



Report
Staff Report
 The Corporation of the City of Brampton
 9/4/2024

Date: 2024-08-27

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

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

Report number: CAO's Office-2024-647

RECOMMENDATIONS:

1. That the report from Cheryl Waters, Senior Real Estate Coordinator, Strategic Services and Initiatives to City Council meeting of September 4, 2024, re: **Property Interest to be Expropriated for the Downtown Brampton Flood Protection (DBFP) Project – Ward 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 property described in Attachment 1 ("Subject Property") 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 property based on terms and conditions acceptable to the Senior Manager, Realty Services, and in a form acceptable to the City Solicitor or designate.

OVERVIEW:

- **"Notice 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 property described in Attachment 1 to this report (the "Subject Property") and deemed served on July 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 July 4, 11, and 18, 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 there are no outstanding requests for an Inquiry pursuant to Section 6(2) of the Expropriations Act, the time for such requests expired August 7, 2024.
- Staff recommend Council enact a by-law to approve the City’s expropriation of the Subject Property 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 property 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 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 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 properties required in connection with the DBFP including the property that is the subject of this report.

“Notice of Application for Approval to Expropriate” as required by the Expropriations Act, R.S.O. 1990, c.E.26, as amended (the “Act”) was sent by registered mail and deemed served on the owners of, and others having an interest in, the property as described in Attachment 1 to this report (the “Subject Property”) on July 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 July 4, 11, and 18, 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 there are no outstanding requests for an Inquiry pursuant to Section 6(2) of the Expropriations Act, the time for such requests expired August 7, 2024.

Council is now in a position to enact a by-law to approve the expropriation of the Subject Property 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 Certificate of Approval and Plan 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 Property 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 property 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:

Cheryl Waters
Senior Real Estate Coordinator
Realty Services

Rajat Gulati
Senior Manager
Realty Services

Approved by:

Approved by:

Steve Ganesh, MCIP, RPP
Commissioner, Planning, Building and
Growth Management

Marlon Kallideen
Chief Administrative Officer

Attachments:

- Attachment 1 – Subject Property