

Bill No. 12  
2023

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 Wellington Gateway Project.

WHEREAS The Corporation of the City of London has made application to the Council of The Corporation of the City of London for approval to expropriate lands for the Wellington Gateway Project;

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 Wellington Gateway Project; which land is more particularly described in attached Appendix "A" of 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 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 December 13, 2022.

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading – December 13, 2022  
Second Reading – December 13, 2022  
Third Reading – December 13, 2022

## **APPENDIX "A"**

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

### **DESCRIPTION OF LANDS TO BE EXPROPRIATED FOR THE WELLINGTON GATEWAY PROJECT**

#### **Fee Simple:**

Parcel 1:

Part of Lot 1, South of South Street East in the City of London, County of Middlesex designated as Part 4 on Plan 33R-21309 being part of PIN 08330-0003(LT)

Parcel 2:

Part of Lot 1, South of South Street East in the City of London, County of Middlesex designated as Part 3 on Plan 33R-21309 being part of PIN 08330-0002(LT)

#### **Limited Interest (Easement):**

Parcel 3:

Part of Lot 1, South of South Street East in the City of London, County of Middlesex designated as Part 5 on Plan 33R-21309 being part of PIN 08330-0003(LT)

Parcel 4:

Part of Lot 1, South of South Street East in the City of London, County of Middlesex designated as Part 2 on Plan 33R-21309 being part of PIN 08330-0002(LT)

Parcel 5:

Part of Lot 1, South of South Street East in the City of London, County of Middlesex designated as Part 1 on Plan 33R-21309 being part of PIN 08330-0001(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 Part of Lot 1, Southeast South Street, As in 656872 & 657885; London, being Part of PIN 08330-0003; Part of Lot 1, Southeast South Street, As in 732712; London, being Part of PIN 08330-0002; AND Part of Lot 1, Southeast South Street, As in 620497; London, being Part of PIN 08330-0001 for the purpose of the Wellington Gateway 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 1, South of South Street East in the City of London, County of Middlesex designated as Part 4 on Plan 33R-21309 being part of PIN 08330-0003(LT)

Parcel 2: Part of Lot 1, South of South Street East in the City of London, County of Middlesex designated as Part 3 on Plan 33R-21309 being part of PIN 08330-0002(LT)

#### **Limited Interest (Easement):**

Parcel 3: Part of Lot 1, South of South Street East in the City of London, County of Middlesex designated as Part 5 on Plan 33R-21309 being part of PIN 08330-0003(LT)

Parcel 4: Part of Lot 1, South of South Street East in the City of London, County of Middlesex designated as Part 2 on Plan 33R-21309 being part of PIN 08330-0002(LT)

Parcel 5: Part of Lot 1, South of South Street East in the City of London, County of Middlesex designated as Part 1 on Plan 33R-21309 being part of PIN 08330-0001(LT)

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 Municipal Council of The Corporation of the City of London  
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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MICHAEL SCHULTHESS, CITY CLERK

Notes:

1. The Expropriations Act, R.S.O. 1990, Chapter E.26, provides that:
  - (a) where a hearing is requested, it shall be referred to the Ontario Lands Tribunal for a hearing by a single member of the Tribunal;
  - (b) the Tribunal,
    - (i) shall inquire into whether the taking of the lands or any part of the lands of an owner is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority, and
    - (ii) may recommend to the approving authority that a party to the inquiry be paid a fixed amount for the party's cost of the hearing and the approving authority may in its discretion to order the expropriating authority to pay the recommended costs.
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 parties to a hearing are,
  - (a) the expropriating authority;
  - (b) each owner who notifies the approving authority that the owner desires a hearing in respect of the lands intended to be expropriated; and
  - (c) any owner added as a party by the Tribunal whose land the Tribunal determines would be affected by the expropriation or any modification of the expropriation

This notice first published on the                      day of                      , 2022.