

**Subject: Application for Approval to Expropriate Lands – Baseline Transit  
Priority Phase Project.**

**File Number: ACS2024-SI-HSI-0008**

**Report to Finance and Corporate Services Committee on 16 September 2024  
and Council 18 September 2024**

**Submitted on July 2, 2024 by Geraldine Wildman, Director, Housing Solutions and  
Investments Services, Strategic Initiatives Department**

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**Ward: Collage (8)**

**Objet : Demande d’approbation visant l’expropriation des terrains – phase  
prioritaire au transport de la rue Baseline**

**Dossier : ACS2024-SI-HSI-0008**

**Rapport au Comité des finances et des services organisationnels**

**le 16 septembre 2024**

**et au Conseil le 18 septembre 2024**

**Soumis le 2 juillet 2024 par Geraldine Wildman, Directrice, Services des solutions  
de logement et des investissements, Direction générale des initiatives  
stratégiques**

**Personne ressource : Robin Souchen, Gestionnaire, Services immobiliers,  
Services des solutions de logement et des investissements, Direction générale  
des initiatives stratégiques**

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**Quartier : Collège (8)**

## **REPORT RECOMMENDATION(S)**

**That the Finance and Corporate Services Committee recommend that Council enact a by-law, in the form attached in Document 1, approving the making of an application pursuant to Section 4 of the *Expropriations Act* for approval to expropriate lands that are required for purposes of the Baseline Transit Priority Phase Project.**

## **RECOMMANDATION(S) DU RAPPORT**

**Que le Comité des finances et des services organisationnels recommande au Conseil d'adopter un règlement municipal, sous la forme présentée dans le document 1 ci-joint, qui approuve la création d'une demande en vertu de l'article 4 de la *Loi sur l'expropriation* dans le but d'approuver l'expropriation des terrains requis pour la réalisation du projet de la phase prioritaire au transport de la rue Baseline.**

## **BACKGROUND**

The Baseline Transitway Project (the "Project") involves the construction of a fourteen kilometer (14km) at-grade Bus Rapid Transit corridor ("Baseline BRT Corridor") between Bayshore Station and Heron Station. The planned Baseline BRT Corridor will follow an alignment along Holly Acres Road, Richmond Road, Baseline Road and Heron Road. The objective of the Project is to construct dedicated bus-only lanes, new transit stations and new pedestrian and cycling facilities along the length of the Baseline BRT Corridor while also maintaining the function of an Arterial Road. This Project is an important link in the City's 2013 Transportation Master Plan as this Baseline BRT corridor will connect to other existing and planned rapid transit corridors including the West Transitway, the Confederation Line, the Southwest Transitway, the Trillium Line and the Southeast Transitway.

The Baseline BRT corridor will span through five wards, namely Bay (Ward 7), College (Ward 8), Knoxdale-Merivale (Ward 9), River (Ward 16) and Capital (Ward 17).

The Project is planned to be constructed in phases with Phase 1 of the Project encompassing Transit Priority Measures that require modifications to the intersection at Baseline Road and Greenbank Road located in College Ward (8) (the "Baseline Transit Priority Phase Project"). The Baseline Transit Priority Phase Project (Phase 1) contract is expected to be awarded in the first quarter of 2025 with construction expected to commence shortly thereafter.

The aboveground work for the Baseline Transit Priority Phase Project includes the reconstruction of the Greenbank Road and Baseline Road intersection with dedicated bus

priority lanes, new concrete sidewalks and curbs, raised asphalt cycle tracks, reconfigured traffic lanes, and utility pole relocations. The underground work will be limited to the installation of new catch basins and relocation of utility structures.

The Baseline Transit Priority Phase Project requires partial acquisitions and temporary limited interests of privately owned properties for its implementation. Affected property owners have been identified and contacted by Housing Solutions and Investments Services staff.

The property requirements included in the draft by-law recommended for adoption, and included in Document 1, are required to permit the construction of the Baseline Transit Priority Phase Project. It is anticipated that additional expropriation proceedings will be required to secure other property and property interests required for the Baseline Transitway Project. These additional property requests will be the subject of a future report to the Finance and Corporate Services Committee and Council.

The Housing Solutions and Investments Services Department recommends initiating expropriation proceedings with respect to the properties identified in Document 1 to ensure that the property interests required to support the implementation of the Baseline Transit Priority Phase Project are available to meet anticipated construction timing.

## **DISCUSSION**

Property interests such as road widenings are required to support the Baseline Transit Priority Phase Project. Staff from Housing Solutions and Investments Services (“HSIS”) have initiated discussions with all affected property owners to discuss these property requirements. To date, no agreements with property owners have been reached.

In order to continue the Baseline Transit Priority Phase Project and to protect construction timing, HSIS staff is recommending the initiation of expropriation proceedings with respect to the property interests identified in Schedules “A” and “B” of the draft by-law attached as Document 1.

In accordance with Section 4 of the *Expropriations Act*, R.S.O., 1990, c.E-26, as amended (the “*Expropriations Act*”), the City must apply to City Council, acting as the approval authority, to acquire land by expropriation.

Upon Council adoption of the draft by-law attached as Document 1, staff will proceed through the statutory notification process set out in the *Expropriations Act* which includes service by registered mail and publication in English and French in newspapers having general circulation in the City.

A further report will be brought before Council prior to registration of Plans of Expropriation.

Notwithstanding the initiation of expropriation proceedings, HSIS staff will continue to pursue negotiations with affected property owners to acquire the required property interests and negotiate settlements.

## **FINANCIAL IMPLICATIONS**

There are no direct financial implications.

## **LEGAL IMPLICATIONS**

Provided that the statutory process set out in the *Expropriations Act* is followed there are no legal impediments to implementing the recommendations set out in this Report.

## **COMMENTS BY THE WARD COUNCILLOR(S)**

The affected Councillor from Ward 8, has been notified regarding the recommendation of this Report.

Councillor Johnson, Ward 8, is aware of the report.

## **CONSULTATION**

The planning phase of the Project involved the completion of the Baseline Road Bus Rapid Transit Study (May 2012), approval of the Baseline BRT Corridor Recommended Plan by City Council (February 8, 2017), four public open houses (April 2012, November 2012, June 2014, and October 2016) and completion of the Environmental Assessment (September 2017). The detailed design for the Transit Priority Measures has also been completed (May 15, 2024). Additional public information sessions will be held prior to construction.

The Baseline Transit Priority Phase Project affects Ward 8 (College) and the Councillor for Ward 8 has been made aware of this report. The other wards that will be affected by the Baseline BRT Corridor are not directly impacted by this phase of the Project.

The real estate acquisition team has been in contact with all affected property owners where property interests are required to support the Baseline Transit Priority Phase Project. Communicating and negotiating with property owners has been ongoing since September 2023 and is expected to continue.

## **ACCESSIBILITY IMPACTS**

While the subject of the Application for Approval to Expropriate Lands – Baseline Transit Priority Phase Project report is administrative in nature and deals with only the expropriation of the lands required for the project, all actions initiated upon its approval will meet Provincial accessibility regulations, including the *Integrated Accessibility Standards Regulation* (IASR) under the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA).

## **RISK MANAGEMENT IMPLICATIONS**

The acquisition of certain property interests is required to complete the Baseline Transit Priority Phase Project. Failure to approve the initiation of expropriation proceedings may delay completion of the Project.

## **RURAL IMPLICATIONS**

All requirements are within the Urban Boundary of the City of Ottawa. The acquisition of property interests required for the Baseline Transit Priority Phase Project will not generate any rural implications.

## **TERM OF COUNCIL PRIORITIES**

In July 2023, City Council approved the 2023-2026 Term of Council Priorities. The Baseline Transit Priority Phase Project will assist in meeting the Council objectives to have a city that is: more connected with reliable, safe and accessible mobility options; more liveable for all and that is green and resilient.

## **SUPPORTING DOCUMENTATION**

Document 1 – Draft by-law

## **DISPOSITION**

Following Council's approval, HSIS will work with external and internal legal counsel to serve and publish Notice of Application for Approval to Expropriate.

## Document 1

### BY-LAW NO. 2024 – \_\_\_\_\_

A by-law of the City of Ottawa for the making of an application for approval to expropriate property in the City of Ottawa for the purposes of the Baseline Transit Priority Phase Project.

WHEREAS the City of Ottawa requires property described in paragraphs one (1) to five (5) of Schedule “A” and in Schedule “B” attached hereto for the purposes of the Baseline Transit Priority Phase project (the “**Baseline Transit Priority Phase Project**”) including, but not limited to, replacing and relocating above and underground utilities, including hydro poles, catch basins, hydrants and utility conduits and structures, facilitating the construction, use, operation, installation and maintenance of an improved right-of-way, signalized protected intersection, cycling and pedestrian corridors, cycle tracks, bus stops and shelters, fences, curbs, sidewalks, with tactile warning indicators, concrete medians, watermain protection, retaining walls, stairs, handrails, asphalt pathway connections, landscaping and streetscaping features, streetlight and traffic signal poles, and structures, pavement markings and signage, re-grading of the right-of way, tree removal and all other improvements and works ancillary thereto as well as a temporary limited interest in property described in paragraphs six (6) and seven (7) of Schedule “A” and in Schedule “B” for the purpose of a free, uninterrupted and unobstructed temporary easement in gross or rights in the nature of a temporary easement in gross for a term of twenty-four (24) months, commencing upon a minimum of three (3) months’ prior written notice to take possession and expiring no later than December 31, 2028, to access, enter, occupy and re-enter by the City and all users authorized by the City including, but not limited to, employees, workers, servants, contractors, sub-contractors, representatives and agents, along with all necessary vehicles, machinery, tools, equipment, materials and supplies in, on, under, over, above, below, through, along, across and upon the lands, on an exclusive basis as required by the City from time to time, using all means and methods required by the City for the purposes including but not limited to restoration, temporary relocation, renewal, replacement, tie-in, grading and regrading, drainage modifications, paving and placement of asphalt, line painting, construction, installation, replacement, relocation and /or restoration of driveways, stairs, fencing, signage and/or curbs and curb stops, landscaping, tree removal and trimming, installation and removal of temporary construction fencing, staging and laydown and other temporary works and/or uses ancillary to the Baseline Transit Priority Phase Project.



CITY CLERK

MAYOR

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## SCHEDULE "A"

### **All right, title and interest in the following lands:**

1. Part of PIN 03947-0147 (LT), PART OF BLOCK D, PLAN 447761, BEING PARTS 31, 32, 33 AND 34 ON PLAN 4R-13061, OTTAWA. SUBJECT TO AN EASEMENT IN FAVOUR OF OTTAWA CABLEVISION LTD AS IN N436790. SUBJECT TO AN EASEMENT IN FAVOUR OF THEHYDRO-ELECTRIC COMMISSION OF THE CITY OF OTTAWA AS IN N440706. SUBJECT TO AN EASEMENT OVER PART 33 ON PLAN 4R-13061 IN FAVOUR OF THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON AS IN LT1064426. TOGETHER WITH AN UNOBSTRUCTED RIGHT OF WAY FOR THE PASSAGE OF PERSONS, ANIMALS AND VEHICLES OVER PART OF BLOCK D ON PLAN 447761 DESIGNATED AS PARTS 18, 20, 22, 24, 26, 28 AND 30 ON PLAN 4R-13061 AS IN LT1084324 SUBJECT TO AN UNOBSTRUCTED RIGHT OF WAY IN FAVOUR OF THE OWNERS OF PART OF BLOCK D ON PLAN 447761 DESIGNATED AS PARTS 17 TO 30 ON PLAN 4R-13061 FOR THE PASSAGE OF PERSONS, ANIMALS AND VEHICLES OVER PART OF BLOCK D ON PLAN 447761 DESIGNATED AS PARTS 32 TO 34 ON PLAN 4R-13061 AS IN LT1084324 designated as Parcel 1 on drawing 23653-01-REV01.DGN
2. Part of PINs 15176-0001 (LT) to 15176-0068 (LT), PART OF THE COMMON ELEMENTS OF CARLETON CONDOMINIUM PLAN NO. 176, PT LT 20 CON 2 (OF), PT 1 4R3264; T/W 154949, 228735; AS IN SCHEDULE 'A' OF DECLARATION 223749 NEPEAN. EXCEPT PARTS 20 AND 21 PLAN 4R12329 (03947-0243) designated as Parcel 1 on drawing 23653-03Rev01.dgn
3. Part of PIN 03948-0245 (LT), LOT 1 AND PART OF LOT 2 ON PLAN 538 AS IN CR636805 EXCEPT PART 1 ON PLAN 4R12171, NEPEAN. SUBJECT TO AN EASEMENT IN FAVOUR OF THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON, OVER PART 2 ON PLAN 4R12171, AS IN LT1005768 designated as Parcel 1 on drawing 23653-05.dgn.
4. Part of PIN 04693-1699 (LT), PART OF LOT 35, CONCESSION 2, RIDEAU FRONT, BEING PARTS 1, 2, AND 3 ON PLAN 4R-25410. SUBJECT TO AN EASEMENT IN FAVOUR OF THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON OVER PARTS 2 AND 3 PLAN 4R-25410, AS IN LT1037453; CITY OF OTTAWA being Parcel 1 on drawing 23653-08REV01.DGN.
5. Part of PIN 04694-0563 (LT), PART OF LOT 35, CONCESSION 3, RIDEAU FRONT, NEPEAN AND PART OF BLOCK C PLAN 467421, BEING PARTS 93, 94, 96, 99 TO 105 INCLUSIVE, 107 AND 108 AND 109 PLAN 4R13107. OTTAWA. SUBJECT TO AN

EASEMENT IN FAVOUR OF THE CORPORATION OF THE CITY OF OTTAWA OVER PARTS 94, 99, 101, 103, 107, 108 AND 109 PLAN 4R13107 AS IN N360825. SUBJECT TO AN EASEMENT IN FAVOUR OF THE BELL TELEPHONE COMPANY OF CANADA OVER PARTS 93, 94, 99, 100, 101 AND 102 PLAN 4R13107 AS IN CR583914. SUBJECT TO AN EASEMENT IN FAVOUR OF THE HYDRO-ELECTRIC COMMISSION OF THE CITY OF OTTAWA OVER PARTS 93, 94, 99, 100, 101 AND 102 PLAN 4R13107 AS IN CR614177. TOGETHER WITH A RIGHT OF WAY OVER PART OF BLOCK C ON PLAN 467421 DESIGNATED AS PARTS 106 AND 110 ON 4R-13107 AS IN LT1091104 AND LT1092186 AND LT1096580 AND LT1101397 AND LT1102638 AND LT1107450 AND LT1104171 AND LT1104743 AND LT1106375 AND LT1105871. designated as Parcel 1 on drawing 23653-10.dgn.

**Temporary limited interest in the following lands:**

6. Part of PIN 04693-1699 (LT), PART OF LOT 35, CONCESSION 2, RIDEAU FRONT, BEING PARTS 1, 2, AND 3 ON PLAN 4R-25410. SUBJECT TO AN EASEMENT IN FAVOUR OF THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON OVER PARTS 2 AND 3 PLAN 4R-25410, AS IN LT1037453; CITY OF OTTAWA designated as Parcels 2 and 3 on drawing 23653-08REV01.DGN.
7. Part of PIN 04694-0563 (LT), PART OF LOT 35, CONCESSION 3, RIDEAU FRONT, NEPEAN AND PART OF BLOCK C PLAN 467421, BEING PARTS 93, 94, 96, 99 TO 105 INCLUSIVE, 107 AND 108 AND 109 PLAN 4R13107. OTTAWA. SUBJECT TO AN EASEMENT IN FAVOUR OF THE CORPORATION OF THE CITY OF OTTAWA OVER PARTS 94, 99, 101, 103, 107, 108 AND 109 PLAN 4R13107 AS IN N360825. SUBJECT TO AN EASEMENT IN FAVOUR OF THE BELL TELEPHONE COMPANY OF CANADA OVER PARTS 93, 94, 99, 100, 101 AND 102 PLAN 4R13107 AS IN CR583914. SUBJECT TO AN EASEMENT IN FAVOUR OF THE HYDRO-ELECTRIC COMMISSION OF THE CITY OF OTTAWA OVER PARTS 93, 94, 99, 100, 101 AND 102 PLAN 4R13107 AS IN CR614177. TOGETHER WITH A RIGHT OF WAY OVER PART OF BLOCK C ON PLAN 467421 DESIGNATED AS PARTS 106 AND 110 ON 4R-13107 AS IN LT1091104 AND LT1092186 AND LT1096580 AND LT1101397 AND LT1102638 AND LT1107450 AND LT1104171 AND LT1104743 AND LT1106375 AND LT1105871 designated as Parcel 2 on drawing 23653-10.dgn.











