

By-law Number 22-2023

of The Regional Municipality of Durham

Being a by-law to expropriate all estate, right, title and interest in Part of the Common Elements, Durham Condominium Plan 169, in the City of Pickering, in the Regional Municipality of Durham, described further as Part 2 on Reference Plan 40R-31395.

Whereas the *Expropriations Act*, R.S.O. 1990, c. E.26 requires an expropriating authority to seek approval from its approving body to expropriate property.

And whereas under the *Expropriations Act*, The Regional Municipality of Durham is an expropriating body and the approving body is Regional Council.

And whereas the authority for such approval to expropriate is obtained by Regional Council's passing of the required expropriation by-law.

Now therefore, the Council of The Regional Municipality of Durham hereby enacts as follows:

1. That all estate, right, title and interest in the lands described as Part of the Common Elements, Durham Condominium Plan 169, in the City of Pickering, in the Regional Municipality of Durham, described further as Part 2 on Reference Plan 40R-31395, is hereby taken and expropriated for the purposes of construction of the Bus Rapid Transit Project along Highway 2 (Kingston Road), in the City of Pickering and the Town of Ajax, from Regional Road 38 (Whites Road) to Regional Road 23 (Lake Ridge Road), in the Regional Municipality of Durham, and all related construction activities as ancillary to the construction.
2. That Regional Council authorize Regional staff to take all steps necessary to comply with the *Expropriations Act*, including, but not limited to, the preparation and registration of expropriation plans and the service of notices of expropriation, notices of election as to a date for compensation and notices of possession.
3. That Regional Council grants authority to the Regional Chair and Regional Clerk to prepare, sign and register and any notices and forms as may be statutorily mandated by the *Expropriations Act* to give effect to clause 1, including the notices of expropriation, notices of election as to a date for compensation and notices of possession, including the certificate of approval to be affixed to the expropriation plan.
4. That Regional Council authorize Regional staff to negotiate a settlement agreement with the owner to take effect after registration of the expropriation plan only if the owner agrees to waive entitlements including but not limited to notices of expropriation and notices of election as to a date for compensation and only if the owner abridges the timeline for the date of possession to an earlier date than what it is defined as under the *Expropriations Act*.
5. That Regional Council grant authority to the Regional Chair and Clerk to execute an agreement to give effect to clause 4, should an agreement be negotiated successfully.

This By-law Read and Passed on the 29th day of March, 2023.

J. Henry, Regional Chair and CEO

A. Harras, Regional Clerk