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## Report of the Commissioner of Corporate Services

### **Expropriation of Land - 7305 King Road, Township of King**

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#### **1. Recommendations**

1. Council approve an application for approval to expropriate an interest in land at 7305 King Road, Nobleton as set out in Appendix A, for a work compound adjoining the Nobleton Water Resource Recovery Facility ("WRRF") in connection with the WRRF, located at 7277 King Road, Nobleton, in the Township of King.
2. Commissioner of Corporate Services be authorized to execute Application for Approval to Expropriate Land and Notice of Application for Approval to Expropriate Land (the "Notice") and to serve and publish the Notice, as required under the *Expropriations Act* (the "Act").
3. Commissioner of Corporate Services be authorized to forward to the Chief Inquiry Officer any requests for an inquiry that are received and to represent the Region, as necessary, at an inquiry (Hearing of Necessity) held under the *Act*.
4. Council, as approving authority, approve expropriation of the lands provided there is no Hearing of Necessity requested and not withdrawn in accordance with the *Act*.
5. Where approval to expropriate land is given, the Commissioner of Corporate Services be authorized to register a plan of expropriation and execute and serve any Notices required under the *Act*.
6. Where approval to expropriate land is given, Council authorizes the introduction of the necessary bylaw to give effect to these recommendations.

## 2. Purpose

This report seeks Council approval to expropriate lands for the Nobleton WRRF Upgrades Project (the “Project”). The property location is shown in Appendix A.

### Key Points:

- Urban growth requires the upgrading and improvement of the Nobleton WRRF to accommodate population growth to 2041
- The existing Nobleton WRRF site is not large enough to accommodate construction vehicles and lay-down areas required to support construction for the Project
- The Project requires temporary easement rights over adjoining property during construction
- Construction is expected to commence in Q3 of 2025 and to be complete by Q4 of 2028

## 3. Background

### **A temporary easement is required for the expansion of the Nobleton WRRF**

A Schedule C Municipal Class Environmental Assessment (“EA”) in December 2021 identified a need for additional servicing capacity through recommended improvements at the Nobleton WRRF.

Council approved the award of contract for consulting services for Design, Contract Administration and Site Inspection Services to GHD Limited in November 2022 to complete the upgrades outlined in the EA.

Acquisition of a temporary easement for a work compound is necessary to accommodate the Project. The requirement is located on the adjoining property, providing the best access for construction.

## 4. Analysis

### **The Region’s requirement is proposed to be obtained via expropriation**

It is necessary to expropriate the temporary easement to ensure that the Region has possession of the land within the timelines required for the start of construction and to adequately address the interests of the owners.

The three stages of expropriation include the request to Council to authorize an application for approval to expropriate the land, the expropriation itself, and the offer of compensation made to the former owner of the land.

To ensure possession to meet the construction schedule, the first and second steps in the Council approval process have been combined for this report, as indicated in Figure 1. The third step will be the subject of a future report to Council, in the event the expropriation proceeds. Possession of land cannot be obtained until this third step has been completed and the owner is served an offer of compensation.

**Figure 1  
Council Approval Steps**



**Owners have the right to request a Hearing of Necessity upon receipt of a Notice of Application for Approval to Expropriate**

Following Council approval, the registered owner is served with a notice of intention to expropriate. Upon receipt of the Notice of Application for Approval to Expropriate, the owner has the right within 30 days of receipt to request an inquiry (Hearing of Necessity) to determine whether the taking of land by the Region is fair, sound and reasonably necessary.

If an owner requests a Hearing of Necessity, then after the Hearing, an Inquiry Officer will provide a report providing an opinion as to whether the taking is fair, sound and reasonably necessary.

**Registration of an expropriation plan will secure title to the interest in the land**

If no Hearing of Necessity is requested, an expropriation plan will be registered at the Land Registry Office within three months of Council granting approval of a by-law to proceed with the expropriation. This is the second step in the expropriation process, with registration of the plans anticipated to be in late 2024 or early 2025.

Registration of the expropriation plans is a key step in the expropriation process. At this point, the Region acquires title to the interest in the land. However, further steps are required to obtain possession or the right to access the land.

Following the registration of the expropriation plan, the notice of expropriation and possession will be served on the owner. Under the *Act*, possession of the interest in the land is to take place no sooner than three months after registration of the expropriation plan. In addition, compensation offers must be served on the owner to obtain possession.

## **Environmental due diligence is completed**

Environmental due diligence has been completed. No significant environmental issues were identified.

## **5. Financial Considerations**

This report does not present current or anticipated financial changes to the Region's budget or fiscal position. A future report will be presented to Council to request approval to serve offers of compensation in accordance with the *Act*. Funds to support compensation amounts are part of the 2024 10-Year Capital Plan for Public Works.

## **6. Local Impact**

The Nobleton Water Resource Recovery Facility Project will provide wastewater servicing to support anticipated future population growth in Nobleton to 2041.

## **7. Conclusion**

This report seeks Council approval to authorize expropriation of a temporary interest in land to support the Nobleton Water Resource Recovery Project, in the Town of Nobleton. To facilitate the project schedule, it is necessary to initiate the expropriation process. Staff continue to negotiate acquisition of the required property needs and expropriation proceedings will be discontinued if negotiations are successful.

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For more information on this report, please contact Michael Shatil, Director of Property Services at 1-877-464-9675 ext.71684. Accessible formats or communication supports are available upon request.



Recommended by:

**Dino Basso**  
Commissioner of Corporate Services



Approved for Submission:

**Erin Mahoney**  
Chief Administrative Officer

September 24, 2024  
#16179611

Appendix A – Property Schedule and Location Map

**Property Schedule  
Expropriation of Land  
7305 King Road  
Township of King**

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
1.	Top King Investments Ltd.	7305 King Road Nobleton	Parts 1, 2, Plan 65R41007	Temporary Easement (3,835 sq. m.)
<p>The temporary easement required is described as a temporary limited interest commencing on the date of the registration of the expropriation plan and expiring on May 31, 2029, in, under, over, along and upon and for municipal purposes in connection with the Nobleton Water Resource and Recovery Facility (WRRF) Upgrades project, including, but not limited to, entering on the lands with all vehicles, machinery, workmen and other material for construction purposes, which may include (1) installation of a perimeter chain-link fence, with a vehicle gate for access to the Nobleton WRRF access road, (2) relocation of existing services and utilities, (3) stripping and storage of topsoil along one edge of the property and stabilizing (seeding) the stockpile for erosion protection, (4) geotech testing, borehole testing, and other investigative works, (5) importing and placing of granular material to provide a suitable surface for temporary construction, including using geo-textile fabric between the subgrade and granular material, (6) temporary construction activities including placement of construction trailers, construction staff parking, laydown area for equipment deliveries, (7) drainage and erosion sediment control measures.</p>				

