

**Date:** 2022-10-21

**Subject:** **Property Interest to be Expropriated for the Downtown Brampton Flood Protection Project (DFBP) Riverwalk, 125 Queen Street East – Ward 3**

**Contact:** **Cheryl Waters, Senior Real Estate Coordinator,  
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**Report Number:** Legislative Services-2022-810

**Recommendations:**

1. THAT the report dated October 21, 2022, 2022, to Committee of Council meeting of November 23, 2022, titled **Recommendation Report: Property Interest to be Expropriated for the Downtown Brampton Flood Protection Project (DFBP) Riverwalk, 125 Queen Street East – 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 interest required in connection with the Downtown Brampton Flood Protection Project (DBFP) Riverwalk, as described in Schedule 'A' to this report for the purposes of design and construction of the Downtown Brampton Flood Protection (DBFP) Riverwalk.
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 interest.

**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 subject property in fee simple is required.**
- **To ensure timely delivery of the property interest, and not to delay construction schedules, this report recommends that Council authorize commencement of the Application for Approval to Expropriate 125 Queen Street East, as shown in Schedule "A". Staff will attempt to negotiate an amicable agreement in parallel to the expropriation process.**
- **The authorization being sought in this report is to acquire a property interest 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.**

**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.

### Property Requirements for Downtown Brampton Flood Protection

The DBFP EA established the need for additional property to implement the proposed flood protection works. The property at 125 Queen Street East is a critical piece to the successful implementation of the flood protection works, and failure to secure this 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:**

The authorization being sought in this report, to acquire a property interest by expropriation, 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.

### **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.

#### Legal Implications:

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

### **Term of Council Priorities:**

The Downtown Brampton Flood Protection contributes to the “Brampton is a City of Opportunities” Term of Council priorities specifically “Unlock Uptown and Downtown” to allow for the realization of urban transformation and unlock economic potential.

**Conclusion:**

This report recommends that Council authorize the City to make an Application for Approval to Expropriate to ensure delivery of the property interest listed in Schedule “A”.

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:

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Cheryl Waters, Senior Real Estate  
Coordinator

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Rajat Gulati, Acting Senior Manager, Realty  
Services

Approved by:

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Diana Soos, Commissioner Legislative  
Services

**Attachments:**

**Appendix A – Arial Photo of 125 Queen Street East**

**Appendix A**  
**Arial Photo of 125 Queen Street East**

