

Expropriations Act

**DECISION AND REASONS
FOR APPROVAL TO EXPROPRIATE LAND**

To: **Badial Brothers Inc.**
c/o Shane Rayman, Rayman Beitchman LLP
250 Yonge Street, Suite 2200
Toronto, Ontario M5B 2L7
Landowners

And To: **Douglas Colbourne**
1402-39 Old Mill Rd.
Toronto, ON M8X 1G6
Inquiry Officer

IN THE MATTER OF an application by The Regional Municipality of York for approval to expropriate land, being:

- (a) a fee simple interest in the lands described as Part of the West ½ of Lot 16, Concession 9, in the City of Vaughan in The Regional Municipality of York, designated as **Part 1 on Plan 65R-36155 and also designated as Part 1 on Plan 65R-37455**; and
- (b) a fee simple interest in the lands described as Part of the West ½ of Lot 16, Concession 9, as stopped up and closed by By-Law No. R-1425-2005-083 as in Instrument No. YR732996, in the City of Vaughan in The Regional Municipality of York, designated as **Part 2 on Plan 65R-36155 and also designated as Part 2 on Plan 65R-37455 (being PIN 03320-0207)**;

for the purposes of the construction of the West Vaughan Sewage Servicing Project.

AND IN THE MATTER OF a Hearing of Necessity having been conducted on Wednesday, October 30, 2019, at 10 a.m., at Board Room #10030, in the offices of The Regional Municipality of York, 145 Harry Walker Parkway North, Newmarket, Ontario.

AND IN THE MATTER OF a Report of Inquiry Officer Douglas Colbourne, issued on December 9, 2019.

The Council of The Regional Municipality of York has received the Report of the Inquiry Officer and has considered the Report, including the findings and opinions therein.

The Council of The Regional Municipality of York has **granted** to The Regional Municipality of York, on February 27, 2020, **approval to expropriate** the following lands:

- (i). a fee simple interest in the lands described as Part of the West ½ of Lot 16, Concession 9, in the City of Vaughan in The Regional Municipality of York, designated as **Part 1 on Plan 65R-36155 and also designated as Part 1 on Plan 65R-37455**; and
- (ii). a fee simple interest in the lands described as Part of the West ½ of Lot 16, Concession 9, as stopped up and closed by By-Law No. R-1425-2005-083 as in Instrument No. YR732996, in the City of Vaughan in The Regional Municipality of York, designated as **Part 2 on Plan 65R-36155 and also designated as Part 2 on Plan 65R-37455 (being PIN 03320-0207)**;

The Council of The Regional Municipality of York approved the expropriation of the lands described in the application for the following reasons:

1. The objective of The Regional Municipality of York is to address the need for sewage servicing in the Vaughan area.
2. Sustainable and cost effective sewage infrastructure improvement/expansion (West Vaughan Sewage Servicing Project) is necessary to accommodate the approved population growth to the year 2031 and the projected population growth to the year 2051.
3. The Regional Municipality of York's project will:
 - Allow approved residential and employment growth and the associated benefits therefrom; and
 - Improve and provide basic/required/expected municipal servicing to area residents.

The lands described herein are required for the construction of the West Vaughan Sewage Servicing Project and works ancillary thereto.

The Report of the Inquiry Officer contains the finding that the proposed taking of the lands described in the application is reasonably defensible in the achievement of The Regional Municipality of York's objective of the West Vaughan Sewage System.

To date, the attempts by The Regional Municipality of York to acquire the required property interests by means of amicable negotiations with the owners of the lands described herein have been unsuccessful.

Further delay with respect to the acquisition of the required lands will adversely affect the construction schedule for the undertaking and prolong and intensify deficiencies relating to existing and future sewer servicing capacity.

DATED at Newmarket this day of , 2020.

Authorized by item ____ of the
Committee of the Whole
dated _____, adopted
by Council on February 27, 2020

The Council of The Regional Municipality of York

Wayne Emmerson, Regional Chair

Christopher Raynor, Regional Clerk

APPROVED

David Berney, Solicitor