

THE REGIONAL MUNICIPALITY OF PEEL

BY-LAW NUMBER 38-2018

A by-law concerning the expropriation of land, being Part of Lot 1, Concession 4, Town of Caledon (formerly Township of Albion), Regional Municipality of Peel, as in Instrument Number RO902724 being All of PIN 14349-0027 (LT).

WHEREAS, The Regional Municipality of Peel (the "Regional Corporation") needs to acquire the lands described in Schedule "A" hereto for the purposes of the widening of Mayfield Road from Airport Road to Coleraine Drive and the construction of a 600mm watermain within the Mayfield Road right of way and all works ancillary thereto;

AND WHEREAS, Section 6 of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended ("*Municipal Act, 2001*") confers on the Regional Corporation the power to expropriate land;

AND WHEREAS, Section 11 of the *Municipal Act, 2001* confers on the Regional Corporation jurisdiction in respect of highways and public utilities;

AND WHEREAS, the Council of the Regional Corporation has by resolution passed on June 28, 2018 authorized the commencement of procedures to expropriate land;

NOW THEREFORE, the Council of the Regional Corporation enacts as follows:

1. That Application for Approval to Expropriate Land in the form attached hereto as Schedule "A" under section 4 of the *Expropriations Act*, R.S.O. 1990, c. E.26, as amended, be made to the Council of the Regional Corporation in respect of the parcel of land as described in Schedule "A" to this by-law and that it be executed on behalf of the Regional Corporation by the Regional Clerk and the corporate seal be affixed thereto.
2. That a Notice of Application for Approval to Expropriate Land in the form attached hereto as Schedule "B" be executed on behalf of the Regional Corporation by the Regional Clerk and the corporate seal be affixed thereto and that the Notice be served upon each registered owner of the parcel of land to which it relates and be published once a week for three consecutive weeks in a newspaper having general circulation in the Town of Caledon, in accordance with section 6 of the *Expropriations Act*.

3. That the purpose of the expropriation of the lands described in Schedule "A" is for the widening of Mayfield Road from Airport Road to Coleraine Drive and the construction of a 600mm watermain within the Mayfield Road right of way and works ancillary thereto.
4. That, if there is no inquiry (Hearing of Necessity) held in accordance with the *Expropriations Act*, Section 5 shall be effective on the later of the day after the last date to request an inquiry in accordance with the *Expropriations Act*, or the date on which a withdrawal of a request for an inquiry, if any, is filed. If an inquiry is held in accordance with the *Expropriations Act*, Section 5 shall not take effect.
5. If this Section 5 is effective in accordance with Section 4, the expropriation of the land described in Schedule "A" to this by-law is hereby approved and such approval is given on the date this Section 5 is effective, and the following steps are authorized to be taken with respect to the expropriation:
 - i) That the Regional Clerk is hereby authorized and directed to sign and execute on behalf of the Council of the Regional Corporation and affix the corporate seal to a Certificate of Approval, in the form attached hereto as Schedule "C", and to execute all other notices and documents which are necessary to carry out the provisions of this by-law;
 - ii) That a plan of expropriation be prepared and registered in the proper land registry office;
 - iii) That a Notice of Expropriation be served upon the registered owners, together with a Notice of Election form as to the date of the assessment and compensation and a Notice of Possession as to the date the expropriating authority requires possession of the expropriated lands which shall be at least three months after the date of service, all in accordance with the *Expropriations Act*;
 - iv) That an appraisal report be obtained in respect of the market value of the expropriated lands and, if applicable, damages for injurious affection and other compensation;
 - v) That an offer of full compensation and an offer for immediate payment of 100 per cent of the market value of the expropriated lands as estimated by the expropriating authority be served, together with a copy of the appraisal report, all in accordance with section 25 of the *Expropriations Act*;
 - vi) That compensation be paid to the owner(s) following the acceptance of the offer made pursuant to section 25 of the *Expropriations Act*;

- vii) That all necessary steps be taken to obtain possession of the expropriated lands.
- 6. The invalidity or unenforceability of any provision of this by-law shall not affect the validity or enforceability of any other provision of this by-law, which shall remain in full force and effect.

READ THREE TIMES AND PASSED IN OPEN COUNCIL this 28th day of June, 2018.

K. Lockyer
Regional Clerk

F. Dale
Regional Chair

Expropriations Act

**APPLICATION FOR APPROVAL TO
EXPROPRIATE LAND**

To: The Council of The Regional Municipality of Peel

10 Peel Centre Drive
Brampton, Ontario
L6T 4B9

IN THE MATTER OF the proposed expropriation of land by

The Regional Municipality of Peel

being:

Part of Lot 1, Concession 4, Town of Caledon (formerly Township of Albion), Regional Municipality of Peel, as in Instrument Number RO902724 being All of PIN 14349-0027 (LT)

Located on the northeast corner of Mayfield Road and The Gore Road, in the Town of Caledon.

For the purposes of the widening of Mayfield Road from Airport Road to Coleraine Drive and the construction of a 600mm watermain within the Mayfield Road right of way and for works ancillary thereto.

APPLICATION IS HEREBY MADE for approval to expropriate the land described as follows:

Fee Simple

All right, title and interest (fee simple) in the lands described as Part of Lot 1, Concession 4, Town of Caledon (formerly Township of Albion), Regional Municipality of Peel, as in Instrument Number RO902724 being All of PIN 14349-0027 (LT).

Dated at Brampton this day of , 2018.

The Regional Municipality of Peel

Kathryn Lockyer, Regional Clerk

Expropriations Act

**NOTICE OF APPLICATION FOR APPROVAL
TO EXPROPRIATE LAND**

IN THE MATTER OF AN APPLICATION BY

The Regional Municipality of Peel

for approval to expropriate land being:

Part of Lot 1, Concession 4, Town of Caledon (formerly Township of Albion), Regional Municipality of Peel, as in Instrument Number RO902724 being All of PIN 14349-0027 (LT)

Located on the northeast corner of Mayfield Road and The Gore Road, in the Town of Caledon.

For the purposes of the widening of Mayfield Road from Airport Road to Coleraine Drive and the construction of a 600mm watermain within the Mayfield Road right of way and for works ancillary thereto.

NOTICE IS HEREBY GIVEN that application has been made for approval to expropriate the land described as follows:

Fee Simple

All right, title and interest (fee simple) in the lands described as Part of Lot 1, Concession 4, Town of Caledon (formerly Township of Albion), Regional Municipality of Peel, as in Instrument Number RO902724 being All of PIN 14349-0027 (LT).

Any owner of land in respect of which notice is given who desires a hearing into whether the taking of such land is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority shall so notify the approving authority in writing,

- (a) in the case of a registered owner, served personally or by registered mail within thirty days after the registered owner is served with the notice, or, when the registered owner is served by publication, within thirty days after the first publication of the notice;
- (b) in the case of an owner who is not a registered owner, within thirty days after the first publication of the notice.

The approving authority is:

The Council of The Regional Municipality of Peel
10 Peel Centre Drive
Brampton, Ontario
L6T 4B9

The Regional Municipality of Peel

Kathryn Lockyer, Regional Clerk

CERTIFICATE OF APPROVAL

Expropriations Act

IN THE MATTER OF an application by

The Regional Municipality of Peel

for approval to expropriate land being:

Part of Lot 1, Concession 4, Town of Caledon (formerly Township of Albion), Regional Municipality of Peel, as in Instrument Number RO902724 being All of PIN 14349-0027 (LT)

Located on the northeast corner of Mayfield Road and The Gore Road, in the Town of Caledon.

For the purposes of the widening of Mayfield Road from Airport Road to Coleraine Drive and the construction of a 600mm watermain within the Mayfield Road right of way and for works ancillary thereto.

The Council of the Regional Municipality of Peel hereby certifies that approval was given to The Regional Municipality of Peel on the ____ day of _____, 2018 to expropriate the following lands:

Fee Simple

All right, title and interest (fee simple) in the lands described as Part of Lot 1, Concession 4, Town of Caledon (formerly Township of Albion), Regional Municipality of Peel, as in Instrument Number RO902724 being All of PIN 14349-0027 (LT).

being the lands described in the application.

Dated at Brampton this ____ day of _____, 2018.

The Council of the Regional Municipality of Peel

Kathryn Lockyer, Regional Clerk