



Region of Waterloo

**Fischer-Hallman Road/Bearinger Road Improvements
from Columbia Street West to Westmount Road North
City of Waterloo
Public Consultation Centre #1
Information Package**

What: The Region of Waterloo is undertaking a Municipal Class Environmental Assessment (EA) of Fischer-Hallman/Bearinger Road to determine improvements for the corridor.

Where: Fischer-Hallman/Bearinger Road from Columbia Street West to Westmount Road North in the City of Waterloo.

Why: To provide road improvements for traffic growth and active transportation improvements for pedestrians, cyclists, and transit along the corridor.

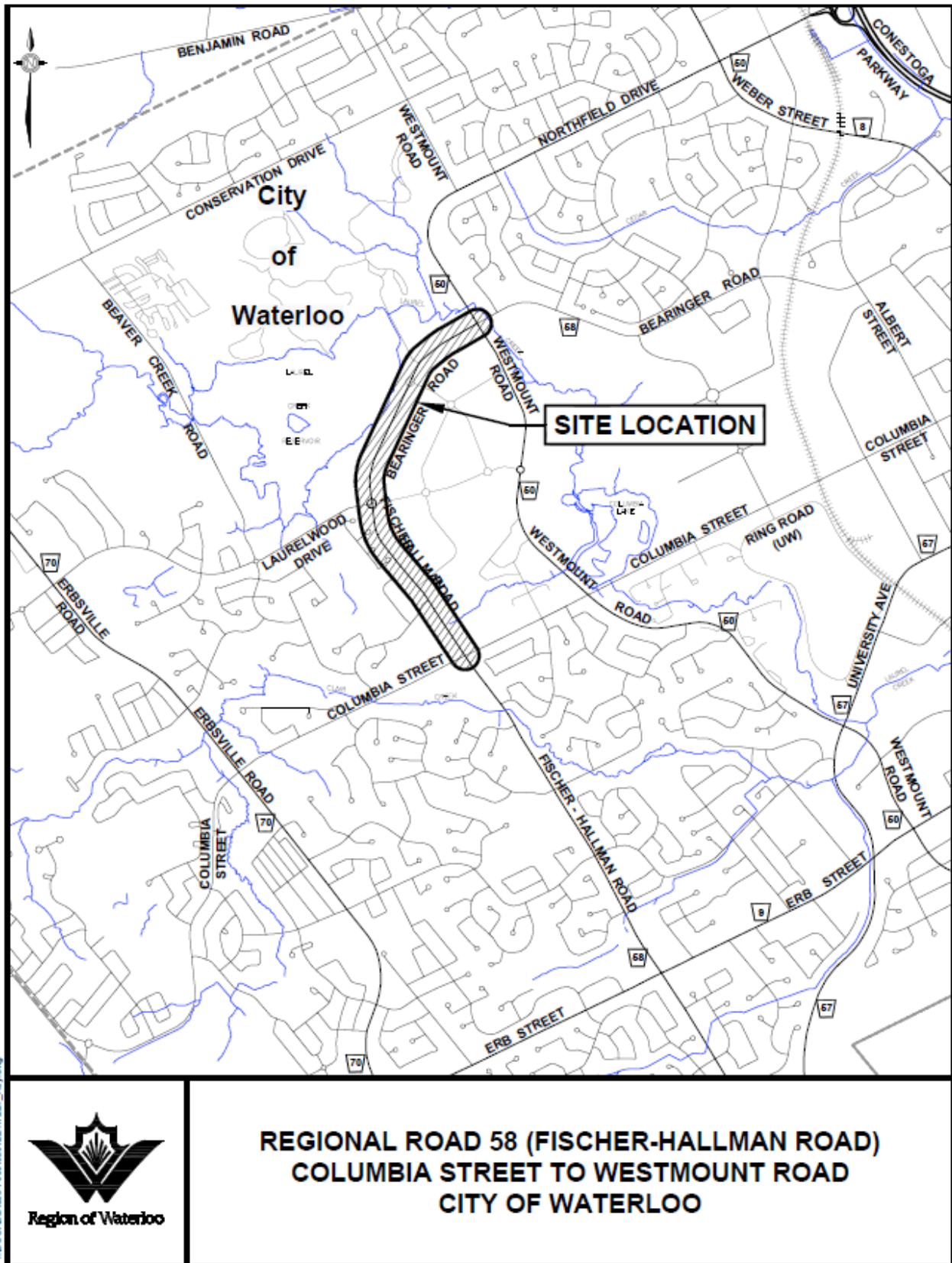
When: 2021 Construction (2019 Region Transportation Capital Program).

Who: Region of Waterloo Project Manager
Justin Armstrong, P. Eng.
Region of Waterloo
Phone: (519) 575-4757 Ext. 3164
Email: JuArmstrong@regionofwaterloo.ca

Public Consultation Centre #1
Tuesday, May 7, 2019 from 5:00 p.m. to 8:00 p.m.
Waterloo Public Library – John M. Harper Branch, Community Room
500 Fischer-Hallman Road
Waterloo, Ontario

There is a comment sheet at the back of this package. Please fill it out and share your comments with us.

KEY PLAN



1. Why is the Region considering this project?

The 2018 Regional Transportation Master Plan Update has identified this section of Fischer-Hallman Road/Bearinger Road for widening from 2 to 4 lanes to provide road improvements for traffic growth and active transportation improvements for pedestrians, cyclists, and transit along the corridor.

2. Who is directing this project?

The planning and design for this project is being directed by staff from the Region of Waterloo and City of Waterloo, along with Region of Waterloo (Waterloo) Councillor Jim Erb and City of Waterloo (Ward 2) Councillor Royce Bodaly. Staff from the Grand River Conservation Authority (GRCA), as well as the University of Waterloo (UW) are also included on the Project Team. The consulting engineering firm WalterFedy has been retained by the Region of Waterloo to provide planning and preliminary design services during the study phase of this project, as well as detailed design, contract administration, and inspection services through the construction phase.

3. How is this project being planned?

This project is being planned in accordance with the requirements of the Municipal Class Environmental Assessment (Class EA) process. The Municipal Class EA process is a planning and decision-making process approved under the Environmental Assessment Act that is used by municipalities to plan public infrastructure projects in order that potential environmental impacts are considered before a project is approved. It requires consultation with the public, involved stakeholders, and agencies in consideration of alternatives and their potential impacts on the project environment.

This project is being planned as a Schedule 'C' Class EA project which applies to larger, more complex projects with the potential for significant environmental impacts (natural, social, cultural and economic) and requires multiple opportunities for public input.

This project is in the early phase of the Class EA process and this initial Public Consultation Centre is being held for members of the public to become aware of the project and to provide input into the project for further development of alternatives and their environmental impacts.

4. What is the purpose of this Public Consultation Centre?

The purpose of this Public Consultation Centre is to have interested groups and individuals learn about and provide input on:

- a) The needs and opportunities for improvements on Fischer-Hallman/Bearinger Road;
- b) The project environment (natural, social, cultural/heritage, and economic);
- c) The alternative solutions for improvements being considered by the Project Team;
- d) How the alternative solutions for improvements will be evaluated and how a preferred alternative will be identified; and
- e) Future public input opportunities planned.

Region and project consultant staff are available at this Public Consultation Centre to answer any questions you may have. We request that you fill out the Comment Sheet attached to the back of this Information Package and either put it in the Comment Box at the Public Consultation Centre or send it to the address noted on the Comment Sheet. Your comments will be considered by the Project Team in conjunction with all other relevant information in recommending a preferred alternative for this project.

5. Are active transportation upgrades or road widening being considered?

Yes, both active transportation upgrades and road widening are being considered in accordance with the following Regional master plans and guidelines.

The adjacent sections of Fischer-Hallman Road to the south and Westmount Road to the north have sidewalks and on-road bike lanes, with a multi-use trail on the east side of Westmount Road to the south and on the south side of Bearinger Road to the east.

The 2018 Regional Transportation Master Plan Update has identified the need to widen Fischer-Hallman/Bearinger Road to 4-lanes and add active transportation improvements for pedestrians, cyclists, and transit between Columbia Street West and Westmount Road North.

The Context Sensitive Regional Transportation Corridor Design Guidelines (CDG) is a planning policy document that guides the design of Regional roads. The CDG identifies design parameters for necessary features within the road allowance such as vehicle lanes, cycling facilities, sidewalks, and boulevards. In accordance with the CDG, Fischer-Hallman/Bearinger Road is identified as a “Neighbourhood Connector – Avenue”. Designing Fischer-Hallman/Bearinger Road to support active transportation modes, including walking and cycling, is a fundamental character of this road classification.

Transit (GRT) routes are planned for the future and will also be considered in this study.

The Regional Transportation Master Plan and Corridor Design Guidelines all support complete and continuous active transportation facilities on this section of Fischer-Hallman/Bearinger Road for the full length of this project. Boulevard multi-use trails or sidewalks and cycle tracks on both sides of the road would satisfy that requirement.

6. What alternatives are being considered for this project?

The alternative solutions for improvements currently being considered by the Project Team are listed below and are included in Appendix A:

- 1) **Do Nothing** – this alternative would include reconstructing the road in its current 2-lane configuration:
 - Fischer-Hallman Road from Columbia Street West to Laurelwood Drive
 - Semi-Urban (sidewalk and curb and gutter on the west side)
 - Bearinger Road from Laurelwood Drive to Westmount Road North
 - Rural (ditch drainage)
- 2) **Widen the Road to 4-lanes and Add Separated Cycle Tracks and Sidewalk** – this alternative would widen this section of Fischer-Hallman/Bearinger Road to 4-lanes (undivided) and add the following facilities:
 - Curb and gutter and a storm drainage system;
 - Additional street lighting;
 - 1.7 metre wide on-road, separated cycle tracks along both sides; and
 - 1.8 metre wide pedestrian sidewalks along both sides.
- 3) **Widen the Road to 4-lanes and Add Multi-Use Trail and Sidewalk** – this alternative would widen this section of Fischer-Hallman/Bearinger Road to 4-lanes (undivided) and add the following facilities:
 - Curb and gutter and a storm drainage system;
 - Additional street lighting;
 - 3.0 – 4.0 metre wide multi-use trail along one side; and
 - 1.8 metre wide pedestrian sidewalk along one side.
- 4) **Widen the Road to 4-lanes and Add Median, Separated Cycle Tracks, and Sidewalk** – this alternative would widen this section of Fischer-Hallman/Bearinger Road to 4-lanes (divided) and add the following facilities:
 - Curb and gutter and a storm drainage system;
 - Additional street lighting;
 - 5.0 metre wide median;
 - 1.7 metre wide on-road, separated cycle tracks along both sides; and
 - 1.8 metre wide pedestrian sidewalks along both sides.

5) **Widen the Road to 4-lanes and Add Median, Multi-Use Trail, and Sidewalk**– this alternative would widen this section of Fischer-Hallman/Bearinger Road to 4-lanes (divided) and add the following facilities:

- Curb and gutter and a storm drainage system;
- Additional street lighting;
- 5.0 metre wide median;
- 3.0 – 4.0 metre wide multi-use trail along one side; and
- 1.8 metre wide pedestrian sidewalk along one side.

Widening this section of Fischer-Hallman/Bearinger Road to 4-lanes is common to all alternatives but the Do Nothing alternative.

7. Who will be responsible for clearing snow on new multi-use trails, sidewalks, and/or separated cycle tracks?

In this section of Fischer-Hallman/Bearinger Road, most residential properties are back-lotted, meaning they don't have driveways onto Fischer-Hallman/Bearinger Road. Snow clearing of active transportation facilities such as multi-use trails and sidewalks for back-lotted properties is performed by the City of Waterloo. For front-lotted properties, which have driveways onto Fischer-Hallman/Bearinger Road, snow clearing is the responsibility of the property owner.

Snow clearing of separated cycle tracks will be done by municipal road plowing equipment or by other municipal snow clearing equipment, depending on how the separated cycle tracks are designed.

8. Will the posted speed be changed?

The existing posted speed limit is 60km/hr. along Fischer-Hallman/Bearinger Road between Columbia Street West and Westmount Road North. No change to the posted speed is being considered at this time in order to maintain a uniform and consistent posted speed along the entire Regional corridor.

9. Are noise barriers being considered for this project?

The Region has a Noise Policy that is used to determine when noise barriers such as noise walls or berms would be recommended as part of an upcoming project. Part B of the Region's Noise Policy applies when a road widening is being considered. For this project, Part B of the Region's Noise Policy would apply if Fischer-Hallman/Bearinger Road is widened from two lanes to four lanes.

A noise study has been completed following Part B of the Region's Noise Policy for Fischer-Hallman/Bearinger Road within the project limits assuming a 4-lane road with forecasted traffic volumes in 2031. Based on the noise study results, noise barriers are not recommended along

Fischer-Hallman/Bearinger Road from Columbia Street West to Westmount Road North as part of this project.

Part C of the Region's Noise Policy could be applied because noise barriers are not recommended under Part B of the Noise Policy. Under Part C, a noise barrier may be considered under certain circumstances if property owners are willing to share in the cost of a noise barrier.

A summary of Part B and Part C of the Region's Noise Policy is contained in Appendix B.

10. Is any private property required for this project?

One of the goals of the planning and design process for this project is to minimize the impact on adjacent properties and the need to acquire private property. An initial review of the existing road allowance indicates that along the road corridor the width of the road right-of-way is sufficient for all options being considered: this includes along the Laurel Creek Conservation Area (GRCA). The Region may need to obtain temporary access at some locations along the right-of-way limit for construction grading activities. Identification of property needs will be completed during the evaluation of alternatives as the study proceeds and will be confirmed during detailed design, following completion of the study.

In areas where property or temporary access is required, the property owner will be contacted directly by the Region of Waterloo legal services staff. Compensation would be provided at fair market rates based on recent similar area sales. Please refer to Appendix C for further information on the property acquisition process.

11. How is the natural environment being considered?

As part of the environmental inventory for the project, a Natural Environment Impact Study (EIS) has been initiated including a records review documenting the natural features within the study area. Field inventories were undertaken and will be included in the EIS to include results from: road mortality surveys, turtle nesting surveys, amphibian calling surveys, vegetation community surveys/delineation, general wildlife habitat characterization, and a tree inventory. The EIS is expected to be completed in Fall 2019 and, once complete, will be available on the Region's website.

The main natural heritage feature identified in the study area is the Laurel Creek Conservation Area, which is regulated by the Grand River Conservation Authority (GRCA) under Ontario Regulation 150/06. This area is designated as a Core Environmental Feature by the Region of Waterloo and contains the Sunfish Lake-Laurel Creek Provincially Significant Wetland Complex (PSW), as well as Laurel Creek.

Laurel Creek flows from the reservoir in a southerly direction and crosses under Bearinger Road via a structure just east of the study limits. Laurel Creek supports a warm water fish community. No direct impacts are anticipated to Laurel Creek from this project.

The study area includes an unevaluated wetland near the origin of a tributary of Laurel Creek located just north of Columbia Street. There are no Areas of Natural and Scientific Interest (ANSI) or known wildlife movement corridors within the study area. Existing agricultural lands are present on the south side of Bearinger Road, across from the Conservation Area.

Field studies determined that a small pond located near Westmount Road and Bearinger Road (in Laurel Creek Conservation Area) supports candidate significant wildlife habitat for amphibians and turtles. Species at Risk are known to exist within the general area and habitat screening and targeted surveys are being conducted for Species at Risk. To date, no concentrated areas of wildlife movement across the road corridor have been identified; however some turtle mortalities have been documented, and as such wildlife mitigation measures will be considered for future road design mitigation recommendations.

A tree inventory has been completed within the study area. The trees were assessed for overall health and significance and will be included in tree protection plans. Where trees may be impacted or removed, a compensation strategy will be developed as part of the tree management and landscaping design.

Information gathered through background review and field investigations, combined with technical input from reviewing agencies, will be used to inform the evaluation of alternatives from a natural environment perspective, as well as determining mitigation strategies to avoid or minimize impacts to natural heritage.

12. How is the cultural/heritage/archaeological environment being considered?

A Cultural Heritage Resource Assessment was completed in July 2017. A review of available cultural heritage resource inventories revealed that there are no listed or designated cultural heritage resources within or adjacent to the study area. No additional resources were identified through field review. There are no impacts to any cultural heritage resources anticipated as a result of the proposed undertaking. Should the study area change, additional work may be required to confirm potential impacts to cultural heritage resources.

A Stage 1 Archaeological Assessment was also completed in July 2017. The background study determined that twelve (12) previously registered archaeological sites are located within one kilometre of the study area. The property inspection determined that parts of the Study Area exhibit archaeological potential and, if proposed to be impacted, will require Stage 2 Archaeological Assessment by test pit or pedestrian survey, prior to any proposed construction. The remainder of the study area does not retain archaeological potential based on prior assessment, having been subjected to deep soil disturbance events, or being within low and wet conditions.

Once a Preferred Alternative has been selected, impacts and mitigation measures for cultural heritage resources will be confirmed.

13. What is the estimated cost of this project?

The cost of this project will depend on the approved improvement alternative, as well as necessary infrastructure relocations and property acquisitions. Funding of \$9.315 million for improvements on Fischer-Hallman/Bearinger Road is included in the Region's 2019 10-Year Transportation Capital Program.

14. What is the project schedule and what are the next steps for improvements on Fischer-Hallman/Bleams Road?

The Project Team will review the public comments received from this Public Consultation Centre and use them as input for completion of the Fischer-Hallman Road Class Environmental Assessment. An assessment of the potential impacts of each alternative on the project environment will be completed and the Project Team will evaluate the alternatives for presentation of a Preferred Alternative for improvements at a second Public Consultation Centre to be held in the Fall of 2019 for further public review and input. After consideration of the technical information completed and all public input received, the Project Team will present a recommendation to Regional Council in the Winter/Spring of 2020 for approval of an improvement alternative that best meets the needs of the public while minimizing the impact on the project environment.

Pending project approval by Regional Council, detailed design and property acquisition (if required) is scheduled in the 2019 Region Transportation Capital Program to be completed throughout 2020, with utility relocations in late 2020, and construction commencing in 2021.

15. How will I receive further notification regarding this project?

Property owners and tenants abutting the project site and members of the public registering at this Public Consultation Centre will receive all forthcoming public correspondence, and will be notified of all future meetings.

16. How can I provide my comments?

In order to assist the Project Team in addressing any comments or concerns you might have regarding this project, we ask that you fill out the attached Comment Sheet and leave it in the comment box provided at the registration table. Alternatively you can mail, fax, or email your comments to the Project Team member listed below, no later than Tuesday, May 21, 2019.

We thank you for your involvement and should you have any questions or concerns please contact one of the following:

Justin Armstrong, P. Eng.
Senior Project Manager
Region of Waterloo
150 Frederick Street, 6th Floor
Kitchener, ON N2G 4J3
Telephone: 519-575-4757 Ext. 3164
Fax: 519-575-4430
Email: JuArmstrong@regionofwaterloo.ca

Dave Weiler, P.Eng.
Senior Project Manager – Municipal
WalterFedy
675 Queen Street South, Suite 111
Kitchener, ON N2M 1A1
Telephone: 519-576-2150 Ext. 242
Email: dweiler@walterfedy.com

17. How can I view project information following the PCC?

All of the PCC display materials and other relevant project information, notifications of upcoming meetings and contact information are available for viewing at the Region of Waterloo municipal office as identified above. Alternatively, you may visit the Region's website at www.regionofwaterloo.ca.

Comment Sheet
Regional Municipality of Waterloo
Fischer-Hallman Road Improvements
Public Consultation Centre #1 – Tuesday, May 7, 2019

Please complete and hand in this sheet so that your comments can be considered for this project. If you cannot complete your comments today, please take this home and mail, fax, or email your comments by Tuesday, May 21, 2019 to:

Justin Armstrong, P. Eng.
Senior Project Manager
Region of Waterloo
150 Frederick Street, 6th Floor
Kitchener, ON N2G 4J3
Telephone: 519-575-4757 Ext. 3164
Fax: 519-575-4430
Email: JuArmstrong@regionofwaterloo.ca

Dave Weiler, P.Eng.
Senior Project Manager – Municipal
WalterFedy
675 Queen Street South, Suite 111
Kitchener, ON N2M 1A1
Telephone: 519-576-2150 Ext. 242
Email: dweiler@walterfedy.com

Comments regarding this project:

Name:

Address:

Postal Code:

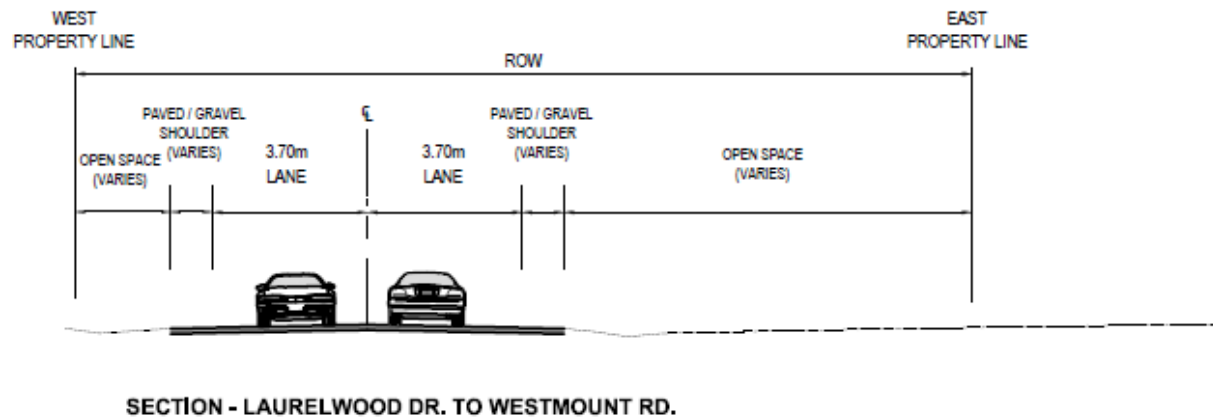
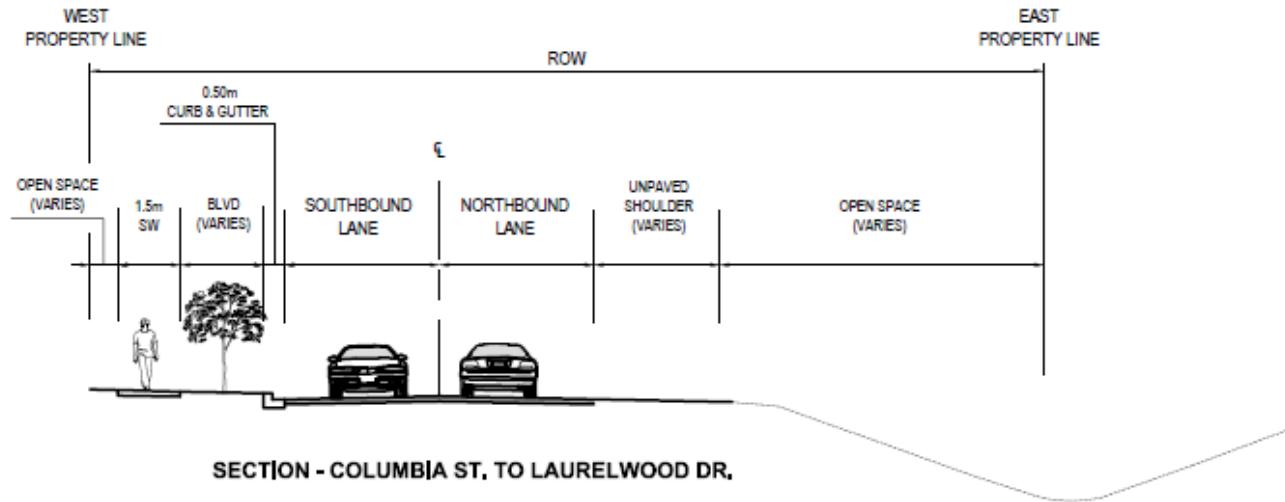
Phone:

Email:

Collection Notice:

All comments and information received from individuals, stakeholder groups, and agencies regarding these projects and meetings are being collected to assist the Region of Waterloo in making a decision. Under the "Municipal Act", personal information (such as name, address, telephone number, and property location) which may be included in a submission becomes part of the public record. Questions regarding the collection should be forwarded to the staff member noted above.

Appendix A – Design Alternative #1 – Do Nothing

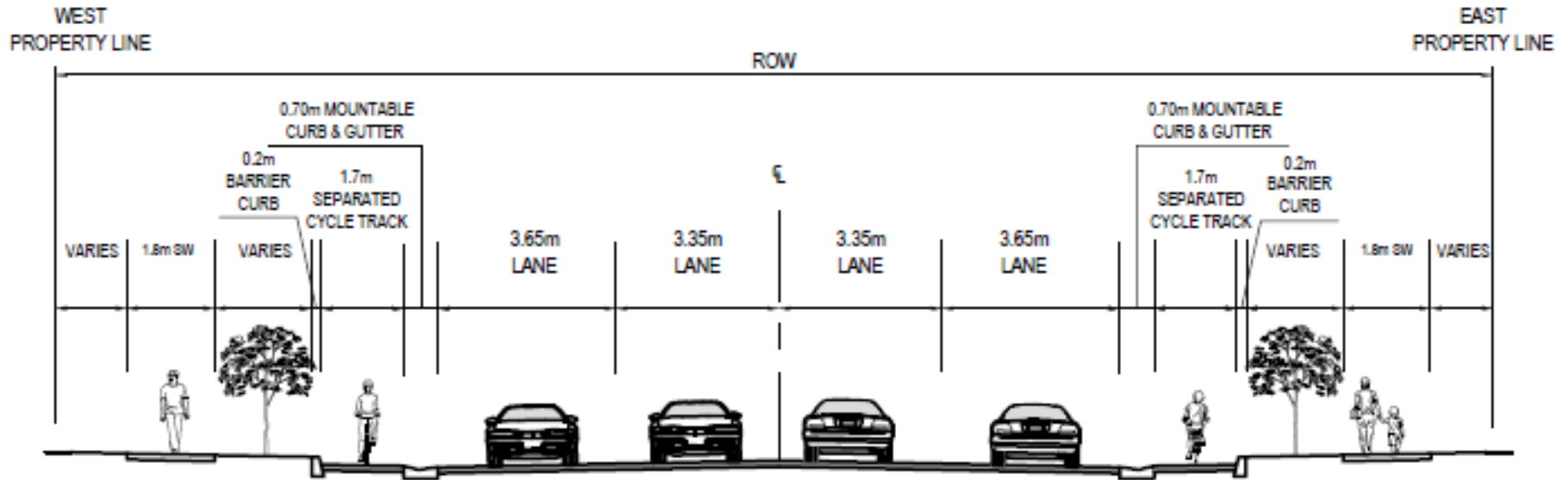


FISCHER-HALLMAN RD./ BEARINGER RD. IMPROVEMENTS ALTERNATIVE 1

"DO NOTHING"

Appendix A – Design Alternative #2

Widen the Road to 4-lanes and Add Separated Cycle Track and Sidewalk

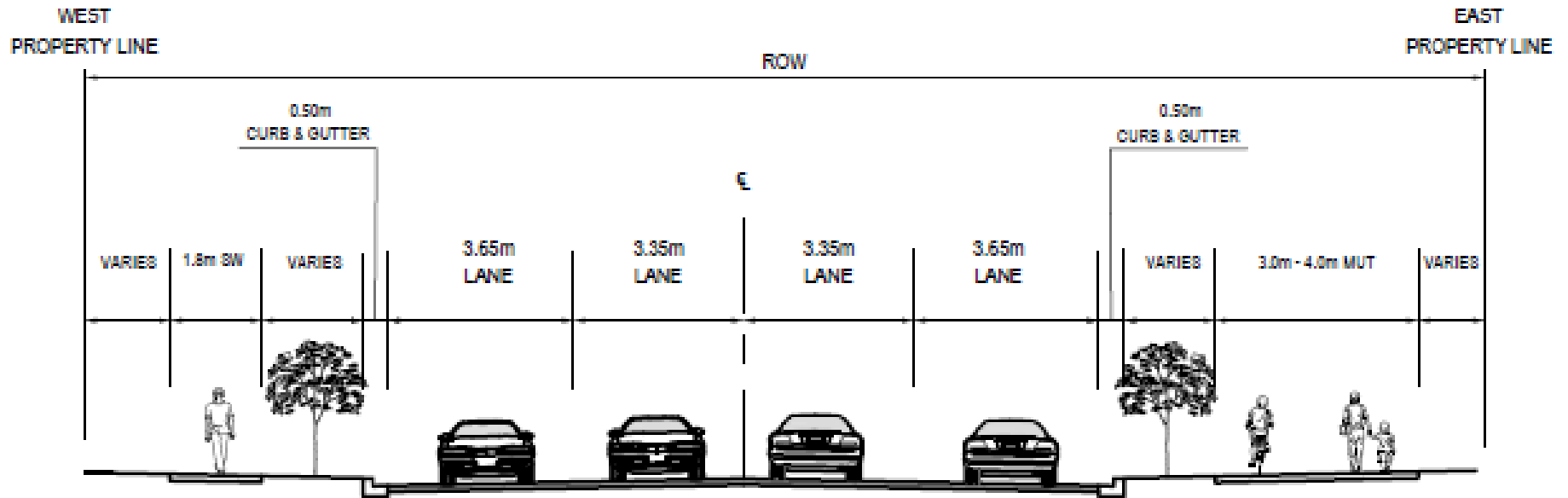


FISCHER-HALLMAN RD./ BEARINGER RD. IMPROVEMENTS ALTERNATIVE 2

4 THROUGH LANES, 1.7m SEPARATED CYCLE TRACK
AND 1.8m SIDEWALKS

Appendix A – Design Alternative #3

Widen the Road to 4-lanes and Add Multi-Use Trail (MUT) and Sidewalk

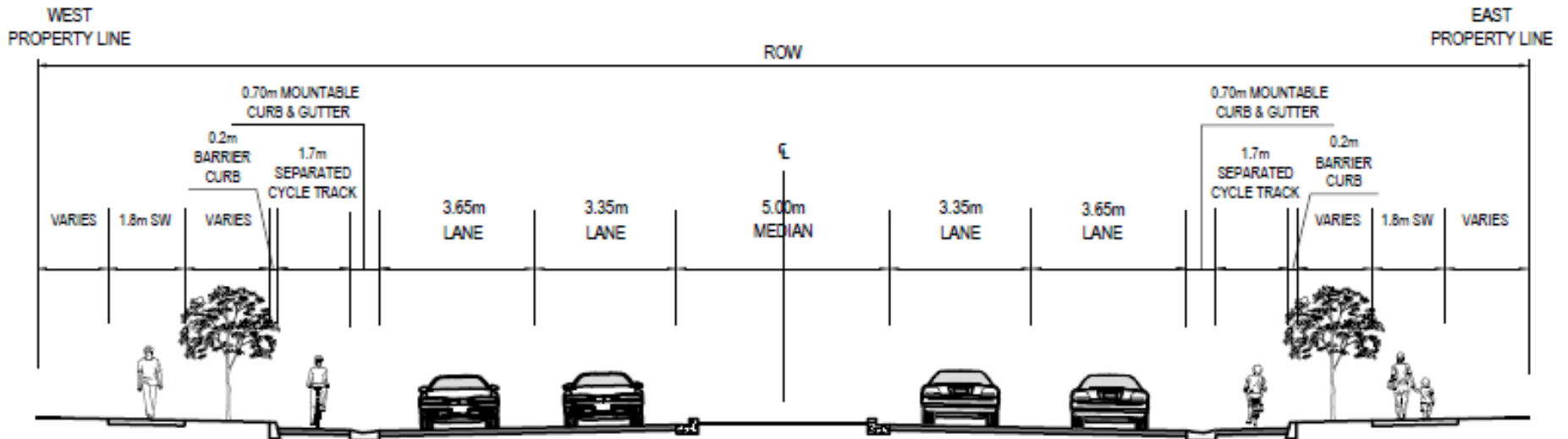


FISCHER-HALLMAN RD./ BEARINGER RD. IMPROVEMENTS ALTERNATIVE 3

4 THROUGH LANES, 3.0m - 4.0m MULTI-USE
TRAIL (EAST) AND 1.8m SIDEWALK (WEST)

Appendix A – Design Alternative #4

Widen the Road to 4-lanes and Add Median, Separated Cycle Track, and Sidewalk

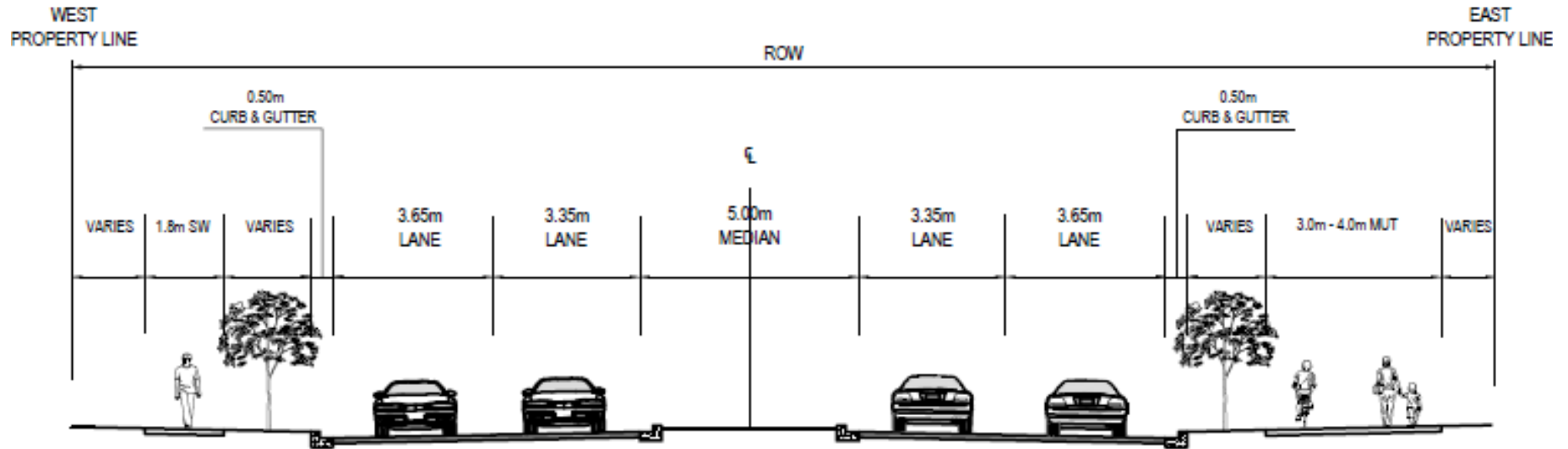


FISCHER-HALLMAN RD./ BEARINGER RD. IMPROVEMENTS ALTERNATIVE 4

4 THROUGH LANES, 5m MEDIAN, 1.7m SEPARATED
CYCLE TRACK AND 1.8m SIDEWALKS

Appendix A – Design Alternative #5

Widen the Road to 4-lanes and Add Median, Multi-Use Trail (MUT), and Sidewalk



FISCHER-HALLMAN RD./ BEARINGER RD. IMPROVEMENTS

ALTERNATIVE 5

4 THROUGH LANES, 5m MEDIAN, 3.0m - 4.0m MULTI-USE TRAIL
(EAST) AND 1.8m SIDEWALK (WEST)

Appendix B

Region of Waterloo Noise Policy Information Sheet

Summary of Region of Waterloo Noise Policy

The Region's Noise Policy is made up of three Parts:

Part A: New Developments Impacted By Noise from Roads & Railways

Part B: Existing Development Impacted By Proposed Region Road Widening

Part C: Existing Development Impacted By Noise from Existing Region Roads

- Since there is no new development, only Parts B or C apply to this project.

Fischer-Hallman/Bearinger Road from Columbia Street West to Westmount Road North is proposing to:

- ✓ Widen Fischer-Hallman/Bearinger Road – therefore Part B applies.
 - Noise is calculated at a residence Outdoor Living Area – typically defined as the backyard or patio within 3 metres of the rear wall of a residential unit.
 - Noise is calculated using a Ministry of the Environment, Conservation and Parks (MECP) model that calculates a 16-hour average noise level for the outdoor living area based on several factors, such as traffic volumes, distance from the outdoor living area to the noise source, and elevation differences between the outdoor living area to the centre of the road. The noise level used in the policy is not based on peak levels that may be recorded at a given location/time.

Part B of Region Noise Policy – Road Widening

The Region will consider building and paying for noise barrier if:

- ✓ The projected noise level 10 years beyond construction is calculated to exceed 65 dBA; or
- ✓ The projected noise level 10 years beyond construction is calculated to exceed 60 dBA and increase over existing noise by 5dBA or more; and,
- ✓ By constructing noise barrier, projected noise is calculated to be reduced to 60 dBA or less and reduction in projected noise is 5 dBA or more.

Part C of Region Noise Policy – No Road Widening – Request Driven

The Region will consider building and Cost Sharing noise barrier construction if:

- ✓ A resident requests a noise barrier; and
- ✓ Existing noise levels are calculated to exceed 60dBA; and

- ✓ Two thirds (2/3) of affected property owners are in agreement to build noise barrier (based on rear yard property length) in accordance with the *Local Improvement Act*, and
- ✓ All property owners pay 50% of the noise barrier cost based on length of wall installed at their property with payments charged over a period of ten (10) years (in accordance with *Local Improvement Act*).

Residents may also decide to take **other measures** such as installing a privacy fence, air conditioning, and/or window improvements at their own expense.

Appendix C

Property Acquisition Process Information Sheet

The following information is provided as a general overview of the property acquisition process and is not legal advice. Further, the steps, timing, and processes can vary depending on the individual circumstances of each case.

Once the Class Environmental Assessment is complete and the Environmental Study Report outlining the Recommended Design Concept has been approved, the property acquisition process and the efforts of Regional Real Estate staff will focus on preparation for acquiring the required lands to implement the approved design. Regional staff cannot make fundamental amendments or changes to the approved design concept.

Property Impact Plans

After the project has been approved and as it approaches final design, the project planners will generate drawings and sketches indicating what lands and interests need to be acquired from each affected property to undertake the project. These drawings are referred to as Property Impact Plans (PIP).

Initial Owner Contact by Regional Real Estate Staff

Once the PIPs are finalized and available, Regional Real Estate staff will retain an independent appraiser to provide preliminary valuations of the land requirements and their effect on the value of the property. As this process nears completion Real Estate staff will contact the affected property owner/s by telephone and mail to introduce themselves and set-up initial meetings to discuss the project, appraisals, and proposed acquisitions.

Initial Meetings

The initial meeting is attended by the project engineer and the assigned real estate staff person to brief the owner on the project, what part of their lands are to be acquired or will be affected, what work will be undertaken, when, with what equipment, etc. and to answer any questions. The primary purpose of the meeting is to listen to the owner and identify issues, concerns, effects of the proposed acquisition on remaining lands and businesses that can be feasibly mitigated and/or compensated, and how the remaining property may be restored. These discussions may require additional meetings. The goal of staff is to work with the owner to reach mutually agreeable solutions.

Goal – Fair and Equitable Settlement for All Parties

The goal is always to reach a fair and equitable agreement for both the property owner and the Region. Such an agreement will provide compensation for the fair market value of the lands and address the project impacts (such as repairing or replacing landscaping, fencing, paving, etc.) such that the property owner will receive the value of the lands acquired and the restoration of their remaining property to the condition it was prior to the Project.

The initial meetings will form the basis of an initial offer of settlement or agreement of purchase and sale for the required lands or interests.

Steps Toward Offer of Settlement or Agreement of Purchase and Sale

The general steps toward such an offer are as follows;

- 1) the Region will obtain an independent appraisal of the fair market value of the lands and interests to be acquired, and an appraisal of any effect on the value of the rest of the property resulting from the acquisition of the required lands and interests;
- 2) compensation will be estimated and/or works to minimize other effects will be defined and agreed to by the property owner and the Region;
- 3) reasonable costs of the owner will be included in any compensation settlement;
- 4) an offer with a purchase price and any other compensation or works in lieu of compensation will be submitted to the property owner for consideration; and
- 5) an Agreement will be finalized with any additional discussion, valuations, etc. as may be required.

Depending on the amount of compensation, agreements may require the approval of Council. The approval is undertaken in Closed Session which is not open to the public to ensure a level of confidentiality.

Expropriation

Due to the time constraints of these projects, it is the practice of the Region to commence the expropriation process in parallel with the negotiation process to ensure that lands and interests are acquired in time for commencement of the Project. Typically, over 90% of all required lands and interests are acquired through the negotiation process. Even after lands and interests have been acquired through expropriation an agreement on compensation can be reached through negotiation, this is usually referred to as a 'settlement agreement'.

Put simply, an expropriation is the transfer of lands or an easement to a governmental authority for reasonable compensation, including payment of fair market value for the transferred lands, without the consent of the property owner being required. In the case of expropriations by municipalities such as the Region of Waterloo, the process set out in the Ontario *Expropriations Act* must be followed to ensure that the rights of the property owners provided under that *Act* are protected.

For information on the expropriation process, please refer to *Expropriation Information Sheet*.

The following information is provided as a general overview of the expropriation process and is not legal advice. For complete information, reference should be made to the Ontario Expropriations Act as well as the more detailed information in the Notices provided under that Act.

Expropriation Information Sheet

What is Expropriation?

Governmental authorities such as municipalities, school boards, and the provincial and federal governments undertake many projects which require them to obtain land from private property owners. In the case of the Regional Municipality of Waterloo, projects such as the construction or improvement of Regional Roads sometimes require the purchase of land from private property owners. In many cases, the Region of Waterloo only needs a small portion of the private property owner's lands or an easement for related purposes such as utilities, although in certain instances, entire properties are required.

Usually the governmental authority is able to buy the land required for a project through a negotiated process with the affected property owners. Sometimes, however, the expropriation process must be used in order to ensure that the land is obtained within a specific timeline. Put simply, an expropriation is the transfer of lands or an easement to a governmental authority for reasonable compensation, including payment of fair market value for the transferred lands, without the consent of the property owner being required. In the case of expropriations by municipalities such as the Region of Waterloo, the process set out in the Ontario **Expropriations Act** must be followed to ensure that the rights of the property owners provided under that Act are protected.

Important Note: The Region of Waterloo tries in all instances to obtain lands needed for its projects through a negotiated agreement on mutually acceptable terms. Sometimes, the Region of Waterloo will start the expropriation process while negotiations are underway. This dual approach is necessary to ensure that the Region of Waterloo will have possession of all of the lands needed to start a construction project on schedule. However, it is important to note that Regional staff continues to make every effort to reach a negotiated purchase of the required lands on mutually agreeable terms while the expropriation process is ongoing. If agreement is reached, expropriation proceedings can be discontinued and the land transferred to the Region of Waterloo in exchange for payment of the agreed-upon compensation.

What is the process of the Region of Waterloo under the Expropriations Act?

- Regional Council considers a request to begin an application under the **Expropriations Act** to obtain land and/or an easement for a specific Regional project. No decision is made at this meeting to expropriate the land. This step is simply direction for the Region of Waterloo to provide a "Notice of Application for Approval to Expropriate" to affected property owners that the process has started to seek approval to expropriate the land.
- As stated in the Notice, affected property owners have 30 days to request a Hearing to consider whether the requested expropriation is "fair, sound and reasonably necessary in the achievement of the objectives" of the Region of Waterloo. This Hearing is conducted by a

provincially-appointed Inquiry Officer. Prior to the Hearing, the Region of Waterloo must serve the property owner with a Notice setting out its reasons or grounds for the proposed expropriation. **Compensation for lands is not determined at this Hearing.** The Inquiry Officer can order the Region of Waterloo to pay the property owner up to \$200.00 as compensation for the property owner's costs in participating in this Hearing, regardless of the outcome of the Hearing.

- If a Hearing is held, a written report is provided by the Inquiry Officer to the property owner and the Region of Waterloo. Council must consider the Report within 90 days of receiving it. The Report is not binding on Council and Council may or may not accept the findings of the Report. After consideration of the Report, Council may or may not approve the expropriation of the land or grant approval with modifications. A property owner may wish to make written and/or verbal submissions to Council at the time that it is considering the Report.
- If no Hearing is requested by the property owner, then Council may approve the expropriation of the land after expiry of a 30 day period following service of the Notice of Application for Approval to Expropriate.
- If Council approves the expropriation then, within 3 months of this approval, the Region of Waterloo must register a Plan at the Land Registry Office that describes the expropriated lands. The registration of this Plan automatically transfers title of the lands to the Region of Waterloo, instead of by a Deed signed by the property owner.
- Within 30 days of registration of the Plan, the Region of Waterloo must serve a Notice of Expropriation on the affected property owner advising of the expropriation. Within 30 days of this Notice, the property owner may serve the Region of Waterloo with a Notice of Election selecting the valuation date under the *Expropriations Act* for calculation of the compensation.
- In order to obtain possession of the expropriated lands, the Region of Waterloo must also serve a Notice of Possession setting out the date that possession of the land is required by the Region of Waterloo. This date has to be 3 months or more from the date that this Notice of Possession is served on the affected property owner.
- Within 3 months of registration of the Plan, the Region of Waterloo must provide the affected property owner with payment for the full amount of the appraised fair market value of the expropriated land or easement and a copy of the appraisal report on which the value is based. If the property owner disagrees with this amount, and/or claims other compensation and/or costs under the *Expropriations Act*, the compensation and/or costs matter may be referred to a provincially-appointed Board of Negotiation in an effort to reach a mediated settlement and/or an appeal may be made to the Ontario Municipal Board (OMB) for a decision. In any event, the Region of Waterloo continues in its efforts to reach a negotiated settlement with the affected property owner prior to the OMB making a decision.