



Report
Staff Report
 The Corporation of the City of Brampton
 7/10/2024

Date: 2024-07-03

Subject: **Expropriation of Lands for the Downtown Brampton Flood Protection (DBFP) Project – Wards 1 & 3**

Contact: Cheryl Waters, Senior Real Estate Coordinator, Strategic Services and Initiatives

Report number: CAO's Office-2024-550

RECOMMENDATIONS:

1. That the report from Cheryl Waters, Senior Real Estate Coordinator, Strategic Services and Initiatives to City Council meeting of July 10, 2024, re: **Expropriation of Lands for the Downtown Brampton Flood Protection (DBFP) Project – Wards 1 & 3** be received;
2. That Council acting as the Approving Authority, pursuant to the Expropriations Act, R.S.O. 1990, c.E.26, as amended, enact a by-law approving the expropriation of the properties described in Attachment 1 to this report, for the purposes of implementing the Downtown Brampton Flood Protection Project and all works ancillary thereto; and
3. That the by-law provide that the Commissioner, Planning, Building and Growth Management, be authorized to execute all agreements and other documents, and serve and publish on behalf of The Corporation of the City of Brampton, all notices, applications, advertisements, agreements and other documents required by the Expropriations Act, R.S.O. 1990, c.E.26, as amended, in order to complete the expropriation of and settle the compensation for the said properties based on terms and conditions acceptable to the Senior Manager, Realty Services, and in a form acceptable to the City Solicitor or designate.

OVERVIEW:

- **“Notices of Application for Approval to Expropriate” as required by the Expropriations Act, R.S.O. 1990, c.E.26, as amended (the “Act”) were sent to the owners of, and others having an interest in, the properties described in Attachment 1 and 2 to this report (the “Subject Properties”) and deemed served on June 4, 2024. Additionally, as required by the Act, a “Notice of Application for Approval to Expropriate Land” was published in the Toronto**

Sun, which ran on June 7, June 14, and June 21, 2024, with the stated purpose “For the municipal purpose of implementing the Downtown Brampton Flood Protection Project (DBFP) and all works ancillary thereto.”

- **As of the date of this report no owners, or persons with an interest in the Subject Properties have requested a Hearing of Necessity within the prescribed period under Section 6(2) of the Act, which expired on July 8, 2024.**
- **Staff recommend Council enact a by-law to approve the City’s expropriation of the Subject Properties and that the by-law provide that the Commissioner, Planning, Building and Growth Management, be authorized to execute all agreements and other documents, and serve and publish on behalf of The Corporation of the City of Brampton, all notices, applications, advertisements, agreements and other documents required by the Expropriations Act, R.S.O. 1990, c.E.26, as amended, in order to complete the expropriation of and settle the compensation for the said properties based on terms and conditions acceptable to the Senior Manager, Realty Services, and in a form acceptable to the City Solicitor or designate.**
- **Sufficient funding is available in the Planning, Building and Growth Management Capital Budget to initiate the expropriation of the required properties for Downtown Brampton Flood Protection (DBFP). Any future capital funding required related to completing the expropriations for the DBFP will be included in future budget submissions and presented to the Mayor for his consideration.**

BACKGROUND:

Design and construction of the Downtown Brampton Flood Protection Project (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. In September 2020, the Province approved the Downtown Brampton Flood Protection Environmental Assessment (EA) prepared by the City and the Toronto and Region Conservation Authority.

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.

At its meeting held November 28, 2022, City Council passed By-law 227-2022, authorizing The Corporation of the City of Brampton, as expropriating authority, to make application for approval to expropriate 125 Queen Street East required in connection with the DBFP.

At its meeting held October 18, 2023, City Council passed By-law 176-2023, authorizing The Corporation of the City of Brampton, as expropriating authority, to make application for approval to expropriate certain additional properties required in connection with the DBFP.

The design for the DBFP as approved by the Environmental Assessment established the need for additional property to implement the proposed flood protection works. At its meeting held February 7, 2024, City Council passed By-law 14-2024, authorizing The Corporation of the City of Brampton, as expropriating authority, to make application for approval to expropriate two additional properties required in connection with the DBFP.

“Notices of Application for Approval to Expropriate” as required by the Expropriations Act, R.S.O. 1990, c.E.26, as amended (the “Act”) were sent by registered mail and deemed served on the owners of, and others having an interest in, the properties as described in Attachment 1 to this report (the “Subject Properties”) on June 4, 2024. Additionally, as required by Act, a “Notice of Application for Approval to Expropriate Land” was published in the Toronto Sun, which ran on June 7, June 14, and June 21, 2024, with the stated purpose “For the municipal purpose of implementing the Downtown Brampton Flood Protection Project (DBFP) and all works ancillary thereto.”

CURRENT SITUATION:

Following the service and publication of the City’s Notice of Application for Approval to Expropriate, and as of the date of this report, no owners or persons with an interest in the Subject Properties have requested an Inquiry under Section 6(2) of the Act. Staff will confirm prior to Council’s meeting that no such requests are received within the prescribed period under the Act which expires July 8, 2024.

Accordingly, Council as the Approving Authority, pursuant to the Act will be in a position to enact a by-law to approve the expropriation of the Subject Properties as described in Attachment 1 to this report, and authorize the City as the expropriating authority pursuant to the Act, to proceed with the execution and registration of the Certificates of Approval and Plans of Expropriation, and the execution and issuance of any and all required notices and statutory offers, and to settle compensation payable pursuant to the Act.

CORPORATE IMPLICATIONS:

Financial Implications:

Sufficient funding is available in the Planning, Building and Growth Management Capital Budget to expropriate the required properties for Downtown Brampton Flood Protection (DBFP).

Any future capital funding required related to completing the DBFP will be included in future budget submissions and presented to the Mayor for his consideration.

Other Implications:**Legal Implications**

Legal Services advises that external counsel is retained for the DBFP expropriations.

STRATEGIC FOCUS AREA:

This report achieved the Environmental Resilience & Sustainability priority by focusing on nurturing and protecting our environment for a sustainable future.

CONCLUSION:

This report recommends that a by-law be enacted by City Council, for the Approval to Expropriate the Subject Properties as identified in Attachment 1 to this report, and that the Commissioner, Planning, Building and Growth Management be authorized to execute all agreements and other documents, and serve and publish on behalf of The Corporation of the City of Brampton, all notices, applications, advertisements, agreements and other documents required by the Expropriations Act, in order to complete the expropriation of and settle the compensation payable under the Act for the said properties based on terms and conditions acceptable to the Senior Manager, Realty Services, and in a form acceptable to the City Solicitor or designate.

Authored by:

Reviewed by:

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Approved by:

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Commissioner, Planning, Building and
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Chief Administrative Officer

Attachments:

- Attachment 1 – Property Schedule

- Attachment 2 – Location Map of Properties