



**THE CORPORATION OF THE TOWN OF LASALLE  
REGULAR MEETING OF COUNCIL  
ADDENDUM**

**Tuesday, April 28, 2020, 6:00 p.m.**

**Council Chambers, LaSalle Civic Centre, 5950 Malden Road**

**Clerk's Note:** Members of Council will be participating electronically and will be counted towards quorum. The Minutes will reflect this accordingly. The Electronic Meeting can be viewed at the following link: <https://www.youtube.com/channel/UC6x5UyIhV1zSHkDTV6TCI5g/videos>

Accessible formats or communication supports are available upon request. Contact the Clerk's Office, [evallee@lasalle.ca](mailto:evallee@lasalle.ca), 519-969-7770 extension 1234.

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**Pages**

**E. REPORTS / CORRESPONDENCE FOR COUNCIL ACTION**

\*1 Acquisition of Waterfront Properties, Front Road

2

**RECOMMENDATION**

That the report of the Legal Counsel of LaSalle dated April 21, 2020 (AD-03-2020) regarding the approval of acquisition of waterfront properties be RECEIVED and that Council APPROVES that:

1. The expropriation of Part Lot 32, Concession 1, in the Town of LaSalle, in the County of Essex, designated as Parts 1 & 3 on Reference Plan 12R-10440 (the "Vacant Land") and the expropriation of Part Lot 32, Concession 1, as in R784261 except R825702, in the Town of LaSalle, in the County of Essex ("1010 Front Road") for the purposes of expansion of parkland and waterfront development west of Front Road and north of Laurier Drive is fair, sound and reasonably necessary for the Town of LaSalle to achieve its objectives;
2. That the Application for Approval to Expropriate this parcel of land be approved, and that the draft By-law No. 8426 be passed during the by-law stage of this Agenda; and
3. The Town solicitor be authorized to prepare written reasons for the granting of this approval, and to present those reasons to the Mayor and the Clerk for review and execution.

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**From:** Agatha Robertson  
**Sent:** Tuesday, April 28, 2020 12:28 PM  
**To:** Marc Bondy; Crystal Meloche; Mark Carrick; Sue Desjarlais; Michael Akpata; Jeff Renaud; Anita Riccio-Spagnuolo  
**Cc:** Kevin Miller; Domenic Dadalt; Joe Milicia; Linda Jean; Erin Vallee; [REDACTED]; Conner@rbllp.com; Shane@rbllp.com  
**Subject:** FW: Submission in response to expropriating 1010 Front rd to LaSalle Council Meeting tonight April 28, 2020  
**Attachments:** (Y) Richelle Dolan submission in response to expropriation by-law April 28, 2020 council meeting-Town of LaSalle.pdf

Good afternoon Mayor Bondy and Members of Council,  
Please see attached correspondence received from Ms. Dolan regarding the report prepared by our Legal Counsel, Item E1- Acquisition of Waterfront Properties, Front Road.

Thank you

Agatha

**Agatha Robertson**

Director of Council Services/Clerk,  
Town of LaSalle



5950 Malden Road, LaSalle, Ontario N9H 1S4  
Phone: 519-969-7770 ext. 1223 Fax: 519-969-4469  
Email: [arobertson@lasalle.ca](mailto:arobertson@lasalle.ca)  
[www.lasalle.ca](http://www.lasalle.ca)

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**From:** Richelle Dolan [REDACTED]  
**Sent:** April 28, 2020 11:28 AM  
**To:** Agatha Robertson <arobertson@lasalle.ca>; Conner Harris <Conner@rbllp.com>; Shane Rayman <Shane@rbllp.com>  
**Subject:** Submission in response to expropriating 1010 Front rd to LaSalle Council Meeting tonight April 28, 2020

Hi Agatha,

If you would submit my request to the town council for them to not passing by-law to expropriate my home at the Council meeting this evening April 28, 2020.

Thank you

Richelle Dolan

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To the Town of LaSalle Councillors,

**“Healthy, Vibrant, Caring”** Livable neighbourhoods, Healthy Communities, **TURNING VISION INTO REALITY**. This is the Town of LaSalle’s Slogan. This is what LaSalle promises to its residents, to support them and help residents achieve their reality.

My name is Richelle Dolan, I was raised in LaSalle, along with over four generations of family members. That is over 100 years of La Salle living, that we have supported and been part of this community. It is sad to me that the current Town of LaSalle Council does not recognize that each resident of LaSalle gives value to their slogan, people are what make a community, and I am an active, contributing member of this vibrant community and deserve to be treated as such by our current leaders.

I respectfully request that LaSalle Council does not expropriate the home that my mother and I created together during the last years of her life.

Sincerely,

Richelle Dolan



## **The Corporation of the Town of LaSalle**

**To:** Mayor and Members of Council  
**Prepared by:** Domenic J. Dadalt, Legal Counsel  
**Department:** Administration  
**Date of Report:** April 21, 2020  
**Report Number:** AD-03-2020  
**Subject:** Acquisition of Waterfront Properties, Front Road

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### **Recommendation**

That the report of the Legal Counsel of LaSalle dated April 21, 2020 (AD-03-2020) regarding the approval of acquisition of waterfront properties be RECEIVED and that Council APPROVES that:

1. The expropriation of Part Lot 32, Concession 1, in the Town of LaSalle, in the County of Essex, designated as Parts 1 & 3 on Reference Plan 12R-10440 (the "Vacant Land") and the expropriation of Part Lot 32, Concession 1, as in R784261 except R825702, in the Town of LaSalle, in the County of Essex ("1010 Front Road") for the purposes of expansion of parkland and waterfront development west of Front Road and north of Laurier Drive is fair, sound and reasonably necessary for the Town of LaSalle to achieve its objectives;
2. That the Application for Approval to Expropriate this parcel of land be approved, and that the draft By-law No. 8426 be passed during the by-law stage of this Agenda; and
3. The Town solicitor be authorized to prepare written reasons for the granting of this approval, and to present those reasons to the Mayor and the Clerk for review and execution.

### **Report**

At the Council meeting held on May 28, 2019, representations were made to Council by myself and by Richelle Dolan, owner of 1010 Front Road and Michael Byrd, the President of Mosquito Coast Investments Inc., the registered owner of the Vacant Land,

regarding this matter. By-law 8316 was passed by Council authorizing the Town Administration and the Town solicitor to take steps to acquire 1010 Front Road and the Vacant Land along with two other properties, which steps included the potential expropriation of those parcels of land.

I confirm that the Town has come to agreements with the other two properties subject to By-law 8316, and has taken possession of one and will be acquiring possession of the other with a closing date set for May 29, 2020.

The owners of the two properties subject to this report requested a Hearing of Necessity under the *Expropriations Act*. Prior to the Hearing, the owner of 1010 Front Road withdrew the request for a Hearing. The Hearing was conducted on December 9, 2019 at Town Hall in front of Inquiry Officer Gillian Burton. The Inquiry Officer provided a report initially dated December 30, 2019, and an amended report dated January 11, 2020 wherein she determined that the expropriation of the Vacant Land was fair, sound and reasonable. The reason for the amendment surrounded a correction with respect to the state of negotiations with 1010 Front Road and did not impact on the Inquiry Officer's determination regarding the Vacant Land. With respect to the Vacant Land, the Inquiry Officer stated:

In my opinion the Town's evidence shows a clear need for this parcel to be incorporated into the publically owned, waterfront park design. It must be part of the redesigned storm sewer system, as well as remain at a low density because of the sanitary sewer capacity.

...

After considering all the evidence and arguments, I conclude that the proposal meets the test in the *Expropriations Act* and the summation of it as set out Re Parkins: whether the proposal is "reasonably defensible in the achievement of the authority's objectives."

Since the passing of By-law 8316, the Town has also acquired or will soon be acquiring the properties municipally described as 1390 Front Road, 670 Front Road and 690 Front Road which surround the areas identified within the said by-law. These acquisitions, along with previous acquisitions that include but are not limited to the land known as Gil Maure Park (1977), the Riverdance property (2007) and the Westport Marina (2018), outline the initiative taken by the Town to secure waterfront property in this area.

In an attempt to come to an agreement without resorting to formal expropriation, the Town forwarded the appraisal of 1010 Front Road along with the terms of an offer on November 19, 2019. The Town forwarded the appraisal of the Vacant Land along with

the terms of an offer on March 17, 2020. An agreement has not yet been reached with either party.

As a result, it is my opinion that while the Town of LaSalle is still open to finalizing an agreement with the owners of both 1010 Front Road and the Vacant Land, we should keep the process moving forward with respect to the expropriation of Part Lot 32, Concession 1, in the Town of LaSalle, in the County of Essex, designated as Parts 1 & 3 on Reference Plan 12R-10440 and the expropriation of Part Lot 32, Concession 1, as in R784261 except R825702, in the Town of LaSalle, in the County of Essex.

I am therefore asking the Council of the Town of LaSalle, as the Approving Authority under the *Expropriations Act*, to approve the attached Application for Approval to Expropriate Land, which would allow the expropriation to proceed.

All of which is respectively submitted.

Domenic J. Dadalt, Legal Counsel

## **Consultations**

Kevin Miller, Deputy Clerk

## **Financial Implications**

Compensation for the properties will be provided in accordance with the terms and provisions of the *Expropriations Act*.

## **Prepared By:**



Legal Counsel

Domenic J. Dadalt

## Link to Strategic Goals

	Enhancing organizational excellence
Yes	Sustain strong public services and infrastructure
Yes	Strengthen the community's engagement with the Town
	Grow and diversify the local economy
	Build on our high-quality of life

## Communications

	Not applicable
	Website
	Social Media
	News Release
	Local Newspaper
	Bids & Tenders
	Notification pursuant to the Planning Act

## Notifications

Name	Address	Email
Mosquito Coast Investments Inc. c/o Michael Byrd, President		
Edwin Hooker Wolf Hooker Professional Corporation	Suite 100 - 72 Talbot St. North Essex, Ontario N8M 1A2	ehooker@wolfhooker.com
Richelle Dolan		
Shayne Rayman Conner Harris Rayman Beitchman LLP	250 Yonge St, Suite 2200 PO Box 4 Toronto, Ontario M5B 2L7	Shane@rbllp.com Conner@rbllp.com



**Report Approval Details**

Document Title:	AD-03-2020 - Acquisition of Waterfront Properties, Front Road.docx
Attachments:	- Form 1 Application for Approval 2019June14.pdf - Form 2 Notice of Application 2019June28.pdf
Final Approval Date:	Apr 21, 2020

This report and all of its attachments were approved and signed as outlined below:



Chief Administrative Officer

Joe Milicia

**APPLICATION FOR APPROVAL TO EXPROPRIATE LAND**

**To:** The Corporation of the Town of LaSalle  
5950 Malden Road  
LaSalle, ON N9H 1S4

**IN THE MATTER OF the proposed expropriation of land by**  
The Corporation of the Town of LaSalle

**being parts of Lots 32 and 33**

**Concession 1 in the Town of LaSalle, in the County of Essex**

**for the purposes of** expansion of parkland and waterfront development west of Front Road and north of Laurier Drive in accordance with Town land use planning policies and economic development objectives, and works ancillary thereto.

**APPLICATION IS HEREBY MADE for approval to expropriate the land described as follows:**

**FIRSTLY:**

Part Lot 32, Concession 1, as in R379396 except Parts 1, 2 & 3 on Reference Plan 12R-10440, in the Town of LaSalle, in the County of Essex, subject to an easement as in R1113760

**SECONDLY:**

Part Lot 32, Concession 1, in the Town of LaSalle, in the County of Essex, designated as Parts 1 & 3 on Reference Plan 12R-10440

**THIRDLY:**

Part Lot 32, Concession 1, as in R784261 except R825702, in the Town of LaSalle, in the County of Essex

**FOURTHLY:**

Part Lot 33, Concession 1; Part water lot in front of Lot 33, Concession 1, as in R920927, in the Town of LaSalle, in the County of Essex, subject to the interest of the Crown

**Dated at LaSalle, Ontario this 14<sup>th</sup> day of June, 2019**

The Corporation of the Town of LaSalle

  
\_\_\_\_\_  
Agatha Robertson, Clerk

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

**IN THE MATTER OF an application by**

The Corporation of the Town of LaSalle

**for approval to expropriate land being parts of Lots 32 and 33**

**Concession 1**

**in the Town of LaSalle**

**in the County of Essex**

**for the purposes of** expansion of parkland and waterfront development west of Front Road and north of Laurier Drive in accordance with Town land use planning policies and economic development objectives, and works ancillary thereto.

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

FIRSTLY:

Part Lot 32, Concession 1, as in R379396 except Parts 1, 2 & 3 on Reference Plan 12R-10440, in the Town of LaSalle, in the County of Essex, subject to an easement as in R1113760

SECONDLY:

Part Lot 32, Concession 1, in the Town of LaSalle, in the County of Essex, designated as Parts 1 & 3 on Reference Plan 12R-10440

THIRDLY:

Part Lot 32, Concession 1, as in R784261 except R825702, in the Town of LaSalle, in the County of Essex

FOURTHLY:

Part Lot 33, Concession 1; Part water lot in front of Lot 33, Concession 1, as in R920927, in the Town of LaSalle, in the County of Essex, subject to the interest of the Crown

**Any owner of lands 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 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 Corporation of the Town of LaSalle  
5950 Malden Road  
LaSalle, Ontario N9H 1S4

**The expropriating authority is**

The Corporation of the Town of LaSalle  
5950 Malden Road  
LaSalle, Ontario N9H 1S4

  
Agatha Robertson, Clerk

**This notice first published on the 28<sup>th</sup> day of June, 2019.**