

Clause 34 in Report No. 12 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on September 21, 2017.

34

Expropriation of Land  
Viva Bus Rapid Transit Corridor  
Yonge Street from Highway 7 to Major Mackenzie Drive  
Town of Richmond Hill

Committee of the Whole recommends adoption of the following recommendations contained in the report dated August 23, 2017 from the Commissioner of Corporate Services:

1. Council authorize an application for approval to expropriate the lands identified in Attachment 1 (the “Lands”) for the construction of the vivaNext bus rapid transit corridor on Yonge Street, in the Town of Richmond Hill.
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 (Hearing of Necessity) held under the Act.
4. Council, as approving authority, approve the expropriation of the Lands provided there is no Hearing of Necessity requested in accordance with the Act. Council approval is deemed to be given effective 31 days following the publication of the Notice and when a Hearing of Necessity is not requested in accordance with the Act.
5. Where approval to expropriate the Lands is given, the Commissioner of Corporate Services be authorized to register a certificate of approval and plan of expropriation, and execute and serve any notices required under the Act.
6. Where approval to expropriate the Lands is given, Council authorize the introduction of the necessary bylaw to give effect to these recommendations.

Report dated August 23, 2017 from the Commissioner of Corporate Services now follows:

## 1. Recommendations

It is recommended that:

1. Council authorize an application for approval to expropriate the lands identified in Attachment 1 (the “Lands”) for the construction of the vivaNext bus rapid transit corridor on Yonge Street, in the Town of Richmond Hill.
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 (Hearing of Necessity) held under the *Act*.
4. Council, as approving authority, approve the expropriation of the Lands provided there is no Hearing of Necessity requested in accordance with the *Act*. Council approval is deemed to be given effective 31 days following the publication of the Notice and when a Hearing of Necessity is not requested in accordance with the *Act*.
5. Where approval to expropriate the Lands is given, the Commissioner of Corporate Services be authorized to register a certificate of approval and plan of expropriation, and execute and serve any notices required under the *Act*.
6. Where approval to expropriate the Lands is given, Council authorize the introduction of the necessary bylaw to give effect to these recommendations.

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## 2. Purpose

This report seeks Council approval for an application to expropriate property interests required for the construction of the vivaNext bus rapid transit corridor on Yonge Street, in the Town of Richmond Hill, as shown on the map in Attachment 2.

This report further seeks Council approval to expropriate any of the Lands for which no Hearing of Necessity is requested, and which have not otherwise been acquired by the Region through negotiations.

## 3. Background and Previous Council Direction

The Region is constructing dedicated bus rapid transit lanes for vivaNext along Yonge Street

To facilitate public transit along Yonge Street, the Region, via York Region Rapid Transit Corporation (YRRTC), is undertaking improvements to the road infrastructure and constructing dedicated centre lanes for Viva buses, along with enhanced street features and boulevards. The subject properties are located along Yonge Street from Highway 7 to Major Mackenzie Drive.

Council approved the expropriation of multiple properties on Yonge Street in [January 2015](#) and [October 2015](#). The approvals secured fee simple lands, permanent easements and temporary easements for a four year term.

The final design requires additional lands to be acquired for construction to be completed

This is a design/build project and the drawings have now been finalized. The design requires additional fee simple, permanent and temporary easement interests, as well as new temporary easements to replace existing easements that will expire before construction is completed.

Previously expropriated temporary easements need to be extended in duration

The Region expropriated temporary easements on Yonge Street that commenced in February 2015 and expire in February 2019. Utility relocation is in progress, however, additional time is required to complete the project. The term of the easements needs to be extended from February 2019 to April 30, 2021.

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Under the *Act*, it is not possible to expropriate extensions to temporary easements. New temporary easements will be obtained over the same lands as the existing easements, and will commence immediately on expiry of the existing easements.

#### 4. Analysis and Implications

Initiating the expropriation process will secure access to the Lands

The preferred approach to obtaining land is to negotiate property interests with the property owner. Various events affect the timing of negotiations, such as owners who prefer to defer negotiations until project completion. In this regard, expropriation is necessary to ensure possession of the lands for the project.

Expropriating the requirements will ensure the project remains on schedule

Utility work has commenced within the property interests already acquired. The additional property requirements will be added to the project scope and final project construction will not be delayed, provided possession is achieved in 2018.

In an effort to secure possession and obtain the additional property acquisitions for this project, it is recommended the expropriation process proceed concurrently with ongoing negotiations.

Staff will continue to negotiate for the required interests concurrently with the expropriation process, until expropriation plans have been registered or negotiated agreements are completed.

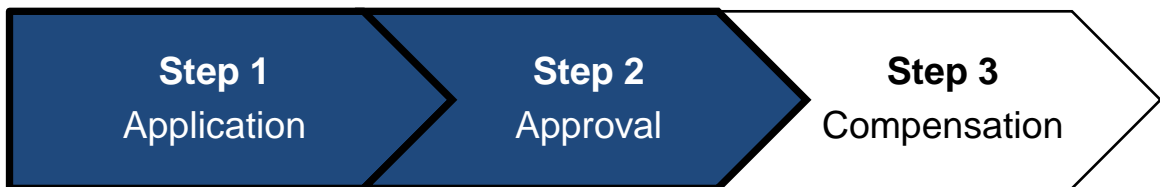
Approval by Council is required at various stages of the expropriation process

Approval by Council is required at three stages in the expropriation process. These include the request to Council to authorize an application for approval to expropriate the Lands, the expropriation of the Lands, and the offer of compensation made to the former owner of the Lands for the losses suffered as a consequence of the expropriation.

In an effort to ensure possession of the Lands meets the construction schedule, the first and second steps in the Council approval process have been combined for this report, as indicated in the graphic below. The third step will be the subject

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of a future report to Council if the expropriations proceed. Possession of the Lands cannot be obtained until the third step has been completed and the owners are served offers of compensation.



Owners have the right to request a Hearing of Necessity upon receipt of a Notice of Application for Approval to Expropriate Land

The first step in the expropriation process is to serve owners with notice of intent to expropriate, following Council approval. Upon receipt of the Notice of Application for Approval to Expropriate Land, each owner has 30 days to request an inquiry (Hearing of Necessity) as to whether the taking of the lands by the Region is fair, sound and reasonably necessary.

If an owner requests a Hearing of Necessity, then subsequent to the Hearing, an Inquiry Officer will give an opinion as to whether the taking is fair, sound and reasonably necessary.

Registration of expropriation plans will secure ownership of the Lands by the Region

For properties where no Hearings of Necessity are requested, a certificate of approval and plan of expropriation will be registered at the Land Registry Office. This is the second step in the expropriation process and is anticipated to be in the first quarter of 2018.

Registration of the expropriation plans is a key step in the expropriation process. It is at this point that the Region acquires ownership of the Lands. However, further steps are required to obtain possession, or the right to access the Lands.

Following the registration of the expropriation plans, the notice of expropriation, election and possession will be served on the owners. Under the *Act*, possession of the Lands is to take place no sooner than three months after registration of the expropriation plans. In addition, offers of compensation must be served on the

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owners to obtain possession. This is the third step in the expropriation process, which requires Council approval.

Environmental due diligence is underway on the lands

Environmental due diligence is underway for additional lands to be acquired. The results will be reviewed by staff in consultation with Legal Services. In the event impacts or other environmental concerns are identified with respect to the environmental condition of the Lands, the Region will take appropriate action to minimize potential exposure to the Region. Any significant issues will be reported back to Council, if necessary.

## 5. Financial Considerations

The funding for the property acquisition is included in the 2017 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 is critical to achieving the Region's plan for the corridor. This project will also improve public transit facilities and enrich the streetscape in Richmond Hill.

## 7. Conclusion

The Region has acquired possession of multiple property interests through previous expropriations and negotiated agreements to facilitate the vivaNext project along Yonge Street in Richmond Hill. An additional 59 property requirements were identified by the project team, which are the subject of this report. Possession is required by June 2018 to maintain construction timing.

It is recommended that Council approve the initiation of the expropriation process for the additional property requirements detailed in this report.

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For more information on this report, please contact Michael Shatil, Director,  
Property Services Branch at 1-877-464-9675 ext. 71684.

The Senior Management Group has reviewed this report.

August 23, 2017

Attachments (2)

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Accessible formats or communication supports are available upon request

**Property Schedule  
Expropriation of Land  
Viva Bus Rapid Transit Corridor  
Yonge Street from Highway 7 to Major Mackenzie Drive  
Town of Richmond Hill**

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
1.	Yonge Bayview Holdings Inc.	8705-8725 Yonge Street Richmond Hill	Part 1, Plan R755851	Temporary Easement
2.	Shell Canada Limited	8680 Yonge Street, 8656 and 8674 Yonge Street Richmond Hill	Parts 1, 2, Plan YR2256615	Temporary Easement
3.	Metroview Developments (Garden) Inc.	8700 Yonge Street Richmond Hill	Part 1, Plan YR2256751	Temporary Easement
			Parts 1, 2, Plan 65R37231	Additional Temporary Easement
4.	1921318 Ontario Limited	8790 Yonge Street Richmond Hill	Part 1, Plan 65R37213	Additional Temporary Easement
5.	Suncor Energy Products Inc.	8830 Yonge Street Richmond Hill	Part 1, Plan YR2256717	Temporary Easement
			Part 1, Plan 65R37290	Additional Temporary Easement
6.	8874 Yonge Street Inc.	8874 Yonge Street Richmond Hill	Part 2, Plan YR2256767	Temporary Easement
7.	R. J. Davies Holdings Ltd.	8779-8781 Yonge Street Richmond Hill	Part 2, Plan YR2256879	Temporary Easement
8.	Saltwhistle Bay Properties Inc.	8825 Yonge Street Richmond Hill	Parts 2, 3, Plan YR2257041	Temporary Easement



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<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
9.	Metroview Developments (Westwood) Inc.	8890 Yonge Street Richmond Hill	Part 2, Plan YR2257128	Temporary Easement
10.	J-G Cordone Investments Limited	8900 Yonge Street Richmond Hill	Part 2, Plan YR2257134	Temporary Easement
11.	Rock N Roll Real Estate Inc.	8910 Yonge Street Richmond Hill	Part 2, Plan YR2257371	Temporary Easement
12.	On Lung Property Investments Ltd.	8950 Yonge Street Richmond Hill	Part 4, Plan YR2257506	Temporary Easement
13.	Travelpoint Properties Inc.	8990 Yonge Street Richmond Hill	Part 1, Plan YR2257847	Temporary Easement
14.	Mazzotta Investment Corporation	9002 Yonge Street Richmond Hill	Part 1, Plan YR2257484	Temporary Easement
15.	1053702 Ontario Limited	9006-9020 Yonge Street Richmond Hill	Part 1, Plan YR2257836	Temporary Easement
16.	9050 Yonge Street Investments Inc.; Montez Office Fund I Holdco Inc.	9050 Yonge Street	Part 1, Plan 65R37284	Additional Temporary Easement
17.	Black River Scrap Metal Ltd.	9108 Yonge Street Richmond Hill	Parts 3, 4, Plan YR2257523	Temporary Easement
18.	Lorenzo Beltrame Gregorio Beltrame	9114 Yonge Street Richmond Hill	Parts 3, 4, Plan YR2257626	Temporary Easement
19.	Stephanie Lucas Donna Kalles	9116 Yonge Street Richmond Hill	Part 2, Plan YR2257368	Temporary Easement
20.	Bakerhill Holdings Inc.	9144 Yonge Street Richmond Hill	Part 2, Plan YR2257428	Temporary Easement
21.	Roland Spiegel	27 Vanity Crescent Richmond Hill	Parts 3, 4, Plan YR2257663	Temporary Easement

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22.	Raffaele and Vittaria Holdings Limited Antonio and Carmela Holdings Limited	9174 Yonge Street Richmond Hill	Part 2, Plan YR2257367	Temporary Easement
23.	Barkdel Investments Limited Convertapack Limited	9184 Yonge Street Richmond Hill	Part 2, Plan YR2257423	Temporary Easement
24.	A.Campagna Holdings Inc.	9190 Yonge Street Richmond Hill	Part 2, Plan YR2257526	Temporary Easement
25.	Canary Property Inc.	9196 Yonge Street Richmond Hill	Parts 4, 5, Plan YR2257841	Temporary Easement
26.	Emilio Russo	9206 Yonge Street Richmond Hill	Part 2, Plan YR2257528	Temporary Easement
27.	Toronto Measuring Equipment Inc.	9212 Yonge Street Richmond Hill	Part 2, Plan YR2257876	Temporary Easement
28.	Yonge Sixteen Inc.	9251 Yonge Street Richmond Hill	Parts 1, 2, Plan YR2257638	Temporary Easement
29.	9218 Yonge Street Incorporated	9218 Yonge Street Richmond Hill	Parts 4, 5, 6, Plan YR2257366	Temporary Easement
30.	9218 Yonge Street Incorporated	9218 Yonge Street Richmond Hill	Part 2, Plan YR2257655	Temporary Easement
31.	Montez Hillcrest Inc. Hillcrest Holdings Inc.	9350 Yonge Street Richmond Hill	Parts 2, 3, Plan 65R37304	Fee Simple Conversion
			Part 1, Plan 65R37304	Additional Fee Simple
			Parts 1, 2, 3, 4, 5, 6, 7, 8, Plan 65R37280	Temporary Easement
			Part 4, Plan 65R37304	Additional Temporary Easement

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<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
32.	Whitehorn Investments Limited (30%) Ledbrow Investments Ltd. (36%) 891566 Ontario Limited (28%) Stephen–Mitchell Realty Limited (6%)	9325 Yonge Street Richmond Hill	Parts 1, 2, 3, 4, 5, Plan 65R37303	Temporary Easement
			Part 1, Plan 65R37275	Fee Simple Conversion
			Part 2, Plan 65R37275	Additional Temporary Easement
33.	York Region Condominium Corporation No. 929	23 Observatory Lane Richmond Hill	Part 2, Plan YR2257889	Temporary Easement
34.	York Region Standard Condominium Corporation No. 989	23 Observatory Lane Richmond Hill	Part 1, Plan YR2257902	Temporary Easement
35.	BCIMC Realty Corporation	15-45 Baif Boulevard Richmond Hill	Part 2, Plan YR2257891	Temporary Easement
36.	Torview Properties Inc.	9471 Yonge Street Richmond Hill	Parts 11, 12, Plan 65R36096	Temporary Easement
	York Region Standard Condominium Corporation No. 1308		Parts 9, 10, Plan 65R-36096	Temporary Easement
37.	York Region Condominium Corporation No. 601	20 Baif Boulevard Richmond Hill	Parts 2, 3, 4, 5, 6, Plan YR2257898	Temporary Easement
38.	Observatory Place Plaza Inc.	9555 Yonge Street Richmond Hill	Part 1, Plan 65R37244	Additional Temporary Easement
			Parts 3, 4, 5, 6, Plan 65R35921	Temporary Easement
39.	Suncor Energy Inc.	9550 Yonge Street Richmond Hill	Part 2, Plan YR2257881	Temporary Easement

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<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
40.	9580 Investments Inc.	9580 Yonge Street Richmond Hill	Part 2, Plan YR2257893	Temporary Easement
41.	Prombank Investment Limited	9625 Yonge Street Richmond Hill	Parts 9, 10, 11, 12, 13, 14, 15, Plan 65R35919	Temporary Easement
42.	NYX 9675 Yonge Ltd.	9675 Yonge Street Richmond Hill	Parts 4, 5, Plan 65R35913	Temporary Easement
43.	Mac's Convenience Stores Inc.	9700 Yonge Street Richmond Hill	Part 1, Plan 65R37243	Additional Temporary Easement
44.	Frank Russo Serafino Russo	9712 Yonge Street Richmond Hill	Part 3, Plan YR2257868	Temporary Easement
45.	1703173 Ontario Inc.	9724 Yonge Street Richmond Hill	Part 1, Plan 65R37282	Temporary Easement
46.	Haleson Developments Ltd.	9737 Yonge Street Richmond Hill	Parts 1, 2, Plan 65R37261	Fee Simple Conversion
			Parts 1, 2, 3, 4, 5, Plan 65R37279	Temporary Easement
47.	2305992 Ontario Inc.	West Side Yonge Street, south of Harding Boulevard Richmond Hill	Parts 3, 4, Plan YR2257896	Temporary Easement
48.	Baif Developments Limited	West Side Yonge Street, south of Hopkins Street Richmond Hill	Parts 3, 4, 5, Plan YR2257917	Temporary Easement
49.	Metroview Developments (Harding) Inc.	9839 Yonge Street Richmond Hill	Part 2, Plan YR2257867	Temporary Easement
50.	9861 Yonge Developments Inc.	9861 Yonge Street Richmond Hill	Part 1, Plan YR2257879	Temporary Easement
51.	Ameeta Nagar	9867 Yonge Street Richmond Hill	Part 4, Plan YR2257901	Temporary Easement

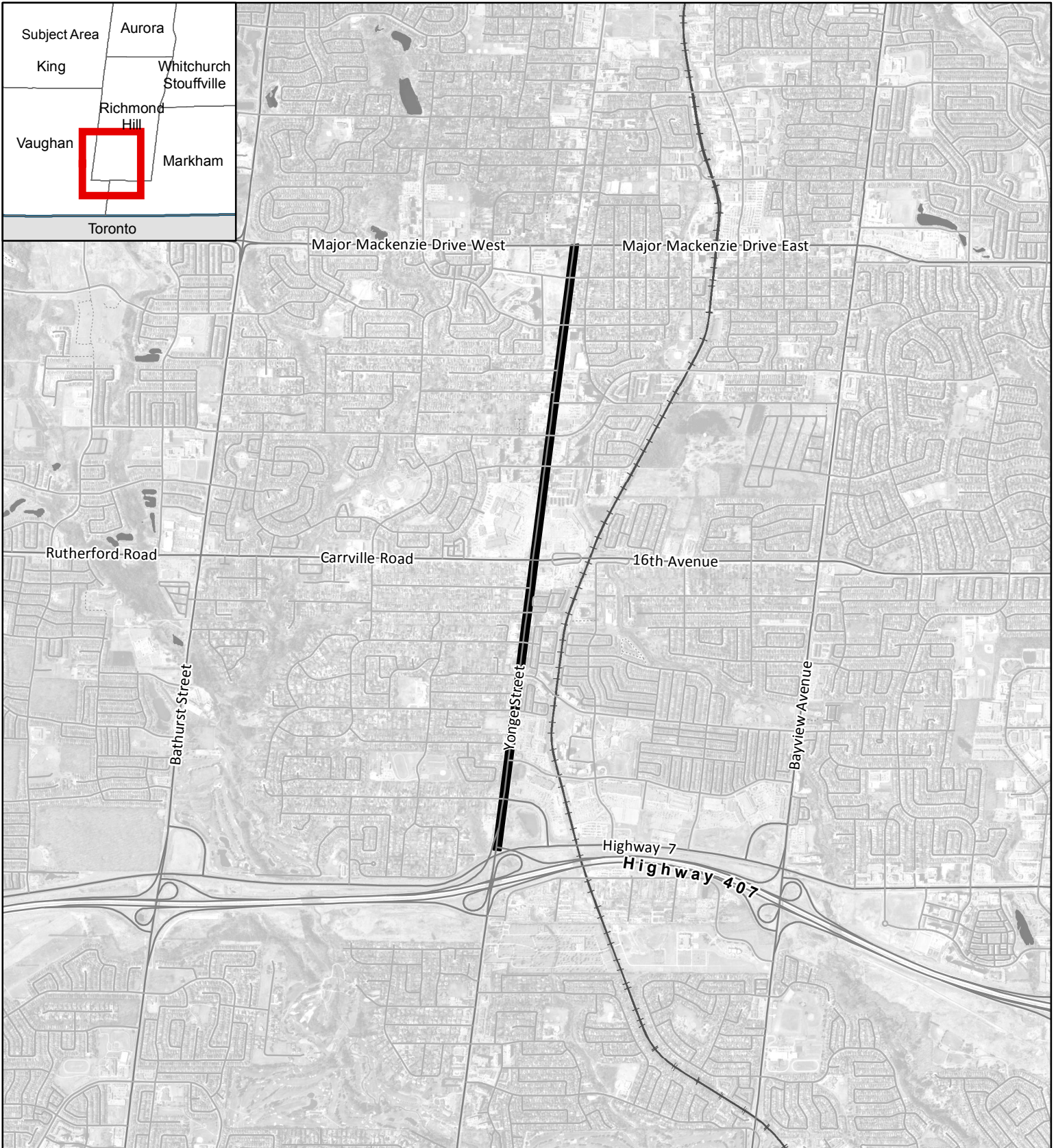
**ATTACHMENT 1**

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
52.	1921647 Ontario Ltd.	9875 Yonge Street Richmond Hill	Part 3, Plan YR2257928	Temporary Easement
53.	1682213 Ontario Inc.	9883 Yonge Street Richmond Hill	Part 1, Plan YR2257871	Temporary Easement
54.	Parvaneh Pakzad	9891 Yonge Street Richmond Hill	Part 1, Plan YR2257883	Temporary Easement
55.	Centerhill Corporation	9901 Yonge Street Richmond Hill	Part 2, Plan YR2257890	Temporary Easement
56.	Missionary Sisters of the Precious Blood	9915 Yonge Street Richmond Hill	Part 2, Plan YR2257880	Temporary Easement
			Part 1, Plan 65R37230	Additional Temporary Easement
57.	Conrad Family Holdings Ltd.	9955 Yonge Street Richmond Hill	Part 3, Plan 65R37276	Additional Temporary Easement
58.	Mark Alexis and John Alexis	9975 Yonge Street Richmond Hill	Part 2, Plan 65R37276	Additional Temporary Easement
59.	Northcore Holdings Inc.	9993 Yonge Street Richmond Hill	Part 1, Plan 65R37276	Additional Temporary Easement

The temporary easements will commence on February 15, 2019 and expire April 30, 2021 and are required for the purpose of entering on the lands with all vehicles, machinery, workers 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 Yonge Street, (7) the installation and removal of temporary (i) pedestrian access and walkways, (ii) parking measures including re-stripping 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.

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<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
<p>The additional temporary easements will commence upon registration of an expropriation plan and will expire on April 30, 2021 and are required for the purpose of entering on the lands with all vehicles, machinery, workers 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 Yonge Street, (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>				



**York Region**




Produced by:  
The Regional Municipality of York  
Property Services, Corporate Services  
August 2017

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**Location Plan**  
Expropriation of Land  
Viva Bus Rapid Transit Corridor  
Yonge Street from Highway 7 to  
Major Mackenzie Drive  
Town of Richmond Hill  
September 7, 2017

**Legend**

-  Subject Corridor
-  Road
-  Railway

