

Authority: Administration Committee Report No. 7, Clause No. 9,
as adopted by City of Toronto Council on September 28, 29 and 30, 2005
Enacted by Council: October 28, 2005

CITY OF TORONTO

BY-LAW No. 868-2005

To acquire certain interests in land for or in connection with the Scarborough Rapid Transit Right-of-way Protection Project.

WHEREAS notice of an application to the Council of the City of Toronto for approval to expropriate the interests in land hereinafter described for or in connection with the Scarborough Rapid Transit Right-of-way Protection Project (the "Project") has been served on the registered owner thereof and has been published pursuant to the provisions of the *Expropriations Act*; and

WHEREAS a notice in writing of a desire for a hearing of necessity with respect to such interests was received and such hearing was held before an inquiry officer on June 7, 2005 pursuant to section 7 of the *Expropriations Act*; and

WHEREAS the Council of the City of Toronto has considered the report of the said inquiry office recommending approval of the application to expropriate the interests in land herein, and adopted same;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The expropriation of the interests in land set forth in section 2 is hereby approved.
2. A permanent easement for the purpose of installation, inspection, maintenance, replacement, and repair of a safety barrier and all such other work as may be incidental thereto over Parts 3 and 4 on Plan 66R-20523, and a temporary easement over Parts 3, 4 and 5 for the purpose of access and occupation of such lands with personnel, materials and equipment for construction purposes for a period of thirty-six months from the date of registration of the plan referred to in section 3 are hereby taken for or in connection with the Project pursuant to the provisions of subsection 6(1) of the *Municipal Act*, in the lands municipally known as 303 Nantucket Avenue, being part of Lot 101 on Plan 9846 in the Land Titles Division of the Toronto Registry Office (No. 66).
3. Authority is hereby granted for the signing, sealing and registration in the proper Land Registry Office of the plan showing the interests in land expropriated pursuant to section 2, including the payment of all expenses incurred incidental thereto.
4. The Executive Director of Facilities and Real Estate or the Director of Real Estate Services, Facilities and Real Estate, are hereby authorized to sign and serve on the registered owner of the property set forth in section 2 the Notice of Expropriation, along with copies of Notices of Election as to a Date of Compensation and Notice of Possession, as contemplated by the *Expropriations Act*.

- 5.** The Mayor and the proper officers of the City are hereby directed to do all things necessary to give effect to this by-law and the City Clerk and City Treasurer are hereby directed to execute all documents necessary in that behalf and the said Treasurer is hereby authorized and directed to affix the corporate seal of the City to all such documents.

ENACTED AND PASSED this 28th day of October, A.D. 2005.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)