

10. **WAIVER OF FORMER OWNER'S RIGHT UNDER SECTION 42 OF THE EXPROPRIATIONS ACT TO PURCHASE A PORTION OF 1150 RAINBOW STREET AND TO DECLARE THE SUBJECT LANDS AS SURPLUS TO THE CITY'S NEEDS.**

**SUPPRESSION DU DROIT DE L'ANCIEN PROPRIÉTAIRE D'ACHETER, EN VERTU DE L'ARTICLE 42 DE LA LOI SUR L'EXPROPRIATION, UNE PARTIE DU 1150, RUE RAINBOW ET DÉCLARATION DU BIEN-FONDS VISÉ COMME EXCÉDENTAIRE POUR LES BESOINS DE LA VILLE.**

### **COMMITTEE RECOMMENDATIONS**

That Council:

1. **Waive the former owner's right to purchase the following property as provided for under Section 42 of the *Expropriations Act*:**

**A portion of vacant land known municipally as 1150 Rainbow Street described as Part of Lot 15, Concession 1, Ottawa Front formerly in the Township of Gloucester designated as Part 5 on Expropriation Plan NS93389 shown as Parcel 1 on Document 1 attached; and**

2. **Declare the lands referred to in Recommendation 1 as surplus to the City's needs.**

### **RECOMMANDATIONS DU COMITÉ**

Que le Conseil :

1. **supprime le droit de l'ancien propriétaire d'acheter les propriétés suivantes en vertu de l'article 42 de la *Loi sur l'expropriation* :**

**une partie du bien-fonds vacant dont la désignation municipale est le 1150, rue Rainbow décrite comme étant une partie du lot 15,**

**concession 1, donnant sur la rivière des Outaouais, dans l'ancien canton de Gloucester, désignée comme partie 5 sur le plan d'expropriation NS93389 et indiquée comme parcelle 1 sur le document 1 ci-joint; et**

- 2. déclare le bien-fonds décrit à la recommandation 1 excédentaire pour les besoins de la Ville.**

**DOCUMENTATION / DOCUMENTATION**

John L. Moser, Acting Deputy City Manager, Planning and Infrastructure, report dated 29 March 2016 / Directeur municipal adjoint par intérim, urbanisme et infrastructure, rapport daté le 29 mars 2016 (ACS2016-PAI-REP-0012)

**FINANCE AND ECONOMIC  
DEVELOPMENT COMMITTEE  
REPORT 13  
13 AVRIL 2016**

**132**

**COMITÉ DES FINANCES ET DU  
DÉVELOPPEMENT ÉCONOMIQUE  
RAPPORT 13  
LE 13 AVRIL 2016**

**Report to  
Rapport au:**

**Finance and Economic Development Committee  
Comité des finances et du développement économique  
5 April 2016 / 5 avril 2016**

**and Council  
et au Conseil  
13 April 2016 / 13 avril 2016**

**Submitted on March 29, 2016  
Soumis le 29 mars 2016**

**Submitted by  
Soumis par:**

**John L. Moser, Acting Deputy City Manager / directeur municipal adjoint par  
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**Ward: BEACON HILL-CYRVILLE (11)**

**File Number: ACS2016-PAI-REP-0012**

**SUBJECT: WAIVER OF FORMER OWNER'S RIGHT UNDER SECTION 42 OF THE  
EXPROPRIATIONS ACT TO PURCHASE A PORTION OF 1150  
RAINBOW STREET AND TO DECLARE THE SUBJECT LANDS AS  
SURPLUS TO THE CITY'S NEEDS.**

**OBJET: SUPPRESSION DU DROIT DE L'ANCIEN PROPRIÉTAIRE D'ACHETER, EN VERTU DE L'ARTICLE 42 DE LA LOI SUR L'EXPROPRIATION, UNE PARTIE DU 1150, RUE RAINBOW ET DÉCLARATION DU BIEN-FONDS VISÉ COMME EXCÉDENTAIRE POUR LES BESOINS DE LA VILLE.**

### **REPORT RECOMMENDATIONS**

That the Finance and Economic Development Committee recommend that Council:

1. Waive the former owner's right to purchase the following property as provided for under Section 42 of the *Expropriations Act*:

A portion of vacant land known municipally as 1150 Rainbow Street described as Part of Lot 15, Concession 1, Ottawa Front formerly in the Township of Gloucester designated as Part 5 on Expropriation Plan NS93389 shown as Parcel 1 on Document 1 attached; and

2. Declare the lands referred to in Recommendation 1 as surplus to the City's needs.

### **RECOMMANDATIONS DU RAPPORT**

Que le Comité des finances et du développement économique recommande ce qui suit au Conseil :

1. Supprimer le droit de l'ancien propriétaire d'acheter les propriétés suivantes en vertu de l'article 42 de la *Loi sur l'expropriation* :

une partie du bien-fonds vacant dont la désignation municipale est le 1150, rue Rainbow décrite comme étant une partie du lot 15, concession 1, donnant sur la rivière des Outaouais, dans l'ancien canton de Gloucester, désignée comme partie 5 sur le plan d'expropriation NS93389 et indiquée comme parcelle 1 sur le document 1 ci-joint; et

**2. Déclarer le bien-fonds décrit à la recommandation 1 excédentaire pour les besoins de la Ville.**

**BACKGROUND**

The vacant lands known municipally as 1150 Rainbow Street are located in the Canotek Business Park. The property is shown on Document 1 attached to this report and is legally described as Part of Lot 15, Concession 1, Ottawa Front formerly in the Township of Gloucester being Part of Part 2, on Plan 5R-13934. The property has an area of 1.85 acres. The subject lands were acquired by the former City of Gloucester in 1988 for the development of a business park. A portion of the subject lands, described as Part 5, Expropriation Plan N293389 were originally expropriated in 1980 from Mr. Rudy Parisien.

**DISCUSSION**

For the most part, the subject lands were acquired through negotiations however a small portion of the lands, Part 5, Plan NS93389, were acquired through expropriation. The lands were expropriated from Mr. Rudy Parisien. These lands were never developed as part of the business park and were reserved as parkland. In late 2014 the Parks, Recreation and Cultural Services undertook a review of the vacant City parkland at 815 Shefford Road and prepared a revised park development plan to better reflect the community needs. As such it was determined that, the southern portion now addressed as 1150 Rainbow Street is not required as park land and is surplus to their needs.

Rudy Parisien, the original owner of the subject lands, deceased in May, 1981. However, pursuant to a notice dated March 30, 2016, Mr. Parisien's estate was notified that a report to waive the former owner's rights under Section 42 of the *Expropriations Act* would be presented to Council on April 13, 2016. In order to proceed with the sale of the subject lands, it is recommended the former owner's rights be waived.

Once the property is advertised for sale and an acceptable offer has been received, a report recommending approval will be submitted to the appropriate delegated authority.

As a result of Parks, Recreation and Cultural Services review, and in accordance with the Disposal of Real Property Policy and Procedures approved by City Council on March 28, 2012 the subject property was circulated to all City Departments in February, 2015 and it was determined that the subject lands are no longer required for City purposes.

Pursuant to By-law 2011-156, the subject lands were shown as parkland on Ottawa.ca, report ([ACS2011-CMR-LEG-0010](#)) as the park boundaries followed the property parcel. Pursuant to correspondence with Parks, Recreation & Cultural Service Dept., staff has requested, once this report is approved by Council, that the park boundaries be adjusted so that these lands are no longer shown as parkland on GeoOttawa.

Given there has been no demonstrated need to retain the subject site, Realty Services is proposing to have this property declared surplus and offer it for sale to the public. This is in keeping with its mandate to dispose of properties no longer required by the municipality.

Declaring the subject property surplus at this time will ensure prompt marketing for this property. Once the property is advertised for sale and an acceptable offer has been received, a report recommending approval will be submitted to the appropriate delegated authority. It is anticipated the property will be marketed in late April, 2016.

## **RURAL IMPLICATIONS**

There are no rural implications associated with the recommendations.

## **CONSULTATION**

In accordance with the Disposal of Real Property Policy approved by City Council on 28 March 2012, the availability of the property was circulated to all City Departments, including the Housing Branch, Planning and Infrastructure and City Operations as well as the Ward Councillor, to determine if the property was required for a City mandated program. The Land Use and Natural Systems Unit of the Planning and Infrastructure Portfolio was consulted with respect to the City's natural heritage system and related policies in the Official Plan and their comments are indicated under the Environmental Implications section of this report.

There were no objections expressed by any Department at the time that 1150 Rainbow Street was circulated in February, 2015. The utility companies were also circulated and Bell Canada and Hydro Ottawa have expressed a requirement for easement rights.

The Ward Councillor was consulted with respect to this report and his comments are indicated under Comments from Ward Councillor section below.

### **COMMENTS BY THE WARD COUNCILLOR(S)**

Ward 11 - Councillor Tierney - is aware of this report and concurs with the recommendations.

### **LEGAL IMPLICATIONS**

There are no legal impediments to implementing the recommendations in this report.

### **RISK MANAGEMENT IMPLICATIONS**

There are no risk implications associated with the recommendations.

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with the recommendations.

### **ACCESSIBILITY IMPACTS**

There are no accessibility impacts associated with the recommendations.

### **ENVIRONMENTAL IMPLICATIONS**

The Land Use and Natural Systems unit does not object to the proposed sale of this property. This property has not been identified as part of the City's natural heritage system as defined in the Official Plan, nor has it been identified as part of the City's Greenspace network in the Greenspace Master Plan.

1150 Rainbow Street and the adjacent City-owned lands to the north are almost entirely vegetated in tall grass. These grasslands may potentially provide habitat for species at risk such as bobolink, eastern meadowlark or barn swallows. An Environmental Impact

Statement may therefore be required to support any future development proposed on the property; if any endangered or threatened species are using the site, then the development would be subject to additional requirements under the provincial *Endangered Species Act, 2007*.

This property will become subject to the Urban Tree Conservation By-law once it leaves the City's ownership.

### **TERM OF COUNCIL PRIORITIES**

The recommendations of this report support City Council's Financial Sustainability strategic priority to practice prudent fiscal management of existing resources and make sound long-term choices that allow City programs and services to be sustainable.

### **SUPPORTING DOCUMENTATION**

Attached as Document 1 is a sketch showing the lands expropriated as Parcel 1 known municipally as 1150 Rainbow Street.

### **DISPOSITION**

Following approval of the recommendation herein, Realty Services will enter into negotiations to sell the subject lands.



DOCUMENT 1 – Property Sketch

