



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 86-90

To expropriate certain lands in the City of Brampton being Part of Lot 9, Concession 5, East of Hurontario Street known municipally as 9801 Bramalea Road

**WHEREAS** the Council of The Corporation of the City of Brampton, as expropriating authority, on the 23rd day of August, 1989, passed a by-law 228-89 authorizing the expropriation of the lands described in Schedule A to this by-law, and further, authorizing the Clerk to sign notice and advertisements on behalf of The Corporation of the City of Brampton as required by the Expropriations Act, (R.S.O. 1980, c.148, as amended);

**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 W. Clayton Connor attached as Schedule B to this by-law;

**AND WHEREAS** J.B. Donnelly, Solicitor for the registered owner, Carmela Serafino, forwarded a letter to The Corporation of the City of Brampton dated November 16, 1989 requesting the hearing of necessity as to whether the proposed expropriation was fair, sound and reasonably necessary in the achievement of the objectives of expropriating authority;

**AND WHEREAS** on the 7th day of March, 1990, a hearing as to whether the expropriation is fair, sound and reasonably necessary was conducted by Harold S. Goldkind, Q.C., Inquiry Officer, in the presence of J.B. Donnelly and Giuseppe Serafino, husband of the registered owner, Carmela Serafino;

**AND WHEREAS** the report of the Inquiry Officer is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority pursuant to Section 7(5) of the Expropriations Act;

**AND WHEREAS** The Corporation of the City of Brampton, in its capacity as the 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;

**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 to this by-law and has considered and adopted the report of the Inquiry Officer in its reasons for approval of the expropriation;

**NOW THEREFORE** the Council of The Corporation of the City of Brampton 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 public parkland and a future road widening;
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 this expropriation.

**READ a FIRST, SECOND and THIRD TIME and PASSED** in Open Council this 28th day of May, 1990.

  
\_\_\_\_\_  
KENNETH G. WHILLANS                      MAYOR

  
\_\_\_\_\_  
LEONARD J. MIKULICH                      CLERK

APPROVED  
AS TO FORM  
LAW DEPT  
BRAMPTON  
  
\_\_\_\_\_  
DATE 19/05/18

SCHEDULE A TO BY-LAW 86-90

**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 Township of Chinguacousy, in the County of Peel), and Province of Ontario and being composed of part of Lot Number 9, in the Fifth Concession, East of Hurontario Street in the said former Township, the limit of which said parcel of land may be more particularly described as follows:

**PREMISING** that the Southwest limit of Lot Number 9, in Concession 5, East of Hurontario Street, has an assumed bearing of North 44 degrees 17 minutes 30 seconds West in accordance with a plan of survey by J.D. Barnes, Ontario Land Surveyor, dated February 28, 1966, and relating all bearings herein thereto;

**COMMENCING** at a point which may be located as follows:

**BEGINNING** at a point in the said Southwest limit of Lot Number 9 distant 290.78 feet measured on a bearing of South 44 degrees 17 minutes 30 seconds East along the Southwest limit of Lot Number 9 from the most westerly angle thereof;

**THENCE** North 66 degrees 01 minutes East a distance of 18.12 feet to a survey monument marking the point of commencement and which said survey monument also marks a point in a line drawn parallel to the said Southwest limit of Lot Number 9 and distant 17 feet measured Northeasterly therefrom and at right angles thereto;

**THENCE** South 44 degrees 17 minutes 30 seconds East along the last mentioned parallel line a distance of 100 feet to a survey monument;

**THENCE** North 66 degrees 01 minutes East along the line of a post and wire fence a distance of 221.88 feet;

**THENCE** North 23 degrees 59 minutes West a distance of 93.75 feet;

**THENCE** South 66 degrees 01 minutes West a distance of 256.53 feet to the point of commencement.

Containing by admeasurement an area of 0.515 acres, be the same more or less.

The herein described parcel of land is further shown outlined on a plan of survey prepared by R.R. Scott, Ontario Land Surveyor dated July 2, 1969, and attached to Instrument Number 30702.

As described in Instrument No. 790605.

The said lands are shown as Parts 1 and 2 on a draft plan of expropriation prepared by Duncan Ashworth Surveying Ltd., reference number 645-89. Part 1 as shown on the draft expropriation plan is for the road widening of Bramalea Road and the lands shown as Part 2 on the plan are for the purpose of public open space (parkland).

THE EXPROPRIATIONS ACT

IN THE MATTER OF an application by the Corporation of the City of Brampton for approval to expropriate land, being part of Lot 9, Concession 5 East of Hurontario Street, in the City of Brampton, Regional Municipality of Peel (known municipally as 9801 Bramalea Road) for public open space (parkland) and a road widening

AFFIDAVIT OF WILLIAM CLAYTON CONNOR

I, WILLIAM CLAYTON CONNOR, of the City of Burlington, in the Regional Municipality of Halton, MAKE OATH AND SAY THAT:

1. I am employed as Deputy City Solicitor for The Corporation of the City of Brampton and as such I have knowledge of the facts herein contained.

2. On August 23, 1989, the Council of The Corporation of the City of Brampton enacted By-law 228-89, a certified copy of which is attached as Exhibit A to this my affidavit, authorizing the expropriation of the part of Lot 9, Concession 5 East of Hurontario Street described therein (hereinafter called the "subject property").

3. I caused to be conducted the searches of the subject property required by the Expropriations Act and concluded that the following persons were owners of the subject property as defined by that Act:

(a) Carmela Serafino (registered owner)  
2557 Keele Street  
Toronto, Ontario  
M6L 2N9

(b) Scotia Mortgage Corporation (mortgagee)  
1391 Lawrence Avenue West  
Toronto, Ontario  
M6L 1A4

4. On October 18, 1989, a notice of application to expropriate land, in the form attached as Exhibit B to this my affidavit, was sent by registered mail to the registered owners, Carmela Serafino and Scotia Mortgage Corporation, as required by Section 6 of the Expropriations Act.

5. The notice of application to expropriate land, in the form attached as Exhibit B to this my affidavit, was advertised in the Brampton Times and the Brampton Guardian, newspapers having general circulation with the City of Brampton, on the following dates:

Brampton Times:                    Wednesday, October 25, 1989  
    Wednesday, November 1, 1989  
    Wednesday, November 8, 1989

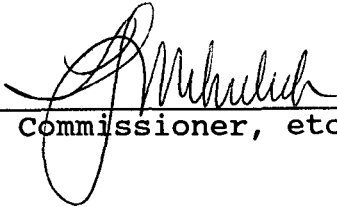
Brampton Guardian:                Wednesday, October 25, 1989  
    Wednesday, November 1, 1989  
    Friday, November 10, 1989

6. The only owner who requested a hearing under Section 6(2) of the Expropriations Act was Carmela Serafino, through a letter from her solicitor, J.B. Donnelly.

7. On February 27, 1990, notice of the grounds upon which the City of Brampton would be relying at the hearing was served on Carmela Serafino, as required by the Expropriations Act.

SWORN BEFORE ME at the City )  
of Brampton in the Regional )  
Municipality of Peel )  
this 28th day of May, 1990 )

WC Connor  
William Clayton Connor

  
A Commissioner, etc.

UNIT	SIGNATURE		
2111	Aimi - John Berg		
2112			
2201	<del>B. H. Peterson</del>		
2202	S. Westcase		
2203	Arthur R. [Signature]		
2204	VAC		
2205			
2206			
2207	B. Hild		
2208			
2209	L. Wainwright		
2210	Hilda P. Holton		
2211	Arthur S. Stebbins		
	Arthur C. Longwood		

UNIT	SIGNATURE	UNIT	SIGNATURE
2301	<i>[Signature]</i>	2406	J. Lord Lannie Katcher
2302	John Beckner	2407	R. Hussard
2303	✓	2408	
2304	K. G. Johnson	2409	M. Weston
2305	Mr & Mrs Jim Finch	2410	Dunlop
2306	VAC	2411	John Rose
2307	✓	2412	
2308	Mrs D Kennedy	2501	Alvarez
2309		2502	Burgin
2310		2503	Joe Hennas
2311		2504	
2312		2505	D Bledsdmitt
2401		2506	
2402	James Wadman	2507	Ann Manire
2403	Ken Bauer Wayne Jones	2508	B. Saylor Sara Saylor
2404		2509	Barnett
2405	<del>Erica [Signature]</del> <del>Mc [Signature]</del>	2510	Now address. McWilliam