



Information Package

Ottawa Street Improvements, Fischer-Hallman Road to Alpine Road, City of Kitchener

Public Consultation Centre No. 1

Wednesday, June 26, 2019, 4:30 p.m. to 7:00 p.m.

Grand River Transit (Chandler Room)

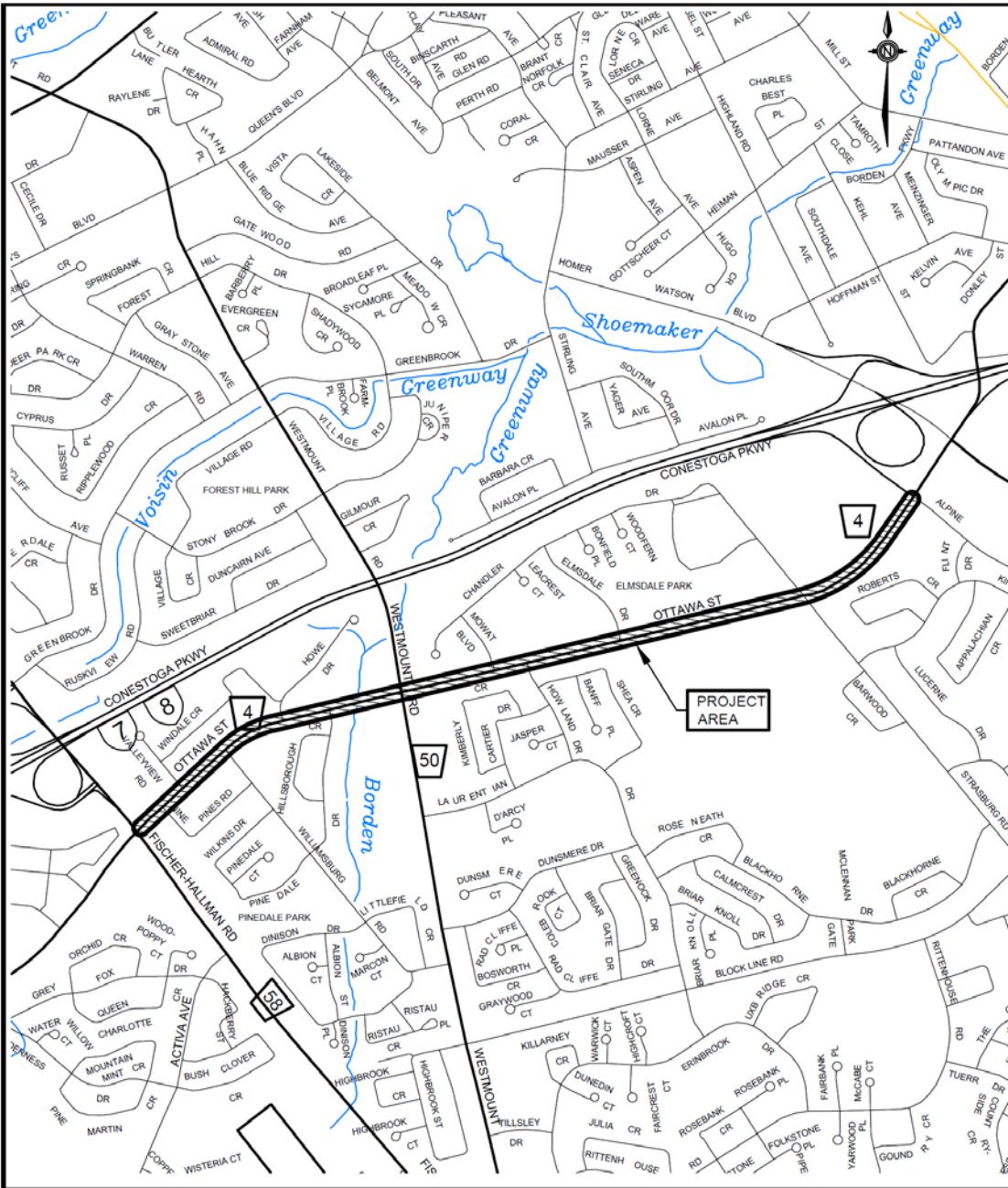
250 Strasburg Road, Kitchener

- What:** Reconstruction of Ottawa Street, City of Kitchener
- Where:** From Fischer-Hallman Road to Alpine Road
- Why:** To Replace the Pavement Structure, Provide Improved Pedestrian and Cycling Facilities, and Improve Operations at Various Intersections.
- When:** Construction in 2020 and 2021
- Who:** Region of Waterloo Project Manager
John Stephenson, P.Eng.
Phone: (519) 575-4096
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We Want Your Input!

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

Key Plan



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REGIONAL ROAD No 4 (OTTAWA STREET)
ALPINE ROAD TO FISCHER HALLMAN ROAD
CITY OF KITCHENER

1. Why is the Region of Waterloo undertaking this Project?

The Region of Waterloo is currently undertaking detailed design of proposed improvements to Ottawa Street from Fischer-Hallman Road to Alpine Road in the City of Kitchener. Please refer to the **Key Plan** showing the project area.

Ottawa Street provides an important east-west transportation link across Kitchener, extending from Trussler Road to Lackner Boulevard.

The proposed improvements are intended to address the following issues:

- The existing asphalt pavement is approaching the end of its service life;
- There are no designated cycling facilities between Williamsburg Road and Strasburg Road;
- There are currently no pedestrian and/or cyclist crossings of Ottawa Street, other than at signalized intersections;
- The recent introduction of Grand River Transit (GRT)'s 205 iXpress route and strong activity at bus stops necessitates upgrades to stop areas and measures to improve service quality;
- The intersections at Williamsburg Road, Howe Drive, Mowat Boulevard, Howland Drive and Elmsdale Drive do not satisfactorily accommodate the left turn demands from Ottawa Street to those adjoining roads.;
- The intersection of Ottawa Street and Westmount Road experiences severe congestion during peak traffic periods for several through and turn movements;
- The existing corrugated steel pipe culvert carrying Borden Creek under Ottawa Street is nearing the end of its usable life.

Please refer to the **Display Boards** for a drawing showing the above-noted project issues and challenges.

2. Who is directing the planning of the improvements?

This Project is being directed by a Project Team consisting of Region of Waterloo staff, City of Kitchener staff and City of Kitchener Councillor Paul Singh. The Region has retained the consulting engineering firm MTE to assist with the planning, engineering design and contract administration of this project.

3. How is this project being planned?

Under Ontario’s Environmental Assessment Act, routine infrastructure projects are planned in accordance with the Municipal Class Environmental Assessment (Class EA) Process. Projects are planned in accordance with a “category” or “schedule” depending on the complexity and potential severity of the environmental impacts associated with the project, ranging from Schedule “A” and Schedule “A+” projects (minimal environmental impacts) to Schedule “C” projects (potential for more significant environmental impacts). Please Refer to **Appendix A** for more information about the Class EA process.

The improvements to Ottawa Street from Fischer-Hallman Road to Alpine Road are being undertaken as a Schedule “A+” project. Schedule “A+” projects are defined as routine projects that are considered straight-forward with minor or short-term environmental impacts. Such projects are designated as “pre-approved” under the Class EA and may proceed directly to implementation; however, the proponent is required to advise area residents and stakeholders of the project in advance of construction.

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

The public is invited to this Public Consultation Centre (PCC) to:

- Review the improvements that have been developed by the Project Team for Ottawa Street from Fischer-Hallman Road to Alpine Road;
- Ask questions of staff from the Region of Waterloo and City of Kitchener; and
- Provide comments and input regarding the proposed improvements being considered.

Please note that additional information about this project, including electronic versions of the display boards at this Public Consultation Centre, are available on-line at:

www.regionofwaterloo.ca/en/living-here/construction-and-road-closures.aspx

We ask that you complete the **Comment Sheet** attached to the back of this Information Package and put it in the box at the Consultation Centre, or send it to the address indicated on the Comment Sheet. Your comments will be considered along with other information received over the course of the project to assist the Region of Waterloo in completing the planning and design for this project.

5. What improvements are being considered?

Existing Ottawa Street Configuration

This section of Ottawa Street currently includes:

- Four (4) lanes of through traffic;
- Urban cross section with curb and gutter;
- Sidewalks on both sides of the road;
- Cycling lanes on both sides of the road, from Fischer-Hallman Road to Williamsburg Road;
- A Multi Use Trail (MUT) on both sides of the road from Strasburg Road to Alpine Road;
- Signalized intersections at Westmount Road, Howland Drive, Strasburg Road and the Laurentian Centre Mall;
- A three-lane roundabout at Alpine Road;
- A one-way stop-sign controlled intersection at Nine Pines Road, Valleyview Road, Williamsburg Road, Howe Drive, Pinedale Drive, Mowat Boulevard and Elmsdale Drive;
- GRT Route 3 Ottawa South between Williamsburg Road and Alpine Road, Route 22 Laurentian West between Strasburg Road and Alpine Road, and the 205 iXpress from Fischer-Hallman Road to Alpine Road 1.

Proposed Improvements to Ottawa Street

In order to address project objectives and issues identified in **Section 1**, the Project Team has developed a Preferred Design Concept including the following key elements:

- Reconstruction of the existing roadway base and asphalt pavement on Ottawa Street from Fischer-Hallman Road to Alpine Road;
- Construction of new left-turn lanes from Ottawa Street to Williamsburg Road, Howe Drive, Pinedale Drive, Mowat Drive, Howland Drive and Elmsdale Drive;
- Reconstruction of intersection of Ottawa Street and Westmount Road as a new two-lane roundabout;
- Removal of the sidewalks on both sides of Ottawa Street and removal of the short section of cycling lanes from Williamsburg Road to Fischer-Hallman Road, in favour of construction of a new 3.0 metre wide asphalt boulevard multi-use trail on both sides of Ottawa Street from Fischer-Hallman Road to Strasburg Road;

- Construction of new pedestrian refuge islands on Ottawa Street at Howe Drive, Pinedale Drive, the pathway to Chandler Drive, Mowat Boulevard, Howland Drive and Elmsdale Drive;
- Construction of new bus stops, to accommodate improved passenger amenities such as shelters, benches, and real-time information displays. Stops would be relocated as necessary to reduce crossing distances, transfer distances, and integrate with new active transportation infrastructure;
- Replacement of the aging corrugated steel pipe culvert carrying Borden Creek under Ottawa Street with a new open bottom concrete culvert.

Please refer to the **Display Boards** for drawings showing the above-noted improvements.

6. Are active transportation upgrades being considered?

Yes; active transportation upgrades are being considered in accordance with the following Regional master plans and guidelines.

The **Regional Official Plan (ROP)** gives direction to balance the design of reconstructed roads to meet the needs of all modes of transportation including walking, cycling, motorized vehicles and transit.

The 2018 **Regional Transportation Master Plan Update** through its vision of sustainable development, seeks to optimize the transportation system, encourage increased transit use and provide enhanced opportunities for cycling and walking.

The **Context Sensitive Region 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 road allowances such as vehicular lanes, cycling lanes, sidewalks and boulevards. According to the CDG, Ottawa Street is classified as a *Neighborhood Connector: Avenue*. Avenues are intended to support active transportation including walking, cycling and transit and provide a high level of design and comfort for pedestrians and cyclists.

The **GRT Business Plan (2017-21)** maps out how the Region will improve our transit system to meet ridership targets laid out in the RTMP, and build a better, faster transit network centred on ION light rail. Ottawa Street serves as a key east-west link to the ION system with a connection at the Mill Street station. One of the key initiatives of the plan that the Ottawa Street project supports is to provide more comfortable rides, stops and stations.

7. Did the Project Team consider improvements to the existing signalized intersection of Ottawa Street and Westmount Road? Why was a roundabout selected instead?

The existing signalized intersection is a significant traffic bottleneck with severe levels of congestion and queues at various times of day.

The Project Team considered several signalized intersection improvement concepts, ranging from minor geometric improvements to major expansions. A traffic analysis of various alternatives indicated that even with a major expansion of the intersection, the underlying system bottlenecks would prevent any meaningful improvement in the performance of the intersection. Additionally, pedestrian crossing distances and transfer distances for GRT users would increase substantially.

In contrast, a detailed traffic analysis indicated that the intersection performance could be increased substantially through implementation of a two-lane roundabout.

Please refer to the **Display Boards** for details of some of the intersection configurations considered and the advantages and disadvantages of each.

8. Did the Project Team consider retaining the sidewalks and extending the cycling lanes from Williamsburg Road to Alpine Road, to create a bike lane / sidewalk system throughout the Project Zone? Why did the Project Team decide to implement multi-use trails throughout the Project Zone?

The Project Team considered the following points in its decision to recommend multi-use trails throughout the project zone:

- Addition of cycling lanes to Ottawa Street would require significant additional reconstruction of curb and gutter, resulting in significant and costly reconstruction of catchbasins, manholes and underground storm services. In some locations, this would also lead to a cascading need to relocate other utilities to accommodate the underground storm services;
- The recently constructed roundabout at Ottawa Street and Alpine Road incorporates multi-use trails at the roundabouts and also on the south side of Ottawa Street as far west as Strasburg Road; and
- The multi-use trails have the broadest appeal to a wide range of users including commuters, families and less confident cyclists.

9. Who will be responsible for winter maintenance of the new multi-use trails?

The City of Kitchener will be responsible for clearing snow from the new multi-use trails.

10. Will the posted speed limit be changed?

The current posted speed limit on Ottawa Street is 50 km/h from Fischer-Hallman Road to Howe Drive and 60 km/h from Howe Drive to Alpine Drive. The current posted speed is not expected to change under this project.

11. How will driveways, trees, boulevards and private lawns be affected?

Driveways - Minor re-grading of existing residential driveways may be necessary in order to blend smoothly with the planned roadworks. All driveways will be reinstated to pre-construction or better condition at no cost to the property owner.

Trees - It is expected that approximately ten (10) existing medium sized trees between Fischer-Hallman Road and Alpine Road will have to be removed during construction to accommodate the proposed improvements. The **Display Boards** at this Public Consultation Centre indicate the existing trees that would be affected by this project.

It is the Region's practice, where space permits, to plant two replacement trees for each tree removed as a result of any road projects. The Project Team proposes replacing any removed trees with large diameter replacement salt tolerant trees (i.e. 75 mm to 80 mm caliper).

In addition to replacing any trees removed on a 2-for-1 basis, new boulevard landscaping, including additional salt-tolerant trees, will be included as part of the project where feasible.

The Project Team has retained a tree expert (arborist) to assess the condition of existing trees and other vegetation within the road corridor. The arborist's work includes the development of any required tree preservation or protection strategies to be implemented during construction.

Please note that boulevard trees and landscaping are typically planted as part of a separate landscape contract in the year following the road construction.

Boulevards and Lawns - Any grassed areas disturbed during construction will be repaired to equal or better condition with topsoil and seed or sod at no cost to the property owner.

12. Does the Region of Waterloo need to acquire public or private property for this Project?

The intent of the design process is to minimize the need to acquire property; however, in order to construct the proposed multi-use trails and intersection improvements, the Region will need to acquire small parcels of property from seven (7) abutting property owners. Additionally, the Region will be required to acquire seven (7) temporary easements in order to facilitate construction activities.

A map showing the locations where the Region will need to acquire property and easements is provided in the **Display Boards** at this Public Consultation Centre.

As the project proceeds, the Region's Real Estate staff will contact affected property owners to discuss the necessary property acquisitions. It is the Region's standard practice to negotiate agreements of purchase and sale with the affected property owner, based on an independent appraisal of the land's fair market value. If agreements cannot be reached in time to meet the project schedule, the Region may acquire the needed lands through Expropriation. For further information, please see the Property Process Information Sheet in **Appendix B**.

13. How is the natural environment being considered?

The existing roadway corridor is fully urbanized. Accordingly, the planned project works are not expected to have any impacts on the natural environment.

Replacement of the aging corrugated steel pipe culvert carrying Borden Creek under Ottawa Street may provide an opportunity to improve the aquatic habitat along this section of the creek, by replacing the pipe with an open-bottom culvert that is more compatible with aquatic species.

During construction, monitoring measures will be implemented to minimize short-term impacts to Borden Creek.

14. 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.

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

For the proposed Ottawa Street improvements, Part C of the Noise Policy applies, as there are no new developments and no proposed road widenings.

Under Part C of the Noise Policy, the Region will consider building and cost-sharing a noise barrier if **all** of the following apply:

- Resident requests a noise barrier ; **and**
- Existing average 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 Local Improvement Act; **and**
- All property owners pay 50% of cost of noise barrier 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 or window improvements at their own expense.

15. When will construction occur? How will traffic be maintained?

Construction Timing

Construction of the Ottawa Street improvements is currently scheduled to be undertaken in 2020 and 2021 in the Region's approved 2019 Transportation Capital Program. Final surface course asphalt and landscaping work will be scheduled for either 2021 or 2022.

The timing of this project is subject to receipt of all technical and financial approvals, acquisition of required property and final approval of Regional Council.

Detours and Road Access

Full two-way traffic will be maintained at most times during construction; however, lane restrictions will be necessary. Full closures may be required in some locations to complete portions of the work.

Reconstruction of the intersection of Ottawa Street and Westmount Road as a modern two-lane roundabout may require more extensive lane restrictions and closures. Staging and required traffic restrictions will be examined more closely during detailed design. Where appropriate, detour routes will be provided. More detailed information will be made available prior to construction.

Emergency Services, Grand River Transit, School Bus Services

The City of Kitchener Fire Department, Waterloo Regional Police and Ambulance Services, Grand River Transit and area School Board bus services have all been contacted through the project planning process. All of these services have indicated that they are developing plans to re-route vehicles if necessary during construction.

Pedestrian and Cyclist Access

During construction, pedestrian and cycling traffic on Ottawa Street will be maintained at most times; however, it is noted that it may be necessary to temporarily restrict pedestrian and cyclist traffic for short durations. Detours will be provided in such circumstances.

Driveway Access

Access to driveways on Ottawa Street will be maintained to the greatest extent possible during construction. The Contractor will be required to temporarily block access to and from driveways for short-term periods when completing certain construction operations directly in front of the driveway. Where a disruption to a driveway is expected, the Contractor will be required to hand-deliver a notice at least 48 hours in advance advising the property owner of the time and duration of the driveway disruption.

Area residents will receive further communication from the Region well in advance of construction providing detailed information regarding traffic detours, Grand River Transit service, Emergency vehicle access and other relevant information pertaining to the construction.

Garbage and Recyclables Collection

For residential properties on Ottawa Street, garbage, green bins, yard waste and blue boxes will continue to be picked up curbside as usual. When work is occurring in front of your property and waste collection vehicles do not have access to your driveway on garbage collection day, the Contractor will deliver your garbage and recyclables to an adjacent side street for collection and return the empty containers afterwards. We will ask that all residents mark their containers with their address for easy identification.

For properties with private garbage collection, driveway access will be maintained during each phase of construction to provide access for private garbage collection.

16. What is the estimated cost of this Project? How will it be funded?

The total cost of the project is estimated at approximately \$6,500,000.

The road works, multi-use trails, structural works and servicing works will be funded from the Region's Roads Rehabilitation Reserve Fund and the Development Charge Reserve Fund.

17. What are the next steps for this Project?

Prior to finalizing the detailed engineering design, the Region is interested in receiving public feedback on the proposed improvements. This Public Consultation Centre is your opportunity to ask questions, provide suggestions, and make comments.

The Project Team will review the public comments received from the Public Consultation Centre and use them as input for refinement of the proposed improvements. It is planned to present the proposed improvements to Region of Waterloo Planning and Works Committee and Council in Fall 2019 for approval. In advance of this meeting, letters will be sent to all adjacent property owners and tenants (as well as to all members of the public specifically registering at the Public Consultation Centre) so that anyone wishing to speak to Committee or Council about this project can do so before final approval.

18. How can I view Project information following this Public Consultation Centre? How can I receive further notification regarding this Project?

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

www.regionofwaterloo.ca/en/living-here/construction-and-road-closures.aspx

Adjacent property owners / tenants and members of the public registering at the Public Consultation Centre will receive all forthcoming public correspondence, and will be notified of any future meetings.

19. 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 e-mail your comments using the attached comment sheet to the Project Team member listed below, no later than July 19, 2019.

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

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APPENDIX A

Class EA Process

Municipal Class Environmental Assessment

Ontario Environmental Assessment Act

The purpose of the Ontario Environmental Assessment Act (EA Act) is to provide for “the betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management of the environment in Ontario”.

Environment is applied broadly and includes the natural, social, cultural, built and economic components.

The key principles of successful environmental assessment planning include:

- Consultation with stakeholders and affected members of the public;
- Consideration of a reasonable range of alternatives;
- Assessment of the environmental impacts for each alternative;
- Systematic evaluation of alternatives; and
- Clear documentation of the process followed.

Municipal Class Environmental Assessment (EA)

The Municipal Class Environmental Assessment (EA) is a planning process approved under the Environmental Assessment Act that is used by municipalities to plan infrastructure enhancement projects while satisfying the requirements of the Environmental Assessment Act. Under the Class EA process, projects are planned in one of three ways depending on their scope, complexity, and potential for adverse environmental impacts.

Municipal Class EA Schedules

Schedule	Description
Schedule "A"	Routine projects that are considered straight-forward and minimally impactful, such as maintenance, operations and emergency activities. Such projects are designated as "pre-approved" under the Class EA and may proceed directly to implementation.
Schedule "A+"	Routine projects that are considered straight-forward with minor or short-term impacts. Such projects are designated as "pre-approved" under the Class EA and may proceed directly to implementation; however, the proponent is required to advise area residents and stakeholders of the pending commencement of the project.
Schedule "B"	Projects with the potential for some adverse environmental effects. Such projects must undergo a program of public, stakeholder and agency consultation and a detailed Project File documenting the planning process must be placed on the public record. Subsequently, the project is considered to be "approved" under the Class EA.
Schedule "C"	Larger and more complex projects with the potential for significant environmental effects. Such projects must undergo a program of public, stakeholder and agency consultation, including 3 points of formal public contact. A detailed Environmental Study Report (ESR) must be completed and placed on the public record. Subsequently, the project is considered to be "approved" under the Class EA.

APPENDIX B

Appendix B-1

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 Recommended Design Concept has been approved, the property acquisition process and the efforts of Regional Real Estate staff will focus on 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 available, Regional Real Estate staff will contact the affected property owners by telephone and mail to introduce themselves and set-up initial meetings to discuss the project 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) so 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.

Appendix B-2

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 towards 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, most agreements will 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 insure 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.

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.

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.

