

# **The Regional Municipality of York**

Committee of the Whole  
Finance and Administration  
May 14, 2020

Report of the Commissioner of Corporate Services

## **Expropriation Settlement Viva Bus Rapid Transit Corridor 596, 625, and 776 Davis Drive Town of Newmarket**

### **1. Recommendations**

1. Council authorize the settlement of all claims pursuant to the *Expropriations Act*, for 596, 625, and 776 Davis Drive as described in Attachment 1, for the construction of the bus rapid transit corridor on Davis Drive in the Town of Newmarket.
2. The Commissioner of Corporate Services be authorized to execute the Minutes of Settlement and all necessary documentation to complete the transaction in accordance with the Minutes of Settlement.

### **2. Summary**

This report seeks Council approval to accept an expropriation settlement at 596, 625, and 776 Davis Drive in the Town Newmarket (Property Nos. 1, 2, and 3, respectively) for the vivaNext project.

Private Attachment 1 to this report will be considered in private session pursuant to section 239(2) (c) of the *Municipal Act, 2001*, because it relates to the settlement of a claim for compensation.

The property locations are shown on the map in Attachment 2.

Key Points:

- Southlake Regional Health Centre owns all three properties
- A fee simple and permanent easement interest was expropriated from Property No. 1, which permanently reduced parking and impacted landscaping
- Temporary easements were expropriated from Property Nos. 2 and 3, for construction
- The Region and Southlake Regional Health Centre have reached a full and final settlement for all expropriations on the three properties.

### 3. Background

#### **The Region constructed dedicated bus rapid transit lanes for the vivaNext project along Davis Drive in Newmarket**

To facilitate public transit along Davis Drive, York Region Rapid Transit Corporation (YRRTC) on behalf of the Region, constructed dedicated centre bus lanes for Viva buses, with enhanced streetscape from Yonge Street to Alexander Road in Newmarket. Following approval from the Ministry of the Environment, construction of the new rapid way began with utility relocations in May 2009, road construction commencing in May 2011, and completion in December 2015.

#### **Land requirements were identified to complete the project and steps were taken to obtain the lands**

The Region identified land requirements from 138 property owners on Davis Drive. All lands required to facilitate the project were obtained through negotiated agreements and expropriation, with the majority of lands acquired via expropriation.

#### **The subject lands were obtained by expropriation**

Property No. 1 is the Southlake Hospital. Property No. 2 is a medical/professional building located across Davis Drive to the north of the hospital, and Property No. 3 is a warehouse/mixed use building operated by the hospital. The three properties are owned by the Southlake Regional Health Centre.

In [October 2009](#), Council approved the expropriation of a fee simple taking from Property No. 1. In [October 2012](#), Council approved the expropriation of temporary easements from Properties No. 2 and 3. In [May 2014](#), Council approved the expropriation of a permanent easement from Property No. 1. Appraisals were prepared and used to make offers of compensation under section 25 of the *Expropriations Act* (the “Act”) for all requirements.

#### **The owner and the Region negotiated an expropriation settlement for the three properties**

The owner is entitled to make a claim for compensation pursuant to the *Act*. The owner made a claim related to the 2009 and 2014 expropriations for Property No. 1.

The nature of the claim for Property No. 1 was for compensation greater than the amount served in the 2009 section 25 offer, damages caused by permanent paid parking loss, and lost landscaping features. Appraisal reports related to the expropriations formed the basis of the Region’s position during negotiations.

The owner did not make any additional claims for compensation with regard to the compensation amounts served through the section 25 offers for Property Nos. 2 and 3.

## 4. Analysis

### **A settlement has been negotiated**

The Region and the owner agreed to a settlement of all expropriations for the three properties, which includes market value, disturbance damages, interest and other costs that are to be reimbursed in accordance with the *Act*.

The negotiated full and final settlement is considered to be in the best interest of the Region, and will avoid continued interest accrual in accordance with the *Act*. Upon completion of this agreement, the Region will not incur any further legal and litigation expenses related to the expropriation.

### **Environmental due diligence has been completed**

Environmental due diligence was completed for the Region's interests in the fee simple and permanent easement lands. The results were reviewed by staff in consultation with Legal Services. No significant issues were identified and no further environmental investigation or related work was required.

## 5. Financial

The funding to complete this property settlement is included in the 2020 YRRTC Capital Budget. The project is funded by the Province, via the Metrolinx Master Agreement between the Region, YRRTC and Metrolinx. This settlement is subject to Metrolinx approval under the terms of the Master Agreement.

## 6. Local Impact

This project has improved public transit and the streetscape along Davis Drive for residents of Newmarket and the Region.

## 7. Conclusion

The Region expropriated lands from 596, 625, and 776 Davis Drive in Newmarket, identified as Property Nos. 1, 2, and 3 in Attachment 1 for the vivaNext project. A final settlement for all expropriation claims has been negotiated with the owner and eliminates any further financial exposure on these properties for impacts caused during construction.

It is recommended that Council authorize the expropriation settlement described in this report to settle all claims with the owner of 596, 625, and 776 Davis Drive, subject to Metrolinx approval.

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For more information on this report, please contact Michael Shatil, Director Property Services at 1-877-464-9675 ext. 71684. Accessible formats or communication supports are available upon request.

Recommended by: **Dino Basso**  
Commissioner of Corporate Services

Approved for Submission: **Bruce Macgregor**  
Chief Administrative Officer

May 1, 2020  
Attachments (2)  
Private Attachments (1)  
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