

APPROVED AT REGIONAL COUNCIL
August 14, 2003

PL-D1. Proposed Annexation of Certain Lands from the City of Vaughan in the Region of York to the Town of Caledon in the Region of Peel

Moved by Councillor Palleschi,
Seconded by Councillor Bissell;

That Regional staff be authorized to make all necessary arrangements for a public meeting pursuant to Section 173 (3) of the Municipal Act regarding the proposed annexation of certain lands owned by Muscillo Transport Limited now within the Town of Vaughan in the Region of York to the Town of Caledon in the Region of Peel;

And further, that Regional Council delegate to a committee of at least three (3) members of Regional Council, the responsibility to hold the statutory public meeting for the purpose of satisfying Section 173 (3) of the Municipal Act and that these three members be identified at the August 14, 2003 Regional Council meeting;

And further, that the Regional Municipality of Peel formally indicate its intent to cooperate with the Regional Municipality of York, the City of Vaughan and the Town of Caledon to schedule and conduct combined public meetings to satisfy the public consultation requirement for a municipal restructuring proposal under the Municipal Act;

And further, that copies of this report of the Commissioner of Planning, dated August 7, 2003, titled "Proposed Annexation of Certain Lands from the City of Vaughan in the Region of York to the Town of Caledon in the Region of Peel" be forwarded to the Regional Municipality of York, the City of Vaughan, the Town of Caledon, City of Brampton and the Ontario Ministry of Municipal Affairs and Housing for their information.

Carried 2003-849

Moved by Councillor Palleschi,
Seconded by Councillor Bissell;

That Chair Kolb and Councillors Seglins and Palleschi be delegated authority to hold a statutory public meeting on behalf of Regional Council to receive information regarding the proposed annexation of certain lands owned by Muscillo Transport Limited now within the Town of Vaughan in the Region of York to the Town of Caledon in the Region of Peel.

Carried 2003-850

PL-D1-1

**REPORT**
Regional Council

DATE: August 7, 2003

SUBJECT: DEVELOPMENT PLANNING SERVICES
PROPOSED ANNEXATION OF CERTAIN LANDS FROM THE CITY OF
VAUGHAN IN THE REGION OF YORK TO THE TOWN OF CALEDON IN THE
REGION OF PEEL

FROM: Nick Tunnacliffe, Commissioner of Planning

RECOMMENDATION

That Regional staff be authorized to make all necessary arrangements for a public meeting pursuant to Section 173 (3) of the Municipal Act regarding the proposed annexation of certain lands owned by Muscillo Transport Limited now within the Town of Vaughan in the Region of York to the Town of Caledon in the Region of Peel;

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**DEVELOPMENT PLANNING SERVICES
PROPOSED ANNEXATION OF CERTAIN LANDS FROM THE CITY OF VAUGHAN IN THE
REGION OF YORK TO THE TOWN OF CALEDON IN THE REGION OF PEEL**

REPORT HIGHLIGHTS

- In 1996, a Memorandum of Agreement was entered into by Muscillo Transport Limited, the Town of Vaughan and the Town of Caledon that, among other matters, provided for the annexation of lands known as Block A and the closed section of the existing Albion-Vaughan Road to the Town of Caledon once a number of specific conditions had been satisfied.
- The Town of Caledon would be entitled to proceed with the proposed annexation once the realigned portion of the Albion-Vaughan Road is constructed and opened for public use.
- The Memorandum of Understanding acknowledged that the proposed annexation would be subject to provincial legislation and approval, as well as comment from the Region of Peel, the Region of York as well as other interested public bodies.
- Now that the realigned road is now opened for public use, the solicitor for the Town of Caledon is requesting the affected municipalities to move forward with the annexation.
- The Municipal Act requires that a "restructuring proposal" be prepared and endorsed by all affected municipalities.
- The Act also requires that each municipality consult with the public in the prescribed manner.
- This report seeks approval of Regional Council to initiate steps to hold the required public meeting, in cooperation with the Town of Caledon, the Region of York and the City of Vaughan.

DISCUSSION

1. Background

On July 5, 1996, Muscillo Transport Limited, 1057039 Ontario Limited, the Town of Vaughan and the Town of Caledon entered into a Memorandum of Agreement as part of a settlement of certain planning appeals then before the Ontario Municipal Board. The Agreement set out a process for the approval of new official plan and zoning by-law provisions for lands owned by Muscillo Transport Limited and 1057039 Ontario Limited located within the Town of Vaughan and Region of York.

Clause 8 of the Agreement provides that the Town of Caledon will be entitled to annex a parcel known as Block A and the closed section of the Albion-Vaughan Road, subject to compliance with applicable Provincial legislation. See Appendix I for the location of the 1.7 ha (4.2 ac) site.

Clause 9 states that "Caledon acknowledges that, once the annexation of Block A and the closed section of the Albion-Vaughan Road is complete, the annexed lands will be entitled to be provided with municipal water and sanitary sewer service by the Regional Municipality of Peel, subject to Muscillo Transport Limited making such arrangements as are required by The Regional Municipality of Peel for the extension of such services to the annexed lands."

On February 5, 1998, the Ontario Municipal Board issued its decision approving certain official plan and zoning by-law provisions for the Muscillo Transport Limited property including Block A and included a stipulation that certain of the highway commercial uses approved for the site could not be established until such time as full municipal services became available.

August 7, 2003

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On May 8, 2003, Jane Thompson, solicitor for the Town of Caledon, wrote to the Region of Peel, Region of York, City of Vaughan and Town of Caledon to advise that she had been retained to "coordinate procedures to complete the annexation of lands in the City of Vaughan that have been isolated from other lands owned by [Muscillo Transport Limited] as a result of the realignment of the Caledon-Vaughan Town Line" She proposed that "a public meeting [be] held under the auspices of all four municipalities for the purpose of presenting the proposal to the public and obtaining their comment."

Following a meeting with Peel and Caledon staff on July 15, 2003, Ms. Thompson again wrote to the four municipalities to propose the steps to be taken to finalize the annexation. More specifically, Ms. Thompson advised that "[e]ach Municipality must delegate to a committee the authority to hold the public meeting on behalf of council pursuant to S. 262 of the Municipal Act. In that same item, they should also authorize a joint meeting and be advised of the location and if possible the date and manner of notice. Each Municipality should stipulate the extent of circulation that it considers appropriate and the amount of notice to be given. Notice will likely be by newspaper so it will be necessary to indicate which newspapers and how many days in advance. I suggest that we agree on a location in Bolton for the holding of the meeting. A joint notice can then be prepared and published in the newspapers stipulated by each municipality (i.e. one form of notice, referring to all four municipalities, published in one or more newspapers in general circulation in each municipality.) The Ministry has indicated that Council is to indicate the nature of public notice that it considers appropriate."

2. Relevant Provincial Legislation

The Municipal Act and its implementing regulations consider an annexation to be a form of municipal "restructuring" and provide that the municipality seeking the restructuring must prepare and submit to the Minister of Municipal Affairs and Housing a restructuring report. The restructuring report must contain the following:

- a) a description of the restructuring proposal in a form and in such detail as the Minister may require; and
- b) proof in a form satisfactory to the Minister that:
 - i. the restructuring proposal has the required support of the prescribed municipalities in the geographic area;
 - ii. the support was determined in the prescribed manner;
 - iii. the municipalities and local bodies which support the restructuring proposal meet the prescribed criteria; and
 - iv. the municipality or local body consulted the public in the required manner.

Given that the Regional Municipality of Peel is one of the prescribed municipalities in this instance, it is necessary for the Region to take steps to consult with the public regarding the restructuring proposal before taking any formal position on the proposed restructuring. The prescribed method of consultation is by means of a public meeting. Council may also consult with other persons and bodies as it considers appropriate.

Notice of the public meeting is to be given in a form, manner and at times that Council considers adequate to give reasonable notice.

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Following the consolidated public meeting, a staff report to Regional Council would be prepared which would present to Council a specific recommendation regarding the restructuring proposal. If support for the proposal is given by all four municipalities, the proposal is then submitted to the Minister of Municipal Affairs and Housing for his consideration. In the event the Minister supports the proposal, he would then issue an Order confirming the annexation subject to such conditions that he considers appropriate.

3. Proposed Direction

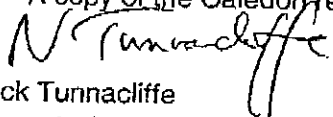
According to the governing legislation noted above, the issue now before Regional Council is to authorize the holding of a public meeting to present the restructuring proposal (annexation of Block A and a portion of the road allowance) to the Region of Peel and Town of Caledon.

Every effort should be made to ensure that all four affected municipalities (Region of York, Region of Peel, City of Vaughan and Town of Caledon) hold a combined or consolidated public meeting at the same time and in the same location. Similarly, agreement should be sought to permit a common form of notice (e.g. by newspaper or by direct mailing, or both) and common notice content.

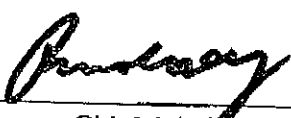
Regional staff has met with Caledon staff and with the solicitor retained by the Town, Jane Thompson, to discuss the form of the restructuring proposal and the process to be followed in bringing the proposal to Regional Council. It was agreed that a combined public meeting for both Peel and Caledon should be arranged after obtaining authorization to proceed with such a meeting from both Regional and Caledon Councils. Regional and Caledon staffs would also attempt to coordinate the public meeting with the Region of York and City of Vaughan.

Since neither the Municipal Act nor its implementing regulations specify in detail the form of the public meeting or the type of notice to be given, staff are proposing that the requirements contained in the regulations under the Planning Act for the giving of notice of planning applications be used as a model.

A Caledon staff report on this process is to be presented to Caledon Council on August 11, 2003. A copy of the Caledon report is attached as Appendix II.


Nick Tunnacliffe
Commissioner of Planning

Approved for Submission:



R. Maloney, Chief Administrative Officer

Authored By: LS

c. Legislative Services