



**Subject: Expropriation / Acquisition of Bridge Street, Lock Street and Park Avenue in the Central Park Subdivision**

**To: Council**

**From: Office of the Chief Administrative Officer**

Report Number: 2023-244

Meeting Date: December 12, 2023

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### **Recommendation:**

That Chief Administrative Office Report 2023-244 be received; and

That the Mayor and Acting City Clerk be directed to sign the Application for Vesting Order to be filed with the Land Registry Office.

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### **Purpose:**

The purpose of this report is to provide an update on the expropriation of the old laneways located at Lockview Park and to outline the next steps in the process including the acquisition of these lands.

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### **Background:**

City tax records and a title search revealed that the property legally described as Plan 836 PT Lock Street Pt. is owned by two individuals who purchased the property from the City in 1919 (see Appendix A). Attempts to contact the owners over the past 30 years have been unsuccessful as there is no address or other contact information for the individuals or their estates.

The current laneways, which were registered as part of Plan 836, bisect the City-owned property of Lockview Park and it is the City's wish to join all parcels together into one parcel under City ownership.

The recommendation from the City Solicitor was to expropriate the lands through the process outlined in the *Expropriations Act, R.S.O 1990, c. E.26*, as amended ("the Act") has been followed. A survey has been completed and registered as Reference Plan 59R-17185 (see Appendix B) and the prescribed public engagement has taken place. As per Act, Public Notice of Application for Approval to Expropriate Land was advertised

for three (3) consecutive weeks specifically March 24, March 31, and April 7, 2022, in the Port Colborne Leader and there was no response to request a hearing of necessity.

Extensive efforts were taken to find the family descendants, but none were located.

The expropriation process commenced with Council Approval through Report 2022-92. Once the process started it was determined by the City Solicitor that an alternative course of action existed for the acquisition of this property.

A Notice of Application was filed and the City was successful with an Order of Application approved by the Courts. The City Solicitor then filed a Motion of Record to Dispense with Service. The City was again successful and received an Order to Dispense with Service which was issued on October 24, 2023.

The final step is to file an Application for Vesting Order with Land Registry Office.

This application will allow for the City to complete the acquisition of Plan 836 PT Lock Street Pt. Bridge Street, Lock Street and Park Avenue in the Central Park Subdivision, Registered as Central Park Subdivision 836, for the village of Humberstone described as Parts 1, 2, 3 and 4 on Reference Plan 59R-17185 shown in Appendix B

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## **Discussion:**

The City plans to redevelop this park property into a more fulsome neighbourhood park. The entire parcel will be crucial for other future development needs in this area of the City. Resolving the ownership issue through the acquisition process is an important step in this planning schedule. City staff will be bringing forward these future redevelopment plans in 2024.

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## **Financial Implications:**

The legal, public notice, survey fees and were funded through the Economic Land Reserve and will be replenished through future land proceeds.

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## **Strategic Plan Alignment:**

The initiative contained within this report supports the following pillars of the strategic plan:

- Welcoming, Livable, Healthy Community
- Economic Prosperity
- Increased Housing Options

- Sustainable and Resilient Infrastructure
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## **Conclusion:**

There are privately owned laneways running through City-owned Lockview Park. Staff feel that the City should have ownership over this area for risk management and liability, and for future redevelopment. Attempts to reach the owners over the past 30 years have been unsuccessful and the expropriation process has been completed. To finalize the acquisition of this property, staff recommend that Council direct the Mayor and Acting City Clerk to sign the Application for Vesting Order and have the City Solicitor file it with the Land Registry Office.

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## **Appendices:**

- a. Map (Plan 836)
- b. Reference Plan 59R-17185

Respectfully submitted,

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## **Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.