

APPENDIX 'E'

TORONTO CATHOLIC DISTRICT SCHOOL BOARD

RESOLUTION

Moved by:

Seconded by:

RECOMMENDATION

RESOLUTION

Moved by:

Seconded by:

WHEREAS the Toronto Catholic District School Board (the "Board") required all right, title and interest in the lands more particularly described in Schedule "A" (the "Lands") appended hereto for the purpose of a school site in the City of Toronto ancillary and necessary to the expansion of St. Joseph's Morrow Park Catholic Secondary School Site and works ancillary thereto;

AND WHEREAS the Board approved making an Application for Approval to Expropriate Land pursuant to a resolution dated January 22, 2015 for the Lands and on February 6, 13 and 20, 2015 published a Notice of Application for Approval to Expropriate Land in the local newspaper having circulation in the area of the Lands and on February 4, 2015 served the said Notice upon the registered owners;

AND WHEREAS the owners of some of the Lands described in Schedule "B" attached hereto requested an inquiry or later became a party to that inquiry to determine if the taking is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority;

AND WHEREAS an inquiry was held on April 29 and 30 and May 5, 2015 with respect to the Lands in Schedule B to determine if the taking is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority;

AND WHEREAS the Board has received the report of the inquiry officer David R. Vine dated June 9, 2015 attached hereto as Schedule "E" wherein the inquiry officer found that the proposed taking is not reasonably defensible in the achievement of the Board's objective and made such recommendations for consideration by the Board;

AND WHEREAS in accordance with subsection 8(1) of the Expropriations Act the "approving authority shall consider the report of the inquiry officer and shall approve or not approve the proposed expropriation or approve the proposed expropriation with such modifications as the approving authority considers proper, but an approval with modifications shall not affect the lands of a registered owner who is not or has not been made a party to the hearing.";

AND WHEREAS the Board has considered the report of the inquiry officer and made such

modifications to the proposed expropriation it considers proper and has decided to reduce the proposed expropriation of the lands in Schedule "A" and only approve the expropriation of the lands in Schedule "C" for the reasons set out herein in Schedule "F";

AND WHEREAS the owner of the land described in Schedule "D" did not request an inquiry and did not subsequently participate as a party to the inquiry, the Board has agreed to approve the expropriation of this land with modifications it considers proper, however is prepared to expropriate all of the land in Schedule "D" at the option of the registered owners; and;

AND WHEREAS pursuant to Section 195(1) of the Education Act, R.S.O. 1990, c. E.2, as amended, a school board may expropriate a school site that is within its area of jurisdiction;

AND WHEREAS pursuant to Section 4(1) of the Expropriations Act, R.S.O. 1990, c.E.26, as amended (hereinafter referred to as the "Expropriations Act"), an expropriating authority shall not expropriate land without the approval of the approving authority;

AND WHEREAS pursuant to Section 5(1)(b) of the Expropriations Act where an elected school board expropriates lands, the approving authority shall be the school board;

AND WHEREAS the Board shall conduct the expropriation in accordance with the Expropriations Act.

RESOLVED, THAT THE TORONTO CATHOLIC DISTRICT SCHOOL BOARD HEREBY RESOLVES AS FOLLOWS:

- 1. THAT the Toronto Catholic District School Board hereby approves the expropriation of the lands described in Schedules "C" and "D", for the written reasons attached hereto as Schedule "F"; and***
- 2. THAT the decision of the Toronto Catholic District School Board to approve the expropriation and the written reasons therefore be served upon the parties to this matter and upon the Inquiry Officer; and***
- 3. THAT the Director of Education or any other authorized representative of the Toronto Catholic District School Board are hereby authorized and directed to sign and execute the Certificate of Approval and Expropriation Certificate on the expropriation plan and all other notices and documents which are necessary to carry out the provisions of this resolution; and***
- 4. THAT a Plan of Expropriation be prepared and registered in the proper land registry office with respect to the lands described in Schedules "C" and "D"; and***
- 5. THAT a Notice of Expropriation be served upon the registered owners of the lands described in Schedules "C" and "D" together with a copy of the Expropriation Plan and a Notice of Election, relating to the date of assessment of compensation; and***

6. ***THAT*** an appraisal report estimating the market value of the lands described in Schedules “C” and “D” be obtained from an accredited appraiser and that such environmental testing as is appropriate be conducted on the said lands; and
7. ***THAT*** an offer of an amount in full compensation for the registered owner’s interest and an offer for immediate payment of 100% of the market value as estimated by the expropriating authority in the lands described in Schedules “C” and “D”, all in accordance with s. 25 of the Expropriations Act, be served, together with a copy of the appraisal report on which the offer of compensation is based; and
8. ***THAT*** a Notice of Possession be served requiring possession of the lands described in Schedules “C” and “D”, at least three months after the date of service of the said Notice; and
9. ***THAT*** the Toronto Catholic District School Board is hereby authorized to enter and take possession of the lands described in Schedules “C” and “D”, on the day permitted under the Expropriations Act, or pursuant to any Court Order thereunder, or pursuant to any agreement entered into between the relevant owners and the Toronto Catholic District School Board; and
10. ***THAT*** the Toronto Catholic District School Board staff and authorized agents are hereby otherwise authorized and directed to do all things required arising from the authorizations provided for by this resolution, including the provision of extended possession for expropriated owners by lease or license of expropriated premises and the lease or license of relevant townhouse lands acquired by the Board by voluntary agreement to accommodate expropriated owners.

SCHEDULE "A"

All right, title and interest in all of the lands in the City of Toronto described as follows:

1. (3338R Bayview Avenue)

All of PIN: 12580-0001 (LT) being Toronto Common Elements Condominium Plan No. 1580 and its appurtenant common interest being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
2. (3336A Bayview Avenue)

All of PIN: 10024-0354 (LT) being Part of Lot 1 on Plan 4180 designated as Parts 1 and 19 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
3. (3336B Bayview Avenue)

All of PIN: 10024-0355 (LT) being Part of Lot 1 on Plan 4180 designated as Parts 2 and 20 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
4. (3336C Bayview Avenue)

All of PIN: 10024-0356 (LT) being Part of Lot 1 on Plan 4180 designated as Parts 3 and 21 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
5. (3336D Bayview Avenue)

All of PIN: 10024-0357 (LT) being Part of Lots 1 and 2 on Plan 4180 designated as Parts 4 and 22 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

6. (3338A Bayview Avenue)

All of PIN: 10024-0358 (LT) being Part of Lot 2 on Plan 4180 designated as Parts 5 and 23 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

7. (3338B Bayview Avenue)

All of PIN: 10024-0359 (LT) being Part of Lot 2 on Plan 4180 designated as Parts 6 and 24 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

8. (3338C Bayview Avenue)

All of PIN: 10024-0360 (LT) being Part of Lot 2 on Plan 4180 designated as Parts 7 and 25 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

9. (3338D Bayview Avenue)

All of PIN: 10024-0361 (LT) being Part of Lots 2 and 3 on Plan 4180 designated as Parts 8 and 26 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

10. (3340A Bayview Avenue)

All of PIN: 10024-0362 (LT) being Part of Lots 2 and 3 on Plan 4180 designated as Parts 9 and 27 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

11. (3340B Bayview Avenue)

All of PIN: 10024-0363 (LT) being Part of Lot 3 on Plan 4180 designated as Parts 10 and 28 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

12. (3340C Bayview Avenue)

All of PIN: 10024-0364 (LT) being Part of Lot 3 on Plan 4180 designated as Parts 11 and 29 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

13. (3340D Bayview Avenue)

All of PIN: 10024-0365 (LT) being Part of Lot 3 on Plan 4180 designated as Parts 12 and 30 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

14. (3348R Bayview Avenue)

All of PIN: 10024-0187 (LT) being Part of Lot 9 on Plan 4180 North York designated as Parts 24, 25 and 79 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984433

15. (3348Q Bayview Avenue)

All of PIN: 10024-0188 (LT) being Part of Lot 9 on Plan 4180 North York designated as Parts 23, 26, 77 and 78 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984432

16. (3348P Bayview Avenue)

All of PIN: 10024-0189 (LT) being Part of Lots 8 and 9 on Plan 4180 North York designated as Parts 22, 27, 75 and 76 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984431

17. (3348O Bayview Avenue)
All of PIN: 10024-0190 (LT) being Part of Lots 8 and 9 on Plan 4180 North York designated as Parts 21, 28, 73 and 74 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984430
18. (3348N Bayview Avenue)
All of PIN: 10024-0191 (LT) being Part of Lot 8 on Plan 4180 North York designated as Parts 20, 29, 71 and 72 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984429
19. (3348L Bayview Avenue)
All of PIN: 10024-0193 (LT) being Part of Lots 7 and 8 on Plan 4180 North York designated as Parts 16, 17, 31, 67 and 68 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984427
20. (3348J Bayview Avenue)
All of PIN: 10024-0195 (LT) being Part of Lot 7 on Plan 4180 North York designated as Parts 14, 33, 63 and 64 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984425
21. (3348H Bayview Avenue)
All of PIN: 10024-0197 (LT) being Part of Lots 6 and 7 on Plan 4180 North York designated as Parts 12, 35, 59 and 60 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984423
22. (3348G Bayview Avenue)
All of PIN: 10024-0198 (LT) being Part of Lot 6 on Plan 4180 North York designated as Parts 10, 11, 36, 57 and 58 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984422
23. (3348E Bayview Avenue)
All of PIN: 10024-0200 (LT) being Part of Lots 5 and 6 on Plan 4180 North York designated as Parts 7, 38, 53 and 54 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984420
24. (3348D Bayview Avenue)
All of PIN: 10024-0201 (LT) being Part of Lot 5 on Plan 4180 North York designated as Parts 6, 39, 51 and 52 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984419

25. (3348C Bayview Avenue)

All of PIN: 10024-0202 (LT) being Part of Lots 4 and 5 on Plan 4180 North York designated as Parts 5, 40, 49 and 50 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984418

26. (3348B Bayview Avenue)

All of PIN: 10024-0203 (LT) being Part of Lots 4 and 5 on Plan 4180 North York designated as Parts 4, 41, 47 and 48 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984417

27. (3348A Bayview Avenue)

All of PIN: 10024-0204 (LT) being Part of Lot 4 on Plan 4180 North York designated as Parts 1, 2, 3, 42, 44, 45 and 46 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB989416

28. (3342R Bayview Avenue)

All of PIN: 10024-0205 (LT) being Part of Lot 4 on Plan 4180 North York designated as Part 43 on Plan 64R-15130, City of Toronto

SCHEDULE "B"

The lands in the City of Toronto described as follows:

1. (3336A Bayview Avenue)

All of PIN: 10024-0354 (LT) being Part of Lot 1 on Plan 4180 designated as Parts 1 and 19 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
2. (3336B Bayview Avenue)

All of PIN: 10024-0355 (LT) being Part of Lot 1 on Plan 4180 designated as Parts 2 and 20 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
3. (3336C Bayview Avenue)

All of PIN: 10024-0356 (LT) being Part of Lot 1 on Plan 4180 designated as Parts 3 and 21 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
4. (3336D Bayview Avenue)

All of PIN: 10024-0357 (LT) being Part of Lots 1 and 2 on Plan 4180 designated as Parts 4 and 22 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
5. (3338A Bayview Avenue)

All of PIN: 10024-0358 (LT) being Part of Lot 2 on Plan 4180 designated as Parts 5 and 23 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

6. (3338B Bayview Avenue)

All of PIN: 10024-0359 (LT) being Part of Lot 2 on Plan 4180 designated as Parts 6 and 24 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

7. (3338C Bayview Avenue)

All of PIN: 10024-0360 (LT) being Part of Lot 2 on Plan 4180 designated as Parts 7 and 25 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

8. (3338D Bayview Avenue)

All of PIN: 10024-0361 (LT) being Part of Lots 2 and 3 on Plan 4180 designated as Parts 8 and 26 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

9. (3340A Bayview Avenue)

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11. (3340C Bayview Avenue)

All of PIN: 10024-0364 (LT) being Part of Lot 3 on Plan 4180 designated as Parts 11 and 29 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
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13. (3348R Bayview Avenue)

All of PIN: 10024-0187 (LT) being Part of Lot 9 on Plan 4180 North York designated as Parts 24, 25 and 79 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984433
14. (3348Q Bayview Avenue)

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All of PIN: 10024-0191 (LT) being Part of Lot 8 on Plan 4180 North York designated as Parts 20, 29, 71 and 72 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984429
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19. (3348H Bayview Avenue)

All of PIN: 10024-0197 (LT) being Part of Lots 6 and 7 on Plan 4180 North York designated as Parts 12, 35, 59 and 60 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984423

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All of PIN: 10024-0198 (LT) being Part of Lot 6 on Plan 4180 North York designated as Parts 10, 11, 36, 57 and 58 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984422

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22. (3348C Bayview Avenue)

All of PIN: 10024-0202 (LT) being Part of Lots 4 and 5 on Plan 4180 North York designated as Parts 5, 40, 49 and 50 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984418

23. (3348A Bayview Avenue)

All of PIN: 10024-0204 (LT) being Part of Lot 4 on Plan 4180 North York designated as Parts 1, 2, 3, 42, 44, 45 and 46 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB989416

SCHEDULE "C"

All right, title and interest in all of the lands in the City of Toronto described as follows:

1. (3338R Bayview Avenue)

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2. (3336A Bayview Avenue)

All of PIN: 10024-0354 (LT) being Part of Lot 1 on Plan 4180 designated as Parts 1 and 19 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
3. (3336B Bayview Avenue)

All of PIN: 10024-0355 (LT) being Part of Lot 1 on Plan 4180 designated as Parts 2 and 20 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
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All of PIN: 10024-0356 (LT) being Part of Lot 1 on Plan 4180 designated as Parts 3 and 21 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
5. (3336D Bayview Avenue)

All of PIN: 10024-0357 (LT) being Part of Lots 1 and 2 on Plan 4180 designated as Parts 4 and 22 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

6. (3338A Bayview Avenue)

All of PIN: 10024-0358 (LT) being Part of Lot 2 on Plan 4180 designated as Parts 5 and 23 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

7. (3338B Bayview Avenue)

All of PIN: 10024-0359 (LT) being Part of Lot 2 on Plan 4180 designated as Parts 6 and 24 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

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All of PIN: 10024-0360 (LT) being Part of Lot 2 on Plan 4180 designated as Parts 7 and 25 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

9. (3338D Bayview Avenue)

All of PIN: 10024-0361 (LT) being Part of Lots 2 and 3 on Plan 4180 designated as Parts 8 and 26 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

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11. (3340B Bayview Avenue)

All of PIN: 10024-0363 (LT) being Part of Lot 3 on Plan 4180 designated as Parts 10 and 28 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
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All of PIN: 10024-0364 (LT) being Part of Lot 3 on Plan 4180 designated as Parts 11 and 29 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
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All of PIN: 10024-0365 (LT) being Part of Lot 3 on Plan 4180 designated as Parts 12 and 30 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
14. (3348E Bayview Avenue)

All of PIN: 10024-0200 (LT) being Part of Lots 5 and 6 on Plan 4180 North York designated as Parts 7, 38, 53 and 54 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984420
15. (3348D Bayview Avenue)

All of PIN: 10024-0201 (LT) being Part of Lot 5 on Plan 4180 North York designated as Parts 6, 39, 51 and 52 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984419
16. (3348C Bayview Avenue)

All of PIN: 10024-0202 (LT) being Part of Lots 4 and 5 on Plan 4180 North York designated as Parts 5, 40, 49 and 50 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984418

17. (3348B Bayview Avenue)

All of PIN: 10024-0203 (LT) being Part of Lots 4 and 5 on Plan 4180 North York designated as Parts 4, 41, 47 and 48 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984417

18. (3348A Bayview Avenue)

All of PIN: 10024-0204 (LT) being Part of Lot 4 on Plan 4180 North York designated as Parts 1, 2, 3, 42, 44, 45 and 46 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB989416

19. (3342R Bayview Avenue)

All of PIN: 10024-0205 (LT) being Part of Lot 4 on Plan 4180 North York designated as Part 43 on Plan 64R-15130, City of Toronto

All right, title and interest in the easements only under, over and upon Parts 1 to 9, both inclusive, 37 to 42, both inclusive and 44 to 56, both inclusive, on Plan 64R-15130 that benefit all of the lands in the City of Toronto described as follows:

20. (3348R Bayview Avenue)

All of PIN: 10024-0187 (LT) being Part of Lot 9 on Plan 4180 North York designated as Parts 24, 25 and 79 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984433

21. (3348Q Bayview Avenue)

All of PIN: 10024-0188 (LT) being Part of Lot 9 on Plan 4180 North York designated as Parts 23, 26, 77 and 78 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984432

22. (3348O Bayview Avenue)

All of PIN: 10024-0190 (LT) being Part of Lots 8 and 9 on Plan 4180 North York designated as Parts 21, 28, 73 and 74 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984430

23. (3348N Bayview Avenue)

All of PIN: 10024-0191 (LT) being Part of Lot 8 on Plan 4180 North York designated as Parts 20, 29, 71 and 72 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984429

24. (3348L Bayview Avenue)

All of PIN: 10024-0193 (LT) being Part of Lots 7 and 8 on Plan 4180 North York designated as Parts 16, 17, 31, 67 and 68 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984427

25. (3348J Bayview Avenue)

All of PIN: 10024-0195 (LT) being Part of Lot 7 on Plan 4180 North York designated as Parts 14, 33, 63 and 64 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984425

26. (3348H Bayview Avenue)

All of PIN: 10024-0197 (LT) being Part of Lots 6 and 7 on Plan 4180 North York designated as Parts 12, 35, 59 and 60 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984423

27. (3348G Bayview Avenue)

All of PIN: 10024-0198 (LT) being Part of Lot 6 on Plan 4180 North York designated as Parts 10, 11, 36, 57 and 58 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984422

SCHEDULE "D"

All right, title and interest in all of the lands in the City of Toronto described as follows:

1. (3348P Bayview Avenue)

All of PIN: 10024-0189 (LT) being Part of Lots 8 and 9 on Plan 4180 North York designated as Parts 22, 27, 75 and 76 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984431.

However, the registered owners may elect in the next sixty (60) days following the date of this resolution to require the Board to expropriate all right, title and interest in the easements only under, over and upon Parts 1 to 9, both inclusive, 37 to 42, both inclusive and 44 to 56, both inclusive, on Plan 64R-15130 that benefit the lands described above.

SCHEDULE “E”

Decision of David R. Vine dated June 9, 2015

SCHEDULE “F”

After considering the decision of Inquiry Officer David R. Vine dated June 9, 2015 from the inquiry relating to the proposed taking, the Toronto Catholic District School Board has made such modifications to the proposed expropriation it considers proper and approves the expropriation of the lands set out in Schedules “C” and “D” to this Resolution it deems is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority for the following reasons:

Reasons for the Decision to Approve the Expropriation with Modifications

- (a) Acquiring part of the proposed expropriation avoids further delay and risk of lack of success that would result if the Board proceeded to the OMB to appeal the minor variance;
- (b) Acquiring part of the proposed expropriation responds to the inquiry officer’s recommendations in part;
- (c) Acquiring part of the proposed expropriation leaves the school site with an undersized playing field, a clear loss of a public interest which is accepted in light of the private interests brought to the attention of the Board by the inquiry officer’s report;
- (d) The Board further responds to the inquiry officer’s report by accepting the recommendations with respect to costs and to the offer of extended possession;
- (e) The Board directs staff to seek reasonable arrangements to accommodate expropriated owners by offering leases or other appropriate interest in the 3 Townhouse units it owns as a result of voluntary acquisition, which units are not located in the Blocks to be expropriated;
- (f) The Board’s lease of the existing St. Joseph’s Morrow Park Secondary School at 3377 Bayview Avenue will expire June 30, 2015 and is under review to extend to June 30, 2018 at which time no further extensions are available (the “Leased Site”);
- (g) The Board acquired 5.04 acres in 2013 west of the subject properties from the Toronto District School Board (“New Site”) to replace the Leased Site;
- (h) the New Site is significantly undersized and falls below both the Board standard for secondary school sites and the EDC guideline of 1.2 acres per 100 pupils;
- (i) enrolment at the Leased Site exceeds capacity with no room for expansion or placement of portables;

- (j) the New Site lies within the catchment area of the Leased Site and is centrally located for planned growth and with expansion can accommodate a growing area population;
- (k) the New Site is in a catchment area that requires additional facilities and new locations have proven difficult to obtain;
- (l) there are few alternative opportunities to acquire large parcels without the expropriation and displacement of numerous homeowners by assembling single family homes;
- (m) to assemble other lands involves complexity, cost and delay;
- (n) a minor variance application to construct a 3 storey school building on the New Site was refused;
- (o) alternative sites were considered at 211 Steeles Avenue East and 100 Ravel Road, however these were not viable;
- (p) acquiring the subject properties together with the New Site provides sufficient area for a two storey building and associated hard surface play areas, playing fields and green areas;
- (q) acquisition of the Bayview Avenue frontage allows direct access off Bayview and improved site circulation and thus has less traffic impacts on the neighbourhood;
- (r) acquisition of the Bayview Avenue frontage allows the school site to function more effectively as a community hub offering community access to its indoor gym and theatre facilities and outdoor open space and playing field facilities;
- (s) site size requirements have been reduced by providing for underground parking which also reduces the impact of use of the site on the neighbourhood;
- (t) overall the acquisition of land in the City of Toronto for new or expanded school sites is proving extremely difficult;
- (u) the inclusion of this site complies with the criteria and policies of the Board with respect to site area and associated amenities;
- (v) construction is expected to start in 2016, therefore, possession of the required land must be attained by late 2015 or as soon as possible; and
- (w) funding through Education Development Charges is already in place to acquire this site.