

Re: MANN EXPROPRIATION
9637 CAMERON STREET

RECOMMENDATION:

1. THAT this report be received for information purposes.

REPORT

Appearing on the Council Agenda of 1981 April 21 is a Notice of Motion from Alderman D. N. Brown and a letter from the Honourable W. Vander Zalm regarding the above subject.

In view of the Agenda items and the recent publicity which has been occasioned by the Court of Appeal's rejection of Mrs. Mann's appeal, it is appropriate to bring Council up-to-date with the following information:

1. The Court of Appeal on 1981 April 08 unanimously rejected Mrs. Mann's appeal from the judgment of Mr. Justice Toy, whose decision on 1981 March 06 declared that the property vested in the Corporation on 1979 August 16 and ordered that Mrs. Mann deliver up possession of the property to the Corporation immediately.
2. In the interim, between the Supreme Court judgment and the Court of Appeal decision, the Arbitration Board fixed compensation for the expropriated property at \$122,000 plus interest at the statutory rate of 6% from the date of taking, i.e., 1979 August 16.
3. On 1981 April 10, the Corporation was served with notice of Mrs. Mann's petition to the Supreme Court to set aside the award of the Arbitration Board. A date for hearing of this petition has not yet been fixed.
4. As soon as the petition has been disposed of, Mrs. Mann will receive the money due to her, as determined by the Arbitration Board. This will be adjusted, if necessary, by whatever decision is made by the Supreme Court as a result of the latest petition.
5. Staff are completely satisfied that the Corporation has conducted itself properly during the entire expropriation procedure, in accordance with all applicable legislation, and would confirm that the property is still required for municipal purposes.
6. Council is aware that Mrs. Mann's property was acquired not only to meet current parking requirements in the most optimum manner, but also, to provide for library expansion. The property is also included in the area designated in the Cameron Road Community Plan for public recreational use.
7. Should Council abandon the acquisition of 9637 Cameron Street, the Corporation could be faced with costs totalling \$100,000 to compensate Mrs. Mann for her costs and to pay our own legal costs, and then still be faced with reinitiating the acquisition of the property in the not too distant future for municipal purposes at a considerably increased cost.

In conclusion, a review of this matter in the light of present developments substantiates that all proper procedures were followed, that the property is needed for municipal purposes, and that the most appropriate course of action now is not to abandon the acquisition of 9637 Cameron Street, but to await the decision of the Supreme Court and at that time make any adjustment required in the compensation due to Mrs. Mann.