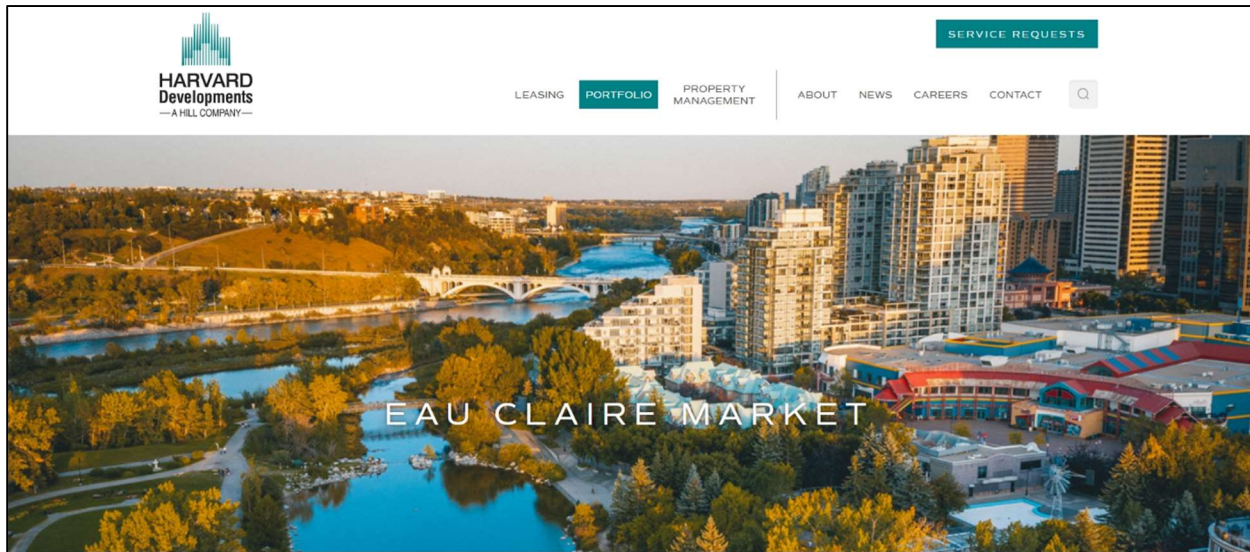


River Run Expropriation – Continued



On June 1, 2024, the City unnecessarily forced River Run families out of their homes

1. The City forced River Run families out of their above townhomes, in between Harvard's market and the waterfront, when there was no legitimate public need to do so (*the above picture is from Harvard's website, where the River Run homes are front and centre*):
 - a. ***There was no credible, funded plan to build the Green Line on River Run:*** When Council voted behind closed doors to take River Run, on September 12, 2023, it was unknown whether any part of the Green Line would ever be on River Run. The project was billions over budget and the City had to apply to the provincial and federal governments for more money or for approval to build a different alignment.
 - b. ***There was no public need to take River Run:*** Even if the City had sufficient funds and approval, there was no need to destroy River Run. In 2016, the City planned for a 2nd Avenue SW station in Eau Claire, south of River Run, and the 2024 AECOM report also identifies such station built without destroying River Run.
 - c. ***River Run was taken to make Harvard's project waterfront:*** When the City demolished River Run, the City admitted that it did so to "*fulfill contractual obligations*". It appears the City expropriated and demolished River Run in order to transform Harvard's planned five tower development into a waterfront project.
 - d. ***The City prohibited itself from building north of the proposed 2nd Avenue station:*** In 2020, Council voted to proceed with the Green Line, subject to conditions. One condition prohibited the City from entering contracts to build north of the 2nd Avenue station – *River Run was north of such station* – unless it was confirmed that the Shepard to 2nd Avenue segment was on budget, which never occurred.
2. As of March 17, 2025, Harvard and the City's plan for River Run remains unclear and the City continues to refuse to discuss fair expropriation compensation with River Run families.

There was no credible, funded plan to build to River Run

3. Long before Council voted to expropriate River Run, it was clear there was no credible, funded plan to build the Green Line alignment approved in 2020. Although the City did not disclose its multi billion dollar cost overruns until shortly after forcing River Run families out of their homes, many others publicly discussed the City's unrealistic budget for years:

- a. A February 4, 2019 letter to the City, from the "*Rethink the Green Line*" team of independent professionals, identified that the City's budget was not realistic and urged the City to rethink the proposed downtown tunnels:¹

Both external and internal engineering, design and financial analysis points to a probable \$2 billion shortfall before the start of the project.

- b. On June 17, 2020, Council voted in favour of trying to build from Shepard to 2nd Avenue SW and, budget permitting, from 2nd Avenue SW to 16th Avenue north. Such approval was based on a \$4.9 billion budget which Mayor Nenshi assured the public was sufficient to build from Shepard to 2nd Avenue SW, through downtown tunnels, and also to build a bridge over the Bow River and up to 16th Avenue (*such assurance was not based on any credible cost analysis that has been disclosed*):²

"This does mean that the bridge is getting built," Nenshi said. "It will be procured and constructed in a series of projects, but it is one grand project and it is all going forward."

- c. In an April 3, 2021 opinion, the Rethink the Green Line team noted:³

The mayor and council continue to insist the Green Line should be built using tunnels beneath downtown – through its shifting, water-logged gravel and sands – and assert that this is a financially responsible option. It is not.

...It is not responsible to proceed with any plan that contemplates tunnels because the risk of substantial cost overruns is virtually certain – likely to be \$2.5 billion or greater – and would be borne by Calgary taxpayers.

- d. In a Q4 2021 progress report, the City's Green Line Board identified that it had concerns regarding cost overruns on the City's approved alignment.⁴
- e. In a January 25, 2022 article, the City's Green Line Board Chair publicly expressed the Board's significant budget concerns (*this concern was raised publicly, by the City, almost 2 years before Council voted to expropriate River Run*):⁵

¹ https://greenlineinfo.ca/wp-content/uploads/2023/05/Mayor-Nenshi_Fielding-Feb-4-19-FINAL-w-Map.pdf

² <https://calgaryherald.com/news/local-news/city-councils-final-green-line-vote-expected-tuesday>

³ <https://calgaryherald.com/opinion/columnists/opinion-green-line-project-taking-a-big-risk-tunnelling-under-water-logged-downtown>

⁴ <https://pub-calgary.escibemeetings.com/filestream.ashx?DocumentId=197969>

⁵ <https://globalnews.ca/news/8536540/city-committee-hears-costs-escalating-for-calgarys-green-line-lrt-project/>

“We have a low level of confidence in our ability to deliver all of Stage 1 within our available funding.”

- f. In a November 3, 2022 article, the Premier of Alberta repeated her concern regarding the City’s proposed underground tunnels to Eau Claire:⁶

On Calgary’s controversial Green Line, Smith says: “I think the initial phase – the south line – is absolutely needed, and we’ll have to talk about future phases.

...I remain concerned about the major infrastructure costs of doing underground tunnelling. My concerns about that remain very high.”

- g. In a May 10, 2023 letter to Council, the Rethink the Green Line team identified that, absent more funding, the project will need to be redesigned (*and, as such, whether the train would ever get to River Run was unknown*):⁷

It is simply not possible that the proposed Stage #1 of the Green Line can be built for the approved \$4.9 billion. The Chair of the Green line board has even stated publicly that there is “a low level of confidence in our ability to deliver all of stage one within the available funding.” The recent announcement of the approved project consortium indicates that **the actual costs for the project will not be known for 12 -16 months.**

...Expenditures on the project could therefore well exceed \$1.5 billion before we even know the actual costs of Stage #1. On the assumption that no additional funding will be available from other levels of government, the project will have to be redesigned at that time to fit within a \$4.9 billion budget.

- h. In a July 28, 2023 update from the Rethink the Green Line team, it was noted that the full extent of the expected cost overruns would not be known until mid 2024:⁸

While the actual costs will far exceed the original budget, Calgarians won’t know the real costs until ...mid 2024. It’s time to stop this runaway train NOW and rethink this project!

- i. In a July 31, 2023 article, potential profit from a demolition of River Run is noted:⁹

The River Run condos... Imagine, tearing down condos downtown, in the middle of a housing crisis.

⁶ <https://calgaryherald.com/opinion/columnists/braid-premier-smith-promises-quick-relief-for-health-care-ills-and-inflation>

⁷ <https://greenlineinfo.ca/wp-content/uploads/2023/05/Letter-to-Mayor-and-Council-May-2023.pdf>

⁸ <https://greenlineinfo.ca/wp-content/uploads/2023/08/Update-Rethink-Green-Line-072823-.pdf>

⁹ https://www.westernstandard.news/opinion/makichuk-the-green-line-plan-needs-a-serious-second-look/article_581875b2-2fca-11ee-abee-33a11666a8c7.html

...somebody in this city stands to make a lot of money from the massive redevelopment, which will include condos and the northernmost station of the project. In prime land, downtown.

- j. On September 12, 2023, Council voted to expropriate River Run based on a claim the land was needed for the Green Line. However, Council knew or ought to have known that the cost overruns would require new applications to the provincial and federal governments. As such, whether River Run would ever be used for any part of the Green Line was unknown.

- k. In an October 5, 2023 email, the ReThink the Green Line team identified: [#1]

...taxpayers could be on the hook for \$8-\$10 billion for only Phase 1 of the Green Line (Eau Claire to Shepard). That's 2 times more for only 1/3 of the original plan! Small wonder it's being called "the line from nowhere to nowhere."

- l. The City's January 2024 Green Line progress report confirmed that the City did not have the funds needed for the City's approved alignment by shifting the reported budget risk from "yellow" to "red".¹⁰
- m. In late January and in February, the City paid River Run families amounts it chose to pay, for seizing River Run families' homes. Such amounts were not based on an analysis of fair expropriation compensation. The City would only permit families to temporarily stay in their homes, until May 31, 2024, if they signed the City's form of rental agreement, without changes, to rent their own homes.
- n. The City's April 2024 Green Line progress report again confirmed the City did not have the funds needed for the approved alignment.¹¹ When this April report was discussed, the City's Green Line Board identified that:¹²

The Board anticipates bringing forward recommendations by the end of Q2 2024 for decisions outside of their mandate

The "outside their mandate" statement indicated that, because the City's approved alignment could not be built with the available funding, the Board would soon bring a proposed new alignment to Council.

- o. In a May 9, 2024 article, the Premier confirmed that the City was working on a new business case and, again, identified concerns with tunnels to Eau Claire:¹³

A revised business case and update on costs is expected to come before council in June.

¹⁰ <https://pub-calgary.escribemeetings.com/filestream.ashx?DocumentId=278123>

¹¹ <https://pub-calgary.escribemeetings.com/filestream.ashx?DocumentId=290368>

¹² <https://pub-calgary.escribemeetings.com/filestream.ashx?DocumentId=290369>

¹³ <https://livewirecalgary.com/2024/05/09/green-line-cost-escalations-draw-further-scrutiny-by-alberta-government/>

...[Premier Danielle Smith] said she's been clear she thought the City of Calgary made a mistake with tunneling through the downtown. It's a part that she said is the most expensive. She mentioned a letter from an ad-hoc citizens group that has been "raising the alarm" on this aspect since 2021.

- p. In a May 10, 2024 article, Councillor McLean identifies that the biggest unknown, and highest risk on the project, remains the proposed downtown tunnels:¹⁴

"I've never been a fan of going underground. That's where all the money is at. That's where things are going very terribly off the rails."

McLean wants the line to go from city hall all the way to Seton and the south hospital in the deep southeast.

"That's where all the people are," he says.

- q. A May 17, 2024 article identifies the expected multi-billion dollar cost overruns:¹⁵

...Smith confirmed her understanding was Green Line Phase 1 costs would reach \$10 billion while experts expect the entire Green Line north to south will cost more than \$20 billion.

- r. On June 1, 2024, the City forced River Run families out of their homes despite the City having no idea if or when the City would ever use the River Run property for anything related to the Green Line.
- s. A June 25, 2024 email, from the ReThink the Green Line team, identified: [#2]

Rumours are swirling that the City will again downsize the route... As predicted, city officials are asking for more financial help from the province and the feds...

Billions could be saved by rejecting the high-risk, high-cost tunnels and underground stations that add no value to taxpayers and only appease Eau Claire developers.

- t. A July 4, 2024 article notes:¹⁶

"This was a project designed a long time ago with unrealistic expectations of the real cost of it and it's just been a dog ever since." [citing the Provincial Minister of Transportation, Devin Dreeshan]

...Calgary city hall never really had a clue of what the bottom line would be for this train.

¹⁴ <https://calgaryherald.com/opinion/columnists/bell-calgary-mayor-gondek-irritated-danielle-smith-green-line>

¹⁵ <https://calgaryherald.com/opinion/columnists/bell-nenshi-unloads-smith-ucp-green-line>

¹⁶ <https://calgaryherald.com/opinion/columnists/bell-smith-ucp-no-more-dough-nenshi-nightmare-green-line>

...The smart money figures the cost overrun for just this first phase of the Green Line will have the word billion and not millions in the nasty number.

- u. In a July 9, 2024 article, the Premier questioned why the City approved this project without seriously considering the cost of the proposed downtown tunnels:¹⁷

“If they want to build a line that has not been well-designed, that is going to be massively over-budget they should really do a rethink about a better way to do it.”

Why is Smith not giving Gondek and the city more dough for the Green Line?

*Here’s the why not. “**Why did council approve a Green Line that doesn’t cost out the tunnel? That’s the most expensive part of this, it’s the most complicated part of it.**”*

- v. A July 26, 2024 email, from the ReThink the Green Line team, identified: [#3]

Why is the Green Line Board and Council so elusive about the Green Line numbers? What is Council afraid of? What don’t they want us to know?

The secretive, in-camera meetings, ongoing delays and excuses about the design and alignment changes confirm that citizens don’t honestly know what’s going on with the Green Line.

Could it be that there isn’t a business case for the Green Line, and perhaps there never was?

*...**How did the City expropriate 23 townhomes with no approved plan or budget? Facing the loss of their homes at below replacement costs to make way for the Green Line, Eau Claire homeowners objected to the land grab.***

- 4. When River Run families were forced out, the proposed Green Line was billions over budget, making any use of River Run highly uncertain. Shortly after River Run families were forced out, the City finally publicly disclosed the magnitude of the cost overruns, on July 30, 2024.
- 5. Also on July 30, 2024, the majority of Council voted in favour of trying to pursue a proposed new alignment, from Eau Claire to Lynnwood (*only 10 km, instead of the previously planned 20 km*), which the City estimated would cost \$6.248 billion.

There was no public need to take River Run

- 6. When Council voted to expropriate River Run, they had no idea whether River Run would be used for the Green Line and this uncertainty continued to exist when Council voted in

¹⁷ <https://calgaryherald.com/opinion/columnists/bell-gondek-smith-ucp-calgary-green-line>

favour of trying to pursue a proposed new alignment, on July 30, 2024. This proposed new alignment had no reasonable prospect of ever proceeding, considering:

- a. such new alignment would require new applications to the federal and provincial governments for approval;
 - b. the federal government required the City to first obtain provincial approval of a new business case to be prepared by the City before it would even consider a request for federal funding to be made available for a new alignment; and
 - c. the Province had been clear for years that it did not support the underground tunnels to Eau Claire, the actual cost of which were still unknown.
7. **Federal funding:** A July 25, 2024 federal government letter to the City confirmed that a new application was required: [#4]

In order for the Government of Canada to assess the proposed changes to the approved project scope, a comprehensive business case must be submitted to Housing, Infrastructure and Communities Canada (HICC) officials. It is our understanding that you will be providing this business case by August 15, 2024.

...It is important to note that the scope change needs to be aligned with the ICIP Terms and Conditions. As the ICIP is managed through the Province of Alberta, the business case should be submitted to HICC by the Province following their review and approval.

...Upon receipt of the provincially approved business case, HICC will assess the submission and will consult with the Federal Treasury Board Secretariat on the project scope change to determine if the Treasury Board must review and approve the changes. The initial assessment, based on the information provided to date, is that the scope change will require the approval of our Treasury Board.

8. **Provincial funding:** In a July 29, 2024 letter, the Province identified the terms it required for funding to be available for the proposed new alignment. The Province noted that it was required, under section 9 of the *Public Transit and Green Infrastructure Project Act*, to review the new business case being prepared by the City, regarding the proposed change in project scope, and then decide whether funding will be available for the new alignment. [#5]
9. Before the City even applied to the Province for approval, some Councillors continued to emphasize the risk of tunnelling downtown:
- a. Councillor McLean voted against trying to proceed with the proposed new alignment because the cost to tunnel downtown was still unknown.¹⁸

“My main concern is the tunnelling downtown,” McLean said. “It’s an unknown and costs could escalate.”

¹⁸ <https://calgaryherald.com/news/local-news/green-line-first-phase-smaller-cost-overruns>

- b. Councillor Sharp, who also voted against the proposed new alignment, stated:¹⁹

“...the project includes downtown tunnelling to create underground stations, posing significant risks that could cause irreparable damage.”

10. The Province immediately criticized the City’s proposed new alignment and identified its view that the City was reckless to have approved the Green Line without first competently estimating the cost of the project. On August 1, 2024, Devin Dreeshen, stated:²⁰

“Nenshi must have drawn up the Green Line budget with a green crayon.

There was no engineering. There was no proper planning to have a massive 46 km Green Line with that budget. It was ridiculous.”

...Dreeshen says Nenshi “dreaming up the Green Line and saying this is what it costs to build” was “wildly out of reality.”

11. In the same article, Councillor McLean identified that the cost overruns for the approved alignment, as well as the proposed new alignment, were tactically not disclosed until the last minute and he adds that he does not trust the new \$6.248 billion cost estimate as credible:

“They waited to the last minute of the last day before council breaks for six weeks in the middle of the dog days of summer to give out the numbers and the scope of the project.”

...So what about the \$6 billion-plus for the stub of a Green Line?

“In what world would I believe in that number?” asks the councillor.

12. In the same article, federal Member of Parliament for Calgary Nose Hill, Michelle Rempel Garner, had harsh comments regarding the City’s proposed new alignment:

The MP has been a huge backer of the Green Line but she says it’s time to “stop the bleeding.”

“I do not support giving an endless flow of tax dollars to an incompetent set of bumbler who cannot manage their way out of a paper bag.

If they want the federal government to spend more taxpayer dollars on their incompetence they need to have a moment of sobriety.”

...So what was Rempel Garner’s gut reaction when she heard about the shrinking Green Line and the expanding budget? “This is B.S.”

13. On August 15, 2024, the City provided its business case to the Province.

¹⁹ <https://www.calgary.ca/council/ward-1/ward-1-topics/green-line--building-the-core-councillor-sharp-s-thoughts.html>

²⁰ <https://calgaryherald.com/opinion/columnists/bell-premier-smith-train-boss-nenshi-green-line-train-wreck>

14. On September 3, 2024, the Province informed the City that it had reviewed the City's business case for the City's proposed new alignment and the Province does not approve: [#6]

Department staff have reviewed the new business case and scope in detail, and I have serious concerns with the major reduction in proposed benefits of the Green Line for Calgarians. For example, I note an approximate 40% reduction in the ridership while the total project cost has risen...

*...we have an obligation to ensure taxpayer dollars for infrastructure are allocated efficiently and in a manner that will benefit the largest amount of Albertans as possible. **The Green Line is fast becoming a multi-billion dollar boondoggle that will serve very few Calgarians. This is unacceptable and our Government is unable to support or provide funding for this revised Green Line Stage 1 scope as presented in the City's most recent business case.***

*We recognize your and the current council's efforts to try and salvage the untenable position you've been placed in by the former mayor and his utter **failure to competently oversee the planning, design and implementation of a cost-effective transit plan** that could have served hundreds of thousands of Calgarians in the city's southern and northern communities.*

...we have also been informed by the City that there may be legal exposure with respect to the proposed Eau Claire portion of the Green Line, which may have previously impacted alignment decisions.

15. In the above letter, the Province committed to engage an expert to consider alternatives for a downtown alignment and committed to provide an expert report in December 2024.
16. A September 11, 2024 article identified the Premier's concern that the City's plan for the Green Line could cost taxpayers \$20 billion, which could bankrupt the City:²¹

Smith called the Green Line "the incredible shrinking project," and that it needs a complete "rethink" to be more cost-effective.

***"It would cost \$20 billion to build that entire line at the per kilometre rate we're seeing now. That is the kind of project that could bankrupt a city,"** said Smith in Lloydminster, Sask.*

***"I think we just have to do it a different way."** ...Smith, like Dreeshen, said the province is opposed to tunnelling underground for downtown stops as per the latest city plans.*

17. On September 17, 2024, the majority of Council voted to wind down the entire Green Line project. [Note: Council voting to cancel the entire Green Line project only 15 weeks after

²¹ <https://www.ctvnews.ca/calgary/article/alberta-premier-smith-says-she-wants-calgary-green-line-to-proceed-as-first-pitched/>

forcing River Run families out of their homes, based on a claimed Green Line need, highlights how uncertain any potential Green Line use for River Run always was.]

18. On December 13, 2024, the Province provided an expert report, prepared by AECOM, to the City.²² Most of such report was made available to the public on December 18, 2024.²³
19. The AECOM report considered alternatives for the Green Line through downtown Calgary, including a 2nd Avenue SW station in Eau Claire. This report contains several drawings of a potential station in Eau Claire, without demolishing River Run, consistent with River Run families' understanding that River Run was not needed for the Green Line. [#7]
20. On December 16, 2024, Calgary's former Mayor highlighted the risk of major litigation by Harvard if the Green Line is not built to Eau Claire:²⁴

"...the most obvious question people should ask is, what happens to that very valuable piece of land at Eau Claire market?

...There's hundreds of millions of dollars at stake on that development that cannot go forward unless the Green Line is built to Eau Claire. You think the city and the province aren't going to get sued for at least nine figures? Of course, they are."

21. The former Mayor left office in 2021. As such, whatever secret commitments the City made to Harvard, that could 'most obviously' lead to lawsuit of "at least nine figures" if the train did not go to Eau Claire, appear to have been entered into in 2021 or earlier.
22. Also on December 16, 2024, Councillor Chabot identified to the media that commitments were made to a developer in Eau Claire, based on an assumption that the train would make it to Eau Claire, but provided no further details:²⁵

There may be contractual obligations related to the line stretching to new developments in Eau Claire, but Chabot couldn't say much.

"In previous agreements we went to Eau Claire and there were financial and contractual obligations associated with that," Chabot said. "Not going to Eau Claire ...I mean you can read between the lines."

23. On January 9, 2025, the River Run families committee wrote to their Councillor to highlight how the City was deliberately damaging the River Run homes: [#8]

The purpose of this email is to identify that the City has managed the River Run property in a manner that ensures our former homes will be demolished:

²² AECOM is a global infrastructure consulting firm focused on engineering, design, construction management and consulting for major projects.

²³ <https://open.alberta.ca/publications/calgary-green-line-alternative-alignments-assessment>

²⁴ <https://calgaryherald.com/opinion/columnists/braid-nenshi-says-new-green-line-plan-is-a-disaster-costing-as-much-as-a-tunnel>

²⁵ <https://calgaryherald.com/news/mayor-councillors-to-respond-to-provincial-green-line-plan>

- *Before the City needlessly forced us from our homes, the City encouraged owners to repurpose appliances and cabinets, which caused significant impact to our homes, which would not have occurred but for the City's conduct.*
- *The City failed to adequately secure our homes, resulting in our homes being broken into.*
- *The City has allowed film crews to use our former homes. For example, on July 18, 2024, the City allowed a car commercial to be filmed at River Run.*
- *The City allowed the fire department to conduct drills at River Run throughout the summer of 2024 and such drills have caused harm. For example, on July 29, 2024, several fire trucks and firefighters were on site at River Run conducting drills.*
- *The City has allowed the police department to conduct drills at River Run which have caused harm. For example, on January 8, 2024, police tactical training again occurred at River Run. Such training has included setting off concussion grenades inside our homes.*

*The City has caused our homes to be damaged to the point where plywood barriers now take the place of many windows and some doors. **The City's gradual destruction of our homes is consistent with the City wanting to ensure that River Run will never again be used as homes and, instead, our homes will be demolished in order to transform a private developer's multi tower project into a waterfront development.***

24. On January 15, 2025, the River Run families committee wrote to Council to again highlight that the City continues to refuse to discuss fair compensation: [#9]

The City team assigned to take our homes continues to act in an impractical, hostile manner:

- *On July 31, 2023, the City was ordered to pay our reasonable costs for the Inquiry. The City has yet to reimburse a single dollar for either the 2023 Inquiry or for the costs incurred, since 2020, to understand our rights in this situation.*
- *To decide what it would pay families, the City selected, engaged, instructed and paid an appraiser to prepare reports that do not consider the fact that this is an expropriation. The City has dishonestly referred to such reports as "independent" and has given the false impression that such reports consider the fact that this is an expropriation.*
- *The City has twice provided us with intentionally misleading information regarding the "highest and best use" of our property and the City has not provided any analysis regarding the cost of comparable replacement properties in our chosen community.*

- *In May 2024, using our own time, effort and cost, we provided a thoughtful analysis regarding fair compensation to try to get the City to finally discuss fair compensation. The City has refused to discuss or even comment on the detailed information provided.*
- *The City recently made a settlement proposal to just one River Run family. If the City wants to act fairly, the City will soon provide relatively similar proposals to all families.*
- *To try to intimidate us, the City is making the absurd, aggressive claim that River Run families owe the City money because we reasonably decided not to maintain a large reserve fund after the City confirmed, privately and publicly, that our homes will soon be destroyed.*

*We are 6 years into the City's process for taking our homes and the City still refuses to discuss fair compensation based on the reality that this is an expropriation. (The City will have discussions if it can isolate individual families and avoid fully considering expropriation principles.) **The City's refusal to discuss fair compensation should be a huge red flag for Council that the City's process is designed to make achieving a fair result as difficult, delayed and costly as possible.***

25. On January 16, 2025, the City's website identified that it would soon demolish River Run to "fulfill contractual obligations".²⁶ The City has not disclosed to River Run families when the City secretly committed to demolish their homes.
26. On January 23, 2025, the City started to demolish the River Run homes and, in several news stories, the City again admitted such demolition was to "fulfill contractual obligations".
27. A January 23, 2025 article identified that, prior to the demolition of River Run, the fire and police departments conducted more than 100 training exercises inside River Run, which included the use of explosives, resulting in noise complaints from a neighbouring property.²⁷

*Calgary police confirmed that members of its tactical team used the complex for "high-risk scenario" and "explosive" training exercises since residents vacated the property last May. The Calgary Fire Department also confirmed that crews used the complex **more than 100 times** for various training exercises.*

28. It was heart-wrenching for River Run families to see the City callously destroy their homes with grenades and other damaging conduct, especially when there was never a legitimate public need for the City to take and then demolish the River Run homes.
29. A January 27, 2025 River Run families committee' letter to Council stated: [#10]

²⁶ <https://www.calgary.ca/green-line/construction/current-construction/construction-article-engine/eau-claire-market-and-river-run-condos-demolitions.html>

²⁷ <https://www.cbc.ca/news/canada/calgary/calgary-Green-Line-lrt-eau-claire-river-run-demolition-1.7439502>

It has now come to light that the City is destroying our homes to “fulfill contractual obligations”. To set fair compensation, the Tribunal will need to understand the timing and other details of the City’s secret obligations to destroy our homes. As the former Mayor publicly acknowledged these obligations, it appears they were in place prior to his departure from office in 2021.

In 2023, the expropriation of our homes was subject to a public inquiry. The Province appointed an independent expert, an Inquiry Officer, to review all relevant information. It appears the City failed to disclose to the Inquiry Officer – and to River Run families – that the City had already contracted with a developer to destroy our homes.

30. On January 28, 2025, a two-alarm fire broke out at River Run. The City did not pause demolition in order for the cause of the fire to be thoroughly investigated. Instead, a day later, the City quickly continued to demolish River Run. Under the City’s management, River Run was unnecessarily vacant starting on June 1, 2024 and homeless individuals made use of these vacant, waterfront homes, which may have contributed to the fire.

River Run was taken to make Harvard’s project waterfront

31. Many River Run families understand that the City unnecessarily took and destroyed their homes based on a secret deal the City made with Harvard. Such belief is consistent with:
 - a. the former mayor’s statement that there are “*hundreds of millions of dollars at stake on [Harvard’s] development that cannot go forward unless the Green Line is built to Eau Claire. You think the city and the province aren’t going to get sued for at least nine figures? Of course, they are*”;
 - b. Councillor Chabot confirming the City entered into contractual obligations with a developer, based on a reckless assumption that the train would get to Eau Claire;
 - c. the Province’s September 3, 2024 letter identified that the City’s chosen alignment to Eau Claire was “*impacted*” by commitments the City had entered into; and
 - d. the City admitting that its demolition of River Run was not for transit and, instead, was done to fulfill contractual obligations.
32. There is a long history of the City and Harvard meeting behind closed doors to discuss redevelopment beside River Run, which may have involved the City committing to take and then integrate the River Run families’ private property into Harvard’s project:
 - a. October 4, 2015, Calgary Herald, “*Eau Claire redevelopment delayed ... again*”:²⁸

²⁸ <https://calgaryherald.com/business/local-business/eau-claire-redevelopment-delayed-again>

...the repeated delays now afford both parties an opportunity to more easily integrate a new LRT station at Eau Claire for the Green Line, now slated to be built by 2023.

- b. December 8, 2015, Calgary Herald, “*Eau Claire revitalization finds support; Council gives developer tentative OK to move forward with redevelopment*”:²⁹

A proposal to radically transform Eau Claire - described by one councillor as the “jewel” of Calgary’s river valley - inched forward at city hall on Monday... “Really what we are stuck with is, ‘Are these compromises worth it in order to get the redevelopment that everyone wants at that site?’” Nenshi said.

Ward 7 Coun. Druh Farrell said: “...We have an opportunity to complete the most important site along our river,” she added. “We’ve always considered this the jewel of our river valley as far as development is concerned.”

- c. In 2016 and 2017, the City’s Eau Claire Public Realm plan depicted the 2nd Avenue SW station as being constructed without destroying River Run. [#11]
- d. In May 2017, the City revealed the proposed 46 km Green Line would be split into phases and the first segment (then slated to open in 2026) would only be 20 km and would exceed the initial \$4.5 billion estimate for the entire line. Council approved this 20 km alignment in June.³⁰ Provincial funding was confirmed in July 2017.³¹
- e. Soon after such approval, a September 11, 2017 article notes that the Eau Claire development was again approved by Council:³²

Ten years after the city sold the Eau Claire site, council has approved a long-awaited plan to redevelop the area once seen as a jewel of the downtown core.

*Council gave the green light Monday to a multi-use redevelopment plan that will include five towers, 1,000 residential units, a hotel and an office building on the 2.1-million-square-foot site **along the Bow River**.*

- f. A September 12, 2017 article notes:³³

‘A real jewel’

²⁹ <https://harvard.ca/news/eau-claire-revitalization-finds-support-council-gives-developer-tentative-ok-to-move-forward-with-redevelopment>

³⁰ <https://calgaryherald.com/news/calgarys-green-line-lrt-future-to-be-decided-this-week>

³¹ [Alberta pledges \\$1.53B for Green Line LRT | CBC News](https://www.cbc.ca/news/canada/calgary/eau-claire-redevelopment-calgary-council-approval-1.4285080)

³² <https://calgaryherald.com/business/commercial-real-estate/get-this-party-started-city-backs-eau-claire-redevelopment-plans>

³³ <https://www.cbc.ca/news/canada/calgary/eau-claire-redevelopment-calgary-council-approval-1.4285080>

Nenshi said he's excited about the possibilities of a new development in the area" ...if we actually get built what is being promised, I think that will be a real jewel for the city right on the banks of the Bow River."

[Note: the only way Harvard's development could be "on the banks of the Bow River" would be if River Run was demolished.]

- g. In October 2017, there was an election, after which there was disagreement among Council members regarding the Green Line. In December 2017, the former general manager of transportation abruptly resigned (he later received a near half million-dollar settlement payment from the City) and the Green Line stalled:³⁴

...some members of council raised concerns that the flow of information from the Green Line team had "gone silent."

...In early 2019 Kenney, who had become leader of Alberta's United Conservative Party, blasted the city for cutting the Green Line in half, wondering why the Green Line he had funded when involved in federal government was not being built.

- h. An April 12, 2019, article notes:³⁵

Nearly two years after receiving the green light from city council for the most recent iteration of the plan – and more than a decade after construction was first expected to start – Regina-based Harvard Developments Inc. still has not broken ground on a proposed multi-use redevelopment plan for the high-profile site.

*Rosanne Hill Blaisdell, managing director and chief operating officer for Harvard Developments, said **the company is unable to move ahead until it knows what the city's plan is for a proposed CTrain station in Eau Claire, part of the Green Line**, which is expected to be complete in 2026.*

*The latest delay is the most recent twist in the long-running saga of Eau Claire's revitalization, which has been a topic of discussion in Calgary for decades. Advocates say **the area's proximity to the river, Prince's Island Park and the pathway system give it the potential to be the "crown jewel" of Calgary's downtown***

- i. On August 14, 2019, at the City's request, River Run families met with the City for a "Green Line update". At this meeting, the City did not provide an update and, instead, introduced a land agent, indicating that the City planned to take River Run.

³⁴ <https://calgaryherald.com/news/calgarys-green-line-lrt-future-to-be-decided-this-week>

³⁵ <https://calgaryherald.com/business/local-business/eau-claire-redevelopment-delayed-again>

- j. An October 16, 2019 article notes:³⁶

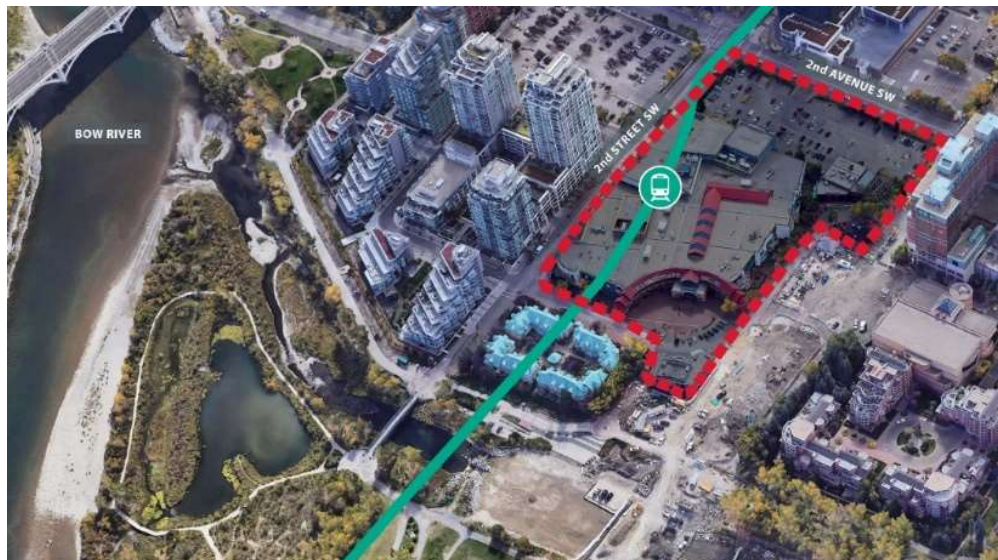
The city is in negotiations with a development company that purchased Eau Claire Market more than a decade ago with ambitious plans to redevelop the downtown site...

The negotiations are being carried out behind closed doors... Deputy city manager Brad Stevens offered few details about the city's proposed strategy when it comes to Eau Claire... "I can't comment on that because that's still part of the negotiation and the back and forth that's happening," said Stevens. "We are looking at various options and we think we're pretty close to something..."

- k. By December 2019, it appears the City and Harvard may have understood what was planned for the River Run homes, and the City and others were 'workshopping' how to publicly reveal the planned downtown alignment:³⁷

...By December 2019, a council committee agreed to a *delay on revealing route options for the Green Line through downtown to give officials time to workshop the project.*

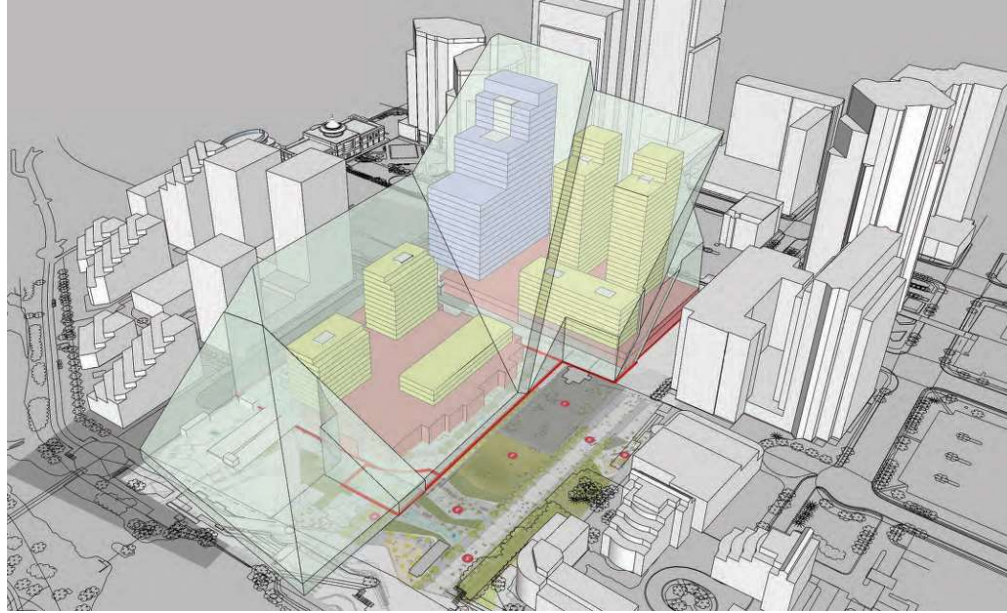
- l. In March 2020, the City started publicly depicting the Green Line train track running through River Run, north of a proposed 2nd Avenue SW station.
- m. On November 1, 2022, the City and Harvard started jointly depicting the redevelopment of Harvard's property and River Run, despite significant uncertainty regarding whether the Green Line train would ever make it to Eau Claire:³⁸



³⁶ <https://calgaryherald.com/news/local-news/with-redevelopment-in-limbo-city-in-negotiations-with-eau-claire-market-owner>

³⁷ <https://calgaryherald.com/news/calgarys-green-line-lrt-future-to-be-decided-this-week>

³⁸ <https://eauclairestation.ca/>



- n. A January 19, 2023 Harvard press release stated:³⁹

Harvard Developments has reached an agreement in principle with the City of Calgary for a portion of land within the Eau Claire Market area to house a future underground Green Line LRT station at 2 Avenue S.W.

...The next phase of Eau Claire's transformation includes revised planning applications which reflect the site's changing nature and accommodate the new station ...with anticipated approvals by mid-2023.

- o. On February 14, 2023, the City served its *Notice of Intention to Expropriate* on River Run families, only weeks after the City and Harvard announced their agreement, despite it being unknown whether the Green Line would ever get to Eau Claire. Until serving this Notice, the City had maintained that it had no intention to expropriate River Run (*and, as such, no obligation to respect River Run families' expropriation rights*). The Notice made vague references to potential future transit needs, as the claimed basis for expropriation, but no reference to Harvard's redevelopment.

The City prohibited itself from building north of the proposed 2nd Avenue station

33. It is not clear that the City had authority to enter secret obligations to demolish River Run (*at least not based on the claim that River Run was needed for the Green Line*) because, when Council approved the new Green Line alignment on June 17, 2020, it was subject to several conditions, including: [#12]

³⁹ <https://harvard.ca/news/harvard-developments-city-of-calgary-announce-agreement-for-new-green-line-station-at-eau-claire-market>

- a. Condition 2 directed that the project would be “stage gated” into three segments:

Segment 1: Shepard to Inglewood/Ramsay;

Segment 2A: Inglewood/Ramsay to 2 Avenue SW Station (Eau Claire); and

Segment 2B: North of 2 Avenue SW Station to 16 Avenue N.

- b. Under Condition 10, Council expressly directed City administration to:

not enter into a commitment to construct Segment 2B until Administration has determined that the construction of Segment 2A has sufficiently advanced to materially demonstrate that the Stage 1 cost estimate, including contingency, is ...within the Council approved Green Line Program budget.

34. Committing to demolish River Run, before it was established that the City could build from Shepard to the 2nd Avenue SW station with the available funding (*which never occurred*), may have breached Council’s own condition set out above:
- a. the City was directed to not enter into contracts for anything north of a 2nd Avenue SW station, and River Run was two blocks north of the start of such station;
 - b. the City claimed it may need River Run families’ private property for “*construction staging*” for the proposed station; however, no reasonable person would destroy someone else’s waterfront homes for “*construction staging*”, especially when empty parking lots were available closer to such proposed station;
 - c. the City claimed River Run may be used for “*tail tracks*”; however, such tracks, if ever built, could be on 2nd street, which was owned by the City; and
 - d. both the City’s Eau Claire Public Realm Plan and the AECOM report contemplated the construction of a 2nd Avenue station in Eau Claire without destroying River Run.

Uncertainty continues and the City still refuses to discuss fair compensation

35. On January 28, 2025, Council voted in favour of trying to proceed with a new Green Line alignment, as proposed by the Province, from downtown Calgary (*but not to Eau Claire*) to Shepard. Such alignment does not involve River Run.
36. To apply for provincial and federal funding for this new alignment, the City needed to prepare an updated federal *Investing in Canada Infrastructure Program* business case, to identify the cost and scope of the new alignment, and submit it to the Province.
37. On February 14, 2025, the City submitted its business case to the Province. If the Province approves of such business case it can apply to the federal government to decide whether the federal funds committed in 2015, for a different alignment, can be available for the new alignment. The deadline to apply to the federal government is March 31, 2025.

38. As of March 17, 2025:

- a. the City continues to refuse to discuss fair compensation with River Run families based on the reality that this is an expropriation;
 - b. former owners of 20 of 23 River Run homes have applied to the Tribunal to determine fair compensation; and
 - c. the City continues its “*deny, delay, depose*” strategy against River Run families to try to avoid paying fair compensation:
 - i. Deny: the City has denied families are entitled to fair expropriation compensation,
 - ii. Delay: the City continues to delay this situation as long as it can, and
 - iii. Depose: the City has caused families to now incur the time, effort and cost to apply to the Tribunal to try to receive fair compensation.
39. River Run families continue to be available if the City becomes willing to discuss fair compensation. Attached is a list of compensation items the City should finally be willing discuss. [#13]