

Authority: Motion MM14.27, moved by Councillor Shiner, seconded by Councillor Stintz,  
as adopted by City of Toronto Council on November 29, 30 and December 1, 2011  
Enacted by Council: December 1, 2011

## CITY OF TORONTO

### BY-LAW No. 1416-2011

#### **To expropriate limited interests in land benefitting 26 Country Lane in connection with improvements proposed for City of Toronto lands at 2489 Bayview Avenue.**

WHEREAS in accordance with the provisions of the *Expropriations Act*, an application has been submitted to City Council as approving authority for approval to expropriate the interests in land benefitting the lands hereinafter described; and

WHEREAS Notice of such Application has been published and has been served on the registered owner of the said lands and interests in lands 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 right to a hearing was then subsequently waived in writing pursuant to section 7 of the *Expropriations Act*;

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

1. The expropriation of the interests benefitting the land municipally known as 26 Country Lane, being part of Lot 8, Concession 2, geographic township of York, East of Yonge Street, designated as Part 1 on Reference Plan 64R-15183, Toronto (formerly North York) and designated as Part 1 on a draft Plan of Survey prepared by Toronto Survey and Mapping Services dated November 21, 2011 and identified as Job 2011-0625 (the "Land"), as set forth in sections 2 and 3 is hereby approved pursuant to section 9 of the *City of Toronto Act, 2006*.
2. A temporary limited interest, commencing on the date of registration of the plan of expropriation and ending on December 31, 2013, being the benefit and right of the owner of the Land, pursuant to a restrictive covenant registered as Instrument No. TB781367 on July 3, 1980, to approve construction on the adjacent City of Toronto lands at 2489 Bayview Avenue, as follows:

"No building or structure shall be erected upon the said lands unless the dimensions (including height) and location thereof as indicated by a siting plan shall have been first submitted to and approved in writing by the owners for the time being of the dominant tenement or the nominee for the time being of such owner, and no building or structure shall be constructed or placed upon the said lands otherwise than in conformity with such dimensions and siting plan."

3. A temporary limited interest, commencing on the date of registration of the plan of expropriation and ending on December 31, 2013, being the benefit and right of the owner of the Land, pursuant to a restrictive covenant registered as Instrument No. TB781367 on July 3, 1980, to approve parking on the adjacent City of Toronto lands at 2489 Bayview Avenue, as follows:

"No part of the said lands shall be used for parking purposes other than areas specifically designated for that purpose, and no parking area shall be laid out or constructed on the said lands or any part thereof unless the plans, dimensions and location thereof have been first submitted to and approved in writing by the owners for the time being of the dominant tenement or the nominee for the time being of such owners, and no parking area shall be laid out or constructed upon the said lands otherwise than in conformity with such plans, dimensions and location."

4. Authority is hereby granted for the signing, sealing and registration in the proper Land Registry Office of the plan showing the lands and interests in land expropriated pursuant to sections 2 and 3 including the payment of all expenses incidental thereto.
5. Each of the Executive Director of Facilities and Real Estate Services and the Director of Real Estate Services is hereby authorized to sign and serve on the registered owner of the Land and interests in land set forth in sections 2 and 3 the Notices of Expropriation, Notices of Election as to a Date for Compensation, and Notices of Possession as contemplated by the *Expropriations Act*.
6. Authority is hereby granted to apply to Court for an Order permitting the City to take early possession of the expropriated interests in land.
7. The Mayor and the proper officers of the City are hereby authorized and 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 authorized and directed to affix the corporate seal of the City to all such documents.

ENACTED AND PASSED this 1st day of December, A.D. 2011.

FRANCES NUNZIATA,  
Speaker

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)