

SPECIAL COUNCIL OCTOBER 20, 2003

PROPOSED ANNEXATION OF LANDS FROM CITY OF VAUGHAN TO TOWN OF CALEDON

Recommendation

The Commissioner of Legal and Administrative Services recommends:

1. That Council receive the Minutes of the Joint Public Meeting held on October 9, 2003 to consider the proposed Caledon annexation of lands in Vaughan;
2. That Council of the City of Vaughan enact a by-law to confirm its support for the proposed restructuring as contained in the Restructuring Proposal set out in Attachment No. 1, to confirm all procedural requirements were complied with in considering the Restructuring Proposal and to authorize the Town of Caledon to forward the Restructuring Proposal to the Minister of Municipal Affairs and Housing for approval pursuant to subsection 173(1) of the *Municipal Act, 2001*;
3. That a certified copy of the by-law be forwarded to the Town of Caledon for delivery to the Minister of Municipal Affairs and Housing in conjunction with its Restructuring Report.

Purpose

The purpose of this report is to seek Council approval of the Restructuring Proposal made by the Town of Caledon for the annexation of a small parcel of land left over following the realignment of the Albion Vaughan Road at its junction with Regional Road 50 and Mayfield Road.

Background - Analysis and Options

The subject lands are in private ownership and are located at the north/east intersection of Regional Road 50 and the Albion-Vaughan Road, consisting of an area of 1.7 ha (4.2 ac) with frontage on the east side of Regional Road 50 and flankage on Albion-Vaughan Road. The location of the subject lands is shown on Attachment No. 2.

A number of years back in the course of settling Ontario Municipal Board planning appeals, a Memorandum of Agreement was entered into by Caledon and Vaughan, along with the affected landowners, confirming that Caledon would annex the lands from Vaughan and thereafter Peel rather than York would be responsible for servicing of the lands. With the realignment of the Albion Vaughan Road, the lands now lie on the west side of the road (the Caledon side) rather than the east side (the Vaughan side). The terms of the Memorandum of Agreement were subject to all procedural steps and consultations being taken by the parties that might be required under the *Municipal Act* for an annexation or restructuring proposal.

Vaughan's Finance Department has confirmed there are no outstanding tax arrears on the property for the year 2003. In the future, should the Restructuring be approved, taxes will be levied by and paid to Caledon. The City's Commissioner of Engineering and Public Works has confirmed that the Albion-Vaughan Road is and will continue to be the boundary road between Caledon and Vaughan, subject to the joint maintenance obligations contemplated by the *Municipal Act, 2001* or as may be set out in any agreement entered by the Town of Caledon and the City of Vaughan in the future.

Vaughan Council at its meeting on September 15, 2003 adopted a recommendation of the Committee of the Whole and appointed a Committee of three members of Council: Regional Councillor Joyce Frustaglio, Regional Councillor Gino Rosati and Local Councillor Mario Ferri. The Committee was instructed to attend a joint public meeting on the Restructuring Proposal.

Joint Public Meeting

The joint public meeting was held by Caledon, Vaughan, Peel and York on October 9, 2003 at the Vaughan Civic Centre, with all relevant Committee members attending on behalf of each Council. Notice of the public meeting to consider the proposed restructuring was provided by publication in a newspaper (3 papers in Vaughan) of general circulation, by the printed public agenda and on the City's website, as required by the City's Notice By-law, By-law Number 394-2002.

Each of the other municipalities provided notice of the public meeting in accordance with their procedural notice requirements.

No member of the public from any of the affected municipalities appeared at the public meeting to make a deputation on the Restructuring Proposal, nor did any member of the public or any agency deliver written comments to the Clerk of the City of Vaughan.

The Minutes of the Joint Public Meeting on October 9, 2003 are contained in Attachment No. 3 to this Report.

Official Plan and Zoning By-law Amendment Applications

The Commissioner of Planning's September 15, 2003 Committee of the Whole Report containing recommendations to approve the Official Plan and Zoning By-law Amendment applications related to the subject property were adopted by Council at its meeting on September 22, 2003. The Official Plan Amendment was subsequently forwarded to the Region of York for approval. Region of York Planning staff have confirmed that the OPA is being processed and a Notice of Decision will be issued shortly. Vaughan Planning staff have confirmed they will be bringing forward the amending Zoning By-law shortly for enactment by Council.

Conclusion

The effect of the Restructuring Proposal is that upon approval by the Minister of Municipal Affairs and Housing the subject lands will no longer be part of the City of Vaughan and will become part of the Town of Caledon. The effective date of this change will be January 1, 2004, provided the approval is received prior to January 1.

Vaughan Council has indicated its support for the Restructuring Proposal on a number of occasions in the past. No comments have been received by any City Department indicating difficulties with the proposed annexation. Further, no deputations were received from the public at the public meeting or in writing indicating any concern with the Restructuring Proposal.

Attachments

Attachment No. 1 - Restructuring Proposal
Attachment No. 2 - Location Map
Attachment No. 3 - Minutes – Joint Public Meeting - October 9, 2003

Report prepared by:

Carolyn P. Stobo, Solicitor/Special Services

Respectfully submitted,

Robert J. Swayze
Commissioner of Legal and Administrative Services

RESTRUCTURING PROPOSAL

The restructuring proposal of the Town of Caledon, the Region of Peel, the City of Vaughan and the Region of York is hereby approved by all four municipal councils for submission to the Minister of Municipal Affairs and Housing under section 173 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

1. In this proposal:

“annexed area” means the area comprised of the lands described in the Schedule A to this proposal;

“Peel” shall mean the Regional Municipality of Peel;

“York” shall mean the Regional Municipality of York;

“Caledon” shall mean the Town of Caledon;

“Vaughan” shall mean the City of Vaughan.

2. (a) On January 1, 2004 the annexed area being part of Vaughan and York is annexed to Peel and Caledon and shall form part of Ward 5 for electoral purposes in Caledon.

(b) All real property including any highway, street, fixture, waterline, easement and restrictive covenant running with the land of York located in the annexed area vests in Peel on January 1, 2004.

(c) All real property including any highway, street, fixture, waterline, easement and restrictive covenant running with the land of Vaughan located in the annexed area vests in Caledon on January 1, 2004.

(d) Subject to subsection (b) all assets of York acquired on or before the 31st day of December, 2003 and any liabilities of York arising in whole or in part in relation to any fact, circumstance, act or omission existing on or before the 31st day of December, 2003 located in or connected with the annexed area remain the assets and/or liabilities of York and shall not be assumed by, transferred to or enlarged to include Peel by reason of this annexation.

(e) Subject to subsection (c) all assets of Vaughan acquired on or before on or before the 31st day of December, 2003 and any liabilities of Vaughan arising on or before the 31st day of December, 2003 that are located in or connected with the annexed area remain the assets and/or liabilities of Vaughan and shall not be assumed by, transferred to or enlarged to include Caledon by reason of this annexation.

3. (a) For the purposes of the assessment roll to be prepared for Caledon for the 2004 taxation year, the annexed area shall be deemed to be part of Caledon and the annexed area shall be assessed on the same basis that the assessment roll for Caledon is prepared.

(b) For the purposes of the assessment roll to be prepared for Vaughan for the 2004 taxation year, the annexed area shall be deemed no longer to be part of Vaughan.

4. (1) On January 1, 2004, the by-laws of Peel and Caledon extend to the annexed area and the by-laws of York and Vaughan cease to apply to such area except,

(a) By laws of Vaughan or York as the case may be that apply within the annexed area

(i) that were passed under section 34 or 41 of the *Planning Act* or predecessor or those sections; and

(ii) that were passed under the *Highway Traffic Act* or the *Municipal Act* that regulate the use of highways by vehicles and pedestrians and that regulate the encroachment or projection of buildings or any portion thereof upon or over highways,

which shall remain in force until repealed by the council of York or Caledon respectively as the case may be; and

(b) By laws conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the council of Vaughan.

(2) The provisions of the Official Plan of York that apply to the annexed area will continue in force and shall be deemed to be provisions of the Peel Official Plan within the annexed area until an amendment to the Peel Official Plan with respect to the annexed area is adopted by Peel and is in force.

(3) The provisions of the Official Plan of Vaughan that apply to the annexed area will continue in force and shall be deemed to be provisions of the Caledon Official Plan within the annexed area until an amendment to the Caledon Official Plan with respect to the annexed area is adopted by Caledon and is in force.

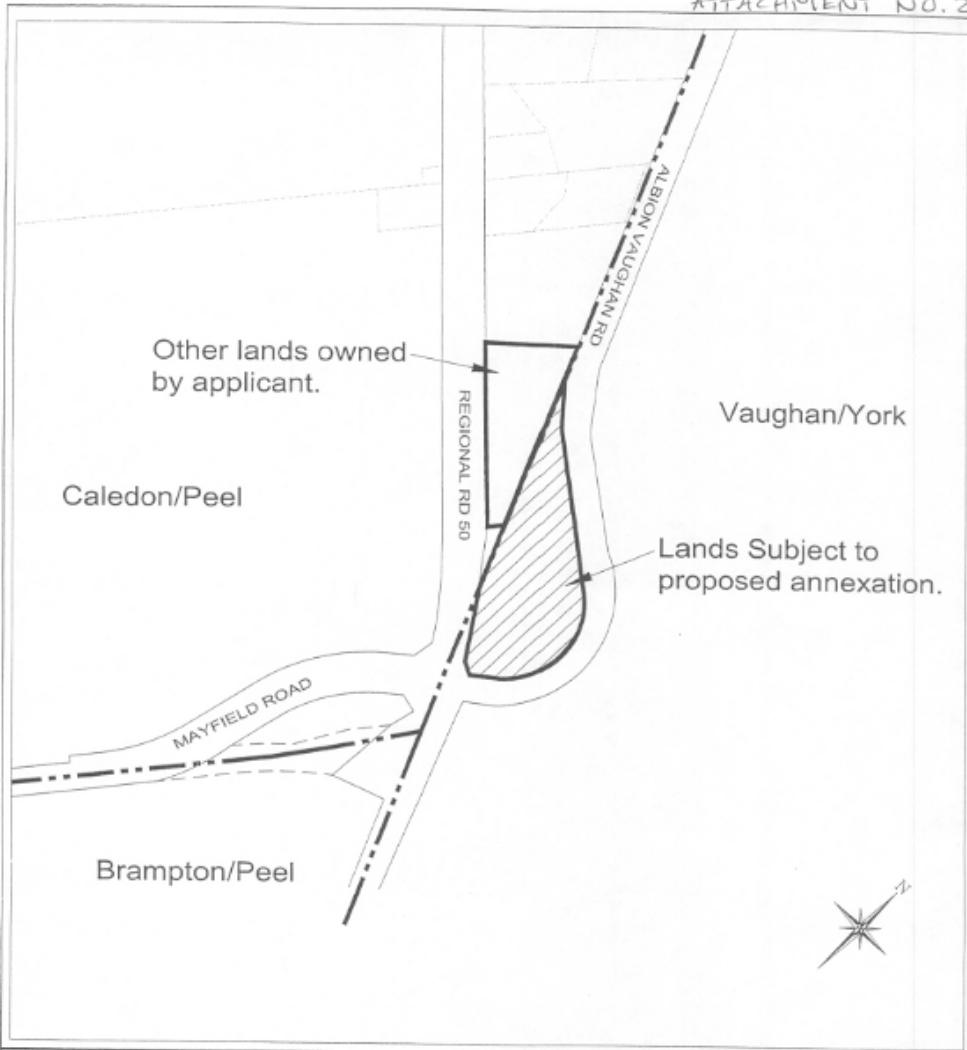
(4) If York has commenced procedures to enact a by-law under any Act or to adopt an Official Plan or amendment thereto under the *Planning Act* and that by-law, official plan or amendment applies to the annexed area and is not in force on January 1, 2004, the council of Peel may continue the procedures to enact the by-law or adopt the official plan or amendment, including any appeal or referral thereof, to the extent that it applies to the annexed area and in such event it shall be deemed to be the by law, official plan or amendment as the case may be of Peel .

(5) If Vaughan has commenced procedures to enact a by law under any Act or to adopt an official plan or amendment thereto under the *Planning Act* and that by law, official plan or amendment applies to the annexed area and is not in force on January 1, 2004, the council of Caledon may continue the procedures to enact the by-law or adopt the official plan or amendment, including any appeal or referral thereof, to take any requested actions with respect to a holding provision or other conditions of any such by-law, to the extent that it applies to the annexed area and in such event it shall be deemed to be the by law, official plan or amendment as the case may be of Caledon.

5. Subject to the provisions of the Municipal Act, 2001 and regulations thereunder, after annexation, any development of the annexed area shall attract development charges payable to the Caledon and the Peel in accordance with the development charge by laws of the Caledon and the Peel. To the extent, if any, that charges are not applicable to development of the annexed area under the Peel or Caledon by laws after annexation then such development charges shall be payable to Caledon at the rate and in accordance with the provisions of the Vaughan development charges by law and to Peel at the rate and in accordance with the provisions of the York development charges by law, until such time as the Caledon and Peel development Charge By-laws have been amended to include the annexed area or replaced. This provision shall not restrict the ability of either Caledon or Peel or both to enact or amend any development charge by law or by laws in relation to the annexed area after annexation or to obtain financial contributions to development servicing for the annexed area other than by way of development charges.

6. The Albion Vaughan Road adjacent to or abutting the annexed area is and shall continue to be a boundary road and shall be subject to all relevant provisions of the Municipal Act, 2001 as amended as to boundary roads including maintenance.

Dated the day of October, 2003.



Schedule A to Planning Report 2003-58

Proposed Annexation of Certain Lands from
the City of Vaughan.

LOCATION MAP



THE CORPORATION
OF THE
TOWN OF CALEDON
PLANNING DEPARTMENT

DRAWN BY: D.S.
FILE NO: 03-58
DATE: JULY 31, 2003
REVISED:

JOINT PUBLIC MEETING
WITH RESPECT TO
CALEDON ANNEXATION OF LANDS IN VAUGHAN
MINUTES
Thursday, October 9, 2003

A Joint Public Meeting with respect to Caledon Annexation of Lands in Vaughan was held at the City of Vaughan Civic Centre in the Council Chambers with the following present:

Caledon

Mayor Carol Seglins

Peel Region

Chair, Emil Kolb
Regional Councillor Paul Palleschi

City of Vaughan

Regional Councillor Gino Rosati
Councillor Mario F. Ferri

York Region

Mayor Margaret Black
Mayor Michael Di Biase

The meeting convened at 7:07 p.m.

1. CONFIRMATION OF CHAIR OF JOINT PUBLIC MEETING

MOVED by Mayor Seglins
seconded by Chair Kolb

That Mayor Di Biase be appointed as Chair of the Joint Public Meeting for the Caledon Annexation of Lands in Vaughan.

CARRIED

2. CONFIRMATION OF AGENDA

MOVED by Mayor Black
seconded by Chair Kolb

That the agenda be confirmed as presented.

CARRIED

3. DISCLOSURE OF INTEREST

There was no disclosure of interest from the Members present.

4. RECOMMENDATION OR OTHER ACTION

The agenda contained the following submissions:

- 1) DRAFT RESTRUCTURING PROPOSAL
- 2) TOWN OF CALEDON
Report 2003-58 regarding the Proposed Annexation of Certain lands from the City of Vaughan, Region of York to the Town of Caledon, Region of Peel
Parts 3, 4 and 5 Plan 65R-18771 being Pt. Lots 29 and 30, Conc. 11, City of Vaughan
- 3) CITY OF VAUGHAN
Extract from the Council Meeting Minutes of September 22, 2003
Item 48, Report No. 66 of the Committee of the Whole
Proposed Annexation of Lands from the City of Vaughan to Town of Caledon
- 4) REGION OF PEEL
Resolution Nos. 2003-849 & 2003-850 regarding the Proposed Annexation of Certain Lands from the City of Vaughan in the Region of York to the Town of Caledon in the Region of Peel
- 5) REGION OF YORK
Resolution 13 Regional Council of September 18, 2003, regarding the Proposed Annexation from the City of Vaughan to the Town of Caledon

Ms. Jane Thompson, Solicitor, Caledon, provided a verbal report regarding the process entailed in the proposal for restructuring the Town of Caledon, the Region of Peel, the City of Vaughan, and the Region of York.

Deputations with respect to this matter were permitted pursuant to Section 173 and 252 the Municipal act.

No one appeared in deputation either in support of or in opposition to this matter.

MOVED by Regional Councillor Palleschi
seconded by Regional Councillor Rosati

That the following resolution be approved:

WHEREAS the proposed restructuring would annex a parcel of land created by the realignment of the Caledon-Vaughan Town Line and Mayfield Road located on the Caledon side of the said roads;

AND WHEREAS pursuant to a settlement signed by the Town of Caledon and the City of Vaughan in 1996 in connection with certain planning applications related to the development of lands in the vicinity of the subject lands in the City of Vaughan;

AND WHEREAS the subject lands are to be developed in conjunction with adjacent lands owned by the owner of the subject lands located in the Town of Caledon;

AND WHEREAS a public meeting has been held by this committee to inform the public and receive input to the Restructuring Proposal;

AND WHEREAS staff have provided a report setting out the background to and rationale for the proposal;

NOW THEREFORE be it resolved:

THAT staff prepare a report to Council of the proceedings at this meeting, providing any additional comments staff may have and attaching the final form of the Restructuring Proposal;

AND THAT the proposal to restructure the municipalities of Peel, York, Caledon and Vaughan by annexing to the Town of Caledon the lands identified in the information package provided to the committee at the public meeting be supported, subject to Council receiving the report from staff referred to above.

CARRIED UNANIMOUSLY

5. MOTION TO ADJOURN

MOVED by Regional Councillor Palleschi
seconded by Councillor Ferri

That the meeting adjourn at 7:15 p.m.

CARRIED