



## MEMO / NOTE DE SERVICE

To / Destinataire Mayor and Council

From / Expéditeur 

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Debbie Stewart  
General Manager Strategic Initiatives  
Strategic Initiatives Department

Subject / Objet 

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By-law Approving the Expropriation of Property Interests Required for the Stage 2 Light Rail Transit Project, including the Richmond Road Complete Street improvements. Date: January 17, 2025

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### PURPOSE

This Memorandum details the requirement for a by-law approving the expropriation of property interests, including a road widening and temporary easement, at 917 Richmond Road for the purposes of the Stage 2 Light Rail Transit Project (the “**Stage 2 LRT Project**”) including the Richmond Road Complete Street initiative.

### BACKGROUND

On March 8, 2017, City Council directed what was then the Corporate Real Estate Office to proceed with the acquisition of property interests required to facilitate the construction, use and maintenance of the Stage 2 LRT Project and related works. The majority of the required property interests have now been secured, with a small number remaining.

The Richmond Road Complete Street initiative is being undertaken as part of the Stage 2 LRT Project. The reconstruction of Richmond Road as a "complete street" aims to support active transportation by incorporating essential road modifications, such as dedicated lanes and enhanced pedestrian amenities. These improvements are required to provide a safer and more efficient transportation corridor that aligns with the goals of the Stage 2 LRT Project.

Additional property interests are required in connection with the Richmond Road Complete Street initiative, including a road widening and temporary easement over part of property at 917 Richmond as described in the draft By-law and Reference Plan included in Documents 1 and 2 attached to this Memorandum (the “**Property Interests**”). Efforts were made to negotiate an agreement to provide for the conveyance of the Property Interests to the City; however, these were unsuccessful.

On September 4, 2024, Council approved By-law 2024-346, which authorized the making of an application for approval to expropriate the Property Interests (the “**Application By-law**”), following which staff proceeded to provide notice to property owners as required by the Expropriations Act as described below. The statutory notification process has now been completed with respect to the Property Interests with no further steps required prior to authorizing the registration of a plan of expropriation.

In order to ensure that the Property Interests are secured in time to meet current timelines for the Stage 2 LRT Project, Staff recommends that Council enact the By-law attached to this memorandum (**Document 1**). Attached at **Document 2** is the reference plan which has been deposited in the land registry office in order to provide a legal description of the Property Interests.

## **DISCUSSION**

Section 6(1) of the Municipal Act, 2001, S.O. 2001, c. 25 states that the power of the City to acquire land “includes the power to expropriate land in accordance with the Expropriations Act.” Section 4 of the Expropriations Act requires an expropriating authority, in this case the City, to receive “approval of the approving authority”, in this case, Council, before expropriating any land.

Following the adoption of the Application By-law, the City followed the public notification process set out in Section 6(1) of the Expropriations Act by serving Notices of Application for Approval to Expropriate (“**Notice of Application**”) on the registered owners of the relevant properties and by publishing the Notice of Application once a week for three consecutive weeks in English and French newspapers.

Within 30 days of the service of the Notices of Application or the first publication of the notices, persons entitled to receive the Notice of Application are entitled to request a hearing of necessity, being an inquiring into whether the proposed expropriation by the City is “fair, sound and reasonably necessary” for the purposes of the Stage 2 LRT Project. The City did not receive any request for a hearing of necessity. There is therefore no legal impediment to approving the application to expropriate the Property Interests.

In accordance with Section 9 of the Expropriations Act, Council, as the approving authority, must confirm its approval of the expropriation of the Property Interests through the adoption of a by-law. The draft By-law attached at Document 1 to this memorandum has been prepared for this purpose.

After receiving Council’s approval through the enactment of the By-law attached at Document 1, Staff will proceed with the registration of expropriation plans on title and will serve Notices of Expropriation, Election and Possession in accordance with sections 9, 10 and 39 of the Expropriations Act.

Offers of compensation under Section 25 of the Expropriations Act (the “**Offer**”) will be presented within three months of the registration of the expropriation plan. The amount offered will be based on an appraisal of the market value of the Property Interests and damages for injurious affection (if any) prepared by an independent, third-party appraisal firm. A copy of the appraisal report will be presented with the Offer.

The expropriation of the Property Interests does not mean the City will cease negotiations with property owners. Staff will continue efforts to achieve a negotiated resolution in all property acquisition matters.

### **COUNCILLORS’ CONCURRENCE**

The concurrence of Councillor Kavanagh (Ward 7) has been obtained prior to including the draft by-law in the Council Agenda.

### **FINANCIAL IMPLICATIONS**

The current approved capital authority for the Stage 2 LRT Project (Capital Project #907926) includes an allocation for property acquisition and related expenditures. Staff have estimated costs associated with the acquiring the Property Interests, including costs associated with the expropriation of the Property Interests, and have concluded that such costs can be met within the approved budget allocation.

If you require further information with respect to the information in this memorandum, please feel free to contact Debbie Stewart, General Manager Strategic Initiatives, extension 29045.

Debbie Stewart  
General Manager Strategic Initiatives  
Strategic Initiatives Department

cc: Senior Leadership Team

Enc. Document 1 – Draft By-law  
Document 2 – Reference Plan No. 4R- 36584