

Clause 35 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.

35

Expropriation of Land
Viva Bus Rapid Transit Corridor
Yonge Street from Levendale Road to Gamble Road/19th Avenue
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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Town of Richmond Hill

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 Levendale Road to Gamble Road/19th Avenue.

Council approved the expropriation of multiple properties on Yonge Street in [January 2015](#). This approval 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 March 2015 and expire in March 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 March 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.

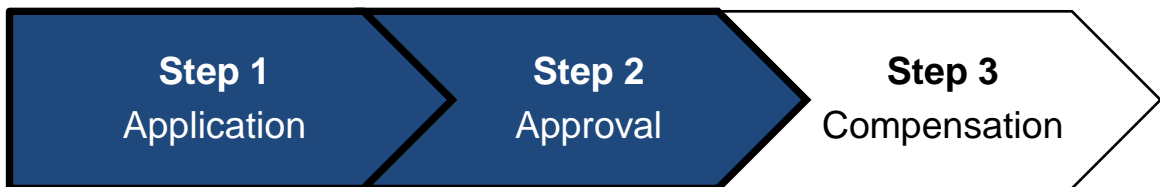
Approval by Council is required at various stages of the expropriation process

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 48 property requirements were identified by the project team, which are the subject of this report. Possession is required by June 2018 to maintain the 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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Town of Richmond Hill

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 – Major Mackenzie Drive to Gamble Road/19th Avenue
Town of Richmond Hill**

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Natweiss Investments Limited Grall Corporation Limited 967933 Ontario Limited Sitzer Group Holdings No. 1 Limited	10520 Yonge Street Richmond Hill	Part 1, Plan 65R37298	Fee Simple Conversion
			Parts 1, 2, Plan 65R37281	Temporary Easement
2.	Loblaws Inc.	10488 Yonge Street Richmond Hill	Part 1, Plan YR2265966	Temporary Easement
3.	1835942 Ontario Inc.	10481 Yonge Street Richmond Hill	Part 2, Plan YR2265974	Temporary Easement
4.	Stonecourt Construction Inc.	10537 Yonge Street Richmond Hill	Parts 5, 6, 7, 8, 9, 10, Plan YR2265996	Temporary Easement
5.	Mac's Convenience Stores Inc.	10579 Yonge Street Richmond Hill	Parts 5, 6, Plan YR2266766, Parts 7, 8, 9, Plan R755878	Temporary Easement
6.	Berndale Investments Limited 554701 Ontario Inc.	10593 Yonge Street Richmond Hill	Part 2, Plan YR2265939	Temporary Easement
7.	Glenridge Construction Company Limited	10605 Yonge Street Richmond Hill	Part 2, Plan YR2265945	Temporary Easement
8.	2473808 Ontario Inc.	10620 Yonge Street Richmond Hill	Part 2, Plan YR2265949	Temporary Easement
9.	BRL Realty Limited	10619 Yonge Street Richmond Hill	Part 2, Plan YR2265964	Temporary Easement

ATTACHMENT 1

No.	Owner	Municipal Address	Legal Description	Interest Required
10.	Wilsand Holdings Limited	10675 Yonge Street Richmond Hill	Part 3, Plan 65R-37295	Additional Temporary Easement
			Part 2, Plan YR2265973	Temporary Easement
11.	10660 Yonge Street Inc.	10660 Yonge Street Richmond Hill	Parts 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, Plan YR2265982	Temporary Easement
12.	Maxcare Medical Plaza Incorporated	10670 Yonge Street Richmond Hill	Parts 2, 3, Plan YR2265992	Temporary Easement
13.	Sabella Ridge Estates Inc.	10684 and 10692 Yonge Street Richmond Hill	Parts 3, 4, Plan YR2266002	Temporary Easement
14.	Shant Ghazarian Aline Ghazarian	10695 Yonge Street Richmond Hill	Parts 1, 2, Plan 65R37295	Additional Temporary Easement
			Part 2, Plan YR2266005	Temporary Easement
15.	2073302 Ontario Inc.	10711 Yonge Street Richmond Hill	Part 2, Plan YR2266345	Temporary Easement
16.	Yonge Elgin Plaza Ltd.	10720 Yonge Street Richmond Hill	Parts 3, 4, Plan YR2266348	Temporary Easement
17.	2262443 Ontario Limited	10731 Yonge Street Richmond Hill	Part 2, Plan YR2266354	Temporary Easement
18.	536591 Ontario Limited	10737 Yonge Street Richmond Hill	Part 4, Plan 65R37262	Additional Temporary Easement
19.	1122270 Ontario Inc.	19 Leonard Street Richmond Hill	Parts 3, 4, Plan YR2266004	Temporary Easement
20.	Armando Joe Guido Angelo Guido Anna Rita Guido	10766 Yonge Street Richmond Hill	Part 2, Plan YR2266029	Temporary Easement

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No.	Owner	Municipal Address	Legal Description	Interest Required
21.	Ninetta Panetta Luigi Panetta	10801 Yonge Street Richmond Hill	Parts 1, 2, 3, Plan 65R37262	Additional Temporary Easement
			Parts 1, 2, 3, Plan YR2266038	Temporary Easement
22.	Totera Enterprises Limited 2012002 Ontario Ltd.	10815 and 10825 Yonge Street Richmond Hill	Parts 1, 2, 3, Plan YR2266053	Temporary Easement
23.	Evelyn Aimis Holdings Inc.	10794 Yonge Street Richmond Hill	Part 1, Plan YR2266059	Temporary Easement
24.	Murlee Holdings Limited	10875 Yonge Street Richmond Hill	Part 3, Plan YR2266062	Temporary Easement
25.	10870 Yonge Street Limited	10870 Yonge Street Richmond Hill	Parts 1, 2, Plan 65R37299	Additional Temporary Easement
			Part 1, Plan YR2266216	Temporary Easement
26.	Wilbair Holdings Inc.	10898 Yonge Street Richmond Hill	Part 1, Plan 65R37296	Additional Temporary Easement
			Part 2, Plan YR2266245	Temporary Easement
27.	Dogliola Developments Ltd.	10944 to 10956 Yonge Street Richmond Hill	Parts 1, 2, 3, Plan YR2266262	Temporary Easement
28.	North Elgin Centre Inc.	10993 to 11005 Yonge Street Richmond Hill	Parts 1, 3, Plan 65R37278	Additional Temporary Easement
29.	Yonge MCD Inc.	11044 Yonge Street Richmond Hill	Parts 2, 3, Plan YR2266365	Temporary Easement
30.	Cars Canada PHA 1 GPSPE L.L.C.	11240 Yonge Street Richmond Hill	Part 1, Plan 65R37283	Additional Temporary Easement

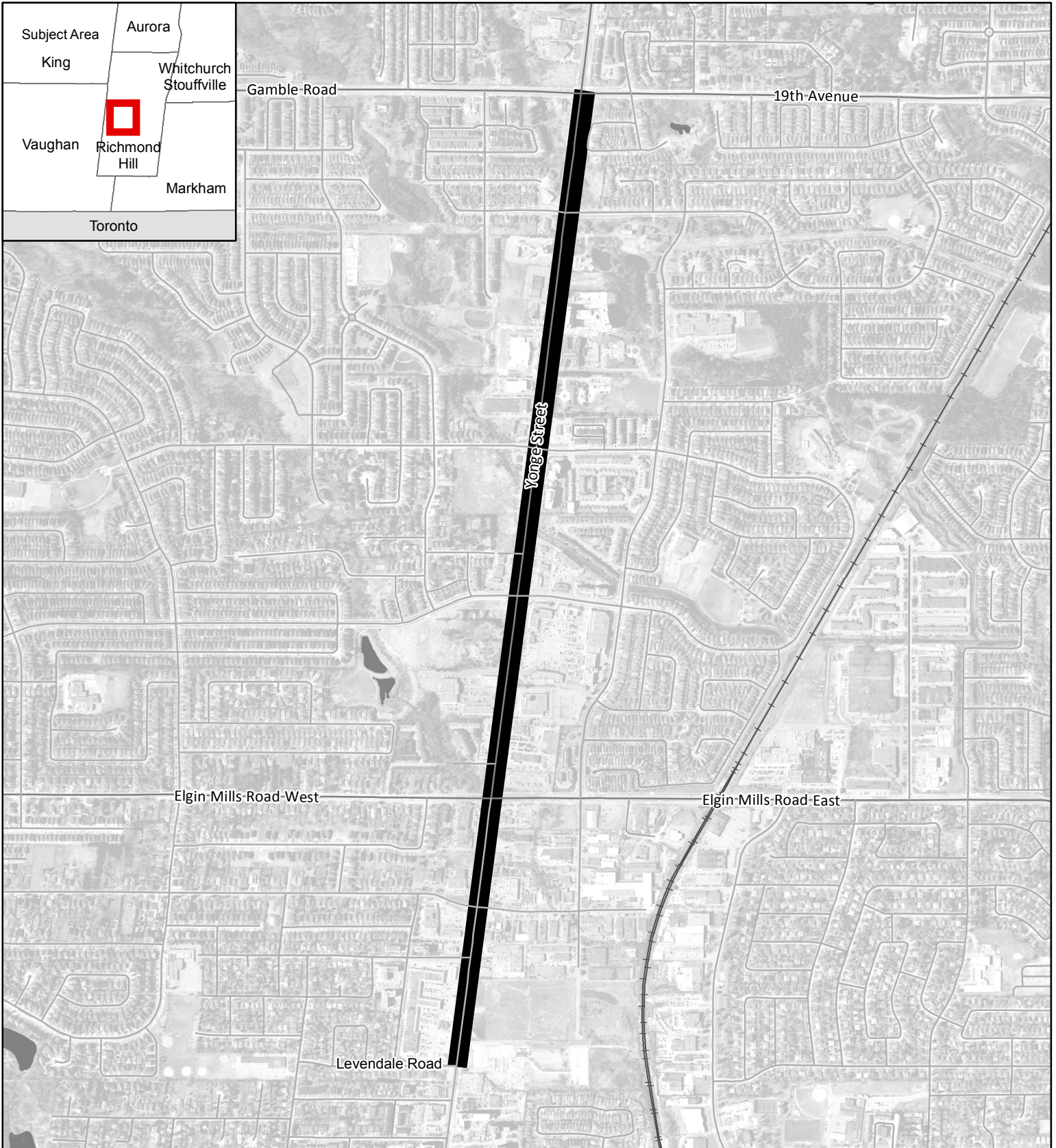
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No.	Owner	Municipal Address	Legal Description	Interest Required
31.	Mon Sheong Foundation	11283 Yonge Street Richmond Hill	Parts 1, Plan YR2266435	Temporary Easement
32.	Yongehill Developments 11305 Inc.	11305 Yonge Street Richmond Hill	Part 4, Plan 65R37242	Additional Permanent Easement
			Parts 5, 6, Plan 65R37242	Additional Temporary Easement
33.	L'Arche Daybreak	11339 Yonge Street Richmond Hill	Parts 1, 2, Plan 65R37242	Additional Temporary Easement
			Parts 1, 2, 3, 4, Plan YR2266434	Temporary Easement
34.	GrayFive Developments Inc.	Between 11305 and 11339 Yonge Street Richmond Hill	Part 3, Plan 65R37242	Additional Temporary Easement
35.	Antonio Di Vincenzo	11352 Yonge Street Richmond Hill	Part 3, Plan YR2266439	Temporary Easement
36.	Aralansa Inc.	Southeast corner of Yonge Street and 19th Avenue Richmond Hill	Part 1, Plan YR2266444	Temporary Easement
37.	9720618 Canada Inc.	Northwest corner of Yonge Street and Gamble Road Richmond Hill	Part 2, Plan YR2266450	Temporary Easement
38.	2221508 Ontario Inc.	11151 Yonge Street Richmond Hill	Part 1, Plan 65R37297	Additional Temporary Easement
39.	Weins Canada Inc.	11552 Yonge Street Richmond Hill	Parts 1, 2, Plan YR2266443	Temporary Easement
40.	J. Cordone Realty Limited	11130 Yonge Street Richmond Hill	Part 2, Plan YR2266445	Temporary Easement
41.	2436196 Ontario Inc.	11160 Yonge Street Richmond Hill	Part 3, Plan YR2266449	Temporary Easement

No.	Owner	Municipal Address	Legal Description	Interest Required
42.	SKN Development Inc.	11575 Yonge Street Richmond Hill	Part 1, Plan YR2266453	Temporary Easement
43.	New Era Development (2011) Inc.	11611 Yonge Street Richmond Hill	Parts 3, 4, Plan 65R37302	Additional Temporary Easement
44.	802553 Ontario Limited	11623 Yonge Street Richmond Hill	Parts 1, 2, Plan 65R37302	Additional Temporary Easement
45.	Aldar Developments Inc.	11262 Yonge Street Richmond Hill	Part 1, Plan 65R37220	Additional Temporary Easement
			Part 1, Plan YR2266438	Temporary Easement
46.	Millwin Investments Limited	11300 Yonge Street Richmond Hill	Parts 1, 2, 3, 4, Plan YR2266442	Temporary Easement
47.	St. Mary and St. Joseph Coptic Orthodox Church	11308 Yonge Street Richmond Hill	Parts 1, 2, Plan YR2266446	Temporary Easement
48.	Loyal True Blue and Orange Home	11181 Yonge Street Richmond Hill	Part 1, Plan 65R37292	Additional Temporary Easement
			Parts 1, 2, Plan YR2266447	Temporary Easement

The permanent easements are required for the purpose of entering on the lands with all vehicles, machinery, workers and other material (I) to construct and maintain permanent municipal infrastructure which may include retaining walls, shoring and formwork and/or drainage, erosion or sediment control measures such as water mains and storm sewers; and (II) for construction purposes which may include (1) relocation of existing services and utilities, (2) staging and storage of materials and equipment, (3) geotech testing, borehole testing, and other investigative works, (4) removal, relocation and/or installation of signage, (5) hard and soft landscaping, paving, grading and reshaping the lands to the limit of the reconstruction of Yonge Street, (6) 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 (7) works ancillary

No.	Owner	Municipal Address	Legal Description	Interest Required
<p>to any of the foregoing.</p> <p>The temporary easements will commence on March 12, 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-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> <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>				

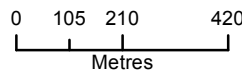


Produced by:
The Regional Municipality of York
Property Services, Corporate Services
August 2017




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Location Plan
Expropriation of Land
Viva Bus Rapid Transit Corridor
Yonge Street from Levendale Road to
Gamble Road/19th Avenue
Town of Richmond Hill
September 7, 2017



Legend

-  Subject Corridor
-  Road
-  Railway