

The Regional Municipality of York

Committee of the Whole
Finance and Administration
January 13, 2022

Report of the Commissioner of Corporate Services

Expropriation Settlement, Disposition of Land and Acquisition of Land Viva Bus Rapid Transit Corridor 4671 Highway 7 West 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 4671 Highway 7 West, identified as Property No. 1 in Attachment 1, related to the construction of the bus rapid transit corridor on Highway 7, in the City of Vaughan.
2. Council authorize as part of the settlement, the disposition of the land identified as Property No. 2 in Attachment 1 to the owner of Property No. 1.
3. Council authorize as part of the settlement, the acquisition of the land identified as Property No. 3 in Attachment 1 from the owner of Property No. 1.
4. Upon securing Metrolinx approval the Commissioner of Corporate Services be authorized to execute the agreements 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 4671 Highway 7 West in Vaughan for the vivaNext project.

This report also seeks Council approval to dispose of land fronting 4671 Highway 7 West and acquire land at 4671 Highway 7 West as part of the full and final Minutes of Settlement.

Properties No. 1, 2 and 3 are shown 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, 2001* because it relates to the acquisition and disposition of land by the Region.

Key Points:

- In 2016, partial takings were expropriated from Property No. 1
- An electrical transformer belonging to the owner is located on a portion of the expropriated land
- To avoid private transformer relocation costs, a portion of the expropriated land (Property No. 2) will be conveyed back to the owner
- To complete the project's land requirements, an additional portion of the owner's land (Property No. 3) will be conveyed to the Region
- The proposed 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 Highway 7 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 streetscaping along Highway 7, Centre Street and Bathurst Street in Vaughan. Following approval from the Ministry of the Environment, construction of the new rapidway proceeded, 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 expropriation of the requirements for Property No. 1

Property No. 1 is an owner-occupied funeral home fronting Highway 7 West in Vaughan. Land interests from portions of Property No. 1 were obtained based on Council approvals in [March 2016](#).

The Regional requirements included fee simple, permanent easement and temporary easement interests. An appraisal was prepared and an offer of compensation was made under Section 25 of the *Expropriations Act* (the “Act”).

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*.

Lands fronting Property No. 1 will be conveyed to the owner as part of the settlement

An electrical transformer belonging to the owner is located on a portion of the land that was expropriated for the project. The expropriation created a need to relocate a privately owned transformer out of the new road right of way. YRRTC reviewed the project design and concluded that a portion of the road right of way, identified as Property No. 2 in Attachments 1 and 2, could be conveyed back to the owner of Property No. 1 to avoid the transformer relocation. The owner of Property No. 1 agreed to accept the lands as part of the settlement at the Region’s request.

An additional portion of Property No. 1 will be conveyed to the Region as part of the settlement

A retaining wall was constructed along the owner’s property frontage. Additional land identified as Property No. 3 in Attachments 1 and 2 is required from the owner to ensure the retaining wall is entirely in the road allowance. The owner of Property No. 1 agreed to convey the land to the Region as part of the settlement.

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 Properties No. 2 and 3. The results have been reviewed by staff in consultation with Legal Services. No further investigation has been recommended for the 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, Centre Street and Bathurst Street in the City of Vaughan.

7. Conclusion

The Region expropriated lands from 4671 Highway 7 West 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.

Property No. 2, fronting 4671 Highway 7 West, is to be conveyed to the owner of Property No. 1 as part of the settlement. Property No. 3 is to be conveyed from the owner of Property No. 1 to the Region as part of the settlement.

It is recommended that Council authorize the proposed transactions described in this report to settle all claims with the owner of 4671 Highway 7 West, subject to Metrolinx approval.

For more information on this report, please contact Michael Shatil 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

December 17, 2021
Attachments (2)
Private Attachments (1)
eDOCS #13229519