



Interoffice Memorandum

**The Regional
Municipality of Durham
Chief Administrative
Office – Legal Services
Division**

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**Jason Hunt
Regional Solicitor and
Director of Legal Services**

Date: March 21, 2023

To: Alexander Harras, Regional Clerk

From: Alexander McPherson, Solicitor

Re: Expropriation of lands for the proposed Bus Rapid Transit Project along Highway 2 (Kingston Road) in the City of Pickering and the Town of Ajax (2018-COW-101)

On June 13, 2018, Regional Council authorized Regional staff to begin expropriation proceedings for lands required for the proposed Bus Rapid Transit project that cannot be acquired through negotiations (Report #2018-COW-101).

In the matter of the proposed expropriation by The Regional Municipality of Durham being

All estate, right, title and interest in Part of the Common Elements, Durham Condominium Plan 169, in the City of Pickering, in the Regional Municipality of Durham, described further as Part 2 on Reference Plan 40R-31395,

for the purposes of construction of the Bus Rapid Transit Project along Highway 2 (Kingston Road), in the City of Pickering and the Town of Ajax, from Regional Road 38 (Whites Road) to Regional Road 23 (Lake Ridge Road), in the Regional Municipality of Durham, and all related construction activities as ancillary to the construction.

All estate, right, title and interest in the lands described as follows:

Part of the Common Elements, Durham Condominium Plan 169, in the City of Pickering, in the Regional Municipality of Durham, described further as Part 2 on Reference Plan 40R-31395,

Notices of Application for Approval to Expropriate Land have been served and published according to the *Expropriations Act*. We are not aware of any persons having requested a hearing of necessity relating to this property.

I enclose four documents:

1. Reference Plan 40R-31395
2. Form of resolution approving this expropriation;
3. Draft expropriation by-law; and
4. Certificate of Approval.

Please present these five recommendations for Regional Council for approval:

- A) That Regional Council, as approving authority under the *Expropriations Act*, R.S.O. 1990, c. E.26, approve the property requirements for the expropriation of the property as described in the registered reference plan as Part 2 on Reference Plan 40R-31395, deposited in the Land Registry Office on June 17, 2021.
- B) That Regional Council, as expropriating authority under the *Expropriations Act*, authorize all steps necessary to comply with the *Expropriations Act*, including, but not limited to, the preparation and registration of expropriation plans and the service of notices of expropriation, notice of election as to a date for compensation and notices of possession.
- C) That Regional Council grant authority to the Regional Chair and Clerk to execute any notices and forms as may be statutorily mandated by the *Expropriations Act* to give effect to recommendation B), including the notices of expropriation, notices of election as to a date for compensation and notices of possession, including the certificate of approval to be affixed to the expropriation plan.
- D) That Regional Council authorize Regional staff to negotiate a settlement agreement with the owner to take effect after registration of the expropriation plan only if the owner agrees to waive entitlements including but not limited to notices of expropriation and notices of election as to a date for compensation and only if the owner abridges the timeline for the date of possession to an earlier date than what it is defined as under the *Expropriations Act*.
- E) That Regional Council grant authority to the Regional Chair and Clerk to execute an agreement to give effect to recommendation D), should an agreement be negotiated successfully.

If Regional Council gives approval to expropriate, please present the draft expropriation by-law to Regional Council for adoption.