



Interoffice Memorandum

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Jason Hunt
Regional Solicitor and
Director of Legal Services

Date: February 28, 2024
To: Alexander Harras, Regional Clerk
From: Alexander McPherson, Solicitor
Re: Expropriation of lands required 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 adopted the recommendations in the Seventh Report of the Committee of the Whole – Item #16 (2018-COW-101).

Regional Council granted staff the authority to serve and publish Notices of Application for Approval to Expropriate the property requirements as described in Recommendation A) of Report #2018-COW-101 and to forward to the Ontario Land Tribunal any requests for hearings received.

These notices have been served and published according to the *Expropriations Act*. The Region did not receive any requests for a hearing on this application.

With the Region having met those *Expropriations Act* conditions, I recommend that Regional Council approve the expropriation application by adopting the draft resolution (Attachment #1).

If Regional Council approves the application, please present the draft expropriation by-law to Regional Council (Attachment #2). The lands are designated on the reference plan (Attachment #3).

Attachments

- Attachment #1: Draft resolution approving this expropriation
- Attachment #2: Draft expropriation by-law
- Attachment #3: Reference Plan 40R-31987

Resolution

RE: Expropriation of lands required 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)

In the matter of an application by The Regional Municipality of Durham for approval to expropriate land being

All estate, right, title and interest in Part of Block 105, Plan 40M-1230, in the Town of Ajax, designated as Parts 1, 2 and 3 on Reference Plan 40R-31630,

for the purposes of construction of the proposed 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), and all related construction activities as ancillary to the construction,

A) That Regional Council, as approving authority under the *Expropriations Act*, approves the application to expropriate the following lands:

All estate, right, title and interest in Part of Block 105, Plan 40M-1230, in the Town of Ajax, designated as Parts 1, 2 and 3 on Reference Plan 40R-31630, being the lands described in the application.

B) That Regional Council authorizes all steps necessary to comply with the *Expropriations Act* or to cause those steps to be taken, including, but not limited to, the preparation, registration and service of expropriation plans and forms.

C) That Regional Council grants authority to the Regional Chair and Clerk to sign any forms or plans as may be required under the *Expropriations Act* to give effect to the expropriation.

D) That the necessary expropriation by-law be presented to Regional Council for adoption.

As more than 30 days have passed after service and first publication of the notice of application for approval to expropriate the lands described in the application, and since no party with an interest in the lands has notified the approving authority of its desire to have a hearing, therefore, the Council of The Regional Municipality of Durham approves the expropriation and grants a certificate of approval.

MOVED:

SECONDED:

By-law Number 2024-006
of The Regional Municipality of Durham

Being a by-law to expropriate all estate, right, title and interest in Part of Block 105, Plan 40M-1230, in the Town of Ajax, designated as Parts 1, 2, and 3 on Reference Plan 40R-31630.

Whereas the *Expropriations Act*, R.S.O. 1990, c. E.26 requires an expropriating authority to seek approval from its approving authority to expropriate property.

And whereas under the *Expropriations Act*, The Regional Municipality of Durham is an expropriating authority and the approving authority is Regional Council.

And whereas the approval to expropriate is obtained by Regional Council's passing of the required expropriation by-law.

Now therefore, the Council of The Regional Municipality of Durham hereby enacts as follows:

1. All estate, right, title and interest in the lands described as Part of Block 105, Plan 40M-1230, in the Town of Ajax, designated as Parts 1, 2, and 3 on Reference Plan 40R-31630, is hereby expropriated for the purposes of the proposed Bus Rapid Transit Project along Highway 2 (Kingston Road), in the City of Pickering and the Town of Ajax, and all related construction activities as ancillary to that construction.
2. Regional staff shall take all steps necessary to comply with the *Expropriations Act*, or cause those steps to be taken, including, but not limited to,
 - a) the preparation of expropriation plans for the Regional Chair and the Regional Clerk to sign;
 - b) the registration of that plan in the land registry office;
 - c) the preparation of forms for the Regional Chair and the Regional Clerk to sign; and
 - d) service of those forms following registration of the expropriation plan.
3. The Regional Chair and Regional Clerk may sign any forms or plans as may be required under the *Expropriations Act* to give effect to the expropriation.

This By-law Read and Passed on the 28th day of February, 2024.

J. Henry, Regional Chair and CEO

A. Harras, Regional Clerk

