



The Corporation of the District of Saanich

Report

To: Mayor and Council

From: Heidi Boudreau, Municipal Solicitor

Date: February 20, 2025

Subject: Richmond Road Improvement Project – 2543 Richmond Road Approving Authority Expropriation Authorization

File:

RECOMMENDATIONS

That council adopt the following resolution pursuant to the requirements of section 18 [decision of approving authority] of the Expropriation Act:

1. The expropriation of the fee simple interest in that part of Lot 4, Block 1, Section 25, Victoria District, Plan 1461 comprising of 48.5 square metres, more or less, shown in heavy black outline and marked as "EXPROPRIATED AS ROAD" on Plan EPP138039, is hereby approved.

PURPOSE

The purpose of this staff report is to request that Council, pursuant to section 18 of the Expropriation Act, as the "approving authority", approve the expropriation of the fee simple interest in that part of Lot 4, Block 1, Section 25, Victoria District, Plan 1461 (2543 Richmond Road) comprising of 48.5 square metres, more or less, shown in heavy black outline and marked as "EXPROPRIATED AS ROAD" on Plan EPP138039, a copy of which is attached to this report.

BACKGROUND

On January 6, 2025, Council authorized the expropriation as the "expropriating authority" pursuant to section 31 of the Community Charter. Since then, staff have satisfied the requirements to serve formal notice of the expropriation on the owner (including registered charge holders), file the notice against title to the land, and post a copy of the notice on the land itself. The next step in the process is approval by council as the "approving authority".

The expropriation is necessary for the completion of the Richmond Road Improvement Project. The Richmond Road Improvement Project provides for road upgrades from Carnarvon Street to Bay Street, in order to upgrade road safety and support active transportation including pedestrian and bicycles. Coordination with City of Victoria has been done as part of this project to complete repaving and installation of lanes on the roadway. To accommodate the improvements of the Richmond Road Project, Saanich requires acquisition of certain lands including the portion of 2543 Richmond Road.

DISCUSSION

Council, in its capacity as the approving authority, must approve this expropriation. Section 18(2) of the Expropriation Act provides that where (as here) the expropriation is for the purpose of a linear development, such as a highway, the approving authority “must” approve it. Following this formal approval, staff will proceed with the remaining steps in the process, including further notices to the owner, payment of compensation in the amount Saanich has determined together with delivering a copy of the appraisal, and filing of the final notice at the Land Title Office to complete the legal transfer of ownership to Saanich.

COUNCIL OPTIONS

As discussed above, this is a situation in which Council, as the approving authority, does not have discretion to pursue an alternative direction. Council is obligated to adopt the recommended resolution by virtue of section 18 of the Expropriation Act.

LEGAL IMPLICATIONS

The owner will have one year from the date of Saanich’s payment of compensation to decide whether it is satisfied, or whether it wishes to pursue a legal claim for additional compensation in the BC Supreme Court.

FINANCIAL IMPLICATIONS

The anticipated costs to acquire the subject land have been included in the Richmond Road Project budget.

STRATEGIC PLAN IMPLICATIONS

The Richmond Road project is part of the District’s Active Transportation plan and aligns with the District’s Official Community Plan. Construction of this infrastructure supports the District Strategic plan by supporting mode share shifting along Richmond Road and closing existing gaps to the City of Victoria.

CONCLUSION

Having previously authorized the expropriation, Council is required to approve the expropriation.

Prepared by: Heidi Boudreau, Municipal Solicitor

Reviewed by: Harley Machielse, Director of Engineering

Approved by: Heidi Boudreau, Municipal Solicitor

Attachments: Plan EPP138039

ADMINISTRATOR'S COMMENTS:

I endorse the recommendation from the Municipal Solicitor .

Brent Reems, Chief Administrative Officer