65	Samuel Librach	25 Lorne Avenue	Part 1 on Plan YR1887154	Temporary Easement
66	Freedon Development Limited	350 Davis Drive	Parts 1 and 2 on Plan YR1887789	Temporary Easement
67	Har Jo Management Services Canada Ltd.	390 Davis Drive	Part 1 on Plan YR1887175	Temporary Easement
68	1652040 Ontario Inc.	400-406 Davis Drive	Part 1 on Plan YR1887190	Temporary Easement
69	King Fei Investments Limited	16 Main Street South	Part 1 on Plan YR1887199	Temporary Easement
70	The House of York Dining Lounge Ltd., Kata-Ma-Va Petro Holdings Inc.	446 Davis Drive	Part 3 on Plan R753738	Temporary Easement
71	Newmarket Property Corporation	31 Superior Street	Parts 2 and 3 on Plan YR1676849	Temporary Easement
72	Trillium Funeral Services Corporation	524 Davis Drive	Part 1 on Plan YR1886573	Temporary Easement
73	Guido Martella and Julie Martella	540 Davis Drive	Part 1 on Plan R755263	Temporary Easement
74	Sunoco Inc.	534 Davis	Part 1 on	Temporary

No.	Owner	Municipal Address	Legal Description	Interest Required
		Drive	Plan R755264	Easement
75	York Region Condominium Corporation No. 695	712 Davis Drive	Part 1 on Plan YR1887586	Temporary Easement
76	796217 Ontario Inc.	724 Davis Drive	Part 1 on Plan YR1887625	Temporary Easement
77	Future Needs Inc.	730 Davis Drive	Part 1 on Plan YR1887646	Temporary Easement
78	Newmarket Gospel Hall	736 Davis Drive	Part 4 on Plan YR1692702	Temporary Easement
79	Southlake Regional Health Centre	776 Davis Drive	Part 1 on Plan YR1887665	Temporary Easement
80	Pallas Realty Corporation	5 Alexander Road	Part 1 on Plan YR1889333	Temporary Easement
81	Ontmar Investment Limited	800 Davis Drive	Part 1 on Plan YR1888019	Temporary Easement
<p>The temporary easements will run from May 31, 2014 and will 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. The Commissioner of Corporate Services be authorized to execute and serve any notices required under the *Expropriations Act* (the “Act”).
3. Council authorize the introduction of the necessary bylaws to give effect to these recommendations.

2. PURPOSE

This report seeks Council approval to expropriate property interests required for the widening and reconstruction of road and intersection improvements, in order to provide designated lanes for the Viva transit system along the Davis Drive corridor (*Attachment 1*).

3. BACKGROUND

In January 2009, Council authorized an application for approval to expropriate lands required for the Davis Drive project

On January 22, 2009, Council authorized the application for approval to expropriate certain lands in connection with road and intersection improvements along Davis Drive, in the Town of Newmarket. Lands were acquired via expropriation in 2009, including 90 temporary easements on some properties, for three year terms. 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 new temporary easements, resulting in possession of these lands having been secured between December 2012 and January 2013. These temporary easements will expire May 31, 2014.

While the widening and reconstruction of Davis Drive is progressing, scheduling revisions required the existing temporary easement lands beyond the current expiry date of May 2014. On June 27, 2013, Council authorized an application for approval to expropriate another round of temporary easements, which will have an expiry date of October 31, 2015. A total of 81 properties are included at this time.

Staff from Property Services have continued negotiations with the property owners. Although it will not be possible to proceed with amicable negotiations upon registration of the expropriation plan, staff will endeavour to secure settlements with property owners.

4. ANALYSIS AND OPTIONS

Registration of an expropriation plan will secure access to the lands and ensure that construction can proceed

Under the *Act*, registration of an expropriation plan vests lands in the expropriating authority. Subject to the Region taking certain procedural steps, the Region will obtain possession of the lands approximately three (3) months after the registration of the plan of expropriation.

The previous expropriation plan utilized for the 2012 expropriation can be utilized as a draft plan and accordingly a new draft plan is not required. It is anticipated the expropriation plan will be registered no later than December, 2013. Accordingly, the Region will have continuous access to these properties as the new rights to the temporary easements will take effect on May 31, 2014, the same day the existing rights expire, enabling construction to proceed on time.

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 2013 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 (3) months of registration of the expropriation plan. The appraisals required to support these offers are currently being procured and the proposed offers will be the subject of a further report to Council.

6. LOCAL MUNICIPAL IMPACT

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

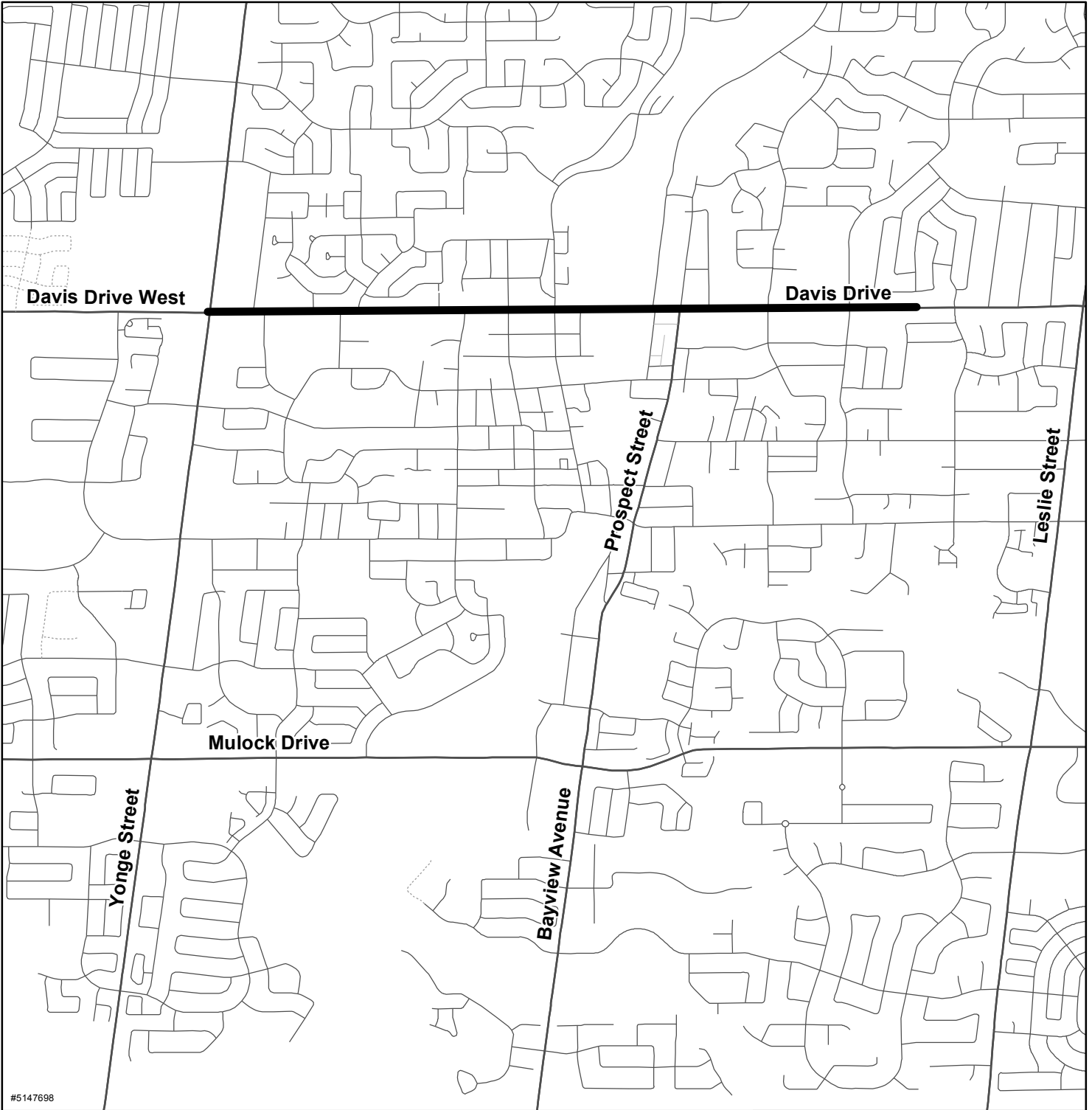
7. CONCLUSION

The widening and construction of the Davis Drive corridor, requires the acquisition of 81 property interests. In order to ensure timely possession of the lands to commence construction, it is recommended that Council approve the expropriation of the balance of the interests required.

For more information on this report, please contact René Masad, Director, Property Services Branch at Ext. 1684.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause is attached to this report.)



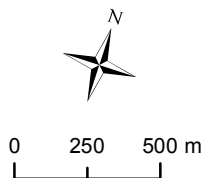
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LOCATION PLAN

Approval to Expropriate Lands
 Widening and Construction of Bus Rapid Transit Corridor
 Davis Drive (D1) vivaNext Project 90991
 Town of Newmarket



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 Corporate Services Dept.
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Legend

 Subject Property