



Report
Staff Report
 The Corporation of the City of Brampton
 2/19/2025

Date: 2025-02-12

Subject: **Property Interest to be Expropriated for the Downtown Brampton Flood Protection Project (DBFP) at 53 Church Street, Brampton – Ward 1**

Contact: Clifton Johnson, Real Estate Coordinator, Strategic Services and Initiatives

Report number: CAO's Office-2025-079

RECOMMENDATIONS:

1. That the report from Clifton Johnson, Real Estate Coordinator, Strategic Services and Initiatives to the Committee of Council meeting of February 19, 2025, re: **Property Interest to be Expropriated for the Downtown Brampton Flood Protection Project (DBFP) at 53 Church Street, Brampton**, 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 those parts of 53 Church Street, Brampton as 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 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 was sent to the owners of, and others having an interest in, that portion of the property of 53 Church Street, Brampton as**

described in Attachment 1 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, 14, and 21, 2024 with the stated purpose “For the municipal purpose of implementing the Downtown Brampton Flood Protection Project (DBFP) and all works ancillary thereto.”

- **The registered owner of the Subject Property made a request for a Hearing of Necessity which was scheduled for January 23, 2025. On January 17, 2025, the owner withdrew the request for the Hearing of Necessity. There are no other outstanding requests for an Inquiry pursuant to Section 6(2) of the Expropriations Act.**
- **Staff recommend Council enact a by-law to approve the City’s expropriation of the Subject Property and that the by-law provides 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 complete the expropriation of the required properties for Downtown Brampton Flood Protection (DBFP).**

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 and pave 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.

At a Special Meeting held on December 8, 2021, 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 the 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.

On June 4, 2024, "Notice of Application for Approval to Expropriate" as required by the Expropriations Act, R.S.O. 1990, c.E.26, as amended was sent by registered mail and deemed served on the owners of, and others having an interest in, that portion of the property of 53 Church Street, Brampton as described in Attachment 1 to this report.

Additionally, as required by the Expropriations Act, a "Notice of Application for Approval to Expropriate Land" was published in the Toronto Sun, which ran on June 7, 14, and 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, the registered owner of the Subject Property made a request for a Hearing of Necessity which was scheduled for January 23, 2025. On January 17, 2025, the owner withdrew the request for the Hearing of Necessity. There are no other outstanding requests for an Inquiry pursuant to Section 6(2) of the Expropriations Act.

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 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 those portions of 53 Church Street, Brampton as identified in Attachment 1 to this report for the purpose of the Downtown Brampton Flood Protection Project

Authored by:

Reviewed by:

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Approved by:

Approved by:

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Marlon Kallideen
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Attachment:

Attachment 1 – 53 Church Street Property Details