

Committee of the Whole (2) Report

DATE: Tuesday, April 21, 2020

WARD(S): 4

**TITLE: PROPERTY MATTER
COMMENCEMENT OF EXPROPRIATION
FORMER EDGELEY HALL LANDS**

FROM:

Nick Spensieri, Deputy City Manager, Infrastructure Development
Wendy Law, Deputy City Manager, Administrative Services and City Solicitor
Bill Kiru, Acting Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

Council approval is required to file an application to expropriate a fee simple property interest in land on which the former Edgeley Community Hall stood (the “**Edgeley Hall Lands**”). The City is currently the owner of the adjacent lands known as the Edgeley Pond and Park, and the Edgeley Hall Lands are required for the Edgeley Pond and Park.

Report Highlights

- Commencement of expropriation of the Edgeley Hall Lands is required to secure the property that is required for part of the future Edgeley Pond and Park.

Recommendations

1. THAT Council authorize an Application for Approval to Expropriate the lands set out in Attachment 1, for the construction of the Edgeley Pond and Park, in the City of Vaughan within the Vaughan Metropolitan Centre.

2. THAT for the purposes of this Application, the Mayor and Clerk be authorized to take any and all necessary actions and proceedings required by the Expropriations Act (the “**Act**”), including the execution, publication and service of Notices of Application for Approval to Expropriate Land (the “**Notice**”), with the assistance of Legal Services.
3. THAT the Clerk be authorized to forward to the Chief Inquiry Officer for Ontario any requests for an inquiry that are received, and Legal Services be directed to represent the City, as necessary, at any such Inquiry (Hearing of Necessity) or proceeding held under the Act.
4. THAT staff report back to Council in the event a report is received from an Inquiry Officer pursuant any Hearing of Necessity held under the Act.
5. THAT Council, as approving authority, approve the expropriation of the lands set out in Attachment 1 where no Hearing of Necessity is requested, or such request is withdrawn in accordance with the Act. Council approval is deemed to be given 31 days following the first publication of the Notice where no Hearing of Necessity is requested in accordance with the Act.
6. THAT Where approval to expropriate the lands set out in Attachment 1 is given, the following steps are authorized to be taken with respect to the expropriation:
 - a. The Clerk be authorized and directed to sign and execute on behalf of the City a Certificate of Approval and to execute and serve any document or notice required under the Act;
 - b. That a plan of expropriation be prepared and registered in the proper land registry office in accordance with the Act;
 - c. That a Notice of Expropriation be served 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 expropriating authority requires possession of the expropriated lands which shall be at least three months after the date of service of the Notice of Possession, all in accordance with the Act;
 - d. 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, all in accordance with the Act;
 - e. 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 Act;

- f. That compensation be paid to the owner(s) of the expropriated lands following the acceptance of the offer made pursuant to section 25 of the Act; and
 - g. That all necessary steps be taken to obtain possession of the expropriated lands.
7. THAT where approval to expropriate the lands set out in Attachment 1 is given, Council authorize the introduction of the necessary bylaw(s) to give effect to these recommendations.

Background

The City is the registered owner of the Edgeley Pond and Park lands, located in the Vaughan Metropolitan Centre on Jane Street. Adjacent to the Edgeley Pond and Park lands are the Edgeley Hall Lands, a small parcel on which the Edgeley Hall once stood. A map showing the approximate locations of the Edgeley Hall Lands and the Edgeley Pond and Park lands is attached as Attachment 2.

Edgeley Hall was originally built in 1877 in the Village of Edgeley. It was used by a range of community groups and was managed by trustees elected for that purpose. Edgeley Hall was moved three times owing to disputes within the community and inability to obtain a grant of land. It was moved to its final location in 1917 and three trustees on behalf of the Edgeley Hall received a grant of land in 1928 from Carson Smith, a farmer who owned land on the east side of Jane Street.

The three trustees of the Edgeley Hall died between 1934 and 1949. In 1965, part of the land on which Edgeley Hall stood was expropriated for the widening of Jane Street and Edgeley Hall was demolished. Since 1965, the Edgeley Hall Lands have been vacant and have been treated as part of the adjacent Edgeley Pond and Park lands.

The City's vision for the Edgeley Pond and Park includes utilising the Edgeley Hall Lands. A presentation made by the City at a stakeholder meeting for the Edgeley Pond and Park on September 28, 2017 shows the Edgeley Hall Lands being used as an access point to the Edgeley Pond and Park. Slide 10 from the presentation is attached as Attachment 3.

In or around 2016, the City discovered that it was not the owner of the Edgeley Hall Lands. Since that time, the City has pursued ownership to the Edgeley Hall Lands by

attempting a tax sale of the Edgeley Hall Lands, researching genealogical descendants of the registered owners and requesting an order from the Office of the Public Guardian and Trustee to transfer the Edgeley Hall Lands to the City, all without success.

In addition to the requirement of Edgeley Hall Lands for the development of the Edgeley Pond and Park, a condominium development is currently under construction north of the Edgeley Hall Lands and a condition of approval of said condominium development requires the owner to enter into a Limiting Distance Agreement with the City, the adjacent owner to the south, to comply with requirements under the *Building Code*. The required agreement cannot be entered into with respect to the Edgeley Hall Lands until ownership has been established.

Previous Reports/Authority

Not applicable.

Analysis and Options

The Edgeley Hall Lands are part of the City's current plans for the Edgeley Pond and Park vision, which includes the development of the park itself and retrofitting the existing pond. Obtaining title to the Edgeley Hall Lands is necessary for these uses. City staff have exhausted all avenues available to them to acquire the Edgeley Hall Lands without resorting to an expropriation process. Expropriating the Edgeley Hall Lands will ensure that the City obtains title to the Edgeley Hall Lands for the Edgeley Pond and Park as envisioned.

Expropriating in a timely manner will also ensure that any ORDERS that may have been issued by the Building Standards Department in regard to spatial separation and these adjacent lands can be rescinded by the Chief Building Official.

In the event that a confirmable owner of the Edgeley Hall Lands responds to the requisite newspaper publications, staff will commence negotiations and discussions throughout the expropriation process.

Approval by Council is required at three stages in the expropriation process in accordance with the Act, which include: (1) authorization of an application for approval to expropriate lands; (2) approval of the expropriation itself; and, (3) approval of the offer of compensation made to the expropriated owner of the lands.

In effort to ensure possession of the lands in a timely manner, the first, the second and third steps in the Council approval process have been combined for purposes of this

report.

Financial Impact

The funding required to complete the land acquisition that is the subject of this report is included in an approved capital project (DE-7114-16) funded by City wide Development Charges.

Under section 25 of the Act, the City is obligated to serve offers of compensation upon expropriated owners within three months of the registration of the expropriation plan. Market value for the Edgeley Hall Lands has been appraised at \$45,000. Injurious affection, disturbance damages and business loss are unknown and uncertain, and claims in this manner, should they arise, will be the subject of a future report to Council.

Broader Regional Impacts/Considerations

Not applicable.

Conclusion

Authorising expropriation will allow the City to obtain title to the Edgeley Hall Lands, which is required as part of the City's plan for the development of the Edgeley Pond Park and retrofitting of the existing pond, and required at this time to meet the condition of approval for the condominium development north of the Edgeley Hall Lands.

Staff recommend that Council approve the recommendations outlined in this report.

For more information, please contact Colin Lyon, Legal Counsel, extension 8829 or Finuzza Mongiovi, Legal Counsel, extension 8047.

Attachments

1. Legal description of Edgeley Hall Lands.
2. Approximate map of Edgeley Hall Lands.
3. Presentation slide showing Edgeley Pond and Park.

Prepared by

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