



Interoffice Memorandum

The Regional
Municipality of Durham
Corporate Services –
Legal Services

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Barb Goodwin
MPA, CPA/CGA,
B.Comm, CPM, CMMIII
Commissioner of
Corporate Services

Date: December 12, 2022

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

On June 13, 2018, Regional Council authorized staff to begin expropriation proceedings for lands with respect to the property requirements for the proposed Bus Rapid Transit Project (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) (Report #2018-COW-101).

IN THE MATTER OF an application by The Regional Municipality of Durham for approval to expropriate land being

Part of Lot 2, Concession 1, in the Geographic Township of Pickering, in the Town of Ajax, designated as Part 1 on Reference Plan 40R-31624,

for the purposes of construction of 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 Lot 2, Concession 1, in the Geographic Township of Pickering, in the Town of Ajax, designated as Part 1 on Reference Plan 40R-31624

Notices of Application for Approval to Expropriate have been served in accordance with the *Expropriations Act*. We are not aware of any persons having requested an inquiry relating to this property.

I enclose three documents:

1. Form of Resolution approving this expropriation;
2. Expropriation By-law; and
3. Certificate of Approval.

Please present these four recommendations to Regional Council for approval. If Regional Council gives approval to expropriate, please present the draft Expropriation By-law to 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 1 on Reference Plan 40R-31624, deposited in the Land Registry Office on January 17, 2022.
- 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 the necessary expropriation by-law be presented to Regional Council for adoption.

Alexander McPherson
Solicitor

RESOLUTION

RE: Expropriation of lands required for required for the proposed Bus Rapid Transit Project along Highway 2 (Kingston Road), in the City of Pickering and the Town of Ajax

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

Part of Lot 2, Concession 1, in the Geographic Township of Pickering, in the Town of Ajax, designated as Part 1 on Reference Plan 40R-31624,

- E) 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 1 on Reference Plan 40R-31624, deposited in the Land Registry Office on January 17, 2022.
- F) 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.
- G) 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.
- H) That the necessary expropriation by-law be presented to Regional Council for adoption.

MOVED:

SECONDED:

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

By-law Number 64-2022
of The Regional Municipality of Durham

Being a by-law to expropriate all estate, right, title and interest in Part of Lot 2, Concession 1, in the Geographic Township of Pickering, in the Town of Ajax, designated as Part 1 on Reference Plan 40R-31624.

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

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

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

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

1. That all estate, right, title and interest in the lands described as Part of Lot 2, Concession 1, in the Geographic Township of Pickering, in the Town of Ajax, designated as Part 1 on Reference Plan 40R-31624 is hereby taken and expropriated for the purposes of construction of 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.
2. That Regional Council 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.
3. That Regional Council grants authority to the Regional Chair and Regional Clerk to prepare, execute and register any notices and forms as may be statutorily mandated by the *Expropriations Act*, to give effect to clause 1, 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.

This By-law Read and Passed on the 21st day of December, 2022.

J. Henry, Regional Chair and CEO

A. Harras, Regional Clerk

EXPROPRIATIONS ACT, R.S.O. 1990, c. E.26

CERTIFICATE OF APPROVAL

In the matter of an application by The Regional Municipality of Durham for approval to expropriate land being Part of Lot 2, Concession 1, in the Geographic Township of Pickering, in the Town of Ajax, designated as Part 1 on Reference Plan 40R-31624 for the purposes of construction of 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:

The Council of The Regional Municipality of Durham hereby certifies that approval was given to The Regional Municipality of Durham on the 21st day of December, 2022 to expropriate all estate, right, title and interest in the following lands:

Part of Lot 2, Concession 1, in the Geographic Township of
Pickering, in the Town of Ajax, designated as Part 1 on
Reference Plan 40R-31624,

being the lands described in the application.

Dated at Whitby, this 21st day of December, 2022.

THE COUNCIL OF THE REGIONAL MUNICIPALITY OF DURHAM

Per:

Alexander Harras, Regional Clerk