RECOMMENDATIONS

That the transfer of Part 3 on 43R-30748 to 2682896 Ontario Inc. (the “Transfer”) be approved and that the Transfer be conditional on the application for the vesting order being withdrawn and dismissed without costs to the Town.

REPORT HIGHLIGHTS

- To settle an Ontario Municipal Board (“OMB”) appeal, in 2016 the Town entered into Minutes of Settlement in respect of 62 Queen Street, Bolton, Ontario (the “Property”). The Minutes of Settlement contemplated a land exchange between the Town and 1489767 Ontario Limited, the then-owner of the Property.
- Subsequent to the Minutes of Settlement and before the land exchange could be completed, the Property was sold under power of sale to a new owner.
- In order to comply with the Minutes of Settlement, the Town is obligated to complete the land exchange and transfer Part 3 on 43R-30748 to the new owner. Staff is seeking Council’s direction to complete the Transfer.

DISCUSSION

In January, 2016, Minutes of Settlement were entered into by the Town in order to settle an OMB appeal of a Committee of Adjustment decision for variance regarding a seasonal patio. Under the Minutes of Settlement, the Town was obligated to complete a land exchange with 1489767 Ontario Limited, the then-owner of the Property.

In December, 2017, Parts 2 and 4 on 43R-30748 were exchanged between the Town and 1489767 Ontario Limited. However, the transfer of Part 3 on 43R-30748 (the “Part 3 lands”) to 1489767 Ontario Limited was delayed as it was first required to be transferred from the Region to the Town, which did not occur until December, 2018.

In late 2018 the Town was informed that 1489767 Ontario Limited was no longer the owner of the Property, which was to be sold by way of power of sale to a new owner. The Town required the name of the new owner to complete the transfer of the Part 3 lands. On May 3, 2019 the Property was sold under power of sale to the new owner. The Town was advised of the new owner in September, 2019, when the Town was served with a court application requesting an Order that the property “vest” in (be assigned to) the new owner.
The transfer of the Part 3 lands to the new owner both satisfies the terms of the Minutes of Settlement as well as the Order being sought by the court application. As a condition of the transfer, staff recommend that the court application be withdrawn without cost to the Town.

FINANCIAL IMPLICATIONS

The Town has already received the lands that were required to be transferred to it as consideration for the land exchange and transfer of the Part 3 lands. As long as the transfer is conditional on the court application being withdrawn without costs to the Town, there are no cost implications to the exchange.

COUNCIL WORK PLAN

The initiatives of the Council Work Plan do not relate to this report.

ATTACHMENTS

Schedule “A” – Plan 43R-30748