

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. <>

A BY-LAW TO AUTHORIZE AN APPLICATION FOR  
APPROVAL TO EXPROPRIATE ALL RIGHT, TITLE AND  
INTEREST (FEE SIMPLE) IN LANDS REQUIRED FOR  
MUNICIPAL PURPOSES

WHEREAS The Regional Municipality of Niagara requires all rights, title and interest (fee simple) in the lands described as Part of Lots 15 and 16, Concession 7 Willoughby in the City of Niagara Falls, Regional Municipality of Niagara, being part of PIN 64444-0008 (the “Lands”), registered in the Land Registry Office for the Land Titles Division of Niagara South No. 59 and as identified on the sketch appended to the Application for Approval to Expropriate Land attached hereto as Attachment “A”;

WHEREAS the Lands are required for the municipal purposes of facilitating the reconstruction of Regional Road 98 in the City of Niagara Falls, from the north limit of Grassy Brook Road to the south limit of Biggar Road/Lyons Creek Road, and works ancillary thereto.;

WHEREAS pursuant to Section 6(1) of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended (hereinafter referred to as the “**Municipal Act, 2001**”), the power of a municipality to acquire land under this or any other Act includes the power to expropriate land in accordance with the *Expropriations Act*, R.S.O. 1990 c. E.26, as amended (hereinafter referred to as the “**Expropriations Act**”);

WHEREAS pursuant to Section 5(3) of the *Municipal Act*, 2001, a municipal power shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

WHEREAS pursuant to Section 4 of the *Expropriations Act*, an expropriating authority, in this case, The Regional Municipality of Niagara, shall not expropriate land without the approval of the approving authority, in this case, the Council of The Regional Municipality of Niagara;

WHEREAS the Council of The Regional Municipality of Niagara has by resolutions passed on June 23, 2022 authorized the commencement of procedures to expropriate lands;

WHEREAS R.R.O. 1990, Reg. 363 as amended, directs that an Application for Approval to Expropriate Land shall be in Form 1 appended hereto as Attachment "A" and a Notice of Application for Approval to Expropriate Land shall be in Form 2 appended hereto as Attachment "B"; and

WHEREAS The Regional Municipality of Niagara shall conduct the expropriation in accordance with the *Expropriations Act*;

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That the Council of The Regional Municipality of Niagara hereby authorizes an Application for Approval to Expropriate Land by The Regional Municipality of Niagara, in Form 1 attached as Attachment "A" in respect of the Lands.
2. That the Regional Clerk is hereby authorized to execute, on behalf of The Regional Municipality of Niagara, the Application for Approval to Expropriate Land in Form 1 attached as Attachment "A" in respect of the Lands.
3. That the Regional Clerk is hereby authorized to execute, on behalf of The Regional Municipality of Niagara, the Notice of Application for Approval to Expropriate Land in Form 2 attached as Attachment "B", and that it be served and published, as required by the *Expropriations Act*.
4. That in the event an owner or registered owner requests a hearing of necessity, and a report of the inquiry officer is issued, the report of the inquiry officer shall come before the Council of The Regional Municipality Niagara for consideration.
5. That the Officers and authorized agents of The Regional Municipality of Niagara be and they are hereby otherwise authorized and directed to do all things required arising from the authorizations provided by this By-law.

6. That this By-law comes into force on the date it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

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James Bradley, Regional Chair

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Ann-Marie Norio, Regional Clerk

Passed: < >

**ATTACHMENT 'A'**

**Application for Approval to Expropriate Land**

*Expropriations Act*

TO: The Council of The Regional Municipality of Niagara  
1815 Sir Isaac Brock Way, P.O. Box 1042, Thorold, ON L2V 4T7

**In the matter of** an application by The Regional Municipality of Niagara for approval to expropriate land in the City of Niagara Falls, being:

Part of Lots 15 & 16, Concession 7 Willoughby, City of Niagara Falls,  
Regional Municipality of Niagara, being part of PIN 64444-0008, and as  
identified on the enclosed sketch at Schedule "A".

for the purposes of the reconstruction and widening of Regional Road 98 (Montrose Road), from the north limit of Grassy Brook Road to the south limit of Biggar Road/Lyons Creek Road, and works ancillary thereto.

**Application is hereby made** for approval to expropriate the land described as follows:

Part of Lots 15 & 16, Concession 7 Willoughby, City of Niagara Falls,  
Regional Municipality of Niagara, being part of PIN 64444-0008, and as  
identified on the enclosed sketch at Schedule "A".

Dated at Thorold, this            day of            , 2022.

**THE REGIONAL MUNICIPALITY OF NIAGARA**

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Ann-Marie Norio, Regional Clerk

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**ATTACHMENT 'B'**

**Notice of Application for Approval to Expropriate Land**  
*Expropriations Act*

**In the matter of** an application by The Regional Municipality of Niagara for approval to expropriate land in the City of Niagara Falls, being:

Part of Lots 15 & 16, Concession 7 Willoughby, City of Niagara Falls, Regional Municipality of Niagara, being part of PIN 64444-0008, and as identified on the enclosed sketch at Schedule "A".

for the purposes of the reconstruction and widening of Regional Road 98 (Montrose Road), from the north limit of Grassy Brook Road to the south limit of Biggar Road/Lyons Creek Road, and works ancillary thereto.

**Notice is hereby given** that application has been made for approval to expropriate the land described as follows:

Part of Lots 15 & 16, Concession 7 Willoughby, City of Niagara Falls, Regional Municipality of Niagara, being part of PIN 64444-0008, and as identified on the enclosed sketch at Schedule "A".

Any owner of land in respect of which notice is given who desires a hearing 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 Regional Municipality of Niagara  
1815 Sir Isaac Brock Way, P.O. Box 1042, Thorold, ON L2V 4T7

**The expropriating authority is:**

The Regional Municipality of Niagara  
1815 Sir Isaac Brock Way, P.O. Box 1042, Thorold, ON L2V 4T7

**THE REGIONAL MUNICIPALITY OF NIAGARA**

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Ann-Marie Norio, Regional Clerk

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