

**Subject: Application for Approval to Expropriate Lands – Bank Street
Renewal, Phase 1**

File Number: ACS2024-SI-HSI-0027

**Report to Finance and Corporate Services Committee on 3 December 2024
and Council 11 December 2024**

**Submitted on October 31, 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**

613-580-2424 ext.21549, robin.souchen@ottawa.ca

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

**Objet: Demande d'autorisation d'exproprier des terrains – Réfection de la
rue Bank, phase 1**

Dossier: ACS2024-SI-HSI-0027

Rapport au Comité des finances et des services organisationnels

le 3 décembre 2024

et au Conseil le 11 décembre 2024

**Soumis le 31 octobre 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**

613-580-2424 ext.21549, robin.souchen@ottawa.ca

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

REPORT RECOMMENDATION

**That the Finance and Corporate Services Committee recommend that City
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 Bank Street
Renewal project, Phase 1.**

RECOMMANDATION 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 de l'étape 1 du projet de réfection de la rue Bank.

BACKGROUND

The Bank Street Renewal 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 above-ground 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 Renewal Project was approved by City Council in 2017 and construction funding was approved by City Council in 2022.

The Bank Street Renewal Project will be constructed in phases. Construction for Phase 1 of the project, which includes the segment of Bank Street from Riverside Drive westbound to Collins Avenue, started in June 2024.

There is a limited City Right of Way along the project limits on a very tight urban corridor, so the project needs additional width to implement the planned traffic, cycling and pedestrian infrastructure as well as related utility relocations and improvements. This requires acquiring property rights from some private property owners.

On September 13, 2023, Council approved the initiation of expropriation proceedings for certain property required for the purposes of Phase 1 of the Bank Street Renewal Project. When expropriation proceedings for these initial property requirements were initiated, staff noted that additional expropriation proceedings would likely be required to secure other property and property interests required for the purposes of Phase 1 of the Bank Street Renewal Project and that these would be the subject of a future report to the Finance and Corporate Services Committee and Council.

The six (6) additional parcels of land described in Schedules A & B to Document 1 attached to this Report have now also been identified as required for the purposes of Phase 1 of the Bank Street Renewal Project (the "**Additional Phase 1 Lands**"). This report recommends that Council authorize the initiation of expropriation proceedings with respect to the Additional Phase 1 Lands.

Negotiations are underway with owners of the Additional Phase 1 Lands; however, Staff recommend initiating expropriation proceedings for some properties to protect construction timing for Phase 1 of the Bank Street Renewal Project, including the service and publication of notices required in accordance with the *Expropriations Act*.

Further authorizations from Council will be required prior to completing the expropriations process.

DISCUSSION

In order to advance Phase 1 of the Bank Street Renewal Project and protect planned construction timing, Realty Services staff recommend initiating expropriation proceedings with respect to the Additional Phase 1 Lands 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 initiate expropriation proceedings.

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, staff will continue to pursue negotiations with affected property owners to acquire the Additional Phase 1 Lands and negotiate settlements.

FINANCIAL IMPLICATIONS

There are no direct financial implications at this time. 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.

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 17th 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 properties where property interests are required to support the Bank Street Rehabilitation project. This work has been ongoing since January 2023 and is expected to continue for the next two years.

ACCESSIBILITY IMPACTS

There are no 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.

The Additional Phase 1 Lands consist of a collection of small parcels along Bank Street, which are required to facilitate the Bank Street Reconstruction Project. Although sporadic contaminants have been identified from the preliminary environmental studies for the road reconstruction, there does not appear to be any significant contamination identified around the Additional Phase 1 Lands which would warrant further investigation to support our acquisition of those parcels, and ERU does not recommend that any additional environmental due diligence be required. The construction project will address any contaminants found from the ESAs according to recommendations from the Materials Management Plan, project-specific soil management plans and industry best management practices.

RISK MANAGEMENT IMPLICATIONS

The acquisition of the Lands is required to complete the Bank Street Renewal Project. Failure to approve the initiation of expropriation proceedings as recommended in this Report may delay completion of the Bank Street Renewal project.

ASSET MANAGEMENT IMPLICATIONS

There are no anticipated asset management implications.

RURAL IMPLICATIONS

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

TERM OF COUNCIL PRIORITIES

In July 2023, Council approved the 2023-2026 Term of Council Priorities. The Bank Street Renewal 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, including Schedule A with Property Descriptions and Schedule B with Property Sketches

DISPOSITION

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

Document 1 – Draft By-law

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 Bank Street Renewal Project

WHEREAS the City of Ottawa requires property interests described in Schedule “A” and in Schedule “B” attached hereto 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, electrical infrastructure 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*”);

AND WHEREAS pursuant to Section 4 of the *Expropriations Act*, an expropriating authority, in this case, the City of Ottawa, shall not expropriate land without the approval of the approving authority, in this case, the Council of the City of Ottawa;

AND WHEREAS the City of Ottawa shall conduct the expropriation in accordance with the *Expropriations Act*.

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

1. THAT the Council of the City of Ottawa hereby approves the making of an application for approval to expropriate land by the City of Ottawa, in respect of the property described in Schedule “A” and Schedule “B”, appended hereto.
2. THAT the Mayor, the City Clerk, and the Director of Housing Solutions and Investments, or any one of them are hereby authorized to execute, on behalf of the City of Ottawa, an Application for Approval to Expropriate the property described in Schedule “A” and Schedule “B” appended hereto.
3. THAT the Mayor, the City Clerk, and the Director of Housing Solutions and Investments, or any one of them are hereby authorized to execute, on behalf of the City of Ottawa, Notices of Application for Approval to Expropriate Land for the property described in **Schedule “A”** and **Schedule “B”** appended hereto and that such Notices be served and published, as required by the *Expropriations Act*.

4. THAT, in the event an owner or registered owner requests a hearing of necessity, and a report of the Ontario Land Tribunal is issued, the report of the Ontario Land Tribunal shall come before Council of the City of Ottawa for consideration.

5. THAT the officers and authorized agents of the City of Ottawa be, and they are hereby otherwise authorized and directed to do all things required arising from the authorizations provided for by this by-law.

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

ENACTED and PASSED this day of , 2024.

CITY CLERK

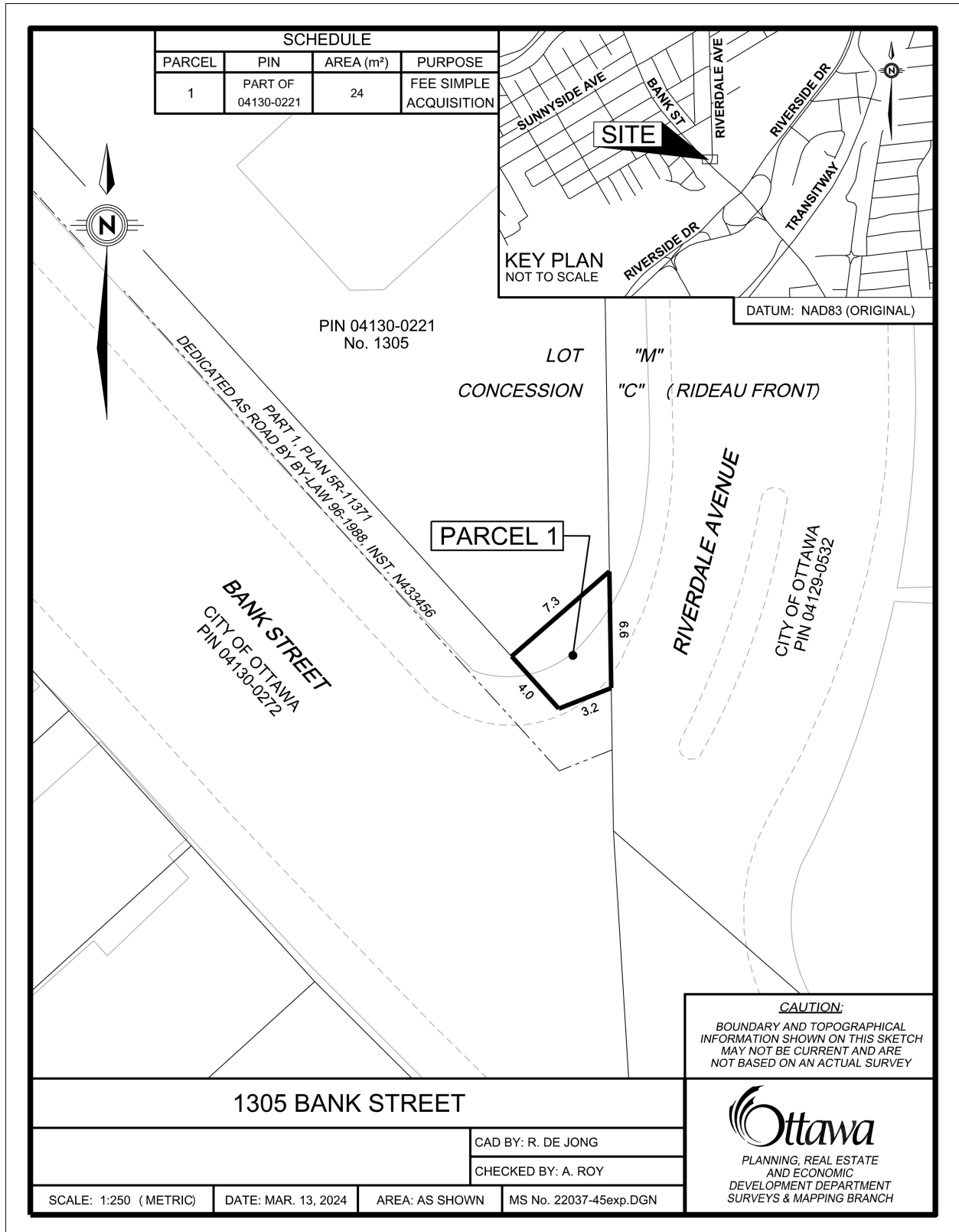
MAYOR

Schedule A – Property Descriptions

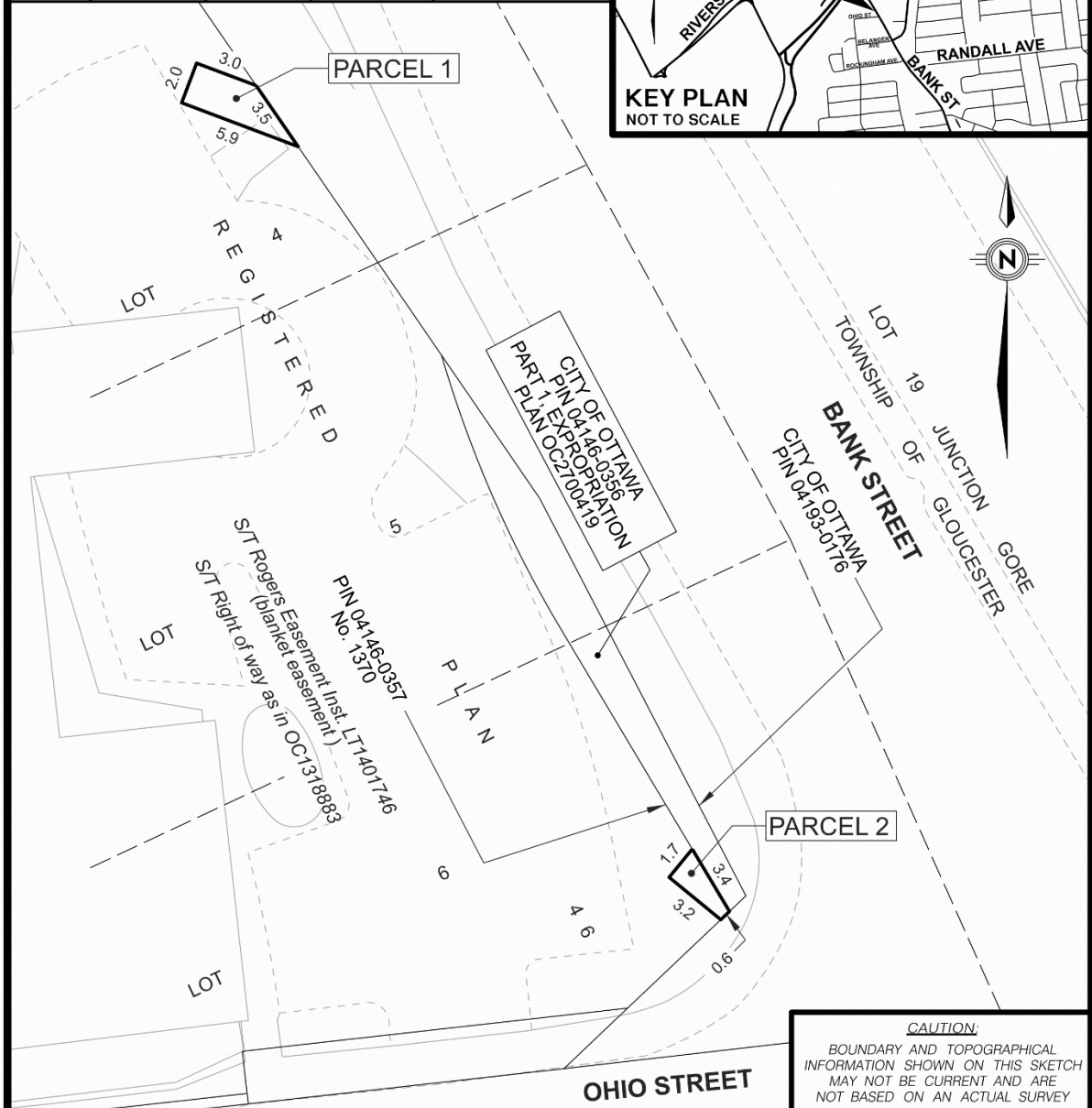
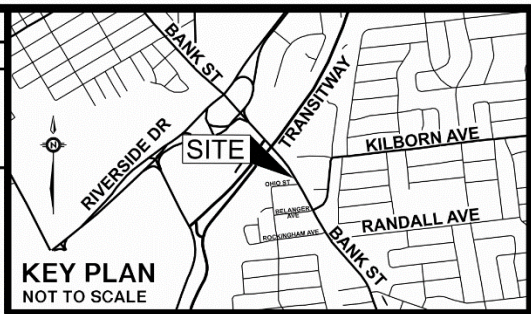
All right, title and interest in the following lands:

1. Part of PIN 04130-0221(LT) - PT LT M, CON CRF, AS IN N410896, EXCEPT PART 1, 5R11371 ; OTTAWA/NEPEAN, designated as Parcel 1 on drawing 22037-45exp.dgn.
2. Part of PIN 04146-0357(LT) – PART OF LOTS 3, 4, 5, 6, 7, 9, AND PART OF "A" STREET (CLOSED BY ORDER N573261) ON PLAN 46 BEING PARTS 7, 8, 9, 13, 14, 15 AND 16 ON PLAN 4R-25652, SAVE AND EXCEPT PART 1 ON EXPROPRIATION PLAN OC2700419. SUBJECT TO AN EASEMENT OVER PART 7 PLAN 4R25652 AS IN LT1280792.; SUBJECT TO AN EASEMENT AS IN LT1401746; TOGETHER WITH AN EASEMENT OVER PART OF LOTS 7, 9 AND PART OF "A" STREET (CLOSED BY ORDER N573261) ON PLAN 46 BEING PARTS 3, 4 AND 17 ON PLAN 4R-25652 AS IN OC1318883; TOGETHER WITH AN EASEMENT OVER PART OF LOT 7 ON PLAN 46 BEING PART 6 ON PLAN 4R-25652 AS IN OC1318883; TOGETHER WITH AN EASEMENT OVER PART OF LOT 7 ON PLAN 46 BEING PARTS 5 AND 6 ON PLAN 4R-25652 AS IN OC1318883; TOGETHER WITH AN EASEMENT OVER PART OF LOTS 7 AND 9 AND PART OF "A" STREET (CLOSED BY ORDER N573261) ON PLAN 46 BEING PART 3 ON PLAN 4R-25652 AS IN OC1318883; TOGETHER WITH AN EASEMENT OVER PART OF LOTS 7 AND 9 ON PLAN 46 BEING PART 17 ON PLAN 4R-25652 AS IN OC1318883; SUBJECT TO AN EASEMENT OVER PARTS 8 AND 9 ON PLAN 4R-25652 IN FAVOUR OF PART OF LOTS 7, 9, 10 AND 11 AND PART OF "A" STREET (CLOSED BY ORDER N573261) ON PLAN 46 BEING PARTS 1, 2, 3, 4, 5, 6 AND 17 ON PLAN 4R-25652 AS IN OC1318883; SUBJECT TO AN EASEMENT OVER PART 9, 13 AND 16 ON PLAN 4R-25652 IN FAVOUR OF PART OF LOTS 7, 9, 10 AND 11 AND PART OF "A" STREET (CLOSED BY ORDER N573261) ON PLAN 46 BEING PARTS 1, 2, 3, 4, 5, 6 AND 17 ON PLAN 4R-25652 AS IN OC1318883; SUBJECT TO AN EASEMENT OVER PARTS 9, 13, 14, 15 AND 16 ON PLAN 4R-25652 IN FAVOUR OF PART OF LOTS 7, 9, 10 AND 11 AND PART OF "A" STREET (CLOSED BY ORDER N573261) ON PLAN 46 BEING PARTS 1, 2, 3, 4, 5, 6 AND 17 ON PLAN 4R-25652 AS IN OC1318883; CITY OF OTTAWA, designated as Parcels 1 and 2 on drawing 22037-60exp.dgn.
3. Part of PIN 04148-0218(LT) - BLK A, PL 623; S/T OT13726. OTTAWA/GLOUCESTER., designated as Parcels 1 and 2 on drawing 22037-51exp-Rev02.dgn.
4. Part of PIN 04147-0212(LT) - PT LT 20, CON JG , AS IN N397830 ; OTTAWA/GLOUCESTER, designated as Parcel 1 on drawing 22037-58exp-Rev01.dgn.
5. Part of PIN 04069-0918(LT) – PART LOTS 17 AND 18, PLAN 31, PART 1, PLAN 5R13449, SAVE AND EXCEPT PARTS 1 AND 2 ON EXPROPRIATION PLAN OC2700699; SUBJECT TO AN EASEMENT AS IN CT133011; SUBJECT TO AN EASEMENT AS IN CT133010; SUBJECT TO AN EASEMENT AS IN N371711; CITY OF OTTAWA, designated as Parcels 1 and 2 on drawing 22037-61exp.dgn
6. Part of PIN 04146-0363(LT) - PART LOTS 18 AND 19, CONCESSION JUNCTION GORE GLOUCESTER, AS IN N416965, OT49322, OT44395, SAVE AND EXCEPT PARTS 4 AND 5, PLAN 4R11588, PARTS 1 AND 2, EXPROPRIATION PLAN OC2700494 AND PARTS 1 AND 2, EXPROPRIATION PLAN OC2700503, OTTAWA. SUBJECT TO RIGHTS AS IN OT23230, OT40681 AND N416965. SUBJECT TO AN EASEMENT IN FAVOUR OF THE HYDRO-ELECTRIC COMMISSION OF THE CITY OF OTTAWA AS IN N649859. SUBJECT TO RIGHTS IN FAVOUR OF PARTS 4 AND 5 ON 4R-11588 OVER PARTS 2, 3 AND 6 ON 4R-11588 AS IN LT1061326.; CITY OF OTTAWA designated as Parcel 1 on drawing 22037-59exp.dgn

Schedule B – Property Sketches



SCHEDULE				
PARCEL	PIN	AREA SQ.M.	PURPOSE	EASEMENT
1	PART OF 04146-0357	8.9	ACQUISITION	S/T Inst. LT1401746 S/T OC1318883
2		3.7		



CAUTION:
BOUNDARY AND TOPOGRAPHICAL
INFORMATION SHOWN ON THIS SKETCH
MAY NOT BE CURRENT AND ARE
NOT BASED ON AN ACTUAL SURVEY

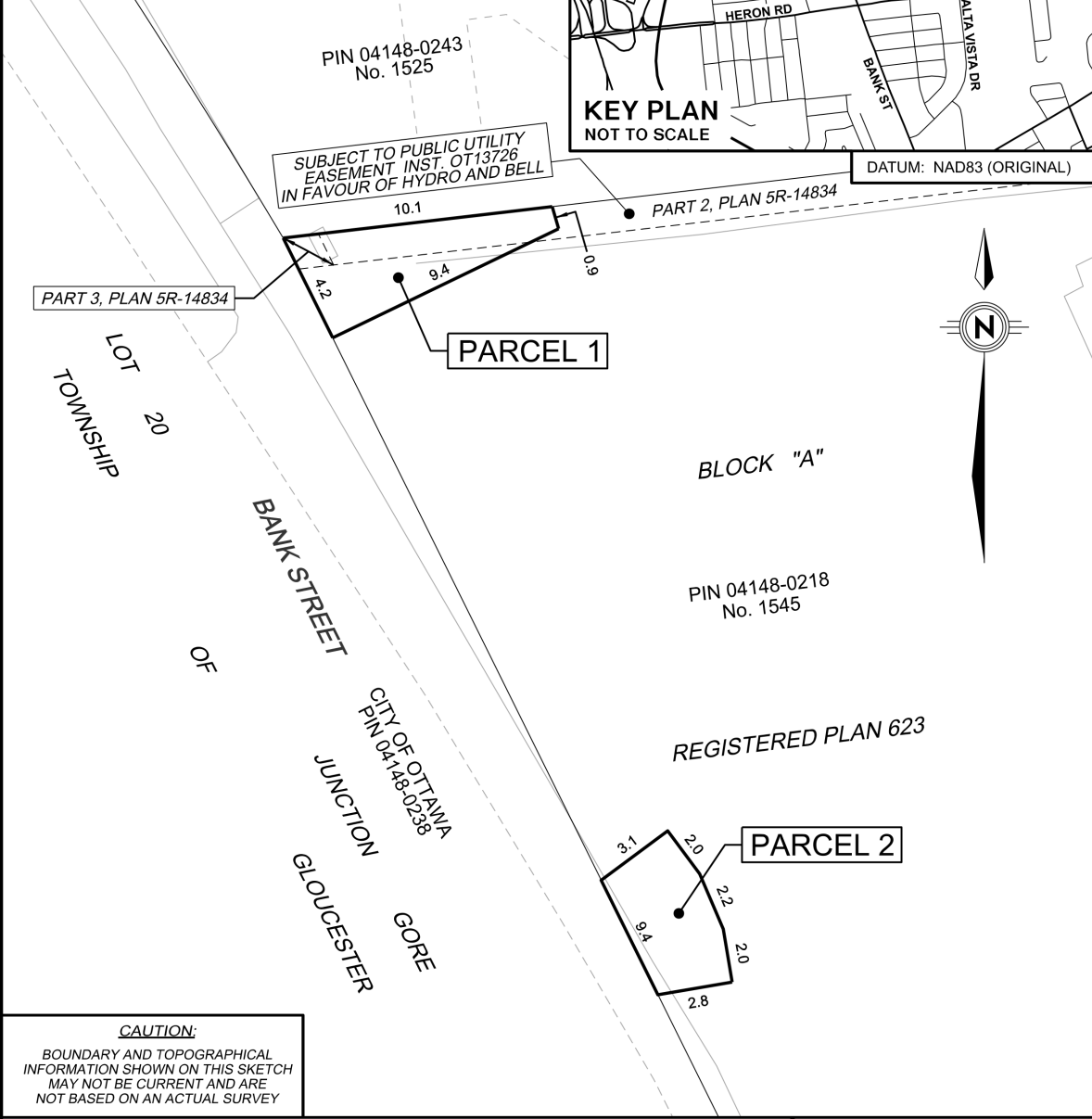
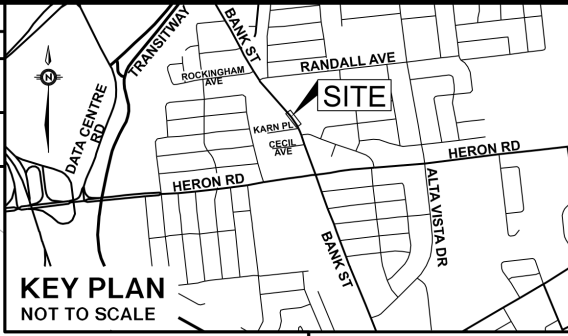
1370 BANK STREET

CAD BY: R.D.
CHECKED BY: A. ROY



SCALE 1:250(METRIC) | DATE: OCT. 14, 2024 | AREA AS SHOWN | MS No. 22037-60exp.dgn

SCHEDULE				
PARCEL	PIN	AREA (m ²)	PURPOSE	COMMENT
1	PART OF 04148-0218	23.8	FEE SIMPLE	S/T INST. OT13726
2		17.6	ACQUISITION	N/A



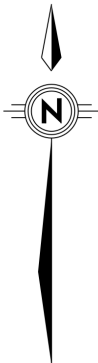
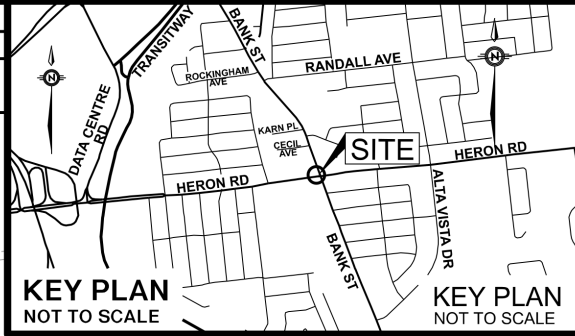
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INFORMATION SHOWN ON THIS SKETCH
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NOT BASED ON AN ACTUAL SURVEY

1545 BANK STREET			
		CAD BY: R. DE JONG	
		CHECKED BY: A. ROY	
SCALE: 1:200 (METRIC)	DATE: SEPT 24, 2024	AREA: AS SHOWN	MS No. 22037-51exp-Rev02.dgn



PLANNING, DEVELOPMENT AND
BUILDING SERVICES DEPARTMENT
SURVEYS & MAPPING BRANCH

SCHEDULE			
PARCEL	PIN	AREA (m ²)	PURPOSE
1	PART OF 04147-0212	3.7	ACQUISITION

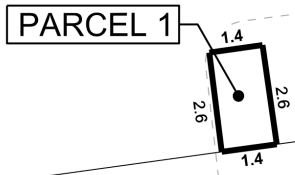


DATUM: NAD83 (ORIGINAL)

LOT 20 JUNCTION OF TOWNSHIP OF GLOUCESTER

PIN 04147-0212 No. 1582

PIN 04147-0213 No. 1596



HERON ROAD

CITY OF OTTAWA
PIN 04147-0134

ROAD ALLOWANCE BETWEEN LOTS 20 AND 21 JUNCTION GORE

CAUTION:
BOUNDARY AND TOPOGRAPHICAL INFORMATION SHOWN ON THIS SKETCH MAY NOT BE CURRENT AND ARE NOT BASED ON AN ACTUAL SURVEY

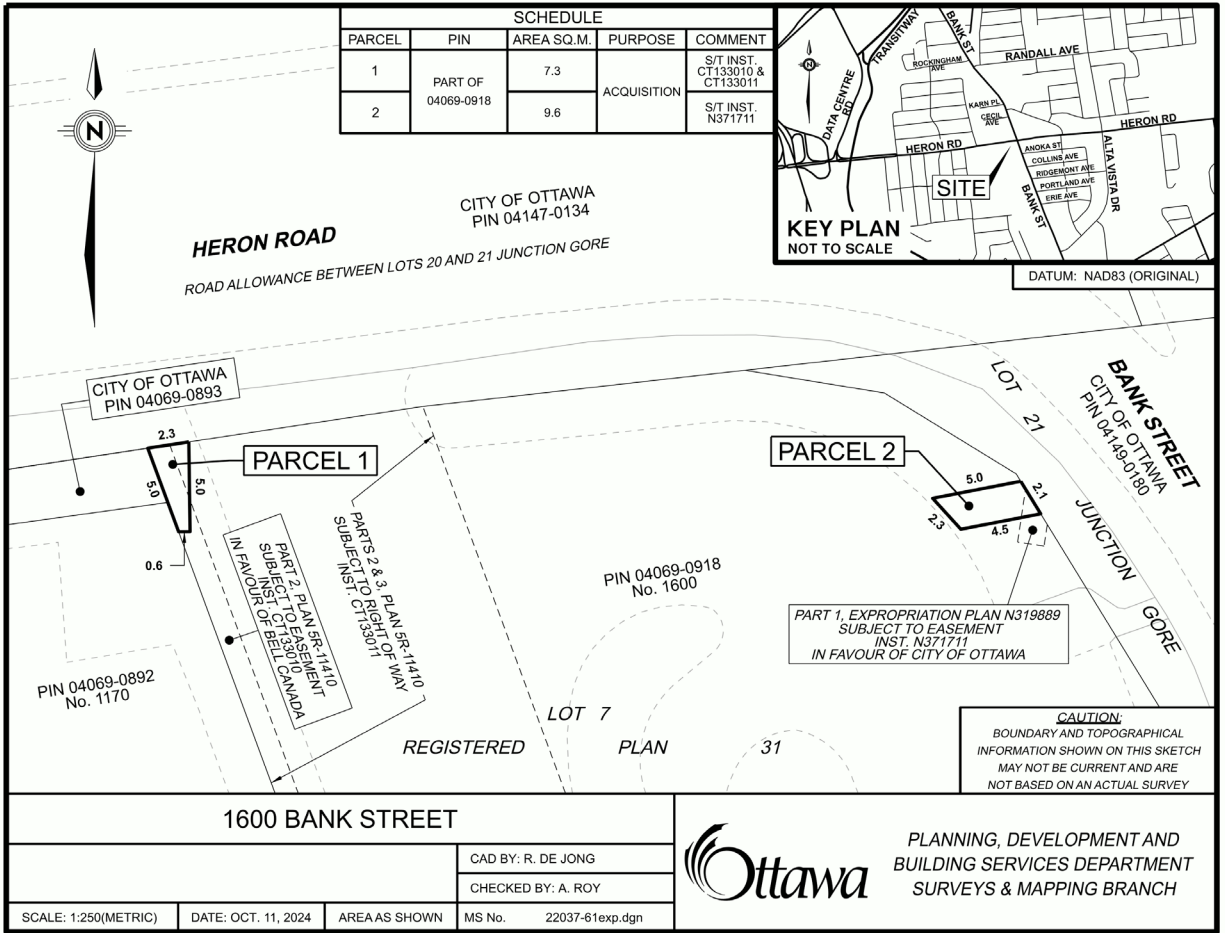
1582 BANK STREET



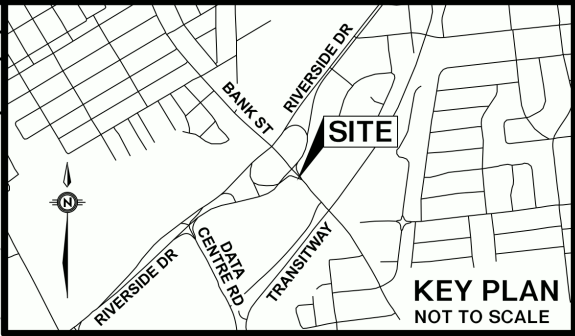
PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT
SURVEYS & MAPPING BRANCH

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CHECKED BY: A. ROY

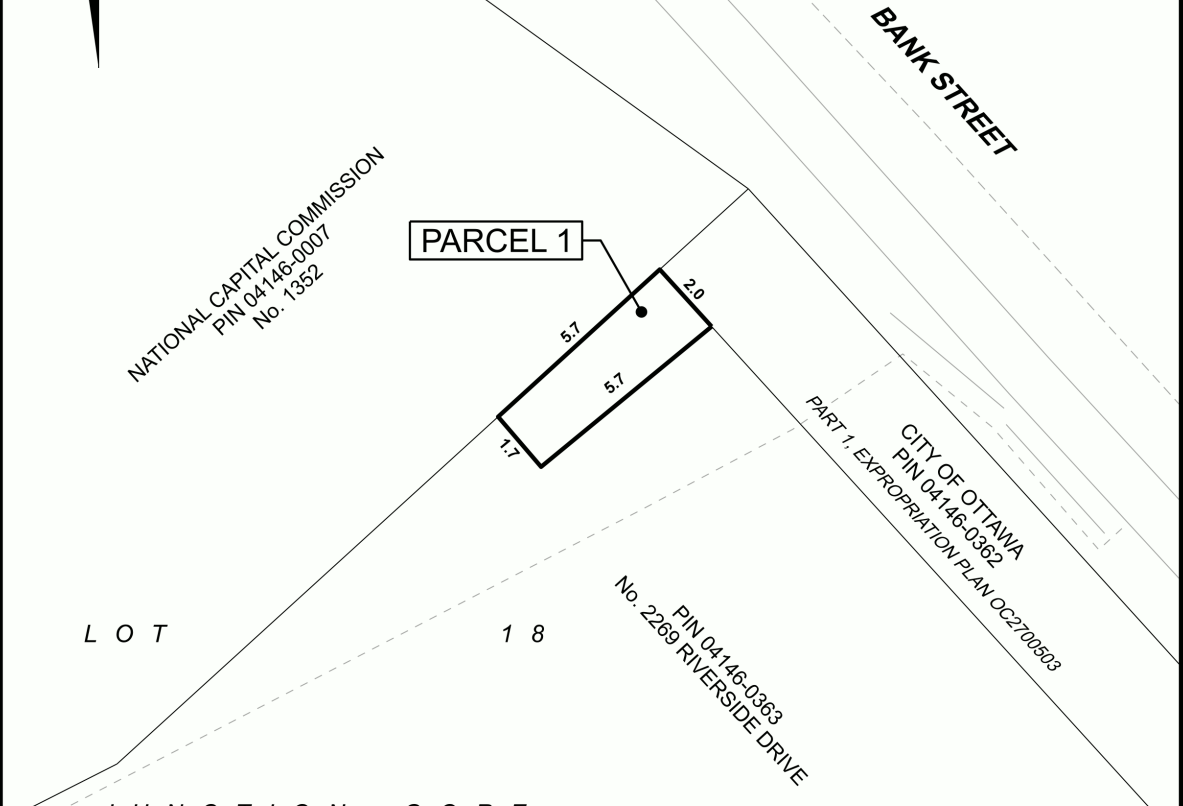
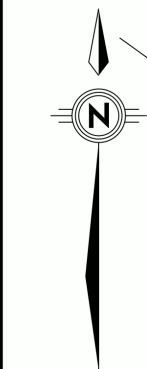
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SCHEDULE			
PARCEL	PIN	AREA (m ²)	PURPOSE
1	PART OF 04146-0363	10.6	ACQUISITION



DATUM: NAD83 (ORIGINAL)



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NOT BASED ON AN ACTUAL SURVEY

2269 RIVERSIDE DRIVE

CAD BY: R. DE JONG

CHECKED BY: A. ROY

SCALE: 1:150(METRIC)

DATE: OCT. 11, 2024

AREA: AS SHOWN

MS No. 22037-59exp.dgn



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