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Report of the Commissioner of Corporate Services

**Expropriation Settlement Viva Bus Rapid Transit Corridor 9700 Yonge Street  
City of Richmond Hill**

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## 1. Recommendations

1. Council authorize the settlement of all claims pursuant to the *Expropriations Act* with the fee simple owner of 9700 Yonge Street, related to constructing the vivaNext bus rapid transit corridor on Yonge Street in the City of Richmond Hill.
2. Commissioner of Corporate Services be authorized to execute the Minutes of Settlement and all necessary documentation to complete the transaction.

## 2. Purpose

This report seeks Council approval to complete a full and final settlement regarding the expropriation of 9700 Yonge Street in Richmond Hill for the vivaNext Bus Rapid Transit project. The property's location is shown in Appendix A.

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 of land by the Region.

### Key Points:

- In 2018, a temporary easement was expropriated from the property
- Final compensation is for business loss incurred as a result of expropriation

- Proposed settlement protects the Region from any additional claims by the owner
- Council authorization is required to increase the total compensation for claims made by the owner over and above the amount previously approved for the Section 25 Offer of Compensation
- The property is composed of an Esso Gas station and a Circle K store with a Tim Hortons kiosk

### **3. Background**

The Region constructed dedicated bus rapid transit lanes for the vivaNext project along Yonge Street in Richmond Hill 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 Yonge Street. Construction of the project was completed in December 2020.

#### **Requirements were identified to complete the project and steps were taken to obtain land**

The Region identified land requirements from 56 property owners along Yonge Street from Major Mackenzie Drive to Highway 7 in Richmond Hill. All land required to facilitate the project was obtained through negotiated agreements, expropriation and dedication through Regional site plan approvals, with most land acquired via expropriation.

#### **The requirement was expropriated in 2018**

The property consists of an Esso service station and Circle K convenience store, both operated by the owner. A kiosk is leased by the owner to Tim Hortons.

Regional requirements included a temporary easement at the Yonge Street driveway entrance. An appraisal was prepared and an offer of compensation was made under Section 25 of the Expropriations Act (“Act”) based on Council approval in [May 2018](#). The owner accepted an offer of compensation under Section 25(b) of the Act, retaining its right to make further claims.

## 4. Analysis

### **Construction impacted business between 2016 and 2020**

During construction, lane reductions along Yonge Street and reduced access to the area resulted in lost revenue to the full-service gas bar and convenience store on the site. The proposed settlement resolves matters associated with business loss to the owner.

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

The negotiated full and final settlement is in the Region's best interest 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 expropriation from the fee simple owner.

## 5. Financial Considerations

Funding to complete this property settlement is included in the 2024 Corporate Services Capital Budget. This project is funded by the Province via the Metrolinx Master Agreement between the Region, YRRTC and Metrolinx.

## 6. Local Impact

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 Yonge Street, in Richmond Hill.

## 7. Conclusion

The Region expropriated land from the owner of 9700 Yonge Street in Richmond Hill 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 9700 Yonge Street.

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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:

**Erin Mahoney**

Chief Administrative Officer

May 28, 2024

#16040568

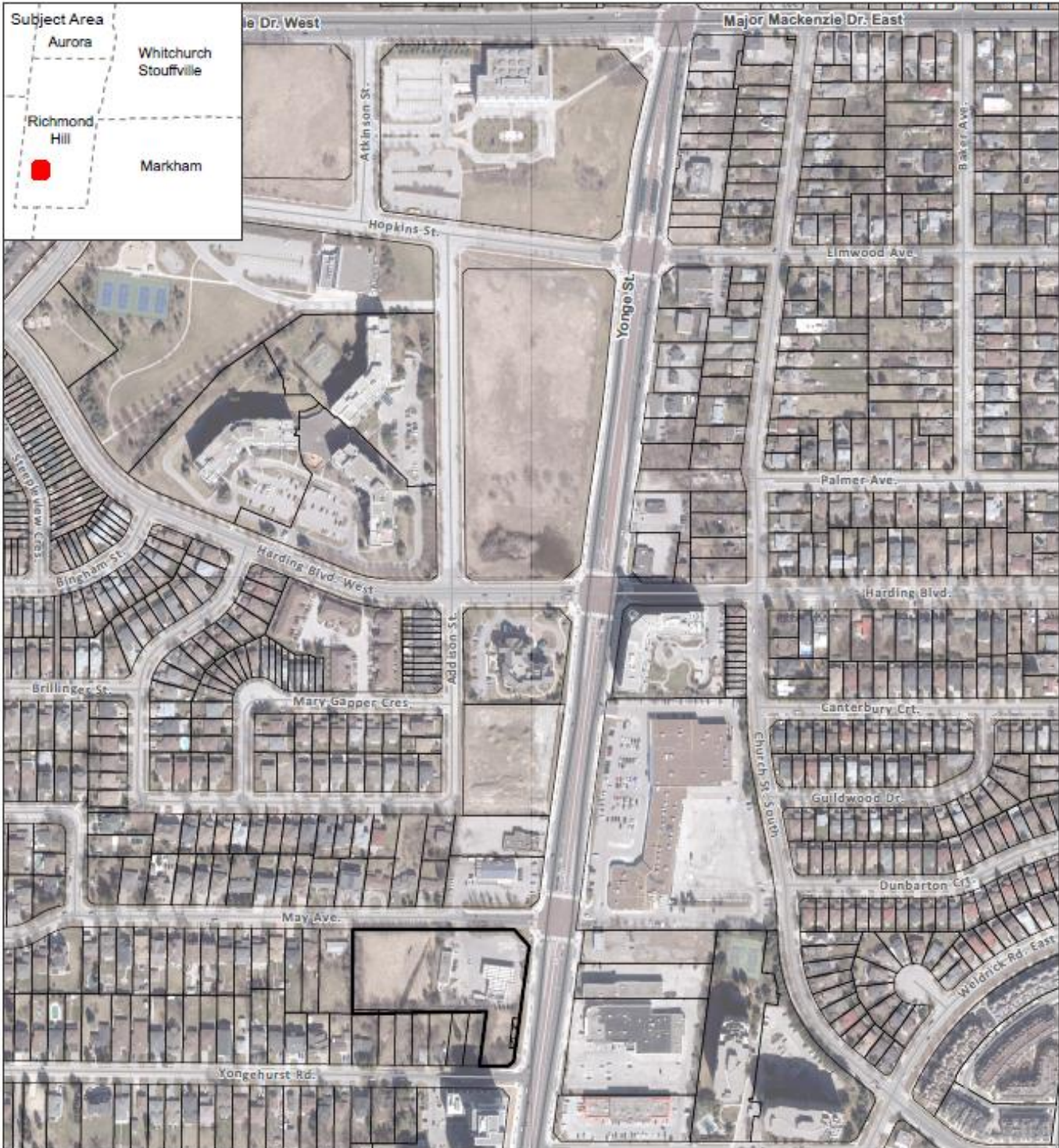
Appendix A – Property Schedule and Location Map



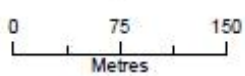




Private Attachment 1 – Proposed Compensation (#16040629)

**Property Schedule  
Expropriation Settlement  
Viva Bus Rapid Transit Corridor  
9700 Yonge Street  
City of Richmond Hill**

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
1.	Mac's Convenience Stores Inc.	9700 Yonge Street, Richmond Hill	Part 1, Plan YR2809012	Temporary Easement (11.5 sq. m.)

**LOCATION MAP**



 <p>Produced by: The Regional Municipality of York Property Services, Corporate Services April 2024</p> <p>Data: King's Printer for Ontario 2003-2024</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 9700 Yonge Street City of Richmond Hill June 13, 2024</p> <div style="text-align: right;">    </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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