

The Regional Municipality of York

Committee of the Whole
Finance and Administration
February 11, 2021

Report of the Commissioner of Corporate Services

Expropriation Settlement Viva Bus Rapid Transit Corridor and Toronto-York Spadina Subway Extension 3131 Highway 7 West City of Vaughan

1. Recommendations

1. Council authorize the settlement of all claims pursuant to the *Expropriations Act* related to the property municipally known as 3131 Highway 7 West, as described in Attachment 1, for the construction of the Viva Bus Rapid Transit Corridor (vivaNext) and the Toronto-York Spadina Subway Extension (TYSSE) on Highway 7 West in the City of Vaughan.
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 3131 Highway 7 West in the City of Vaughan, for the vivaNext and TYSSE projects.

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 2010 to 2015 to facilitate the vivaNext and TYSSE projects
- Construction of both projects was completed in Q4 2017
- The property was heavily impacted during construction, with both projects affecting the site
- Upon construction completion, functionality of the site was permanently altered
- The Region and the owner have reached a full and final settlement for all expropriations

3. Background

York Region Rapid Transit Corporation, on behalf of the Region, constructed dedicated bus rapid transit lanes for the vivaNext project along Highway 7 West in the City of Vaughan

To facilitate public transit along Highway 7 West in the City of Vaughan, York Region Rapid Transit Corporation (YRRTC) on behalf of the Region, constructed dedicated centre bus lanes for Viva buses, with enhanced streetscape. In the vicinity of the Vaughan Metropolitan Centre (VMC), the vivaNext project incorporated the design of the TYSSE project, which created safer and more convenient connections between the rapid way and subway. Construction was completed in Q4 of 2017.

The TYSSE project extended subway service from Toronto to the Region

The TYSSE project extends from Sheppard West Station in Toronto to the VMC at Highway 7 West in the City of Vaughan. The TYSSE project involved the construction of subway tunnels and stations, emergency exit buildings, power substations, bus terminals, parking lots, roads and other subway-related infrastructure. Following approval from the Ministry of the Environment, construction started with utility relocations in 2008 followed by subway construction between 2010 and 2017.

Land requirements were identified to complete the two projects and steps were taken to obtain the lands

The vivaNext and TYSSE projects identified land requirements from property owners on Highway 7 West in the VMC, as well as several other properties along the new subway route. All lands required to facilitate the projects were obtained through negotiated agreements and expropriation, with most lands acquired via expropriation.

The subject lands were obtained via three expropriations

The property was an 11.1 hectare site, improved with a low-density industrial complex consisting of three buildings totalling approximately 22,000 square metres of above grade area. The facility is operated by the landowner, Toromont Industries Ltd., with corporate offices, parts division, heavy equipment servicing, truck repair centre, and a power generator shop. The remainder of the site is improved with asphalt and concrete paved areas, used for heavy equipment and vehicle storage, demonstrations and sales, in addition to expansive onsite office parking.

The totality of the acquired lands was obtained via a negotiated agreement pursuant to section 30 of the *Expropriations Act* (the “Act”) approved by Council [December 2010](#); registration of an expropriation plan was approved by Council [June 2011](#) and a second negotiated agreement pursuant to section 30 of the Act approved by Council [June 2014](#).

Appraisals were prepared by external consultants and used to support offers of compensation under sections 25 and 30 of the *Act* for all the requirements.

The owner and the Region entered into three additional agreements to mitigate construction impacts

During construction, the TYSSE project prevented the owner from using part of its lands and blocked the site’s only driveway access, located on Highway 7 West. To mitigate and minimize these impacts to the business, the Region, Toronto Transit Commission (TTC) and the owner entered into an agreement in July 2011, which provided for the creation of a temporary driveway access to Interchange Way and provided the owner with the ability to display and store construction vehicles/equipment on adjacent lands. A second agreement was completed in August 2011 between the owner, the Region and an adjacent landowner to sublease the required lands for the storage and display.

The temporary driveway relocation from Highway 7 West to Interchange Way created the need to change existing security practices which added to the owner’s operational expenses. In November 2016, the Region, TTC and the owner entered into an agreement to provide for interim security cost payments.

The owner and the Region negotiated a settlement for the expropriations

The vivaNext and TYSSE projects affected several aspects of the owner’s business, by

- Impacting access during construction
- Permanently shifting the driveway upon construction completion
- Changing the property’s storm water management
- Realigning the Highway 7 West intersection
- Inhibiting use of part of the site during construction
- Changing the property configuration with revised parking/security
- Incorporating a new TTC substation at the centre of the owner’s property

- Necessitating a permanent ongoing working relationship between the owner and TTC due to the subway location below the property and the substation

Region staff worked with the owner to mitigate the impacts and reached a settlement which incorporated the market value of land and disturbance damages compensable under the *Act*.

4. Analysis

A settlement has been negotiated

Regional staff 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

Funding for the vivaNext project is included in the 2021 YRRTC Capital Budget. The project is funded by the Province, via the Metrolinx Master Agreement between the Region, YRRTC and Metrolinx. This settlement is not subject to Metrolinx approval under the terms of the Master Agreement.

Funding for the TYSSE project is included in the 2021 YRRTC Capital Budget. The project is funded by the - the City of Toronto (TTC) and the Region. The Region will make payment and the proportionate share of the costs will be invoiced to the cost sharing parties.

6. Local Impact

The construction of the subway, bus terminals and related facilities, as well as road improvements, was critical to achieving the Region's vision for the vivaNext and TYSSE projects. The projects have improved public transit services and the streetscape in the VMC. Future land development along the subway will contribute to the growth in the City of Vaughan and the Region.

7. Conclusion

The Region expropriated lands from 3131 Highway 7 West in the City of Vaughan, for the vivaNext and TYSSE projects. 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 3131 Highway 7 West in the City of Vaughan.

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

January 29, 2021

Attachments (2)

Private Attachments (1)

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