

PROPOSED ANNEXATION OF LANDS
CITY OF VAUGHAN FROM CITY OF BRAMPTON

Recommendation

The Director of Legal Services, in consultation with the Solicitor/Special Services, recommends:

1. That Council receive the Minutes of the Joint Public Meeting held on January 18, 2007 in Attachment No. 3 to consider the proposed annexation of lands by Vaughan (York) from Brampton (Peel);
2. That Council of the City of Vaughan enact a by-law confirming its support for, compliance with all procedural requirements and its intention to forward the Restructuring Proposal in Attachment No. 2, upon receipt of documentation evidencing the consent of the City of Brampton, Region of Peel and the Region of York to the 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 City of Vaughan by-law including the Restructuring Proposal be forwarded to the Minister of Municipal Affairs and Housing, together with a certified copy of the consent of each of the City of Brampton, the Regional Municipality of Peel and the Regional Municipality of York.

Economic Impact

There is no economic impact as a result of this report.

Communications Plan

Not applicable.

Purpose

The purpose of this report is to seek Council approval of the Restructuring Proposal made by the City of Vaughan for the annexation of a small parcel of land left over following the realignment of Regional Road No. 50.

Background - Analysis and Options

The subject lands are currently in public ownership and located north of Highway 407 and east of Regional Road No. 50, consisting of an area of .74 hectares (1.83 acres) with frontage on the east side of Regional Road 50. The location of the subject lands is shown in Attachment No. 1 to this Report. The Restructuring Proposal is set out in Attachment No. 2.

With the construction of Highway 407 and the realignment of Regional Road No. 50, the Brampton lands now lie on the east side of Regional Road No. 50 (the Vaughan side) rather than the west side (the Brampton side). This circumstance left two landowners to the north of Highway 407 landlocked from Regional Road No. 50 and required a right-of way in favour of the Dobson property owner over the provincially held lands to access the property from Regional Road 50. This circumstance will also pose difficulties in the future. Separate property assessments will apply to the lands on the east side of Regional Road

50, distinct planning designations and by-laws will affect the development of the lands to the east of Regional Road No. 50, and there will be impacts in the application of other by-laws and services related to the lands on the east side of the road.

The City of Brampton has confirmed there are no outstanding tax arrears on the property for the year 2007 and prior years, as the lands were owned by Her Majesty the Queen in Right of Ontario (Management Board Secretariat). The lands were also recently removed by the Minister of Municipal Affairs and Housing from the Parkway Belt West Plan.

In the future, should the minor restructuring be approved and the subject lands transferred to the abutting owners, taxes will be levied by and paid to Vaughan. Regional Road No. 50 will become the boundary at this location between Brampton and Vaughan and Peel and York. Further, upon approval of the restructuring, the lands will be deemed to have the official plan designation(s) and zoning currently applicable to the lands in both Brampton and Peel, until amended by the City of Vaughan and Region of York. City planning staff will be reviewing the planning designations and zoning in conjunction with the outstanding application for approval of a draft plan of subdivision for the abutting lands owned by Glen 50 and with any future planning application that may be made with respect to the Dobson lands to the south of the Glen 50 lands.

Vaughan Council at its meeting on December 18, 2006 adopted a recommendation of the Committee of the Whole appointing a Committee of members of Council, including Regional Councillor Gino Rosati and Ward 2 Councillor Tony Carella, and instructing the members to attend the proposed joint public meeting on the Restructuring Proposal and report back to Council. The Region of York Council at its meeting on December 14, 2007 appointed Mayor Linda Jackson, Regional Councillor Joyce Frustaglio and Regional Councillor Mario Ferri as its Committee to attend the proposed joint public meeting.

Joint Public Meeting

The joint public meeting was held by Brampton, Vaughan, Peel and York on January 18, 2007 at Ebenezer Hall in Brampton, with Committee members attending on behalf of each Council. Notice of the public meeting to consider the proposed restructuring was provided by Vaughan by publication in a newspaper of general circulation in the municipality and by the printed public agenda prepared by the City of Brampton for the Meeting, as required by the City's Notice By-law No. 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 Brampton or to any of the other municipalities.

The Minutes of the Joint Public Meeting on January 18, 2007 are contained in Attachment No. 3 to this Report.

The municipalities further have now received confirmation from staff at the Ministry of Municipal Affairs and Housing that the information forwarded including the Draft Restructuring Proposal, with amended dates, appears to be in order. They have requested that the reference map be attached to the Property description and that the Restructuring Proposal be attached to the By-law for clarity.

Relationship to Vaughan Vision 2007

This report is consistent with the Vaughan Vision 2007.

Regional Implications

This report will have regional implications. These implications have been assessed respectively by the Region of York and Region of Peel.

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 Brampton and will become part of the City of Vaughan. The effective date of this change will be May 1, 2007, provided the approval order is made.

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 - Location Map 1

Attachment No. 2 - Restructuring Proposal

Attachment No. 3 - Minutes – Joint Public Meeting – January 18, 2007

Report prepared by:

Carolyn P. Stobo, Solicitor/Special Services

Respectfully submitted,

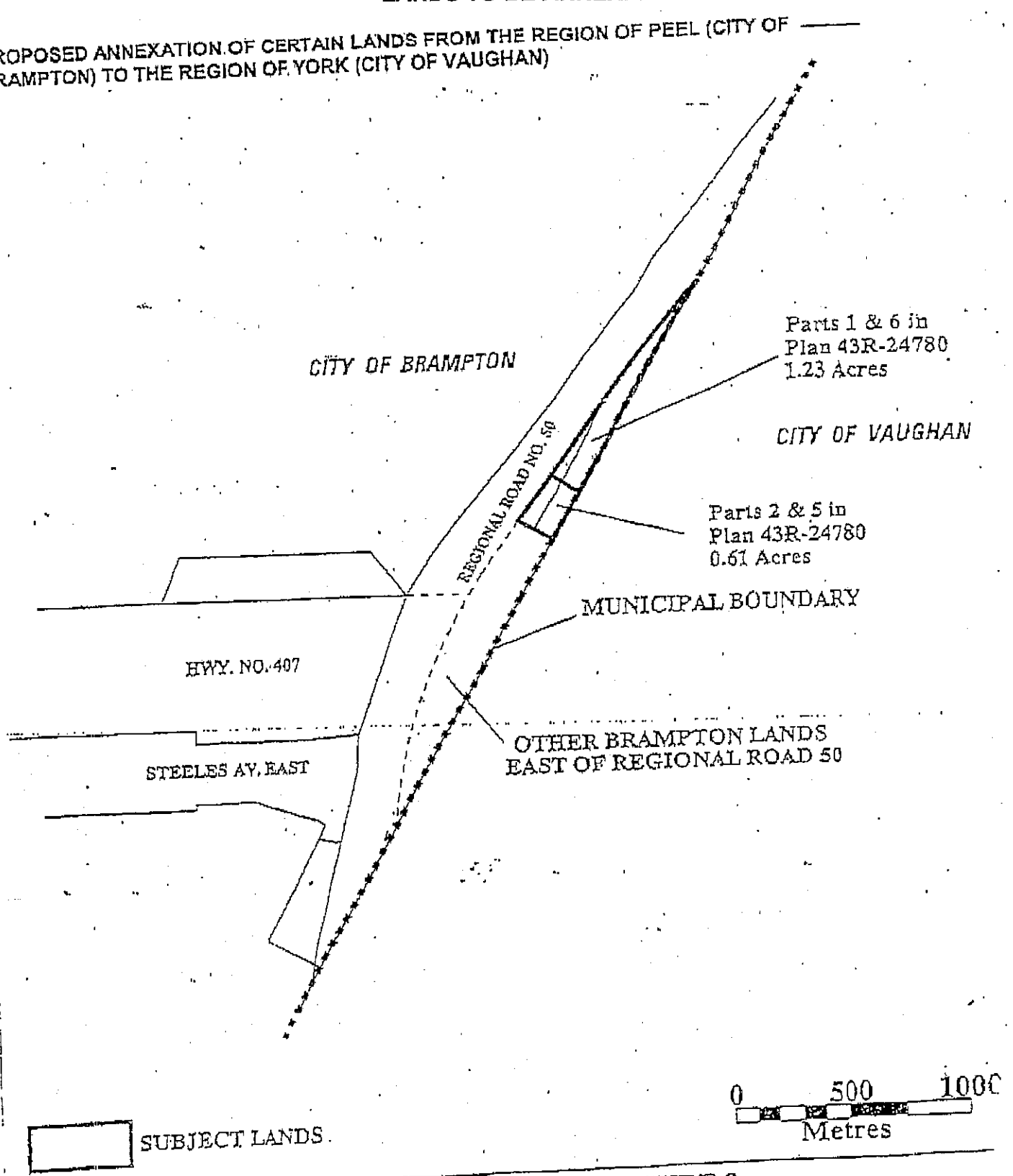
Heather A. Wilson
Director of Legal Services

Janice Atwood-Petkovski
Commissioner of Legal & Administrative Services

LOCATION MAP

LANDS TO BE ANNEXED

PROPOSED ANNEXATION OF CERTAIN LANDS FROM THE REGION OF PEEL (CITY OF BRAMPTON) TO THE REGION OF YORK (CITY OF VAUGHAN)



CITY OF BRAMPTON

Date: April 05, 2006 Drawn By: J. Kennedy
File name: true_boun.dgn

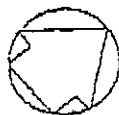


FIGURE 2
SUBJECT LANDS

PLANNING, DESIGN & DEVELOPMENT DEPARTMENT

ATTACHMENT NO. 2

RESTRUCTURING PROPOSAL

The Restructuring Proposal of the City of Vaughan, the Region of York, the City of Brampton and the Region of Peel 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.

REGIONAL MUNICIPALITY OF YORK, REGIONAL MUNICIPALITY OF PEEL CITY OF VAUGHAN, CITY OF BRAMPTON

DEFINITIONS

1. In this proposal:

"annexed area" means the area comprised of the lands described in Schedule "A" to this Proposal and shown on the Map set out in Schedule "B" to this Proposal;

"York" shall mean The Corporation of the Regional Municipality of York;

"Peel" shall mean The Corporation of the Regional Municipality of Peel.

"Vaughan" shall mean The Corporation of the City of Vaughan;

"Brampton" shall mean The Corporation of the City of Brampton;

ANNEXATION

2. (1) On June 1, 2007 the portion of the City of Brampton and the Regional Municipality of Peel described in Schedule "A" is annexed to the City of Vaughan and the Regional Municipality of York and shall form part of Ward Two of the City of Vaughan.

(2) All real property including any highway, street, fixture, waterline, easement and restrictive covenant running with the land of the City of Brampton located in the annexed area vests in the City of Vaughan on June 1, 2007.

(3) All real property including any highway, street, fixture, waterline, easement and restrictive covenant running with the land of Peel located in the annexed area vests in York on June 1, 2007.

(4) Subject to subsection (2) all assets and liabilities of the City of Brampton that are located in the annexed area remain the assets or liabilities of the City of Brampton.

(5) Subject to subsection (3) all assets and liabilities of Peel that are located in the annexed area remain the assets or liabilities of Peel.

ASSESSMENT

3. For the purposes of the assessment roll to be prepared for the City of Vaughan under the *Assessment Act* for the 2007 taxation year, the annexed area shall be deemed to be part of the City of Vaughan effective June 1, 2007 and the annexed area shall be assessed on the same basis that the assessment roll for the City of Vaughan is prepared.

BY-LAWS

4. (1) On June 1, 2007, the by-laws of York and the City of Vaughan extend to the annexed area and the by-laws of Peel and the City of Brampton cease to apply to such area except,

(a) by-laws of the Region of Peel or the City of Brampton 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 the City of Vaughan respectively as the case may be;

(b) by-laws of the City of Brampton passed under the *Development Charges Act* which shall remain in force as by-laws of the City of Brampton until amended or repealed by the council of the City of Vaughan or expire under that Act;

(c) by-laws of Peel passed under the *Development Charges Act* which shall remain in force as by-laws of Peel until amended or repealed by the council of York or expire under that Act; and

(d) by-laws conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the council of the City of Brampton.

(2) The Official Plan of the City of Brampton, as it applies to the annexed area, becomes an Official Plan of the City of Vaughan and shall remain in force until amended or repealed.

(3) The Official Plan of Peel, as it applies to the annexed area, becomes an Official Plan of York and shall remain in force until amended or repealed.

(4) If the City of Brampton has commenced procedures to enact a by-law under any Act or to adopt an official plan or an 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 June 1, 2007, the council of the City of Vaughan may continue the procedures to enact the by-law or adopt the official plan or amendment to the extent that it applies to the annexed area.

(5) If Peel has commenced procedures to enact a by-law under any Act or to adopt an official plan or an 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 June 1, 2007, the council of York may continue the procedures to enact the by-law or adopt the official plan or amendment to the extent that it applies to the annexed area.

Dated the day of , 2007.

SCHEDULE "A" TO THE RESTRUCTURING PROPOSAL

Lands constituting Area to be Annexed

Part of PIN's 14021-0489 and 14021-0283 (LT)

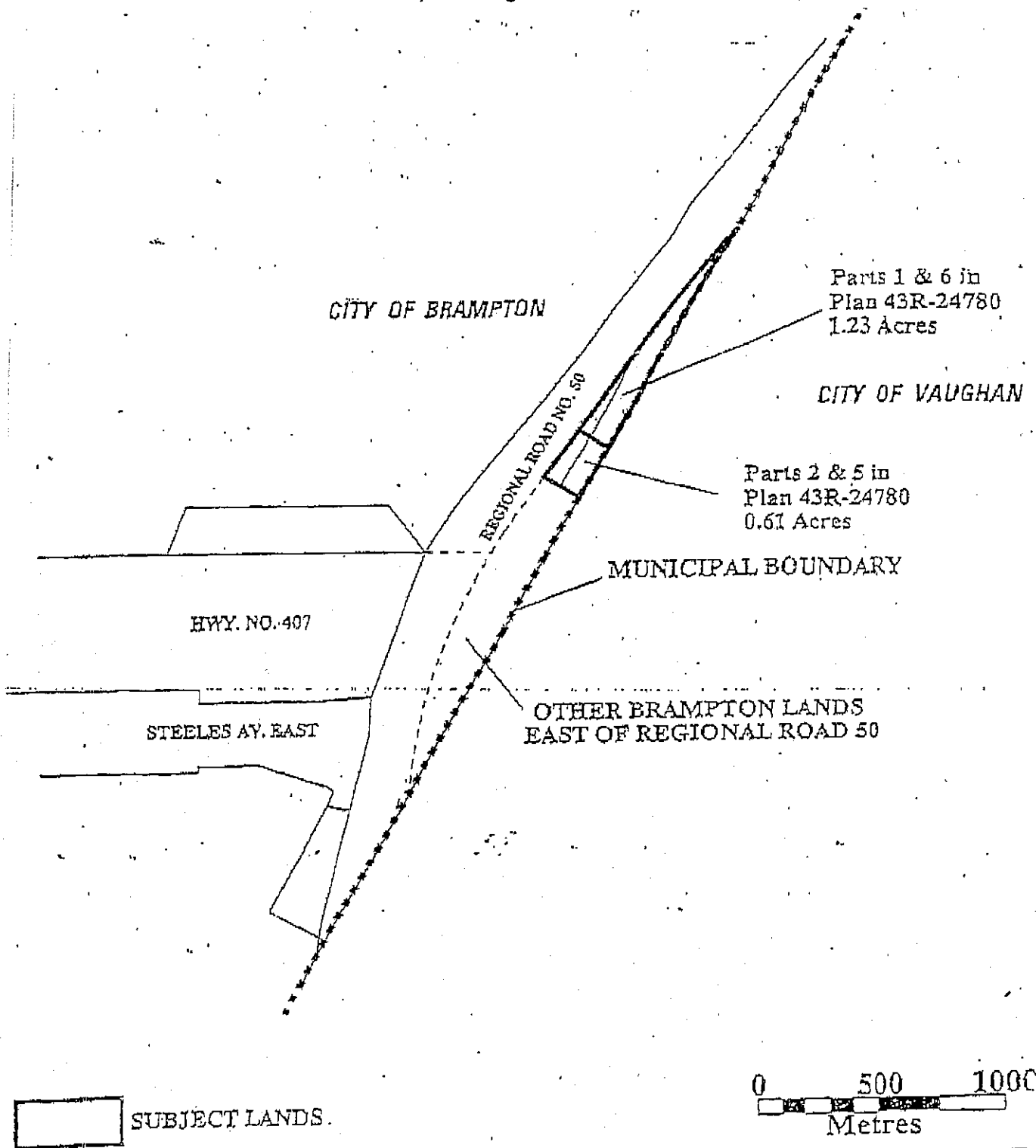
Part Lot 1, Concession 9, ND TOR. Gore , Parts 1 & 6, Plan 43R-24780, Brampton, Regional Municipality of Peel.

Part of PIN's 14021-0283 and 14021-0489 (LT)

Part Lot 1, Concession 9, ND TOR. Gore , Parts 2 & 5, Plan 43R-24780, Brampton, Regional Municipality of Peel.

SCHEDULE "B" TO THE RESTRUCTURING PROPOSAL

Map showing Area to be Annexed



CITY OF BRAMPTON

Date: April 05, 2006 Drawn By: J. Kennedy
File name: trns_bound.dgn



FIGURE 2
SUBJECT LANDS

PLANNING, DESIGN & DEVELOPMENT DEPARTMENT

MINUTES OF PUBLIC MEETING

Public Meeting
Joint Meeting of Committees of
City of Vaughan
Region of York
City of Brampton
Region of Peel

Re: Annexation of Lands
in the City of Brampton to the City of Vaughan
January 18, 2007 – 7:30 p.m.
Ebenezer Hall – 4494 The Gore Road – Brampton, ON

Representing the City of Vaughan and the Region of York:

Mayor Linda Jackson (Chair)
Regional Councillor M. Ferri
Regional Councillor G. Rosati
City Councillor T. Carella

Representing the City of Brampton and the Region of Peel:

Regional Councillor J. Sanderson
Regional Councillor J. Sprovieri

Staff:

Region of York: Mr. B. Miller, Legal Counsel, Legal Services
City of Vaughan: Ms. C. Stobo, Legal Counsel, Legal Services
Region of Peel: Ms. J. Brennan, Outside Legal Counsel
City of Brampton: Mr. C. Connor, Director of Real Property and Commercial Law, Corporate Services
Ms. K. Zammit, City Clerk and Director of Council and Administrative Services, Management and Administrative Services
Mr. M. Di Lullo, Legislative Coordinator, Management and Administrative Services

The meeting commenced at 7:31 p.m.

Mayor Jackson provided an overview of the agenda and program for this Public Meeting and advised that the purpose of the meeting is to allow an opportunity for residents to put forward their comments with respect to the proposed annexation of lands in the City of Brampton to the City of Vaughan, pursuant to the realignment of Highway 50.

1. Confirmation of Chair of Joint Public Meeting

Mayor Jackson was appointed to act as Chair of the Public Meeting pursuant to a vote of the members of the Councils of Vaughan, York, Brampton and Peel.

2. Confirmation of Agenda

The Agenda was approved, as printed and circulated.

3. Disclosure of Interest – nil

4. Recommendation or Other Action

1) Draft Restructuring Proposal

Consideration of a proposed municipal restructuring to enable the City of Vaughan in the Region of York to annex a parcel of land now situate within the City of Brampton on the east side of Highway 50, north of Highway 407, due to the realignment of Highway 50 in the course of final construction of Highway 407. The following documentation was appended to the agenda:

Region of York

Correspondence dated October 20, 2006 from Denis Kelly, Clerk of The Regional Municipality of York, confirming the adoption by York Regional Council of the recommendations of the Finance and Administration Committee on "Proposed Annexation of Lands from the City of Brampton to the City of Vaughan"

Region of Peel

General Committee Report dated October 4, 2006 on Proposed Annexation of Certain Lands from the Region of Peel (City of Brampton) to the Region of York (City of Vaughan) together with extract from Regional Council Minutes of October 26, 2006.

City of Vaughan

Staff Report to the Committee of the Whole of June 19, 2006 on Proposed Annexation of Lands by City of Vaughan from City of Brampton.

City of Brampton

Staff Report dated September 28, 2006 on Proposed Annexation of Lands by the City of Vaughan from the City of Brampton.

2) Public Deputations

There was 1 member of the public present and he indicated prior to the start of the meeting that he did not require a presentation of the proposal.

5. Adoption of Recommendation

Moved by Regional Councillor Sprovieri (City of Brampton and Region of Peel)
Seconded by Regional Councillor Ferri (City of Vaughan and Region of York)

THAT the special committees appointed by the councils of the Regions of York and Peel and the Cities of Vaughan and Brampton recommend to their respective councils that the council support the proposed annexation of land by the City of Vaughan from the City of Brampton as considered at the joint public meeting held on January 18, 2007 at the Ebenezer Community Centre in Brampton:
AND FURTHER that the Council pass a by-law pursuant to section 173 of the *Municipal Act, 2001* evidencing such support.

Carried

6. Adjournment

Meeting adjourned at 7:34 p.m.