

# Yellowhead Expropriation

RE: 2069482 Alberta LTD

Our File: 17-AC-2949A / YHT-029A

The City cannot take any steps in the expropriation process without approval from City Council. Although City Administration is recommending the commencement of the expropriation process, approval of commencement by City Council, this does not necessarily mean that your interest(s) will be subject to expropriation. At this stage, City Administration is only seeking approval to commence the expropriation process if necessary. In the meantime, the City would like to continue discussions of a voluntary acquisition of the subject lands.

If you would like further information regarding the expropriation process in Alberta, you can view the *Alberta Land Compensation Board* website at [www.landcompensation.gov.ab.ca](http://www.landcompensation.gov.ab.ca).

Should you have any questions, please contact the writer to discuss further.

Sincerely,

A handwritten signature in black ink, appearing to be 'SC', written in a cursive style.

**Shawn Caithness, AACI, P.App**  
Expropriation/Acquisition Coordinator, City of Edmonton

# Position

**We support the expropriation of our interests as that is the fair and reasonable thing to do.**

**At this point, expropriation should commence.**

**This decision should not be based on if the planning committee deems it to be “necessary.”**

# TIMELINE

2018: Property Purchased by the COE

November 2018: Emailed a presentation regarding timeline for construction including information that we would be contacted to discuss our options.

## Next Steps - Real Estate Branch

- **Avro Mazumder - Lease and Property Manager**
  - City's property manager for Yellowhead Trail
  - Will be contacting tenants immediately following this meeting.
- **Shawn Caithness - Property Sales and Acquisitions**
  - Will be contacting tenants by the end of the year to discuss lease agreement items.

Find out more by going to: [edmonton.ca/YellowheadTrail](https://edmonton.ca/YellowheadTrail)

**SHARE** YOUR VOICE  
**SHAPE** OUR CITY

**Edmonton**

**Is there a contact with the City regarding business impacts as they occur?**

This will be part of your discussions with Shawn Caithness. We confirmed that separate conversations with each tenant will begin in December, and the discussions will be based on

# TIMELINE

Feb 2019: We reached out to the COE since no one had reached out to us.



**Happy Hour** <happyhouryeg@gmail.com>

to Ryan 

Feb 24, 2019, 8:43 PM



Hello,

It's been several months and no one from the city of Edmonton City's Real Estate Branch has reached out to us to discuss our lease or options. Please have someone reach out to us as soon as possible.

They can reach me directly at 780-862-5998.

## Happy Hour Liquor

13-14220 YellowHead Trail NW

Edmonton, AB T5L-3C2

T: [780-862-5998](tel:780-862-5998) | M: [780-454-4001](tel:780-454-4001)

# TIMELINE

Dec 2019 - Jan 2021 (25 months): No one from the planning team reached out to discuss our future.

-We heard different variations of timelines for future plans every few months. No concrete or written answers.

April 2020: We requested to exercise our option for renewal.

-At this point we were still told there was a possibility that we would not have to move.



**Happy Hour** <happyhourzeg@gmail.com>

to Patti, Avro ▾

May 25, 2020, 2:52 PM



Hello,

Hope you had a wonderful weekend.

We've given this more thought and one of the conflicts we're having is based on the fact that as you mentioned there's a 50/50 percent chance that the construction will not require us to move. We don't feel confident in making a 5 year decision based on a 50% possibility, especially since the plan has changed so often.

Originally, vacating plans were December 2018, then December 2019, and then we heard that Dec 2020 or 2021 are possibilities. Even if the strip mall is not required to be empty, both Petro and **Mcdonald's** will be affected by the construction plans. Can you or the Planning Committee let us know when **McDonalds** and Petro be moving? Because even if we're not technically required to move, if those two businesses move there would be no benefits remaining for the location and we would be stuck paying a high rate that we would not be able to sustain.

So can we please confirm the final plan for Petro and **Mcdonalds**?

Thank you!

Ramneek



**Patti Ann Gannon** <pattiann.gannon@edmonton.ca>

to me ▾

Fri, May 29, 2020, 2:45 PM



Good afternoon Ramneek;

All things being equal, at 6 to 12 months prior to the end of the renewal term (late 2024, early 2025), we would commence discussions for a new lease agreement for a further term. That lease agreement could have additional renewal options. For example, in 2024, we could negotiate a lease for 2025-2030 with a renewal option for 2031 to 2036.

The renewal currently being negotiated is part of your existing lease and subject to the terms therein.



# TIMELINE

November 2020 - Petro Canada Closure

December 2020 - COE writes that they have no intention to acquire any of our leasehold for Yellowhead Project but willing to negotiate for earlier vacancy.

January 2021: Written confirmation from COE that access to Yellowhead Centre will not be possible for remainder of lease - asking for a proposal with a vacancy no later than August 31, 2022.

# TIMELINE

February 2021: Mcdonald's closure

March/April: Construction in plaza

June (current): Construction severely obstructing business.

Closure of 142 st access/lights and exit by other tenants:  
Est August 2021 - further business impact expected.

We still have 47 months or 3 years and 11 months remaining.



## Cont..

Overall in the last 3 years the planning committee failed to pass on correct and reasonably expected information to us or our key points of contact, our Leasing Agent and Property Manager.

No one was willing to provide us answers in writing and no clear information was provided which has made it very difficult to make business decisions over the last few years.

Even information regarding the confirmed exit of Mcdonalds and Petro were not given to us even though we asked frequently for this information. Any information we got was from other tenants, construction workers, other business staff or public presentations.

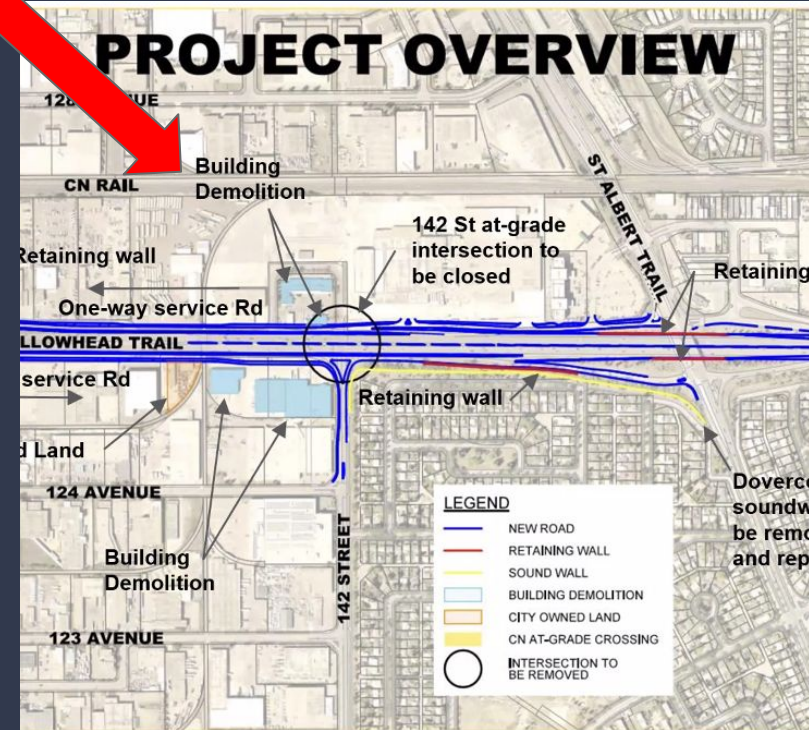
# Facts

-Yellowhead Centre causes conflict for Yellowhead Expansion and future/continued access if not possible.

142 st/143 st are required to be closed.

There are plans for the Yellowhead Centre to be demolished in early 2022.

Loss of anchor tenants and construction have reduced business sales, safety and accessibility.



# What are we waiting for?

Does expropriation only become “necessary” when the bulldozers arrive on site?

We are at the complete mercy of planning team. We could make a proposal and have every item rejected because we have no legal rights to back us up.

If an agreement cannot be reached, we will be stranded.

We have lived for 3 years with uncertainty and now would like this to change.

# Example – Request to review Rent due to Construction

## DAYS WITH SALES UNDER \$1000

BETWEEN Feb 15 - June 15

2019: 35 days

2020: 32 days

**2021: 59+ days**

## JUNE 1-25

2019: 7 days

2020: 3 days

**2021: 19 days**  
**=76% of days**



**Happy Hour** <happyhouryeg@gmail.com>

to Avro ▾

✓ Tue, Jun 15, 12:56 PM (10 days ago)



Hello,

Just wanted to get in touch about this, is there anything that we can do to get an extension on payment or have rent waived/relief granted for at least the construction periods.

After Mcdonalds left and the Petro construction started sales have dropped sharply. We are working hard to give the city a proposal for us moving from the space but know it will take some time yet. Is the city eligible for any landlord reliefs? At the very least we would like to request an extension of at least 30 days on any funds owed. In addition, looks like there are 2 invoices for rent for the month of June instead of 1.

**Avro P Mazumder**

to Shawn, me ▾

Tue, Jun 15, 2:37 PM (10 days ago)



Hi Ramneek,

We (Property Management) are unable to waive any rent and we will have to follow what the lease agreement says.

I am forwarding your business loss concern and rent reduction/wave request to the project team for review. We will get back to you by next week.





**Avro P Mazumder**

Mon, Jun 21, 8:11 AM (4 days ago)



ision 1.0

to me ▾

Good morning Ramneek,

We (Property Management and Project Team) are unable to accept your request for a rent reduction but if you require some time to clear the arrears we can chat about it and work on a timeline.

Thank you.

Regards,



**Avro P. Mazumder, B. Mgt**

Property Manager II (Public/Commercial)



**Avro P Mazumder**

Jun 21, 2021, 2:52 PM (4 days ago)



to Shawn, me ▾

Hi Ramneek,

Without any backup documents and comparable financial statements showing the business losses, it is not possible for us to review or consider your request. We strongly suggest you go by the lease agreement and make regular payments till you put together all the backup documents for us to review. Also please note, any help with your rent wave or reduction is not guaranteed even after you submit any claims/documents.

Thank you.

Regards,

# Cont..

Problem: We are left completely at the hands of the Planning Teams discretion without access to our full legal rights.

“Please note, any help with your rent wave or reduction is not guaranteed even after you submit any claims/documents.”

Expropriation Laws were put into place by this country and province for this **EXACT SITUATION.**

# Solution

We are not just an address, or lot block and plan number. We are a real family that depends on this business, we live, commute, play in and contribute to the City of Edmonton. Small business matters.

Expropriate our interests so that we have access to our full and legal rights - as is fair and reasonable to expect at this point.

**Thank you.**