

**Subject: Application for Approval to Expropriate Lands Report No. 2 –
Baseline Transit Priority Phase**

File Number: ACS2025-SI-HSI-0009

**Report to Finance and Corporate Services Committee on 1 April 2025
and Council 16 April 2025**

**Submitted on March 21, 2025 by Geraldine Wildman, Acting Director, Housing
Solutions & Investment Services, Strategic Initiatives Department**

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Ward: College (8)

**Objet: Approbation visant l'expropriation de terrains rapport No. 2 – phase
prioritaire au transport de la rue Baseline**

Dossier: ACS2025-SI-HSI-0009

Rapport au Comité des finances et des services organisationnels

le 1 avril 2025

et au Conseil le 16 avril 2025

**Soumis le 21 mars 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*.

EXECUTIVE SUMMARY

Transportation Services is moving forward with a portion of the overall Baseline BRT corridor project identified in the 2013 Transportation Master Plan, the first section completed will be the Baseline Road and Greenbank Road intersection transit priority measures. The work will include dedicated bus priority lanes, new concrete sidewalks and curbs, raised asphalt cycle tracks, reconfigured traffic lanes, and utility pole relocations. In order to protect project timelines Reality Services commenced expropriations to ensure the project construction can commence on time.

Lands were required from 5 properties (4 of the properties advanced through the expropriation process in the last FCSC (March 4) and Council (March 26)) one owner requested a hearing of necessity after City Council approved the initiation of expropriation proceedings on September 18, 2024. Owners are sent notices and are entitled to request a “hearing of necessity” under the *Expropriations Act* where the City is obligated to prove the property requirement is fair, and reasonable. Reality Services staff, the Project Manager, along with Internal and External Legal services met with the requester and negotiated an arrangement to alleviate the concerns of the owner and the request was subsequently withdrawn. With the request being withdrawn Reality Services Staff can proceed to FCSC and Council to enact a by-law to pass the Application for Approval to Expropriate Lands. This by-law will authorize Reality Services Staff to register a plan of expropriation, serve notice of expropriation and possession, service an offer of compensation and Take possession of the lands.

RÉSUMÉ

La Direction générale des transports va de l'avant avec une partie du projet global du corridor de transport en commun rapide par autobus (TCRA) du chemin Baseline établi dans le Plan directeur des transports de 2013. La réalisation de la première section englobera les dispositifs prioritaires de transport en commun à l'intersection du chemin Baseline et du chemin Greenbank. Les travaux comprendront des voies prioritaires réservées aux autobus, de nouveaux trottoirs et de nouvelles bordures en béton, des pistes cyclables surélevées en asphalte, la reconfiguration des voies de circulation et le déplacement de poteaux électriques. Afin de respecter les délais du projet, les Services immobiliers ont commencé les expropriations pour que les travaux de construction puissent débuter dans les délais prévus.

Des terrains sont requis à partir de cinq propriétés (dont quatre ont fait l'objet de la procédure d'expropriation lors de la dernière réunion du Comité des finances et des services organisationnels (CFSO)(le 4 mars) et du Conseil (le 26 mars)). Un propriétaire a demandé une enquête d'utilité publique après que le Conseil municipal a approuvé le lancement de la procédure d'expropriation le 18 septembre 2024. Les propriétaires reçoivent des avis et ont le droit de demander une « enquête d'utilité publique » en vertu de la *Loi sur l'expropriation*, où la Ville est obligée de prouver que l'acquisition de la propriété est juste et raisonnable. Le personnel des Services immobiliers, le gestionnaire de projet ainsi que les services juridiques internes et externes ont rencontré le demandeur et ont négocié une entente pour apaiser les inquiétudes du propriétaire et la demande a été retirée par la suite. La demande ayant été retirée, le personnel des Services immobiliers peut maintenant s'adresser au CFSO et au Conseil pour qu'ils adoptent un règlement appuyant la demande d'approbation pour l'expropriation des terrains. Ce règlement autorisera le personnel des Services immobiliers à déposer un plan d'expropriation, à signifier un avis d'expropriation et de possession, à préparer une offre d'indemnisation et à prendre possession des terrains.

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 the first phase 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 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 (the "Application By-law") for the property interests required for the Baseline Transit Priority Phase Project.

The Housing Solutions & Investment Services Area (HSIS) brought a report to Finance and Corporate Services Committee and Council on March 4th and 26th, 2025, respectively, for some of the property interests required for the Baseline Transit Priority Phase Project. This report is for the remaining property interests outlined in the Application By-law.

DISCUSSION

Following Council's approval and the passing of the Application By-law 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.

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 inquiry into whether the proposed expropriation by the City is "fair, sound and reasonably necessary" for the purposes of the Baseline Transit Priority Phase Project. The City did receive one request for a hearing of necessity relating to the partial acquisition and temporary occupancy over part of property legally described as 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, being part of PIN 04695-0563(LT). The owner who made the hearing request raised concerns regarding pathway access. City staff worked with the owner to address the concerns and a resolution was reached that reduced the taking which is reflected in Document '1'. As a result, the owner withdrew the hearing request without the need to

proceed with a hearing. There is therefore no legal impediment to approving the expropriation of the Lands and the City is now in a position to proceed with the following:

- 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.

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 Lands 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.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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.

ASSET MANAGEMENT IMPLICATIONS

There are no Asset Management Implications (from the Engineering - Roads section) resulting from the recommendations 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 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 property interests described in Schedule “A” attached hereto (collectively the “Subject Lands”), 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 to the Baseline Transit Priority Phase Project (the “Baseline Transit Priority Phase Project”) as set out in more detail in Schedule “A”;

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 while the application was referred to the Ontario Land Tribunal for a hearing of necessity by one of the owners of the Subject Lands, the application was subsequently withdrawn;

AND WHEREAS in order to address concerns expressed by the owners of the Subject Lands, the scope of a portion of the property interest required in part of the Subject Lands was reduced from a fee simple interest to a subterranean stratified fee simple interest together with a surface easement which modified description is reflected in Schedule “A” to this by-law;

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 04694-0563 (LT), Part of Lot 35, Concession 3, Rideau Front, designated as Part 3, 4R-36721; City of Ottawa

All right, title and subterranean interest in the stratified portion of the following lands:

2. Part of PIN 04694-0563 (LT), being a strata interest in Part of Lot 35, Concession 3, Rideau Front, designated as Part 2, 4R-36721; City of Ottawa

An estate, right or interest in the nature of a permanent easement in the stratified portion of the following lands:

3. Part of PIN 04694-0563 (LT), being a strata interest in Part of Lot 35, Concession 3, Rideau Front, designated as Part 1, 4R-36721; City of Ottawa

for the purposes of a free, uninterrupted and unobstructed easement in gross, in perpetuity, 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, 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 lay, construct, operate, maintain, inspect, alter, repair, replace, reconstruct and remove a retaining wall, 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.

A temporary limited interest in the following lands:

4. Part of PIN 04694-0563 (LT), Part of Lot 35, Concession 3, Rideau Front, designated as Parts 4 and 5, 4R-36721; City of Ottawa

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.