

## **13**

### **PROPOSED ANNEXATION FROM THE CITY OF VAUGHAN TO THE TOWN OF CALEDON**

***(Regional Council at its meeting on September 18, 2003, amended the foregoing Clause to include "10 days' notice be provided in the newspaper pursuant to the Municipal Act" in recommendation 1, so that it now reads as follows:***

- 1. Regional Council authorize a public meeting pursuant to Section 173(3) of the Municipal Act, 2001 with respect to the proposed annexation by the Town of Caledon of approximately 1.7 hectares (4.2 acres) from the City of Vaughan, lands currently owned by Muscillo Transport Limited, and that 10 days' notice be provided in the newspaper pursuant to the Municipal Act.)***

**The Finance and Administration Committee recommends the adoption of the recommendations contained in the following report, August 27, 2003, from the Commissioner of Corporate Services, and that the Committee to be formed for the purpose of the public meeting and referenced in Recommendation 2 shall consist of Mayor M. Di Biase, Mayor M. Black, and Regional Chair B. Fisch.**

#### **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 by the Town of Caledon of approximately 1.7 hectares (4.2 acres) from the City of Vaughan, lands currently owned by Muscillo Transport Limited.
2. 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 with the City of Vaughan, the Region of Peel and the Town of Caledon.
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. The Committee will report back to Regional Council at its meeting of October 16, 2003, respecting the proposed annexation.

## **2. PURPOSE**

The purpose of this report is to authorize a joint public meeting with the municipalities involved in the proposed annexation by the Town of Caledon of lands from the City of Vaughan and establish a Committee of Council or purposes of the public meeting.

## **3. BACKGROUND**

The Town of Caledon is proposing to annex approximately 1.7 hectares (4.2 acres) from the City of Vaughan. The lands are located at the junction of Regional Road 50 and Albion-Vaughan Road. (Attachment No. 1).

### **Site History**

The Report of the Town of Caledon (Attachment No. 2) outlines the background of this annexation proposal as follows:

On July 5, 1996, Muscillo Transport Limited, 1057039 Ontario Limited, the City of Vaughan and the Town of Caledon entered into a memorandum of agreement to settle the *Planning Act* referrals and appeals on lands that were created as a result of a realignment of Albion-Vaughan Road within the City of Vaughan (subject lands). The agreement also set out the process for approval of an Official Plan and Zoning By-law Amendments located within the jurisdiction of the City of Vaughan, in The Regional Municipality of York.

Block A is land originally on the east (Vaughan) side of the Albion-Vaughan Road. The realignment of the road results in Block A being on the West (Caledon) side of the new road. Clause 8 of the agreement provides that due to the isolation of these lands from Vaughan, the Town of Caledon would annex the parcel of lands known as Block A and the closed section of the Albion-Vaughan Road, subject to proceeding and complying with the regulatory provincial legislation in this regard. Clause 8 also states that neither the owners nor Vaughan will object or oppose the annexation.

Clause 9 of the agreement states that once the realignment of Albion-Vaughan Road is complete the annexed lands will be entitled to The Regional Municipality of Peel municipal water and sanitary sewer services, subject to Muscillo Transport making appropriate arrangements for the extension of such services to the annexed lands.

On February 5, 1998, the Ontario Municipal Board issued its decision approving the City of Vaughan Official Plan Amendment and Zoning By-law Amendment providing special policy criteria to allow for highway commercial uses over the entire Muscillo Transport lands which includes Block A and the closed road allowance (lands subject to annexation). The provisions of the Vaughan OPA require that the annexed lands be serviced prior to development.

On June 23, 2003, the Town of Caledon adopted Official Plan Amendment No. 178 and passed Zoning By-law 2003-98 to permit a range of highway commercial uses on the Muscillo Transport lands within the Town of Caledon jurisdiction which directly abuts the lands to be annexed. The intent of the Official Plan and Zoning By-law Amendments are to ensure that the lands in the Town of Caledon and the City of Vaughan be developed as a single comprehensive commercial development. The By-law contains holding (H) provisions to address this matter.

On July 3, 2003, the City of Vaughan circulated a request for comment notice filed by Bulk Transfer Systems (Muscillo Transport) to further amend the City of Vaughan Official Plan and Zoning By-law to allow the development of a motor vehicle sales establishment on the City of Vaughan lands. Caledon staff responded to that request for comment and subsequently met with City of Vaughan staff to review the proposal, and to notify Vaughan that the Town of Caledon would be proceeding with the annexation of the lands.

#### **Status of the other Municipalities**

Subsequent to the above, the Council of the Town of Caledon, at its meeting of August 11, 2003, authorized a public meeting pursuant to the *Municipal Act, 2001* with respect to this proposed annexation.

Likewise, the City of Vaughan at its meeting on June 9, 2003 indicated its support for the annexation and agreed that it would co-operate with the Town of Caledon in this matter. (Attachment No. 3)

The Regional Municipality of Peel has authorized a public meeting with respect to this annexation and has established a committee of three (3) for such purpose (Chair Kolb and Councillors Seglins and Palleschi) (Attachment No. 4).

#### **4. RELEVANT PROVINCIAL LEGISLATION**

Under Section 173 of the *Municipal Act, 2001* and its Regulations, this type of municipal annexation proceeds by way of a restructuring proposal and must be approved by The Regional Municipality of York, The Regional Municipality of Peel, the City of Vaughan and the Town of Caledon. The restructuring report must be submitted to the Minister of Municipal Affairs and Housing, containing:

- "(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 prescribed degree of support of the prescribed municipalities and local bodies in the geographic area,
- (ii) the support was determined the prescribed manner,
- (iii) the municipalities and local bodies support the restructuring proposal meet the prescribed criteria, and
- (iv) the municipalities or local body consult in 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.

## **5. PROPOSED PROCESS**

The proposed process for the annexation of the lands is as follows:

- The Town of Caledon will draft and circulate the restructuring proposal and report (to be provided).
- A joint public meeting would be held (probably in Bolton).
- The Committee established for purposes of a joint public meeting would report back to their respective Councils.
- Each Council then votes on either to support or oppose the restructuring proposal.
- If all Councils vote in favour, the proposal is sent to the Minister of Municipal Affairs and Housing for approval.

## **6. CONCLUSION**

By an agreement dated July 5, 1996, with Muscillo Transport Limited, 1057039 Ontario Limited, the City of Vaughan and the Town of Caledon, the Town of Caledon is entitled to annex the subject lands once the realignment of Albion-Vaughan Road is constructed and open for public use. The Town of Caledon is now initiating the annexation and the City of Vaughan is supporting the annexation. This type of annexation is considered a reconstructing proposal under the *Municipal Act, 2001*, and must be approved by the Minister of Municipal Affairs and Housing. A public meeting must be held prior to the submission of a proposal to the Minister.

It is recommended that Council establish a Committee for purposes of such a public meeting and that the meeting be held jointly with the City of Vaughan, The Regional

Municipality of Peel and the Town of Caledon. A report will then be prepared for each Council prior to the Councils voting to approve or reject the restructuring proposal for submission to the Minister.

*(A copy of the attachments referred to in the foregoing has been forwarded to each Member of Council with the September 4, 2003 Finance and Administration Committee agenda and a copy thereof is on file in the Office of the Regional Clerk.)*