

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 069-2022

A By-law to authorize the Mayor and City Clerk to execute an Application to Expropriate certain lands.

WHEREAS The Corporation of the City of Vaughan deems it necessary to expropriate lands situate in the City of Vaughan, Regional Municipality of York, being comprised of property interests of four (4) parcels of land as set out in Attachment 1 to this By-law (the “Lands”), required to facilitate the Kirby Road extension from Dufferin Street to Bathurst Street (the “Project”);

AND WHEREAS Section 6 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, confers on municipalities the power to expropriate land in accordance with the *Expropriations Act*, R.S.O. 1990, c. E.26, as amended (the “Act”);

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. THAT Council authorizes an Application for Approval to Expropriate the Lands for the Project.
2. THAT for the purposes of this Application, the Mayor and City Clerk be authorized to take all necessary action required under the Act, including the execution, publication, and service of Notice of Application for Approval to Expropriate Land, with the assistance of City staff.
3. THAT the City Clerk be authorized to forward to the Ontario Land Tribunal (the “OLT”) any requests for an inquiry (Hearing of Necessity) that are received, and Legal Services and City staff be directed to represent the City, as necessary, at any such Hearing of Necessity or proceeding held under the Act.
4. THAT staff report back to Council in the event a report is received from the OLT pursuant to any Hearing of Necessity held under the Act.
5. THAT Council, as approving authority, approve the expropriation of the Lands where no Hearing of Necessity is requested, or such request is withdrawn in accordance with the Act. Council approval is deemed given 31 days following

service of the Notice of Application for Approval to Expropriate Land where no Hearing of Necessity is requested in accordance with the Act.

6. THAT where approval to expropriate the Lands is given, the following steps are authorized to be taken with respect to the expropriation:
 - a) The appropriate Certificate of Approval and Expropriation by-law(s) relating to the expropriation of the Lands be enacted by Council;
 - b) The City Clerk be authorized and directed to execute the appropriate Certificate of Approval and Expropriation by-law(s) together with any and all related documents and plans relating to the expropriation of the Lands and to serve any document or notice required under the Act;
 - c) A plan of expropriation be prepared and registered in the property land registry office in accordance with the Act;
 - d) A Notice of Expropriation be served upon the registered owners together with a Notice of Election as to the date of the assessment and compensation and a Notice of Possession as to the date the City requires possession of the Lands which shall be at least three months after the date of service of the Notice of Possession, all in accordance with the Act;
 - e) An appraisal report be obtained in respect of the market value of the Lands and, if applicable, damages for injurious affection and other compensation, all in accordance with the Act; and
 - f) All necessary steps be taken to obtain possession of the Lands.
7. THAT staff be directed to apply to the OLT, as necessary, to seek an order authorizing the City to enter on the Lands for the purpose of viewing for appraisal where the consent of the owners is not given, all in accordance with subsection 10(3) of the Act.
8. THAT staff report back to Council if an amicable transaction is negotiated with the owners prior to an expropriation plan being registered.

Enacted by City of Vaughan Council this 26^h day of April, 2022.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

Authorized by Item No. 4 of Report No. 20
of the Committee of the Whole (Closed Session)
Adopted by Vaughan City Council on
April 26, 2022.

Property Schedule
Expropriation of Land
Kirby Road Extension from Dufferin Street to Bathurst Street
City of Vaughan

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Lucia Milani	11641 Dufferin Street	Parts 3 and 6, Draft R-Plan 21-18-139-00W	Fee Simple
			Parts 1, 2, 4 and 5, Draft R-Plan 21-18-139-00W	Temporary Easement
2.	Rizmi Holdings Limited	11333 Dufferin Street	Parts 11, 12, 15 and 16, Draft R-Plan 21-18-139-00W	Fee Simple
			Parts 9, 10, 13 and 14, Draft R-Plan 21-18-139-00W	Temporary Easement
3.	Lucia Milani	11490 Bathurst Street	Parts 1, 2, 5, 8, 11 and 14, Draft R-Plan 21-18-139-00E	Fee Simple
			Parts 3, 4, 6, 7, 9, 10, 12, 13, 15 and 16, Draft T-Plan 21-18-139-00E	Temporary Easement
4.	Lucia Milani	Not applicable	Parts 21, 24 and 27, Draft R-Plan 21-18-139-00E	Fee Simple
			Parts 19, 20, 22, 23, 25 and 26, Draft R-Plan 21-18-139-00E	Temporary Easement