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September 30, 2020

BY E-MAIL to stephen.wheeler@calgary.ca and jessica.cullen@calgary.ca

Steve Wheeler
Lawyer, Law Department
The City of Calgary | Mail Code #8053
PO Box 2100, Stn. M, Calgary, AB, Canada | T2P 2M5

- and -

Jessica Cullen
Land Agent, Real Estate & Development Services
The City of Calgary | Mail Code #195
PO Box 2100, Stn. M, Calgary, AB, Canada | T2P 2M5

Attention: Mr. Steve Wheeler and Ms. Jessica Cullen

Dear Mr. Wheeler and Ms. Cullen,

**Re: The Owners of Condominium Plan No. 9510906 (“the Owners” or “our clients”)
Municipally known as Units 4 – 12 and 18 – 50 Barclay Walk SW, Calgary AB,
also known as the River Run Townhomes (the “Properties”)
The City of Calgary’s (the “City”) Greenline LRT (the “Green Line”)**

We write to inform you that we have been retained by all but one of the Owners with respect to the Properties. A table of our clients and their municipal unit numbers is attached to this letter.

Please note: Borden Ladner Gervais LLP does not, at this time, represent the owner of the unit municipally known as Unit 14 Barclay Walk SW.

Acquisition of the Properties

We understand from our clients that the City has indicated it intends to acquire the Properties by virtue of an involuntary transaction under the threat of expropriation or, if necessary, by expropriation (the “**Expropriation**”). We understand that the Properties are required for use in conjunction with the Green Line Segments 2A and 2B, including the proposed 2 Avenue SW station.

Our clients are willing to continue discussions with the City in respect of the acquisition of the Properties, or a portion thereof, subject to the following:

- That any negotiations are without prejudice to the Owners' rights and interests, including their rights and interests to object to the Expropriation, and to seek full and fair compensation pursuant to the *Expropriation Act*;
- That any negotiations recognize and acknowledge the Owners' full entitlement to compensation arising out of the City's need for the Properties. This will include, without limitation:
 - The market value of the lands required;
 - The injurious affection to the remaining lands (if any);
 - The disturbance damages caused by the City's need for the Properties; and,
 - Relocation costs, including any "home for a home" compensation for owners that live in the Properties. Our clients note the unique riverfront downtown location and ground-oriented nature of the Properties, and the limited availability of comparable properties for relocation purposes;
- That the City acknowledge the Owners' rights to be paid their reasonable legal, appraisal, planner and other professional fees has been engaged. We understand that it is the City's current practice to take the position that it will not pay for legal, appraisal, and other professional costs until a Notice of Intention to Expropriate has been filed, or unless an agreement is reached, except in certain circumstances. In this instance:
 - The Owners of twenty-two individual properties have jointly retained one counsel (BLG) and so have one point of contact, making the negotiation or expropriation process more efficient for the City; and,
 - The joint retainer will allow for efficiencies in legal, appraisal, and other professional costs, which should result in lower total legal and professional costs overall.

In light of this unique situation, involving many residential condominium owners working together, our clients request the City reconsider its position to not reimburse legal and professional fees incurred during the negotiation or expropriation process. We propose an arrangement whereby the City will reimburse the Owners seventy-five percent (75%) of the legal and professional costs incurred during this process, with the remainder forming part of the final compensation discussions, similar to other arrangements the City has agreed to in comparable expropriation proceedings.

To facilitate discussions, we would appreciate if you could immediately provide us:

- a) a site plan which confirms the portion of the Properties the City requires, or written confirmation that the entirety of the Properties (i.e. all the units and common areas of the condominium) is required, as the City has advised some of our clients;

- b) confirmation on whether administration has authority from Council to negotiate a transaction of the Properties (or a portion thereof);
- c) the City's estimated timing by which it wishes to have completed the acquisition of the Properties (or a portion thereof); and,
- d) the City's estimated date that possession of the Properties (or a portion thereof) is required for construction.

Appraisals and Access to the Properties

We understand that the City has hired Cushman & Wakefield to conduct appraisals of the Properties. We have advised our clients that the City, or its contractors, may require access to the Properties in order to conduct its appraisal(s).

Communications

We request that all future communications regarding the Expropriation be made through our office to the attention of the writer, with a copy to Ms. Stacy McFarlane at stmcfarlane@blg.com.

We trust this is all satisfactory and we look forward to discussing this with you further.

Yours truly,

BORDEN LADNER GERVAIS LLP

Michael A. Marion

cc: The Owners (via email)
cc: Stacy McFarlane (via email)

Owners party to the Retainer Agreement

Name	Unit number
Anne Wong	4
Brent Rausch	6
Aiping Jiang	8
Sisi Wu	8
Zhao Jun Wu	8
Dayne Kells	10
Preya Kells	10
Martin Heim	12
Denise Man	12
Youngcho Park Cha	18
Hwan Cha	18
Patrick Lindsay	20, 22, 34, 36
Jane Lindsay	22, 34, 36
Kuldip Sandhu	24
Rupinder Sandhu	24
Shichang Shen	26
Xia Sun	26
Emily Farquhar	28
John Farquhar	28
Hazel Bennett	30
Thomas McWilliams	32
Pamela McWilliams	32
Norman Biluk	38
Tim Thompson	40
Mary Thompson	40
Masataka Horiguchi	42
Deborah Buxton	44
Joel Gaucher	46
Alain Gaucher	46
Gordon Holden	48
Nikki Holden	48
Robert Halse	50
Jane Halse	50