

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

File Number: ACS2025-SI-HSI-0001

**Report to Finance and Corporate Services Committee on 4 March 2025
and Council 26 March 2025**

**Submitted on January 14, 2025 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: College (8)

**Objet: Approbation visant l'expropriation de terrains – phase prioritaire au
transport de la rue Baseline**

Dossier: ACS2025-SI-HSI-0001

Rapport au Comité des finances et des services organisationnels

le 4 mars 2025

et au Conseil le 26 mars 2025

**Soumis le 14 janvier 2025 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: Collège (8)

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 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. On September 18, 2024, City Council approved an Application for Approval to Expropriate Land as required under section 4(1) of the *Expropriations Act* and passed By-law No. 2024-390 for the property interests required for the Baseline Transit Priority Phase Project.

The Housing Solutions & Investment Services Area (HSIS) is now recommending advancing expropriation proceedings with respect to the some of the property interests outlined in By-law No. 2024-390 to meet anticipated construction timelines. It is anticipated that HSIS will bring another report to Finance and Corporate Services Committee and Council for the remaining property interests.

DISCUSSION

Following Council’s approval and the passing of By-law No. 2024-390 described above, City staff initiated expropriation proceedings with respect to the property interests required for the Baseline Transit Priority Phase including the Lands by serving and publishing the Notice of the City’s Application for Approval to Expropriate Lands as required under Section 6 of the *Expropriations Act*. The Notice of Application for Approval to Expropriate the Lands was served by registered mail on 26 October 2024 and published once a week for three consecutive weeks in the Ottawa Citizen and Le Droit.

The City did not receive any requests for an inquiry as contemplated in Section 6(2) 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

Funding for the purchase of lands is within existing resources, available in the 2021 TMP Transit Priority Network account.

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

The affected Councillor from Ward 8, has been notified regarding the recommendation of this report. Councillor Johnston, is aware of the report.

ADVISORY COMMITTEE(S) COMMENTS

Not applicable.

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). There was an information session (October 30, 2024) and another information session 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, 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)*.

Overall, there are numerous positive accessibility impacts for both persons with disabilities and older adults associated with the Baseline Transit Priority Phase project, including additional bus stops and links to both existing and planned LRT lines, as well providing separated pedestrian and cycling facilities. The addition of these bike lanes will reduce the number of people cycling on the sidewalk, which will, in turn, reduce conflict and increase comfort for all pedestrians. The planned work for this project will follow all requirements under the Design of Public Spaces Standard of the IASR as well as City's Accessibility Design Standards.

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 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, Council approved the 2023-2026 Term of Council Priorities. The Baseline Transit Priority 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, HSIS will work with Surveys and Mapping to register plans of expropriation with respect to the Lands and with internal legal counsel to serve notice of expropriation and possession on the owners of the Lands. HSIS 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. 2025 – ____

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 Baseline Transit Priority Phase Project

WHEREAS the City of Ottawa requires the property described in Schedule “A” attached hereto (collectively the “Subject Lands”), for the purposes of the Baseline Transit Priority Phase Project (the “Baseline Transit Priority Phase Project”). The Subject Lands in paragraphs one (1) to four (4) are for the purposes of, 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. The Subject Lands described in paragraph five (5) of Schedule “A” are for temporary limited interests in property 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;

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 _____, 2025.

CITY CLERK

MAYOR

SCHEDULE "A"

All right, title and interest in the following lands:

1. Part of PIN 03947-0147 (LT), PART OF BLOCK D, PLAN 447761, designated as Part 1 4R-36680; Part 1 S/T Easement Instruments N436790, N440706, LT1064426 and LT1084324; City of Ottawa
2. Part of PINs 15176-0001 (LT) to 15176-0068 (LT), PART OF THE COMMON ELEMENTS OF CARLETON CONDOMINIUM PLAN NO. 176, designated as Parts 1, 2 and 3, 4R-36686; Parts 1, 2 and 3 S/T Easement Inst. LT152949; Part 3 S/T Inst. LT1290562; City of Ottawa
3. Part of PIN 03948-0245 (LT), PART OF LOT 1 ON PLAN 538 designated as Parts 1 and 2, 4R-36684; Part 1 S/T Easement Inst. LT1005768; City of Ottawa
4. Part of PIN 04693-1699 (LT), PART OF LOT 35, CONCESSION 2, RIDEAU FRONT, designated as Parts 1 and 2, 4R-XXXXX; Part 2 S/T Easement Inst. LT1037453; City of Ottawa

Temporary limited interest in the following lands:

Part of PIN 04693-1699 (LT), PART OF LOT 35, CONCESSION 2, RIDEAU FRONT, designated as Parts 3 and 4, 4R-XXXXX; City of Ottawa