

The Regional Municipality of York

Committee of the Whole
Finance and Administration
October 10, 2019

Report of the Commissioner of Corporate Services

Expropriation Settlement Viva Bus Rapid Transit Corridor 4535 and 4555 Highway 7 West and 7700 Pine Valley Drive City of Vaughan

1. Recommendations

1. Council authorize the settlement of all claims pursuant to the *Expropriations Act*, excluding business loss claims, related to the subject property known as 4535 and 4555 Highway 7 West and 7700 Pine Valley Drive as described in Attachment 1, for the construction of the bus rapid transit corridor 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 to accept a settlement with respect to the expropriation at 4535 and 4555 Highway 7 West and 7700 Pine Valley Drive in the City of Vaughan for the vivaNext project. The subject property location is 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 a claim for compensation by the owner of the subject property.

Key Points:

- In 2015, partial takings were expropriated from a retail/commercial plaza at 4535 and 4555 Highway 7 West and 7700 Pine Valley Drive in the City of Vaughan
- The expropriation impacted the driveway, parking, snow storage and site visibility
- The proposed settlement protects the Region from additional claims by the property owner, excluding business loss claims
- The settlement is subject to Metrolinx approval

3. Background

The Region is constructing dedicated bus rapid transit lanes for vivaNext along Highway 7 West, Centre Street and Bathurst Street in Vaughan

York Region Rapid Transit Corporation (YRRTC) is undertaking improvements to facilitate public transit by constructing dedicated centre lanes for Viva buses, along with enhanced street features and boulevards. The project as a whole is referred to as vivaNext, with this section of the project consisting of lands on Highway 7 West, Centre Street and Bathurst Street, in the City of Vaughan. Construction is underway and is scheduled to be completed in December 2019.

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 as part of the vivaNext project on Highway 7 West from Bruce Street to Highway 400, Centre Street from Highway 7 to Bathurst Street and Bathurst Street from Centre Street to Highway 7. All lands required to facilitate the project were obtained through negotiated agreements, expropriation, and dedications through Regional site plan approvals.

The subject property land requirements were acquired by expropriation in 2015, based on Council approvals in [January 2015](#). The requirements included fee simple, and permanent and temporary easement interests. An appraisal was prepared to make offers of compensation under Section 25 of the *Expropriations Act* (the “Act”).

The owner submitted a claim to the Region resulting from the effects of construction on and surrounding the subject property

The owner of the subject property is entitled to make a claim for compensation pursuant to the *Act*. The owner made a claim for construction related impacts, and the Region based its negotiating position on an internal review of the owner’s claim.

4. Analysis

A settlement has been negotiated

The Region and the owner of the subject property agreed to a settlement which includes market value, injurious affection, disturbance damages, interest and other costs that are to be reimbursed in accordance with the *Act*.

During the course of construction it was determined that additional lands were required for the project on the subject property. The land was required on a temporary basis to provide for additional working area adjacent to the previously expropriated temporary easement.

Rather than obtain another temporary easement for the Region's additional land requirement, the Region and owner agreed as part of the settlement the owner will provide the Region use of the additional land requirements from commencement of the project until it is completed.

This is a partial settlement that excludes any potential business loss claims by the owner or tenants under the *Act*.

The negotiated settlement is considered to be in the best interest of the Region, and will avoid continued interest accrual in accordance with the *Act*. Potential future business loss claims are not subject to interest payments.

Environmental due diligence has been completed

Environmental due diligence has been completed for the Region's interests in the fee simple and permanent easement lands. The results have been reviewed by staff in consultation with Legal Services. No significant issues were identified and no further investigation is required.

5. Financial

The funding to complete this property settlement is included in the 2019 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.

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, upon completion, this project will improve 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 4535 and 4555 Highway 7 West and 7700 Pine Valley Drive, in Vaughan for the vivaNext project. A partial settlement has been negotiated with the owner that represents good value to the Region.

It is recommended that Council authorize the expropriation settlement described in this report to settle with the owner of 4535 and 4555 Highway 7 West and 7700 Pine Valley Drive, subject to Metrolinx approval.

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

September 26, 2019
Attachments (2)
Private Attachments (1)
eDOCS #9836538