

# The Regional Municipality of York

Regional Council  
Finance and Administration  
June 29, 2023

Report of the Commissioner of Corporate Services

## **Expropriation Settlement Viva Bus Rapid Transit Corridor 3790 Highway 7 West City of Vaughan**

### **1. Recommendations**

1. Council authorize the settlement of all claims pursuant to the *Expropriations Act* with the former fee simple owner and current tenant (related parties) of 3790 Highway 7, related to the construction of the vivaNext bus rapid transit corridor on Highway 7 in the City of Vaughan.
2. The Commissioner of Corporate Services be authorized to execute the Minutes of Settlement for the expropriation and all necessary documentation to complete the transaction.

### **2. Summary**

This report seeks Council approval to accept a Full and Final Minutes of Settlement with respect to the expropriation at 3790 Highway 7 in the City of Vaughan as shown in Appendix A for the vivaNext Bus Rapid Transit project.

Private Attachment 1 to this report will be considered private session pursuant to section 239(2)(c) of the Municipal Act, 2001, because it relates to the acquisition of land by the Region.

Key Points:

- In 2015, a fee simple taking and permanent and temporary easements were expropriated from the subject property
- The proposed settlement protects the Region from any additional claims by the property owner
- Council approval is required to authorize an increase in the total compensation for claims made by the owner which exceeds the amount previously approved by Council in accordance with Section 25(1)(b) of the *Expropriations Act*.

### **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 in Vaughan. Following approval from the Ministry of the Environment, construction of the new rapidway proceeded, with project completion in November 2019.

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

The Region identified land requirements from 83 property owners along Highway 7 from Helen Street to Commerce Street in Vaughan. All lands required to facilitate the project were obtained through negotiated agreements, expropriation and dedication through Regional site plan approvals, with most lands acquired via expropriation. The subject property is a car dealership which is owned and operated by the property owner.

#### **Council approved the expropriation of the requirements**

The Regional requirements included a fee simple taking, and permanent and temporary easement interests on the subject site. An appraisal was prepared and an offer of compensation was made under Section 25 of the *Expropriations Act* (the “*Act*”) based on Council approval in [June 2015](#).

#### **The owner accepted an offer for compensation under Section 25(b) of the *Act***

The owner accepted the Region’s offer under Section 25(b) of the *Act* in 2016. This acceptance provided the owner the right to pursue further compensation for damages.

### **4. Analysis**

#### **The construction impacted the business between 2018 and 2019**

During construction, the access on Highway 7 was intermittently restricted, there was significant laneway reductions along Highway 7 and reduced traffic to the area during construction, resulting in lost revenue to the property owner, who also operated the business on site, being car sales and service.

#### **A full and final settlement has been reached after private mediation**

A nine-day hearing was scheduled with the Ontario Land Tribunal to discuss the possible damages because of the expropriation. Prior to the hearing, a mediation and further negotiations were conducted to come to an amicable settlement with the owner. After negotiations, an agreement was reached which would forego the need for the nine-day hearing, prevent further motions, discoveries, hearing costs and settle all outstanding claims.

## **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 was completed for the subject lands using a Phase One Environmental Site Assessment and Phase Two Environmental Site Assessment obtained by staff. The results were reviewed by staff in consultation with Legal Services. The studies did not identify any significant environmental issues with the land and no additional environmental work was recommended.

## **5. Financial**

The funding to complete this property settlement is included in the 2023 Corporate Services 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**

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 in Vaughan.

## **7. Conclusion**

The Region expropriated lands from 3790 Highway 7 in Vaughan for the vivaNext project. A full and final settlement has been negotiated with the owner which represents good value to the Region.

It is recommended that Council authorize the proposed transaction described in this report to settle all claims with the owner of 3790 Highway 7, 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

June 2, 2023

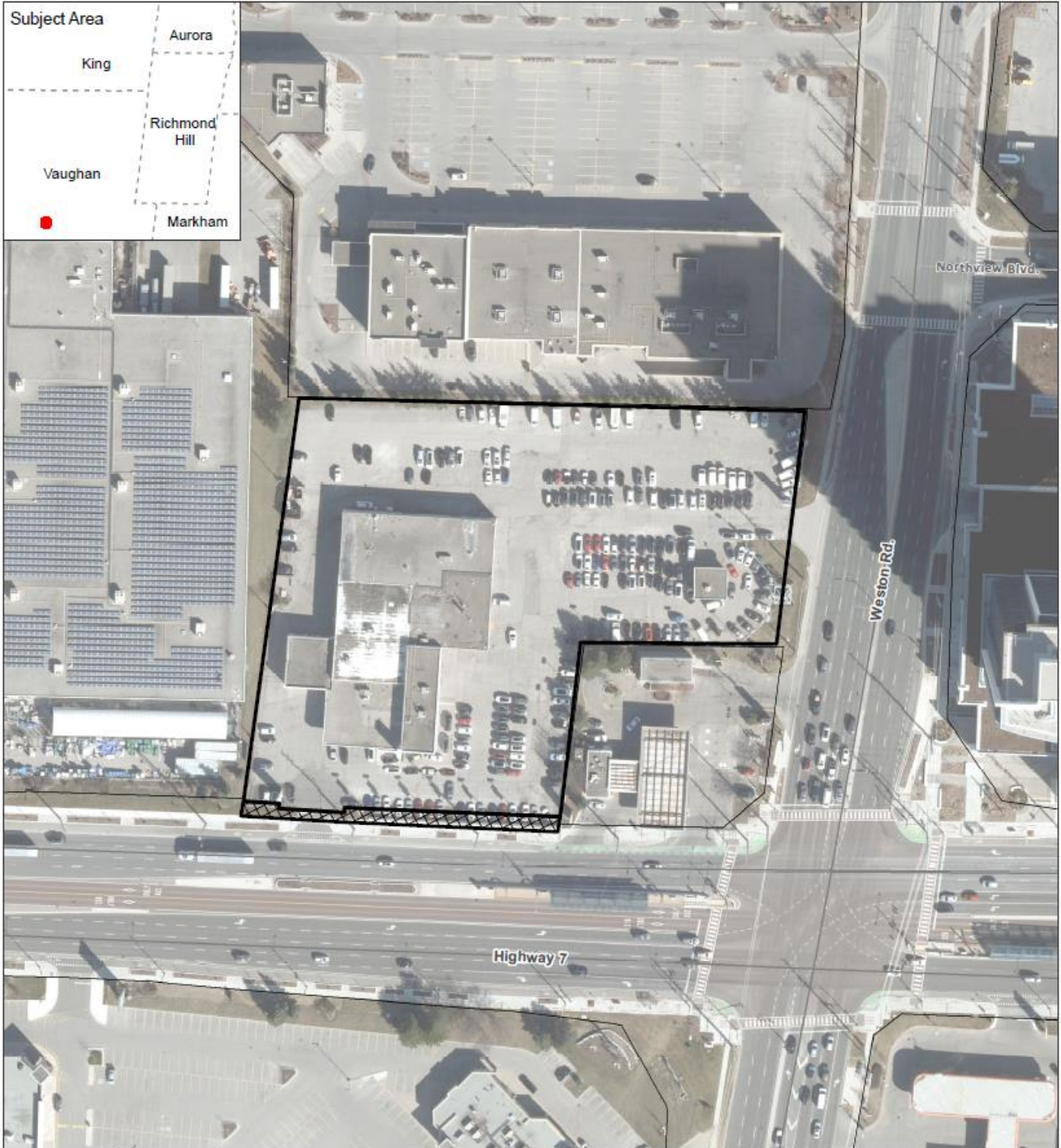
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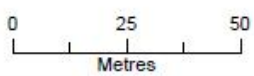




Appendix A – Property Schedule and Location Map  
Private Attachment 1 – Compensation Schedule

**Property Schedule  
Expropriation Settlement  
Viva Bus Rapid Transit Corridor  
3790 Highway 7 West  
City of Vaughan**

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
1.	Pine View Motors Limited	3790 Highway 7, Vaughan	Parts 3,4,5 Plan YR2277705	Fee Simple (346 sq. m.)
			Parts 2 and 6, Plan YR2277705	Permanent Easement (36 sq. m.)
			Part 1, Plan YR2277705	Temporary Easement (538 sq. m.)

**LOCATION MAP**



 <p>Produced by: The Regional Municipality of York Property Services, Corporate Services May 2023</p> <p>Data: King's Printer for Ontario 2003-2023</p> <p>Imagery: © First Base Solutions Inc. 2021 See York.ca for disclaimer information.</p>	<p><b>Location Plan</b> Expropriation Settlement Viva Bus Rapid Transit Corridor 3790 Highway 7 West City of Vaughan June 15, 2023</p> <div style="text-align: center;">    </div>	<ul style="list-style-type: none"> <li> Subject Property</li> <li> Interest Required</li> <li> Parcel</li> <li> Road</li> </ul>
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