

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 3540.



The Regional Municipality of Durham

Report

To: Works Committee
From: Acting Commissioner of Works
Report: #2024-W-10
Date: April 3, 2024

Subject:

Expropriation of Lands Required for the Oshawa/Whitby Works Depot Construction Project at 951 Winchester Road East, in the City of Oshawa

Recommendations:

That the Works Committee recommends to Regional Council:

- A) That authority be granted to Regional Municipality of Durham (Region) staff to initiate expropriation proceedings where necessary for the property requirements at 951 Winchester Road East, in the City of Oshawa, as depicted in Attachment #1 and such other property requirements as may be determined and identified by Regional staff for the Oshawa/Whitby Works Depot construction 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 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 hearing received, to attend the hearings to present the Region'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 Oshawa/Whitby Works Depot Construction 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.
-

Report:**1. Purpose**

- 1.1 The purpose of this report is to obtain approval to expropriate property requirements for the Oshawa/Whitby Works Depot Construction Project, in the City of Oshawa (Oshawa) if the Regional Municipality of Durham (Region) is unable to obtain amicable agreements through negotiations with property owners.

2. Background

- 2.1 The Region identified 951 Winchester Road East at the south side of Winchester Road East and east of Wilson Road North in the City of Oshawa, as the preferred site to acquire and build the infrastructure required for the Oshawa/Whitby Works Depot Construction Project (the Project).
- 2.2 The Region is proposing to construct the new Oshawa/Whitby Works depot at this preferred site as it is within a future employment node, close to Highway 407 and major arterial roads and will facilitate growth in the City of Oshawa and the Town of Whitby. The Oshawa/Whitby Depot maintains Regional roads, water, sewer, and fleet asset infrastructure.
- 2.3 The Region's existing Oshawa/Whitby Depot is one of and the largest of the five Regional maintenance depots. The depot comprises an administrative building, indoor vehicle storage, ancillary buildings, employee amenities, fleet maintenance garage, a fueling station, a salt storage facility, materials testing laboratory, vehicle and equipment storage and parts and tools storage. The depot operations accommodate staff and equipment to service and maintain Regional roads, linear water distribution and sanitary sewer infrastructure, and fleet assets.

- 2.4 A comprehensive depot rationalization study conducted in 2021 concluded that the depot services and operational needs have outgrown the available space at the existing Oshawa/Whitby depot site. The buildings are at the end of their expected useful life and more interior space is needed for administrative staff to function efficiently and effectively. There is also a lack of adequate yard space for the maneuvering of vehicles and equipment and for storing materials required to provide and maintain the Regional services.
- 2.5 Future growth and resultant demand for services will further constrain the ability to operate on the existing site and maintain service level requirements. A new location with sufficient land is required to provide a more effective and efficient layout and adequate indoor vehicle storage, maintenance bays, and an administrative building that will provide better staff collaboration, achieves best practices, and promote operational productivity.

3. Property Acquisitions

- 3.1 Regional staff have identified land requirements from the property at 951 Winchester Road East, City of Oshawa. The Region will require the entire parcel of 68.87 acres to facilitate the works. The requirements are over the lands legally described as Part of Lot 6, Concession 5 East Whitby being Parts 1 on Plan 40R-30238 in the City of Oshawa, identified with PIN 16261-0115 (LT) (see Attachment #1).
- 3.2 Regional staff conducted an internal valuation analysis for 951 Winchester Road East, Oshawa, to determine the fair market value and compensation for the lands. Negotiations with the property owners are ongoing.
- 3.3 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.

4. Conclusion

- 4.1 Regional Municipality of Durham staff will continue to negotiate with the property owners to acquire the necessary lands. Should these negotiations fail, this approval will permit staff to commence expropriation proceedings to ensure that design and construction can occur in a timely manner.
- 4.2 Should staff exercise the option to commence expropriation pursuant to the authority being sought through this report, staff will seek further authority from Regional Municipality of Durham 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.
- 4.3 This report has been reviewed by Legal Services – Office of the CAO.
- 4.4 For additional information, contact Christine Dunkley, Director, Corporate Infrastructure and Strategic Business Services, at 905-668-7711 extension 3475.

5. Attachments

Attachment #1: Location Map

Respectfully submitted,

Original signed by:

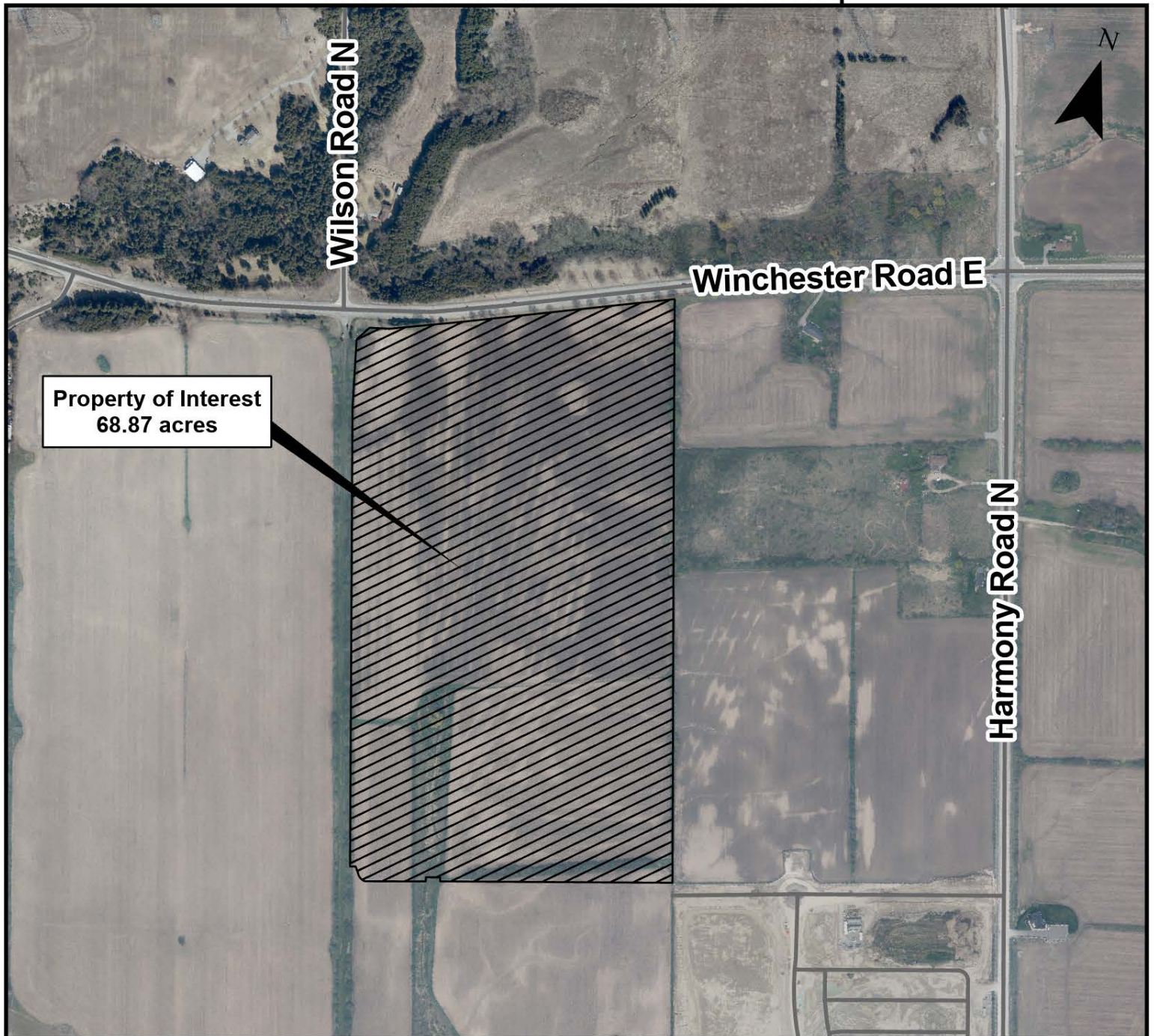
Ramesh Jagannathan, MBA, M.Eng., P.Eng., PTOE
Acting Commissioner of Works

Recommended for Presentation to Committee



Original signed by:

Elaine C. Baxter-Trahair
Chief Administrative Officer

Attachment # 1: Location Map

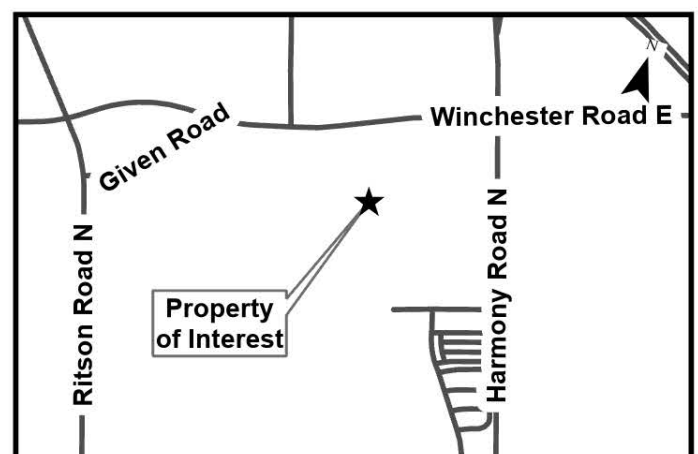


951 Winchester Road East, City of Oshawa

-  Property of Interest
68.87 acres
-  Assessment Parcel



GIS Data: Produced by Durham Region, 2024.
2022 Orthophotography provided by © First Base Solutions Inc.
© MPAC and its suppliers. All rights reserved. Not a Plan of Survey.
© Teranet Enterprises Inc. and its suppliers.
All rights reserved. Not a Plan of Survey.
This map has been produced from a variety of sources.
The Region of Durham does not make any representations concerning the accuracy, likely results, or reliability of the use of the materials.
Region hereby disclaims all representations and warranties. This data is provided to the Region of Durham for internal use only, and excludes all representations, warranties, obligations, and liabilities, whether express or implied, in relation to the Information. For other uses, including spatial analysis, the respective Conservation Authority must be contacted.



Date: 2024-03-08