

Clause 16 in Report No. 17 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on November 17, 2016.

16
Compensation for Expropriation
Viva Bus Rapid Transit Corridor
Yonge Street from Sawmill Valley Drive/Savage Road to
Davis Drive
Town of Newmarket

Committee of the Whole recommends adoption of the following recommendation contained in the report dated October 26, 2016 from the Commissioner of Corporate Services:

1. Council authorize the Commissioner of Corporate Services to make offers of compensation to the owners of the lands in the Town of Newmarket, as set out in Attachment 1, which were acquired in accordance with the *Expropriations Act* (the “Act”).

Report dated October 26, 2016 from the Commissioner of Corporate Services now follows:

1. Recommendations

It is recommended that:

1. Council authorize the Commissioner of Corporate Services to make offers of compensation to the owners of the lands in the Town of Newmarket, as set out in Attachment 1, which were acquired in accordance with the *Expropriations Act* (the “Act”).

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 on Yonge Street,

Compensation for Expropriation
Viva Bus Rapid Transit Corridor
Yonge Street from Sawmill Valley Drive/Savage Road to Davis Drive
Town of Newmarket

from Sawmill Valley Drive/Savage Road to Davis Drive, in the Town of Newmarket, for the vivaNext bus rapid transit corridor. The location of the properties is shown on the map in Attachment 2.

Private Attachment 1 to this report will be considered in private session because it relates to the acquisition of land by the Region.

3. Background and Any Previous Council Direction

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

York Region Rapid Transit Corporation (YRRTC) is undertaking improvements to facilitate public transit along Yonge Street by constructing dedicated centre lanes for Viva buses, along with enhanced street features and boulevards. The project as a whole is referred to as vivaNext, with this section of the project consisting of lands on Yonge Street from Sawmill Valley Drive/Savage Road to Davis Drive.

New temporary easements are required on lands where existing temporary easements are set to expire during construction

In December 2013 and February 2014, the Region acquired property interests which included fee simple, permanent easements and three-year temporary easements. The temporary easements will expire between December 2016 and February 2017. To allow sufficient time for construction, staff requires further temporary easements on the existing properties. The term of the new temporary easements will commence on December 8, 2016 and will expire on January 1, 2019.

This report is for the third of the three steps in the Council approval process for expropriations

In [September 2014](#), Council authorized the first step of the expropriation approval process, which was an application for approval to expropriate 35 property interests. Of the original 35 properties, interests from 12 property owners were acquired through negotiations and are no longer subject to expropriation. In [June 2016](#), Council authorized the second step of the expropriation approval process, which was an approval to expropriate 23 property interests. After the June 2016 approval, interests from an additional three property owners were acquired through negotiated agreements.

This report is for the third and final step in the expropriation approval process for the 20 remaining properties. The graphic below summarizes the three steps in the process for obtaining approval by Council for expropriation. Upon approval by Council of this step, completion of the process will involve the Region serving an offer of compensation to the owner and obtaining possession of the land requirements.



4. Analysis and Implications

Possession of the expropriated lands will be obtained after serving the offers of compensation

The Region acquired ownership of the lands when the expropriation plans were registered at the Land Registry Office on August 22, 2016. In accordance with the *Act*, the Region cannot obtain possession until a minimum of three months after notifying an owner that the expropriation plan has been registered. In addition, it is necessary to make offers of compensation to owners in order to obtain possession of the expropriated lands. The offers will be delivered by the last week of November 2016 prior to possession of the lands.

Independent appraisal reports have established the values which form the basis of the offers

The *Act* requires the Region to make offers of compensation based on reports appraising market value of the lands and damages attributable to the expropriations. Independent appraisal consultants were commissioned by the Region to provide opinions of value as required and the appraisals will form the basis of the offers to be served on the registered owners.

Section 25 of the *Act* requires the Region to provide owners two offers regarding compensation. The first offer is for full compensation of the market value of the lands expropriated and any damages for lost improvements and injurious affection. The second offer is for the market value of the lands expropriated and does not

Compensation for Expropriation
Viva Bus Rapid Transit Corridor
Yonge Street from Sawmill Valley Drive/Savage Road to Davis Drive
Town of Newmarket

include other damages. Acceptance of the second offer allows the owner to make a future claim for additional compensation in accordance with the *Act*.

In the event that an owner does not accept the first offer of compensation, staff will endeavour to negotiate a full and final settlement.

Negotiations for settlements are still underway during the expropriation process

Prior to serving the offers of compensation, staff continues to negotiate expropriation settlements with the property owners. It is anticipated that some settlement agreements will be completed before the expropriation process is completed. Each completed settlement will reduce the required number of offers of compensation pursuant to the *Act*.

Environmental due diligence has been completed

Environmental due diligence was undertaken for this portion of the project when the lands were originally acquired in 2013 and 2014. Environmental Site Assessments were completed by an independent environmental consulting firm on the original expropriation as part of the Region's due diligence process. Further testing is not required for the temporary easement extensions since the Region is in possession of the lands and construction is underway on the corridor.

5. Financial Considerations

The funding for the property acquisition is included in the 2016 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, related facilities, as well as road and intersection improvements is critical to the achievement of the Region's vision for the project. Additionally, upon completion, this project will improve public transit facilities and enrich the streetscape in Newmarket.

Compensation for Expropriation
Viva Bus Rapid Transit Corridor
Yonge Street from Sawmill Valley Drive/Savage Road to Davis Drive
Town of Newmarket

7. Conclusion

In June 2016, Council approved the expropriation of 23 property interests on Yonge Street in the Town of Newmarket, which provides for the registration of the expropriation plan and serving notices of expropriation to the owner. The temporary easements are required because the existing easements, which were obtained in 2013 and 2014, are set to expire before construction of the corridor is complete.

The interests of three property owners were acquired through negotiated agreements and on August 22, 2016, 20 expropriation plans were registered with the Land Registry Office.

The *Act* requires that an offer of compensation for expropriated land be served on the owner in order to obtain possession. The values of the offers are based on independently commissioned appraisals. 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 Michael Shatil, Director, Property Services Branch at ext. 71684.

The Senior Management Group has reviewed this report.

October 26, 2016

Attachments (2)

Private Attachments (1)

7100508

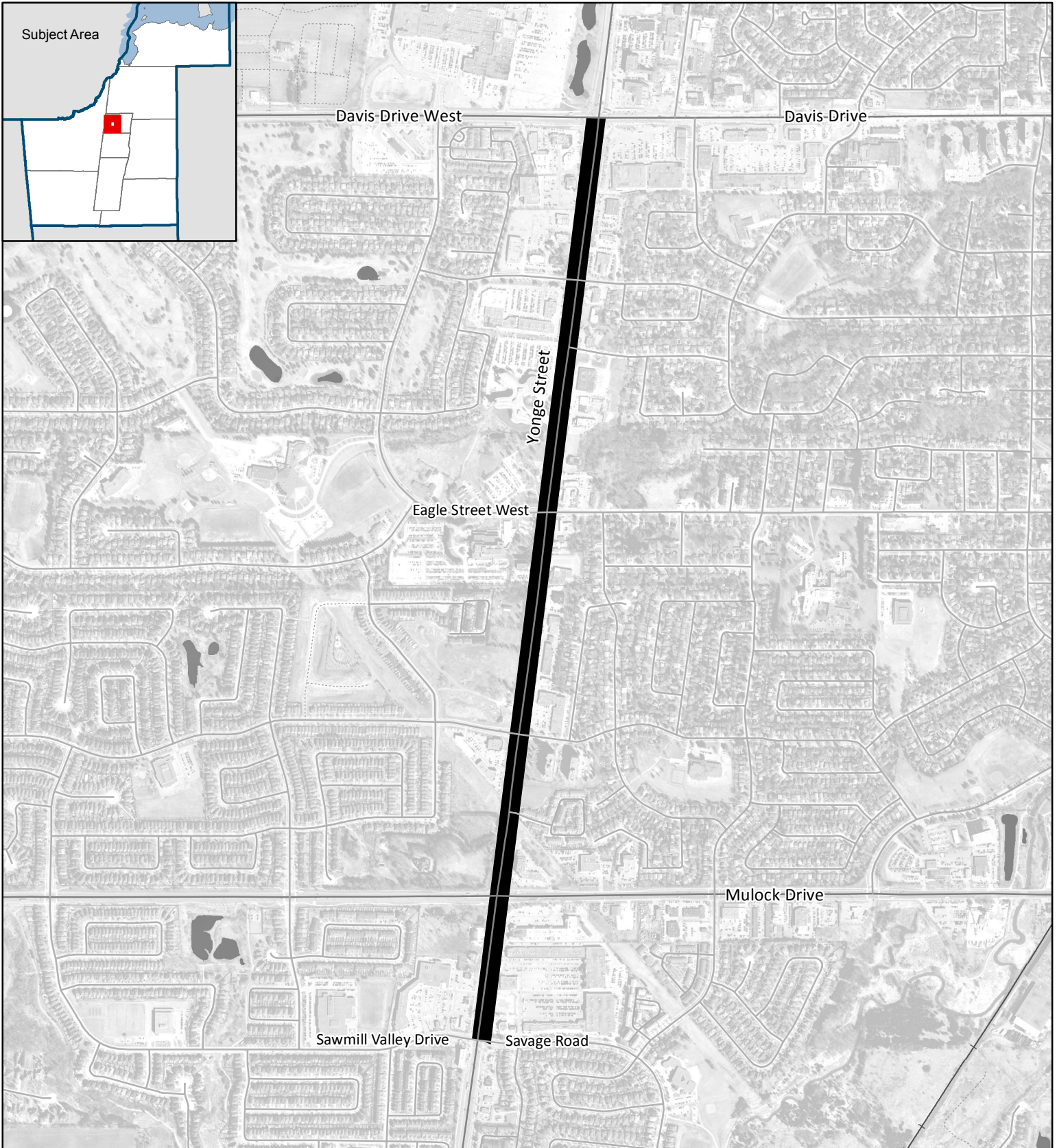
Accessible formats or communication supports are available upon request

**Property Schedule
Compensation for Expropriation
Viva Bus Rapid Transit Corridor
Yonge Street from Sawmill Valley Drive/Savage Road to Davis Drive
Town of Newmarket**

No.	Owner	Municipal Address	Legal Description	Interest Acquired
1.	Skamari Investments Inc.	16635 Yonge Street Newmarket	Part 1, Plan YR2528315	Temporary Easement
2.	Tavco Realty Holdings Inc.	16655 Yonge Street Newmarket	Part 1, Plan YR2528323	Temporary Easement
3.	275057 Ontario Limited	16715 Yonge Street Newmarket	Part 1, Plan YR2528329	Temporary Easement
4.	York Region Condominium Corporation No. 877	Brandy Lane Way Newmarket	Parts 1, 2, 3, Plan YR2528352	Temporary Easement
5.	York North Condominium Corporation No. 5	20 William Roe Boulevard Newmarket	Parts 1, 2, Plan YR2528375	Temporary Easement
6.	Invivo Investments Limited	16925 Yonge Street Newmarket	Parts 1, 2, 3, Plan YR2528396	Temporary Easement
7.	1209104 Ontario Limited	Vacant Lands w/s Yonge Street Newmarket	Part 1, Plan YR2528438	Temporary Easement
8.	LT Realities Inc.	16995 Yonge Street Newmarket	Parts 1, 2, 3, 4, 5, 6, 7, 8, Plan YR2528451	Temporary Easement
9.	H.J. Pfaff Motors Limited	17065 Yonge Street Newmarket	Part 1, Plan YR2528462	Temporary Easement
10.	993113 Ontario Inc.	17089 Yonge Street Newmarket	Part 1, Plan YR2528470	Temporary Easement

No.	Owner	Municipal Address	Legal Description	Interest Acquired
11.	2089929 Ontario Limited	17095 Yonge Street Newmarket	Part 1, Plan YR2528480	Temporary Easement
12.	Suncor Energy Inc.	17111 Yonge Street Newmarket	Parts 1, 2, Plan YR2528492	Temporary Easement
13.	Imperial Oil Limited	17145 Yonge Street Newmarket	Part 1 Plan YR2528506	Temporary Easement
14.	Seven Star Investments Inc.	17175 Yonge Street Newmarket	Part 1, Plan YR2528511	Temporary Easement
15.	Calgas Investments Limited	17215 – 17225 Yonge Street Newmarket	Part 1, Plan YR2528712	Temporary Easement
16.	Brillinger Investments Limited	17295 Yonge Street Newmarket	Part 1, Plan YR2528727	Temporary Easement
17.	Yongemill Group Inc.	17310 Yonge Street Newmarket	Parts 1, 2, Plan YR2528745	Temporary Easement
18.	Moshoian Productions Limited	17315 Yonge Street Newmarket	Part 1, Plan YR2528764	Temporary Easement
19.	Crossland Centre (1990) Inc.	17380 - 17410 Yonge Street Newmarket	Parts 1, 2, Plan YR2528775	Temporary Easement
20.	Loblaw Properties Limited	20 Davis Drive Newmarket	Parts 1, 2, 3, 4, 5, Plan YR2528787	Temporary Easement

No.	Owner	Municipal Address	Legal Description	Interest Acquired
<p>The temporary easements will commence on December 8, 2016, and will expire on January 1, 2019, 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 the municipal road fronting the lands herein described, (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 and necessary to the works to be performed in association with the purpose of implementing road and intersection improvements along Yonge Street, including associated local roads, and to provide designated lanes for the vivaNext transit system and works ancillary thereto.</p>				



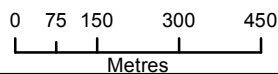
Produced by:
The Regional Municipality of York
Property Services, Corporate Services
September 2016

Data: © Queen's Printer for Ontario 2003-2016




Imagery:
See York.ca for disclaimer information.

Location Plan

Compensation for Expropriation
Viva Bus Rapid Transit Corridor
Yonge Street from Sawmill Valley Drive/
Savage Road to Davis Drive
Town of Newmarket
November 10, 2016



Legend

-  Subject Corridor
-  Road
-  Railway