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# The Regional Municipality of Durham Report

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To: Committee of the Whole  
From: Acting Commissioner of Works  
Report: #2023-COW-29  
Date: June 14, 2023

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## **Subject:**

Expropriation of Lands Required for the Proposed Liberty Street (Regional Road 14) Road Rehabilitation and Urbanization Project from Longworth Avenue to Concession Road 3 in the Municipality of Clarington

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## **Recommendation:**

That the Committee of the Whole recommends to Regional Council:

- A) That authority be granted to Regional Municipality of Durham staff to initiate expropriation proceedings where necessary for the property requirements related to the proposed road improvements along Liberty Street (Regional Road 14) from Longworth Avenue to north of Concession Road 3 in the Municipality of Clarington as generally depicted in Attachment #1 and such other property requirements as may be determined and identified by Regional Municipality of Durham staff for the Liberty Street (Regional Road 14) Project;
- B) That authority be granted to the Regional Clerk and Regional Chair to execute any notices and forms as may be statutorily mandated by the *Expropriations Act*, R.S.O. 1990, c. E.26 to give effect to **Recommendation C** in this report, including the Notices of Application of Approval to Expropriate;
- C) That authority be granted to Regional Municipality of Durham staff to serve and publish Notices of Application for Approval to Expropriate the property requirements as described in Recommendation A of this report, and to forward to the Ontario Land Tribunal any requests for hearings received, to attend the hearings to present the Regional Municipality of Durham's position, and to present the Ontario Land Tribunal's recommendations to Regional Council for consideration; and

- D) That all agreements successfully negotiated and reports required for amicable property acquisitions and all agreements and reports required for settlements pursuant to the *Expropriations Act*, R.S.O. 1990, c. E. 26 related to the Liberty Street (Regional Road 14) Project approved in accordance with the Delegation of Authority By-law 04-2023 or by Regional Council, be deemed confidential for any reporting requirements to Regional Council pursuant to section 239 (2)(c) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as it relates to a proposed or pending acquisition or disposition of land for Regional corporate purposes, and only be released publicly by the Commissioner of Works once all claims for compensation have been resolved on a full and final basis.
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**Report:****1. Purpose**

The purpose of this report is to obtain approval to expropriate property requirements for the Liberty Street (Regional Road 14) Project in the Municipality of Clarington if the Regional Municipality of Durham (Region) is unable to obtain amicable agreements through negotiations with property owners.

**2. Background**

- 2.1 The Region is proposing road rehabilitation and urbanization along Liberty Street between Longworth Avenue and Concession Road 3 in the Municipality of Clarington. The project includes curb and gutter, storm sewers, underground services, street lighting, landscaping, sidewalks, and cycling facilities.
- 2.2 An Intersection Control Study (ICS) was completed for the intersection of Liberty Street and Concession Road 3 and recommended that it be reconstructed as a roundabout to increase the safety and efficiency of the intersection. Roundabouts support the Durham Vision Zero goal to reduce fatal and injury related collisions.
- 2.3 A new traffic signal will be installed at the intersection of Liberty Street and Bos Avenue/Freeland Avenue. The traffic signal at the intersection of Liberty Street and Longworth Avenue will be upgraded for compliance with the Accessibility for Ontarians with Disabilities Act (AODA).

**3. Property Acquisitions**

- 3.1 Regional staff have identified land requirements from two properties that will be affected by the proposed works. The Region will need to acquire a portion of each property to facilitate the works.

- 3.2 While the Region attempts to obtain land requirements through amicable negotiations, there are situations where negotiations become lengthy, or an agreement cannot be reached with the property owners. Where lengthy negotiations are not an option due to project timelines or an agreement cannot be reached with the landowners, Regional staff may need to consider the option to commence the expropriation process to complete the project in a timely manner.

#### **4. Relationship to Strategic Plan**

- 4.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:

a. Environmental Sustainability

Goal 1.5: Expand sustainable and active transportation

b. Community Vitality

Goal 2.2: Enhance community safety and well-being

c. Economic Prosperity

Goal 3.3: Enhance communication and transportation networks to better connect people and move goods more effectively.

#### **5. Conclusion**

- 5.1 Regional Municipality of Durham staff will negotiate with the property owners to acquire the necessary properties. Should these negotiations fail, this approval will permit staff to commence expropriation proceedings to ensure that the timelines are met allowing the projects to proceed to construction.
- 5.2 If Regional Municipality of Durham staff exercise the option to commence expropriation pursuant to the authority being sought through this report, staff will seek further authority from Regional Council to expropriate the property requirements and proceed to serve notices on affected property owners as mandated by the *Expropriations Act*, R.S.O. 1990, c. E.26.
- 5.3 This report has been reviewed by the Legal Services – Office of the CAO.
- 5.4 For additional information, contact: Christine Dunkley, Manager, Financial Services and Corporate Real Estate at 905-668-7711 extension 3475.

**6. Attachments**

Attachment #1: Map of Affected Properties

Respectfully submitted,

Original signed by:

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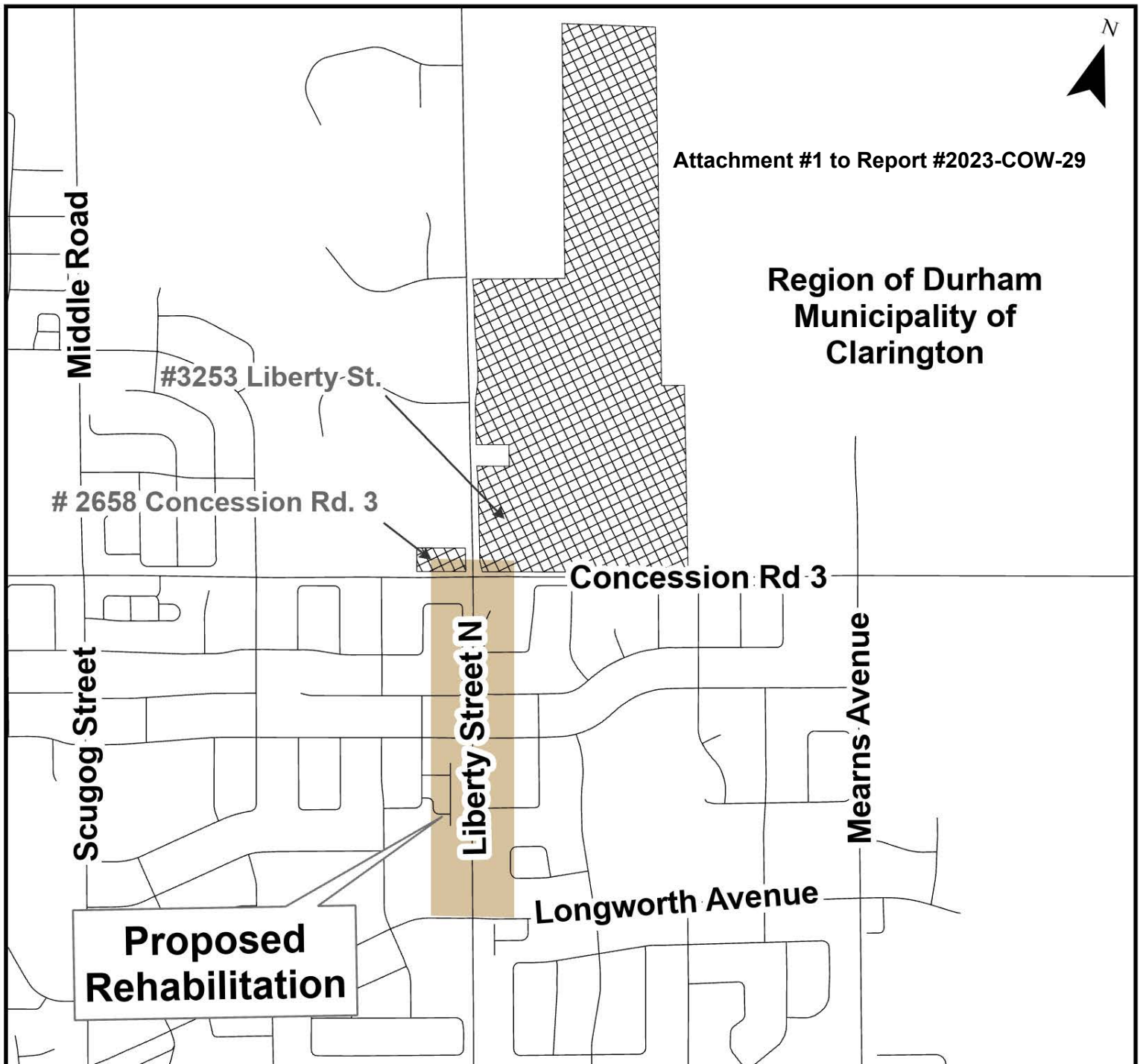
Ramesh Jagannathan  
MBA, M.Eng., P.Eng., PTOE  
Acting Commissioner of Works

Recommended for Presentation to Committee

Original signed by:

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Elaine C. Baxter-Trahair  
Chief Administrative Officer



# "Schedule A"

## Liberty Street North

### Municipality of Clarington



GIS Data: Produced by Durham Region, 2023.  
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-  Properties of Interest
-  Durham Roads
-  Proposed Rehabilitation