

The Regional Municipality of York

Committee of the Whole
Finance and Administration
December 3, 2020

Report of the Commissioner of Corporate Services

Expropriation Settlement Viva Bus Rapid Transit Corridor 524 Davis Drive Town of Newmarket

1. Recommendations

1. Council authorize the settlement of all claims pursuant to the *Expropriations Act* related to the property municipally known as 524 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 of an expropriation settlement with the owner of the property located at 524 Davis Drive in the Town Newmarket, 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 location is shown on the map in Attachment 2.

Key Points:

- Fee simple, permanent easement, and temporary easement interests were expropriated from the property from 2009 to 2014
- The 2009 fee simple interest resulted in major building renovations and changes to vehicular access to the site
- The Region and the owner have reached a full and final settlement for all expropriations

3. Background

YRRTC, on behalf of 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 commenced in May 2011 and was completed 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 most lands acquired via expropriation.

The subject lands were obtained by expropriation

The property is a two-story funeral home located on the south side of Davis Drive, west of Charles Street. In [October 2009](#), Council approved the expropriation of fee simple, permanent easement, and temporary easement interests from the property. In [October 2012](#) and [May 2014](#), Council approved expropriations to extend the temporary easement. Appraisals were prepared by external consultants and used to support offers of compensation under section 25 of the *Expropriations Act* (the “Act”) for all requirements.

The owner and the Region negotiated a settlement for the expropriations

The road widening affected the owner’s business by causing the removal of a front portico and façade repairs, discontinued use of the funeral home’s chapel, construction of a new chapel and building addition, and constrained vehicular circulation due to the building addition, resulting in the requirement for a new rear access to the site via a public laneway.

Region staff worked with the owner and reached a settlement that incorporated the costs of renovating the building and revising site access and circulation, in addition to the compensation originally offered by the Region for the land at the time of the expropriations.

4. Analysis

A settlement has been negotiated

The Region and the owner agreed to a settlement of all expropriations, which includes market value, disturbance damages, interest and costs.

The negotiated full and final settlement is 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 with respect to this settlement.

Environmental due diligence has been completed

Environmental due diligence was completed for the Region's interests in the fee simple, permanent easement and temporary easement lands. The results were reviewed by staff in consultation with Legal Services. 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 524 Davis Drive in the Town of Newmarket, for the vivaNext project. A final settlement for all expropriation claims has been negotiated with the owner and eliminates any further financial exposure from the owner 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 524 Davis Drive, subject to Metrolinx approval.

For more information on this report, please contact Michael Shatil, Director, Property Services Branch 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

November 20, 2020
Attachments (2)
Private Attachments (1)
eDOCS #11539346