

Calgary

Lack of communication, transparency in city's planned expropriation of Calgary townhomes: Inquiry officer

Despite poor communication, expropriation hearing finds land request is 'reasonably necessary'

[Bryan Labby](#) · CBC News · Posted: Aug 02, 2023 3:00 AM MDT | Last Updated: August 2, 2023



The River Run townhouse complex in Eau Claire stands in the way of the Green Line LRT project. The city has officially filed its notice of intention to expropriate the 23 townhouse units. (Bryan Labby/CBC)

An inquiry officer appointed to review the city's proposed expropriation of an Eau Claire townhouse complex for the \$5.5 billion Green Line LRT project says the city of Calgary failed to communicate in a transparent or forthright way with property owners.

When the city filed a notice of intent to expropriate the River Run complex's 23 townhomes earlier this year, the owners filed an objection, which triggered a three-day hearing that was held last month under the provincial Expropriation Act.

"I further find that, on the whole, transparent and forthright communication from the city to the owners was in short supply or clearly absent," wrote Sharon Roberts in her 61-page report obtained by the CBC.

Roberts said the time taken for the city to initiate expropriation was "excessive" and left the property owners in "limbo" for several years.

"I take very seriously — and urge city council to take seriously — the material impacts on owners of having public announcements about their land holdings, and facing that "limbo" for years on end, all while the power-imbalanced relationship continues."

Patrick Lindsay purchased one of the townhomes in 2017 and has been vocal in his opposition to the way the River Run owners have been treated by the city.

"It's good that somebody outside of the city, who's independent, appointed by the province, could have examined the city's conduct and agree with us, that the conduct has been quite unfair for years because to date we've had really no meaningful communication with the city. We've raised concerns at every level throughout the process and had no meaningful response," he said.

- [City moves to expropriate townhouse complex in Eau Claire to make way for Green Line LRT](#)

The city has said it needs all 23 townhomes in the complex for the northern most stop on the yet-to-be-built Green Line LRT project, which will run between Eau Claire, north of downtown, and Shepard in the southeast. The city has also said it would prefer to reach a negotiated settlement with individual owners first, rather than moving to expropriation.

Roberts said the city's unwillingness and or failure to communicate openly, along with delays in finalizing the LRT alignment created material prejudice to the owners.

She said the city's actions were not in keeping with a good faith and transparent process "that prioritizes mitigation of harm to affected owners."

Land takings not fair, but sound and 'reasonably necessary'

Roberts said the proposed land takings "are not fair, considering a balancing of the interests of River Run owners relative to members of the public apt to benefit from development of the Green Line through use of the subject lands."

But she determined the takings are sound.

"This is not to say other alignments or modifications would not work, merely that although I find the intended takings to be unfair in all of the circumstances, I cannot say the same of soundness. Rather, I lack sufficient evidence to find the proposed alignment and corresponding taking are not sound."

Roberts ultimately decided the expropriation is "reasonably necessary" for the Green Line project.

"I therefore find the intended takings, in whole or in part, to be reasonably necessary in fulfilment of the objectives."

Under the Expropriation Act, Roberts' report will now be given to Calgary city council for a decision.

Bryan Labby is an enterprise reporter with CBC Calgary. If you have a good story idea or tip, you can reach him at bryan.labby@cbc.ca or on Twitter at [@CBCBryan](https://twitter.com/CBCBryan).

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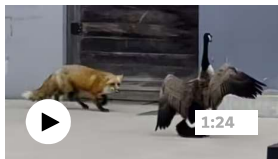
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