

By-Law No. 2017-379

A by-law to approve the expropriation of certain properties in the City of Ottawa for the purposes of the Stage 2 Ottawa Light Rail Transit System project, as more particularly described in Schedule "A" attached hereto.

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Be aware though that you may not be looking at the most recent version of this by-law. It is very possible that it has been amended by Council by another by-law, or even by the Ontario Municipal Board. So, um, just know that before assuming anything.

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If you end up asking for a copy of a by-law OttWatch doesn't have yet, please ask the Clerk's office to cc: kevino@kevino.net when they email it to you. You'd be doing the entire community a favour!

Enacted On: 2017-11-22

OttWatch Bylaw Reference: <http://ottwatch.ca/bylaws/2017-379>

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A by-law to approve the expropriation of certain properties in the City of Ottawa for the purposes of the Stage 2 Ottawa Light Rail Transit System project, as more particularly described in Schedule "A" attached hereto.

WHEREAS the City of Ottawa requires property described in Schedule "A" attached hereto (the "Subject Property Interests") for the purposes of the Stage 2 Ottawa Light Rail Transit System project (the "Stage 2 LRT") including, but not limited to, for the purposes of facilitating the construction, operation and maintenance of light rail infrastructure, tunnel guideway corridors, tunnel portals, at-grade guideway corridors, guideways, stations, station entrances and station to surface access points, platforms, multi-use pathways, bridges and bridge approaches and all other improvements and works ancillary to the Stage 2 LRT;

AND WHEREAS pursuant to Section 6(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, the power of a municipality to acquire land under this or any other Act includes the power to expropriate land in accordance with the *Expropriations Act*, R.S.O. 1990, c.E.26, as amended (hereinafter referred to as the "Expropriations Act") for these purposes;

AND WHEREAS a Notice of Application for Approval to Expropriate Land for both of the Subject Property Interests was served and published, as required by the Expropriations Act;

AND WHEREAS the application has not been referred to a hearing of necessity by either of the owners of the Subject Property Interests and the applicable deadline for such has passed;

AND WHEREAS the City has been unable to reach an agreement with the registered owners to acquire the Subject Property Interests;

NOW THEREFORE the Council of the City of Ottawa hereby enacts as follows:

1. Approval is hereby granted for the expropriation by the City of Ottawa of the Subject Property Interests described in Schedule "A" attached to this By-law, for the above-described purposes.
2. The Mayor, the City Clerk and Solicitor, the Director of the Corporate Real Estate Office, or any one of them are hereby authorized to execute on behalf of City Council the Certificate of Approval and the Expropriation Certificate set out on the Expropriation Plan and all other notices and documents which are necessary to carry out the provisions of this By-law.
3. The Mayor, the City Clerk and Solicitor, the Director of the Corporate Real Estate Office, or any one of them are hereby authorized to cause the Expropriation Plan

to be registered in the Land Registry Office for the Land Titles Division of Ottawa (No. 4) and thereby effect the expropriation of the Subject Property Interests.

4. A Notice of Expropriation be served upon the registered owners together with a copy of the Expropriation Plan and a Notice of Election relating to the date of assessment of compensation.

5. An appraisal report estimating the market value of the Subject Property Interests be obtained from an accredited appraiser.

6. A Notice of Possession be served requiring possession of the Subject Property Interests at least three months after the date of service of said notice.

7. The City is hereby authorized to enter and take possession of the expropriated lands on the day permitted under the *Expropriations Act*, or pursuant to any Court Order thereunder, or pursuant to any agreement entered into between the relevant owners and the City.

8. Subject to any requirement for additional Council approval based on the estimated market value of any registered owner's interest in the Subject Property Interests, an offer of an amount in full compensation for the registered owners' interests in the Subject Property Interests, and an offer for immediate payment of 100% of market value as estimated by the expropriating authority, all in accordance with s. 25 of the *Expropriations Act*, be served, together with a copy of the appraisal report on which the offer of compensation is based.

9. The officers and authorized agents of the City of Ottawa be and they are hereby otherwise authorized and directed to do all things required arising from the authorizations provided for by this by-law.

10. This by-law comes into force on the day it is passed.

ENACTED and PASSED this 22nd day of November, 2017.

CITY CLERK

MAYOR

SCHEDULE "A"

All right, title and interest in the following lands:

1. All of PIN 04282-0677 (LT), PART LOT 24, CONCESSION 10F, PARTS 2 AND 3, 5R12409; OTTAWA/NEPEAN.
2. All of PIN 04751-0121 (LT), PART OF LOT 27, CONCESSION 1 (OTTAWA FRONT) NEPEAN, BEING PARTS 1 AND 2 PLAN 5R10438; CITY OF OTTAWA.

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Enacted by City Council at its meeting of November 22, 2017.

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LEGAL SERVICES

TN/eb

COUNCIL AUTHORITY:
City Council March 8, 2017
Agenda Item 4 (FEDCO Report No. 21)