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EXPROPRIATION OF LAND YONGE STREET, CITY OF VAUGHAN AND TOWN OF MARKHAM

(Regional Councillor Spatafora declared an interest in Clauses 6 and 7 of Rapid Transit Public/Private Partnership Steering Committee Report No. 5 as his father-in-law owns property in the area. Regional Councillor Spatafora did not take part in the consideration or discussion of or vote on these items.)

(Regional Council, at its meeting on June 21, 2007, deferred the following report to the September 20, 2007 meeting of the Rapid Transit Public/Private Partnership Steering Committee.)

The Rapid Transit Public/Private Partnership Steering Committee recommends the adoption of the recommendations contained in the following report, June 7, 2007, from the Commissioner of Corporate Services:

1. RECOMMENDATIONS

It is recommended that:

1. Authority be granted to apply for approval to serve the “Notices of Application for Approval to Expropriate” the following land within the City of Vaughan and the Town of Markham, in The Regional Municipality of York:
 - (a) a fee simple interest in:
 - Parts 1, 3, 5, 6, 8, 10, 12, 14, 16, 18, 20, 22, 25, 26, 28, 29, 31, 32, 34, 35, 37, 38, 41, 42, 43, 44, 46 and 47 on Draft Reference Plan L12-010293
 - Parts 2, 3, 4, 7, 8, 9, 12, 13 and 16 on Draft Reference Plan L12-010294
 - Parts 2, 4, 6, 7 and 9 on Draft Reference Plan L12-010295
 - Part 3 on Draft Reference Plan L12-010296
 - Parts 1, 2, 4, 7, 8, 11 and 12 on Draft Reference Plan L12-010297
 - Parts 3, 4, 5 and 9 on Draft Reference Plan L12-010298
 - Parts 1, 2, 4, 6, 8 and 10 on Draft Reference Plan L12-010299
 - Parts 1, 3, 5, 9, 13, 15, 18, 20 and 23 on Draft Reference Plan L12-010300
 - Parts 1, 3, 5, 7, 9, 12, 14, 17, 18, 20, 22, 31 and 34 on Draft Reference Plan L12-010301
 - Parts 1, 2, 4, 6, 8, 13, 15, 17, 19 and 22 on Draft Reference Plan L12-010302
 - Parts 2, 3, 6 and 7 on Draft Reference Plan L12-010303
 - Parts 1, 2, 13, 16 and 25 on Draft Reference Plan L12-010304
 - Parts 1, 2, 3, 4, 6, 9, 11, 13, 15, 17, 18, 21, 23, 25, 27, 29, 31 and 32 on Draft Reference Plan L12-010305
 - Parts 1, 2, 4, 5, 9, 10, 14, 15, 16, 18, 20 and 22 on Draft Reference Plan L12-010306

Parts 1, 2, 3, 5, 6, 8, 9, 11, 12, 13 and 15 on Draft Reference Plan L12-010307
Parts 2, 4, 6, 8, 10, 12, 14 and 15 on Draft Reference Plan L12-010308

(b) a temporary limited interest in:

Parts 2, 4, 24, 27, 30, 33, 36, 39, 40 and 45 on Draft Reference Plan L12-010293
Parts 1, 5, 6, 10, 11, 14 and 15 on Draft Reference Plan L12-010294
Parts 1, 3, 5, and 8 on Draft Reference Plan L12-010295
Parts 1, 2 and 4 on Draft Reference Plan L12-010296
Parts 3, 5, 6, 9 and 10 on Draft Reference Plan L12-010297
Parts 1, 2 and 8 on Draft Reference Plan L12-010298
Parts 3, 5, 7, 9 and 11 on Draft Reference Plan L12-010299
Parts 2, 4, 6, 10, 14, 16, 19, 21 and 24 on Draft Reference Plan L12-010300
Parts 2, 4, 6, 8, 10, 11, 13, 15, 21, 23 and 32 on Draft Reference Plan L12-010301
Parts 3, 5, 7, 9, 10, 11, 12, 14, 16, 18, 20 and 21 on Draft Reference Plan L12-010302
Parts 1, 4, 5 and 8 on Draft Reference Plan L12-010303
Parts 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 17 and 26 on Draft Reference Plan L12-010304
Parts 5, 7, 8, 10, 12, 14, 16, 19, 22, 24, 26, 28 and 30 on Draft Reference Plan L12-010305
Parts 3, 6, 11, 17, 19, 21 and 23 on Draft Reference Plan L12-010306
Parts 4, 7, 10, 14 and 16 on Draft Reference Plan L12-010307
Parts 1, 3, 5, 7, 9, 11, 13 and 16 on Draft Reference Plan L12-010308

2. The Commissioner of Corporate Services be authorized to publish Notice of Application as required by the *Expropriations Act*.
3. The Commissioner of Corporate Services be authorized to forward to the Chief Inquiry Officer, pursuant to the provisions of the *Expropriations Act*, any requests for hearing that may be received.
4. Staff will report back to Council advising as to whether or not a request for a Hearing of Necessity has been received, advise and seek Council to review any Inquiry Officer's report, so Council can then consider whether to approve the Application to Expropriate, whether or not a request for a formal hearing has been made.
5. The Manager of Realty Services be authorized to execute and serve the documents required by the *Expropriations Act* in order to give Notice of the Application.

2. PURPOSE

The purpose of this report is to seek Regional Council's approval to issue "Notices of Application for Approval" under the *Expropriations Act*, on lands in the Yonge Street

corridor, from Steeles Avenue to Highway 407, in the City of Vaughan and Town of Markham required for the Regional rapid transit project (*see Attachment 1*).

3. BACKGROUND

The Region, in order to facilitate bus rapid transit, is undertaking the widening and reconstruction of Yonge Street north of Steeles Avenue. The additional width will allow for designated north and south lanes for the VIVA buses and also, where space permits, streetscaping with the appropriate trees, vegetation and boulevards. The Region plans to have the construction of this project underway by late spring 2008. Although property acquisition negotiations are currently being carried out, it might be necessary to expropriate some real estate interests from those parties where acquisition cannot be achieved through the negotiation process in order to meet the construction timetable.

4. ANALYSIS AND OPTIONS

The next step in the process is to authorize the issuance of Notices of Application for Approval to Expropriate. The issuance of the Notices will not create any legal obligations for the Region. There is no obligation in law for the Region to proceed to Expropriate.

The Notices will allow owners to make a decision whether to continue negotiations or to request a Hearing of Necessity. The hearing will likely provide Council with an independent third party view of the justification for the acquisitions. Negotiations with the owners will continue and will provide a greater understanding of the scope of compensation that will be required to complete the acquisitions.

Following the determinations of the Hearing of Necessity, the Region will have an opportunity to decide on whether to proceed with the filing of Plans of Expropriation and actually take lands. Council will make the final decisions regarding completing the program.

The issuance of the Notices of Application in mid-summer will protect the timeline to commence construction in late spring 2008. Failure to deliver the Notices this summer will result in the loss of the 2008 construction season. The issuances of the Notices keeps the Region's options open and permits the property acquisition to move forward without legal risk. With the issuance, the Region can proceed with the project and meet its timeline commitments, avoid the cost of further escalation of property values and construction penalties, or it can determine not to proceed when more information is available to it.

5. FINANCIAL IMPLICATIONS

Offers of compensation must be made under Section 25 of the *Expropriations Act* to all of the owners of the listed parts on the reference plans. These offers must be made within 90 days of the registration of the expropriation plans. Funds have been included in the Rapid Transit 2007 budget for these offers. Staff will report back to Council prior to making these offers.

6. LOCAL MUNICIPAL IMPACT

This project will provide enhanced transit services to all residents of York Region.

7. CONCLUSION

Reference plans showing the Region's requirements have not yet been registered. In order to ensure that the project is not delayed, it is appropriate to initiate the expropriation process at this time.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause was included in the agenda for the June 14, 2007 Committee meeting.)