

THE REGIONAL MUNICIPALITY OF YORK

BYLAW NO. 2023-49

To acquire certain lands for or in connection with the
Tuclor Lane Sanitary Trunk Sewer Rehabilitation Project, City of Markham

WHEREAS the Council of The Regional Municipality of York on May 18, 2023, by its adoption of Item J.2.12 of the Committee of the Whole dated May 4, 2023, approved the expropriation of the lands therein referred to for or in connection with the Tuclor Lane Sanitary Trunk Sewer Rehabilitation Project, in the City of Markham, provided that there were no requests for a hearing of necessity;

AND WHEREAS a Notice of Application for Approval to Expropriate Land has been served upon the registered owners of the lands and has been published pursuant to the provisions of the *Expropriations Act*, R.S.O. 1990, c. E.26, as amended (the “**Act**”);

AND WHEREAS no notification of a desire for a hearing has been received and the time for giving such notification has expired.

NOW THEREFORE, the Council of The Regional Municipality of York hereby enacts as follows:

1. The expropriation of the lands referred to in Section 2 is hereby approved and the Regional Chair and Regional Clerk are authorized to execute any required documents in accordance with the Act.
2. The lands described and designated as follows:

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Mary Pilling, John Cattanach, Margaret Mumford as Estate Trustees with a Will for the Estate of John Lachlan Cattanach	4 Savannah Crescent Markham	Parts 1, 2, 3 & 4, Plan 65R-40396 (Plan No 23-043-00-01)	Temporary Easement (1647.7 sq. m.)

No.	Owner	Municipal Address	Legal Description	Interest Required
2.	Osmond Remedios and Maria Remedios	6127 Highway 7 Markham	Parts 2 & 4, Plan 65R-40395 (Plan No 23-043-00-02)	Permanent Easement (777 sq. m.)
			Parts 1 & 3, Plan 65R-40395 (Plan No 23-043-00-02)	Temporary Easement (529.9 sq. m.)
3.	Trustees of the St Andrews Congregation of the United Church of Canada	6181 Highway 7 Markham	Parts 9 & 10, Plan 65R-40395 (Plan No 23-043-00-02)	Permanent Easement (1137.4 sq. m.)
			Parts 8 & 11, Plan 65R-40395 (Plan No 23-043-00-02)	Temporary Easement (139.2 sq. m.)
4.	Antonietta Ceniti	28 Rougecrest Drive Markham	Parts 13 & 15, Plan 65R-40395 (Plan No 23-043-00-02)	Permanent Easement (130.3 sq.m.)
			Parts 12 & 14, Plan 65R-40395 (Plan No 23-043-00-02)	Temporary Easement (163.3 sq.m.)
5.	Sancia Pinto-Rajathurai and Priyaraj Rajathurai	25 Christman Court Markham	Parts 20 & 22, Plan 65R-40395 (Plan No 23-043-00-02)	Temporary Easement (276.8 sq.m.)
6.	Leonard and Jennifer Churchill	27 Christman Court Markham	Part 19, Plan 65R-40395 (Plan No 23-043-00-02)	Temporary Easement (632.3 sq.m.)

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7.	Jennifer Hunter and Derek McMillan	29 Christman Court Markham	Parts 17 & 18, Plan 65R-40395 (Plan No 23-043-00-02)	Temporary Easement (755.7 sq.m.)
8.	Heather Chalmers and Allan Seychuk	31 Christman Court Markham	Part 16, Plan 65R-40395 (Plan No 23-043-00-02)	Temporary Easement (223.9 sq.m.)

The temporary easements required are described as a temporary limited interest commencing on registration of the plan of expropriation and expiring in twelve (12) months, in, under, over, along and upon and for municipal purposes including, but not limited to, entering on the lands with all vehicles, machinery, workmen and other material for construction purposes, which may include (1) relocation of existing services and utilities, (2) work that supports the construction of municipal infrastructure within the Region's permanent takings, (3) staging and storage of materials and equipment, (4) geotechnical investigations, borehole drilling, installation of temporary monitoring wells, and other investigative works, (5) removal, relocation and/or installation of signage, (6) hard and soft landscaping, paving, grading and reshaping the lands to the limit of the reconstruction of the lands herein described, (7) the installation and removal of temporary (i) pedestrian access and walkways, (ii) parking measures including re-striping of aisles, lanes, and parking stalls, (iii) shoring and formwork, (iv) drainage and erosion/sediment control measures, (v) fencing, and (vi) handrails, (8) removal and re-planting of vegetation, and (9) temporarily laying overland a forcemain that conveys sewage flows (10) works ancillary to any of the foregoing and necessary to the works to be performed in association with the Tuclor Lane Sanitary Trunk Sewer Rehabilitation.

The permanent easements required are described as a limited interest in perpetuity in, under, over, along and upon and for municipal purposes including, but not limited to, entering on the lands with all vehicles, machinery, workmen and other material (i) to construct and maintain permanent municipal infrastructure which may include operation, installation, maintenance, relocation and/or removal of the Tuclor Lane Sanitary Trunk Sewer, and (ii) for construction purposes which include, but are not limited to, (1) relocation of existing services and utilities, (2) staging and storage of materials and equipment, (3) geotechnical investigations, borehole drilling, installation of temporary monitoring wells, and other investigative works, (4) removal, relocation and/or installation of signage, (5) hard and soft landscaping, paving, grading and reshaping the lands to the limit of the reconstruction, (6) the installation and removal of temporary (i) pedestrian access and walkways, (ii) parking measures including re-striping of aisles, lanes, and parking stalls, (iii) shoring and formwork, (iv) drainage

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are to be expropriated and taken for or in connection with the Tuclor Lane Sanitary Trunk Sewer Rehabilitation Project, in the City of Markham.

3. (a) The Regional Chair and Regional Clerk are hereby authorized and directed to sign a certificate of approval and plan or plans showing the lands expropriated.
- (b) When so signed, the Commissioner of Corporate Services is directed to cause the said certificate of approval and plan or plans to be registered in the proper Land Registry Office and to pay all expenses incidental to the registration.
4. Plan Nos. 65R-40395 and 65R-40396 shall form part of this bylaw.

ENACTED AND PASSED on November 23, 2023.

Regional Clerk

Regional Chair

Authorized by Item J.2.12 of the Committee of the Whole dated May 4, 2023, adopted by Council at its meeting on May 18, 2023.