

Date: 2024-01-11

Subject: **Property Interests to be Expropriated for the Downtown Brampton Flood Protection Project (DBFP) – Ward 3**

Contact: **Cheryl Waters, Senior Real Estate Coordinator, Realty Services**

Report Number: CAO's Office-2024-014

Recommendations:

1. That the report from Cheryl Waters, Senior Real Estate Coordinator, Realty Services, to the Committee of Council meeting of January 31, 2024, re: **Property Interests to be Expropriated for the Downtown Brampton Flood Protection Project (DBFP) – Ward 3** be received; and,
2. That a by-law be enacted authorizing The Corporation of the City of Brampton, as expropriating authority, to make an application for approval to expropriate the property interests required in connection with the Downtown Brampton Flood Protection Project (DBFP), as described in Attachment 1 to this report for the purposes of design and construction of the Downtown Brampton Flood Protection.
3. That the Senior Manager, Realty Services be authorized to execute, and cause to be served and published on behalf of The Corporation of the City of Brampton as expropriating authority, all notices, applications, advertisements and other documents required by the Expropriations Act, R.S.O. 1990, c.E.26 as amended, in a form approved by the City Solicitor or designate in order to effect the expropriation of the said property interests.

Overview:

- **On December 8, 2021, at a Special Meeting, Council adopted By-Law 293-2021 approving the budget for construction of Downtown Brampton Flood Protection to protect Downtown Brampton from flooding under extreme storm events.**
- **The acquisition of the whole or portions of certain properties in fee simple are required. A chart of the properties and interests, which are the subject of this report, can be found in Attachment 1 to this Report.**

- **To ensure timely delivery of the property interests and not to delay construction schedules, this report recommends that Council authorize commencement of the Application for Approval to Expropriate two properties, as shown in Attachment 1. Staff will attempt to negotiate an amicable agreement in parallel to the expropriation process.**
- **The authorization being sought in this report is to acquire property interests by expropriation which is the first step in the expropriation process. Another report will be presented to Council to seek approval of the actual expropriation, after Notices of Application for Approval to Expropriate Land have been served/published, and Hearings of Necessity, if any, have been completed.**
- **There are no immediate financial implications resulting from this report.**

Background:

Design and construction of the Downtown Brampton Flood Protection (DBFP) is the foundation for creation of Riverwalk, which will revitalize and catalyze the transformation of Downtown Brampton through the elimination of flood risk that paves the way for removal of Provincial planning restrictions. The Province in September 2020 approved the Downtown Brampton Flood Protection Environmental Assessment (EA) prepared by the City and the Toronto and Region Conservation Authority.

The EA proposed an engineering solution to remediate the flood risk from extreme storms via a number of infrastructure improvements including deepening and widening of the existing Etobicoke Creek concrete channel, lengthening of existing bridges across the widened channel from Church Street to CN Rail, realignment of Ken Whillans Drive to the west, and creating of floodplain storage in the widened valley corridor north of Church Street.

In November 2020, the Government of Canada, through the Disaster Mitigation and Adaptation Fund, committed \$38.8M towards the estimated total DBFP cost of \$107M.

Pursuant to a staff report to the February 24, 2021, meeting of Committee of Council, Council at its meeting of March 3, 2021, directed staff to begin detailed design of the DBFP and that Council commit the remaining project costs of \$67.6M for implementation of the Downtown Brampton Flood Protection. These project costs include land acquisitions required for implementation of the DBFP.

The DBFP EA established the need for additional property to implement the proposed flood protection works. The properties included in Attachment 1 to this report are critical to the successful implementation of the flood protection works, and failure to secure these properties in a timely manner, or not at all, would present significant barriers to construction of the flood protection works, and jeopardize the implementation of the DBFP.

On December 8, 2021, at a Special Meeting, Council adopted By-Law 293-2021 approving the budget for construction of Downtown Brampton Flood Protection to protect Downtown Brampton from flooding under extreme storm events.

Current Situation:

A change is required to the preferred engineering solution for providing flood protection in Downtown Brampton. As described in the approved EA, providing additional capacity to ensure flows in the Etobicoke Creek during extreme storm events can be safely conveyed without flooding requires the CN Rail crossing over Etobicoke Creek be widened or otherwise expanded to allow more water to pass under the railway line. As per the EA, this would involve installation of large culverts that would be located on property currently owned by Catholic Cemeteries & Funeral Services and substantially impact those lands. An alternative solution to avoid impacting the cemetery was successfully identified during detailed design of the flood protection works, but requires additional property be acquired as identified in Attachment 1.

This change in the engineering solution allowing the project to avoid impacts to the cemetery provides increased certainty around the schedule of the DBFP, avoids costs associated with closure and relocation of the cemetery, and avoids a lengthy and complicated regulatory process.

The authorization being sought in this report, to acquire property interests by expropriation, is the first step in the expropriation process. As this project is tied to the Federal Government's Disaster Mitigation and Adaptation Funding and the timelines established thereunder, staff have identified as accurately as possible the fee simple property interests required based on an amendment to the EA which accounts for design/construction issues with CN Rail and St. Mary's Catholic Cemetery.

Another report will be presented to Council to seek approval of the property interests to be expropriated, after Notices of Application for Approval to Expropriate Land have been served/published and Hearings of Necessity, if any, have been completed.

Corporate Implications:

Financial Implications:

There are no immediate financial implications resulting from this report. Any costs associated with the expropriation will be included in a future report to Council.

Other Implications:

Legal Implications – Legal Services will provide legal support, and engage external counsel as needed, to undertake this expropriation.

Strategic Focus Area:

- **Growing Urban Centres & Neighbourhoods:** Focusing on an economy that thrives with communities that are strong and connected.
- **Environmental Resilience & Sustainability:** Focusing on nurturing and protecting our environment for a sustainable future.

Conclusion:

This report recommends that Council authorize the City to make an Application for Approval to Expropriate to ensure delivery of the property interests listed in Attachment 1.

And that the Senior Manager, Realty Services be authorized to execute all documents required by the *Expropriations Act* in order to effect the expropriation of the said interest.

Authored by:

Reviewed by:

Cheryl Waters, Senior Real Estate
Coordinator

Rajat Gulati, Senior Manager, Realty Services

Approved by:

Approved by:

Steve Ganesh, Commissioner Planning,
Building and Growth Management

Marlon Kallideen, Chief Administrative Officer

Attachments:

- Attachment 1 – Property Requirements