

# The Regional Municipality of York

Committee of the Whole  
Finance and Administration  
September 9, 2021

Report of the Commissioner of Corporate Services

## **Expropriation Settlement and Disposition of Land Viva Bus Rapid Transit Corridor 1020, 1054 and 1082 Centre Street City of Vaughan**

### **1. Recommendations**

It is recommended that:

1. Council authorize the settlement of all claims pursuant to the *Expropriations Act* with the fee simple owner of 1020 and 1054 Centre Street, identified as Property No. 1 in Attachment 1, and 1082 Centre Street, identified as Property No. 2 in Attachment 1, related to the construction of the bus rapid transit corridor on Centre Street, in the City of Vaughan.
2. Council authorize as part of the settlement, the disposition of Property No. 2 to the owner of Property No. 1, in the City of Vaughan.
3. Upon securing Metrolinx approval the Commissioner of Corporate Services be authorized to execute the Minutes of Settlement, Agreement of Purchase and Sale, and all necessary documentation to complete the transaction in accordance with the Minutes of Settlement.

### **2. Summary**

This report seeks Council approval to accept a full and final Minutes of Settlement with respect to the expropriations at 1020, 1054 and 1082 Centre Street in Vaughan for the vivaNext project. The property location is shown as Property No. 1 and 2 on the map in Attachment 2.

This report also seeks Council approval to dispose of lands located at 1082 Centre Street as part of the full and final Minutes of Settlement. The lands are shown as Property No. 2 on the map in Attachment 2.

Private Attachment 1 to this report will be considered in private session pursuant to section 239(2)(c) of the Municipal Act because it relates to the acquisition and disposition of land by the Region.

Key Points:

- From 2015 to 2018, partial takings were expropriated from Property No. 1 and Property No. 2 was acquired in its entirety in 2014, for the vivaNext project
- The project permanently impacted Property No. 1 by removing a signalized intersection, reducing driveway access, altering drainage, requiring truck delivery route changes and reducing parking requirements in accordance with the site plan
- The Region constructed a signalized driveway access on Property No. 2, which will be transferred to the owner of Property No. 1 to mitigate damages as part of the settlement
- The fair and reasonable settlement protects the Region from any additional claims by the owner of Property No. 1
- Metrolinx approval is required to complete the transaction

### **3. Background**

#### **The Region constructed dedicated bus rapid transit lanes for the vivaNext project along Centre Street in Vaughan**

To facilitate public transit, York Region Rapid Transit Corporation (YRRTC) on behalf of the Region, constructed dedicated bus lanes for Viva buses, with enhanced streetscape along Highway 7, Centre Street and Bathurst Street in Vaughan. Following approval from the Ministry of the Environment, construction of the new rapid way included utility relocations and road construction with project completion in January 2020.

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

The Region identified land requirements from 125 property owners along Highway 7, Centre Street and Bathurst Street. All lands required to facilitate the project were obtained through negotiated agreements, expropriation, and dedications through Regional site plan approvals, with most lands acquired via expropriation.

#### **Council approved the expropriations of the original and additional requirements for Property No. 1**

Property No. 1 is a multi-tenanted retail facility, with notable tenants including No Frills, HomeSense and Winners. Land interests from portions of Property No. 1 were obtained

based on Council approvals in [January 2015](#). Additional requirements were obtained based on Council approvals in [October 2015](#) and [November 2017](#).

The Regional requirements included fee simple and temporary easement interests. Appraisals were prepared to make offers of compensation under Section 25 of the *Expropriations Act* (the “*Act*”).

### **Property No. 2 was required in its entirety to facilitate an intersection improvement**

Property No. 2 is located at 1082 Centre Street, which is adjacent to the west of Property No. 1. It was improved with a Country Style restaurant. The property was acquired in its entirety, based on Council approval in [September 2014](#). The improvements were demolished to widen and reconstruct the road and intersection improvements.

The owner of Property No. 1 owned an easement over part of Property No. 2. The expropriation terminated the easement, which enabled the owner of Property No. 1 to make a claim in accordance with the *Act* on Property No. 2.

## **4. Analysis**

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

The Region and the owner of Property No. 1 agreed to a full and final settlement of all expropriated rights including market value, injurious affection, disturbance damages, business loss, interest and other costs that are to be reimbursed in accordance with the *Act*. The settlement also includes the owner’s easement on Property No. 2. The settlement excludes any potential tenant claims under the *Act*.

### **Adjacent lands will be conveyed to the owner as part of the settlement**

The project relocated a signalized driveway entrance westward on Centre Street from Property No. 1, to Property No. 2, to satisfy minimum intersection spacing requirements, align with new viva stations and to coordinate with Vaughan’s Centre Street Corridor Plan. The relocation reduced the owner’s existing entrance from a four lane signalized intersection to an unsignalized two lane right in/out only access. It also modified drainage and impacted large truck deliveries.

The Region owns and operates the relocated signalized driveway entrance, now known as Taiga Drive. The driveway connects to the owner’s property and mitigates site impacts caused by the expropriations.

The Region and owner of Property No. 1 have agreed that as part of the settlement, the Region will convey Property No. 2 to the owner. This conveyance will offset damages claimed by the owner of Property No. 1. The owner will assume liability and assume the operations and maintenance of lands after the settlement, with continued use as a driveway.

To reach the settlement, the Region completed multiple reviews and engaged stakeholders to ensure that Property No. 2 will be used for its intended purpose and to maximize benefits to the Region. Preparations included multiple appraisals, a planning report, truck turning movement review, secondary plan appeal review, site plan reviews, additional environmental due diligence and a number of discussions have been held with Vaughan staff, YRRTC, Transportation Services, Legal Services and external legal counsel.

### **The Region will not incur additional expenses once the final settlement is completed**

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 related to the acquisition.

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

Environmental due diligence has been completed for 1020 and 1054 Centre Street and the 1082 Centre Street lands that will be transferred. The results have been reviewed by staff in consultation with Legal Services. Impacted soil encountered at 1082 Centre Street was removed and recent groundwater sampling has indicated that no other significant issues are present. No further investigation has been recommended for either property.

## **5. Financial**

The funding to complete this property settlement 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 subject to Metrolinx approval under the terms of the Master Agreement. A package has been sent to Metrolinx to secure its approval and complete the transaction.

## **6. Local Impact**

The construction of dedicated bus lanes and related facilities, as well as road and intersection improvements, is critical to achieving the Region's vision for the project. Additionally, this project has improved public transit services and the streetscape on Highway 7 West, Centre Street and Bathurst Street in the City of Vaughan.

## **7. Conclusion**

The Region expropriated lands from 1020, 1054 and 1082 Centre Street in Vaughan for the vivaNext project. A full and final settlement has been negotiated with the owner of Property No. 1 that represents good value to the Region.

Lands located at 1082 Centre Street are to be conveyed to the owner of Property No. 1 as part of the settlement.

It is recommended that Council authorize the expropriation settlement and land disposition described in this report to settle all claims with the owner of 1020, 1054 and 1082 Centre Street, subject to Metrolinx approval.

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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

August 27, 2021

Attachments (2)

Private Attachments (1)

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