

**EXPROPRIATION 11141 KEELE STREET**  
**HEARING OF NECESSITY REPORT**

**Recommendation**

The Director of Legal Services in consultation with the Commissioner of Community Services and the Manager of Real Estate recommends.

1. THAT Council approve the expropriation of the lands municipally known as 11141 Keele Street for the reasons set out in Attachment 2.
2. AND THAT a By-law be enacted to approve the expropriation and authorize the taking of all steps necessary to obtain the possession of those lands.

**Economic Impact**

Should Council approve the expropriation, a Section 25 offer pursuant to the Act will be served on the owners, with payment in accordance with an Appraisal made later this year.

**Purpose**

The purpose of this report is to provide Council with the Report of the Inquiry Officer on the Hearing of Necessity for its consideration and to seek approval for the expropriation.

**Background - Analysis and Options**

Council enacted By-law 180-2003 to provide for the making of an application for Approval to Expropriate and to Serve a Notice of Expropriation on the property at 11141 Keele Street, shown on Attachment 1, for the Maple Valley Plan. The ½ acre parcel is owned by Mr. Charles Jennings and his sister, Mrs. Elizabeth Sutherland. Mrs. Sutherland would like to sell to the City, however, Mr. Jennings does not wish to leave the property, where he has lived for many years. Mr. Jennings requested a Hearing of Necessity and the expropriation was commenced.

The Hearing was held on November 28<sup>th</sup>, 2005 with Mr. John Stevens, a planning consultant on the Maple Valley Plan, appearing for the City.

The City adopted Official Plan Amendment Number 535 to facilitate the Maple Valley Plan. The City has previously acquired the lands surrounding this parcel for the park. The acquisition of this property is necessary to implement the plan, and for land use compatibility. There would be land use conflicts between the small residential parcel and the large intensive park use. If the parcel were not included, the City would have difficulty in designing and constructing infrastructure.

The Inquiry Officer found the proposed taking is fair, sound, and reasonably necessary and is reasonably defensible in the achievement of the objective of the expropriating authority of a park and works ancillary thereto.

Once Council has approved the expropriation, staff will proceed with the steps identified in the Expropriation Act. An expropriation plan will be registered on title; a Notice of Expropriation will be forwarded. Then a Section 25 Offer to Purchase based on an Appraisal Report will be submitted to the owner.

### **Relationship to Vaughan Vision 2007**

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

### **Conclusion**

Council is both the expropriating and the approving authority. Section 8 of the Expropriation Act provides that the approving authority shall consider the report of the Inquiring Officer and shall approve or not approve the expropriation and shall give written reasons for its decision.

The expropriation may be approved for the Reasons set out in Attachment 2.

### **Attachments**

1. Location Map
2. Reasons
3. Report of Inquiry Officer  
(Mayor and Members of Council only)

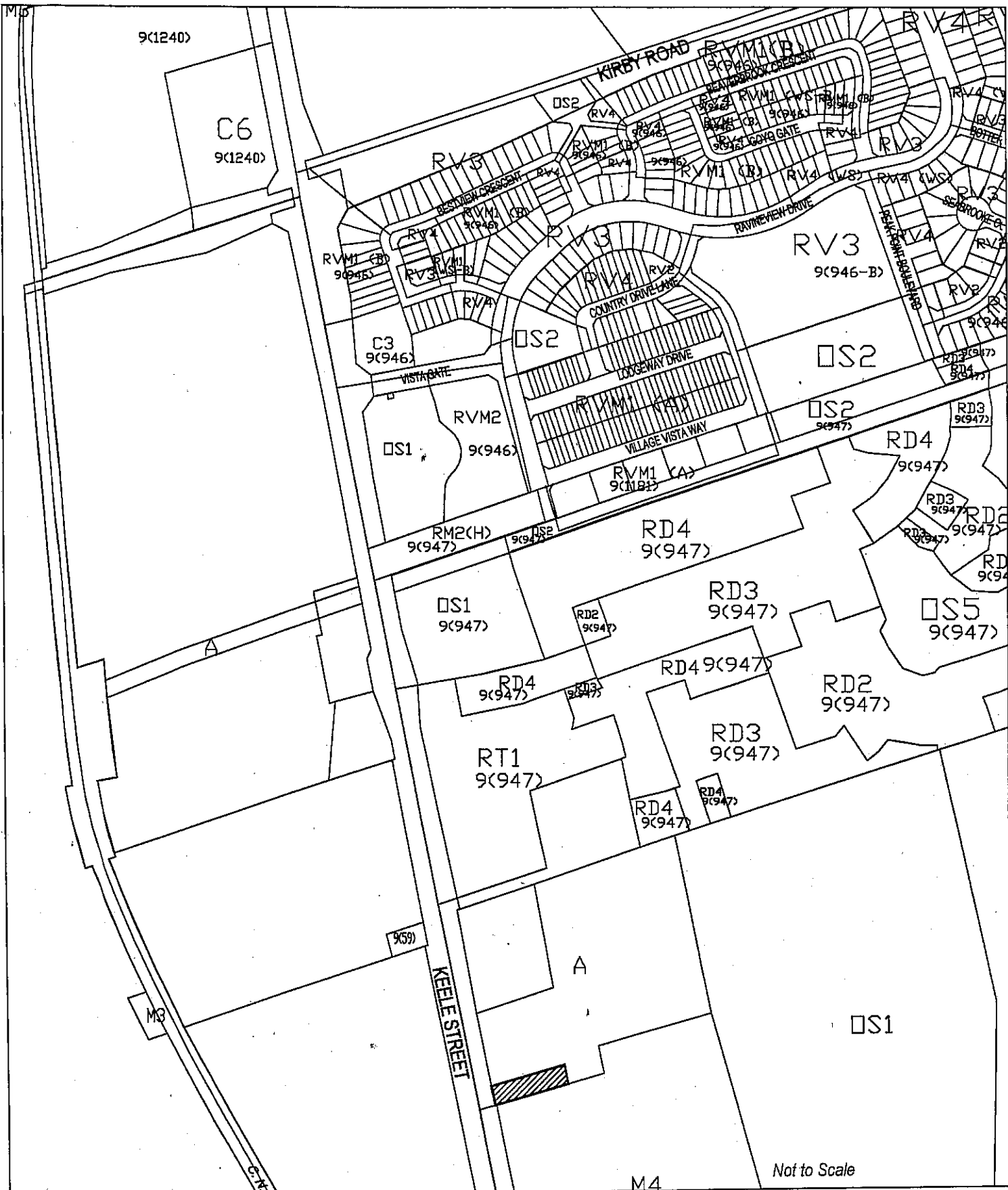
### **Report prepared by:**

Heather A. Wilson  
Director of Legal Services

Respectfully submitted,

**Janice Atwood-Petkovski**  
**Commissioner of Legal and**  
**Administrative Services**

**Heather A. Wilson**  
**Director of Legal Services**



# Location Map



**Subject Lands**

Part of Lot 28,  
Concession 3



# Attachment

# 1

February 10, 2006

Attachment No. 2

IN THE MATTER OF AN APPLICATION FOR APPROVAL TO EXPROPRIATE LAND BEING Part of Lot 28, Concession 3, known as 11141 Keele Street and described as PIN 03343-0356(LT).

Reasons for the Decision to Approve the Expropriation

After considering the decision of Inquiry Officer Gillian Burton from the Hearing of Necessity relating to the proposed taking, the Council of The Corporation of the City of Vaughan finds that the expropriation of the lands set out above is fair, sound, and reasonably necessary in the achievement of the objectives of the expropriating authority. These objectives are set out in Official Plan Amendment 535 being the Maple Valley Plan, of a large park containing major recreational facilities and ancillary servicing works thereto. The lands along Keele Street provide frontage, access, and visibility for a major recreational facility.