

# City of Mississauga Corporate Report



Date: July 16, 2020

To: Chair and Members of Council

From: Geoff Wright, P.Eng, MBA, Commissioner of  
Transportation and Works

Originator's files:

Meeting date:  
July 22, 2020

## Subject

**Authority to Waive the City's Right to a Hearing of Necessity in Connection with Metrolinx's Expropriation of City Interests in Land for the Purpose of the Eglinton Crosstown West Extension Project (Ward 5)**

## Recommendations

1. That the Corporate Report titled "Authority to Waive the City's Right to a Hearing of Necessity in Connection with Metrolinx's Expropriation of City Interests in Land for the Purpose of the Eglinton Crosstown West Extension Project (Ward 5)" dated July 16, 2020 from the Commissioner of Transportation and Works, be received.
2. That the Legal Services Section of the City Manager's Office be given authority to waive the City's right to a Hearing of Necessity as provided pursuant to Section 6 (2) of the *Expropriations Act*, RSO.

## Background

Under cover of letters dated April 21, 2020, the City of Mississauga received four (4) Notices of Application for Approval to Expropriate (the "Notices") from Metrolinx for the following interests in property required in connection with Metrolinx's Eglinton Crosstown West Extension Project:

1. City's easement interest in PIN132970628
2. City's easement interest in PIN132970627
3. Fee simple interest in the City-owned lands identified as PIN74240245
4. Fee simple interest in the City-owned lands identified as PIN132970624.

The location of these properties is illustrated in Appendix 1.

## Comments

Section 6 (2) of the *Expropriations Act*, RSO (the “Act”) provides that:

Any owner of lands in respect of which notice is given under subsection (1) who desires a hearing shall so notify the approving authority in writing,

- (a) In the case of a registered owner, served personally or by registered mail, within thirty days after the registered owner is served with the notice, or, where the registered owner is being served with the notice, or, where the registered owner is being served with the notice by publication, within thirty days after the first publication of the notice;
- (b) In the case of an owner, who is not a registered owner, within thirty days after the first publication of the notice

Property owners have 30 days from the date of service of the Notice to ask for a Hearing of Necessity. In the City’s case, the deemed date of service was April 23, 2020 and therefore the 30-day period would normally have expired on May 23, 2020. However, on March 20, 2020 the province enacted Ontario Regulation 73/20 under the *Emergency Management and Civil Protection Act*. This Regulation confirms that all time limitation periods under Ontario legislation are frozen until the Regulation is lifted. The practical result on this file is that the normal 30-day period for the City to request a Hearing of Necessity has not started to run yet because we received the Notice of Expropriation after March 20, 2020.

If it is requested by an owner, Section 7(5) of the Act provides that the hearing shall be by means of an inquiry conducted by the inquiry officer who shall inquire into whether or not the taking of the lands or any part of the lands of an owner or of more than one owner of the same lands is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority.

The proposed extension of the Eglinton Crosstown West will offer links through the UP Express and Kitchener Line GO Train service at Mount Dennis, TTC bus services at all transit stops in Toronto and MiWay and GO Bus services via the Mississauga Transitway at Renforth Drive. Metrolinx is also currently undertaking feasibility studies in conjunction with the Greater Toronto Airports Authority to extend the line another 4.7 kilometres to Pearson International Airport (“Pearson”). The property interests identified in the Notices received from Metrolinx are required for the purpose of the Eglinton Crosstown West Extension.

Staff have reviewed the property interests proposed for expropriation by Metrolinx and do not see merit in requesting a Hearing of Necessity. The westerly extension of the Eglinton Crosstown LRT to the Renforth Station would fill a key gap in the connectivity between the current Eglinton Crosstown LRT corridor and the Mississauga Transitway. With this connection to the Transitway, and ultimately to Pearson, a reliable transit network would be created

connecting the Airport Corporate Centre to Pearson and Toronto as well as making key transit connections from other points in Mississauga.

It is noted that waiving the City's right to a Hearing of Necessity does not negate the City's right to compensation for the expropriation of the above-noted interests in land and staff continue to pursue all compensation to which it is entitled.

## **Financial Impact**

There are no financial implications by adoption of this report.

## **Conclusion**

It is considered appropriate to waive the City's right to a Hearing of Necessity in connection with Metrolinx's expropriation of the City's interests in property identified in this report.

## **Attachments**

Appendix 1: Approximate location of the City interests proposed for Expropriation by Metrolinx



---

Geoff Wright, P.Eng, MBA, Commissioner of Transportation and Works

Prepared by: Sheryl Badin, Manager, Realty Services