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COMPENSATION FOR EXPROPRIATION VIVANEXT H2: HIGHWAY 7 WEST VAUGHAN METROPOLITAN CENTRE, CITY OF VAUGHAN

The Finance and Administration Committee recommends the adoption of the recommendation contained in the following report dated September 21, 2011, from the Commissioner of Corporate Services.

1. RECOMMENDATION

It is recommended that:

1. Council authorize offers of compensation under the *Expropriations Act* for lands expropriated for construction and operation of the vivaNext H2 project, within the City of Vaughan, to be made to the following property owners:

Property Owner	Area Expropriated
First Vaughan Investments Limited, Ruland Properties Inc., Skyrange Investments Co. Ltd.	Fee Simple in Part 2 and Temporary Easement in Part 1 on Expropriation Plan YR1694787 (Property 1)
1042710 Ontario Limited	(1) Fee Simple in Part 3 and Temporary Easement in Part 4 on Expropriation Plan YR1694787 (Property 2). (2) Temporary Easement in Part 5 on Expropriation Plan YR1694787 (Property 3)
Metrus (Terra) Properties Inc.	Temporary Easement in Part 1 on Expropriation Plan YR1694753 (Property 4)
2117969 Ontario Inc.	Fee Simple in Part 2 and Temporary Easement in Part 1 on Expropriation Plan YR1694886 (Property 5)
2117969 Ontario Inc.	Fee Simple in Part 4 and Temporary Easement in Part 3 on Expropriation Plan YR1694886 (Property 6)
Midvale Estates Limited	Fee Simple in Part 6 and Temporary Easement in Part 5 on Expropriation Plan YR1694886 (Property 7)
Royal 7 Developments Ltd.	Temporary Easement in Part 7 on Expropriation Plan YR1694886 (Property 8)
The Hollywood Princess Convention and Banquet Centre Ltd.	Temporary Easement in Part 8 on Expropriation Plan YR1694886 (Property 9)
2780 Highway #7 Investments Inc.	Fee Simple in Part 2 and Temporary Easement in Part 1 on Expropriation Plan YR1694848 (Property 10)

Report No. 8 of the Finance and Administration Committee
Regional Council Meeting of October 20, 2011

Property Owner	Area Expropriated
Multiple Owners (YRCP 728)	Fee Simple in Part 4 and Temporary Easement in Part 3 on Expropriation Plan YR1694848 (Property 11)
Multiple Owners (YRCP 727)	Fee Simple in Part 7, Permanent Easement in Part 6 and Temporary Easement in Part 5 on Expropriation Plan YR1694848 (Property 12)
1176646 Ontario Limited	Fee Simple in Part 9 and Temporary Easement in Part 8 on Expropriation Plan YR1694848 (Property 13)
656742 Ontario Inc.	Temporary Easement in Part 23 on Expropriation Plan YR1694848 (Property 14)
Bill Nikolakakos and Kalliope Nikolakakos	Fee Simple in Part 21, Permanent Easement in Parts 19 and 22 and Temporary Easement in Part 20 on Expropriation Plan YR1694848 (Property 15)
Domy's & Pat's Garage & Auto Collision Ltd.	(1) Fee Simple in Part 15, Permanent Easement in Part 16 and Temporary Easement in Part 17 on Expropriation Plan YR1694848 (Property 16) (2) Temporary Easement in Part 18 on Expropriation Plan YR1694848 (Property 17)
Imperial Oil Limited	Temporary Easement in Part 13 on Expropriation Plan YR1694848 (Property 18)
Husky Oil Limited	Temporary Easement in Part 12 on Expropriation Plan YR1694848 (Property 19)
Ernest Boersig	Temporary Easement in Part 14 on Expropriation Plan YR1694848 (Property 20)
La Torinese Drapery Ltd.	Permanent Easement in Part 10 and Temporary Easement in Part 11 on Expropriation Plan YR1694848 (Property 21)
Salvatore Termini, Calogero Bancheri and Michele Termini	Temporary Easement in Part 12 on Expropriation Plan YR1694886 (Property 22)
Lorwood Holdings Incorporated	Permanent Easement in Part 10 and Temporary Easement in Part 11 on Expropriation Plan YR1694886 (Property 23)
St. Marys Cement Inc. (Canada)	Temporary Easement in Part 9 on Expropriation Plan YR1694886 (Property 24)
1406284 Ontario Inc.	Fee Simple in Parts 10 and 13, Permanent Easement in Parts 8, 11, and 14 and Temporary Easement in Parts 9, 12 and 15 on Expropriation Plan YR1694787 (Property 25)
2748355 Canada Inc.	Fee Simple in Part 6 and Temporary Easement in Part 7 on Expropriation Plan YR1694787 (Property 26)

2. PURPOSE

This report seeks Council's approval to serve an offer of compensation under section 25 of the *Expropriations Act* (the "Act") to owners whose lands have been expropriated for the vivaNext H2 project, within the City of Vaughan.

3. BACKGROUND

Council at its meeting on June 24, 2010 authorized the expropriation of properties for the vivaNext H2 project, within the City of Vaughan

On June 24, 2010, Council authorized the expropriation of properties required to provide for rapid transit along the Highway 7 transit corridor by establishing designated lanes, stations and associated facilities for the Viva transit system and implementing associated public road and intersection improvements in the City of Vaughan. Expropriation plans were registered on August 12, 2011, vesting ownership of the lands in the Region. The Act requires the Region to serve offers of compensation within three (3) months of registration of the plan. These offers are based on appraisals of market value and injurious affection.

4. ANALYSIS AND OPTIONS

Independent appraisal reports have established values which form the basis of the offers

An independent appraisal firm prepared appraisal reports estimating the market values of the subject properties and any damages for injurious affection. Section 25 of the Act requires the Region to offer (a) full compensation for the owner's interest and (b) immediate payment of 100% of the market value.

Property No. 1 (*see attachment 1*)

The subject property is vacant commercial land.

OWNER:	First Vaughan Investments Limited, Ruland Properties Inc., Skyrange Investments Co. Ltd.
PROPERTY LOCATION:	3200 Highway 7 West, City of Vaughan
TOTAL OWNERSHIP:	6.218 ha (15.364 acres)
EXPROPRIATED PROPERTY:	Fee Simple in Part 2 and Temporary Easement in Part 1 on Expropriation Plan YR1694787

AREA EXPROPRIATED: 362.1 square metres (3,897.64 square feet)

Property No. 2 (*see attachment 1*)

The subject property is improved with a paved parking lot for use by the adjacent office building on Property No. 3.

OWNER: 1042710 Ontario Limited

PROPERTY LOCATION: 3300 Highway 7 West, City of Vaughan

TOTAL OWNERSHIP: 0.210 ha (0.518 acres)

EXPROPRIATED PROPERTY: Fee Simple in Part 3 and Temporary Easement in Part 4 on Expropriation Plan YR1694787

AREA EXPROPRIATED: 88.1 square metres (948.31 square feet)

Property No. 3 (*see attachment 1*)

The subject property is improved with a multi-storey office building.

OWNER: 1042710 Ontario Limited

PROPERTY LOCATION: 3300 Highway 7 West, City of Vaughan

TOTAL OWNERSHIP: 0.806 ha (1.991 acres)

EXPROPRIATED PROPERTY: Temporary Easement in Part 5 on Expropriation Plan YR1694787

AREA EXPROPRIATED: 208.6 square metres (2,245.37 square feet)

Property No. 4 (*see attachment 1*)

The subject property is improved with a gas station and a commercial retail/office plaza.

OWNER: Metrus (Terra) Properties Inc.

PROPERTY LOCATION: 7800 Jane Street, City of Vaughan

TOTAL OWNERSHIP: 1.194 ha (2.950 acres)

EXPROPRIATED PROPERTY: Temporary Easement in Part 1 on Expropriation Plan YR1694753

AREA EXPROPRIATED: 152.9 square metres (1,645.82 square feet)

Property No. 5 (*see attachment 2*)

The subject property is vacant commercial land.

OWNER: 2117969 Ontario Inc.

PROPERTY LOCATION: 2986 Highway 7 West, City of Vaughan

TOTAL OWNERSHIP: 0.266 ha (0.656 acres)

EXPROPRIATED PROPERTY: Fee Simple in Part 2 and Temporary Easement in Part 1 on Expropriation Plan YR1694886

AREA EXPROPRIATED: 110.7 square metres (1,191.57 square feet)

Property No. 6 (*see attachment 2*)

The subject property is vacant commercial land.

OWNER: 2117969 Ontario Inc.

PROPERTY LOCATION: 2966 Highway 7 West, City of Vaughan

TOTAL OWNERSHIP: 0.128 ha (0.316 acres)

EXPROPRIATED PROPERTY: Fee Simple in Part 4 and Temporary Easement in Part 3 on Expropriation Plan YR1694886

AREA EXPROPRIATED: 106.3 square metres (1144.21 square feet)

Property No. 7 (*see attachment 2*)

The subject property is vacant commercial land.

OWNER: Midvale Estates Limited

PROPERTY LOCATION: 2938 Highway 7 West, City of Vaughan

TOTAL OWNERSHIP: 0.405 ha (1.002 acres)

EXPROPRIATED PROPERTY: Fee Simple in Part 6 and Temporary Easement in Part 5 on Expropriation Plan YR1694886

AREA EXPROPRIATED: 334.9 square metres (3,604.86 square feet)

Property No. 8 (*see attachment 2*)

The subject property is vacant commercial/residential land.

OWNER: Royal 7 Developments Ltd.
(formerly owned by Royal Empress Gardens Ltd.)

PROPERTY LOCATION: 2900 Highway 7 West, City of Vaughan

TOTAL OWNERSHIP: 3.483 ha (8.606 acres)

EXPROPRIATED PROPERTY: Temporary Easement in Part 7 on Expropriation Plan YR1694886

AREA EXPROPRIATED: 608.1 square metres (6,545.59 square feet)

Property No. 9 (*see attachment 2*)

The subject property is improved with a multi-storey banquet hall.

OWNER: The Hollywood Princess Convention and Banquet Centre Ltd.

PROPERTY LOCATION: 2800 Highway 7 West, City of Vaughan

TOTAL OWNERSHIP: 2.611 ha (6.452 acres)

EXPROPRIATED PROPERTY: Temporary Easement in Part 8 on Expropriation Plan YR1694886

AREA EXPROPRIATED: 295.5 square metres (3,180.76 square feet)

Property No. 10 (*see attachment 3*)

The subject property is improved with an office/retail building.

OWNER: 2780 Highway #7 Investments Inc.

PROPERTY LOCATION: 2780 Highway 7 West, City of Vaughan
TOTAL OWNERSHIP: 0.756 ha (1.867 acres)
EXPROPRIATED PROPERTY: Fee Simple in Part 2 and Temporary Easement in Part 1 on Expropriation Plan YR1694848
AREA EXPROPRIATED: 271 square metres (2,917.04 square feet)

Property No. 11 (*see attachment 3*)

The subject property is improved with an office/retail building.

OWNER: Multiple Owners (YRCP 728)
PROPERTY LOCATION: 23 McCleary Court, City of Vaughan
TOTAL OWNERSHIP: 0.711 ha (1.758 acres)
EXPROPRIATED PROPERTY: Fee Simple in Part 4 and Temporary Easement in Part 3 on Expropriation Plan YR1694848
AREA EXPROPRIATED: 334.9 square metres (3,604.86 square feet)

Property No. 12 (*see attachment 3*)

The subject property is improved with an office/retail building.

OWNER: Multiple Owners (YRCP 727)
PROPERTY LOCATION: 35 McCleary Court, City of Vaughan
TOTAL OWNERSHIP: 0.711 ha (1.758 acres)
EXPROPRIATED PROPERTY: Fee Simple in Part 7, Permanent Easement in Part 6 and Temporary Easement in Part 5 on Expropriation Plan YR1694848
AREA EXPROPRIATED: 363.5 square metres (3,912.71 square feet)

Property No. 13 (*see attachment 3*)

The subject property is improved with an office/retail building.

OWNER: 1176646 Ontario Limited

PROPERTY LOCATION: 99 McCleary Court, City of Vaughan

TOTAL OWNERSHIP: 0.711 ha (1.758 acres)

EXPROPRIATED PROPERTY: Fee Simple in Part 9 and Temporary Easement in Part 8 on Expropriation Plan YR1694848

AREA EXPROPRIATED: 385.5 square metres (4,149.52 square feet)

Property No. 14 (*see attachment 3*)

The subject property is improved with a motel.

OWNER: 656742 Ontario Inc.

PROPERTY LOCATION: 2641 Highway 7 West, City of Vaughan

TOTAL OWNERSHIP: 0.443 ha (1.094 acres)

EXPROPRIATED PROPERTY: Temporary Easement in Part 23 on Expropriation Plan YR1694848

AREA EXPROPRIATED: 336 square metres (3,616.7 square feet)

Property No. 15 (*see attachment 3*)

The subject property is improved with a restaurant and truck stop.

OWNER: Bill Nikolakakos and Kalliope Nikolakakos

PROPERTY LOCATION: 2661 Highway 7 West, City of Vaughan

TOTAL OWNERSHIP: 0.444 ha (1.097 acres)

EXPROPRIATED PROPERTY: Fee Simple in Part 21, Permanent Easements in Parts 19 and 22 and Temporary Easement in Part 20 on Expropriation Plan YR1694848

AREA EXPROPRIATED: 550.4 square metres (5,924.51 square feet)

Property No. 16 (*see attachment 3*)

The subject property is improved with an automotive sales and service centre.

OWNER: Domy's & Pat's Garage & Auto Collision Ltd.

PROPERTY LOCATION: 2685 Highway 7 West, City of Vaughan

TOTAL OWNERSHIP: 0.310 ha (0.766 acres)

EXPROPRIATED PROPERTY: Fee Simple in Part 15, Permanent Easement in Part 16 and Temporary Easement in Part 17 on Expropriation Plan YR1694848

AREA EXPROPRIATED: 230.8 square metres (2,484.33 square feet)

Property No. 17 (*see attachment 3*)

The subject property is improved with an automotive sales and service centre.

OWNER: Domy's & Pat's Garage & Auto Collision Ltd.

PROPERTY LOCATION: 2703 Highway 7 West, City of Vaughan

TOTAL OWNERSHIP: 0.370 ha (0.915 acres)

EXPROPRIATED PROPERTY: Temporary Easement in Part 18 on Expropriation Plan YR1694848

AREA EXPROPRIATED: 153.0 square metres (1,646.89 square feet)

Property No. 18 (*see attachment 3*)

The subject property is a vacant commercial lot and former gas station.

OWNER: Imperial Oil Limited

PROPERTY LOCATION: Southwest corner of Highway 7 and Costa Road, City of Vaughan

TOTAL OWNERSHIP: 0.340 ha (0.840 acres)

EXPROPRIATED PROPERTY: Temporary Easement in Part 13 on Expropriation Plan YR1694848

AREA EXPROPRIATED: 58.4 square metres (628.62 square feet)

Property No. 19 (*see attachment 3*)

The subject property is improved with a gas station and automotive service centre.

OWNER: Husky Oil Limited

PROPERTY LOCATION: 2757 Highway 7 West, City of Vaughan

TOTAL OWNERSHIP: 0.356 ha (0.880 acres)

EXPROPRIATED PROPERTY: Temporary Easement in Part 12 on Expropriation Plan YR1694848

AREA EXPROPRIATED: 176.2 square metres (1,896.62 square feet)

Property No. 20 (*see attachment 3*)

The subject property is improved with an automotive sales and service centre.

OWNER: Ernest Boersig

PROPERTY LOCATION: 49 Costa Road, City of Vaughan

TOTAL OWNERSHIP: 0.252 ha (0.623 acres)

EXPROPRIATED PROPERTY: Temporary Easement in Part 14 on Expropriation Plan YR1694848

AREA EXPROPRIATED: 3.7 square metres (39.82 square feet)

Property No. 21 (*see attachment 3*)

The subject property is improved with a retail/office building.

OWNER: La Torinese Drapery Ltd.

PROPERTY LOCATION: 2781 Highway 7 West, City of Vaughan

TOTAL OWNERSHIP: 0.601 ha (1.485 acres)

EXPROPRIATED PROPERTY: Permanent Easement in Part 10, Temporary Easement in Part 11 on Expropriation Plan YR1694848

AREA EXPROPRIATED: 309.5 square metres (3,331.46 square feet)

Property No. 22 (*see attachment 2*)

The subject property is improved with a building containing automotive sales centres.

OWNER: Salvatore Termini, Calogero Bancheri and Michele Termini

PROPERTY LOCATION: 254 Creditstone Road, City of Vaughan

TOTAL OWNERSHIP: 0.397 ha (0.980 acres)

EXPROPRIATED PROPERTY: Temporary Easement in Part 12 on Expropriation Plan YR1694886

AREA EXPROPRIATED: 33.9 square metres (364.90 square feet)

Property No. 23 (*see attachment 2*)

The subject property is improved with a retail landscape and garden supply centre.

OWNER: Lorwood Holdings Incorporated

PROPERTY LOCATION: 2851 Highway 7 West, City of Vaughan

TOTAL OWNERSHIP: 1.018 ha (2.515 acres)

EXPROPRIATED PROPERTY: Permanent Easement in Part 10 and Temporary Easement in Part 11 on Expropriation Plan YR1694886

AREA EXPROPRIATED: 218.2 square metres (2348.7 square feet)

Property No. 24 (*see attachment 2*)

The subject property is improved with a concrete batch plant.

OWNER: St. Marys Cement Inc. (Canada)

PROPERTY LOCATION: 2871 Highway 7 West, City of Vaughan

TOTAL OWNERSHIP: 1.454 ha (3.592 acres)

EXPROPRIATED PROPERTY: Temporary Easement in Part 9 on Expropriation Plan YR1694886

AREA EXPROPRIATED: 94.6 square metres (1018.27 square feet)

Property No. 25 (*see attachment 1*)

The subject property is improved with a hotel and meeting facility.

OWNER: 1406284 Ontario Inc.

PROPERTY LOCATION: 3201 Highway 7 West, City of Vaughan

TOTAL OWNERSHIP: 1.178 ha (2.912 acres)

EXPROPRIATED PROPERTY: Fee Simple in Parts 10 and 13, Permanent Easement in Parts 8, 11, and 14 and Temporary Easement in Parts 9, 12 and 15 on Expropriation Plan YR1694787

AREA EXPROPRIATED: 502.2 square metres (5,405.68 square feet)

Property No. 26 (*see attachment 1*)

The subject property is vacant commercial land.

OWNER: 2748355 Canada Inc.

PROPERTY LOCATION: Southwest corner of Edgeley Boulevard and Highway 7, City of Vaughan

TOTAL OWNERSHIP: 3.980 ha (9.836 acres)

EXPROPRIATED PROPERTY: Fee Simple in Part 6 and Temporary Easement in Part 7 on Expropriation Plan YR1694787

AREA EXPROPRIATED: 574.6 square metres (6,184.99 square feet)

5. FINANCIAL IMPLICATIONS

Funds for the acquisition of these lands are provided under the MoveOntario 2020 \$1.4 billion budget.

The *Expropriations Act* requires that offers be made for 100% of the market value. The total market value of the subject properties is \$1,160,000. Owners who accept a market value offer reserve the right to determine final compensation at a later date. The total value of the offers, including injurious affection, is \$2,700,000.

6. LOCAL MUNICIPAL IMPACT

The construction of dedicated lanes along Highway 7 for Viva buses will integrate improved public transit facilities, improving and enriching streetscapes to support the Region's goal for higher density mixed use transit-oriented development, in accordance with its approved official plans.

7. CONCLUSION

On August 12, 2011, an expropriation plan was registered with respect to certain lands required for the vivaNext H2 project, within the City of Vaughan. The *Expropriations Act* requires that offers of compensation for expropriated lands be served on the former owners. It is recommended that the offers set out in this report be served in accordance with the Act.

For more information on this report, please contact Chris Harker, Manager Realty Services, Property Services Branch at Ext. 1899.

The Senior Management Group has reviewed this report.

(The three attachments referred to in this clause were circulated with the Committee Agenda and the twenty six private attachments are circulated separately.)



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LOCATION PLAN

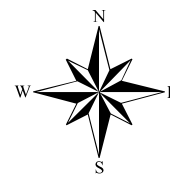
PROJECT NUMBER 90991

vivaNext H2: HIGHWAY 7 WEST - VAUGHAN METROPOLITAN CENTRE
CITY OF VAUGHAN



0 140 280 560 Metres

PROPERTY SERVICES





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LOCATION PLAN

PROJECT NUMBER 90991

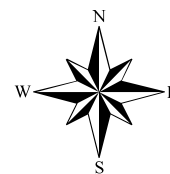
vivaNext H2: HIGHWAY 7 WEST - VAUGHAN METROPOLITAN CENTRE
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0 140 280 560 Metres

A horizontal scale bar with markings at 0, 140, 280, and 560 metres.

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LOCATION PLAN

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vivaNext H2: HIGHWAY 7 WEST - VAUGHAN METROPOLITAN CENTRE
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0 112.5 225 450 Metres

PROPERTY SERVICES

