

Bill No. 409  
2019

By-law No. L.S.P.- \_\_\_\_ - \_\_\_\_

A By-law to authorize and approve an application to expropriate land in the City of London, in the County of Middlesex, for the Adelaide Street CP Rail Grade Separation Project.

WHEREAS The Corporation of the City of London has made application to the Municipal Council of The Corporation of the City of London for approval to expropriate lands for the Adelaide Street CP Rail Grade Separation Project;

NOW THEREFORE The Corporation of the City of London, as the expropriating authority, enacts as follows:

1. An application be made by The Corporation of the City of London as Expropriating Authority, to the Council of The Corporation of the City of London as approving authority, for approval to expropriate lands for the Adelaide Street CP Rail Grade Separation Project which land is more particularly described in the attached Appendix "A" to this by-law.
2. The Corporation of the City of London as Expropriating Authority serve and publish notice of the application referred to in section 1 of this by-law in the form attached hereto as Appendix "B", being the "Notice of Application for Approval to Expropriate Lands," in accordance with the requirements of the *Expropriations Act*.
3. The Corporation of the City of London as Expropriating Authority forward to the Chief Enquiry Officer, any requests for a hearing that may be received in connection with the notice of this expropriation and report such to the Municipal Council of The Corporation of the City of London for its information.
4. The Civic Administration be hereby authorized to carry out all necessary administrative actions in respect of the said expropriation.
5. This by-law comes into force on the day it is passed.

PASSED in Open Council on October 29, 2019.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading - October 29, 2019  
Second Reading - October 29, 2019  
Third Reading - October 29, 2019

## Appendix "A"

### To By-law L.S.P.-\_\_\_\_ -\_\_\_\_

#### DESCRIPTION OF LANDS TO BE EXPROPRIATED FOR ADELAID STREET CP RAIL GRADE SEPARATION PROJECT

The following lands are required in fee simple:

#### **Fee Simple:**

Parcel 1: Part of Lot 3, East Side of Adelaide Street, Registered Plan No. 386(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 1 on Plan 33R-20554 being all of PIN 08280-0004(LT)

Parcel 2: Part of Lot 3, East Side of Adelaide Street, Registered Plan No. 386(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 2 on Plan 33R-20554 being part of PIN 08280-0005(LT)

Parcel 3: Part of Lot 2, East Side of Adelaide Street, Registered Plan No. 386(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 4 on Plan 33R-20554 being part of PIN 08280-0003(LT)

Parcel 4: Part of Lot 4, Registered Plan No. 166(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 1 on Plan 33R-20555 being part of PIN 08279-0058(LT)

Parcel 5: Part of Lot 4, Registered Plan No. 166(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 2 on Plan 33R-20555 being part of PIN 08279-0059(LT)

Parcel 6: Part of Lot 4, Registered Plan No. 166(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 3 on Plan 33R-20555 being part of PIN 08279-0060(LT)

Parcel 7: Part of Lot 4, Registered Plan No. 166(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 4 on Plan 33R-20555 being part of PIN 08279-0061(LT)

Parcel 8: Part of Lot 4, Registered Plan No. 166(3<sup>rd</sup>) in the City of London, County of Middlesex being all of PIN 08279-0062(LT)

Parcel 9: Part of Lot 4, Registered Plan No. 54(E) in the City of London, County of Middlesex designated as Part 5 on Plan 33R-20555 being part of PIN 08278-0234(LT)

Parcel 10: Part of Lots 9 and 10, West of Adelaide Street and Part of Pall Mall Street (Closed by By-Law S-1091-287, Registered as Inst. No. LC133181) in the City of London, County of Middlesex designated as Part 1 on Plan 33R-20556 being part of PIN 08277-0124(LT)

Parcel 11: Part of Lots 7 and 8, West of Adelaide Street in the City of London, County of Middlesex designated as Part 4 on Plan 33R-20556 being all of PIN 08277-0134(LT)

Parcel 12: Part of Lot 6, West of Adelaide Street in the City of London, County of Middlesex designated as Part 5 on Plan 33R-20556 being all of PIN 08277-0019(LT)

Parcel 13: Part of Lots 1, 2 and 3, Registered Plan No. 194(E) in the City of London, County of Middlesex designated as Part 6 on Plan 33R-20556 being part of PIN 08277-0035(LT)

Parcel 14: Part of Lot 4, West of Adelaide Street in the City of London, County of Middlesex designated as Part 7 on Plan 33R-20556 being part of PIN 08277-0036(LT)

Parcel 15: Part of Lot 4, West of Adelaide Street in the City of London, County of Middlesex designated as Part 8 on Plan 33R-20556 being part of PIN 08277-0034(LT)

**Permanent Interest (Easement):**

Parcel 16: Part of Lots 4 and 5, Registered Plan No. 54(E) in the City of London, County of Middlesex designated as Part 6 on Plan 33R-20555 being part of PIN 08278-0234(LT)

Parcel 17: Part of Lot 9, West of Adelaide Street in the City of London, County of Middlesex designated as Part 2 on Plan 33R-20556 being part of PIN 08277-0124(LT)

**Limited Interest (Easement):**

Parcel 18: Part of Lot 3, East Side of Adelaide Street, Registered Plan No. 386(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 3 on Plan 33R-20554 being part of PIN 08280-0005(LT)

Parcel 19: Part of Lot 2, East Side of Adelaide Street, Registered Plan No. 386(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 5 on Plan 33R-20554 being part of PIN 08280-0003(LT)

Parcel 20: Part of Lots 4 and 5, Registered Plan No. 54(E) in the City of London, County of Middlesex designated as Part 7 on Plan 33R-20555 being part of PIN 08278-0234(LT)

Parcel 21: Part of Lot 5, Registered Plan No. 54(E) in the City of London, County of Middlesex designated as Part 8 on Plan 33R-20555 being part of PIN 08278-0234(LT)

Parcel 22: Part of Lot 4, Registered Plan No. 54(E) in the City of London, County of Middlesex designated as Part 9 on Plan 33R-20555 being part of PIN 08278-0235(LT)

Parcel 23: Part of Pall Mall Street (Closed by By-Law S-1091-287, Registered as Inst. No. LC133181) in the City of London, County of Middlesex designated as Part 3 on Plan 33R-20556 being part of PIN 08277-0124(LT)

## APPENDIX "B"

To By-law L.S.P.-\_\_\_\_\_-\_\_\_\_

### EXPROPRIATIONS ACT, R.S.O. 1990, CHAPTER E.26

#### NOTICE OF APPLICATION FOR APPROVAL TO EXPROPRIATE LAND

##### *Expropriations Act*

IN THE MATTER OF an application by The Corporation of the City of London for approval to expropriate lands being Part of Lot 3, East Side of Adelaide Street, Registered Plan No. 386(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 1 on Plan 33R-20554 being all of PIN 08280-0004(LT); Part of Lot 3, East Side of Adelaide Street, Registered Plan No. 386(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 2 on Plan 33R-20554 being part of PIN 08280-0005(LT); Part of Lot 2, East Side of Adelaide Street, Registered Plan No. 386(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 3 on Plan 33R-20554 being part of PIN 08280-0003(LT); Part of Lot 4, Registered Plan No. 166(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 1 on Plan 33R-20555 being part of PIN 08279-0058(LT); Part of Lot 4, Registered Plan No. 166(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 2 on Plan 33R-20555 being part of PIN 08279-0059(LT); Part of Lot 4, Registered Plan No. 166(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 3 on 33R-20555 being part of PIN 08279-0060(LT); Part of Lot 4, Registered Plan No. 166(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 4 on 33R-20555 being part of PIN 08279-0061(LT); Part of Lot 4, Registered Plan No. 166(3<sup>rd</sup>) in the City of London, County of Middlesex being all of PIN 08279-0062(LT); Part of Lot 4, Registered Plan No. 54(E) in the City of London, County of Middlesex designated as Part 5 on 33R-20555 being part of PIN 08278-0234(LT); Part of Lots 9 and 10, West of Adelaide Street and Part of Pall Mall Street (Closed by By-Law S-1091-287, Registered as Inst. No. LC133181) in the City of London, County of Middlesex designated as Part 1 on 33R-20556 being part of PIN 08277-0124(LT); Part of Lots 7 and 8, West of Adelaide Street in the City of London, County of Middlesex designated as Part 4 on 33R-20556 being all of PIN 08277-0134(LT); Part of Lot 6, West of Adelaide Street in the City of London, County of Middlesex designated as Part 5 on 33R-20556 being all of PIN 08277-0019(LT); Part of Lots 1, 2 and 3, Registered Plan No. 194(E) in the City of London, County of Middlesex designated as Part 6 on 33R-20556 being part of PIN 08277-0035(LT); Part of Lot 4, West of Adelaide Street in the City of London, County of Middlesex designated as Part 7 on 33R-20556 being part of PIN 08277-0036(LT); Part of Lot 4, West of Adelaide Street in the City of London, County of Middlesex designated as Part 8 on 33R-20556 being part of PIN 08277-0034(LT); Part of Lots 4 and 5, Registered Plan No. 54(E) in the City of London, County of Middlesex designated as Part 6 on 33R-20555 being part of PIN 08278-0234(LT); Part of Lot 9, West of Adelaide Street in the City of London, County of Middlesex designated as Part 2 on 33R-20556 being part of PIN 08277-0124(LT); Part of Lot 2, East Side of Adelaide Street, Registered Plan No. 386(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 5 on 33R-20554 being part of PIN 08280-0003(LT); Part of Lot 3, East Side of Adelaide Street, Registered Plan No. 386(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 3 on 33R-20554 being part of PIN 08280-0005(LT); Part of Lots 4 and 5, Registered Plan No. 54(E) in the City of London, County of Middlesex designated as Part 7 on 33R-20555 being part of PIN 08278-0234(LT); Part of Lot 5, Registered Plan No. 54(E) in the City of London, County of Middlesex designated as Part 8 on 33R-20555 being part of PIN 08278-0234(LT); Part of Lot 4, Registered Plan No. 54(E) in the City of London, County of Middlesex designated as Part 9 on 33R-20555 being part of PIN 08278-0235(LT); Part of Pall Mall Street (Closed by By-Law S-1091-287, Registered as Inst. No. LC133181) in the City of London, County of Middlesex designated as Part 3 on 33R-20556 being part of PIN 08277-0124(LT)

for the purpose of the Adelaide Street CP Rail Grade Separation Project.

**NOTICE IS HEREBY GIVEN** that application has been made for approval to expropriate the following lands described as follows:

**Fee Simple:**

Parcel 1: Part of Lot 3, East Side of Adelaide Street, Registered Plan No. 386(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 1 on Plan 33R-20554 being all of PIN 08280-0004(LT)

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Any owner of land in respect of which notice is given who desires an inquiry into whether the taking of such land is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority shall so notify the approving authority in writing,

- a) in the case of a registered owner, served personally or by registered mail within thirty days after the registered owner is served with the notice, or, when the registered owner is served by publication, within thirty days after the first publication of the notice;
- b) in the case of an owner who is not a registered owner, within thirty days after the first publication of the notice.

The approving authority is:

The Council of The Corporation of the City of London  
City Hall  
300 Dufferin Avenue  
P.O. Box 5035  
London ON N6A 4L9

The expropriating authority is:

THE CORPORATION OF THE CITY OF LONDON

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CATHARINE SAUNDERS  
CITY CLERK

Notes:

1. The *Expropriations Act, R.S.O. 1990, c. E.26*, provides that:
  - (a) where an inquiry is requested, it shall be conducted by an Inquiry Officer appointed by the Attorney General;
  - (b) the Inquiry Officer,
    - i) shall give every party to the inquiry an opportunity to present evidence and argument and to examine and cross-examine witnesses, either personally or by his counsel or agent, and
    - ii) may recommend to the approving authority that a party to the inquiry be paid a fixed amount for his costs of the inquiry not to exceed \$200 and the approving authority may in its discretion order the expropriating authority to pay such costs forthwith.
2. "Owner" and "Registered Owner" are defined in the *Act* as follows:

"Owner" includes a mortgagee, tenant, execution creditor, a person entitled to a limited estate or interest in land, a guardian of property, and a guardian, executor, administrator or trustee in whom land is vested;

"Registered Owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the proper land registry or sheriff's office, and includes a person shown as a tenant of land on the last revised assessment roll;
3. The Expropriating Authority, each owner who notifies the approving authority that he desires a hearing in respect of the lands intended to be expropriated and any owner added as a party by the inquiry officer are parties to the inquiry.

This notice first published on the        day of        , 2019.