



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 21-88

To expropriate certain lands in the City of Brampton for a public transit terminal and a road widening

WHEREAS by application dated September 3, 1987, The Corporation of the City of Brampton as Expropriating Authority applied to expropriate the lands in Schedule A hereto for the purposes of a public transit terminal and a road widening and necessary appurtenances thereto;

AND WHEREAS notice of the application was served and published in accordance with section 6(1) of the Expropriations Act, R.S.O. 1980, c. 148, as amended, as set out in the affidavit of Leonard J. Mikulich attached as Schedule B hereto;

AND WHEREAS requests for a hearing of necessity into the proposed expropriation were received by The Corporation of the City of Brampton, but such requests were subsequently withdrawn, as set out in the said affidavit;

AND WHEREAS the Council of The Corporation of the City of Brampton, in its capacity as the Approving Authority, has considered the application of The Corporation of the City of Brampton to expropriate the lands described in Schedule A attached hereto;

NOW THEREFORE, pursuant to section 193 and paragraph 98 of section 210 of the Municipal Act, R.S.O. 1980, c. 302, as amended, and pursuant to the Expropriations Act, the Council of The Corporation of the City of Brampton ENACTS AS FOLLOWS:

1. The expropriation of the lands described in Schedule A attached hereto is hereby approved by the Council of the City of Brampton.
2. The lands described in Schedule A attached hereto are hereby expropriated for public purposes, namely, a public transit terminal, a road widening and necessary appurtenances thereto.
3. The Mayor and Clerk are hereby authorized to execute on behalf of The Corporation of the City of Brampton all documents necessary to carry out the said expropriation.

READ a FIRST, SECOND and THIRD TIME and PASSED in Open Council this 25th day of January, 1988.


KENNETH G. WHILLANS MAYOR


LEONARD J. MIKULICH CLERK

APPROVED
AS TO FORM
LAW DEPT.
BRAMPTON
WCS
DATE Feb 22

SCHEDULE A to By-law 21-88

The land situated in the City of Brampton, in the Regional Municipality of Peel, being composed of Lots 82 and 83 fronting on Main Street North, part of Lot 82 fronting on Nelson Street West and part of Lot N fronting on George Street North according to Plan BR-4, designated as Parts 1 and 2 on a draft plan of expropriation prepared by B.J. Stassen Limited, Ontario Land Surveyors, Project Number 7080.

SCHEDULE B

IN THE MATTER OF the expropriation by
The Corporation of the City of
Brampton of Lots 82 and 83 fronting on
Main Street North, Part of Lot 82
fronting on Nelson Street West and
Part of Lot N fronting on George
Street North

I, Leonard J. Mikulich, of the City of Brampton,
in the Regional Municipality of Peel, City Clerk and
Director of Administration of The Corporation of the City of
Brampton, MAKE OATH AND SAY THAT:

1. A Notice of Application for approval to
expropriate land was published, in the form attached as
Exhibit 1 to this my affidavit, in The Brampton Times on the
following dates:

Tuesday, September 8, 1987
Wednesday, September 16, 1987
Wednesday, September 23, 1987

2. A copy of the said notice of application was sent
to all the registered owners of the said lands, as defined
in section 1(k) of the Expropriations Act, as set out below:

| <u>REGISTERED OWNER</u> | <u>DELIVERY DATE</u> |
|--|----------------------|
| Edward G. Stevenson 103 Main Street North, Brampton | 4 Sept. 1987 |
| Edward G. Stevenson Limited 103 Main Street North, Brampton | 4 Sept. 1987 |
| Mrs. Heather Stevenson 103 Main Street North, Brampton and 223 Elizabeth Street, Orangeville | 4 Sept. 1987 |
| 442129 Ontario Limited 2161 Midland Avenue, Scarborough | 4 Sept. 1987 |
| Mr. Henry Viveiros Nelson Food Store 8 Nelson Street West Brampton | 4 Sept. 1987 |
| Mr. John Frias 8 Nelson Street West, Apt. 2, Brampton | 8 Sept. 1987 |
| Mr. John Frias Frias Gift Store 8 Nelson Street West, Apt. 2 Brampton | 8 Sept. 1987 |
| National Trust Company 11 Main Street South Brampton | 4 Sept. 1987 |

Mr. John Macedo
c/o 2 Nelson Street East
Brampton

4 Sept. 1987

Mr. Walter Biscaia
c/o 2 Nelson Street East
Brampton

4 Sept. 1987

Mr. Manuel Bichao
c/o 2 Nelson Street East
Brampton

4 Sept. 1987

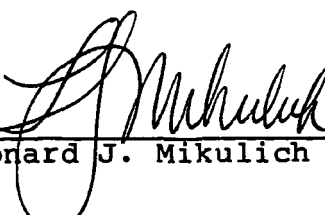
3. Mr. Antonio Machado, operating as Sapataria Da Moda, did not appear as a tenant on the last revised assessment roll at the time the notices were sent. When the Deputy City Solicitor, W.C. Connor, became aware of Mr. Machado's tenancy, a notice was sent to Mr. Machado on November 6, 1987.

4. Requests for a hearing of necessity were received from Ronald K. Webb, solicitor for Edward G. Stevenson and Edward G. Stevenson Limited, Randall A. Longfield, solicitor for Walter Biscaia, Manuel Bichao and John Macedo, and John P. Mullen, solicitor for Henry Viveiros.

5. The matter of the proposed expropriation was referred to the Chief Inquiry Officer for a hearing pursuant to a resolution of Council at its September 28, 1987 meeting.

6. A hearing of necessity was scheduled for December 16, 1987 but before the date for hearing all the persons requesting the hearing, through their respective solicitors, withdrew their requests for hearing.

SWORN BEFORE ME at the City
of Brampton, in the Regional
Municipality of Peel, this 28th
day of January, 1988.

)
) 
) Leonard J. Mikulich

A Commissioner, etc.

ROBERT D. TUFTS, a Commissioner,
etc., Judicial District of Peel, for The
Corporation of the City of Brampton.
Expires May 25th, 1988.



THE CORPORATION OF
THE CITY OF BRAMPTON

150 CENTRAL PARK DRIVE, BRAMPTON, ONT.
L6T 2T9
TELEPHONE 793-4110



**THE EXPROPRIATIONS ACT
NOTICE OF APPLICATION TO
EXPROPRIATE LAND**

IN THE MATTER OF an application by The Corporation of the City of Brampton for approval to expropriate land, being lots 82 and 83 fronting on Main Street North, and part of Lots 81 and 82 fronting on the north side of Nelson Street West, and part of Lot N, Block 12, Registered Plan BR-4, in the City of Brampton, Regional Municipality of Peel, for the purpose of a public transit terminal, a road widening and other related works.

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

FIRSTLY:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Brampton, in the Regional Municipality of Peel, formerly in the Town of Brampton, in the County of Peel, containing by admeasurement 16,510 square feet, more or less, and being composed of parts of Lots eighty-two and eighty-three, fronting the southwesterly side of Main Street North and part of Lots eighty-one and eighty-two, fronting the northwesterly side of Nelson Street West and part of Lot "N", fronting the northeasterly side of George Street North, as shown on a Plan of Subdivision of part of the east half of Township Lot Six, Concession One, West of Hurontario Street, by Chisholm Miller, P.L.S., registered January 4th, 1854 and referred to as Plan BR-4, in the City of Brampton, the boundaries of which said parcel may be described as follows:

PREMISING that the northwesterly limit of Nelson Street West has an astronomic bearing of North 38 degrees 08 minutes 40 seconds east and relating all bearings herein thereto;

COMMENCING at an iron bar planted in the said northwesterly limit of Nelson Street West, distant 245.80 feet southwesterly from the most easterly angle of said lot 82 fronting on Main Street North;

THENCE North 45 degrees 48 minutes 00 seconds west, along the northeasterly limit of lands described in instrument 42904, 100.56 feet, to an iron bar planted, which said point is also distant 11.17 feet, more or less, measured southeasterly thereon from a standard iron bar found marking the most northerly single of the said lands;

THENCE North 38 degrees 05 minutes 10 seconds east, along the southeasterly limit of lands described in instrument 28020, registered in the said Registry Office, 97.74 feet, more or less, to a standard iron bar found at the intersection of the said limit, with the southwesterly face of the southwesterly wall of a one storey stucco garage, standing in May 1975, which said point of intersection also marks the most easterly angle of the said lands described in instrument 28020;

THENCE North 50 degrees 50 minutes 20 seconds west along the said face of wall, and its production northwesterly 50.87 feet, more or less, to the intersection of the said limit with a line drawn parallel to and distant 3.50 feet, measured southwesterly at right angles from the southwesterly face of the southwesterly wall of the remains of a concrete foundation referred to in instrument 56720, registered in the said Registry Office;

THENCE South 44 degrees 17 minutes 30 seconds east along the said parallel line 81.84 feet, more or less, to a point, which said point is distant 0.02 feet measured northwesterly along the said parallel line from its intersection with the northwesterly face of the northwesterly wall of a two storey brick and stucco building standing in May, 1975;

THENCE North 45 degrees 45 minutes 10 seconds east, to and along the last said line of wall and its production northeasterly 43.25 feet, to a point;

THENCE South 51 degrees 57 minutes 00 seconds east, 35.48 feet, more or less, to a point in the said northwesterly limit of Nelson Street West, which said point is distant 65.39 feet, measured southwesterly thereon from the most easterly angle of Lot eighty-two, fronting on the southwesterly limit of Main Street North, according to the said Plan BR-4, and which said angle may be further defined as the intersection of the said northwesterly limit of Nelson Street West, with the southwesterly limit of Main Street North;

THENCE South 38 degrees 08 minutes 40 seconds west, along the said northwesterly limit of Nelson Street West, being also along the southeasterly limit of Lot eighty-two, fronting on the southwesterly limit of Main Street North and along the southeasterly limits of Lots eighty-one and eighty-two, fronting on the northwesterly limit of Nelson Street West, 180.41 feet, more or less, to the point of commencement.

AND WHICH said parcel is shown on a Plan or survey by McLean,

McMurphy and Blason, Ontario Land Surveyors, dated May 8th, 1975 and bearing reference number 74-6880.

SAVE AND EXCEPT that portion of the above described lands which are included in Lot 81 fronting the northwesterly side of Nelson Street West, and Part of Lot 82 fronting on the north side of Nelson Street West, and which excepted lands are designated as Part 1 on Reference Plan 43R-7527.

This description last used in Instrument No. 752664.

SECONDLY:

ALL AND SINGULAR that certain parcel or tract of land and premises, situate lying and being in the City of Brampton, in the Regional Municipality of Peel (formerly in the Town of Brampton, in the County of Peel) and Province of Ontario, being composed of Parts of Lots 82 and 83, Main Street North and Nelson Street, according to a Plan of Subdivision registered in the Land Registry Office for the Registry Division of Peel (No. 43) as Number Block 12, BR-4, the boundaries of which may be described as follows, being a subdivision of Lot 6, Concession 1, West of Hurontario Street;

PREMISING that the southeastern limit of said Lot 82 has a bearing of North 38 degrees 09 minutes 30 seconds East and relating all bearings herein thereto;

COMMENCING at a point in the said southeastern limit of Lot 82 distant 10.00 feet southwesterly therein from the easterly angle thereof;

THENCE South 38 degrees 09 minutes 30 seconds West along the last mentioned limit 55.39 feet to a point therein;

THENCE North 51 degrees 56 minutes 30 seconds West 35.48 feet;

THENCE South 45 degrees 46 minutes 30 seconds West, 43.25 feet;

THENCE North 44 degrees 18 minutes 40 seconds West, 81.87 feet to a point in the southern limit of the lands of the Canadian National Railways;

THENCE North 74 degrees 27 minutes 10 seconds East along the last mentioned limit 128.71 feet to the intersection thereof with the northeasterly limit of said Lot 82;

THENCE South 44 degrees 15 minutes 00 seconds East along the last mentioned limit 36.61 feet;

THENCE South 03 degrees 00 minutes 50 seconds East 15.05 feet more or less to said point of commencement.

This description last used in Instrument No. 654401.

Any owner of the lands in respect of which notice of 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 notify the approving authority in writing,

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

The approving authority is the Council of The Corporation of the City of Brampton, 150 Central Park Drive, Brampton, Ontario, L6T 2T9.

DATED AT BRAMPTON this 3rd day of September, 1987.

THE CORPORATION OF THE CITY OF BRAMPTON
Leonard J. Mikulich, Clerk

NOTES:

1. The Expropriation Act provides that,
 - (a) where an inquiry is requested, it shall be conducted by an inquiry officer appointed by the Minister of Justice and Attorney General;
 - (b) the inquiry officer,
 - (i) shall give every party to the inquiry an opportunity to present evidence and argument and to examine and cross-examine witnesses, either personally or by his counsel or agent, and
 - (ii) may recommend to the approving authority that a part to the inquiry be paid a fixed amount for his costs of the inquiry not to exceed \$200 and the approving authority may in its discretion order the expropriation authority to pay such costs forthwith.
2. "owner" and "registered owner" are defined in the Act as follows: "owner" includes a mortgagee, tenant, execution creditor, a person entitled to a limited estate or interest in land, a committee of the estate of a mentally incompetent person or a person incapable of managing his affairs, and a guardian, executor, administrator or trustee in whom land is vested; "registered owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the proper registry, land titles or sheriff's office, and includes a person shown as a tenant of land on the last revised assessment roll;
3. The expropriating authority, each owner who notifies the approving authority that he desires a hearing in respect of the land intended to be expropriated and any owner added as a party by the inquiry officer are parties to the inquiry.

This notice was first published on the 8th day of September, 1987.

Times, Sept. 8/87

This is Exhibit 1 to the affidavit of Leonard J. Mikulich sworn before me this 28th day of January, 1988.

ROBERT D. TUFTS, a Commissioner, etc., Judicial District of Peel, for The Corporation of the City of Brampton

[Signature]
A Commissioner, etc.