

THE REGIONAL MUNICIPALITY OF YORK

BILL NO. 35

BY-LAW NO. 2009-34

To acquire certain lands for or in connection with
road and intersection improvements on Highway 7,
Towns of Richmond Hill and Markham

WHEREAS the Council of The Regional Municipality of York on January 22, 2009, by its adoption of Clause 1 of Report 2 of the Rapid Transit Public/Private Partnership Steering Committee approved of the expropriation of the lands and interests in lands therein referred to for or in connection with road and intersection improvements along Highway 7 between Yonge Street and through Markham Centre to Kennedy Road, in the Towns of Richmond Hill and Markham; and

WHEREAS Notice of Application for Approval to Expropriate Land has been served upon the registered owners of the lands and interests in lands and has been published pursuant to the provisions of the *Expropriations Act*, R.S.O. 1990, Chapter E.26 (the "Act"); and

WHEREAS certain registered owners have given notification in writing of a desire for a hearing and such hearing has been held by an Inquiry Officer, pursuant to the provisions of the Act; and

WHEREAS the Council on June 25, 2009, considered the report of the Inquiry Officer and by its adoption of Clause 1 of Report 1 of the Regional Solicitor approved the expropriation of the hereinafter described lands and interests in lands.

Now, therefore, the Council of The Regional Municipality of York HEREBY ENACTS as follows:

1. The expropriation of the lands and interests in lands referred to in section 2 is hereby approved and the Regional Chair and Regional Clerk are authorized to execute any required documents in accordance with the Act.

2. The lands and interests in lands, more particularly described in Schedule “A” attached, are hereby expropriated and taken for or in connection with implementing road and intersection improvements along Highway 7 between Yonge Street and through Markham Centre to Kennedy Road and to provide designated lanes for the Viva transit system and works ancillary thereto, and for the reasons set out in Schedule “B” attached.

3. Where approval is granted pursuant to this by-law to expropriate a temporary easement in lands described in Schedule “A”, the interest in lands to be expropriated shall be as follows:

A three year temporary easement and/or right in the nature of a three year temporary easement in, over, along and upon the lands described herein for the municipal purpose of entering on the lands with all vehicles, machinery, workmen and other material to provide for hard and soft landscaping, grading and re-shaping the lands to the limit of the reconstruction of Highway 7 and works ancillary thereto.

4. Where approval is granted pursuant to this by-law to expropriate a permanent easement in lands described in Schedule “A”, the interest in lands to be expropriated shall be as follows:

A permanent easement and/or right in the nature of a permanent easement in, over, along and upon the lands described herein for the municipal purpose of entering on the lands with all vehicles, machinery, workmen and other material to construct and maintain retaining walls and works ancillary thereto.

5. (1) The Regional Chair and Regional Clerk are hereby authorized and directed to sign a plan or plans showing the lands and interests in lands expropriated.

(2) When so signed, the Regional Commissioner of Corporate Services is directed to cause the said plan or plans to be registered in the proper Land Registry Office and to pay all expenses incidental to the registration.

6. Schedules “A” and “B” attached shall form part of this by-law.

ENACTED AND PASSED this 25th day of June, 2009.

Denis Kelly
Regional Clerk

Bill Fisch
Regional Chair

Authorized by Clause 1 of Report 2 of the Rapid Transit Public/Private Partnership Steering Committee, adopted by Regional Council at its meeting on January 22, 2009.

Authorized by Clause 1 of Report 1 of the Regional Solicitor, adopted by Regional Council at its meeting on June 25, 2009.

#1049524

Schedule "A"

In the Town of Richmond Hill and Town of Markham, in the Regional Municipality of York, described as follows:

Ref No.	Address	Legal Description
1	S.S. Highway 7E	Part of PIN: 03029-0907 (LT) A fee simple interest in Part Block 46, Plan 65M-3226 designated as Parts 18 & 19 on Plan 65R-31704
2	330 Highway 7E	Part of PINs 29302-0001 (LT) to 29302-0363 (LT) both inclusive A fee-simple interest in part of Common Elements of YRCP No. 771 designated as Parts 1 & 2 on Plan 65R-31704 A three year temporary easement in part of Common Elements of YRCP No. 771 designated as Part 20 on Plan 65R-31704
3	360 Highway 7E	Part of PINs 29380-0001 (LT) to 29380-0101 (LT) A fee-simple interest in part of Common Elements of YRCP No. 850 designated as Parts 3 & 4 on Plan 65R-31704
4	S.S. Highway 7E	Part of PIN 03029-0906 (LT) A fee-simple interest in part Block 45, Plan 65M-3226 designated as Parts 14 & 15 on Plan 65R-31704
5	5 Rockwell Road and 372 Highway 7E	Part of PIN 03119-0018 (LT) A fee-simple interest in part Lot 31, Plan 2607 designated as Part 6 on Plan 65R-31704 A three year temporary easement in part Lot 31, Plan 2607 designated as Part 21 on Plan 65R-31704 Part of PIN 03119-0017 (LT) A fee-simple interest in part of Lot 31, Plan 2607 designated as Part 7 on Plan 65R-31704 A three year temporary easement in part of Lot 31, Plan 2607 designated as Part 22 on Plan 65R-31704
6	376 Highway 7E	Part of PIN 03119-0016 (LT) A fee-simple interest in part Lot 32, Plan 2607 designated as Part 8 on Plan 65R-31704 A three year temporary easement in part Lot 32, Plan 2607 designated as Part 23 on Plan 65R-31704

Ref No.	Address	Legal Description
7	380 Highway 7E	Part of PIN 03119-0015 (LT) A fee-simple interest in part Lot 32, Plan 2607 designated as Part 9 on Plan 65R-31704 A three year temporary easement in part Lot 32, Plan 2607 designated as Part 24 on Plan 65R-31704
8	382 Highway 7E	Part of PIN 03119-0014 (LT) A fee-simple interest in part Lot 32, Plan 2607 designated as Part 10 on Plan 65R-31704 A three year temporary easement in part Lot 32, Plan 2607 designated as Part 25 on Plan 65R-31704
9	386 Highway 7E	Part of PIN 03119-0013 (LT) A fee-simple interest in Part Lot 11, Conc. 2, RH (MKM) designated as Part 11 on Plan 65R-31704
10	396 Highway 7E	Part of PIN 03119-0012 (LT) A fee-simple interest in Part Lot 11, Conc. 2 RH (MKM) designated as Part 12 on Plan 65R-31704
11	400 Highway 7E	Part of PIN 03119-0011 (LT) A fee simple interest in Part Lot 11, Conc. 2 RH (MKM) designated as Part 13 on Plan 65R-31704 A three year temporary easement in Part Lot 11, Conc. 2 RH (MKM) designated as Part 28 on Plan 65R-31704
12	404-408 Highway 7E	Part of PIN 03119-0010 (LT) A fee simple interest in Part Lot 11, Conc. 2 RH (MKM) designated as Parts 16, 17 & 18 on Plan 65R-31706 A three year temporary easement in Part Lot 11, Conc. 2 RH (MKM) designated as Part 28 on Plan 65R-31706
15	420 Highway 7E	Part of PIN 03124-0544 (LT) A fee simple interest in Part Block 92, Plan 65M-2579 designated as Parts 14 & 15 on Plan 65R-31706 A three year temporary easement in Part Block 92, Plan 65M-2579 designated as Part 27 on Plan 65R-31706
16	95-115 Times Avenue	Part of PIN 03029-1122 (LT) A fee simple interest in Part Block 10, Plan 65M-3226 designated as Parts 2 & 3 on Plan 65R-31706

Ref No.	Address	Legal Description
		A three year temporary easement in Part Block 10, Plan 65M-3226 designated as Part 4 on Plan 65R-31706
18	NS Highway 7E	Part of PINs 29374-0001 (LT) to 29374-0125 (LT) A fee simple interest in Part of Common Elements, YRCP No. 844 designated as Parts 10 & 11 on Plan 65R-31706 A three year temporary easement in Part of Common Elements, YRCP No. 844 designated as Parts 22, 23 & 24 on Plan 65R-31706
19	300 West Beaver Creek	Part of PIN 03124-0549 (LT) A fee simple interest in Part Block 1, Plan 65M-2203 designated as Parts 7 & 8 on Plan 65R-31706 A three year temporary easement in Part Block 1, Plan 65M-2203 designated as Part 6 on Plan 65R-31706
20	E.S. Commerce Valley Drive	Part of PIN 03029-0806 (LT) A fee simple interest in Part of Lot 10, Conc. 2 MKM (MKM) designated as Parts 2 & 3 on Plan 65R-31714 A three year temporary easement in Part of Lot 10, Conc. 2 MKM (MKM) designated as Part 4 on Plan 65R-31714
21	11-27 Allstate Parkway	Part of PIN 03046-0069 (LT) A fee simple interest in Part Block 8, Plan 65M-2029 designated as Parts 2 & 3 on Plan 65R-31707 A three year temporary easement in Part Block 8, Plan 65M-2029 designated as Part 25 on Plan 65R-31707
22	S.S. Highway 7E	Part of PIN 03031-0010 (LT) A fee simple interest in Part Lot 7, Plan 65M-2326 designated as Parts 20 & 21 on Plan 65R-31707 A three year temporary easement in Part Lot 7, Plan 65M-2326 designated as Part 26 on Plan 65R-31707
23	S.S. Highway 7E	Part of PIN 03031-0011 (LT) A fee simple interest in Part Lot 8, Plan 65M-2326 designated as Parts 18 & 19 on Plan 65R-31707 A three year temporary easement in Part Lot 8, Plan 65M-2326 designated as Part 27 on Plan 65R-31707

Ref No.	Address	Legal Description
24	75 Frontenac Drive	Part of PIN 03046-0202 (LT) A fee simple interest in Part Lot 11, Conc. 3, MKM (MKM) designated as Part 1 on Plan 65R-31707 A three year temporary easement in Part Lot 11, Conc. 3, MKM (MKM) designated as Parts 22 & 23 on Plan 65R-31707
25	25-71 Cochrane Drive	Part of PIN 03031-0121 (LT) A fee simple interest in Part Lot 9, Plan 65M-2326 designated as Parts 11, 12, 13, 14, 15, 16 & 17 on Plan 65R-31707 A three year temporary easement in Part Lot 9, Plan 65M-2326 designated as Part 28 on Plan 65R-31707
27	S.S. Highway 7	Part of PIN 03031-0120 (LT) A fee simple interest in Part Lot 9, Plan 65M-2326 designated as Parts 7 & 8 on Plan 65R-31707 A three year temporary easement in Part Lot 9, Plan 65M-2326 designated as Part 30 on Plan 65R-31707
28	8555 Woodbine Avenue	Part of PIN 03045-0402 (LT) A fee simple interest in Part Block A, Plan 4556 designated as Part 1 on Plan 65R-31709 A three year temporary easement in Part Block A, Plan 4556 designated as Parts 6 & 7 on Plan 65R-31709 A permanent easement interest in Part Block A, Plan 4556 designated as Part 18 on Plan 65R-31709
29	3088 Highway 7	Part of PIN 03045-0404 (LT) A fee simple interest in Part of Blocks A and D, Plan 4556 designated as Part 2 on Plan 65R-31709 A three year temporary easement in Part of Blocks A and D, Plan 4556 designated as Part 8 on Plan 65R-31709 A permanent easement interest in Part of Blocks A and D, Plan 4556 designated as Part 17 on Plan 65R-31709
30	3085 Highway 7	Part of PIN 03032-0003 (LT) A fee simple interest in Part West Half Lot 10, Conc. 4 MKM (MKM) designated as Part 5 on Plan 65R-31709

Ref No.	Address	Legal Description
		A three year temporary easement in Part West Half Lot 10, Conc. 4 MKM (MKM) designated as Part 14 on Plan 65R-31709
31	3130-3150 Highway 7	Part of PIN 03045-0007 (LT) A fee simple interest in Part Block E, Plan 4556 designated as Part 3 on Plan 65R-31709 A three year temporary interest in Part Block E, Plan 4556 designated as Part 9 on Plan 65R-31709 A permanent easement interest in Part Block E, Plan 4556 designated as Parts 15 and 16 on Plan 65R-31709
32 & 33	3265-3275 Highway 7	Part of PIN 03032-0302 (LT) A fee simple interest in Part Lot 10, Conc. 4 MKM (MKM) designated as Part 4 on Plan 65R-31709 A three year temporary easement in Part Lot 10, Conc. 4 MKM (MKM) designated as Parts 10 & 11 on Plan 65R-31709
35A, 35B, 36	N.S. Highway 7	Part of PIN 03045-0052 (LT) A three year temporary easement in Part Block 1, Plan 65M-2445 designated as Parts 2, 3, 4 & 5 on Plan 65R-31711
49, 50, 52	S.S. Highway 7	Part of PIN 03033-0074 (LT) A fee simple interest in Part Block 1, Plan 65M-2668 designated as Parts 2 & 3 on Plan 65R-31720 A three year temporary easement in Part Block 1, Plan 65M-2668 designated as Parts 4 & 5 on Plan 65R-31720
51	N.S. Highway 7	Part of PIN 03034-0100 (LT) A three year temporary easement in Part Block 3, Plan 65M-2503 designated as Part 13 on Plan 65R-31711
54A	E.S. South Town Centre Boulevard	Part of PINs 29653-0001 (LT) to 29653-1021 (LT) A fee simple strata interest in Part of Common Elements, YRSCP No. 1122 designated as Part 10 on Plan L12-010687
54C		PIN 29653-0070 A fee simple interest in all of Unit 70, Level 1 YRSCP No. 1122 designated as Part 16 on Plan L12-010687

Ref No.	Address	Legal Description
55	E.S. South Town Centre Boulevard	Part of PIN 03033-0100 (LT) A fee simple interest in Part Block 2 Plan 65M-3998 designated as Parts 5 & 6 on Plan L12-010687 A three year temporary easement in Part Block 2, Plan 65M-3998 designated as Part 15 on Plan L12-010687
56	120 South Town Centre Boulevard	Part of PIN 03033-0011 (LT) A fee simple interest in Part Block 4, Plan 65M-2668 designated as Part 1 on Plan L12-010687 A three year temporary easement in Part Block 4, Plan 65M-2668 designated as Parts 11 & 12 on Plan L12-010687
57	130 South Town Centre Boulevard	Part of PIN 03033-0113 (LT) A fee simple interest in Part Block 4, Plan 65M-3998 designated as Part 2 on Plan L12-010687 A three year temporary easement in Part Block 4, Plan 65M-3998 designated as Part 13 on Plan L12-010687
E1	312 Highway 7E	Part of PIN 03118-0240 (LT) A three year temporary easement in Part Lot 12, Plan 2607 designated as Part 2 on Plan 65R-31710
E2	324 Highway 7E	Part of PIN 03118-0225 (LT) A three year temporary easement in Part Lot 17, Plan 2607 designated as Part 3 on Plan 65R-31710
E3	N.S. Highway 7E	Part of PINs 29356-0001 (LT) to 29356-0427 (LT) A three year temporary easement in Part Common Elements, YRCP No. 826 designated as Part 4 on Plan 65R-31710
E4	130 Pond Drive	Part of PINs 29489-0001 (LT) to 29489-0366 (LT) A three year temporary easement in Part of Common Elements YRCP No. 958 designated as Part 5 on Plan 65R-31706
E7	500 Highway 7E	Part of PIN 03124-0558 (LT) A three year temporary easement in Part Block 1, Plan 65M-2106 designated as Part 5 on Plan 65R-31714

Ref No.	Address	Legal Description
E8	N.S. Highway 7E	Part of PINs 29250-0001 (LT) to 29250-0333 (LT) A three year temporary easement in Part Common Elements, YRCP No. 719 designated as Part 6 on Plan 65R-31714
E9	N.S. Highway 7E	Part of PINs 29393-0001 (LT) to 29393-0657 (LT) A three year temporary easement in Part Common Elements, YRCP No. 863 designated as Part 7 on Plan 65R-31714
E10	600 Highway 7E and 9009 Leslie Street	Part of PIN 03125-0129 (LT) A three year temporary easement in Part Lot 11, Concession 3, RH (MKM) designated as Parts 1, 2, 3 & 4 on Plan L12-010690
E11	650 Highway 7E	Part of PIN 03125-0186 (LT) A three year temporary easement in Part Blocks 1 and 7, Plan 65M-2287 and Part Lot 11, Concession 3 RH (MKM) designated as Parts 5, 6, 7, 8, 9, 10, 11, 12 & 13 on Plan L12-010690
E12	255 East Beaver Creek Road	Part of PIN 03125-0185 (LT) A three year temporary easement in Part Block 1, Plan 65M-2287 designated as Parts 14 & 15 on Plan L12-010690
E13	2830 Highway 7	Part of PIN 03046-0070 (LT) A three year temporary easement in Part Lot 11, Concession 3, MKM (MKM) designated as Part 24 on Plan 65R-31707
E15	N.S. Highway 7	Part of PIN 03034-0101 (LT) A three year temporary easement in Part Lot 11, Concession 4 MKM (MKM) designated as Part 7 on Plan 65R-31720
E16, E17	N.S. Highway 7	Part of PIN 03034-0113 (LT) A three year temporary easement in Part Block 5, Plan 65M-2503 and Part Lot 11, Concession 4 MKM (MKM) designated as Part 6 on Plan 65R-31720

Ref No.	Address	Legal Description
E19	3105-3175 Highway 7	Part of PIN 03032-0207 (LT) A three year temporary easement in Part Lot 10, Concession 4 MKM (MKM) designated as Parts 12 & 13 on Plan 65R-31709

Schedule “B”

IN THE MATTER OF AN APPLICATION FOR APPROVAL TO EXPROPRIATE LAND BEING THE LANDS DESCRIBED IN SCHEDULE “A” TO THIS BY-LAW

Reasons for the Decision to Approve the Expropriation

After considering the decision of Inquiry Officer Gillian Burton dated May 9, 2009 from the inquiry relating to the proposed taking, the Council of The Regional Municipality of York agrees that the expropriation of the lands set out in Schedule “A” is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority for the following reasons:

- (a) implements the approved Environmental Assessment Report prepared in August 2005 in respect of the project (the “EAR”);
- (b) improves accessibility to current and planned development by providing a high public transit alternative to reduce automobile dependence;
- (c) provides for a sustainable natural environment, economic vitality and healthy communities;
- (d) makes the Region’s urban centres more liveable, pedestrian oriented and economically viable;
- (e) provides for appropriately located, sized and sheltered transit station sites;
- (f) implements transit improvements, which include, but are not limited to dedicated transit ways, bus only queue jump lanes, and stations;
- (g) provides a safe public road;
- (h) achieves a significant increase in transit’s share of peak period travel;
- (i) improves the level of transit service including speed and reliability;
- (j) ensures a safe, consistent and proper alignment of all north south roads through intersections along Highway 7 through the Towns of Richmond Hill and Markham;
- (k) provides safe passage for pedestrians and cyclists;
- (l) provides safe ingress and egress to and from Highway 7;
- (m) reduces the potential for unsafe traffic conditions;
- (n) responds to increased traffic demands;
- (o) improves traffic capacity at intersections along Highway 7;

- (p) increases the number of traffic lanes to minimize hazard and inconvenience, while improving operational efficiency;
- (q) provides for improved and more attractive streetscape with medians and landscaped boulevards that are sized to allow for soft landscaping that is sustainable;
- (r) implements the Region's Official Plan, the Official Plans for the Towns of Markham and Richmond Hill and to comply with the 2005 Provincial Policy Statement and the Provincial Growth Plan;
- (s) addresses infrastructure requirements of the Region in a planned and organized manner;
- (t) implements the Region's Transportation Master Plan;
- (u) complies with other governmental controls regarding intersections with major arterial roads and provincial highway; and
- (v) implements a permanent rapid transit facility along Highway 7 connecting York Region North South rapid transit facilities and to rapid transit lines in Peel Region and Durham Region.