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PROPOSED ANNEXATION OF LANDS FROM THE CITY OF BRAMPTON TO THE CITY OF VAUGHAN

The Finance and Administration Committee recommends the adoption of the recommendations contained in the following report, September 26, 2006, from the Commissioner of Transportation and Works and the Regional Solicitor:

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council authorize a public meeting pursuant to section 173(3) of the *Municipal Act, 2001*, with respect to the proposed annexation from the City of Brampton by the City of Vaughan of the lands currently owned by Province described as Parts 1, 2, 5 and 6 on Plan 43R-24780.
2. Regional Council establish a committee of at least three (3) members of Regional Council for the purpose of the public meeting.
3. The public meeting be held jointly if possible with the City of Vaughan, the City of Brampton and the Regional Municipality of Peel at a location close to the site mutually agreeable to all parties.
4. Staff be directed to work with any committee established under recommendation No. 2 above and the other municipalities to set a date for the public meeting.
5. No fewer than ten (10) days notice be given of the public meeting to consider the proposed annexation, and that such notice be given by publication in the newspaper.
6. Any committee established under recommendation 2 report back to Regional Council respecting the proposed annexation.
7. The Regional Clerk forward this report and Council Resolutions to Clerks of the Regional Municipality of Peel, the City of Brampton and the City of Vaughan.

2. PURPOSE

The purpose of this report is to authorize a joint public meeting with the municipalities involved in the proposed annexation by the City of Vaughan of lands from the City of Brampton.

3. BACKGROUND

3.1 Initiation of Proposed Annexation

At the request of the City of Brampton ("Brampton") on June 26, 2006, the City of Vaughan ("Vaughan") initiated a minor restructuring proposal under section 173(16) of the *Municipal Act, 2001*, to allow Vaughan to annex from Brampton a triangular shaped parcel of land located east of the current alignment of Highway 50 north of Highway 407, described as Parts 1, 2, 5 and 6 on Plan 43R-24780 (the "Annexation Lands"). The Annexation Lands are shown on an appended location map (*see Attachment 1*).

The Annexation Lands are currently under the jurisdiction of the Parkway Belt West Plan ("PBWP") and are owned by the Province. The Province declared the Annexation Lands surplus and in April, 2003 the Ministry of Transportation transferred title of these surplus Annexation Lands to the Management Board of Cabinet ("MBC").

In January of 2006, Ontario Realty Corporation ("ORC"), as agent for the Province, made an application to have the surplus lands deleted from the PBWP to facilitate their sale to abutting landowners in Vaughan. This application was circulated to the planning departments of Brampton, Vaughan, the Regional Municipality of Peel ("Peel") and the Regional Municipality of York ("York") for comment. In June, 2006 York staff responded that they had no concerns with the deletion of these lands from the PBWP.

All of the above actions are being proposed to resolve the ownership and jurisdictional anomalies created by the realignment of Highway 50.

3.2 Effect of Highway 50 Realignment

Highway 50 was originally constructed on the road allowance between the Township of Vaughan (now Vaughan) and the Township of Toronto Gore (now part of Brampton). In order to facilitate the construction of Highway 407, that part of Highway 50 between Steeles Avenue and the Gore Road, was relocated westward to lands in Brampton described as Lots 1 & 2, Concession 9, Northern Division, Township of Toronto Gore. In 1983, the Ministry of Transportation ("MTO") approved the expropriation of the lands in Brampton required for the relocation of Highway 50.

The construction of the realignment of Highway 50 affected two properties, both located in Vaughan. These properties are the Dobson lands at 7141 Highway 50 and neighbouring lands to the north owned by Glen 50 Developments North Limited ("Glen 50"). Prior to realignment both properties had legal access onto Highway 50. Neither the Dobson nor the Glen 50 property abut or have legal access to the realigned Highway 50. In order to address this impact on the Dobson property, MTO constructed a temporary access over its property (Parts 2 & 5, Plan 43R-24780) extending from the Dobson property to the current alignment of Highway 50. Both the Dobson's and Glen 50 are requesting the reinstatement of their legal access to Highway 50. ORC has made its application to delete the lands from the PBWP to facilitate the conveyance of the lands to these abutting owners to reinstate such access.

The realignment of Highway 50 did not alter the boundary between Vaughan and Brampton nor did it alter the boundary between Peel and York. Consequently, the realignment of Highway 50 resulted in the Annexation Lands in Brampton being located east of Highway 50. Although jurisdictionally located in Brampton the Annexation Lands are functionally related only to Vaughan as they serve only to provide access to the Dobson and Glen 50 properties.

4. ANALYSIS AND OPTIONS

4.1 Analysis

Should the lands be deleted from the PBWP and be conveyed to the abutting owners, (Parts 1 and 6 to Glen 50 and Parts 2 and 5 to the Dobson's), a situation will be created that will have two properties split between Vaughan and Brampton. This could create a number of concerns including:

The properties would be subject to two planning regimes:

- Transfers of the lands would have to be registered in the Land Registry Offices for both Peel and York.
- The properties would have to be separately assessed as between the portions in Vaughan and Brampton.
- The owners of the properties would be able to vote in both Vaughan and Brampton.
- Some confusion could arise as to which municipality is required to respond in the event of an emergency.

4.2 Options

Section 173(16) of *The Municipal Act, 2001*, sets out the process for restructuring. The process involves, among other matters, the submission by the municipality (in this case Vaughan), of a restructuring report to the Minister of Municipal Affairs and Housing (the "Minister") containing a description of the restructuring proposal and proof that the restructuring proposal has the support of the prescribed municipalities (in this case Brampton, Vaughan, Peel and York), that the support was determined in the prescribed manner and that the municipalities consulted the public in the required manner.

A public meeting must be held before any of the Councils can vote on whether to support or oppose the restructuring proposal. Since a public meeting must be held and a draft restructuring proposal considered, staff recommend that Council establish a committee to attend any proceeding and the proposed committee report back to Council. Staff recommend a joint public meeting be held by all the involved municipalities, most likely in Brampton, in order to satisfy the requirements of the *Municipal Act, 2001*.

After the Committee reports to Council in the public meeting, Council would be in a position to consider the restructuring proposal. Should all the Councils support the restructuring, the approval would be provided to the Minister for approval. The

restructuring proposal, if approved by the Province, is implemented through an order made by the Minister.

4.3 Proposed Process

The proposed process for the annexation is as follows:

- The City of Vaughan will draft and circulate the restructuring proposal and report;
- A joint public meeting would be held (most likely in Brampton);
- Each Council would vote to support or oppose the restructuring proposal; and
- If all Councils vote in favour the proposal is sent to the Minister for approval.

Brampton formally requested that Vaughan initiate the minor restructuring. On June 26, 2006, Vaughan directed staff to initiate the restructuring process and appointed Regional Councillors Ferri and Frustaglio and Ward Councillor Carella to sit on the ad hoc committee. A copy of the extract from Vaughan Council is appended to this report (see *Attachment 2*). Brampton staff will be taking a report to Council on October 11, 2006, to authorize the public meeting and appoint the ad hoc committee. Peel Council will also be dealing with the matter in October.

5. FINANCIAL IMPLICATIONS

There are no financial implications associated with this report

6. LOCAL MUNICIPAL IMPACT

Should the restructuring proposal be approved by the Minister, the lands described as Parts 1, 2, 5 and 6 on Plan 43R-24780 would become part of the City of Vaughan.

7. CONCLUSION

In order to resolve jurisdictional anomalies created by the realignment westward of Highway 50, Vaughan, at the request of Brampton, is proposing the annexation of those lands in Brampton east of the realigned Highway 50. This type of annexation is considered a restructuring proposal under the *Municipal Act, 2001* and must be approved by the Minister. A public meeting must be held prior to the submission of the proposal to the Minister.

It is recommended that Regional Council establish a committee for the purposes of the required public meeting and that said meeting be held jointly with Vaughan, Brampton and Peel. A report will then be prepared for each Council prior to the Councils voting to approve or reject the restructuring proposal.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause was included in the agenda for the October 5, 2006 Committee meeting.)