



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 93-92

To expropriate certain lands in
the City of Brampton for the
extension of Nelson Street

WHEREAS the Council of The Corporation of the City of Brampton has enacted By-law 244-91 as amended by By-law 254-91 authorizing the expropriation of the lands described in Schedule A to this by-law and authorizing the Clerk to make application to the Council of The Corporation of the City of Brampton as approving authority to approve the expropriation;

AND WHEREAS The Corporation of the City of Brampton has complied with the requirements of the Expropriations Act regarding service of notice of the application for approval to expropriate and the advertisement of said notice, the particulars of which are set out in the Affidavit of William Clayton Connor dated April 1, 1992, attached as Schedule B to this by-law;

AND WHEREAS requests for a hearing of necessity were received from the solicitors for Mary Brydon and William Lennard Brydon, Paul Schirripa and Richter's Meat & Delicatessen Division of Richter's Meat Products Ltd. and Scheffler Meat Packing Division of Richter's Meat Products Ltd.;

AND WHEREAS all requests for a hearing of necessity were subsequently withdrawn;

AND WHEREAS The Corporation of the City of Brampton in its capacity as expropriating authority, has applied to the Council of The Corporation of the City of Brampton in its capacity as the approving authority to obtain the approval to expropriate the lands described in Schedule A attached hereto;

NOW THEREFORE The Council of The Corporation of the City of Brampton hereby ENACTS AS FOLLOWS:

1. The expropriation of the lands described in Schedule A to this by-law is hereby approved by the Council of The Corporation of the City of Brampton.
2. The lands described in Schedule A to this by-law are hereby expropriated for the purposes of a public highway.

3. The Mayor and Clerk are hereby authorized to execute on behalf of The Corporation of the City of Brampton all documents necessary, in the opinion of the City Solicitor, to complete this expropriation.

READ a FIRST, SECOND and THIRD TIME and PASSED in Open Council this 25th day of May, 1992.

APPROVED
AS TO FORM
LAW DEPT.
BRAMPTON
wcc
DATE 12/05/90


PETER ROBERTSON Mayor


LEONARD J. MIKULICH Clerk

SCHEDULE A TO BY-LAW 93-92

The land situated in the City of Brampton in the Regional Municipality of Peel, being the part of Lots 1, G, H, I and Ann Street (as stopped up and closed by By-law 48 dated June 7, 1858) according to Plan BR-3, and the part of Lots 46, 48, 49 and Nelson Street (as stopped up and closed), according to Plan BR-2, designated as Parts 2, 3, 8, 9, 10 and 11 on a reference plan deposited in the Land Registry Office for the Registry Division of Peel (No. 43) as Number 43R-18824.

IN THE MATTER OF an application by The Corporation of the City of Brampton for approval to expropriate land being the part of Lots 1, G, H, I and Ann Street (as stopped up and closed by By-law 48 dated June 7, 1858) according to Plan BR-3 and the part of Lots 46, 48, 49 and Nelson Street (as stopped up and closed), according to Plan BR-2, designated as Parts 2, 3, 8, 9 10 and 11 on a reference plan deposited in the Land Registry Office for the Registry Division of Peel (No. 43) as Number 43R-18824 for the purposes of constructing a public highway to create an intersection with Main Street North and Nelson Street West, which would eliminate the need for a portion of California Street;

AFFIDAVIT OF SERVICE

I, William Clayton Connor, of the City of Burlington in the Regional Municipality of Halton MAKE OATH AND SAY:

1. I am employed as Deputy City Solicitor for The Corporation of the City of Brampton and as such I have knowledge of the matters set forth in this affidavit.
2. On November 27, 1991, I caused to be sent a letter by prepaid registered mail enclosing a copy of a notice of application for approval to expropriate the land described above to the persons and corporations listed in Exhibit 1 attached.
3. The persons listed in Exhibit 1 represent all the owners (as defined in the Expropriations Act), mortgagees and execution creditors of the lands described above.
4. Subsequently, it was discovered that the notice was not published on the first publication date referred to in the notice.
5. Accordingly, I caused a new notice, in the form of the advertisement attached as Exhibit 2 to my affidavit, to be sent to all the persons and corporations listed in Exhibit 1, with the exception of the following:

Mr. Khoa Nguyen; 90 Main St. N., Apt. 2, Brampton, Ont. L6V 1N7

Ms. Melody Rader; 92 Main St. N., Brampton, Ont. L6V 1N7

Mr. Brian Rader & Ms. Melody Rader c.o.b. as GIL'S ANTIQUES; 92 Main St. N., Brampton, Ont. L6V 1N7

Mr. Brian Rader; 92 Main St. N., Brampton, Ont. L6V 1N7

Society of St. Vincent de Paul 1850; 106 Main St. N., Brampton, Ont. L6V 1N7

Ms. Lynn Berchtold c.o.b as COMFORT AND JOY; 16 California St., Brampton, Ont. L6V 1C8

6. New notices were not sent to the persons described in paragraph 5 because the original notices which were sent were returned by Canada Post indicating those persons had moved. The addresses of these persons were those shown on the last revised assessment roll and were the last addresses of these persons known to me.
7. The form of public notice attached as Exhibit 2 was published in the Brampton Guardian, a newspaper having general circulation in the City of Brampton, on December 6, 1991; December 11, 1991 and December 18, 1991.

SWORN before me at the
City of Brampton, in the
Regional Municipality of Peel
this 1st day of April, 1992.

)
)
)
)
)
)
)

WCCannon
WILLIAM CLAYTON CONNOR

Dianne Rita Lightowler

A Commissioner etc.
Dianne Rita Lightowler a Commissioner etc
Regional Municipality of Peel for
The Corporation of The City of Brampton
Expires March 2, 1993

Dianne Rita Lightowler a Commissioner etc
Regional Municipality of Peel for
The Corporation of The City of Brampton
Expires March 2, 1993

This is Exhibit 1 to the Affidavit of
WILLIAM CLAYTON COOPER sworn before me
this 1ST day of APRIL, 1992.
Channee Rita Lightowler
A Commissioner, etc.

EXHIBIT 1

SCHEFFLER MEAT PACKING DIVISION OF RICHTERS MEAT PRODUCTS LTD.;
8 California St., Brampton, Ont. L6V 1C7

Mr. Peter Kuipers; 37 Treleaven Dr., Brampton, Ont. L6Y 1X7

Mrs. Mara Kuipers; 37 Treleaven Dr., Brampton, Ont. L6Y 1X7

CORONET TRUST COMPANY; 160 Bloor St. E., Ste 940, Toronto, Ont.
M4W 1B9

CENTRAL GUARANTY TRUST COMPANY; 3300 Bloor St. W., Shipp Centre
East Tower, Ste 3050, 10th Floor, Toronto, Ont. M8X 2X3

Ms. Lydija Perri c.o.b. as THE ART DEN; 16 California St.,
Brampton, Ont. L6V 1C8

S.T. & B.B. FOODS LTD. o/a HERITAGE FISH & CHIPS; 16 California
St., Brampton, Ont. L6V 1C8

Cohen Goodman, Barristers & Solicitors; 801-481 University Ave.,
Toronto, ont. M5G 2E9

Mr. Don DeBellis; 108 Main Street North, Brampton, Ont. L6V 1N7

Mrs. Donna DeBellis; 108 Main Street North, Brampton, Ont. L6V
1N7

Mr. Don DeBellis and Mrs. Donna DeBellis c.o.b. as DON'S BARBER
SHOP; 108 Main Street North, Brampton, Ont. L6V 1N7

Mr. Paul Schirripa; 12 Dantek Court, Brampton, Ont. L6V 3T4

Mrs. Angela Schirripa; 12 Dantek Court, Brampton, Ont. L6V 3T4

CANADA TRUSTCO MORTGAGE COMPANY; 110 Yonge St., Suite 1130,
Toronto, Ont. M5C 1T4

Mr. Troy Kokura c.o.b. as KOKURA PROJECT MANAGEMENT c/o David A.
Aiken, Barrister & Solicitor, 555 Burnhamthorpe Rd., Suite 302,
Etobicoke, Ont. M9C 2Y3

CANADA TRUSTCO MORTGAGE COMPANY; 110 Yonge St., Suite 1130,
Toronto, Ont. M5C 1T4

L & J SHOPPE LTD.; 100 Main St. N., Brampton, Ont., L6V 1N7

Mr. David Moola; 63 Main St. N., Brampton, Ont. L6X 1M8

Ms. Renate Morten; 94 Main St. N., Brampton, Ont. L6V 1N7

Ms. Lynne Elliot; 94 Main St. N., Brampton, Ont. L6V 1N7

EXHIBIT 1 (CONT.)

Ms. Renate Morten & Ms. Lynne Elliot c.o.b. as THE MANE WAY; 94 Main St. N., Brampton, Ont. L6V 1N7

Mrs. Mary Jane Brydon Smith; P.O. Box 234, Sundridge, Ont. POA 1Z0

Mr. Thomas Brydon; 1959 West 13th Avenue, Vancouver, B.C., V6J 2H5

Mr. William Lennard Brydon; 10 Wesmorland Ave., Brampton, Ont. L6Z 1E7

Ms. Edith Anne Brydon; 599 Wardlaw Ave., Apt. 1, Winnipeg, Manitoba R3L 0M3

RICHTER'S MEAT & DELICATESSEN DIVISION OF RICHTERS MEAT PRODUCTS LTD.; 10 California St., Brampton, Ont. L6V 1C8

Mrs. Mary W. Brydon, 400 Ray Lawson Blvd., Ste 224, Brampton, Ont. L6Y 4G4

Mr. Bruce Angelo Fontaine; 90 Main St. N., Apt. 3, Brampton, Ont. L6V 1N7

Mr. Khoa Nguyen; 90 Main St. N., Apt. 2, Brampton, Ont. L6V 1N7

Ms. Melody Rader; 92 Main St. N., Brampton, Ont. L6V 1N7

Mr. Brian Rader & Ms. Melody Rader c.o.b. as GIL'S ANTIQUES; 92 Main St. N., Brampton, Ont. L6V 1N7

Mr. Brian Rader; 92 Main St. N., Brampton, Ont. L6V 1N7

Society of St. Vincent de Paul 1850; 106 Main St. N., Brampton, Ont. L6V 1N7

Ms. Lynn Berchtold c.o.b as COMFORT AND JOY; 16 California St., Brampton, Ont. L6V 1C8



The Corporation of The City of Brampton



Public Notice

THE EXPROPRIATIONS ACT

NOTICE OF APPLICATION FOR APPROVAL TO EXPROPRIATE LAND

IN THE MATTER OF an application by The Corporation of the City of Brampton for approval to expropriate land, being the part of Lots 1, G, H, I and Ann Street (as stopped up and closed by By-law 48 dated June 7, 1858) according to Plan BR-3, and the part of Lots 46, 48, 49 and Nelson Street (as stopped up and closed), according to Plan BR-2, designated as Parts, 2, 3, 8, 9, 10 and 11 on a reference plan deposited in the Land Registry Office for the Registry Division of Peel (No. 43) as Number 43R-18824 for the purposes of constructing a public highway to create an intersection with Main Street North and Nelson Street West, which would eliminate the need for a portion of California Street;

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

The land situated in the City of Brampton in the Regional Municipality of Peel, being the part of Lots 1, G, H, I and Ann Street (as stopped up and closed by By-law 48 dated June 7, 1858) according to Plan BR-3, and the part of Lots 46, 48, 49 and Nelson Street (as stopped up and closed), according to Plan BR-2, designated as Parts 2, 3, 8, 9, 10 and 11 on a reference plan deposited in the Land Registry Office for the Registry Division of Peel (No. 43) as Number 43R-18824.

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 days after he is served with the notice, or, when he is served by publication, 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, 2 Wellington Street West, Brampton, Ontario L6Y 4R2.

DATED AT BRAMPTON this 4th day of December, 1991.

THE CORPORATION OF THE CITY
OF BRAMPTON

Leonard J Mikulich, Clerk

NOTES:

1. The Expropriations 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 party 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 of 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 desired 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 first published on the 6th day of December, 1991.

Please file

RECEIVED

DEC 10 1991

BRAMPTON
LAW DEPARTMENT

Guardian - Fri Dec. 6/91

Dianne Rita Lightowler a Commissioner etc.
Regional Municipality of Peel for
The Corporation of The City of Brampton
Expires March 2, 1993

This is Exhibit 2 to the Affidavit of
WILLIAM CLAYTON CONNOR sworn before me
this 1st day of APRIL, 1992.

Dianne Rita Lightowler
A Commissioner, etc.