

Document 4: Acquisition Process Summary

The acquisition process to date can be summarized as follows:

- In accordance with Section 6(1) of the *Expropriations Act*, Council must initiate the expropriation by directing staff to serve Notices of Application for Approval to Expropriate (“Notice of Application”), on the registered owners of legal interests in the lands to be expropriated. Of the properties identified in the Application By-law, Staff identified certain priority properties and sent Notices of Application by registered mail to the appropriate owners, interest holders, and occupants of those properties, including the owners, interest holders, and occupants of the 2017/2018 Property Interests on October 17, 2018 for owners numbered 1, 2, and 4 above, whereas owner number 3 received the notice on June 27, 2017. Pursuant to the *Expropriations Act*, the notices were published once a week for three consecutive weeks in English and French newspapers having general circulation in the Ottawa Region. Publication of notices commenced on October 19, 2018 and ended on November 2, 2018 for owners 1, 2, and 4 whereas notice with respect to owner number 3 was published once a week for three consecutive weeks commencing June 29, 2017 and ending on July 13, 2017.
- 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 may request a hearing of necessity which must inquire if the taking of the lands or any part of the lands required by the City is “fair, sound and reasonably necessary” for the construction of the Stage 2 Light Rail Transit Project. The City received a hearing of necessity with respect to property number 3 above (1215 Rainbow St.). That hearing request was subsequently abandoned after the Owner and the City agreed to changes to the property requirement which satisfied the owner that the taking was fair, sound, and reasonably necessary. The PRP included in Document 2 reflects the agreed-upon revisions. The City received no hearing of necessity requests with respect to properties 1, 2, or 4. Therefore there is no legal impediment to the City approving the application to expropriate each of the 2017/2018 Property Interests.

The statutory basis and requirement for the Approval of Expropriation By-law:

- 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.

- It will be necessary to proceed with the expropriation of the 2017/2018 Property Interests to meet current acquisition timelines for construction. In cases where the acquisition timelines allow, Staff will make efforts to provide additional notice to the owners and occupants, over and above the requirements of the *Expropriations Act*, in order to increase certainty for the expropriated owners and occupants of the 2017/2018 Property Interests and to assist the owners and occupants with business planning.

Summary of the expropriation process once authority to proceed is granted with the Approval of Expropriation By-law:

- In accordance with Section 9 of the *Expropriations Act*, Council, as the approving authority, must confirm its approval of the expropriation of the 2017/2018 Property Interests.
- After receiving Council's approval in the form of the Approval of Expropriation By-law, Staff may proceed to register the required expropriation plans on title to the lands and to serve Notices of Expropriation, Election and Possession in accordance with sections 9, 10 and 39 of the *Expropriations Act*.
- Owners of the 2017/2018 Property Interests identified in the Approval of Expropriation By-law, and other registered interest holders with respect to interests in that property (e.g. tenants appearing on the assessment roll, mortgagees), will receive Notices of Expropriation, Election and Possession, in accordance with the *Expropriations Act*.
- An offer of compensation under Section 25 of the *Expropriations Act* (the "Offer") will be presented to owners or other interest holders within three months of the registration of the expropriation plan. The amount offered to the owners or interest holders will be determined by an independent, third party appraisal firm and a copy of the appraisal report will be presented with the Offer.