

**Subject: Second Application for Approval to Expropriate Lands – Bank Street  
Rehabilitation Project, Phase 1 B**

**File Number: ACS2024-SI-HSI-0024**

**Report to Finance and Corporate Services Committee on 1 October 2024  
and Council 16 October 2024**

**Submitted on September 11, 2024 by Geraldine Wildman, Acting Director,  
Housing Solutions & Investment Services, Strategic Initiatives Department**

**Contact Person: Robin Souchen, Manager, Realty Services Branch, Housing  
Solutions and Investment Services, Strategic Initiatives Department**

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**Ward: River (16), Capital (17) Alta Vista (18)**

**Objet: Approbation visant l'expropriation de terrains – Projet de réfection  
de la rue Bank**

**Dossier: ACS2024-SI-HSI-0024**

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

**le 1 octobre 2024**

**et au Conseil le 16 octobre 2024**

**Soumis le 11 septembre 2024 par Geraldine Wildman, Directrice, Services des  
solutions de logement et des investissements, Direction générale des initiatives  
stratégiques**

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

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**Quartier: Rivière (16), Capitale (17), Alta Vista (18)**

## **REPORT RECOMMENDATION(S)**

**That the Finance and Corporate Services Committee recommend that City Council enact the By-law attached as Document 1 hereto authorizing the City to proceed with the expropriation of the lands described in Schedule A to the By-law (the “Lands”) including:**

- 1. Registering a plan of expropriation with respect to the Lands;**
- 2. Serving notice of expropriation and possession on the owners of the Lands;**
- 3. Serving offers of compensation as contemplated in Section 25 of the *Expropriations Act*; and,**
- 4. Taking possession of the Lands.**

**All in accordance with the *Expropriations Act*.**

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

**Que le Comité des finances et des services organisationnels recommande au Conseil de promulguer le règlement municipal joint en tant que document 1 autorisant la Ville à exproprier les terrains décrits à l'annexe A du règlement provisoire ci-joint (les « terrains »), notamment :**

- 1. enregistrer un plan d'expropriation visant les terrains;**
- 2. signifier aux propriétaires des terrains un avis d'expropriation et de possession;**
- 3. proposer des offres d'indemnité, comme le prévoit l'article 25 de la *Loi sur l'expropriation*; et**
- 4. prendre possession des terrains.**

**Conformément à la *Loi sur l'expropriation*.**

## **BACKGROUND**

The Bank Street Rehabilitation Project involves significant reconstruction of approximately 2.8 kilometres of Bank Street from Riverside Drive (North) to Ledbury Avenue. The objective of the project is to construct a functioning and safe complete arterial main street with a well-balanced multi-modal transportation network that will cater to vehicles, transit, cyclists, and pedestrians.

The underground works include reconstruction of the sanitary sewer, storm sewer and replacement of distribution watermains as well as the renewal of the Bank Street Sawmill Creek culvert.

The aboveground work includes reconstruction of the four-lane roadway with new concrete sidewalks and curbs, raised asphalt cycle tracks, significant streetscaping improvements and optimized bus stop and shelter locations.

The planning phase of the project involved completion of the Bank Street Functional Design Study (December 2016), a Road Modification Approval (RMA) dated July 17, 2017 by the Councillors for Ward 16 (River), Ward 17 (Capital) and Ward 18 (Alta Vista) and three public meetings (October 2019, April 2021, and March 2023).

Funding for the design of the Bank Street Rehabilitation Project was approved by City Council in 2017 with construction funding being approved by City Council in 2022.

The Bank Street Rehabilitation Project is planned to be constructed in phases, with Phase 1 of the project encompassing the segment of Bank Street which extends from Riverside Drive westbound to the north side of Collins Avenue. The contract for Phase 1 has been awarded and construction began on June 11<sup>th</sup> 2024.

The Lands are required to permit the construction of Phase 1 of the Bank Street Rehabilitation Project. City Council authorized the initiation of expropriation proceedings with respect to property interests including the Lands on September 13, 2023 under report number ACS2023-PRE-CRO-0005 and by enacting By-law 2023-420 on September 27, 2023. A significant number of the property interests required to permit the construction of Phase 1 of the Bank Street Rehabilitation Project have already been acquired, either through negotiated transactions or through the registration of expropriation plans authorized by Council pursuant to By-law 2024-146 adopted on April 3, 2024.

The Housing Solutions & Investment Services Area (HSIS) is now recommending advancing expropriation proceedings with respect to the Lands in order to ensure that property required to support Phase 1 of the Bank Street Rehabilitation Project is available to meet anticipated construction timing.

## **DISCUSSION**

Following the approval of By-law No. 2023-420 described above, expropriation proceedings commenced with respect to property interests including the Lands with the delivery and publication of Notice of the City's Application for Approval to Expropriate Lands as required under Section 4 of the *Expropriations Act*. Notice of Application for

Approval to Expropriate property interests including the Lands was served by registered mail on November 29, 2023, and published three times in the Citizen and Le Droit.

The City did not receive any requests for an inquiry as contemplated in Sections 6 and 7 of the *Expropriations Act* with respect to the Lands and the City is now in a position to proceed with the expropriation of the Lands including:

- Registering a plan of expropriation;
- Serving notice of expropriation and possession on the owner(s) of the Lands;
- Serving offers of compensation as contemplated in Section 25 of the *Expropriations Act*; and
- Taking possession of the Lands.

Staff will continue efforts to settle compensation payable to the owners of the Lands through negotiation and through the process established in the *Expropriations Act*, including arbitration before the Ontario Land Tribunal, if necessary.

## **FINANCIAL IMPLICATIONS**

There are no direct financial implications. A delegated authority report will be prepared as each parcel is purchased, with payments to be made from account 906735.

## **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 COUNCILLORS**

All three affected Councillors from Wards, 16, 17 and 18 have been notified regarding the recommendation of this report. Phase 1 property requirements fall within Wards 17 and 18. Councillor Brockington, Ward 16; Councillor Menard, Ward 17; and Councillor Carr, Ward 18, are aware of the report.

## **ADVISORY COMMITTEE(S) COMMENTS**

Not applicable.

## **CONSULTATION**

The planning phase of the project involved completion of the Bank Street Functional Design Study (December 2016), a Road Modification Approval (RMA) dated the 17<sup>th</sup> of July 2017 by the Councillors for Ward 16 (River), Ward 17 (Capital) and Ward 18 (Alta

Vista) and three public meetings (October 2019, April 2021 and March 2023).

To the extent possible, the real estate acquisition team has been in contact with the owners of the Lands both prior to and following the service of the Notice of Application for Approval to Expropriate in November of 2023.

### **ACCESSIBILITY IMPACTS**

There are accessibility impacts associated with the recommendation of this report.

### **ENVIRONMENTAL IMPLICATIONS**

The City's requirements for the various properties were reviewed through the Historical Land Use Inventory (HLUI) and available environmental reports. The review indicated that some of the properties are within or adjacent to land uses which may cause environmental impacts. Should impacted soil or groundwater be encountered during construction activities they would need to be managed in accordance with all regulations and guidelines

### **RISK MANAGEMENT IMPLICATIONS**

The acquisition of the Lands is required to complete the Bank Street Rehabilitation Project. Failure to enact the By-law as recommended in this Report may delay completion of the Bank Street Rehabilitation Project.

### **RURAL IMPLICATIONS**

All requirements are within the Urban Boundary of the City of Ottawa. The acquisition of property required for the Bank Street Rehabilitation Project will not generate any rural implication.

### **TERM OF COUNCIL PRIORITIES**

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

### **SUPPORTING DOCUMENTATION**

Document 1 – Draft By-law

### **DISPOSITION**

Following Council's approval of the recommended By-law, CREO will work with Surveys and Mapping to register plans of expropriation with respect to the Lands and with external

legal counsel to serve notice of expropriation and possession on the owners of the Lands. CREO will continue its efforts to resolve the compensation payable with respect to the expropriation of the Lands, including through proceedings before the Ontario Land Tribunal, if necessary.

## DOCUMENT 1 – DRAFT BY-LAW

BY-LAW NO. 2024 – \_\_\_\_

A by-law of the City of Ottawa to approve the expropriation of certain property interests in the City of Ottawa for the purposes of the of the Bank Street Renewal Project

WHEREAS the City of Ottawa requires the property described in Schedule “A” attached hereto (collectively the “Subject Lands”), for the purposes of the Bank Street Renewal project (the “Bank Street Renewal Project”) including but not limited to, replacing and relocating above and underground utilities, including sanitary sewers, stormwater sewers, watermains and other utility conduits, facilitating the construction, use, operation, installation and maintenance of an improved right-of-way, cycling and pedestrian corridors, cycle tracks, bus stops and shelters, fences, curbs, sidewalks, retaining walls, landscaping and streetscaping features, streetlight and traffic signal poles, re-grading of the right-of way and all other improvements and works ancillary to the Bank Street Renewal Project;

AND WHEREAS pursuant to Section 6(1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, the power of a municipality to acquire land under this or any other Act includes the power to expropriate land in accordance with the *Expropriations Act, R.S.O. 1990, c.E.26*, as amended (hereinafter referred to as the “Expropriations Act”) for these purposes;

AND WHEREAS a Notice of Application for Approval to Expropriate Land including the Subject Lands was served and published, as required by the Expropriations Act;

AND WHEREAS the application has not been referred to the Ontario Land Tribunal for a hearing of necessity by any of the owners of the Subject Lands and the applicable deadline for such has passed;

THEREFORE the Council of the City of Ottawa hereby enacts as follows:

1. That approval is hereby granted for the expropriation by the City of Ottawa of the Subject Lands described in Schedule “A” attached to this by-law, for the above-described purposes.
2. That the City Clerk is hereby authorized to execute on behalf of City Council the Certificate of Approval and the Expropriation Certificate and all other notices and documents which are necessary to carry out the provisions of this By-law.
3. That the City Clerk is hereby authorized to cause the Expropriation Plan to be registered in the Land Registry Office for the Land Titles Division of Ottawa (No. 4) and thereby effect the expropriation of the Subject Lands.
4. That a Notice of Expropriation be served upon the registered owners of the

Subject Lands together with a copy of the Expropriation Plan and a Notice of Election relating to the date of assessment of compensation.

5. That an appraisal report estimating the market value of the Subject Lands and damages for injurious affection, if any, be obtained from an accredited appraiser.

6. That a Notice of Possession be served requiring possession of the Subject Lands at least three (3) months after the date of service of said notice.

7. That the City of Ottawa is hereby authorized to enter and take possession of the expropriated lands described in Schedule "A" hereto on the day permitted under the Expropriations Act, or pursuant to any Court Order thereunder, or pursuant to any agreement entered into between the relevant owner(s) and the City of Ottawa.

8. That, subject to any requirement for additional Council approval based on the estimated market value of any registered owner's interest in the Subject Lands, an offer of an amount in full compensation for the registered owners' interests in the Subject Lands, and an offer for immediate payment of 100% of market value as estimated by the expropriating authority, all in accordance with section 25 of the Expropriations Act, be served, together with a copy of the appraisal report on which the offer of compensation is based.

9. That the officers and authorized agents of the City of Ottawa be and hereby otherwise authorized and directed to do all things required arising from the authorizations provided for by this by-law.

10. THAT this by-law comes into force on the day it is passed.

ENACTED and PASSED this \_\_, day of \_\_\_\_\_, 2024.

CITY CLERK

MAYOR

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## SCHEDULE "A"

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

1. Part of PIN 04145-0234 (LT) PART LOT 18, CONCESSION JUNCTION GORE DESIGNATED AS PART 1, 4R36311; CITY OF OTTAWA
2. Part of PIN 04145-0232 (LT) PART LOT 18, CONCESSION JUNCTION GORE DESIGNATED AS PART 2, 4R36311; CITY OF OTTAWA
3. Part of PIN 04145-0235 (LT) PART LOT 18, CONCESSION JUNCTION GORE DESIGNATED AS PART 3, 4R36311; CITY OF OTTAWA
4. Part of PIN 04145-0236 (LT) PART LOT 18, CONCESSION JUNCTION GORE DESIGNATED AS PART 4, 4R36311; CITY OF OTTAWA
5. Part of PIN 04193-0192 (LT) PART LOT 18, CONCESSION JUNCTION GORE DESIGNATED AS PART 5, 4R36311; CITY OF OTTAWA
6. Part of PIN 04193-0193 (LT) PART LOT 18, CONCESSION JUNCTION GORE, PART LOT 2, REGISTERED PLAN 347, DESIGNATED AS PART 6, 4R36311; CITY OF OTTAWA