

**THE REGIONAL MUNICIPALITY OF YORK**

**REPORT NO. 1 OF THE  
COMMISSIONER OF CORPORATE SERVICES**

**For Consideration by  
The Council of The Regional Municipality of York  
on January 24, 2013**

**1**

**APPLICATION FOR APPROVAL TO EXPROPRIATE  
HIGHWAY 7 WEST (H2-VMC EXTENDED), VIVANEXT PROJECT 90991  
CITY OF VAUGHAN**

**1. RECOMMENDATIONS**

It is recommended that:

1. Council authorize an application for approval to expropriate the following lands within the City of Vaughan:

<b>Reference No.</b>	<b>Municipal Address</b>	<b>Legal Description</b>	
<i>A.M. Plan 6A</i>			
106	1983 Highway 7, Maple, ONL4K 1V6	Firstly: Part of PIN 03231- 0225 (LT)	A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lot 14 on Plan 2468 Vaughan, designated as Part 1 on A.M. Plan 6A

<b>Reference No.</b>	<b>Municipal Address</b>	<b>Legal Description</b>	
		Secondly: Part of PIN 03231- 0224	A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lot 13 on Plan 2468 Vaughan, designated as Part 2 on A.M. Plan 6A
107	1997 Highway #7 West, Concord, ONL4K 1V6	Part of PIN 03231- 0223(LT)	A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lot 13 on Plan 2468 Vaughan, designated as Part 3 on A.M. Plan 6A
108	2005 Highway #7, Vaughan, ON	Part of PIN 03231- 0222 (LT)	A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lot 12 on Plan 2468 Vaughan, designated as Part 4 on A.M. Plan 6A
109	2015 Highway 7, Vaughan, ON	Part of PIN 03231- 0221 (LT)	A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lot 11 on Plan 2468 Vaughan, designated as Part 5 on A.M. Plan 6A
110	2023 Highway 7 (per MPAC)	Part of PIN 03231- 0669 (LT)	A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lot 10 on Plan 2468 Vaughan, designated as Part 6 on A.M. Plan 6A
111	2035 Highway 7, Concord, ONL4K 1B1	Part of PIN 03231- 0219 (LT)	A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lot 9 on Plan 2468 Vaughan, designated as Part 7 on A.M. Plan 6A

<b>Reference No.</b>	<b>Municipal Address</b>	<b>Legal Description</b>	
112	2055 Highway 7	Part of PIN 03231-0218 (LT)	A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lot 29 on Registrar's Compiled Plan 10309 Vaughan, designated as Part 8 on A.M. Plan 6A
113	2063 Highway No. 7, Concord, ONL4K 1V6	Part of PIN 03231-0217 (LT)	A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lot 30 on Registrar's Compiled Plan 10309 Vaughan, designated as Part 9 on A.M. Plan 6A
114	2071 Highway 7, Vaughan	Part of PIN 03231-0216 (LT)	A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lot 31 on Registrar's Compiled Plan 10309 Vaughan, designated as Part 10 on A.M. Plan 6A
114A	2083B Highway 7, Vaughan, ON	Part of PIN 03231-0673 (LT)	A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lot 8 on Plan 2468 Vaughan, designated as Part 11 on A.M. Plan 6A
114B	2083 Highway 7, Vaughan, ONL4K 1V6	Part of PIN 03231-0672 (LT)	A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lot 7 on Plan 2468 Vaughan, designated as Part 12 on A.M. Plan 6A
114C	2101 Highway 7 W., Vaughan	Part of PIN 03231-0208 (LT)	A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lot 4 on Plan 65M-2909 Vaughan, designated as Part 13 on A.M. Plan 6A

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Reference No.	Municipal Address	Legal Description	
114D	2113 Highway 7, Concord, ONL6A 1V6	Part of PIN 03231-0377 (LT)	A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lot 3 on Plan 65M-2909 Vaughan, designated as Parts 14 and 15 on A.M. Plan 6A
114E	2123 Highway No. 7, Vaughan, ON	Part of PIN 03231-0381 (LT)	A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lot 2 on Plan 65M-2909 Vaughan, designated as Parts 16 and 17 on A.M. Plan 6A
114F	2137 Highway 7, Vaughan	Part of PIN 03231-0380 (LT)	A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lot 1 on Plan 65M-2909 Vaughan, designated as Part 18 on A.M. Plan 6A
115A	72 Hillside Ave., Concord, ONL4K 1X1	Part of PIN 03231-0211(LT)	A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lot 1 on Plan 2468 Vaughan, designated as Parts 19 and 20 on A.M. Plan 6A
41	2160-2180 Highway 7 (per MPAC)	Part of PIN 03275-0096 (LT)	<p>A fee simple interest in Part of Lot 4 on Registrar's Compiled Plan 10309 Vaughan, designated as Parts 22 and 24 on A.M. Plan 6A</p> <p>A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lot 4 on Registrar's Compiled Plan 10309 Vaughan, designated as Parts 21 and 23 on A.M. Plan 6A</p>

Reference No.	Municipal Address	Legal Description	
42	2104 Highway 7 (per MPAC)	Block 29082	<p>A fee simple interest in Part of the Common Elements of York Region Condominium Plan No. 549 being Part of Lot 7 on Registrar's Compiled Plan 10309 and Part of Lot 6, Concession 3 Vaughan, designated as Parts 27 and 31 on A.M. Plan 6A</p> <p>A permanent easement in, under, over, along and upon Part of the Common Elements of York Region Condominium Plan No. 549 being Part of Lot 7 on Registrar's Compiled Plan 10309 and Part of Lot 6, Concession 3 Vaughan, designated as Part 26 on A.M. Plan 6A</p> <p>A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of the Common Elements of York Region Condominium Plan No. 549 being Part of Lot 7, Registrar's Compiled Plan 10309 and Part of Lot 6, Concession 3 Vaughan, designated as Parts 25 and 30 on A.M. Plan 6A</p>
43	2104 Highway 7 (per MPAC)	Part of PIN 03275-0180 (LT)	<p>A fee simple interest in Part of Parcel 5-1 Section B10309, designated as Part 29 on A.M. Plan 6A</p> <p>A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Parcel 5-1 Section B10309, designated as Part 28 on A.M. Plan 6A</p>

Reference No.	Municipal Address	Legal Description	
44	2040 Highway 7, Vaughan, ON	Part of PIN 03275-0105 (LT)	<p>A fee simple interest in Part of Lot 8 on Registrar's Compiled Plan 10309, designated as Part 33 on A.M. Plan 6A</p> <p>A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lot 8 on Registrar's Compiled Plan 10309, designated as Part 32 on A.M. Plan 6A</p>
45	2030 Highway 7 (per MPAC)	Part of PIN 03275-0098 (LT)	<p>A fee simple interest in Part of Lot 7 on Registrar's Compiled Plan 10309 Vaughan, designated as Parts 34 and 37 on A.M. Plan 6A</p> <p>A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lot 7, Registrar's Compiled Plan 10309 Vaughan, designated as Parts 35 and 36 on A.M. Plan 6A</p>
46	2006 Highway 7 West, Vaughan, ON (per MPAC)	Part of PIN 03275-0097 (LT)	<p>A fee simple interest in Part of Lot 7 on Registrar's Compiled Plan 10309 Vaughan, designated as Parts 40, 42 and 43 on A.M. Plan 6A</p> <p>A permanent easement in, under, over, along and upon Part of Lot 7 on Registrar's Compiled Plan 10309 Vaughan, designated as Parts 39, 44 and 46 on A.M. Plan 6A</p> <p>A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lot 7 on Registrar's Compiled Plan 10309 Vaughan, designated as Parts 38, 41 and 45 on A.M. Plan 6A</p>

Reference No.	Municipal Address	Legal Description	
<i>A.M. Plan 7A deposited on title to the properties as Plan 65R-34066</i>			
116	7733 Keele Street, Vaughan	Part of PIN 03231- 0303 (LT)	<p>A fee simple interest in Part of Lot 25 on Plan 2468 Vaughan, designated as Part 1 on Plan 65R-34066</p> <p>A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lot 25 on Plan 2468 Vaughan, designated as Part 2 on Plan 65R-34066</p>
115	4 Keeleview Court, Vaughan	Part of PIN 03231- 0187 (LT)	A fee simple interest in Part of Lot 18 on Plan M2024 Vaughan, designated as Part 3 on Plan 65R-34066
117	2267 Highway 7, Vaughan	Part of PIN 03230- 0110 (LT)	<p>A fee simple interest in Part of Lot 6, Concession 4 Vaughan and Part of Road Allowance between Lots 5 and 6, Concession 4 Vaughan, closed by By-Law VA23665, designated as Parts 4, 6 and 7 on Plan 65R-34066</p> <p>A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lot 6, Concession 4 Vaughan, designated as Parts 5 and 8 on Plan 65R-34066</p>

Reference No.	Municipal Address	Legal Description	
40	7777 Keele Street, Concord, ON (per Transfer)  2220 Highway 7 (per MPAC)	Part of PIN 03275-0082 (LT)	A fee simple interest in Part of Lot 3 on Registrar's Compiled Plan 10309 Vaughan, designated as Part 9 on Plan 65R-34066  A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lot 3 on Registrar's Compiled Plan 10309 Vaughan, designated as Part 10 on Plan 65R-34066
117A	7700 Keele Street (per MPAC)	Firstly: Part of PIN 03230-0088 (LT)	A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lot 5, Concession 4 Vaughan, designated as Part 14 on Plan 65R-34066
		Secondly: Part of PIN 03230-0089 (LT)	A fee simple interest in Part of Lot 6, Concession 4 and Part of the Road Allowance between Lots 5 and 6, Concession 4 stopped up and closed by Order in Council 3923/64 being Plan 7328, designated as Part 11 on Plan 65R-34066  A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lot 5, Concession 4 and Part of the Road Allowance between Lots 5 and 6, Concession 4 stopped up and closed by Order in Council 3923/64 being Plan 7328, designated as Part 12 on Plan 65R-34066
		Thirdly: Part of PIN 03230-0243 (LT)	A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lot 5, Concession 4 Vaughan, designated as Part 13 on Plan 65R-34066



Reference No.	Municipal Address	Legal Description	
Reference No.	Municipal Address	Legal Description	
<i>A.M. Plan 8-S deposited on title to the properties as Plan 65R-34068</i>			
117G	237-251 Doney Cres. (per MPAC)	Part of PIN 03230-0096 (LT)	A fee simple interest in Part of Lot 5, Concession 4 Vaughan, designated as Part 1 on Plan 65R-34068
			A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lot 5, Concession 4 Vaughan, designated as Parts 2 and 3 on Plan 65R-34068
117F	251 Doney Crescent, Concord, ON L4K 1P6 (per Transfer of Charge registered as Instrument No. LT1293851)	Firstly: Part of PIN 03230-0091 (LT)	A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lot 5, Concession 4 Vaughan, designated as Parts 8 and 9 on Plan 65R-34068
		Secondly: Part of PIN 03230-0090 (LT)	A fee simple in Part of Lot 5, Concession 4 Vaughan, designated as Parts 4 and 5 on Plan 65R-34068  A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lot 5, Concession 4 Vaughan, designated as Parts 6 and 7 on Plan 65R-34068

Reference No.	Municipal Address	Legal Description	
<i>A.M. Plan 9</i>			
105D	1955 Highway 7, Vaughan	Part of PIN 03231-0228 (LT)	A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lot 16 on Plan 2468 Vaughan, designated as Part 1 on A.M. Plan 9
105C	1949 Highway No. 7, Concord, ONL4K 1V5	Part of PIN 03231-0229 (LT)	A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lots 16 and 17 on Plan 2468 Vaughan, designated as Parts 2 and 3 on A.M. Plan 9
105B	Highway #7, Vaughan (Per Transfer)	Part of PIN 03231-0230 (LT)	A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lot 17 on Plan 2468 Vaughan, designated as Parts 4 and 5 on A.M. Plan 9
105A	Highway 7 S/S  1929 Hwy 7 (Per YRRTC)	Part of PIN 03231-0384 (LT)	A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along and upon Part of Lot 5, Concession 3 Vaughan, designated as Part 6 on A.M. Plan 9
47	1970 Highway 7, Vaughan, ON	Part of PIN 03275-0089 (LT)	<p>A fee simple in Part of Lot 12 on Registrar's Compiled Plan 10309 Vaughan, designated as Parts 7 and 10 on A.M. Plan 9</p> <p>A permanent easement in, under, over, along and upon Part of Lot 12 on Registrar's Compiled Plan 10309 Vaughan, designated as Part 8 on A.M. Plan 9</p>

Reference No.	Municipal Address	Legal Description
		A 3-year temporary easement commencing on the date of registration of the expropriation plan in, under, over, along upon Part of Lot 12 on Registrar's Compiled Plan 10309 Vaughan, designated as Parts 9 and 11 on A.M. Plan 9
<p>* All permanent easements are required for the purpose of entering on the lands with all vehicles, machinery, workmen and other material (I) to construct and maintain permanent municipal infrastructure which may include retaining walls, shoring and formwork and /or drainage, erosion or sediment control measures such as watermains and storm sewers; and (II) for construction purposes which may include (1) relocation of existing services and utilities, (2) staging and storage of materials and equipment, (3) geotech testing, borehole testing, and other investigative works, (4) removal, relocation and/or installation of signage, (5) hard and soft landscaping, paving, grading and reshaping the lands to the limit of the reconstruction of Highway 7, (6) the installation and removal of temporary (i) pedestrian access and walkways, (ii) parking measures including re-stripping of aisles, lanes, and parking stalls, (iii) shoring and formwork, (iv) drainage and erosion / sediment control measures, (v) traffic signals, (vi) fencing, and (vii) handrails, and (7) works ancillary to any of the foregoing.</p> <p>* All 3-year temporary easements are required for the purpose of entering on the lands with all vehicles, machinery, workmen and other material for construction purposes which may include (1) relocation of existing services and utilities, (2) work that supports the construction of municipal infrastructure within the Region's permanent takings, (3) staging and storage of materials and equipment, (4) geotech testing, borehole testing, and other investigative works, (5) removal, relocation and/or installation of signage, (6) hard and soft landscaping, paving, grading and reshaping the lands to the limit of the reconstruction of Highway 7, (7) the installation and removal of temporary (i) pedestrian access and walkways, (ii) parking measures including re-stripping of aisles, lanes, and parking stalls, (iii) shoring and formwork, (iv) drainage and erosion / sediment control measures, (v) traffic signals, (vi) fencing, and (vii) handrails, and (8) works ancillary to any of the foregoing.</p>		

2. The Commissioner of Corporate Services be authorized to execute the Application for Approval to Expropriate Land and the Notice of Application for Approval to Expropriate Land (the "Notice") and to serve and publish the Notice as required under the *Expropriations Act*.

3. The Commissioner of Corporate Services be authorized to forward to the Chief Inquiry Officer any requests for an inquiry that are received and to represent the Region as necessary at an inquiry held under the *Expropriations Act*.
4. Council authorize the introduction of the necessary bylaws to give effect to these recommendations.

## 2. PURPOSE

This report seeks Council approval for an application to expropriate lands for the construction of dedicated bus lanes, related facilities, road and intersection improvements along Highway 7 between the CN MacMillan Yard (just west of Keele Street) and the Barrie GO Train line (just east of Bowes Road), in the City of Vaughan (*see Attachment I*).

Council must approve an application prior to the initiation of any proceedings under the *Expropriations Act* (the “Act”).

## 3. BACKGROUND

### **The Environmental Assessment Report was approved in 2006**

This project is part of the vivaNext transit system and the improvements described herein were set out in the Environmental Assessment Report for the Highway 7 West Corridor, which was approved on April 6, 2006.

### **Council authorized the expropriation of lands for this corridor in June 2010, but the expropriation process did not advance further due to pending design changes**

On June 24, 2010, Council authorized the expropriation of properties along Highway 7, Bathurst and Centre Streets between Pine Valley Drive and Yonge Street in the City of Vaughan. Authorization included properties within the corridor that is the subject of this report, however, due to pending design changes, the expropriation process was not advanced beyond Council’s authorization.

### **Property requirements have been substantially revised since Council's June 2010 authorization**

Design and engineering changes have substantially revised the property requirements for this corridor and therefore Council authorization for approval to expropriate along this corridor is now required for the finalized property requirements.

## **4. ANALYSIS AND OPTIONS**

### **Negotiations are proceeding to acquire the lands**

The project will require the acquisition of partial land takings from various property owners, principally for road widening purposes. Certain permanent and temporary easements are also required as set out in the Recommendations section. Staff are continuing to negotiate agreements of purchase and sale for the required interests.

### **Initiating expropriation proceedings will ensure the construction schedule will not be compromised if land acquisitions are delayed**

Staff anticipate that amicable negotiations will be successful on some properties. These agreements will be presented to Council for approval or executed pursuant to delegated authority. In order to ensure timely acquisition of all lands, it is recommended the expropriation process proceed in tandem.

The first step in the process requires Council, as approving authority, to authorize an Application for Approval to Expropriate Land. Subsequently, Notices may be served on owners of the subject lands. Receipt of this Notice will trigger an owner's right to request a Hearing of Necessity. There is also a statutory obligation to publish the Notice.

### **Link to Key Council - approved Plans**

#### **From Vision to Results: 2011 to 2015 Strategic Plan**

Priority Area – Focus Growth along Regional Centres and Corridors

Optimize the transportation capacity and services in Regional Centres and Corridors

The acquisition of these lands will assist the Region in meeting its key strategic transportation needs.

## **5. FINANCIAL IMPLICATIONS**

The funds required to complete the property acquisitions have been included in the 2013 YRRTC Capital Budget. The project is funded by the Province, via the Metrolinx Master Agreement.

**6. LOCAL MUNICIPAL IMPACT**

The construction of dedicated bus lanes, related facilities, road and intersection improvements along Highway 7 between the CN MacMillan Yard (just west of Keele Street) and the Barrie GO Train line (just east of Bowes Road) is an extension of the City of Vaughan's vision for the Highway 7 corridor and the Vaughan Metropolitan Centre, as well as improve public transit facilities and enrich the streetscapes to support the Region's goal for higher density mixed use transit-oriented development.

**7. CONCLUSION**

This report seeks Council approval to expropriate partial land takings from owners along Highway 7 in order to facilitate the construction of dedicated bus lanes, related facilities, road and intersection improvements. To ensure the project is not delayed, it is necessary to initiate the expropriation process. Staff will negotiate for the acquisition of the required properties and expropriation proceedings will be abandoned in cases where negotiations are successful.

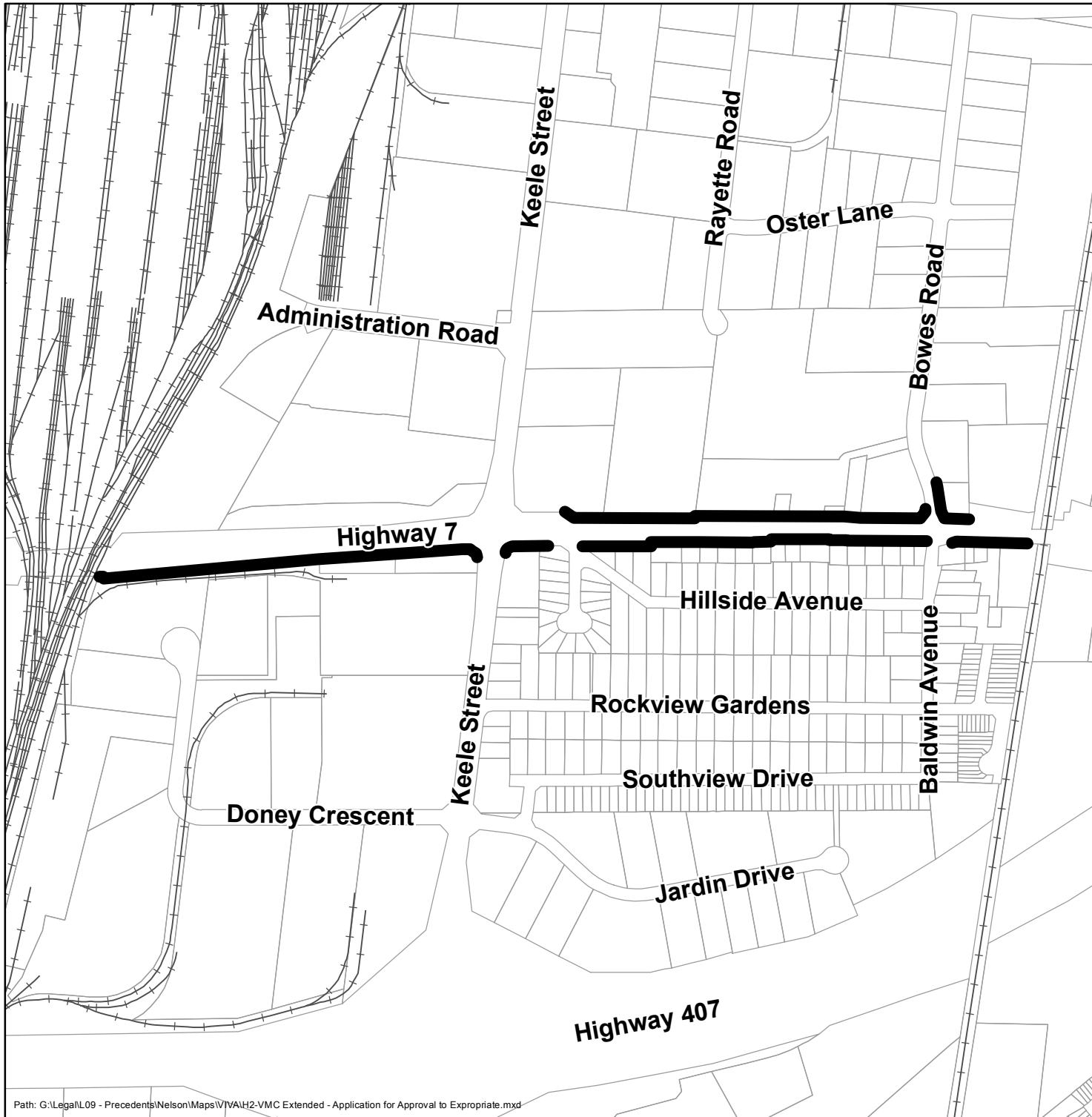
*(The attachment referred to in this clause is attached to this report.)*

**Respectfully submitted,**

**January 15, 2013  
Newmarket, Ontario**

**J. Davidson  
Commissioner of  
Corporate Services**

***(Report No. 1 of the Commissioner of Corporate Services was received by the Council of The Regional Municipality of York at its meeting on January 24, 2013.)***



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### LOCATION PLAN

Application for Approval to Expropriate  
 Highway 7 West (H2-VMC Extended), vivaNext Project 90991  
 City of Vaughan, January 24, 2013



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 Property Services Branch  
 Corporate Services Department  
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### Legend

-  Subject Properties
-  Parcel
-  Railway

