

<b>4. EXPROPRIATION OF LANDS, MONTREAL ROAD EXPROPRIATION DES TERRAINS, CHEMIN DE MONTRÉAL</b>
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**COMMITTEE RECOMMENDATIONS**

That Council enact the by-law attached as Document “A” hereto authorizing the City to proceed with the expropriation of the property interests described in Schedule 1 to the draft by-law (the “Road Widening”) hereto including:

1. Registering a plan of expropriation with respect to the Road Widening;
2. Serving notice of expropriation and possession on the owner(s) of the Road Widening;
3. Offering the owner(s) of the Road Widening 100 per cent of the appraised market value of the Road Widening; and
4. Taking possession of the Road Widening.

All in accordance with the *Expropriations Act*.

**RECOMMANDATIONS DU COMITÉ**

Que le Conseil promulgue le règlement municipal (document A ci-joint) autorisant la Ville à procéder à l’expropriation des intérêts immobiliers décrits à l’annexe 1 de la version provisoire du règlement (« élargissement de routes ») ci-joint, notamment :

1. l’enregistrement d’un plan d’expropriation relatif à l’élargissement de routes;
2. la délivrance d’un avis d’expropriation et de possession aux propriétaires des terrains visés par l’élargissement de routes;
3. l’offre aux propriétaires d’un prix correspondant à 100 % de la valeur marchande établie des terrains visés par l’élargissement de routes;

et

4. la prise de possession des terrains visés par l'élargissement de routes.

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

#### DOCUMENTATION/DOCUMENTATION

1. Director's report, Corporate Real Estate Office, Infrastructure and Economic Development Department, dated April 20, 2021 (ACS2021-PIE-CRO-0006 )

Rapport du Directeur, Bureau des biens immobiliers municipal, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 20 avril 2021, (ACS2021-PIE-CRO-0006 )

**Report to  
Rapport au:**

**Finance and Economic Development Committee  
Comité des finances et du développement économique  
18 May 2021 / 18 mai 2021**

**and Council  
et au Conseil  
26 May 2021 / 26 mai 2021**

**Submitted on April 22, 2021  
Soumis le 22 avril 2021**

**Submitted by  
Soumis par:  
Derrick Moodie  
Director/ Directeur**

**Corporate Real Estate Office/ Bureau des biens immobiliers municipal,  
Planning, Infrastructure and Economic Development Department/  
Services de la planification, de l'infrastructure et du développement économique**

**Contact Person  
Personne ressource:**

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**Ward: RIDEAU-VANIER (12), RIDEAU-ROCKCLIFFE (13)      File Number: ACS2021-PIE-CRO-0006**

**SUBJECT: Expropriation of Lands, Montreal Road**

**OBJET: Expropriation des terrains, chemin de Montréal**

## **REPORT RECOMMENDATIONS**

**That the Finance and Economic Development Committee recommend Council enact the by-law attached as Document “A” hereto authorizing the City to proceed with the expropriation of the property interests described in Schedule 1 to the draft by-law (the “Road Widenings”) hereto including:**

1. Registering a plan of expropriation with respect to the Road Widening;
2. Serving notice of expropriation and possession on the owner(s) of the Road Widening;
3. Offering the owner(s) of the Road Widening 100 per cent of the appraised market value of the Road Widening; and
4. Taking possession of the Road Widening.

All in accordance with the *Expropriations Act*.

#### RECOMMANDATIONS DU RAPPORT

Que le Comité des finances et du développement économique recommande au Conseil de promulguer le règlement municipal (document A ci-joint) autorisant la Ville à procéder à l'expropriation des intérêts immobiliers décrits à l'annexe 1 de la version provisoire du règlement (« élargissement de routes ») ci-joint, notamment :

1. l'enregistrement d'un plan d'expropriation relatif à l'élargissement de routes;
2. la délivrance d'un avis d'expropriation et de possession aux propriétaires des terrains visés par l'élargissement de routes;
3. l'offre aux propriétaires d'un prix correspondant à 100 % de la valeur marchande établie des terrains visés par l'élargissement de routes; et
4. la prise de possession des terrains visés par l'élargissement de routes.

Conformément à la *Loi sur l'expropriation*.

#### BACKGROUND

City Council, in the 2019 Capital budget, approved funding for property acquisition required for the widening, reconstruction and renewal of Montreal Road between North River Road and St. Laurent Boulevard (the "**Montreal Road Revitalization Project**"). The purpose of this report is to obtain the approval of City Council to proceed with the expropriation of the Road Widening needed for the Montreal Road Revitalization Project.

## **DISCUSSION**

The Montreal Road Revitalization Project required the acquisition of partial takings, including strips of land, permanent easements and temporary easements from multiple properties. The majority of the property interests required for the Project were acquired through negotiation; however, staff have been unable to reach an agreement with a few owners of property where property interests are required to complete the Project. These interests are referred to herein as the Road Widening and are described in Schedule 1 to the draft by-law attached as Document “A” hereto.

Expropriation proceedings commenced with the delivery and publication of Applications for Approval to Expropriate Lands under Section 4 of the *Expropriations Act*, as authorized by Council 8 April 2020 (report [ACS2020-PIE-CRO-0005](#)). Notice of the Application for Approval to Expropriate the Road Widening was served by registered mail on 3 March 2021 and published three times in the Citizen and Le Droit as per the requirements of the *Expropriations Act*.

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

- (1) Registering a plan of expropriation with respect to the Road Widening;
- (2) Serving notice of expropriation and possession on the owner(s) of the Road Widening;
- (3) Offering the owner(s) of the Road Widening 100 per cent of the market value of the Road Widening; and
- (4) Taking possession of the Road Widening.

Staff will continue to pursue a settlement with respect to the determination of compensation payable to the owners of the Road Widening through negotiation and, if necessary, through the process established in the *Expropriations Act*, including proceedings before the Board of Negotiations and, if necessary, arbitration before the Local Planning Appeal Tribunal.

## **RURAL IMPLICATIONS**

The properties are within the urban boundary. There are no rural implications associated with this report.

## **CONSULTATION**

The Montreal Road Revitalization Project was subject to a Road Modification Approval signed in July 2017 that included public open houses.

## **COMMENTS BY THE WARD COUNCILLORS**

Ward Councillors Fleury and King have reviewed the report and support the recommendations therein.

## **LEGAL IMPLICATIONS**

Provided that the City follows procedures set out in the *Expropriation Act*, including as outlined in this report and the draft by-law attached hereto as Document “A”, there are no legal impediments to implementing the recommendations set out in this report.

## **RISK MANAGEMENT IMPLICATIONS**

Failure to acquire the Road Widening in a timely manner may delay the Montreal Road Revitalization Project.

## **ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications associated with this report.

## **FINANCIAL IMPLICATIONS**

Funding for the expropriations is available within CP000209 Montreal Road and North River Road.

## **ACCESSIBILITY IMPACTS**

There are no accessibility implications to implementing the recommendations set out in this report.

## **ENVIRONMENTAL IMPLICATIONS**

The report recommendations fulfil legislative requirements of the *Expropriations Act*. There are no environmental impacts related to this report.

## **TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priorities:

- Transportation and Mobility – TM3 - provide infrastructure to support mobility choices; and
- Economic Prosperity – TM4 – promote alternative mobility choices.

## **SUPPORTING DOCUMENTATION**

Document “A” is a draft by-law. A description of the Road Widenings is contained in Schedule 1 to the draft by-law.

## **DISPOSITION**

Upon approval, Realty Services, Legal Services and External Counsel acting on behalf of the City will finalize expropriation proceedings. Surveys and Mapping will compose and register a plan of expropriation.

**Document “A”**

BY-LAW NO. 2021 – \_\_\_\_

A by-law of the City of Ottawa to approve the expropriation of certain properties in the City of Ottawa for the purposes of the Montreal Road Revitalization project, as more particularly described in Schedule “A” attached hereto

WHEREAS the City of Ottawa requires property interests described in Schedule “A” attached hereto (the “Subject Property Interests”), for the purposes of the Montreal Road Revitalization project (the “Montreal Road Revitalization Project”) including but not limited to, for the purposes of replacing and relocating above and underground utilities, including sanitary sewers, stormwater sewers, watermains and other utility conduits, traffic management and detours, storage of excavated materials and construction materials and equipment, temporary power and water supply, facilitating the construction, use, operation, installation and maintenance of an improved right-of-way, cycling and pedestrian corridors, cycle tracks, bus stops, fences, curbs, sidewalks, retaining walls, temporary water connections, landscaping and streetscaping features, streetlight and traffic signal poles, and including the re-grading of the right-of way, and to enter on the lands with all vehicles, machinery, workmen and material for construction, grading and relocation of utilities and for construction of berms, cycling and pedestrian corridors, bus stops, fences, curbs, sidewalks, cycling tracks, retaining walls, temporary water connections, landscaping and streetscaping features, streetlight and traffic signal poles, and all other improvements and works ancillary to the Montreal Road Revitalization 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 for the Subject Property Interests was served and published, as required by the *Expropriations Act*;

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

AND WHEREAS the City of Ottawa has been unable to reach an agreement with the registered owners to acquire the Subject Property Interests;

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 Property Interests 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 Property Interests.
4. THAT a Notice of Expropriation be served upon the registered owners 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 Property Interests be obtained from an accredited appraiser.
6. THAT a Notice of Possession be served requiring possession of the Subject Property Interests at least three 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 owners 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 Property Interests, an offer of an amount in full compensation for the registered owners' interests in the Subject Property Interests, 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 \_\_\_\_\_, 2021.

CITY CLERK

MAYOR

SCHEDULE "A"

All right, title and interest in the following lands:

1. All of PIN 04239-0279 (LT) PART OF LOTS 3, 4, 5 & 6 ON REGISTERED PLAN 75, designated as PARTS 6 & 7 ON PLAN 4R-32837, VANIER.
2. Part of PIN 04236-0162(LT) PART OF LOT 1, REGISTERED PLAN 44, designated as PART 2 ON PLAN 4R-32131; CITY OF OTTAWA.
3. Part of PIN 04233-0351(LT) PART OF LOT 2, REGISTERED PLAN 59, designated as PART 1 on PLAN 4R-32101; CITY OF OTTAWA.
4. Part of PIN 04239-0015(LT) PART OF LOT 7, REGISTERED PLAN 75; DESIGNATED AS PART 8 ON 4R32837; CITY OF OTTAWA.
5. Part of PIN 04239-0027(LT) PART OF LOT 10 REGISTERED PLAN 75; designated as PART 9 ON PLAN 4R-32837; CITY OF OTTAWA.
6. Part of PIN 04232-0094(LT) PART OF LOTS 137 AND 138, REGISTERED PLAN 246; designated as PART 2 ON 4R-32102; CITY OF OTTAWA.
7. Part of PIN 04239-0034(LT) PART OF LOT 3 REGISTERED PLAN 238; designated as PART 1, PLAN 4R-32125; CITY OF OTTAWA.
8. All of PIN 04242-0226(LT) PART LOT 97 PLAN 238, designated as PART 4 ON PLAN 4R32125; CITY OF OTTAWA.



JL/eb

COUNCIL AUTHORITY:

City Council \_\_\_\_\_

Agenda Item \_\_\_\_

(FEDCO Report No. \_\_\_\_\_)