

**Region of Waterloo**

**Planning, Development, and Legislative Services**

**Legal Services**

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**To:** Sustainability, Infrastructure, and Development Committee

**Meeting Date:** April 7, 2026

**Report Title:** Expropriate Land (2<sup>nd</sup> Report) for Improvements to Fischer Hallman Road between Bleams Road and Plains Road, in the City of Kitchener

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**1. Recommendation**

That the Regional Municipality of Waterloo approve the expropriation of lands for improvements to Fischer Hallman Road between Bleams Road and Plains Road, in the City of Kitchener, in the Regional Municipality of Waterloo, as detailed in Report PDL-LEG-26-016, dated April 7, 2026, described as follows:

**Temporary Easement:**

The right and easement, being a temporary easement in gross, for the free and unobstructed, right, interest and easement terminating, for the subject properties set out below, on the 31<sup>st</sup> day of December 2028, for itself, its successors and assigns, and anyone authorized by it, on, over, under and through the following property for the purposes of excavation, construction, installation, replacement, alteration, grading, and landscaping as required in connection with the improvements to Fischer Hallman Road between Bleams Road and Plains Road, and all related improvements, and works ancillary thereto and for such purposes, the free, unimpeded and unobstructed access to the lands at all times by employees, agents, contractors, workers and anyone authorized by it, and vehicles, supplies and equipment at all times and for all purposes and things necessary for or incidental to the exercise and enjoyment of the right and easement:

- I. Part of the Common Element, Waterloo Standard Condominium Plan 566, being Parts 1, 2, 3 and 4 on 58R-22432, City of Kitchener, part of PINs 23566-0001 to 23566-0276, (1652 – 1696 Fischer Hallman Road, Kitchener);
- II. Part of Lot 158, German Company Tract, being Part 7 on 58R-19936, City of Kitchener, part of PIN 22607-2288, (945 Huron Road, Kitchener);

- III. Part of Lot 5, Registrar's Compiled Plan 1471, being Parts 1, 2, 3, 4, 5 and 6 on 58R-22500, City of Kitchener, part of PIN 22607-2322, (1340 Fischer Hallman Road, Kitchener);
- IV. Part of Lot 6, Registrar's Compiled Plan 1471, being Part 7 on 58R-22500, City of Kitchener, part of PIN 22607-2454, (Part of Vacant Land, Fischer Hallman Road, Kitchener); and
- V. Part of Lot 156, German Company Tract, being Part 3 on 58R-19941, City of Kitchener, part of PIN 22607-2317, (1548 Fischer Hallman Road, Kitchener)

And that staff be instructed to register a Plan of Expropriation for the properties within three months of the granting of the approval to expropriate the properties, as required by the *Expropriations Act*;

And that the registered owners for the properties be served with a Notice of Expropriation, Notice of Election and a Notice of Possession after the registration of the Plan of Expropriation and the Regional Solicitor is authorized to take any and all actions required to enforce such Notices including but not limited to any application pursuant to Section 40 of the *Expropriations Act*;

And that the Regional Solicitor is authorized to enter into an agreement with the registered owners, or to make an application under Section 39 of the *Expropriations Act*, to adjust the date for possession specified in the Notice of Possession as may be required;

And that if no agreement as to compensation is made with an owner, the statutory Offer of Compensation and payment be served upon the registered owners of the properties in the amount of the market value of the interests in the land as estimated by the Region's appraiser in accordance with the *Expropriations Act*;

And that the Regional Solicitor be authorized to execute any Indemnity agreement or other document related to payment of the statutory Offer of Compensation;

And further that the Regional Solicitor be authorized to discontinue expropriation proceedings or any part thereof, in respect of the above described lands, or any part thereof, upon the registration on title of the required documentation to complete the transaction or if determined by the Commissioner, Engineering & Environmental Services, that such lands, or any part or interest thereof, are not required for the subject Project.

## **2. Purpose / Issue:**

Council approval of the expropriation is sought to, among other things: (i) permit registration of the Plan of Expropriation in the Spring of 2026, and (ii) provide possession of the required lands and interests in the Fall of 2026, to facilitate the timely commencement of road improvement works (as described below).

## **3. Strategic Plan:**

This Project supports the 2023-2027 Strategic Plan under the Focus Area of Climate Aligned Growth and, more specifically, the following strategic outcomes: (i) Use a climate adaptation lens to re-imagine infrastructure, land and services for growth; and (ii) Foster car-alternative options through complete streets and extended alternative transportation networks.

## **4. Report Highlights:**

### **a) Project Overview**

The proposed reconstruction of Fischer Hallman Road between Bleams Road and Plains Road includes widening the road from two to four lanes with a raised centre median, construction of multi-use paths on each side of the road, intersection upgrades, new street lighting and bus stop pads, and installation of water and storm sewer underground infrastructure.

The proposed works will enhance the management of the Region's assets, improve active transportation facilities for pedestrians and cyclists, and support the Region's strategic goals.

### **b) Project Timing**

Construction for the overall project was phased, with Phases 1 and 2 completed in 2021 and 2024, respectively. The remaining (and final) phase, spanning from south of Bleams Road to Huron Road and south of Haldimand Street to south of Plains Road, is anticipated to commence in the Fall of 2026. Completion of construction is currently anticipated in Fall 2027.

### **c) Properties Impacted**

- For purposes of the expropriation, temporary easement rights are required from five (5) properties, as outlined in the Recommendation. A map illustrating the property

requirements is attached hereto as Appendix “A”. Of these five (5) properties, four (4) were previously subject to expropriation, as detailed in Report PDL-LEG-19-23, dated April 9, 2019. Those temporary easements have since expired, and as expropriated temporary easements cannot be unilaterally extended, new temporary easement rights are required to facilitate grading and/or restoration works associated with the project.

- In addition to the five (5) properties noted above, three (3) additional properties are impacted. These properties are owned by the City of Kitchener (which owns two (2) of these properties) and the Waterloo Region District School Board (WRDSB). As both entities possess reciprocal expropriation powers, these properties have not been included in the expropriation process and are being addressed through negotiated agreements. Regional staff have successfully completed the transaction with WRDSB for the required property interests and are continuing discussions with the City of Kitchener to finalize the acquisition of the required interests. A negotiated resolution with the City is anticipated.
- Further, one property owner impacted by this project has requested a hearing pursuant to section 6(2) of the Expropriations Act (commonly referred to as a Hearing of Necessity), inquiring as to whether the Region’s expropriation is “fair, sound and reasonably necessary”. As such, this property is now part of a separate process from the other properties impacted by this project, and thus not subject to this Report. Following the hearing, the presiding Tribunal member will issue a report on their findings and opinion of the matter. Staff will bring this report to Council for its consideration; at which time, staff will seek Council’s direction on whether to continue or discontinue with the Region’s expropriation of the required interest. Concurrently, with this separate process, staff will work with the owner to address their concerns in an effort to arrive at some resolution so that the expropriation of the required interests (or other resolution) can proceed in the near future.
- Lastly, staff has successfully extended temporary easements for two (2) properties where the Region had previously acquired temporary easement rights through voluntarily agreements with the respective owners.

It should be noted the expropriation of the lands is on an “as is” basis and, upon acquisition, the Region assumes all responsibility for the lands.

## **5. Background:**

Regional Council approved improvements on Fischer-Hallman Road (Regional Road No. 58) between Bleams Road and Plains Road, in the City of Kitchener, on March 2, 2016, as outlined in Report TES-DCS-16-05.

Some of the required property interest for this project were previously acquired through expropriation, as detailed in Report PDL-LEG-19-23, dated April 9, 2019. However, the temporary easements obtained at that time have since expired, and an extension of these temporary rights is required to facilitate grading and/or restoration works associated with the project.

Regional Council authorized the commencement of expropriation proceedings for the required property interests on January 28, 2026, as outlined in Report PDL-LEG-26-004, dated January 13, 2026.

**6. Communication and Engagement with Area Municipalities and the Public**

**Area Municipalities:** The Region has had ongoing communication with the City of Kitchener (City) representatives since the inception of the project. The City reviewed the project plans/design, including review of the latest 90% design package. Most of the communication was conducted via e-mail and phone and included, but was not limited to, the City’s Manager of Engineering Design and Approvals, Manager of Parks & Open Space Design and Development, Manager of Maintenance and Operations, Sanitary and Stormwater Utilities, and Manager of Maintenance Roads and Traffic Division.

**Public:** All of the affected property owners were previously contacted by Legal Services staff and informed of the project as well as the Region’s intention to commence the expropriation process and the Region’s Expropriation Information Sheet was provided to each of them. Legal Services staff contacted the property owners and informed them of the Region’s intention to continue with the expropriation process in order to ensure that the construction timeline is maintained, including this Report being presented to Council, as detailed in the Region’s Expropriation Information Sheet.

Legal Services staff is willing to negotiate the property acquisition with the property owners in an effort to achieve settlements of their claims under the Act.

**7. Financial Implications:**

|                             | Current Year  | Future Year(s) |
|-----------------------------|---------------|----------------|
| <b>Budget Impact?</b>       | N/A           | N/A            |
| <b>Capital Plan Impact?</b> | No new impact | No new impact  |

The approved 2026-2035 Transportation Capital Program includes a budget of \$9,377,000 in 2026 and \$5,345,000 in 2027-2028 for the Fischer-Hallman Road, Plains Road to 500M south of Bleams Road (Project #07122) to be funded from Roads Regional Development Charges Reserve Fund.

There is sufficient budget to accommodate the expropriation costs of these properties.

## **8. Conclusion / Next Steps:**

Council approval of the expropriation is required to advance this project within the noted timelines.

The by-law to approve the expropriation of the subject lands will be presented to Council at its meeting on April 22, 2026, to be passed upon Council approval of the expropriation.

Upon Council approval of the expropriation of the properties, such approval will be endorsed upon a certificate of approval on the Plan of Expropriation for those properties not acquired under agreement. The Plan will then be registered within three months of the approval. Ownership of the property vests with the Region upon the registration of the Plan. Notices of Expropriation, Notices of Election and Notices of Possession are then served upon all registered owners, including tenants as shown on the assessment roll. The Region will take possession of the required lands at least three months after service of the Notice of Possession.

After the registration of the Plans of Expropriation and prior to the taking of possession of the property, the expropriating authority is required to serve the registered owners with an offer in full compensation for their interests in the land. The offer must be accompanied by the immediate payment of one hundred percent (100%) of the appraised market value of the land to the registered owners as estimated by the Region's appraiser. The registered owners are also to be served with a report appraising the market value of the property, which report formed the basis for the offer of compensation.

## **9. Attachments:**

A list of the corporate owners of the fee simple interest in the subject lands is attached as Appendix "B". Regional staff have conducted corporate profile searches of affected corporate property owners, and the directors and officers are listed for each. This list does not include tenants, easement holders or holders of security interests in the subject lands.

Appendix "A" – Map of Subject Lands

Appendix "B" – Corporate Profiles of Corporate Owners

**Prepared By:** Andy Gazzola, Solicitor (Property)

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