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**TO:** GENERAL COMMITTEE

**SUBJECT:** EXPROPRIATION OF CITY OWNED LAND BY MINISTRY OF TRANSPORTATION (MTO)

**WARD:** 2, 4, 5

**PREPARED BY AND KEY CONTACT:** A. MILLS, MANAGER OF LEGAL SERVICES, EXT. 5051

**SUBMITTED BY:** I. PETERS, DIRECTOR OF LEGAL SERVICES

**CHIEF ADMINISTRATIVE OFFICER APPROVAL:** M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

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### **RECOMMENDED MOTION**

1. That the payments identified in the Offers of Compensation for property expropriated by the Ministry of Transportation (the "MTO") from The Corporation of the City of Barrie (the "City") as indicated on Appendix "A" to Staff Report LGL007-20 (the "Expropriated Properties") be accepted on a without prejudice basis.
2. That the City retain the necessary consultants to evaluate the appraisals that accompanied the Offers of Compensation to ensure the Expropriated Properties and City interests in other private properties also expropriated were properly valued with funding for these activities being drawn from the payments received.
3. That all payments received including the recovery of the City's costs for retaining consultants to finalize the expropriations be applied to cost centre 1305 - Corporate Revenues- GL Account 852100 – Sale of Fixed Assets.
4. That the Director of Legal Services be delegated authority to settle the expropriations and the City Clerk be authorized to execute all associated documents in a form approved by the Director of Legal Services.

### **PURPOSE & BACKGROUND**

#### Report Overview

5. The purpose of this Staff Report is to seek approval to accept the MTO's payments for the Expropriated Property as identified in the Offers of Compensation, provide information on the related highway reconstruction projects and to seek delegated authority for staff to settle the expropriations.
6. The expropriations were undertaken by the MTO to provide timely acquisition of the property requirements necessary to facilitate the reconstruction of the following Highway 400 bridge overpasses and interchanges:

#### **Project Scope and Anticipated Construction Timing/Duration**

|                |                                     |              |
|----------------|-------------------------------------|--------------|
| Anne Street    | Replacement of the bridge structure | 2021 to 2022 |
| Sunnidale Road | Replacement of the bridge structure | 2023 to 2024 |

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|               |   |              |
|---------------|---|--------------|
| Dunlop Street | Replacement of the bridge structure and interchange | 2024 to 2027 |
| Essa Road     | Replacement of the bridge structure and interchange | 2022 to 2024 |

### **ANALYSIS**

7. Acceptance of the payments identified in the Offers of Compensation are without prejudice to the City's ability to advance future claims for compensation relating to disturbance damages, injurious affection and market value associated with the expropriations.
8. The total amount of compensation currently being offered for the Expropriated Properties is \$547,740.00 plus accrued interest.
9. The MTO's Offer of Compensation for Part 1 on SC1658158 references two different payments. It is understood the MTO is offering the lesser of the two amounts as payment at this time.
10. Third party appraisals accompanied the Offers of Compensation which provide the rationale for the identified payments. These appraisals shall be reviewed by staff for approval and where deemed necessary, further assessed by an appraiser retained by the City.
11. Necessary expenses incurred by an expropriated party in relation to the assessment of compensation are typically reimbursed by the expropriating authority in accordance with the provisions of the *Expropriations Act*.
12. A Settlement Agreement and associated Release is required to be executed by the City in order to finalize each expropriation.
13. Twenty-Five (25) further properties owned by private parties were also expropriated by the MTO. The City has various interests in these properties registered on title such as: Easement, Agreement, Notice of Claim and By-law. It was indicated by the MTO that these interests have not been monetarily affected and no compensation has been deemed warranted. The effect on these interests shall be reviewed by staff when MTO's design information becomes available to ensure no associated damages have been incurred.

### **ENVIRONMENTAL AND CLIMATE CHANGE IMPACT MATTERS**

14. There are no environmental and/or climate change impact matters related to the recommendation.

### **ALTERNATIVES**

15. The following alternatives are available for consideration by General Committee:

#### **Alternative #1**

General Committee could choose not to accept the payments identified in the Offers of Compensation.

This alternative is not recommended as the payment will provide an immediate source of revenue to the City and is without prejudice to the City's ability to advance subsequent claims.

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**FINANCIAL**

16. The net proceeds will be transferred to cost centre 1305- Corporate Revenues- GL Account 852100 – Sale of Fixed Assets.
17. Staff will seek to recover all the City's costs incurred with finalizing the expropriations within the context of a Settlement Agreement and Release executed by both parties.

**LINKAGE TO 2018–2022 STRATEGIC PLAN**

18. The recommendation(s) included in this Staff Report support the following goals identified in the 2018-2022 Strategic Plan:
  - ☒ Improving the Ability to Get Around
19. The MTO's associated highway reconstruction projects will improve transportation along the Highway 400 corridor through the City.

APPENDIX "A"

Offer of Compensation

Ministry of Transportation  
Property Section  
Central Region  
159 Sir William Hearst Avenue  
3rd Floor, Building D  
Toronto ON M3M 0B7  
Tel: 416 235-5011  
Fax: 416 235-4940  
Email: Joanne.Stevens@ontario.ca

Ministère des Transports  
Bureau des biens immobiliers  
Région du Centre  
159, avenue Sir William Hearst  
3e étage, édifice D  
Toronto ON M3M 0B7  
Tél : 416 235-5011  
Téléc : 416 235-4940  
Courriel : Joanne.Stevens@ontario.ca



To obtain a copy of this correspondence in French, please contact Praval Vatsya, Communications Services Coordinator at 416-235-5394.  
Afin d'obtenir ces renseignements en français veuillez communiquer avec Praval Vatsya, Coordonnatrice des services de communications au 416 235-5394.

June 15, 2020

The Corporation of the City of Barrie  
70 Collier Street,  
Barrie, Ontario,  
L4M 1G8  
ATTENTION: EVAN EMBACHER

Re: **Offer of Compensation Under Section 25 of the Expropriations Act  
Being Part of PIN 58767-0208 (LT), being Part of Lot 24, Concession 6,  
Geographic Township of Vespra, City of Barrie, County of Simcoe,  
designated as Parts 1 & 2 on Expropriation Plan SC1658129; MTO Plan P-  
2847-0251 being subject to an easement over Part 1 as in Instrument  
RO938350  
Work Project No.: 2445-15-00, Highway No.: 400**

With reference to the above land expropriated by the Minister of Transportation, the following offer is made pursuant to Section 25 of the Expropriations Act.

OFFER OF TOTAL COMPENSATION FOR ALL INTERESTS: \$ 100.00

This sum is offered as total compensation for the land and all interests in the land expropriated and for any damage necessarily resulting from the expropriation or the exercise of any statutory authority including any injurious affection to lands not so taken.

As the registered owner, this sum is offered to you as full compensation for your interests in the land expropriated subject to the rights of any unregistered owner to claim part of this compensation.

OFFER OF IMMEDIATE PAYMENT: \$ 100.00

The Minister of Transportation is prepared to immediately pay you this sum, which represents the market value of the land as estimated by the expropriating authority. Payment and receipt of this sum is without prejudice to the rights conferred by the above Act in respect of the determination of compensation but is subject to adjustment in accordance with any compensation that may subsequently be determined or agreed upon.

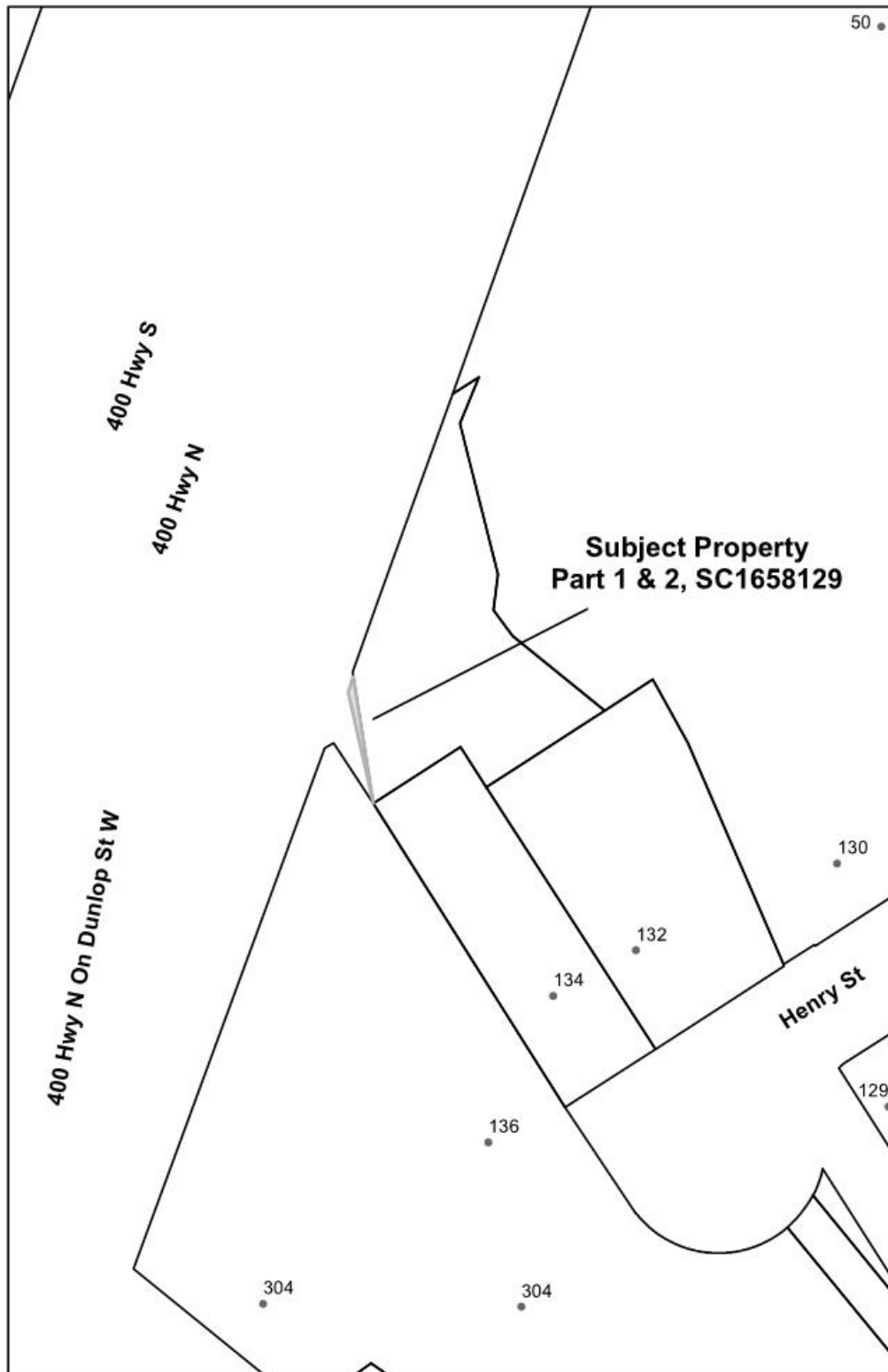
Enclosed is a copy of the Ministry's appraisal report relative to the lands expropriated. Please let me know if you wish us to proceed with payment at this time or if you require any additional information.

Yours truly,



Joanne Stevens  
Head of Property

Property Location



### Offer of Compensation

**Ministry of Transportation**

Engineering Office  
Property Section  
  
Central Region  
159 Sir William Hearst Avenue  
3rd Floor, Bldg. D  
Toronto ON M3M 0B7  
Tel: 416 235-5011  
Fax: 416 235-4940  
Email: Joanne.Stevens@ontario.ca

**Ministère des Transports**

Bureau d'ingénierie  
Section des biens immobiliers  
  
Région du Centre  
159, avenue Sir William Hearst  
3e étage, édifice D  
Toronto ON M3M 0B7  
Tél : 416 235-5011  
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#### **REGISTERED MAIL**

June 15, 2020

The Corporation of the City of Barrie  
City Hall  
70 Collier Street  
Barrie, Ontario L4N 4T5  
ATTENTION: EVAN EMBACHER

**Re: Offer of Compensation Under Section 25 of the Expropriations Act Being Part of PIN 58767-0097(LT), being Part of Lot 24, Concession 6, Geographic Township of Vespra, Part of Lot 26 North Side of Elizabeth Street, Registered Plan 211, Part of Henry Street (closed by court order by Court File No. 6757/88, Instrument No. RO1033639), Registered Plan 211 and Part of Smyth Street (closed by court order by Court File No. 6757/88, Instrument No. RO1033639), Registered Plan 211, City of Barrie, County of Simcoe, designated as Part 1 on Expropriation Plan SC1658148, MTO Plan P-2847-0252  
Work Project No.: 2445-15-00, Highway No.: 400**

With reference to the above land expropriated by the Minister of Transportation, the following offer is made pursuant to Section 25 of the Expropriations Act.

OFFER OF TOTAL COMPENSATION FOR ALL INTERESTS: \$ 189,000.00

This sum is offered as total compensation for the land and all interests in the land expropriated and for any damage necessarily resulting from the expropriation or the exercise of any statutory authority including any injurious affection to lands not so taken.

As the registered owner, this sum is offered to you as full compensation for your interests in the land expropriated subject to the rights of any unregistered owner to claim part of this compensation.

OFFER OF IMMEDIATE PAYMENT: \$ 189,000.00

The Minister of Transportation is prepared to immediately pay you this sum, which represents the market value of the land as estimated by the expropriating authority. Payment and receipt of this sum is without prejudice to the rights conferred by the above Act in respect of the determination of compensation but is subject to adjustment in accordance with any compensation that may subsequently be determined or agreed upon.

Enclosed is a copy of the Ministry's appraisal report relative to the lands expropriated. Please let me know if you wish us to proceed with payment at this time or if you require any additional information.

Yours truly,

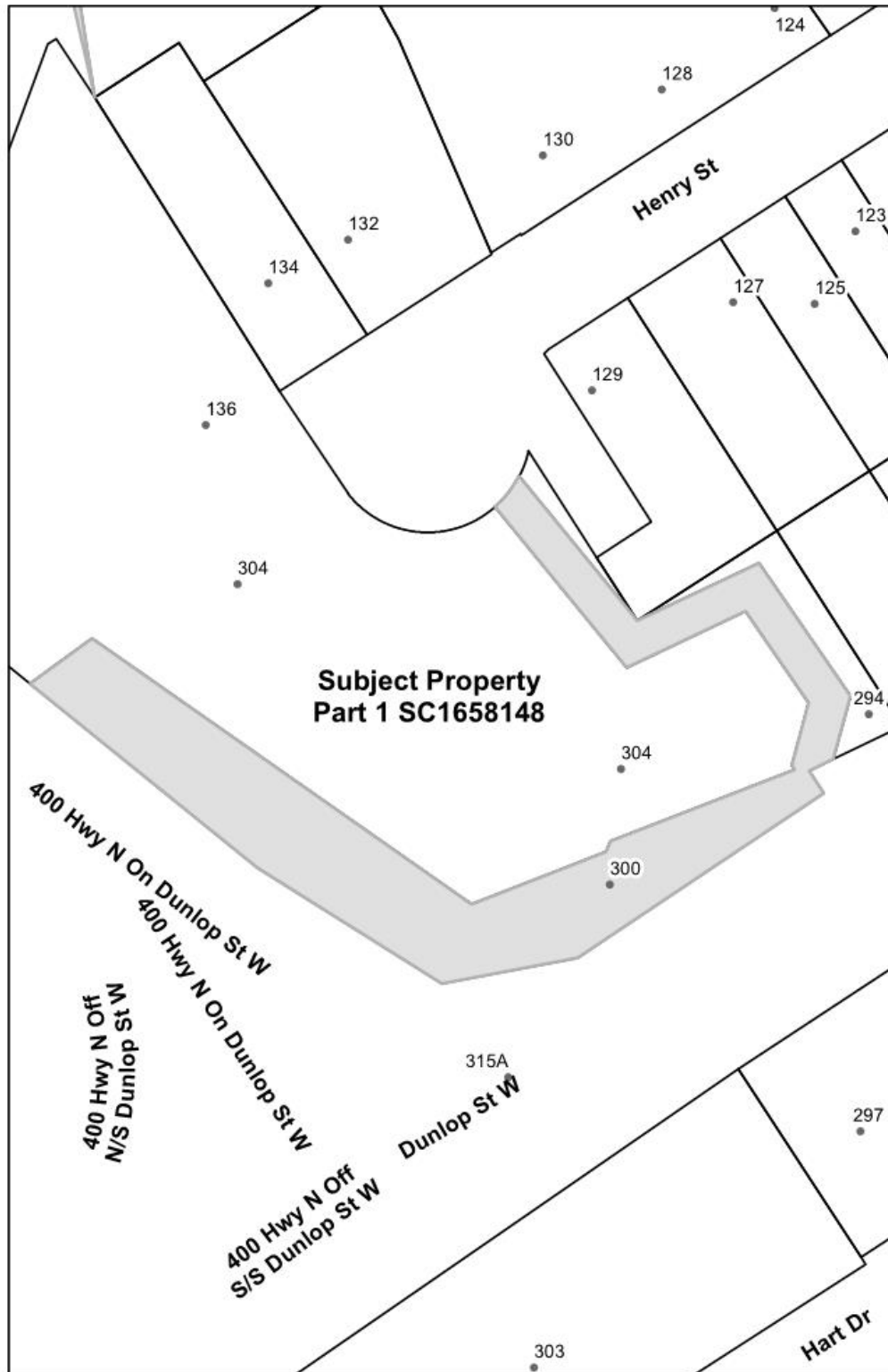


Joanne Stevens  
Head, Property  
Encl.

ADM-S-801



Property Location



### Offer of Compensation

**Ministry of Transportation**

Property Section  
Central Region  
159 Sir William Hearst Avenue  
3rd Floor, Building D  
Toronto ON M3M 0B7  
Tel: 416 235-5011  
Fax: 416 235-4940  
Email: Joanne.Stevens@ontario.ca

**Ministère des Transports**

Bureau des biens immobiliers  
Région du Centre  
159, avenue Sir William Hearst  
3e étage, édifice D  
Toronto ON M3M 0B7  
Tél : 416 235-5011  
Téléc : 416 235-4940  
Courriel : Joanne.Stevens@ontario.ca



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**REGISTERED MAIL**

June 15, 2020

The Corporation of the City of Barrie  
70 Collier Street,  
P.O Box 400,  
Barrie, Ontario  
L4M 4T5

**Re: Offer of Compensation Under Section 25 of the Expropriations Act  
Being Part of Smyth Street (Closed by Court Order by Court File No. 6757/88,  
Instrument No. RO1033639), Registered Plan 211, being Part of PIN 58767-  
0109(LT), City of Barrie, County of Simcoe, designated as Part 1 on Expropriation  
Plan SC1658130; P-2847-0253  
Work Project No.: 2445-15-00, Highway No.: 400**

With reference to the above land expropriated by the Minister of Transportation, the following offer is made pursuant to Section 25 of the Expropriations Act.

OFFER OF TOTAL COMPENSATION FOR ALL INTERESTS: \$ 5,210.00

This sum is offered as total compensation for the land and all interests in the land expropriated and for any damage necessarily resulting from the expropriation or the exercise of any statutory authority including any injurious affection to lands not so taken.

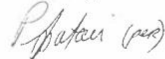
As the registered owner, this sum is offered to you as full compensation for your interests in the land expropriated subject to the rights of any unregistered owner to claim part of this compensation.

OFFER OF IMMEDIATE PAYMENT: \$ 5,210.00

The Minister of Transportation is prepared to immediately pay you this sum, which represents the market value of the land as estimated by the expropriating authority. Payment and receipt of this sum is without prejudice to the rights conferred by the above Act in respect of the determination of compensation but is subject to adjustment in accordance with any compensation that may subsequently be determined or agreed upon.

Enclosed is a copy of the Ministry's appraisal report relative to the lands expropriated. Please let me know if you wish us to proceed with payment at this time or if you require any additional information.

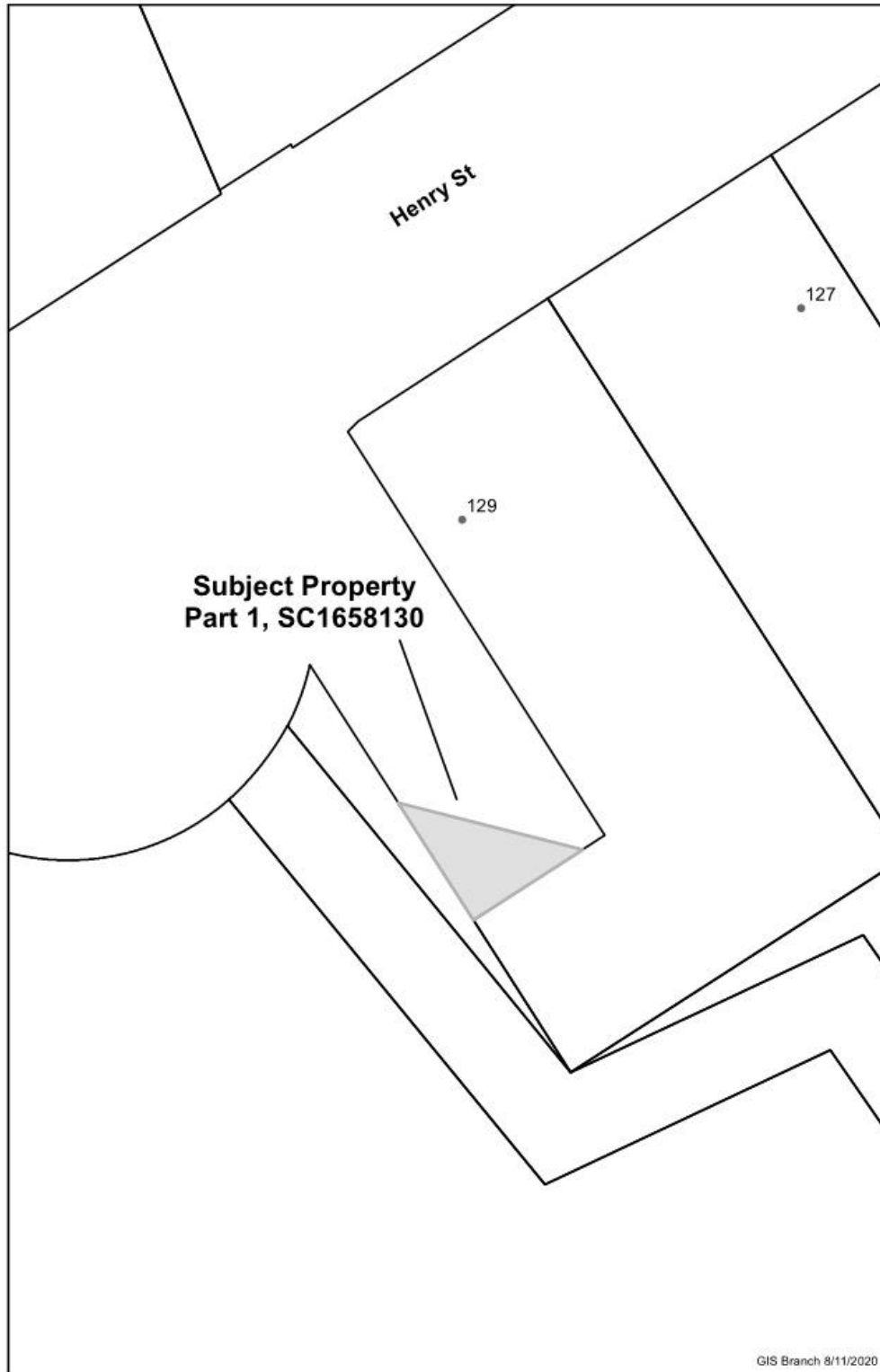
Yours truly,



Joanne Stevens  
Head of Property



Property Location



### Offer of Compensation

**Ministry of Transportation**

Property Section

Central Region

159 Sir William Hearst Avenue

3rd Floor, Building D

Toronto ON M3M 0B7

Tel: 416 235-5011

Fax: 416 235-4940

Email: Joanne.Stevens@ontario.ca

**Ministère des Transports**

Bureau des biens immobiliers

Région du Centre

159, avenue Sir William Hearst

3e étage, édifice D

Toronto ON M3M 0B7

Tél : 416 235-5011

Télé : 416 235-4940

Courriel : Joanne.Stevens@ontario.ca



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**REGISTERED MAIL**

June 15, 2020

The Corporation of the City of Barrie

70 Collier Street,

P.O Box 400,

Barrie, Ontario

L4M 4T5

Attention: Legal Services Department

**Re: Offer of Compensation Under Section 25 of the Expropriations Act  
Being Part of Park Lot 1, Registered Plan 135; Part of Lots 67 And 68, East Side of  
Sunnidale Road, Registered Plan 622; Part of Lot 1, Registered Plan 1095, being  
Part of PIN 58802-0030(LT), City of Barrie, County of Simcoe, designated as Part 1  
on Expropriation Plan SC1658158; P-2847-0259  
Work Project No.: 2445-15-00, Highway No.: 400**

With reference to the above land expropriated by the Minister of Transportation, the following offer is made pursuant to Section 25 of the Expropriations Act.

OFFER OF TOTAL COMPENSATION FOR ALL INTERESTS: \$348,000.00

This sum is offered as total compensation for the land and all interests in the land expropriated and for any damage necessarily resulting from the expropriation or the exercise of any statutory authority including any injurious affection to lands not so taken.

As the registered owner, this sum is offered to you as full compensation for your interests in the land expropriated subject to the rights of any unregistered owner to claim part of this compensation.

OFFER OF IMMEDIATE PAYMENT: \$247,000.00

The Minister of Transportation is prepared to immediately pay you this sum, which represents the market value of the land as estimated by the expropriating authority. Payment and receipt of this sum is without prejudice to the rights conferred by the above Act in respect of the determination of compensation but is subject to adjustment in accordance with any compensation that may subsequently be determined or agreed upon.

Enclosed is a copy of the Ministry's appraisal report relative to the lands expropriated. Please let me know if you wish us to proceed with payment at this time or if you require any additional information.

Yours truly,



Joanne Stevens  
Head of Property

Property Location



### Offer of Compensation

**Ministry of Transportation**

Engineering Office  
Property Section

Central Region  
159 Sir William Hearst Avenue  
3rd Floor, Bldg. D  
Toronto ON M3M 0B7  
Tel: 416 235-5011  
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**REGISTERED MAIL**

June 15, 2020

The Corporation of the City of Barrie  
City Hall  
70 Collier Street  
Barrie, Ontario L4N 4T5  
ATTENTION: EVAN EMBACHER

**Re: Offer of Compensation Under Section 25 of the Expropriations Act  
Being Part of PIN 58801-0003(LT), being Part of Lot 62 and 63, East Side of  
Sunnidale Road, Registered Plan 622, City of Barrie, County of Simcoe,  
designated as Part 1 on Expropriation Plan SC1658164, MTO Plan  
P-2847-0244  
Work Project No.: 2445-15-00, Highway No.: 400**

With reference to the above land expropriated by the Minister of Transportation, the following offer is made pursuant to Section 25 of the Expropriations Act.

OFFER OF TOTAL COMPENSATION FOR ALL INTERESTS: \$ 106,000.00

This sum is offered as total compensation for the land and all interests in the land expropriated and for any damage necessarily resulting from the expropriation or the exercise of any statutory authority including any injurious affection to lands not so taken.


As the registered owner, this sum is offered to you as full compensation for your interests in the land expropriated subject to the rights of any unregistered owner to claim part of this compensation.

OFFER OF IMMEDIATE PAYMENT: \$ 106,000.00

The Minister of Transportation is prepared to immediately pay you this sum, which represents the market value of the land as estimated by the expropriating authority. Payment and receipt of this sum is without prejudice to the rights conferred by the above Act in respect of the determination of compensation but is subject to adjustment in accordance with any compensation that may subsequently be determined or agreed upon.

Enclosed is a copy of the Ministry's appraisal report relative to the lands expropriated. Please let me know if you wish us to proceed with payment at this time or if you require any additional information.

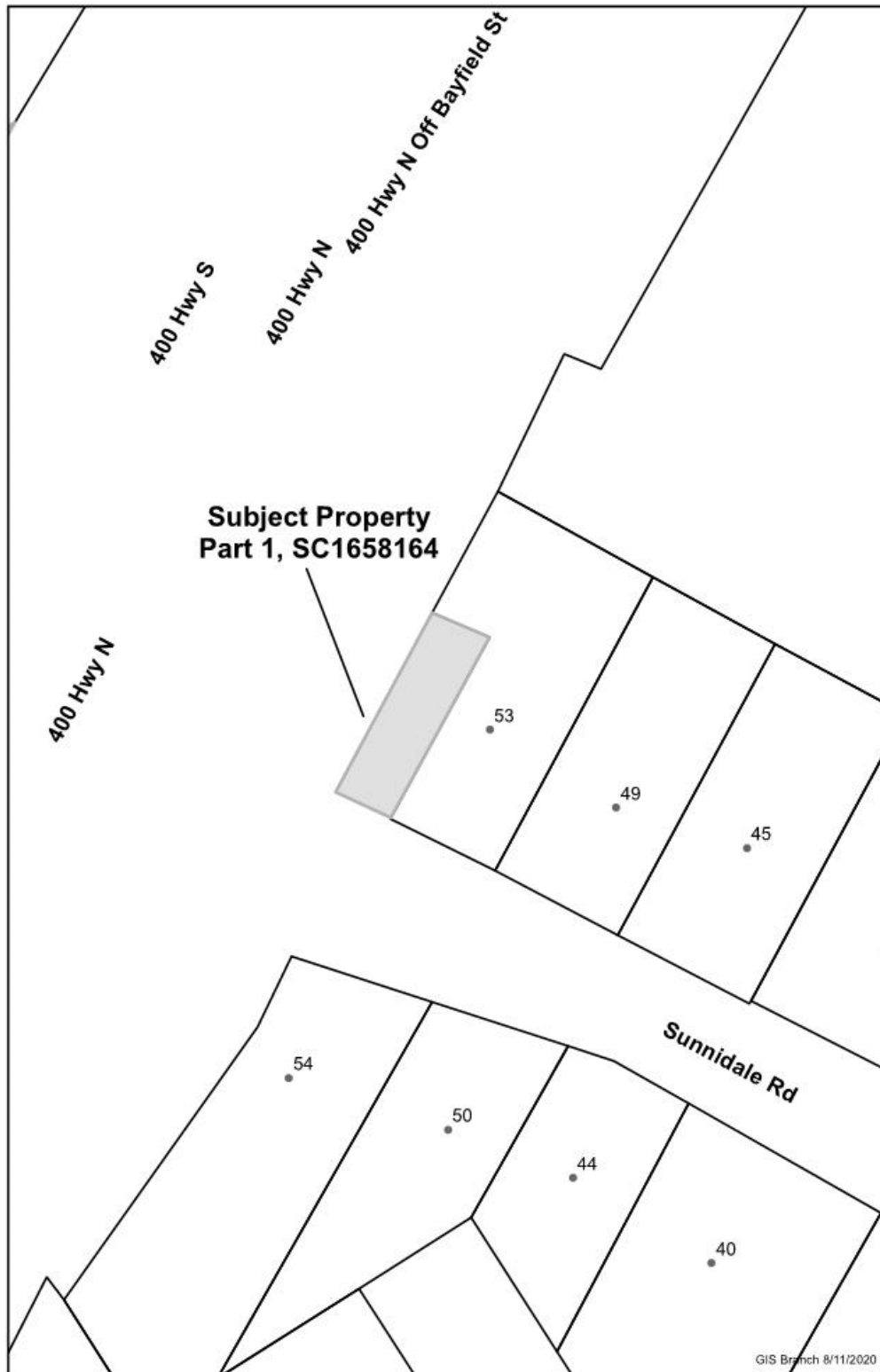
Yours truly,

  
Joanne Stevens  
Head, Property

Encl.

ADM-S-801

Property Location



### Offer of Compensation

**Ministry of Transportation**

Engineering Office  
Property Section

Central Region  
159 Sir William Hearst Avenue  
3rd Floor, Bldg. D  
Toronto ON M3M 0B7  
Tel: 416 235-5011  
Fax: 416 235-4940  
Email: Joanne.Stevens@ontario.ca

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Section des biens immobiliers

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January 17, 2020

**(REGISTERED MAIL)**

The Corporation of The City of Barrie  
Legal Services Department  
70 Collier Street  
Barrie Ontario L4M 4T5

**Re: Offer of Compensation Under Section 25 of the Expropriations Act  
Part of PIN 58767-0067(LT), being Part of Lot 23, Concession 6, designated  
as Part 1 on Expropriation Plan SC1635689, MTO Plan P-2847-0237, City of  
Barrie, County of Simcoe**

**Work Project No.: 2445-15-00, Highway No.: 400**

With reference to the above land expropriated by the Minister of Transportation, the following offer is made pursuant to Section 25 of the Expropriations Act.

OFFER OF TOTAL COMPENSATION FOR ALL INTERESTS: \$ 430.00

This sum is offered as total compensation for the land and all interests in the land expropriated and for any damage necessarily resulting from the expropriation or the exercise of any statutory authority including any injurious affection to lands not so taken.

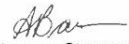
As the registered owner, this sum is offered to you as full compensation for your interests in the land expropriated subject to the rights of any unregistered owner to claim part of this compensation.

OFFER OF IMMEDIATE PAYMENT: \$ 430.00

The Minister of Transportation is prepared to immediately pay you this sum, which represents the market value of the land as estimated by the expropriating authority. Payment and receipt of this sum is without prejudice to the rights conferred by the above Act in respect of the determination of compensation but is subject to adjustment in accordance with any compensation that may subsequently be determined or agreed upon.

Enclosed is a copy of the Ministry's appraisal report relative to the lands expropriated. Please let me know if you wish us to proceed with payment at this time or if you require any additional information.

Yours truly,

  
Joanne Stevens  
Head, Property

Encl.



Property Location

