

The Corporation of the City of Kawartha Lakes

By-Law 2024-

A By-Law to Provide for the Making of an Application For Approval to Expropriate Land, being All of PIN: 63216-0051 (LT), described as Part of Lots 4-5 in Block A on Registered Plan 1, as in R230587, in the City of Kawartha Lakes

Recitals

1. The Corporation of the City of Kawartha Lakes requires a fee simple interest in the land municipally known as 4 Colborne Street West, Lindsay, Ontario, and described as Part of Lots 4-5 in Block A on Registered Plan 1, as in R230587; Kawartha Lakes, being all of PIN 63216-0051 (LT), for the purposes of facilitating the construction of an access road and a bridge to connect Colborne Street East and Colborne Street West and any and all works ancillary thereto (the "Project");
2. 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");
3. Pursuant to Section 4 of the Expropriations Act, an expropriating authority, in this case, the City, shall not expropriate land without the approval of the approving authority, in this case, City Council;
4. Ontario Regulation 363, R.R.O., 1990, as amended, requires that an Application for Approval to Expropriate Land shall be in "Form 1" and that Notice of the said application shall be in "Form 2";
5. The City wishes to commence expropriation proceedings to acquire the land for the Project, as expropriation has been deemed the most expedient manner of acquisition in this circumstance;
6. The City shall conduct the expropriation in accordance with the *Expropriations Act*.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024- .

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this By-law,

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

“Council” or “City Council” means the municipal council for the City;

“Manager of Realty Services” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

1.02 Interpretation Rules:

(a) The Schedules attached to this By-law form part of the By-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 Statutes: References to laws in this By-law are meant to refer to the statutes, as amended from time to time, which are applicable within the Province of Ontario.

1.04 Severability: If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law shall be considered to be severed from the balance of the By-law, which shall continue to operate in full force and effect.

Section 2.00: Expropriation of Land

2.01 Council hereby approves the making of an application for approval to expropriate the property that is municipally known as 4 Colborne Street West, Lindsay, Ontario, as set out in the Form 1 application attached hereto as Schedule A.

2.02 The City Solicitor and the Manager of Realty Services, or any one of them, are hereby authorized to execute, on behalf of the City, the Application for Approval to Expropriate Land in Form 1, attached hereto as Schedule A, and the Notice of Application for Approval to Expropriate Land in Form 2, attached as Schedule B (the “Notice”).

2.03 The City Solicitor and the Manager of Realty Services, or any one of them, are hereby authorized to serve and publish the Notice, on behalf of the City, in accordance with the *Expropriations Act*.

2.04 In the event that an “owner” or “registered owner” (as defined in the *Expropriations Act*) requests a hearing of necessity, the City Solicitor is authorized to refer the matter to the Tribunal for a hearing by a single member of the Tribunal in accordance with Section 7 of the *Expropriations*

Act and shall take, on behalf of the City, any steps that the City Solicitors deems necessary to represent the City's interests at the hearing.

- 2.05 If the Tribunal issues a report pursuant to subsection 7(6) of the Expropriations Act, the report shall come before City Council for consideration prior to any further steps being taken with respect to the expropriation of the Subject Lands.
- 2.06 The City Solicitor and the Manager of Realty Services are hereby authorized and directed to do all things required arising from the authorizations provided for by this By-law.

Section 3.00: Administration and Effective Date

- 3.01 **Administration of the By-law:** The Manager of Realty Services is responsible for the administration of this By-law.
- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 22nd day of October, 2024.

—
Doug Elmslie, Mayor

—
Cathie Ritchie, City Clerk

Schedule A

FORM 1

APPLICATION FOR APPROVAL TO EXPROPRIATE LAND

Expropriations Act

To: The Council of the Corporation of the City of Kawartha Lakes

26 Francis Street, P.O. Box 9000, Lindsay, ON K9V 5R8

IN THE MATTER OF the proposed expropriation of land by the Corporation of the City of Kawartha Lakes being all of PIN 63216-0051 (LT), described as Part of Lots 4-5 in Block A on Registered Plan 1, as in R230587, in the City of Kawartha Lakes, for the purpose of facilitating the construction of an access road and a bridge to connect Colborne Street East and Colborne Street West and any and all works ancillary thereto.

APPLICATION IS HEREBY MADE for approval to expropriate the fee simple interest in the land described as follows:

All of PIN 63216-0051 (LT), being PT LT 4-5 BLK A PL 1 AS IN R230587;
KAWARTHA LAKES.

Dated at the City of Kawartha Lakes, this ____ day of _____, 2024.

The Corporation of the City of Kawartha Lakes

Laura Carnochan
Acting Manager – Realty Services

Schedule B

FORM 2

NOTICE OF APPLICATION FOR APPROVAL TO EXPROPRIATE LAND

Expropriations Act

IN THE MATTER OF an application by

The Corporation of the City of Kawartha Lakes

For approval to expropriate the fee simple interest in the land comprising all of PIN 63216-0051 (LT), being Part of Lots 4-5 in Block A on Registered Plan 1, as in R230587, in the City of Kawartha Lakes, for the purpose of facilitating the construction of an access road and a bridge to connect Colborne Street East and Colborne Street West and any and all works ancillary thereto.

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

All of PIN 63216-0051 (LT), being PT LT 4-5 BLK A PL 1 AS IN R230587;
KAWARTHA LAKES.

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 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 registered owner is served with notice, or, when the registered owner 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 Kawartha Lakes
26 Francis Street, P.O. Box 9000, Lindsay, ON K9V 5R8

The expropriating authority is:

The Corporation of the City of Kawartha Lakes
c/o Laura Carnochan
26 Francis Street, P.O. Box 9000, Lindsay, ON K9V 5R8

This notice first published on the _____ day of _____, 2024.

The Corporation of the City of Kawartha Lakes

Laura Carnochan
Acting Manager, Realty Services