



## By-law 2017-29

A BY-LAW TO PROVIDE FOR THE MAKING OF AN APPLICATION FOR APPROVAL TO EXPROPRIATE LAND IN FEE SIMPLE, IN THE CITY OF MARKHAM, IN THE REGIONAL MUNICIPALITY OF YORK, AS MORE PARTICULARLY DESCRIBED IN SCHEDULE "A" TO THIS BY-LAW

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WHEREAS The Corporation of the City of Markham requires the lands more particularly described in Schedule "A" appended hereto for parkland and trail purposes, and in particular for the construction and maintenance of the Mixed-Use Pathway east of Markham Road in the City of Markham and works ancillary thereto;

AND WHEREAS The Corporation of the City of Markham has been unable to purchase the lands so required and must, therefore, expropriate the said lands;

AND WHEREAS pursuant to Section 6(1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended (hereinafter referred to as the "Municipal Act, 2001"), the power of a municipality to acquire land under this or any other Act includes the power to expropriate land in accordance with the *Expropriations Act, R.S.O. 1990, c.E.26*, as amended (hereinafter referred to as the "Expropriations Act");

AND WHEREAS pursuant to Section 5(3) of the *Municipal Act, 2001*, a municipal power shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS pursuant to Section 4 of the *Expropriations Act*, an expropriating authority, in this case, The Corporation of the City of Markham, shall not expropriate land without the approval of the approving authority, in this case, the Council of The Corporation of the City of Markham;

AND WHEREAS Ontario Regulation 363, R.R.O., 1990, as amended, directs that an Application for Approval to Expropriate Land shall be in "Form 1", appended hereto as Schedule "B" and a Notice of Application for Approval to Expropriate Land shall be in "Form 2" appended hereto as Schedule "C";


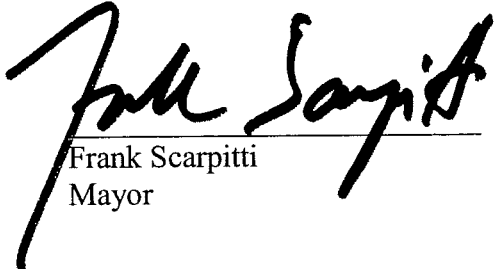
AND WHEREAS The Corporation of the City of Markham shall conduct the expropriation in accordance with the *Expropriations Act*.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1. THAT the Council of The Corporation of the City of Markham hereby approves the making of an application for approval to expropriate land by The Corporation of the City of Markham, in Form 1 in respect of the property set out in Schedule "A", appended hereto.
2. THAT the Mayor and the Clerk are hereby authorized to execute, on behalf of The Corporation of the City of Markham, the Application for Approval to Expropriate Land in Form 1 attached as Schedule "B" in respect of the property set out in Schedule "A".

3. THAT the Mayor and the Clerk, are hereby authorized to execute, on behalf of The Corporation of the City of Markham, the Notice of Application for Approval to Expropriate Land in Form 2 attached as Schedule "C", and that it be served and notice published, as required by the Expropriations Act.
4. THAT, in the event an owner or registered owner requests a hearing of necessity, and a report of the inquiry officer is issued, the report of the inquiry officer shall come before Council of The Corporation of the City of Markham for consideration.
5. THAT the Officers and authorized agents of The Corporation of the City of Markham be and they are hereby otherwise authorized and directed to do all things required arising from the authorizations provided for by this By-law.
6. THAT this By-law comes into force on the day it is passed.

Read a first, second, and third time and passed on May 9, 2017.

  
\_\_\_\_\_  
Kimberley Kenteringham  
City Clerk  
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Frank Scarpitti  
Mayor

**SCHEDULE “A” - BY-LAW NO. 2017-29**

Those lands in the City of Markham, Regional Municipality of York described as follows:

1. Part of Lots 40, 41, 42 and 43 in Block M on Registered Plan 173 designated as Parts 5, 6, 7, 8, 9 and 11 on Reference Plan 65R-36046, in the City of Markham, Regional Municipality of York being part of PIN 02936-0377 (LT).

**SCHEDULE "B" - BY-LAW NO. 2017-29**

Form 1

*Expropriations Act, R.R.O. 1990, Reg. 363*

**APPLICATION FOR APPROVAL TO EXPROPRIATE LAND**

To:


The Council of the Corporation of the City of Markham  
(Approving Authority)  
101 Town Centre Boulevard, Markham, ON L3R 9W3

IN THE MATTER OF the proposed expropriation of land by The Corporation of the City of Markham being the lands described as part of Lots 40, 41, 42 and 43 in Block M on Registered Plan 173 designated as Parts 5, 6, 7, 8, 9 and 11 on Reference Plan 65R-36046, in the City of Markham, Regional Municipality of York being part of PIN 02936-0377 (LT) registered in the Land Titles Division of the Land Registry Office for York Region (No. 65) for the purpose of parkland and trail, and in particular for the construction and maintenance of the Mixed-use Pathway east of Markham Road, in the City of Markham and works ancillary thereto;

APPLICATION IS HEREBY MADE for approval to expropriate the lands described as part of Lots 40, 41, 42 and 43 in Block M on Registered Plan 173 designated as Parts 5, 6, 7, 8, 9 and 11 on Reference Plan 65R-36046, in the City of Markham, Regional Municipality of York being part of PIN 02936-0377 (LT).

Dated at Markham this 9th day of May, 2017.

The Corporation of the City of Markham

  
\_\_\_\_\_  
Frank Scarpitti  
Mayor  
\_\_\_\_\_  
Kimberley Kitteringham  
City Clerk

**SCHEDULE "C" – BY-LAW NO. 2017-29**

Form 2

*Expropriations Act, R.R.O. 1990, Reg. 363*

**NOTICE OF APPLICATION FOR APPROVAL TO  
EXPROPRIATE LAND**

IN THE MATTER OF an application by The Corporation of the City of Markham for approval to expropriate land being part of Lots 40, 41, 42 and 43 in Block M on Registered Plan 173 designated as Parts 5, 6, 7, 8, 9 and 11 on Reference Plan 65R-36046, in the City of Markham, Regional Municipality of York being part of PIN 02936-0377 (LT), registered in the Land Titles Division of the Land Registry Office for York Region (No.65), for the purpose of parkland and trail, and in particular for the construction and maintenance of the Mixed-Use Pathway east of Markham Road and works ancillary thereto.

NOTICE IS HEREBY GIVEN that application has been made for approval to expropriate the land described as follows:

Part of Lots 40, 41, 42 and 43 in Block M on Registered Plan 173 designated as Parts 5, 6, 7, 8, 9 and 11 on Reference Plan 65R-36046, in the City of Markham, Regional Municipality of York being part of PIN 02936-0377 (LT).

Any owner of lands in respect of which notice is given who desires an inquiry into whether the taking of such land is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority shall so notify the approving authority in writing,

- (a) in the case of a registered owner, served personally or by registered mail within thirty (30) days after the registered owner is served with the notice, or, when the registered owner is served by publication, within thirty (30) days after the first publication of the notice;
- (b) in the case of an owner who is not a registered owner, within thirty (30) days after the first publication of the notice.

**The approving authority is:**

The Council of The Corporation of the City of Markham  
101 Town Centre Boulevard, Markham, Ontario, L3R 9W3

**The expropriating authority is:**

The Corporation of the City of Markham,  
101 Town Centre Boulevard, Markham, Ontario, L3R 9W3

  
\_\_\_\_\_  
Frank Scarpitti  
Mayor

  
\_\_\_\_\_  
Kimberley Kitteringham  
City Clerk