APPRAISAL REPORT
OF
REGION OF HALTON'S SITE F
PART OF LOTS 2 AND 3
CONCESSION 1 AND 2 E.F.
CITY OF BURLINGTON

B-890

APPRAISAL REPORT

OF

REGION OF HALTON'S SITE F

PART OF LOTS 2 AND 3

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CITY OF BURLINGTON

FOR

WEIR & FOULDS

TORONTO, ONTARIO

Prepared by

DAVIS, HICKS & O'BRIEN LIMITED

2220 Midland Avenue

Scarborough, Ontario

DAVIS, HICKS & O'BRIEN LIMITED
REAL ESTATE APPRAISERS AND CONSULTANTS
ONTARIO LAND ECONOMISTS

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May 5th, 1988

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WEIR & FOULDS
Barristers & Solicitors
Suite 1600, Exchange Tower
P.O. Box 480
2 First Canadian Place
TORONTO, Ontario
M5X 1J5

Dear Sir:

Re: October 15, 1987 Value Estimate
Region of Halton's Site F
Part of Lots 2 and 3
Concession 1 and 2 E.F.
City of Burlington

As requested, by the City of Burlington, I enclose herewith my estimate of the cost to the Region of Halton of acquiring the above referenced site, having regard to the Region of Halton's Compensation Policy as set out in Final Technical Report No. 3, entitled an "ECONOMIC ASSESSMENT" by C.N. Watson and Associates Ltd. dated June 1985 and the provisions of Section 14 of the Expropriations Act.

The effective date of the value estimates is October 15, 1987.

As a result of my investigation and analysis, it is my opinion that the Section 14 cost to the Region of acquiring Site F by expropriation ranges from a low of $1,035,300 to a high of $9,895,300 and it's ultimate cost is dependent upon the final determination of the highest and best use of subject Property No. 1 (the N.S.P. lands).

The Section 14 cost to the Region to acquire Site F dependent upon the ultimate determination of subject Property No. 1's (the N.S.P. lands) have been estimated by me, as follows:-

............/2

Alternative No.1

If the highest and best use of subject Property No. 1 is determined to be as a holding for future development with low coverage, prestige, industrial development as envisaged by Section 6.2.3 q) of the Parkway Belt West Plan, it is my opinion that the Section 14 cost to the Region to acquire Site F, inclusive of injurious affection resulting from the proposed use of the subject site to the lands remaining but exclusive of that to properties in proximity, the value of lands within the requirement already owned by them, relocation allowances, legal and appraisal costs is:-

ONE MILLION AND THIRTY-FIVE THOUSAND THREE HUNDRED DOLLARS

($1,035,300)

Alternative No.2

If the highest and best use of subject Property No. 1 is determined to be for landfill use, but is restricted in size and capacity to that identified and applied for by the owners and their consultants in their original application for a certificate of approval for a waste disposal site (landfill) (Exhibit H-313), it is my opinion that the Section 14 cost to the Region to acquire Site F, inclusive of injurious affection resulting from the proposed use of the subject site to the lands remaining but exclusive of that to properties in proximity, the value of lands within the requirement already owned by them, relocation allowances, legal and appraisal costs is:-

SEVEN MILLION ONE HUNDRED AND NINETY-FIVE THOUSAND THREE HUNDRED DOLLARS

($7,195,300)

............/3

Alternative No.3

If the highest and best use of subject Property No. 1 is determined to be for landfill use, with the size and capacity identified and applied for by the owners and their consultants in their revised application for a certificate of approval for a waste disposal site (landfill) (Exhibit H-299), it is my opinion that the Section 14 cost to the Region to acquire Site F, inclusive of injurious affection resulting from the proposed use of the subject site to the lands remaining but exclusive of that to properties in proximity, the value of lands within the requirement already owned by them, relocation allowances, legal and appraisal costs is:-

NINE MILLION EIGHT HUNDRED AND NINETY-FIVE THOUSAND THREE HUNDRED DOLLARS

($9,895,300)

These values are apportioned amongst the properties making up Site F as follows:-

Alternative No. 1

Property No.	Owner	No. of Acres	Partial Taking	Section 14 Value
1	National Sewer Pipe Limited	130.645	yes	$840,000
2	Ministry of Government Services	2.024	-	7,080
2A	Ministry of Government Services	2.611	-	5,220
3	Azova Investments Limited	32.441	yes	183,000
4	Region of Halton	16.196	-	N/A
	Estimated cost to the Region to acquire Site F	183.917		$1,035,300

$$\frac{\$1,035,300}{183.917 \text{ acres}} = \$5,629 \text{ per acre}$$

$$\frac{\$1,035,300}{74.431 \text{ hectares}} = \$13,910 \text{ per hectare}$$

DAVIS, HICKS & O'BRIEN LIMITED

Alternative No. 2

Property No.	Owner	No. of Acres	Partial Taking	Section 14 Value
1	National Sewer Pipe Limited	130.645	yes	$7,000,000
2	Ministry of Government Services	2.024	-	7,080
2A	Ministry of Government Services	2.611	-	5,220
3	Azova Investments Limited	32.441	yes	183,000
4	Region of Halton	16.196	-	N/A
	Estimated cost to the Region to acquire Site F	183.917		$7,195,300

$\frac{\$7,195,300}{183.917 \text{ acres}}$ = $39,123 per acre

$\frac{\$7,195,300}{74.431 \text{ hectares}}$ = $96,671 per hectare

Alternative No. 3

Property No.	Owner	No. of Acres	Partial Taking	Section 14 Value
1	National Sewer Pipe Limited	130.645	yes	$9,700,000
2	Ministry of Government Services	2.024	-	7,080
2A	Ministry of Government Services	2.611	-	5,220
3	Azova Investments Limited	32.441	yes	183,000
4	Region of Halton	16.196	-	N/A
	Estimated cost to the Region to acquire Site F	183.917		$9,895,300

........./5

$$\frac{\$9,895,300}{183.917 \text{ acres}} = \$53,803 \text{ per acre}$$

$$\frac{\$9,895,300}{74.431 \text{ hectares}} = \$132,946 \text{ per hectare}$$

The attached report contains a brief description of the subject area, subject Site F, the properties making up Site F, relevant servicing, zoning and planning data, the market and other data relied upon, my analysis of that data and conclusions.

In addition, I was asked to consider the effect of current (1988) tipping fees upon the Section 14 cost to the Region of subject Property No. 1 (the N.S.P. lands) should their highest and best use be determined to be for landfill use. Accordingly, I completed an analysis utilizing 1988 tipping fees, and it is my opinion that the current Section 14 cost to the Region of acquiring Site F by expropriation ranges from a low of $1,035,300 to a high of $27,395,300 and it's ultimate cost is dependent upon the final determination of the highest and best use of subject Property No. 1 (the N.S.P. lands).

The Section 14 cost to the Region to acquire subject Property No. 1 (the N.S.P. lands), utilizing 1988 tipping fees, dependent upon the ultimate determination of their highest and best use, have been estimated by me on alternative pages 111 to 135 and 148 to 151, which are contained in the Addenda Volume of this report as Section O.

Yours respectfully,

R.W. O'Brien, A.A.C.I., S.C.V.
Ontario Land Economist

RWO:sm

DAVIS, HICKS & O'BRIEN LIMITED

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IDENTIFICATION OF SUBJECT PROPERTY

The subject property, located on the north side of the North Service Road and the west side of King Road and Bayview Park, consists of a 74.431 hectare/183.917 acre parcel of vacant land, designated by various studies and reports prepared for the Region of Halton as "Site F". It is made up of 5 separate and distinct parcels under 4 ownerships. They are are designated as Parts 1 to 23 on an unregistered (proposed) plan of expropriation by Lawrence G. Woods, O.L.S., dated April 22nd, 1987, a reduced copy of which is contained later in this report and will be referred to hereafter as "the proposed plan of expropriation".

The ownerships and parcels, making up the Regional requirement for subject "Site F", are briefly described as follows:-

Property No. 1

National Sewer Pipe Limited property
N/S North Service Road and W/S King Road
Part of Lots 2 and 3, Concession 1 E.F.
Part of Lot 3, Concession 2 E.F.
Part of road allowance between Concessions 1 and 2, E.F.
Designated as Parts 1, 2, 3, 8, 9, 10, 11, 15 and 16 on the proposed plan of expropriation.
City of Burlington
Regional Municipality of Halton
Partial taking of 52.872 hectares/130.645 acres from a 73.843 hectare/182.464 acre holding of vacant land.
Vacant land, part of which is licenced as a quarry by the Ministry of Natural Resources

Property No. 2 and 2A

Her Majesty the Queen
Ministry of Government Services property
W/S King Road and an internal parcel
Part of Lots 2 and 3, Concession 2 E.F.
Designated as Parts 4, 5, 6, 12, 13 and 14 on the proposed plan of expropriation.
City of Burlington
Regional Municipality of Halton

Parcel 2	-	0.819 ha/2.024 acres
Parcel 2A	-	1.057 ha/2.612 acres
Total	-	1.876 ha/4.636 acres

Vacant land and utility corridor subject to a Bell Canada easement.

Property No. 3

Azova Investments Limited property
W/S King Road
Part of Lots 2 & 3, Concession 2 E.F.
Designated as parts 7 and 17 on the proposed plan of expropriation.
City of Burlington
Regional Municipality of Halton
Partial taking of south 13.129 hectares/32.441 acres from a 21.406 hectare/52.894 acre parcel.
Vacant agricultural land

Property No. 4

Regional Municipality of Halton property
N/S North Service Road
Part of Lot 4, Concession 1 E.F. and part of Lots 3 and 4, Concession 2 E.F.
Designated as Parts 18, 19, 20, 21, 22, and 23 on the proposed plan of expropriation.
City of Burlington
Regional Municipality of Halton
6.5544 hectares/16.196 acres
Access road and weigh scale area of previous Region of Halton Sanitary Landfill operation.

Note:- As subject Property No. 4 is already in the ownership of the Region of Halton, and will not add to the Section 14 costs of acquiring Site F for sanitary landfill purposes, no further detailed description or estimate of the contributory value of those lands will completed in this report.

RIGHTS APPRAISED

The whole and partial takings (subject properties) comprising Site F are appraised in fee simple, subject to any easements or rights-of-way described later in this report.

PURPOSE OF THE APPRAISAL

The purpose of this appraisal is to estimate the current market value or the loss in market value to the subject properties comprising Site F, having regard to the Region of Halton's Compensation Policy, the provisions of the Expropriations Act and the relevant sections thereof.

The effective date of the value estimates is October 15, 1987.

The term "market value" as used in this report is as defined in Section 14(1) of the Expropriations Act, which states:-

"14) (1) The market value of land expropriated is the amount that the land might be expected to realize if sold in the open market by a willing seller to a willing buyer."

The term "injurious affection" as used in this report is as defined in Section 1(1)(e)(i) of the Expropriations Act, which states:-

"(e) "injurious affection" means,

(i) where a statutory authority acquires part of the land of an owner,

(A) the reduction in market value thereby caused to the remaining land of the owner by acquisition or by the construction of the works thereon or by the use ofthe works thereon or any combination of them, and

(B) such personal and business damages, resulting from the construction or use, or both , of the works as the statutory authority would be liable for if the construction or use were not under the authority of a statute,

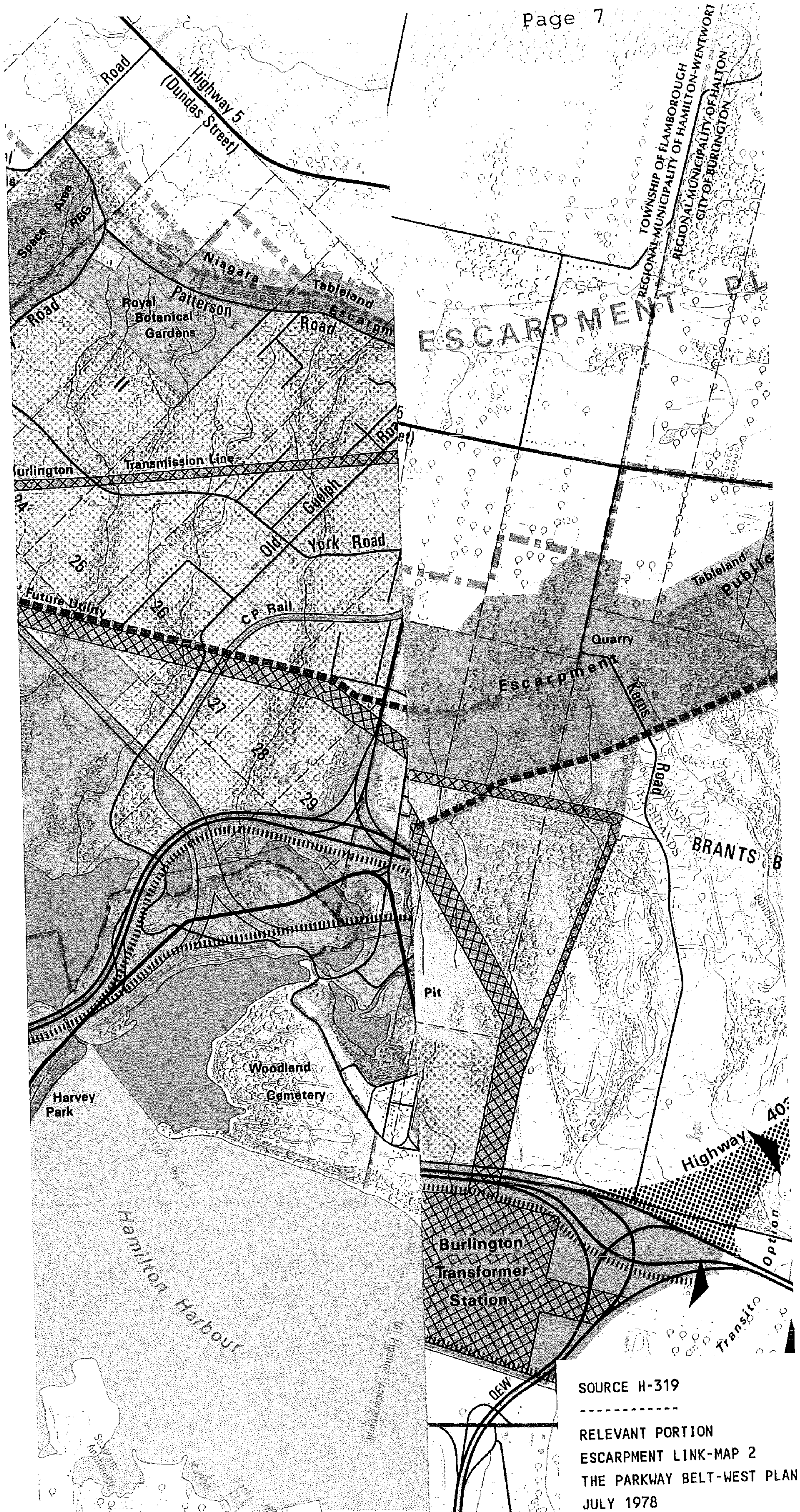
and for the purposes of this clause, part of the lands of an owner shall be deemed to have been acquired where the owner from whom lands are acquired retains lands contiguous to those acquired or retains lands of which the use is enhanced by unified ownership with those acquired;

AREA ANALYSIS

Geographic Area

The subject area is taken to be that portion of the City of Burlington, lying north of Highway 403 and west of the Ontario Hydro's Burlington-Guelph Transmission Line.

The subject area and the location of the subject property within it, are shown on the following map.



SOURCE H-319

RELEVANT PORTION

ESCARPMENT LINK-MAP 2

THE PARKWAY BELT-WEST PLAN

JULY 1978

Development in the Area

The subject area consists of rolling to steeply rolling land, traversed by many creek valleys and utility corridors.

Roads through the area twist and turn as they traverse the varied topography and ascend the Niagara Escarpment.

Residential development, in the area, is mainly located west and north of the existing, closed up and proposed "Land Fill" site and consists of custom built residences on large lots along existing roads. Development has been on private services.

Two large prestige industrial/office complexes (Tridon Limited [manufacturing] and Cumis [insurance]), are located in the subject area, on the north side of the North Service Road, east of the Waterdown Road. These low density prestige uses have been developed on large lots with exposure to Highway 403 and generally conform to the "Special Complementary Use Area" provisions of "The Parkway Belt West Plan" in this area. However, the lands occupied by these two prestige uses are designated as part of the "General Complementary Use Area" by the "Plan".

Large areas remain undeveloped, and as the area is within the "Parkway Belt West" and controlled by the Parkway Belt Regulations and Plan, can be anticipated to remain that way. Large portions of the subject area have been acquired by the Province under its Parkway Belt acquisition program. The majority of these lands have been designated as Public Open Space and Buffer Area.

The easterly portion of the subject area is occupied by:-

1) the Burlington Landfill site,

2) subject "Site F",

3) the "Bayview Park",

4) the lands of National Sewer Pipe Limited lying east of King Road,

5) a licenced "shale quarry" on the N.S.P. lands east of King Road. This pit is still in operation, but the use appears to be occasional.

6) a licenced pit on "Site F" lands west of King Road, between "Bayview Park" and the "Burlington Land Fill Site".

The Regions's "Burlington Land Fill Site" is currently being used for sanitary land fill purposes and was extended by 57.4 66 acres in 1980.

Bayview Park is a rehabilitated land fill site now being used as an equestrian park, with facilities for a rod and rifle club, model airplane clubs, as well as passive uses. Subject "Site F" abuts the south and west limits of "Bayview Park".

Surrounding Development

To the north is the Niagara Escarpment and the Waterdown urban area.

To the east is the Burlington urban area, north of Highway 403 and the Queen Elizabeth Way.

To the south is Highway 403, an urban area of Burlington and then Hamilton Harbour.

To the west is the Town of Dundas and then the City of Hamilton.

Services

The area has been developed on private services. The exceptions are the Tridon and Cumis properties on the North Service Road.

Land use

Land use in the subject area is controlled by Zoning By-Law No. 4000-3 (Exhibit H-323), Official Plan Amendment No. 49 (Exhibit H-322) and The Parkway Belt West Plan (Exhibit H-319) and Regulations (Exhibits H-320 & H-321).

DESCRIPTION OF SUBJECT LAND

Location

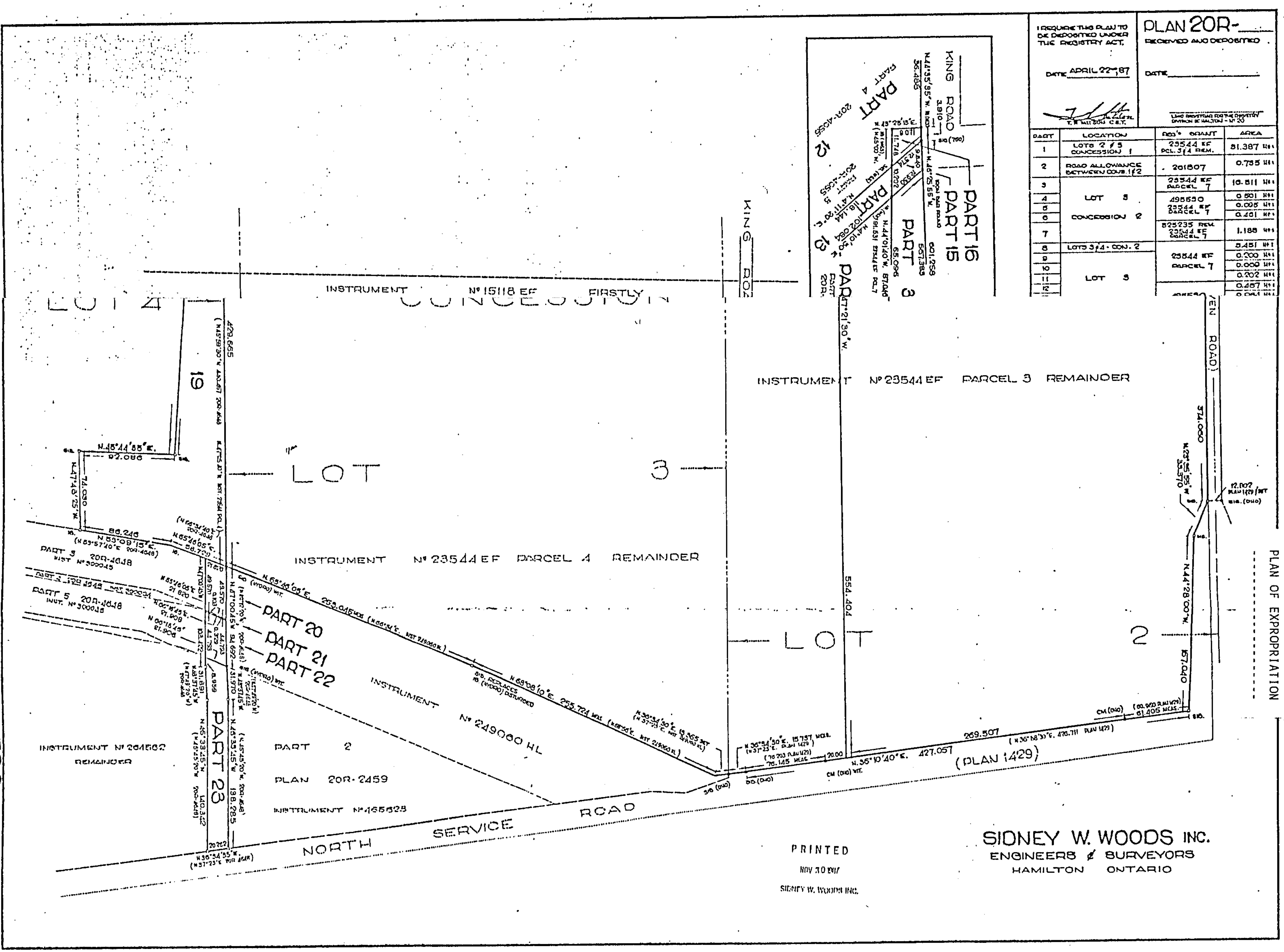
The subject lands are an irregular shaped parcel on the north side of the North Service Road and the west side of King Road, in the City of Burlington. It is bounded on the south by the North Service Road and an Ontario Hydro Tower line; on the west by the Region of Halton's Burlington Land Fill Site; on the north by the 8.277 hectare/20.452 acre remainder of the Azova lands, then an Ontario Hydro corridor, then the Niagara Escarpment and on the east by King Road, the City of Burlington's Bayview Park and the 20.971 hectare/51.819 acre remainder of the N.S.P. lands.

Site Size

The subject property, identified in various studies and reports as "Site F", contains 74.431 hectares/183.918 acres, according to the proposed plan of expropriation and is comprised of 5 separate and distinct properties under 4 ownerships, which are described later in this report. The various properties making up "Site F" contribute as follows to the total site area.

Property No. 1	(N.S.P. lands)	=	52.872 ha	130.645 acres
Property No. 2	(M.G.S. lands)	=	0.819 ha	2.024 acres
Property No. 2A	(M.G.S. lands)	=	1.057 ha	2.612 acres
Property No. 3	(Azova lands)	=	13.129 ha	32.441 acres
Property No. 4	(Halton lands)	=	6.554 ha	16.196 acres
Site F		=	74.431 ha	183.918 acres

The various parcels making up Site F, their limits and the limits of Site F are shown on the following reduced copy of the proposed plan of Expropriation by Lawrence G. Woods, O.L.S., dated April 22nd, 1987. They are designated as Parts 1 to 23, inclusive thereon.



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT.
DATE APRIL 22nd, 87
T. R. WATSON C.S.T.
PLAN 20R-
RECEIVED AND DEPOSITED
DATE
LAND REGISTRAR FOR THE REGISTRY DIVISION OF HALTON - No 20
PART
LOCATION
REG'D GRANT
AREA
1
LOTS 2 & 3 CONCESSION 1
23544 EF PCL. 3 & 4 REM.
81.387 Ha
2
ROAD ALLOWANCE BETWEEN CONS. 1 & 2
201807
0.755 Ha
3
23544 EF PARCEL 7
10.811 Ha
4
5
6
LOT 3 CONCESSION 2
495530
23544 EF PARCEL 7
0.801 Ha
0.005 Ha
0.401 Ha
7
825235 REM. 23544 EF PARCEL 7
1.188 Ha
8
LOTS 3 & 4 - CON. 2
3.451 Ha
9
10
11
12
LOT 3
23544 EF PARCEL 7
0.200 Ha
0.009 Ha
0.202 Ha
0.467 Ha
KING ROAD
PART 4
PART 12
PART 13
PART 3
PART 15
PART 16
INSTRUMENT No 15118 EF FIRSTLY
CONCESSION
LOT 4
19
LOT 3
INSTRUMENT No 23544 EF PARCEL 3 REMAINDER
INSTRUMENT No 23544 EF PARCEL 4 REMAINDER
LOT 2
PART 20
PART 21
PART 22
PART 23
INSTRUMENT No 249060 HL
INSTRUMENT No 264562 REMAINDER
PART 2
PLAN 20R-2459
INSTRUMENT No 465625
NORTH SERVICE ROAD
(PLAN 1429)
PLAN OF EXPROPRIATION
PRINTED
NOV 10 1987
SIDNEY W. WOODS INC.
SIDNEY W. WOODS INC.
ENGINEERS & SURVEYORS
HAMILTON ONTARIO

Topography, Soils and Tree Cover

Site F lies on the southern slope of the Niagara Escarpment. Numerous intermittent drainage channels flow south, in the bottom of the eroded ravines that dissect the southern four-fifths of the site. These channels form part of the Indian Creek drainage basin. The area north of the ravine system has clayey silt till soils. The ravines, which are eroded into shale bedrock, exhibit only localized areas of clayey soils. Ravine bottoms exhibit loamy residual and/or fluvial soils. The ravines range in depth from approximately 5 m /16.4 feet to 15 m/49.2 feet.

There are various categories of forested area and regenerating scrub, and marsh communities on the site south of the cleared fields on the Azova lands. They consist of at least four distinctive forested community types:-

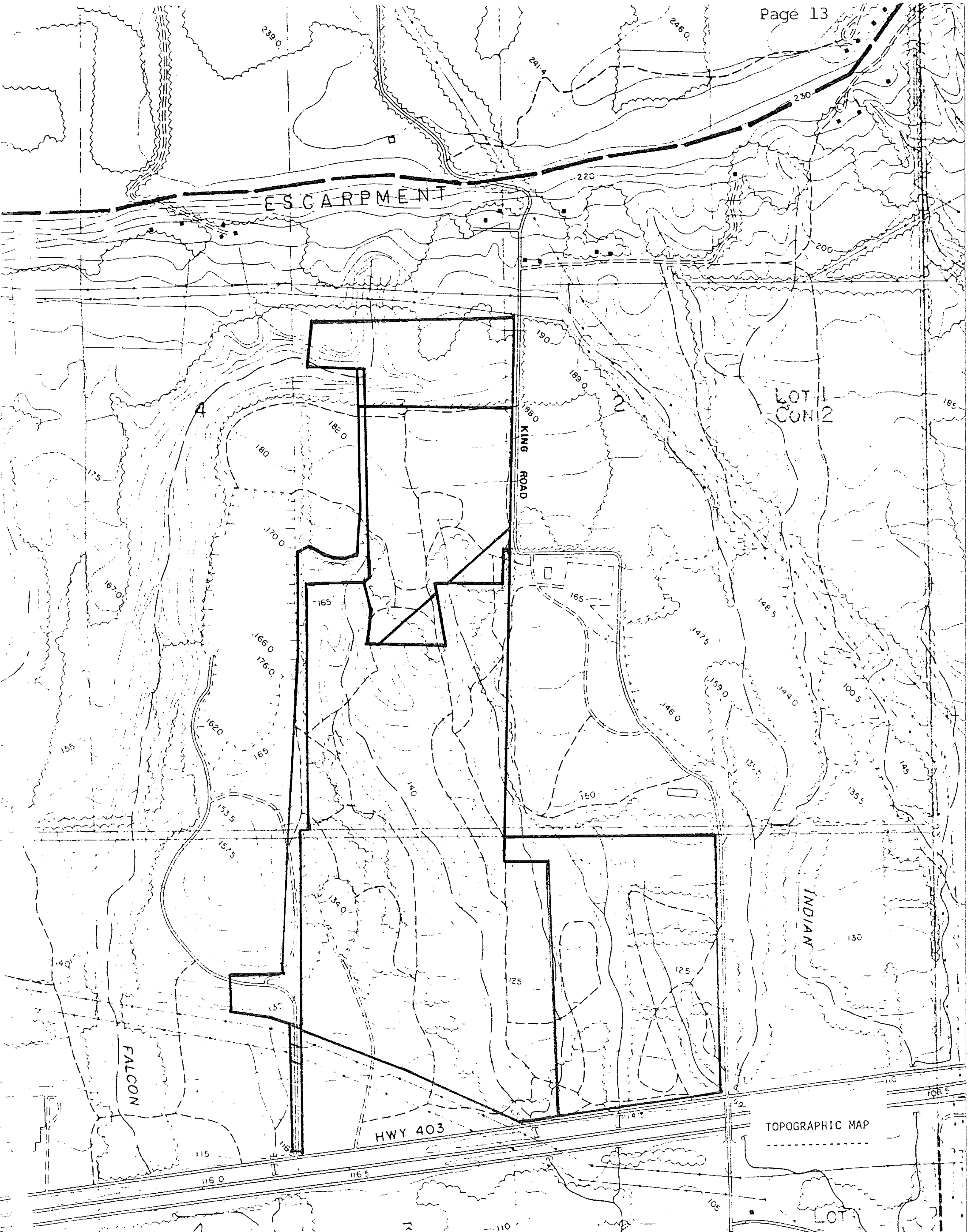
- Hedgerow woodlots are common along ravine top edges, and separating areas of scrub. Typically, the areas support more mature trees and have very little understorey growth. Red and white oak and shagbark hickory are common.

- There is a small coniferous plantation, dominated by +/- 30 year old white pine, located in the centre of the eastern portion of the site. Canopy closure is almost complete; thus, there is very little understorey growth.

- Dry upland and dry-mesic upper slope forests occur throughout the south portion and at the northern ends of Site F. These oak-hickory forest areas are dominated by shagbark hickory, oaks and sugar maple in varying distributions.

The northerly portion of Site F (the Azova lands) is mainly idle farmland that is in the early stages of succession. It is basically gently rolling land with a general slope to the south.

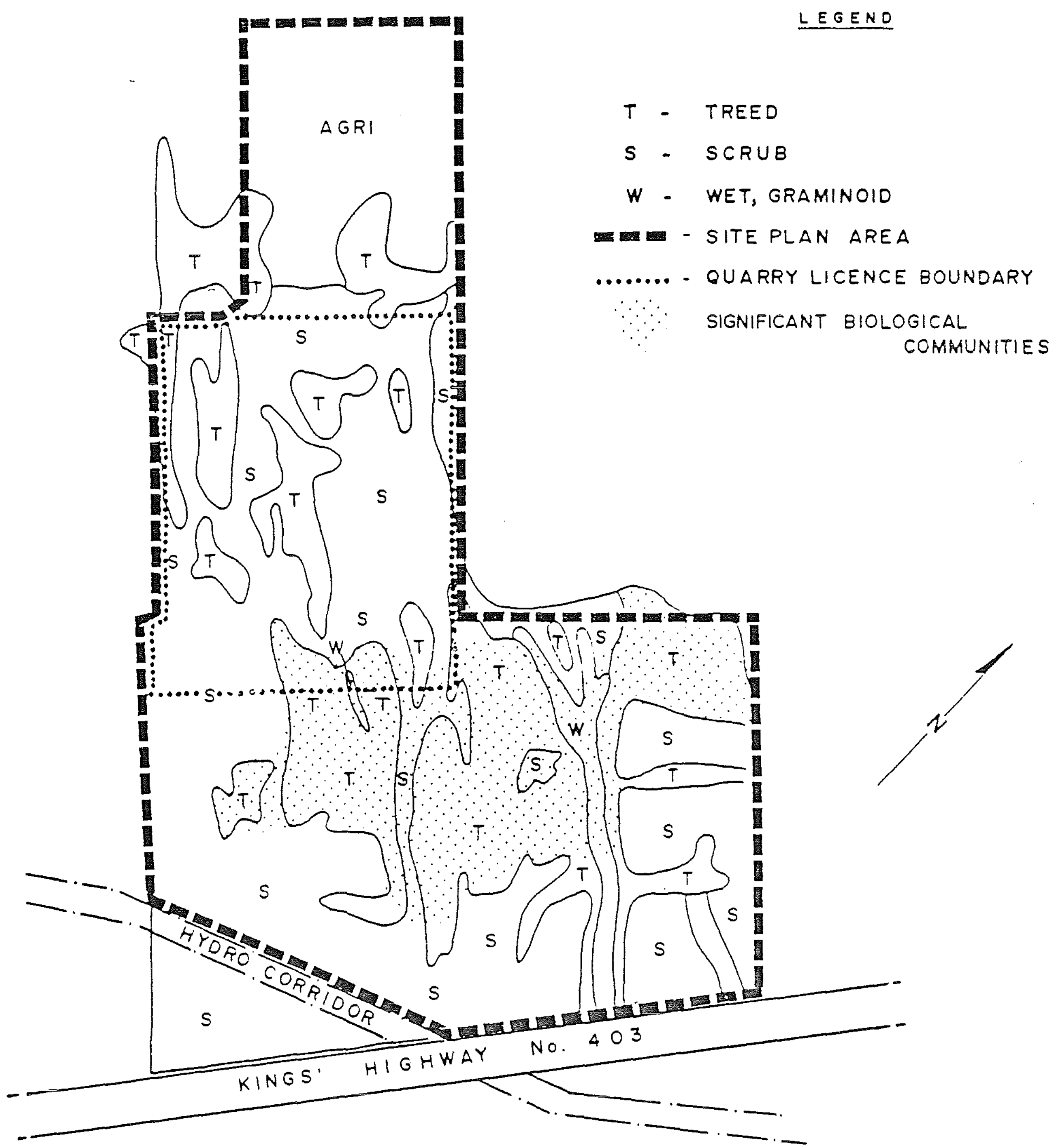
The topography as well as the treed, scrub, wetland and agricultural areas of the site are shown on maps on following pages.


ESCARPMENT
KING ROAD
LOT 1
CON 2
INDIAN
FALCON
HWY 403
TOPOGRAPHIC MAP
239.0
246.0
241.4
230
220
200
190
189.0
188.0
185
182.0
180
175
170.0
167.0
166.0
176.0
165
162.0
155
153.5
157.5
150
148.5
147.5
146.0
144.0
159.0
140
134.0
130
125
115
115.0
116.5
105
110

MAP 4

EXTENT OF SHALE QUARRY LICENCE - SITE F

SCALE 1 : 10,000



SOURCE-EXHIBIT H-16
STAGE 2C
SELECTION OF PREFERRED SITE

Easements and Rights-of-Way

The subject site is subject to an easement in favour of Bell Canada for telephone pole line purposes. It traverses the subject site and runs southwesterly from King Road, north of Bayview Park across subject Properties Nos. 1, 2, 1, 2A, 1 and 4.

A future 100 foot wide utility corridor is proposed abutting the aforementioned easement. The Ministry of Government Services has already acquired lands for this purpose, adjacent to, and in subject Site F (Properties No. 2 and 2A).

Licenced Quarry

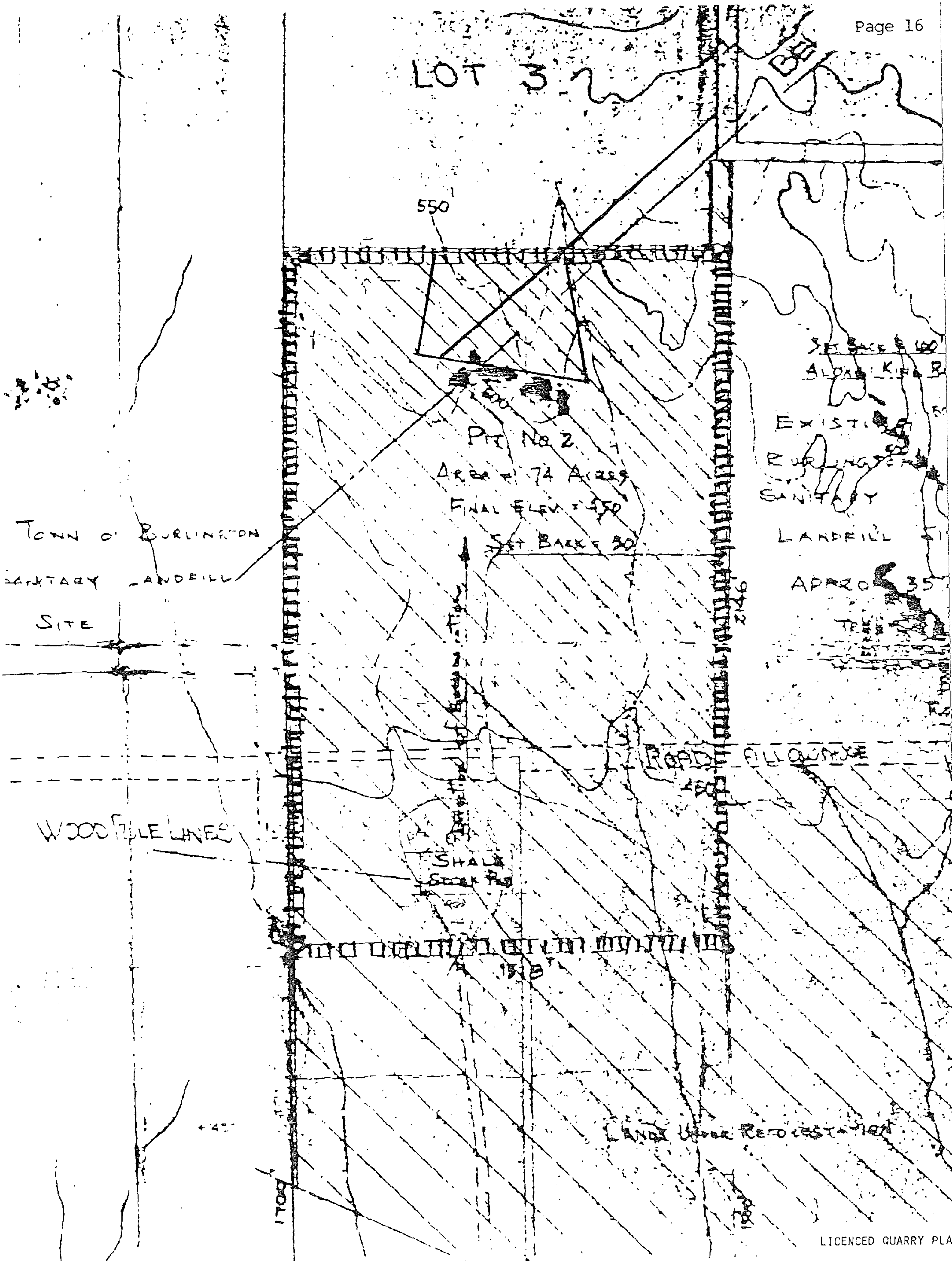
The north 2,146 feet (654.1 m) of the west 1,518 feet (462.69 m) of the subject (N.S.P.) Property No. 1, is licenced as a quarry by the Ministry of Natural Resources. The licence (Exhibit N-587/Appendix K) permits the landowner, National Sewer Pipe Limited, to extract shale, although little extraction activity has taken place recently, on these lands. My information indicates the quarry was used on an intermittent basis in the past. The main thrust of N.S.P.'s quarrying operations, in the subject area, appear to have been at their pit on the east side of King Road in Lot 1, Concession 2.

The foregoing and following plans shows the licenced pit area, its size and location in subject Site F.

Services

Sanitary sewers have been extended up King Road from south of Highway 403. The purpose of the sewer was to service the "leachate collection system" at the south limit of Bayview Park and I am advised that this sanitary sewer was oversized (450 mm) to just south of the North Service Road, at the Region's request and cost, and continues northerly as a 200 mm p.v.c. sewer.

I am further advised that the 200 mm sewer should be sufficient to service the low coverage (20%) industrial uses envisaged for the adjacent "Special Complementary Use Area" lands.


LOT 3
550
PIT No 2
AREA = 74 ACRES
FINAL ELEV = 550
SET BACK = 30
TOWN OF BURLINGTON
SANITARY LANDFILL
SITE
EXISTI
BURLINGTO
SANITARY
LANDFILL
APPRO 35
ROAD ALLOWANCE
WOODFILE LINES
SHALE
STOCK PILE
LANDS UNDER REFORESTATION
2146
1700

The closest municipal water is reported to be a 300 mm watermain on the North Service Road, about 120 meters west of Kerns Road. A 350 mm watermain extends northerly on King Road to just north of Hydro Land south of Hwy. 403.. I know of no current proposals to extend these services.

Storm drainage is by road side ditch, natural water courses and the lay of the land.

Zoning

Subject Site F is zoned in a 'D' Development Zone category by Zoning By-Law Number 4000-3, as amended (Exhibit H-323).

The limited uses permitted by this category as well as the applicable regulations and minimum requirements are shown on extracts from By-Law Number 4000-3, contained next.

PART VIII DEVELOPMENT ZONE

1. PROVISIONS

No person shall within any of the zones included in Part VIII of this By-law use any land or erect or use any building or structure except in accordance with the uses permitted and the regulations thereto and subject to

PART I	GENERAL CONDITIONS AND PROVISIONS and
PART IX	EXCEPTIONS TO THE VARIOUS ZONE CLASSIFICATIONS

2. D ZONE

2.1 Uses Permitted

A single family residence
A day nursery
A nursing home
A golf course
A driving range
A miniature golf course
A Home Occupation
and the uses not restricted according to PART I, Section 2.19.
(Amended by By-law 4000-523)

2.2 Regulations for a single family residence, where municipal services (water and sanitary sewers) are provided:

Lot width	18.2 m
Lot area	557.4 m^2
Front yard	7.6 m
Side yard	1.5 m
Side yard abutting a street	7.6 m
Rear yard	9.1 m
Floor area per unit	
1 storey	111.4 m^2
1-1/2 storeys	125.4 m^2
2 storeys	139.3 m^2
Split level	116.1 m^2

2.3 Regulations for a single family residence, where municipal water is provided, but sanitary sewers are not provided:

Lot width	18.2 m
Lot area	696.7 m^2
Front yard	7.6 m
Side yard	1.5 m
Side yard abutting a street	7.6 m
Rear yard	9.1 m
Floor area per unit	
1 storey	111.4 m^2
1-1/2 storeys	125.4 m^2
2 storeys	139.3 m^2
Split level	116.1 m^2

2.4 Regulations for a single family residence, where municipal water and sanitary sewers are not provided:

Lot width	36.5 m
Lot area	1393.5 m^2
Front yard	7.6 m
Side yard	1.5 m
Side yard abutting a street	7.6 m
Rear yard	9.1 m
Floor area per unit	
1 storey	111.4 m^2
1-1/2 storeys	125.4 m^2
2 storeys	139.3 m^2
Split level	116.1 m^2

2.5 Regulations for a day nursery or a nursing home:

Lot width	18.2 m
Lot area	696.7 m^2
Front yard	7.6 m
Side yard	1.5 m
Side yard abutting a street	7.6 m
Rear yard	9.1 m

Ontario Regulation 482/73 (Exhibit H-320)

Ontario Regulation 482/73 a land use regulation made under The Parkway Belt Planning and Development Act, 1973, further restricts the use of the subject Site F lands to:-

1) the use of any land, building or structure, if lawfully used for such purposes on the day that this regulation came into force or, if the plans for such use were approved by the municipal building inspector prior to the day that the regulation came into force.

2) agricultural uses and buildings and structures accessory thereto, including one single-family dwelling used in connection with each agricultural operation.

3) a single-family dwelling and buildings accessory thereto existing on the date this Regulation came into force, may be extended or enlarged, provided they comply with certain requirements set out in the Regulation.

4) municipal, governmental, conservation authority or utility uses.

A copy of the Regulation is contained on the following pages.

Amendments to Ontario Regulation 482/73

Amendments to the Regulations can be applied for on a site specific basis. The process requires amending the Land Use Regulations made under the Parkway Belt Planning and Development Act, and may require local Official Plan and Zoning By-Law amendments.

Ontario Regulation 263/79 (Exhibit H-321)

Ontario Regulation 263/79 amends Ontario Regulation 482/73, Section 9, by adding The Regional Municipality of Halton to those Governments, Authorities, Boards and Utilities which:-

"may use land or erect any building or structure for the purpose of providing a service to the public."

A copy of the Regulation follows Ontario Regulation 482/73.

1. No accessory building or structure shall be closer to the front lot line than the single-family dwelling on such lot.

2. No accessory building or structure shall be closer than six feet to the single-family dwelling.

3. No accessory building or structure shall be less than four feet from any lot line.

4. No accessory building or structure shall exceed a height of twelve feet.

5. The total area covered by any accessory building or structure shall not exceed 10 per cent of the area of the lot upon which it is constructed.

6. No accessory building or structure shall be used for human habitation. O. Reg. 481/73, s. 7.

BUILDING LINE

8. No building or any part thereof shall be erected or extended nearer to the centre line of any street than in accordance with the following:

Provincial highways	100 feet
County roads	78 feet
Town roads and other roads or streets	60 feet

O. Reg. 481/73, s. 8.

9. Notwithstanding anything contained in this Regulation,

(*a*) the Town of Oakville or any local board thereof, as defined in *The Municipal Affairs Act*;

(*b*) any ministry, department or agency of the Government of Canada or Ontario;

(*c*) any telephone or telegraph company;

(*d*) The Hydro-Electric Power Commission of Ontario;

(*e*) a gas company holding a franchise from the Town of Oakville; and

(*f*) The Halton Region Conservation Authority,

may use land or erect any building or structure for the purpose of providing a service to the public. O. Reg. 481/73, s. 9.

REBUILDING AND REPAIRS

10. Nothing in this Regulation prevents,

(*a*) the repair or reconstruction of any building or structure that is damaged or destroyed subsequent to the date this Regulation comes into force, if the dimensions of the original building or structure are not increased or its original use altered; or

(*b*) the strengthening or restoration to a safe condition of any building or structure or part of any such building or structure. O. Reg. 481/73, s. 10.

BUILDINGS TO FRONT ON STREET

11. No person shall erect any building or structure unless the lot upon which such building or structure is to be erected fronts upon a street. O. Reg. 481/73, s. 11.

HOME OCCUPATION

12. Nothing in this Regulation prevents the carrying on of a home occupation in a single-family or semi-detached dwelling. O. Reg. 481/73, s. 12.

13. This Regulation shall be deemed to have come into force on the fourth day of June, 1973. O. Reg. 481/73, s. 13.

JOHN WHITE
Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs

Dated at Toronto, this 4th day of August, 1973.

(6249) 34

THE PARKWAY BELT PLANNING AND DEVELOPMENT ACT, 1973

O. Reg. 482/73.
County of Halton,
Town of Burlington.
Made—August 4th, 1973.
Filed—August 8th, 1973.

LAND USE REGULATION MADE UNDER THE PARKWAY BELT PLANNING AND DEVELOPMENT ACT, 1973

COUNTY OF HALTON TOWN OF BURLINGTON

INTERPRETATION

1. In this Regulation,

(*a*) "accessory", when used to describe a use, building or structure, means a use, building or structure normally incidental or subordinate to the principal use, building or structure located on the same lot;

(*b*) "agricultural use" includes a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, poultry or beekeeping;

(*c*) "dwelling" means one or more habitable rooms designed for use by, and occupied by not more than one family and in which separate kitchen and sanitary facilities are provided for the exclusive use of such family, with a private entrance from outside the building or from a common hallway or stairway inside the building;

(*d*) "family" means,

(i) a person,

(ii) two or more persons interrelated by bonds of consanguinity, legal adoption or marriage, or

(iii) not more than five persons not related by bonds of consanguinity, legal adoption or marriage, living as a single housekeeping unit in one dwelling;

(*e*) "floor area" means the total area of all floors contained within the outside walls of a building, excluding in the case of a single-family dwelling, the floor area of a private garage, porch, verandah, unfinished attic, basement or cellar;

(*f*) "frontage" means the width of a lot measured along a line twenty-five feet back from the street and parallel to the lot line abutting the street;

(*g*) "front yard" means a yard extending across the full width of a lot on which a building is situate, and extending from the front lot line to the main wall of the building for which such front yard is required that is nearest to the front lot line;

(*h*) "home occupation" means any occupation for gain or support conducted entirely within a single-family or semi-detached dwelling by one or more member of the family residing in the dwelling, provided that,

(i) there is no external display or advertising other than a sign having a total display area not exceeding two square feet,

(ii) there is no external storage of goods or materials, and not more than 25 per cent of the total floor area is used for the home occupation use, and

(iii) there are no persons employed in the dwelling except,

a. the members of the family residing in the dwelling, or

b. in the case of a dentist, physician or veterinarian, a staff of one person;

(*i*) "lot" means a parcel of land, described in a deed or other document legally capable of conveying title to or interest in land, or shown as a lot or block on a registered plan of subdivision;

(*j*) "lot area" means the total horizontal area within the lot lines of a lot;

(*k*) "rear yard" means a yard extending across the full width of a lot on which a building is situate, and extending from the rear lot line to the main wall of the building for which such rear yard is required that is nearest to the rear lot line;

(*l*) "side yard" means a yard extending from the front yard to the rear yard and from the side lot line to the main wall of the building for which such side yard is required that is nearest to the side lot line;

(*m*) "single-family dwelling" means a separate building containing only one dwelling;

(*n*) "street" means a public highway that is a principal means of access to abutting lots, that is under the jurisdiction of the Province of Ontario or the County of Halton or the Town of Burlington, or is a road within a registered plan of subdivision, or is a road the maintenance of which has been assumed by the town;

(*o*) "yard" means a space open from the ground to the sky on a lot on which a building is situate which space is unoccupied except for such accessory buildings as are permitted in this regulation. O. Reg. 482/73, s. 1.

APPLICATION

2. This Order applies to the following land in the Town of Burlington in the County of Halton:

(i) Lots 1 to 22, both inclusive, in Concession 1, north of Dundas Street, saving and excepting the southerly half of Lot 1, saving and excepting the southerly quarter of lots 4 and 5, saving and excepting the southerly half of lots 6 to 8, both inclusive, saving and excepting the southerly quarter of lots 9 to 11, both inclusive, and saving and excepting the northerly three-quarters of lots 20, 21 and 22.

(ii) Lots 1 to 3, both inclusive, and lots 13 to 19, both inclusive, in Concession I south of Dundas Street, saving and excepting the southerly quarter of Lot 3, and saving and excepting those portions of lots 13 to 19, both inclusive, lying south of a line drawn parallel with the south limit of Dundas Street and at a distance of 200 feet south of the said south limit.

(iii) Lots 1 to 13, both inclusive, in Concession I in the Township of East Flamborough, as it existed on the 31st day of December, 1957, saving and excepting those portions of lots 1 to 6, both inclusive, lying south of lots 1 to 6, both inclusive, lying south of the southerly limit of the Canadian National Railways right-of-way.

(iv) Lots 1 to 13, both inclusive, in Concession II in the Township of East Flamborough, as it existed on the 31st day of December, 1957, saving and excepting those portions of lots 1 to 6, both inclusive.

(v) That part of the Town of Burlington beginning at the intersection of the west boundary thereof and the southerly limit of the King's Highway No. 5; thence easterly following the southerly limit of King's Highway No. 5 to the east limit of Lot 20, in Concession I, south of Dundas Street; thence southerly along the east limit of the said Lot 20 to a point on a line parallel to and measured 200 feet southerly at right angles with the south limit of King's Highway No. 5; thence westerly along the said parallel line to the intersection of a line parallel to and distant easterly 100 feet from the centre line of Brant Street; thence southerly along the said parallel line to a point, distance 1,150 feet measured therealong from the centre line of King's Highway No. 5; thence southwesterly to the intersection of the northerly limit of Brant's Block and the southeasterly limit of the easement of Bell Canada, lying on the south limit of Lot 21, in Concession I, south of Dundas Street; thence continuing southwesterly following the south limit of the said Bell Canada easement to the intersection of a line parallel to and distance 1,150 feet measured easterly at right angles from the west limit of Brant's Block; thence southerly along the last-mentioned parallel line to the northerly limit of King's Highway No. 403; thence westerly along the northerly limit of the said Highway No. 403 to the west limit of Brant's Block; thence northerly along the said limit to the place of beginning.

(vi) Lot 10, in Concession VI.

(vii) Lots 10 to 14, both inclusive, in Concession VII, saving and excepting the west half of Lot 14. O. Reg. 482/73, s. 2.

GENERAL

3. No land shall be used and no building or structure shall be erected or used except in accordance with the terms of this Regulation, but nothing in this Regulation prevents the use of any land, building or structure for a purpose prohibited by this Regulation if such land, building or structure was lawfully used for such purpose on the day this Regulation comes into force, or prevents the erection or use of any building or structure the plans for which have, prior to the day this Regulation comes into force, been approved by the municipal building inspector. O. Reg. 482/73, s. 3.

PERMITTED USES

4. Every use of land and every erection or use of buildings or structures to which this Regulation applies within the Town of Burlington is prohibited, except agricultural uses, and buildings and structures accessory thereto, including one single-family dwelling used in connection with each agricultural operation. O. Reg. 482/73, s. 4.

5. Requirements for agricultural uses and buildings and structures accessory thereto, including one single-family dwelling used in connection with the agricultural operation, are established as follows:

No more than one dwelling shall be erected on any lot	
Minimum lot area	50 acres
Minimum lot frontage	900 feet
Minimum front, side and rear yards	50 feet
Minimum ground floor area for dwellings	one storey—1000 square feet and one and one-half storeys or more—750 square feet

O. Reg. 482/73, s. 5.

6. A single-family dwelling and buildings or structures accessory thereto existing on the date this Regulation comes into force may be extended or enlarged provided that such single-family dwelling and buildings or structures accessory thereto as extended or enlarged comply with the following requirements:

Minimum front yard	25 feet
Minimum side yard	10 feet on one side and 4 feet on the other side
Minimum rear yard	25 feet

O. Reg. 482/73, s. 6.

Buildings or structures accessory to single-... dwellings may be erected or built provided ...uch buildings or structures comply with the ...ing requirements:

1. No accessory building or structure shall be closer to the front lot line than the single-family dwelling on such lot.

2. No accessory building or structure shall be closer than six feet to the single-family dwelling.

3. No accessory building or structure shall be less than four feet from any lot line.

4. No accessory building or structure shall exceed a height of twelve feet.

5. The total area covered by any accessory building or structure shall not exceed 10 per cent of the area of the lot upon which it is constructed.

6. No accessory building or structure shall be used for human habitation. O. Reg. 482/73, s. 7.

BUILDING LINE

... No building or any part thereof shall be erected ...tended nearer to the centre line of any street ... in accordance with the following:

...rovincial highways	100 feet
...gional roads	78 feet
...wn roads and other ...ads or streets	60 feet

O. Reg. 482/73, s. 8.

... Notwithstanding anything contained in this ...lation,

(a) the Town of Burlington or any local board thereof, as defined in *The Municipal Affairs Act*;

(b) any ministry, department or agency of the Government of Canada or Ontario;

(c) any telephone or telegraph company;

(d) The Hydro-Electric Power Commission of Ontario;

(e) a gas company holding a franchise from the Town of Burlington; and

(f) The Halton Region Conservation Authority,

... use land or erect any building or structure ... the purpose of providing a service to the public. ... Reg. 482/73, s. 9.

REBUILDING AND REPAIRS

10. Nothing in this Regulation prevents,

(a) the repair or reconstruction of any building or structure that is damaged or destroyed subsequent to the date this Regulation comes into force, if the dimensions of the original building or structure are not increased or its original use altered; or

(b) the strengthening or restoration to a safe condition of any building or structure or part of any such building or structure. O. Reg. 482/73, s. 10.

BUILDINGS TO FRONT ON STREET

11. No person shall erect any building or structure unless the lot upon which such building or structure is to be erected fronts upon a street. O. Reg. 482/73, s. 11.

HOME OCCUPATION

12. Nothing in this Regulation prevents the carrying on of a home occupation in a single-family or semi-detached dwelling. O. Reg. 482/73, s. 12.

13. This Regulation shall be deemed to have come into force on the fourth day of June, 1973. O. Reg. 482/73, s. 13.

JOHN WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

Dated at Toronto, this 4th day of August, 1973.

(6250) 34

THE PARKWAY BELT PLANNING AND DEVELOPMENT ACT, 1973

O. Reg. 483/73.
County of Wentworth, Township of East Flamborough.
Made—August 4th, 1973.
Filed—August 8th, 1973.

LAND USE REGULATION MADE UNDER THE PARKWAY BELT PLANNING AND DEVELOPMENT ACT, 1973

COUNTY OF WENTWORTH
TOWNSHIP OF EAST FLAMBOROUGH

INTERPRETATION

1. In this Regulation,

(a) "accessory", when used to describe a use, building or structure, means a use, building

Publications Under The Regulations Act

May 12th, 1979

THE PUBLIC HOSPITALS ACT

O. Reg. 261/79.
Special Grant.
Made—March 26th, 1979.
Approved—April 4th, 1979.
Filed—April 23rd, 1979.

REGULATION MADE UNDER THE PUBLIC HOSPITALS ACT

SPECIAL GRANT

The Minister may pay a special grant by way of [p]rovincial aid on or before the 30th day of June, 1979 in [an a]mount not to exceed $254,475 to the Hawkesbury District General Hospital, Hawkesbury, for the [purc]hase by the newly incorporated public hospital [corp]oration, of the equity in Annex A of the hospital [that] is owned by Soeurs de la Charite d'Ottawa. O. [Reg.] 261/79, s. 1.

The Minister may pay the amount set out in section 1 in instalments or in a lump sum. O. Reg. [261/]79, s. 2.

Dennis Timbrell
Minister of Health

[D]ated at Toronto, this 26th day of March, 1979.

(2237) 19

THE PARKWAY BELT PLANNING AND DEVELOPMENT ACT, 1973

O. Reg. 262/79.
County of Halton (now
The Regional Municipality of Halton),
Town of Milton.
Made—April 6th, 1979.
Filed—April 23rd, 1979.

REGULATION TO AMEND ONTARIO REGULATION 480/73 MADE UNDER THE PARKWAY BELT PLANNING AND DEVELOPMENT ACT, 1973

1. Section 9 of Ontario Regulation 480/73 is amended by striking out "and" at the end of clause *e*, by adding "and" at the end of clause *f* and by adding thereto the following clause:

(*g*) The Regional Municipality of Halton.

F. Miller
Treasurer of Ontario and Minister of Economics

Dated at Toronto, this 6th day of April, 1979.

(2238) 19

THE PARKWAY BELT PLANNING AND DEVELOPMENT ACT, 1973

O. Reg. 263/79.
Regulation to amend Certain Regulations.
Made—April 6th, 1979.
Filed—April 23rd, 1979.

REGULATION TO AMEND CERTAIN REGULATIONS MADE UNDER THE PARKWAY BELT PLANNING AND DEVELOPMENT ACT, 1973

1. Section 9 of Ontario Regulation 473/73, as amended by section 1 of Ontario Regulation 64/74, is further amended by striking out "and" at the end of clause *f*, by adding "and" at the end of clause *g* and by adding thereto the following clause:

(*h*) The Regional Municipality of York.

2. Section 9 of Ontario Regulation 474/73, as amended by section 1 of Ontario Regulation 142/74, is further amended by striking out "and" at the end of clause *f*, by adding "and" at the end of clause *g* and by adding thereto the following clause:

(*h*) The Regional Municipality of York.

3. Section 9 of Ontario Regulation 475/73, as amended by section 1 of Ontario Regulation 65/74, is further amended by striking out "and" at the end of clause *f*, by adding "and" at the end of clause *g* and by adding thereto the following clause:

(*h*) The Regional Municipality of York.

4. Section 9 of Ontario Regulation 476/73, as amended by section 1 of Ontario Regulation 171/74, is further amended by striking out "and"

at the end of clause *f*, by adding "and" at the end of clause *g* and by adding thereto the following clause:

(*h*) The Regional Municipality of Peel.

5. Section 9 of Ontario Regulation 477/73 is amended by striking out "and" at the end of clause *e*, by adding "and" at the end of clause *f* and by adding thereto the following clause:

(*g*) The Regional Municipality of Halton.

6. Section 9 of Ontario Regulation 479/73, as amended by section 1 of Ontario Regulation 172/74, is further amended by striking out "and" at the end of clause *f*, by adding "and" at the end of clause *g* and by adding thereto the following clause:

(*h*) The Regional Municipality of Peel.

7. Section 9 of Ontario Regulation 481/73 is amended by striking out "and" at the end of clause *e* and by adding thereto the following clauses:

(*g*) The Regional Municipality of Halton; and

(*h*) The Regional Municipality of Peel.

8. Section 9 of Ontario Regulation 482/73 is amended by striking out "and" at the end of clause *e*, by adding "and" at the end of clause *f* and by adding thereto the following clause:

(*g*) The Regional Municipality of Halton.

9. Section 9 of Ontario Regulation 483/73 is amended by striking out "and" at the end of clause *e*, by adding "and" at the end of clause *f* and by adding thereto the following clause:

(*g*) The Regional Municipality of Hamilton-Wentworth.

10. Section 9 of Ontario Regulation 484/73 is amended by striking out "and" at the end of clause *e*, by adding "and" at the end of clause *f* and by adding thereto the following clause:

(*g*) The Regional Municipality of Hamilton-Wentworth.

11. Section 9 of Ontario Regulation 485/73 is amended by striking out "and" at the end of clause *e*, by adding "and" at the end of clause *f* and by adding thereto the following clause:

(*g*) The Regional Municipality of Hamilton-Wentworth.

12. Section 9 of Ontario Regulation 486/73 is amended by striking out "and" at the end of clause *e*, by adding "and" at the end of clause *f* and by adding thereto the following clause:

(*g*) The Regional Municipality of Hamilton-Wentworth.

F. Miller
Treasurer of Ontario
and Minister of Economics

Dated at Toronto, this 6th day of April, 1979.

(2239) 16

THE ONTARIO GUARANTEED ANNUAL INCOME ACT, 1974

O. Reg. 264/79.
Guaranteed Income Limit.
Made—April 11th, 1979.
Filed—April 23rd, 1979.

REGULATION MADE UNDER THE ONTARIO GUARANTEED ANNUAL INCOME ACT, 1974

GUARANTEED INCOME LIMIT

1. Commencing with the month of April, 1979 the guaranteed income limit is,

(*a*) in the case of a beneficiary who is described in any of subclauses i, iv or vi of clause *d* of section 1 of the Act, or who is described in subclause iii of clause *d* of section 1 of the Act and is married to a spouse who is not entitled to receive a spouse's allowance authorized to be paid under Part II.1 of the *Old Age Security Act* (Canada), the amount of $4,189.92;

(*b*) in the case of a beneficiary who is described in either subclauses ii or v of clause *d* of section 1 of the Act, the amount of $4,069.92;

(*c*) in the case of a beneficiary described in subclause iii of clause *d* of section 1 of the Act and who is married to a spouse who is entitled to receive a spouse's allowance authorized to be paid under Part II.1 of the *Old Age Security Act* (Canada), the amount of $3,907.08; and

(*d*) in the case of a beneficiary described in subclause vii of clause *d* of section 1 of the Act, the amount of $8,139.84. O. Reg. 264/79, s. 1.

2. Ontario Regulation 37/79 is revoked. O. Reg. 264/79, s. 2.

3. This Regulation comes into force on the 1st day of April, 1979. O. Reg. 264/79, s. 3.

(2253) 19

Official Plan Designation

Subject Site F lands are designated for "Parkway Belt West" uses by Official Plan Amendment No. 49 (Office Consolidation) and subsequent amendments to that planning document (Exhibit H-322).

With regard to this land use designation, the Official Plan states:-

> "2.1 Parkway Belt West Plan
>
> The development of those lands in the Burlington Planning Area that are affected by The Parkway Belt West Plan shall be governed by the provisions of the Parkway Belt West Plan., July 1978 which forms part of the official plan, and in case of any discrepancy between The Parkway Belt West Plan and the remainder of this official plan, the provisions of The Parkway Belt West Plan shall prevail."

The Parkway Belt West Plan (Exhibit H-319)

Subject Site F lands are designated as "General Complementary Use Area" and "Special Complementary Use Area" of the Parkway Belt West.

The uses permitted in the "General Complementary Use Area" are set out in Section 5.5 and 5.5.1 of the Parkway Belt West Plan which follow.

Section 6.2.3 q) which provides "Special Complementary Area Uses" for the subject lands follows Section 5.5 and 5.5.1.

5.5 Complementary Use Area

The Complementary Use Area comprises areas that will be predominantly used for private uses that are compatible with and assist in the attainment of the provisions of the Plan. The Complementary Use Area consists of the General Complementary Use Area and the Special Complementary Use Area.

The provisions of Section 5.5 apply to all links.

Part 6 establishes particular provisions for each specific link.

5.5.1 Uses in General Complementary Use Area

Subject to Subsection 5.5.3, the uses permitted in the General Complementary Use Area are:

a) Existing Uses
All legally existing uses of land, buildings, and structures, subject to the provisions of The Planning Act, R.S.O. 1970, c. 349 respecting legal nonconforming uses.

b) Agricultural Uses
Low-density, low-intensity agricultural uses, including buildings and structures accessory to the farm operation, provided that such uses comply with the *Agricultural Code of Practice for Ontario*. Such uses shall meet, to the maximum possible degree, the following conditions:

i) The proposed uses of land, buildings, or structures secure the open-space character of the area by low-density development.

ii) Major natural features, such as streams, valleys, tree stands, hedgerows, and orchards, are preserved.

iii) The uses permitted enhance the open-space character by landscaping, tree planting, berms, and screening.

iv) The location and design of buildings and structures are such that the open-space character of the area is secured.

v) Any other conditions required to secure the provisions of the Plan are satisfied.

c) Institutional Uses
Low-density, low-intensity outdoor institutional uses and associated buildings and structures that meet to the maximum possible degree the conditions set out in Paragraph 5.5.1 (b).

d) Recreational Uses
Low-density, low-intensity outdoor recreational uses and associated buildings and structures that meet to the maximum possible degree the conditions set out in Paragraph 5.5.1 (b).

e) Public Uses
Public uses, such as roads, utilities, and their accessory facilities and other public uses of low-density, low-intensity character. Buildings and structures associated with those uses shall meet to the maximum possible degree the conditions set out in Paragraph 5.5.1 (b).

f) Residential Uses
A single-family residence on each vacant lot, provided that:

The lot existed legally on June 3, 1973,

or

The lot was created after June 3, 1973, through public acquisition of part of a vacant lot in existence on that date.

or

The lot was created after June 3, 1973, from a vacant lot in existence on that date and is substantially the same size as it was on that date,

or

The lot was created after June 3, 1973, and the conditions in Paragraph 5.5.1 (g) are satisfied,

and

The lot is on a highway as the latter is defined in The Municipal Act,

and

The required approvals from public authorities are secured.

For the purposes of this section, where a group of contiguous lots is held under one ownership, the total area of these lots is considered to be one lot.

g) Other Uses
Other uses of land, buildings, or structures, except residential and industrial, provided that the following conditions are met to the maximum possible degree:

i) The proposed uses of land, buildings, or structures secure the open-space character of the area by very low-density development.

ii) Major natural features, such as streams, valleys, tree stands, hedgerows, and orchards, are preserved.

iii) The uses enhance the open-space character by landscaping, tree planting, berms, and screening.

iv) The location and design of buildings and structures are such that the open-space character of the area is secured.

v) An agreement under Subsection 5.1.4 is entered into wherever necessary to achieve the above conditions.

h) Existing Settlements — Infilling
Very limited additional development within existing hamlets, residential and industrial clusters, and dense strip developments to secure to the maximum possible degree the following conditions:

i) Maintain and support the existing size and character of such areas;

ii) Protect tree stands, hedgerows, and prominent individual trees;

iii) Encourage appropriate building designs in harmony with the distinctive character of each of such areas;

iv) Encourage additions which will not create a need for additional public services.

i) Additions to Uses
Additions to uses, buildings, and structures, subject to the following conditions:

i) All natural features are preserved to the maximum possible degree.

ii) The existing open-space character of the area is retained to the maximum possible degree.

iii) The resulting buildings and structures have a low lot coverage and are of limited height and low mass appearance.

iv) Any other conditions required to secure the provisions of the Plan are satisfied.

j) Change of Uses
Change of uses of land, buildings, and structures, subject to the following conditions:

i) New uses are as compatible with the provisions of the Plan as existing uses, or more compatible.

ii) All natural features are preserved to the maximum possible degree.

iii) Any other conditions required to secure the provisions of this Plan are satisfied.

~~5.5.2~~
Uses in Special Complementary Use Area

~~Subject to Subsection 5.5.3, uses permitted in the Special~~ Complementary Use Area are:

a) Existing Uses
All legally existing uses of land, buildings, and structures, subject to the provisions of The Planning Act, R.S.O. 1970, c. 349 respecting legal nonconforming uses.

b) Public Uses
Public uses such as roads and utilities and their accessory facilities.

c) Additions to Uses
Additions to uses, buildings, and structures, subject to the following conditions:

i) All natural features are preserved to the maximum possible degree.

ii) The existing open-space character of the area is retained to the maximum possible degree.

iii) The resulting buildings and structures have a low lot coverage and are of limited height and low mass appearance.

iv) Any other conditions required to secure the provisions of ~~the Plan are satisfied.~~

~~ix) Ample landscaping, tree planting, and berms are provided~~ on the 400-foot-setback area set out in Clause (viii) above, as well as on the remaining lands.

x) Wooded areas, hedgerows, and trees are protected to the maximum possible degree.

xi) The creation of new lots is strictly limited.

xii) Any other conditions required to secure the provisions of ~~the Plan are satisfied.~~

q) In the Special Complementary Use Area located north of Highway 403, between the Burlington Landfill Site and the Burlington-Guelph Electric Transmission Line, permit uses set out in Subsection 5.5.1.

Subject to Subsection 5.1.3, the Plan permits some further industrial development in this area. The Plan does not permit uses beyond those set out in Subsection 5.5.1 until a comprehensive restricted area by-law and development agreements under Section 35a of the Planning Act have been prepared in consultation with municipal authorities, Provincial ministries, and other concerned persons or agencies, and subsequently approved by the appropriate authorities.

Buildings and structures associated with such industrial uses may have a maximum lot coverage of 20%, exclusive of parking, and shall meet the following conditions:

i) No uses are permitted which might create obnoxious sounds, odours, fumes, or vibrations.

ii) All uses except parking are enclosed.

iii) Buildings or structures for industrial purposes do not exceed a maximum of one storey in height, and buildings and structures for associated office uses do not exceed a maximum of two storeys.

iv) Adequate parking facilities are provided on the lands for employees and visitors. These facilities shall be landscaped, suitably screened, and paved with a dust-free all-weather surface.

v) No outside storage of goods or materials is permitted.

vi) The open-space character of the area is secured to the maximum possible degree.

vii) Setbacks for buildings and structures along North Service Road and King Road are not less than 400 feet from the centre line of these roads.

viii) Ample landscaping, tree planting, and berms are provided on the 400-foot-setback areas set out in Clause (vii) above, as well as on the remaining lands.

ix) Wooded areas, hedgerows, and trees are protected to the maximum possible degree.

x) The creation of new lots is strictly limited.

xi) Any other conditions required to secure the provisions of the Plan are satisfied.

~~r) In the Special Complementary Use Area west of Brant Street and~~ south of Highway 5, permit uses set out in Subsection 5.5.1

Subject to Subsection 5.1.3, the Plan permits some further urban development in this area. The Plan does not permit uses beyond those set out in Subsection 5.5.1 until a comprehensive restricted area by-law and development agreements under Section 35a of The Planning Act have been prepared in consultation with municipal authorities, Provincial ministries, and other concerned persons or agencies, and subsequently approved by the appropriate authorities.

Should further residential development be permitted under such by-law and development agreements, this development shall have similar characteristics to that generally existing in the Beaufort Heights subdivision on the date of adoption of the Plan. Should the provision of communal sewage facilities be deemed necessary by appropriate authorities, a somewhat higher density, as may be decided by the municipality, may be permitted in the area located southeast of the existing Beaufort Heights subdivision.

Such development shall meet to the maximum possible degree the following conditions:

i) Protect wooded areas, hedgerows, and trees

ii) Develop and maintain an appearance of natural landscape for the area when it is viewed from points of observation which are located outside the area and face the Niagara Escarpment

iii) Protect the brow of the Niagara Escarpment by strongly discouraging construction of any buildings and structures adjacent to the brow

iv) Satisfy any other conditions required to secure the ~~provisions of the Plan~~

PROPERTY NO. 1

National Sewer Pipe Limited Property

Location

Northwest corner of King Road and the North Service Road, in the City of Burlington. It is bounded on the south by the North Service Road and an Ontario Hydro transmission line property; on the west by those portions of the Region of Halton's "Burlington Land Fill Site (access road and weigh scale area) [subject Property No. 4] included in Site "F"; on the north by the northerly extension of that landfill site, subject Property No. 3 (Azova) and subject Properties No. 2 and 2A (M.G.S. lands); and on the east by the City of Burlington's Bayview Park, a former landfill site and King Road.

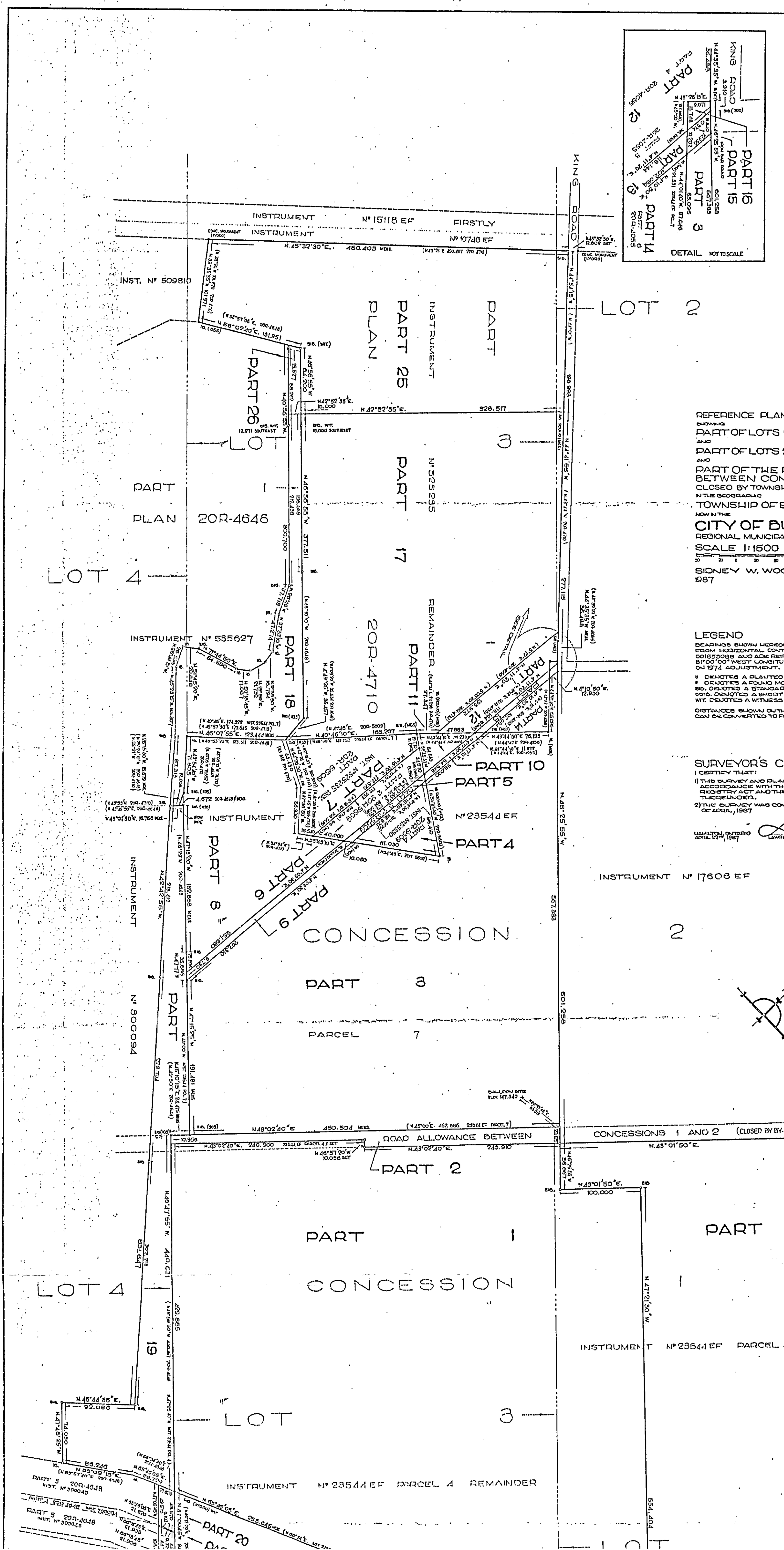
Site Size

The subject is an irregular "L" shaped parcel containing 73.843 hectares/182.464 acres according to the proposed plan of expropriation, a reduced photocopy of the relevant portion of which, is contained on the following page.

It has the following limits:-

King Road frontage	=	574.470 m/1,884.74'
North Service Road frontage	=	442.787 m/1,452.71'
South limit (Hydro)	=	522.134 m/1,713.04'
West limit (irregular)	=	967.497 m/3,174.20'
North limit (irregular)	=	842.856 m/2,765.28'
King Road frontage	=	13.750 m/ 45.11'
East limit (Bayview Park)	=	587.508 m/1,927.52'
North limit (Bayview Park)	=	451.292 m/1,480.62'

Subject Property No. 1 is designated as Parts 1, 2, 3, 8, 9, 10, 11, 15, 16 and 24 on the following reduction of the relevant portion of the proposed plan of expropriation.



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT.

DATE APRIL 22nd, 87

T. E. WALTON C.S.T.

PLAN 20R-____

RECEIVED AND DEPOSITED

DATE ________

LAND REGISTRAR FOR THE REGISTRY DIVISION OF HALTON - Nº 20

PART	LOCATION	REGᴰ GRANT	AREA
1	LOTS 2 & 3 CONCESSION 1	23544 EF PCL. 3 & 4 REM.	31.387 Ha
2	ROAD ALLOWANCE BETWEEN CONS. 1 & 2	261807	0.735 Ha
3	LOT 3 CONCESSION 2	23544 EF PARCEL 7	16.611 Ha
4		496550	0.501 Ha
5		23544 EF PARCEL 7	0.006 Ha
6			0.461 Ha
7		525235 REM. 23544 EF PARCEL 7	1.188 Ha
8	LOTS 3 & 4 - CON. 2	23544 EF PARCEL 7	8.461 Ha
9	LOT 3 CONCESSION 2		0.200 Ha
10			0.000 Ha
11			0.202 Ha
12		496550	0.467 Ha
13			0.064 Ha
14			0.248 Ha
15		23544 EF PARCEL 7	0.010 Ha
16			0.007 Ha
17		525235 REM.	11.941 Ha
18	LOTS 3 & 4 - CON. 2	535627	2.242 Ha
19	LOT 4 - CONS. 1 & 2 ROAD ALLOWANCE BETWEEN CONS. 1 & 2	300094	8.769 Ha
20	LOT 4 CONCESSION 1		0.100 Ha
21			0.0004 Ha
22			0.000 Ha
23			0.553 Ha
24	LOT 2 CONCESSION 1	23544 EF PCL. 3 REM.	20.971 Ha
25	LOT 3 CONCESSION 2	525235 REM.	6.277 Ha
26		535627	0.129 Ha

REFERENCE PLAN
SHOWING
PART OF LOTS 2,3 AND 4 CONCESSION 1
AND
PART OF LOTS 2,3 AND 4 CONCESSION 2
AND
PART OF THE ROAD ALLOWANCE BETWEEN CONCESSIONS 1 AND 2
CLOSED BY TOWNSHIP BY-LAW Nº 228
IN THE GEOGRAPHIC
TOWNSHIP OF EAST FLAMBOROUGH
NOW IN THE
CITY OF BURLINGTON
REGIONAL MUNICIPALITY OF HALTON
SCALE 1:1500
50 20 0 25 50 100 METRES
SIDNEY W. WOODS - INC.
1987

LEGEND

BEARINGS SHOWN HEREON ARE GRID BEARINGS, DERIVED FROM HORIZONTAL CONTROL MONUMENTS 001653087 AND 001653088 AND ARE REFERRED TO CENTRAL MERIDIAN 81°00'00" WEST LONGITUDE OF ZONE 17 AND ARE BASED ON 1974 ADJUSTMENT.

□ DENOTES A PLANTED MONUMENT.
■ DENOTES A FOUND MONUMENT.
SIB. DENOTES A STANDARD IRON BAR.
SSIB. DENOTES A SHORT STANDARD IRON BAR.
WIT. DENOTES A WITNESS MONUMENT.

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE THEREUNDER.

2) THE SURVEY WAS COMPLETED ON THE 21st DAY OF APRIL, 1987

HAMILTON, ONTARIO
APRIL 22nd, 1987

LAWRENCE G. WOODS - O.L.S.

REDUCED

Regional Requirement

The Regional requirement from subject Property No. 1 (NSP lands) consists of the most westerly 52.872 hectares/130.645 acres of the parcel and is designated as Parts 1, 2, 3, 8, 9, 10, 11, 15 and 16 on the foregoing proposed plan of expropriation.

It has the following limits:-

North Service Road frontage	=	111.882 m/ 367.07′
South limit (Hydro)	=	522.134 m/1,713.04′
West limit (irregular)	=	967.497 m/3,174.20′
North limit (irregular)	=	842.856 m/2,765.28′
King Road frontage	=	13.750 m/ 45.11′
East limit (Bayview Park)	=	587.508 m/1,927.52′
East limit (lands remaining)	=	711.071 m/2,332.91′

Lands Remaining

The lands remaining to the owner (National Sewer Pipe Limited), after the Region's requirements have been satisfied, consist of the most easterly 20.971 hectares/51.819 acres of subject Property No. 1 and is designated as Part 24 on the foregoing proposed plan of expropriation.

It has the following limits:-

King Road frontage	=	574.470 m/1,884.74′
North Service Road frontage	=	330.912 m/1,085.67′
West limit (proposed taking)	=	711.071 m/2,332.91′
North limit (Bayview Park)	=	451.292 m/1,480.62′

Easements and Rights-of-Way

Subject Property No. 1 and the Regional requirement therefrom is subject to an easement in favour of Bell Canada for telephone pole line purposes over a 12.50′ wide strip running southwesterly across the most northerly portion of the subject lands. That easement is designated as Parts 9 and 10 on the foregoing proposed plan of expropriation.

A 100 foot wide strip, abutting the Bell Canada easement, has been designated for a future utility corridor by The Parkway Belt West Plan. It has not been acquired to date.

Topography

Subject Property No. 1 has a complex topography consisting of rolling to steeply rolling lands, ravines and eroded watercourse lands. The topography is shown on a portion of a topographic map contained on page 13 earlier in this report. The limits of Subject Property No. 1 and the Regional requirement therefrom are delineated on this map.

Vegetation

Subject Property No. 1 was the subject of detailed Environmental Appraisals by various consultants on behalf of the owner (NSP) and the Region of Halton.

Portions of subject Property No. 1 were identified as environmentally sensitive by the owner's consultant (Proctor & Redfern), with the balance of the subject lands identified as buffer and/or containment area, in connection with their proposed use of the subject as a waste disposal site (landfill). In their March 1982 report, entitled "National Sewer Pipe Limited, Environmental Appraisal" (Exhibit WB-107), on page 35 and 36, they state:-

> "Our analyses show that parts of the subject property may be considered Environmentally Significant"........."The proposed landfill has been designed to avoid these significant forested sections which provide habitant for most of the rare and regionally significant plants found."
>
> "Development of the proposed landfill to the limit shown on Figure 9 will affect approximately 24 hectares or 35 percent of the NSP property. A comparison of cover types lost and remaining (Table 11) shows that Anthropogenic and Scrub areas will be affected the most by the proposed landfill. This is important since it is the forest plant community that has been identified as the most significant environmental feature.
>
> Table 2 shows that 7 of the 8 rare, and all regionally significant plant species identified during this study occur within the forested areas. This high proportion of rare and regionally significant plant species within the forested area confirms our original suspicion that the forests on this property are unusual, and possibly unique."

Eight species of rare plants were identified in that report (Exhibit WB-107) as being located on the subject lands (see figure 4 from that report which follows).

Six species of regional significant plans were identified in that report as being located on the subject lands (see figure 5 from that report which follows figure 4).

The majority of the locations of the rare and regionally significant species of plants identified by this study were on the 52.872 hectare/130.645 acre Regional requirement.

Figure 9, from that report (follows figures 4 and 5), identifies cover types and shows the proposed land uses.

SOURCE-WB-107
NATIONAL SEWER PIPE LIMITED
ENVIRONMENTAL APPRAISAL
THE PROCTOR & REDFERN LIMITED
MARCH 1982
FOLLOWS PAGE 8

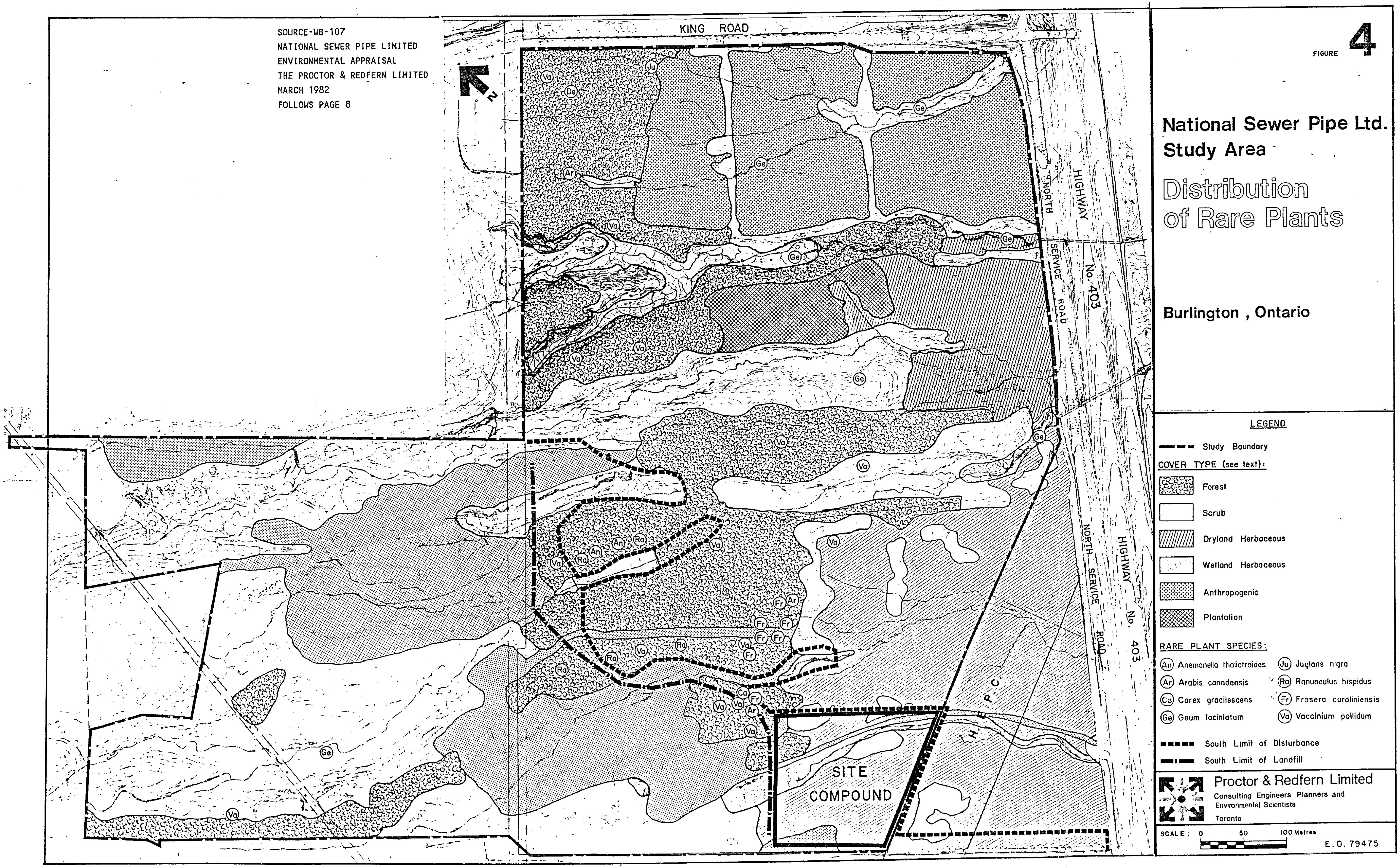


FIGURE 4

National Sewer Pipe Ltd.
Study Area

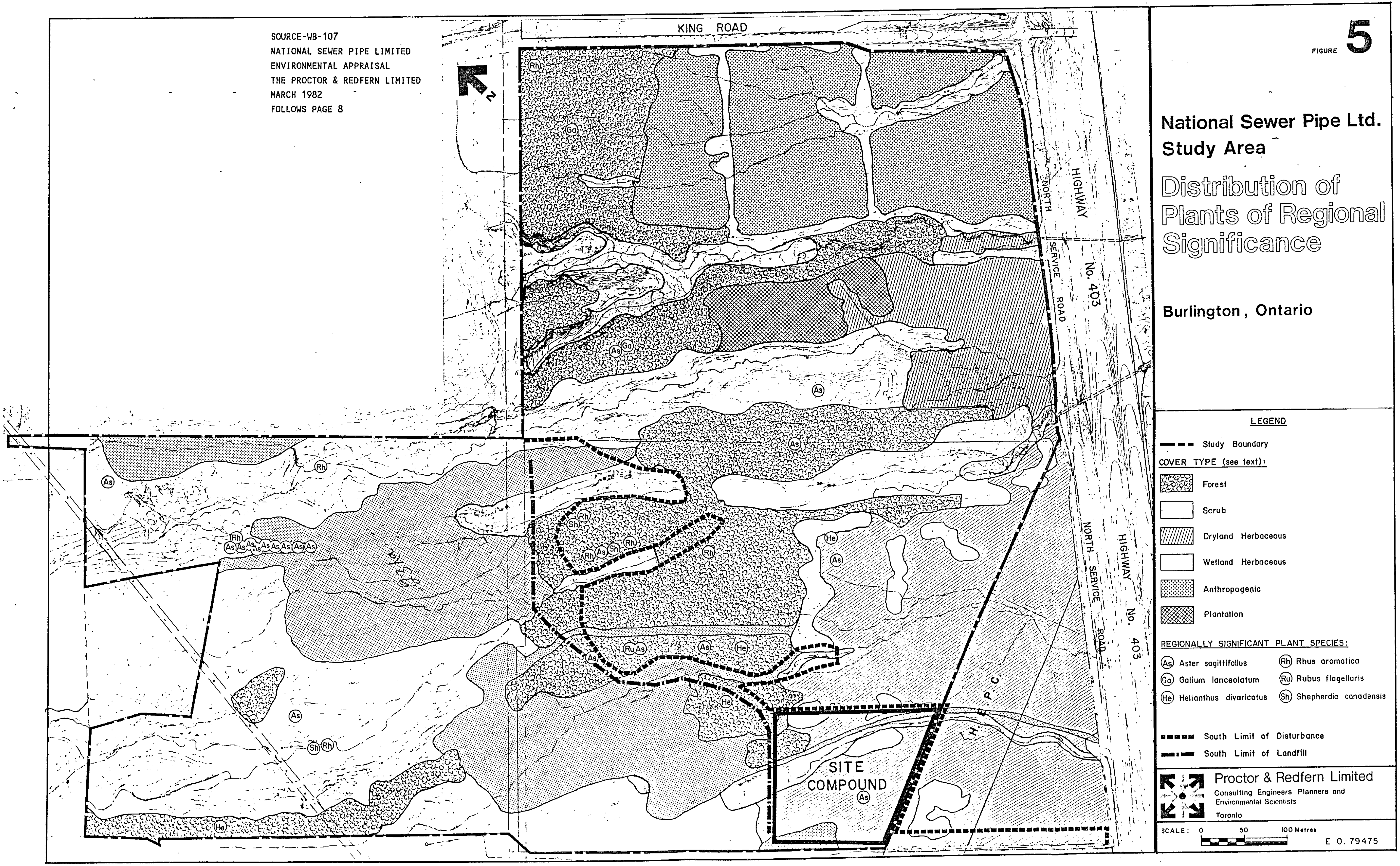
Distribution of Rare Plants

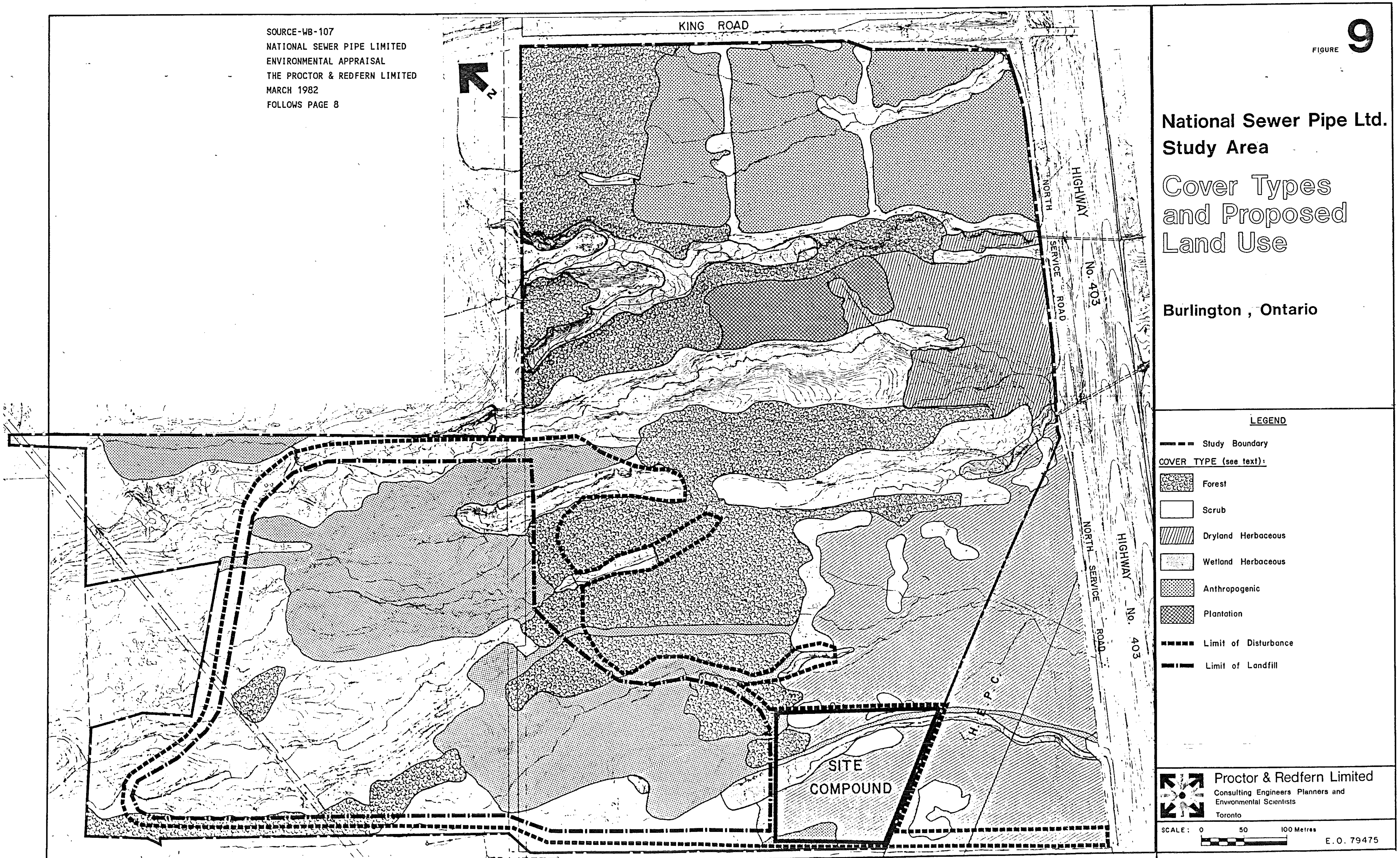
Burlington , Ontario

Proctor & Redfern Limited
Consulting Engineers Planners and Environmental Scientists
Toronto

E.O. 79475

SOURCE-WB-107
NATIONAL SEWER PIPE LIMITED
ENVIRONMENTAL APPRAISAL
THE PROCTOR & REDFERN LIMITED
MARCH 1982
FOLLOWS PAGE 8




SOURCE-WB-107
NATIONAL SEWER PIPE LIMITED
ENVIRONMENTAL APPRAISAL
THE PROCTOR & REDFERN LIMITED
MARCH 1982
FOLLOWS PAGE 8
N
KING ROAD
NORTH SERVICE ROAD
HIGHWAY No. 403
NORTH SERVICE ROAD
HIGHWAY No. 403
H.E.P.C.
SITE COMPOUND
FIGURE 9
National Sewer Pipe Ltd.
Study Area
Cover Types and Proposed Land Use
Burlington, Ontario
LEGEND
Study Boundary
COVER TYPE (see text):
Forest
Scrub
Dryland Herbaceous
Wetland Herbaceous
Anthropogenic
Plantation
Limit of Disturbance
Limit of Landfill
Proctor & Redfern Limited
Consulting Engineers Planners and Environmental Scientists
Toronto
SCALE: 0 50 100 Metres
E.O. 79475

Subsequently, on December 4, 1984, Proctor & Redfern, on behalf of National Sewer Pipe Limited, wrote the Regional Municipality of Halton, advising that the new edition of The Atlas of the Rare Vascular Plants of Ontario Part 1 (1982), Part 2 (1983) and Part 3 (Nov. 1984) by Argus and White, which is the reference used in the Province of Ontario to designate rare plants, now only lists 2 of the species found on the NSP property as rare:-

- Carex gracilescens	Sedge
- Frasera caroliniensis	American Columbo

All of the locations of these two rare plants identified by the Proctor & Redfern study (Exhibit WB-107) are within the 52.872 hectare/130.645 acre Regional requirement from the NSP lands.

They indicated that the remaining six species of plants originally identified as rare are no longer considered rare.

A photocopy of that letter (Exhibit N-587/Appendix E) follows.

The Proctor & Redfern Group
Proctor & Redfern Limited
Consulting Engineers and Planners
20 Hughson Street South
Hamilton, Ontario L8N 2A1
Telephone (416) 529-7128

84 12 04 EO 79475

Regional Municipality of Halton
1151 Bronte Road
Oakville, Ontario
L6J 6E1

Attention Mr. R. Mohammed
Director of Planning

Dear Sir

National Sewer Pipe Limited
Proposed Landfill Site

You will recall that the southern limit of the proposed landfill site on the NSP property was revised due to the identification of a number of rare plants on the property. This revision to the southern boundary of the site resulted in a considerably reduced capacity for that site.

The designation of these plants as rare in our Environmental Appraisal dated March 1982 was based on the then current edition of The Atlas of the Rare Vascular Plants of Ontario by Argus and White, which is the reference used in the Province of Ontario to designate rare plants.

The new edition of The Atlas of the Rare Vascular Plants of Ontario Part 1 (1982), Part 2 (1983)and Part 3 (Nov. 1984) now only lists the following species found on the NSP property as rare:

- Carex gracilescens — Sedge
- Frasera caroliniensis — American Columbo

The following six species of plants originally identified as rare and no longer considered rare:

- Anemonella thalictroides — Rue Anemone
- Arabis canadensis — Sicklepod
- Geum laciniatum — Rough Avens
- Juglans nigra — Black Walnut
- Ranunculus hispidus — Bristly Buttercup
- Vaccinium pallidum — Mountain Blueberry

The net result of this change in the number of rare plants found on the NSP property is that the southern limit of the east half of the

continued ....

proposed landfill area on the NSP property can be moved further south almost to the original alignment prior to the discovery of the originally designated rare plants. In addition, it is now possible to also extend the site further to the east, south of the adjacent Bayview landfill site.

These changes will result in a substantial increase in the potential capacity of this site.

We are now reviewing the full implications of this change and the substantial increase in capacity now available at this site and will be revising our applications to suit.

Yours very truly

The Proctor & Redfern Group

R. Tait, P. Eng.
Branch Manager

RT:at

c.c. M. H. Boggs, City of Burlington
R. Christensen
R. Tuer
Walker Wright Young
M. Bacon
H. Donnelly, M.O.E.
J. Livey, Ministry of Housing

b.c.c. D. Schram
P. Niblett
H. Dahme (D.Estrin)

Licenced Quarry

The north 2,146 feet (654.1 m) of the west 1,518 feet (462.69 m) of the subject's parent parcel is licenced as a quarry by the Ministry of Natural Resources. The licence (Exhibit N-587/Appendix K) permits the landowner, National Sewer Pipe Limited, to extract shale, although little, recent extraction activity appears to have taken place on these lands. My information indicates the quarry was used on an intermittent basis in the past. The main thrust of N.S.P.'s quarrying operations, in the subject area, appears to have been at their pit on the east side of King Road in Lot 1, Concession 2.

A portion of a plan showing the limits of the licenced pit area and that it encroaches upon subject Properties No. 2A and 3, is contained on page 16, earlier in this report.

It is entirely located within the Regional requirement.

Services

Sanitary sewers have been extended up King Road from south of Highway 403 to service a "leachate collection system" at the south limit of Bayview Park. I am advised that this sanitary sewer was oversized (450 mm) to just south of the North Service Road, at the Regions request and cost, and continues northerly as a 200 mm p.v.c. sewer.

I am further advised that the 200 mm sewer should be sufficient to service the low coverage (20%) industrial uses envisaged for the adjacent "Special Complementary Use Area" lands of the subject and adjacent property.

A 300mm sanitary sewer terminates approximately 200m west of the west of the west limit of the N.S.P. lands. Its purpose was reported to be the collection of potential leadate from the soon to close, Regional Landfill Site.

The closest municipal water is reported to be a 355 mm watermain on the North Service Road, 550m west of the west limit of the N.S.P. lands. A 350 mm watermain extends northerly on King Road to just north of Hydro Land south of Hwy. 403. I know of no current proposals to extend these services.

Storm drainage is by road side ditch, natural water courses and the lay of the land.

Zoning

The subject lands are zoned in a 'D' Development Zone category by Zoning By-Law Number 4000-3, as amended (Exhibit H-323).

The limited uses permitted by this category as well as the applicable regulations and minimum requirements are shown on extracts from By-Law Number 4000-3, contained earlier in this report.

National Sewer Pipe Limited's proposed use of the subject Property No. 1 as a landfill site, is not a permitted use in this zoning category.

Ontario Regulation 482/73 (Exhibit H-320)

Ontario Regulation 482/73 a land use regulation made under The Parkway Belt Planning and Development Act, 1973, further restricts the use of subject Property No. 1 to:-

1) the use of any land, building or structure, if lawfully used for such purposes on the day that this regulation came into force or, if the plans for such use were approved by the municipal building inspector prior to the day that the regulation came into force.

2) agricultural uses and buildings and structures accessory thereto, including one single-family dwelling used in connection with each agricultural operation.

3) a single-family dwelling and buildings accessory thereto existing on the date this Regulation came into force, may be extended or enlarged, provided they comply with certain requirements set out in the Regulation.

4) municipal, governmental, conservation authority or utility uses.

A copy of the Regulation is contained earlier in this report.

Amendments to Ontario Regulation 482/73

Amendments to the Regulations can be applied for on a site specific basis. The process requires amending the Land Use Regulations made under the Parkway Belt Planning and Development Act, and may require local Official Plan and Zoning By-Law amendments.

National Sewer Pipe Limited made application to the Ministry of Housing, about July 3, 1981 for amendment to the land use regulations made under The Parkway Belt Planning and Development Act to permit the establishment of a 28.56 hectares/70.58 acres sanitary landfill site on subject Property No. 1 (Exhibit H-313 and N-587/Appendix A).

This application was revised January 15, 1982, with the area to be utilized for sanitary landfill reduced from 28.56 hectares/70.58 acres to 20.61 hectares/50.93 acres (Exhibit N-587/Appendix B).

The municipality received the initial application on July 3, 1981; the revised application on January 25, 1982 and the Planning Staff recommended that the National Sewer Pipe Limited application, to establish a sanitary landfill facility, be refused, on the basis that it does not conform to the terms or intent of the Parkway Belt West Plan or Amendment No. 101 to the Burlington Official Plan or the Regional Official Plan".

The text of the proposed amendment was revised at a meeting in late 1984. At that same meeting it was agreed that formal processing of the amendment should not proceed until early 1985 due to proceedings under the Environmental Assessment Act for a new Regional landfill site.

The application to the Ministry of the Environment, the revised application for Amendment to the Parkway Belt West Land Use Regulation, the staff planning report and Ministry of Municipal Affairs and Housing response are contained in the Addenda Volume to this report as Schedules A; B; C and D, respectively.

On December 18, 1986, Proctor & Redfern, on behalf of National Sewer Pipe Limited, submitted a revised Application for a Certificate of Approval for a Waste Disposal Site (Landfill) on the NSP property. This Application and the accompanying letters and documentation (Exhibit H299) are contained in the Addenda Volume to this report as Schedule E.

Official Plan Designation

The subject lands are designated for "Parkway Belt West" uses by Official Plan Amendment No. 49 (Office Consolidation) and subsequent amendments to that planning document (Exhibit H-322).

With regard to this land use designation, the Official Plan states:-

> "2.1 Parkway Belt West Plan
>
> The development of those lands in the Burlington Planning Area that are affected by The Parkway Belt West Plan shall be governed by the provisions of the Parkway Belt West Plan., July 1978 which forms part of the official plan, and in case of any discrepancy between The Parkway Belt West Plan and the remainder of this official plan, the provisions of The Parkway Belt West Plan shall prevail."

The Parkway Belt West Plan (Exhibit H-319)

The north 27.032 hectares/66.795 acres of the subject lands, of which 24.455 hectares/60.427 acres are located in the Regional requirement and 2.577 hectares/6.318 acres are located in the lands remaining to NSP, are designated as "General Complementary Use Area" lands by The Parkway Belt West Plan.

The south 46.811 hectares/115.668 acres of the subject lands, of which 28.397 hectares/70.168 acres are located in the Regional requirement and 18.414 hectares/45.500 acres are located in the lands remaining to NSP, are designated as "Special Complementary Use Area" by the Parkway Belt West.

The uses permitted in the "General Complementary Use Area" and "Special Complementary Use Area" were detailed earlier in this report.

Environmental Protection Act

Section 45 of the Environmental Protection Act provides as follows:-

> 4.5 No use shall be made of land or land covered by water (former disposal sites) which has been used for the disposal of waste within a period of twenty-five years from the year in which such land ceased to be so used unless the approval of the Minister for the proposed use has been given. 1971, c. 86, s. 46.

Assessment (1986 for 1987)

The subject lands are not separately assessed, but form part of the following assessment:-

Roll No.	-	010 103 15800	
Owner	-	National Sewer Pipe Limited	
Location	-	King Road E & W/S	
Legal	-	Con 1 & 2 EF PT Lts. 1, 2 & 3	
Size	-	288.01 acres	
Total	=	$110,400	CP - 20,000 (ind) RP - 90,400 (V/L)

Improvements

There are no improvements on subject Property No. 1.

Effect of the Proposed Taking

The effect of the proposed taking of the Regional requirement from subject Property No. 1 on the lands remaining:-

1) is to reduce the subject parcel in size from 73.843 hectares/182.464 acres to 20.971 hectares/51.819 acres.

2) is to reduce the amount of and percentage of less valuable "General Complementary Use Area" land in the holding from 27.052 hectares/66.845 acres/36.6% to 2.577 hectares/6.368 acres/12.3%.

3) is to increase the percentage of more valuable "Special Complementary Use Area" land from 63.4% to 87.8% of site area.

4) is to reduce the amount of more valuable "Special Complementary Use Area" land from 46.811 hectares /115.668 acres to 18.414 hectares/45.500 acres.

5) is to take that portion of subject Property No. 1 which is essentially less valuable rear land with only 111.882 meters/367.07 feet of North Service Road frontage and 13.750 meters/45.11 feet of almost unusable King Road frontage and leave a 20.971 hectare/51.819 acre parcel of 87.8% "Special Complementary Use Area" land with two full road frontages (574.470m/1,884.74′ on King Road and 442.787m/1,452.71′ on the North Service Road) and a road frontage to lot size ratio of:-

$$\frac{574.470\text{m} + 442.787\text{m}}{20.971 \text{ hectares}} = 48.507\text{m per hectare or}$$

$$\frac{1{,}884.74' + 1{,}452.71'}{51.819 \text{ acres}} = 66.34' \text{ per acre}$$

6) will be to site an active landfill operation abutting the lands remaining and thereby substantially reducing their desirability and value for future, low coverage, prestige, industrial development and perhaps deferring that future use until the land fill use of the adjacent lands is completed and the parcel rehabilitated.

7) is to take all of the lands to which the owner's original and revised application for a Certificate of a Approval for a Waste Disposal Site (Landfill) apply.

HIGHEST AND BEST USE (PROPERTY NO. 1)

In estimating the highest and best use of subject Property No. 1 before the proposed taking, the Regional requirement therefrom and the lands remaining to the owner after the taking, I have considered:-

1) the purpose of the appraisal.

2) its 'D' Development Zone zoning category and the uses permitted by that zoning.

3) the additional restrictions placed upon their use by Ontario Regulation 482/73.

4) the "General Complementary Use Area" designation by The Parkway Belt West Plan of the northerly portion of the subject lands and the uses permitted by that designation.

5) the "Special Complementary Use Area" designation of southerly portion of the subject lands and the uses permitted by that designation.

6) their "Parkway Belt West Plan" Official Plan designation.

7) their size, shape, configuration and available road frontage.

8) surrounding land uses.

9) the owners proposed use of the subject lands.

9) the history and current status of the owner's:-

   a) application to amend the Land Use Regulations made under The Parkway Belt Planning and Development Act.

   b) application for a certificate of approval for a waste disposal site (landfill).

10) various detailed "Environmental Appraisals" made of the subject lands, their conclusions and recommendations.

11) the lands to which the original and revised applications for a certificate of approval of a waste disposal site (landfill) apply.

Having regard to all of the foregoing, it is my opinion that the highest and best use of:-

1) subject Property No. 1, before the proposed taking, is as a holding for future development with low coverage, prestige, industrial development or, alternatively, for sanitary land fill, should the site be approved and licenced by the Ministry of the Environment,with those lands surplus to such use being held for future low coverage, prestige industrial development.

2) the Regional requirement (the proposed taking) from subject Property No. 1, having regard to the Region's stated acquisition policy and the owner's initiatives, is as a holding for future development with prestige, very low coverage, industrial development or, alternatively, for sanitary land fill, should the site be approved and licenced by the Ministry of the Environment, with those lands surplus to such use being held for future, low coverage, prestige industrial development.

3) the lands remaining to the owner, after the Regional requirement (proposed taking) has been satisfied, is as a holding for future development with low coverage, prestige, industrial development as envisaged by Section 6.2.3 q) of the Parkway Belt West Plan.

PROPERTY NO. 2 & 2A

Ministry of Government Services Lands

Location

West side of King Road, north and west of Bayview Park, in the City of Burlington. It consists of two separate and distinct, triangular shaped parcels, one of which is landlocked.

Parcel 2 is bounded by King Road, subject Property No. 1 (N.S.P. lands) and then Bayview Park on the east, subject Property No. 1 (N.S.P. lands) on the south and subject Property No. 3 (Azova lands) on the northwest.

Parcel No. 2A is landlocked and is bounded on the east and south by subject Property No. 1 (N.S.P. lands) and subject Property No. 3 (Azova lands) on the northwest.

Site Size

Subject Property No. 2 is triangular in shape and contains 0.819 hectares/2.024 acres according to the proposed plan of expropriation.

It is designated as Parts 12, 13 and 14 on the proposed plan of expropriation. It has the following limits according to that plan:-

King Road frontage	=	36.488m/119.71′
East limit (N.S.P. lands)	=	96.117m/315.34′
South limit (N.S.P. lands)	=	136.048m/446.35′
Northwest limit (Azova lands)	=	193.972m/636.39′

Subject Property 2A is landlocked, triangular in shape and contains 1.057 hectares/2.612 acres according to the proposed plan of expropriation.

It is designated as Parts 4, 5 and 6 on the proposed plan of expropriation. It has the following limits according to that plan:-

East limit (N.S.P. lands)	=	139.970m/459.22′
South limit (N.S.P. lands)	=	161.170m/528.77′
Northwest limit (Azova lands)	=	172.570m/566.17′

The total area of the two parcels is 1.876 hectares/4.636 acres.

The limits and acreages are shown on the following reduced photocopy of the relevant section of the aforementioned proposed plan of expropriation by Lawrence G. Woods, O.L.S., dated April 22nd, 1987.

4) municipal, governmental, conservation authority or utility uses.

A copy of the Regulation is contained earlier in this report.

Official Plan Designation

The subject lands are designated for "Parkway Belt West" uses by Official Plan Amendment No. 49 (Office Consolidation) and subsequent amendments to that planning document (Exhibit H-322).

With regard to this land use designation, the Official Plan states:-

> "2.1 Parkway Belt West Plan
>
> The development of those lands in the Burlington Planning Area that are affected by The Parkway Belt West Plan shall be governed by the provisions of the Parkway Belt West Plan., July 1978 which forms part of the official plan, and in case of any discrepancy between The Parkway Belt West Plan and the remainder of this official plan, the provisions of The Parkway Belt West Plan shall prevail."

The Parkway Belt West Plan (Exhibit H-319)

The northwesterly 112.50 feet of subject Properties No. 2 and 2A, designated as Parts 5, 6, 12 and 13 on the proposed plan of expropriation are designated for above ground telephone cable and future utility uses by The Parkway Belt West Plan.

The balance of the subject properties are designated as "General Complementary Use Area" lands by The Parkway Belt West Plan. The uses permitted in the "General Complementary Use Area" were detailed earlier in this report.

The utility corridor and telephone easement, for which the lands were acquired, are permitted uses.

Assessment (1986 for 1987)

Subject Property No. 2

Roll No. - 010 103 16020
Owner - Ministry of Government Services
Location - King Road W/S
Legal - Con 2 EF Pt Lots 2 & 3
RP 20R-4055 Pts 4, 5 & 6
Size - 2.02 acres
Total - $605

Subject Property No. 2A

Roll No. - 010 103 16010
Owner - Ministry of Government Services
Location - King Road W/S
Legal - Con 2 E.F. Pt Lt 3
RP 20R-4055 Pts 1, 2 & 3
Size - 2.61 acres
Total - $780

Improvements

There are no improvements on subject Properties No. 2 and 2A.

HIGHEST AND BEST USE

In estimating the highest and best use of the subject lands, I have considered:-

1) the purpose of the appraisal and the direction provided by Sections 13(1) & (2); 14(1)(2)(3) & (4) of the Expropriations Act.

2) their 'D' Development Zone zoning category and the uses permitted by that zoning.

3) the additional restrictions placed upon their use by Ontario Regulation 482/73.

4) their "Utility Corridor" and "General Complementary Use Area" designation by The Parkway Belt West Plan and the uses permitted by those designations.

5) the "General Complementary Use Area" designation of the abutting lands to the south and the uses permitted by that designation.

6) the present, proposed and past use of abutting and adjacent lands.

7) their "Parkway Belt West Plan" Official Plan designation.

8) the size, shape and configuration of the subject lands.

9) the purpose for which they were acquired.

Having regard to all of the foregoing, it is my opinion that the highest and best use of the subject lands is the utility corridor purpose for which they were acquired with those lands surplus to that requirement being sold to the abutting owner.

PROPERTY NO. 3

Azova Investments Limited Lands

Location

West side of King Road, north and west of Bayview Park. It is bounded on the east by King Road, on the south by subject Properties No. 1, 2, 2A and 1 (MGS and N.S.P. lands); on the west by subject Property No. 1 (N.S.P. lands) and the Region of Halton's "Burlington Landfill site: and on the north by Ontario Hydro lands containing a tower line and then the Niagara Escarpment.

Site Size

The subject site is irregular in shape and contains 21.406 hectares/52.894 acres according to proposed plan of expropriation. It is designated as Parts 7, 17 and 25 on that plan a reduced photocopy of the most relevant part is contained on the following page.

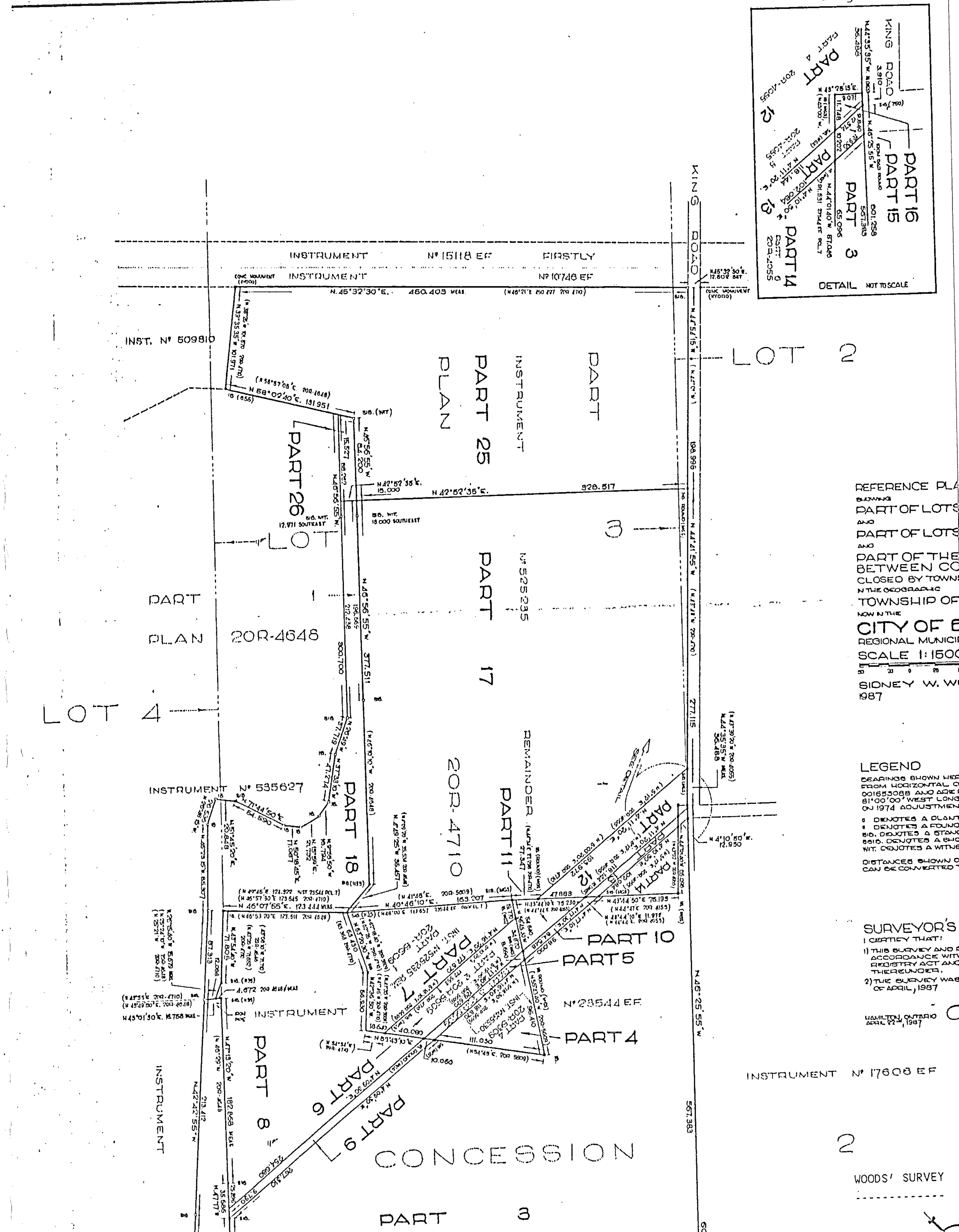
King Road frontage	=	476.113m/1,562.05'
South limit (irregular)	=	384.526m/1,261.57'
West limit (irregular)	=	731.180m/2,398.88'
North limit (Hydro)	=	450.403m/1,477.70'

Regional Requirement

The proposed taking (Regional requirement) from subject Property No. 3 is the southerly 13.129 hectares/32.441 acres according to the proposed plan of expropriation and is designated as Parts 7 and 17 on that plan.

It has the following limits:-

King Road frontage	=	277.115m/ 909.17'
South limit (irregular)	=	384.526m/1,261.57'
West limit (irregular)	=	412.968m/1,354.88'
North limit (lands remaining)	=	328.517m/1,077.81'


INSTRUMENT Nº 15118 EF FIRSTLY
INSTRUMENT Nº 10746 EF
KING ROAD
LOT 2
LOT 3
LOT 4
PART 25
PLAN
INSTRUMENT
PART
PART 26
PART 17
Nº 525235
PART
PLAN 20R-4648
INST. Nº 509810
INSTRUMENT Nº 535627
PART 18
20R-4710
REMAINDER
PART 11
PART 12
PART 13
PART 14
PART 10
PART 5
PART 4
PART 7
PART 6
PART 9
PART 8
INSTRUMENT
Nº 23544 EF
INSTRUMENT Nº 17608 EF
CONCESSION 2
PART 3
WOODS' SURVEY
SEE DETAIL
DETAIL NOT TO SCALE
PART 16
PART 15
REFERENCE PLA
PART OF LOTS
PART OF LOTS
PART OF THE
BETWEEN CO
CLOSED BY TOWNS
TOWNSHIP OF
CITY OF
REGIONAL MUNICI
SCALE 1:1500
SIDNEY W. W
1987
LEGEND
SURVEYOR'S
I CERTIFY THAT:
HAMILTON, ONTARIO

Lands Remaining

The lands remaining to the owners after the Regional requirement (proposed taking) has been satisfied consists of the northerly 8.277 hectares/20.452 acres of subject Property No. 3 and is designated as Part 25 on the aforementioned proposed plan of expropriation.

King Road frontage	=	199.998m/ 656.16′
South limit (lands remaining)	=	328.517m/1,077.81′
West limit (irregular)	=	318.122m/1,043.71′
North limit (Hydro)	=	450.403m/1,477.70′

Easements and Right-of-Way

My search did not disclose any easements or rights-of-way encumbering subject Property No. 3.

Topography

The south 13.129 hectares/32.441 acres of subject Property No. 3 (the proposed taking) is basically gently rolling to rolling agricultural land in the early stages of succession, except for a wooded area associated with a watercourse in the south portion of the proposed taking.

The north 8.277 hectares/20.452 acres of subject Property No. 3 (the lands remaining) are mainly wooded valley lands associated with creeks and/or watercourses rising on the lands to the north and east. In proximity to King Road, is a former home site, fields and orchard associated with that earlier use.

A portion of a topographic map contained on page 13, earlier in this report, shows the topography of the subject lands, creeks or watercourses and tree cover.

Licenced Quarry

The south 1.188 ha/2.936 acres of the subject site lies within the area licenced as a quarry by the Ministry of Natural Resources.

The licence (Exhibit N-587/Appendix K) permits the then assumed landowner (National Sewer Pipe Limited, claimed ownership of these lands) to extract shale, although no activity appears to have taken place on subject Property No. 3 and little on the abutting N.S.P. lands. The main thrust of their quarrying operations, in the subject area, appears to have been at their pit east of King Road.

A plan amended by me to show the locations of subject Property No. 3, in relation to the licenced pit area, is contained on page 16, earlier in this report.

Services

Any development of the subject lands must be by private services.

The nearest sanitary sewer is located at the south limit of Bayview Park, and was extended to serve the leachate collection system recently installed there. I know of no plans to extend these services northerly.

The closest municipal watermain is reported to be a 300 mm watermain on the North Service Road, about 120 meters west of King Road. A 350 mm watermain is located on King Road, south of Highway 403 just north of the hydro lands. I know of no plans to extend these services.

Zoning

The subject lands are zoned in a 'D' Development Zone category by Zoning By-Law Number 4000-3, as amended (Exhibit H-323).

The limited uses permitted by this category as well as the applicable regulations and minimum requirements are shown on extracts from By-Law Number 4000-3, contained earlier in this report.

Ontario Regulation 482/73 (Exhibit H-320)

Ontario Regulation 482/73 a land use regulation made under The Parkway Belt Planning and Development Act, 1973, further restricts the use of subject Property No. 3 to:-

1) the use of any land, building or structure, if lawfully used for such purposes on the day that this regulation came into force or, if the plans for such use were approved by the municipal building inspector prior to the day that the regulation came into force.

2) agricultural uses and buildings and structures accessory thereto, including one single-family dwelling used in connection with each agricultural operation.

3) a single-family dwelling and buildings accessory thereto existing on the date this Regulation came into force, may be extended or enlarged, provided they comply with certain requirements set out in the Regulation.

4) municipal, governmental, conservation authority or utility uses.

A copy of the Regulation is contained earlier in this report.

Official Plan Designation

The subject lands are designated for "Parkway Belt West" uses by Official Plan Amendment No. 49 (Office Consolidation) and subsequent amendments to that planning document (Exhibit H-322)..

With regard to this land use designation, the Official Plan states:-

"2.1 Parkway Belt West Plan

> The development of those lands in the Burlington Planning Area that are affected by The Parkway Belt West Plan shall be governed by the provisions of the Parkway Belt West Plan., July 1978 which forms part of the official plan, and in case of any discrepancy between The Parkway Belt West Plan and the remainder of this official plan, the provisions of The Parkway Belt West Plan shall prevail."

Parkway Belt West Plan (Exhibit H-319)

Subject Property No. 3 is designated as "General Complementary Use Area" lands by The Parkway Belt West Plan.

The uses permitted in the "General Complementary Use Area" were detailed earlier in this report.

Assessment (1986 for 1987)

Roll No. - 010 103 16000
Owner - Azova Investments Limited
Location - Conc 2 E.F. Pt Lts 2, 3 & 4
Size - 53.03 acres
Total - $15,910

Improvements

There are no improvements on subject Property No. 3.

HIGHEST AND BEST USE

In estimating the highest and best use of the subject lands, before the proposed taking, the proposed taking (the Regional requirement) and the lands remaining to the owner after the Regional reqirement (the proposed taking) has been satisfied, I have considered:-

1) the purpose of the appraisal and the direction provided by Sections 13(1) & (2); 14(1)(2)(3) & (4) of the Expropriations Act.

2) its 'D' Development Zone zoning category and the uses permitted by that zoning.

3) the additional restrictions placed upon its use by Ontario Regulation 482/73.

4) its "General Complementary Use Area" designation by The Parkway Belt West Plan and the uses permitted by those designations.

5) the "General Complementary Use Area" designation of the abutting lands to the south and the uses permitted by that designation.

6) the present, proposed and past use of abutting and adjacent lands.

7) its "Parkway Belt West Plan" Official Plan designation.

8) the size, shape, configuration and topography of the lands before and after the proposed taking.

Having regard to all of the foregoing, it is my opinion that the highest and best use of:-

1) subject Property No. 3, before the proposed taking, would be as a speculative holding of Parkway Belt land, with a potential for development as a country estate or a hobby farm. Its desirability for this use is not thought to be diminished by the soon to close, sanitary land fill use of the abutting property.

2) of the proposed taking (Regional requirement) from subject Property No. 3 would be as a speculative holding of Parkway Belt land, with a potential for development as a rural residential property, country estate or hobby farm. It's desirability for such use is not thought to be diminished by the soon to close, abutting sanitary land fill use.

3) after the proposed taking would be as a speculative holding of Parkway Belt land, with a potential for development as a rural residential property, country estate or hobby farm. It's desirability for such use would be diminished by the proposed sanitary land fill use of the abutting lands taken for Site F.

SUMMARY OF HALTON REGION POSITION ON PROPERTY-OWNER COMPENSATION RE: LANDFILL

A MOST SUITABLE SITE

Firstly, the site selected for landfill purposes will be the most suitable minimizing potential adverse effects on the surrounding community and the Region as a whole.

B MITIGATION

Secondly, whatever site is selected will be designed, equipped, operated and monitored with an extensive list of rigorous mitigation measures in mind, so as to reduce and, wherever reasonably possible, eliminate potential adverse impacts on the community.

C TAKINGS OF LAND FOR SITE

Thirdly, where all or part of an owner's land is needed for the site, the Region will make every effort to negotiate settlements and resolve differences prior to expropriation. If negotiation fails, then The Expropriation Act will be used. The basis on which the land would be valued is market value, as defined under Section 14 of The Expropriations Act. Such market value is established without reference to the purpose to which the land is taken. Where property values continue to be in dispute, the Act requires that the Region make a preliminary offer, without prejudice, in order to relieve the burden on the landowner of hiring appraisers and legal counsel.

D NO TAKINGS OF LAND

Fourthly, where an owner is left with part of his lands after the needs for the site are satisfied or where an owner has no lands taken but in either case believes that adverse impact has been created to his property as a result of the landfill project, he would be entitled to make a claim on his own volition under The Expropriations Act and/or common law. This is the approach which is commonly used by municipalities, Provincial and Federal Departments, and other public agencies in Ontario.

The general understanding of the law in such a case is as follows. It is stressed that this summary in not intended, in any way, to represent legal advice and interested parties should consult their own legal counsel in this regard:

- Where only a part of an owner's land is taken, the owner will be entitled to compensation for the value of the land taken together with "injurious affection". The latter is defined as ANY DIFFERENCE between the market value of the lands taken plus the market value of the land retained by the owner AND the market value which the entire parcel had prior to the undertaking. This difference is for direct and consequential damages resulting from the construction or use or both of the landfill.

- Where none of an owner's lands are taken, compensation can be claimed under The Expropriations Act for "injurious affection" created by the construction (NOT the use) of the landfill. If an owner believes the subsequent use of the landfill causes him/her damage, the owner would make a claim under the common law of nuisance for mismanagement of the site. Proper management of the site would not be "nuisance" at common law because the landfill use itself is lawful.

- Under Section 22 of The Expropriations Act injurious affection claims must be made in writing within one year after the damage was sustained.

The appraisal problem in the subject instance is therefore taken to be to estimate the cost to acquire "Site F", having regard to the provisions of the Expropriations Act. In estimating that value, I have, in accordance with the guidance given me by the Region of Halton's Compensation Policy, assumed that the site will be acquired by expropriation, which requires that in estimating the value of the whole and partial takings required, I have regard to Sections 13(1) & (2); 14(1) (2) (3) & (4) of the Expropriations Act.

These sections require as follows:-

13) (1) Where land is expropriated, the expropriating authority shall pay the owner such compensation as is determined in accordance with this Act.

(2) Where the land of an owner is expropriated, the compensation payable to the owner shall be based upon,

(a) the market value of the land;

(b) the damages attributable to disturbance;

(c) damages for injurious affection; and

(d) any special difficulties in relocation,

but, where the market value is based upon a use of the land other than the existing use, no compensation shall be paid under clause (b) for damages attributable to disturbance that would have been incurred by the owner in using the land for such other use. R.S.O. 1970, c. 154, S 13.

14) (1) The market value of land expropriates is the amount that the land might be expected to realize if sold in the open market by a willing seller to a willing buyer.

(2) Where the land expropriated is devoted to a purpose of such a nature that there is no general demand or market for land for that purpose, and the owner intends in good faith to relocate in similar premises, the market value shall be deemed to be the reasonable cost of equivalent reinstatement.

(3) Where only part of the land of an owner is taken and such part is of a size, shape or nature for which there is no general demand or market, the market value and the injurious affection caused by the taking may be determined by determining the market value of the whole of the owner's land and deducting therefrom the market value of the owner's land after the taking. R.S.O. 1970, c. 154, s. 14 (1-3).

(4) In determining the market value of land, no account shall be taken of,

(a) the special use to which the expropriating authority will put the land;

(b) any increase or decrease in the value of the land resulting from the development or the imminence of the development in respect of which the expropriation is made or from any expropriation or imminent prospect of expropriation; or

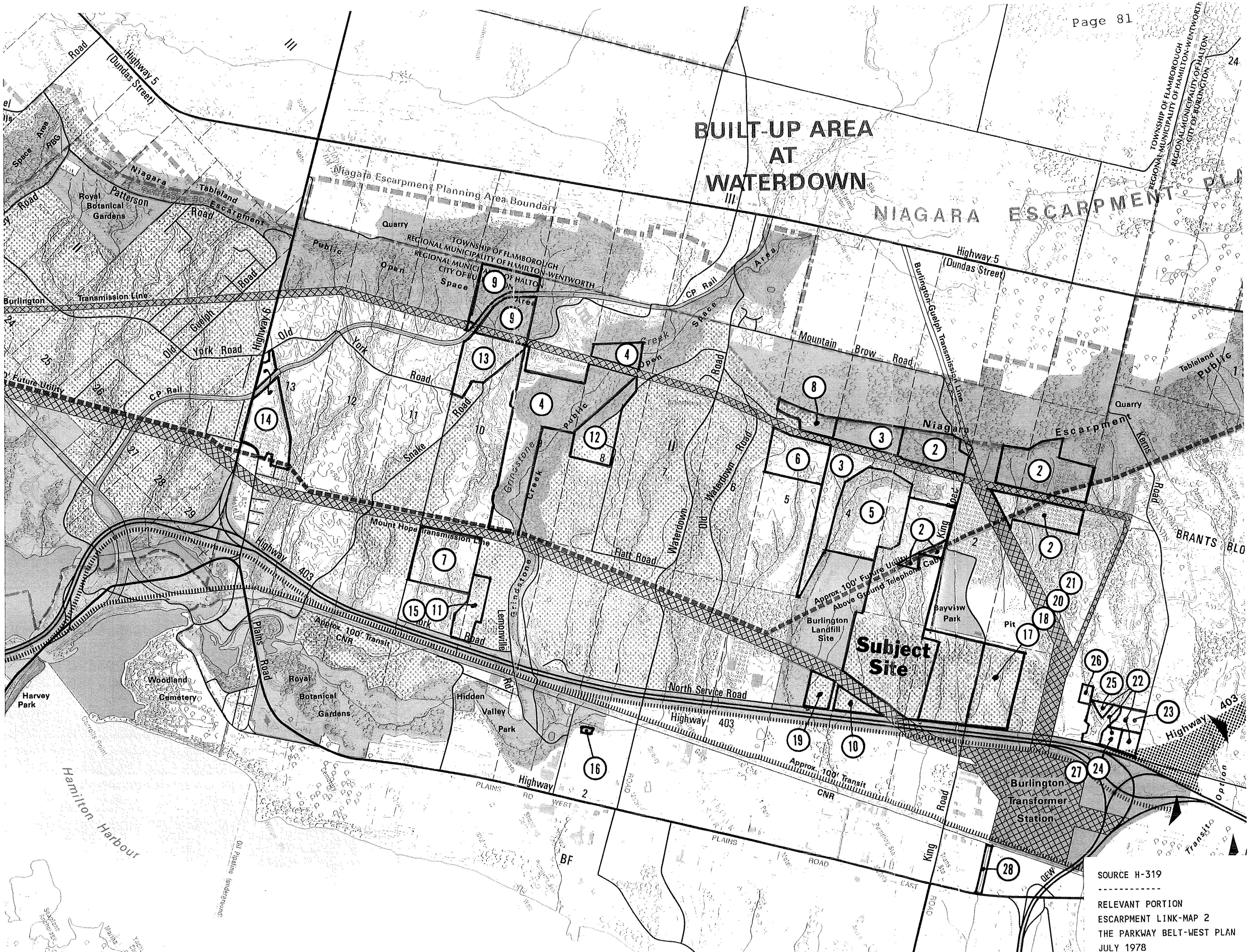
(c) any increase in the value of the land resulting from the land being put to a use that could be restrained by any court or is contrary to law or is detrimental to the health of the occupants of the land or to the public health. R.S.O. 1970, c. 154, s. 14 (4); 1972, c. 24, s. 1 (1).

MARKET DATA

CHART A

SALES IN PARKWAY BELT
IN THE CITY OF BURLINGTON

Sale No.	Inst. No. Dated Reg'd.	Vendor Purchaser Location	Area Acres (Hectares)	Legal Lot Con.	Pkwy. Belt Desig.	Sale Price D.P.	Sale Price Acre (Hectare)
1	491803 18/10/78 10/11/78	Ridgeback Developments Ltd. Papeland Developments Inc. & Company E & W sides King Road	267.680 (108.327)	2,3 & 4 2 EF	Public Open Space & Buffer Area General Complementary Use Area, Utility, Electric Power Facility	$1,080,145 $1.00	$4,035 ($9,971)
2	495530 29/12/78 12/1/79	Papeland Developments Inc. & Company H.M.Q. - Ministry of Government Services E & W sides King Road	118.686 (48.031)	2 & 3 2 EF Pts. 6 to 13 & 17 to 24 20R 4055	Public Open Space & Buffer Area General Complementary Use Area, Utility, Electric Power Facility	$652,773 cash	$5,500 ($13,591)
3	509810 6/7/79 5/9/79	John B. McColl Robert O. Elstone 120 Mountain Brow Rd.	74.7 (30.230)	4 2 EF	Public Open Space & Buffer Area General Complementary Use Area	$198,000 cash	$2,650 ($6,550)
4	519849 25/3/80 31/3/80	Estate of A.G. Lemon H.M.Q. - Ministry of Government Services 1550 Lemonville Road	140.141 (56.713)	8, 9 & 10 2 EF Pts. 1 to 22 20R 3077	Public Open Space & Buffer Area General Complementary Use Area	$244,886 cash	$1,747 ($4,318)
5	535627 4/2/81 12/2/81	Azova Investments Limited The Regional Municipality of Halton North of landfill site	57.466 (23.2557)	3 & 4 2 EF Pt. 1 20R 4648	General Complementary Use Area	$459,532 cash	$7,997 (19,760)
6	538870 3/2/81 30/4/81	William E. Breckon W.H.C. & S.A. Walker Rennick Road	28.870 (11.683)	5 2 EF	Special & General Complementary Use Area	$28,870 cash	$1,000 ($2,471)
7	550037 19/10/81 25/11/81	Audrey Leggat (I/T) Holland Chevrolet Oldsmobile Inc. E/S Old York Road	37.535 (15.190)	10 1 EF	General & Special Complementary Use Area	$131,372.50 cash	$3,500 ($8,649)
8	549234 30/10/81 4/11/81	William E. Breckon James A Aitkin 175 Renwick Road	12.432 5.031	5 2 EF	Public Open Space & Buffer Area Special Complementary Use Area	$125,000 $35,000	$10,055 ($24,846)



SOURCE H-319

RELEVANT PORTION
ESCARPMENT LINK-MAP 2
THE PARKWAY BELT-WEST PLAN
JULY 1978

CHART A

SALES IN PARKWAY BELT
IN THE CITY OF BURLINGTON

Sale No.	Inst. No. Dated Reg'd.	Vendor Purchaser Location	Area Acres (Hectares)	Legal Lot Con.	Pkwy. Belt Desig.	Sale Price D.P.	Sale Price Acre (Hectare)
9	555278 15/3/82 31/3/82	Estate of Cecil S. Carson & Myrtle Marr H.M.Q. - Ministry of Government Services W/S Snake Road	46.155 (18.678)	10 2 EF Pts. 1,2 & 3 20R 5669	Public Open Space and Buffer Area	$92,310 cash	$2,000 ($4,942)
10	558109 13/5/82	H.M.Q. - Ministry of Government Services National Sewer Pipe Limited N/S North Service Rd.	6.544 (2.648)	3 1 EF Pt. 2 20R 2459	Special Complementary Use Area	$60,000 cash	$9,169 ($22,659)
11	558574 31/5/82 11/6/82	Carmine Porce et ux Martin Oselka et ux N/S York Road	14.660 (5.933)	9 & 10 1 EF Pt. 2 20R 3245	General & Special Complementary Use Area	$80,000 cash	$5,457 ($13,484)
12	574372 28/3/83 8/4/83	J.R. Flatt & B. Cone J.B. & J.C. Quinn 1714/1716 Flatt Rd.	21.06 (8.523)	8 2 EF Pts. 1,2 & 4 20R 6124	Public Open Space & Buffer Area Special Complementary Use Area	$140,000 $70,000	$6,646 ($16,426)
13	575968 21/4/83 4/5/83	L.E. Robbins, S.L. Robbins & C.M.R. McBride V & M Vrataric (50%) M & A Bolibruch (50%) Snake Road	22.66 (9.170)	10 2 EF	General & Special Complementary Use Area	$70,000 cash	$3,089 ($7,634)
14	632797 29/11/85 13/12/85	Lansdale Development Limited K.J. Fawcett (50%) Anthony Martin (50%) E/S Hwy. No. 6	33.489 (13.553)	13 2 EF Pts. 1 to 5 20R 7309	General Complementary Use Area	$275,000 $5,000	$8,212 ($20,291)
15	635196 29/1/86 31/1/86	Martin Oselka et ux Albert Kenel (25%) Maria Kenel (25%) David Kenel (50%) N/S York Road	14.660 (5.933)	9 & 10 1 EF Pt. 2 20R 3245	General Special Complementary Use Area	$85,000 cash	$5,798 ($14,327)

CHART A

SALES IN PARKWAY BELT
IN THE CITY OF BURLINGTON

Sale No.	Inst. No. Dated Reg'd.	Vendor Purchaser Location	Area Acres (Hectares)	Legal Lot Con.	Pkwy. Belt Desig.	Sale Price D.P.	Sale Price Acre (Hectare)
16	648181 29/7/86 25/8/86	H.M.Q. - Ministry of Government Services King Paving & Materials Ltd. rear land east of Howard Road	0.348 0.141	7 1 EF Pt. 1	Public Open Space & Buffer Area	$700 cash	$2,011 ($4,965)
17	Listing 9/86	Doris Speck Leota Sovereign Estate of Evelyn Young Royal LePage Real Estate Services Ltd. N/E corner North Service and King Roads	45.27 (18.32)	1 1 EF Pt. 1 20R 830	Special Complementary Use Area	$342,000 cash	$7,555 ($18,668)
18	Conditional Offer To Purchase 8/86	Doris Speck Leota Sovereign Estate of Evelyn Young Boehringer Ingelheim (Canada) Ltd. N/E corner North Service and King Roads	45.27 18.32	1 1 EF Pt. 1 20R 830	Special Complementary Use Area	$330,000 not known	$7,290 ($18,013)
19	Listing 1/87	Ettie Woznick Jakobs Realty Inc. N/S North Service Road West of King Road	11.509 4.658	4 1 EF	Special Complementary Use Area	$345,270 cash	$30,000 ($74,131)
20	Listing 2/87	Doris Speck Leota Sovereign Estate of Evelyn Young Royal LePage Real Estate Services/J.J. Barnicke Real Estate N/E corner North Service & King Roads	45.27 18.32	1 1 EF Pt. 1 20R 830	Special Complementary Use Area	$600,000 not known	$13,524 ($32,751)
21	679417 29/10/87 31/10/87	Estate of Mary D. Speck Estate of Evelyn Young Leota Sovereign Geofcott Development Limited (in trust) NE corner North Service and King Roads	45.27 18.32	1 1 EF Pt. 1 20R-830	Special Complementary Use Area	$565,875 $65,875	$12,500 ($30,888)

CHART B

SALES OUTSIDE OF THE PARKWAY BELT

Sale No.	Inst. No. Dated Reg'd.	Vendor Purchaser Location	Area Acres (Hectares)	Legal Lot Con.	Pkwy. Belt Desig.	Sale Price D.P.	Sale Price Acre (Hectare)
23	605219 10/8/84 16/8/84	Stelco Inc. Reimer Construction Limited NW Corner Kerns Road & North Service Road	26.424 (10.6936)	10 RP 99 Pts 1 to 2 20R 6963	"D" Development & MTC Zone Industrial	$950,000 $475,000	$35,962 ($88,838)
24	616809 31/1/85 4/4/85	Reimer Construction Limited The Trustees of Park Avenue Church W/S Kerns Road	7.111 (2.8777)	10 RP 99 20R 6963	MB2-414 Industrial	$444,000 cash	$62,439 ($154,290)
25	619081 17/5/85 22/5/85	Reimer Construction Limited A - B Biological Supplies Inc. N/S North Service Road	4.868 (1.970)	10 RP 99 20R 6963	MB2 - 415 Industrial	$575,000 cash	$118,120 ($291,878)
26	644648 23/6/86 8/7/86	Reimer Construction Limited R.A. & D.C. Heine rear land N of North Service Road	2.173 (0.8794)	10 RP 99 Pt 4 20R 6963	R12 - 416 Industrial	$6,000 cash	$2,761 ($6,823)
27	650883 27/9/86 29/9/86	National Sewer Pipe Limited R.A. & D.C. Heine end of Heather Hills Drive	0.279 (0.1129)	12 RP 99 20R 7680	"D" Development Residential Low Density	$30,000 cash	$107,527 ($265,722)
28	Listing 3/87	A - B Biological Supplies Inc. Royal LePage Realty Services N/S North Service Road	4.868 1.970	10 RP 99 20R 6963	MB2 - 415 Industrial	$695,000 not known	$142,769 ($352,792)
29	671641 18/2/87 16/7/87	Ontario Hydro The City of Burlington N/S Plains Road	2.624 1.062	1 1 EF Pt. 1 & 2 20R-7903	Electric Power Facility	$21,300 cash	$8,117 ($20,056)

Analysis of Market Data

Consideration of the appraisal problem and the subject lands location in the "General and Special Complementary Use Areas" of The Parkway Belt West", led me to make a search of the "Parkway Belt" lands within the City of Burlington for sales, listings and leases of similarly encumbered lands.

This search produced a limited number of sales and listings. Those initially considered to be of some assistance, are contained on the foregoing chart. A map showing the location of each, in relation to the subject properties, follows that chart.

The sales and listing charted cover the time frame October 1978 to October 1987, range in size from 0.141 ha/0.348 acres to 108.327 ha/267.680 acres, and in unit values from $2,304 per ha/$932 per acre to $74,131 per ha/$30,000 per acre.

Subsequent investigation revealed Sales No. 3, 8 and 12 to be sales of improved properties in which the residences located thereon, contributed substantially to value. These residentially improved properties indicate unit values of $2,650; $10,055 and $6,646 per acre respectively. They have been eliminated from further consideration.

For analysis purposes, the remaining sales can be grouped as follows:-

1) M.G.S. - Parkway Belt Acquisitions

Sale No.	Deed Date	No. Acres	Sale Price Per Acre	Sale Price Per Hectare
2	12/78	118.686	$5,500	$13,591
4	3/80	140.141	$1,747	$4,318
9	3/82	46.155	$2,000	$4,942

2) M.G.S.. - Sales - Parkway Belt Land

10	5/82	6.544	$9,169	$22,659
16	7/86	0.348	$2,011	$4,965

3) Specific Use Acquisitions

5	2/81	57.466	$7,997	$19,760
10	5/82	6.544	$9,169	$22,659
14	11/85	39±	$7,051	$17,424
		(33.489)	($8,212)	($20,291)
18	8/86	45.270	$7,290	$18,013

4) Lots 1 to 4 Concessions 1 EF

10	5/82	6.544	$9,169	$22,659
17	9/86	45.270	$7,555	$18,668
18	8/86	45.270	$7,290	$18,013
19	1/87	11.509	$30,000	$74,131
20	2/87	45.270	$13,524	$32,751
21	10/87	45.270	$12,500	$30,888

5) Private Acquisitions of Vacant Parkway Belt Lands

1	10/78	267.680	$4,035	$9,971
6	2/81	28.870	$1,000	$2,471
7	10/81	37.535	$3,500	$8,649
11	5/82	14.660	$5,457	$13,484
13	4/83	22.660	$3,089	$7,634
15	1/86	14.660	$5,798	$14,327

Grouping the sales in this manner, indicates that in the study area of the Parkway Belt, the highest prices have been paid or asked for <u>Group 3 and 4</u> lands, they are the Specific Use Acquisitions and land in Lots 2 to 4, Concessions 1 E.F. <u>Group 3</u> sales are all, with the exception of <u>Sales No. 5 and 14</u>, located in Lots 1 to 4, Concessions 1 E.F.

<u>Grouping No. 4</u> indicates a unit value range of $7,290 to $30,000 per acre over the time frame May 1982 to October 1987.

This grouping consists of sales and listing in the "Special Complementary Use Area" north of Highway 403, between the Burlington Land Fill Site and the Burlington-Guelph Electric Transmission Line. This area includes the south 115.668 acres of subject Property No. 1. Section 6.2.3 q) provides as follows for these lands:-

q) In the Special Complementary Use Area located north of Highway 403, between the Burlington Landfill Site and the Burlington-Guelph Electric Transmission Line, permit uses set out in Subsection 5.5.1.

Subject to Subsection 5.1.3, the Plan permits some further industrial development in this area. The Plan does not permit uses beyond those set out in Subsection 5.5.1 until a comprehensive restricted area by-law and development agreements under Section 35a of the Planning Act have been prepared in consultation with municipal authorities, Provincial ministries, and other concerned persons or agencies, and subsequently approved by the appropriate authorities.

Buildings and structures associated with such industrial uses may have a maximum lot coverage of 20%, exclusive of parking, and shall meet the following conditions:-

i) uses are permitted which might create obnoxious sounds, odours, fumes, or vibrations.

ii) All uses except parking are enclosed.

iii) Buildings or structures for industrial purposes do not exceed a maximum of one storey in height, and buildings and structures for associated office uses do not exceed a maximum of two storeys.

iv) Adequate parking facilities are provided on the lands for employees and visitors. These facilities shall be landscaped, suitably screened, and paved with a dust-free all-weather surface.

> The application should be fully aware of the existing potential that a landfill site may be located directly across King Road. While it is not expected that areas bordering the proposed landfill site may be negatively affected by odours, dust or windblown pollution, there may be some degree of nuisance despite on site mitigation measures.
>
> An area of greater concern is related to transportation. Giffels Associates Limited have prepared a report entitled "Landfill Technical Study, Transportation Analysis - Site F" date August 1986. This report states that in 1996, "when future waste delivered to the site will be at a peak (no energy from waste facility in place) a weekday total of 410 landfill vehicle arrivals has been predicted". The haulage vehicle trips will, in most cases, pass the subject site which may cause some degree of conflict with vehicles entering the subject lands and accessing the North Service Road. Again, the applicant should be aware of the transportation analysis prepared for Site F given the high volume of vehicles which are expected to deliver refuse to the proposed landfill site on a daily basis. Access to and from the North Service Road may be impeded somewhat given the high volume of truck traffic, and Burlington staff may wish to examine this concern in more detail."

This conditional agreement of purchase and sale, but for the "scheme", is taken to indicate a contributory value of less than $7,290 per acre for the much larger "Special Complementary Use Area" of subject Property No. 1, as at August 1986.

Listing No. 19 was the January 1987 listing of an 11.509 acre parcel of T-MR1 "Transitional Zone" land on the north side of the North Service Road abutting Sale No. 10 and the Region of Halton's Burlington Land Fill site.

The asking price was $30,000 per acre and the listing neglects mentioning the abutting landfill use. The listing describes the property as follows:-

> "INDUSTRIAL SITE - 11.509 ACRES - ZONED INDUSTRIAL T-MR1 - MUNICIPAL WATER ABOUT 1,600 FEET AWAY AT TRIDON MANUFACTURING CO., NO SANITARY SEWERS. SHOWCASE LOCATION OVERLOOKING HIGHWAY 403."

The listing salesman indicated that, as at March 1987, there had been no offers to date, but that interest had been shown in the listing. He considered the asking price to be realistic and said that he would consider offers in the range of $23,000 to $25,000 per acre.

<u>Listing No. 20</u> was the February 1987 relisting of <u>Nos. 17 and 18</u> at an asking price of $600,000 ($13,524 per acre), after the conditional sale of that property at $7,290 per acre fell through. The listing agent reported that the property was sold about March 3, 1987, at "so near the asking price of $13,000 per acre, you could sit on it". The sale was conditional upon the property being removed from the Parkway Belt, site plan approval, etc. I was advised that this was not a user-purchaser acquisition, but that the purchaser had a user in mind for the property.

<u>Sale No.21</u> is the October 1987 closing of the reported sale of <u>Listing No. 20</u>, after the purchaser removed the conditions. A sign on the property indicates that the property is to be developed by Geofcott Homes Inc. with prestige office space to be available in the fall of 1987.

My inquiries indicated that as at January 22, 1988 the City was not in receipt of a formal application to develop the property, but that the purchasers planner had informal discussions with a view to a more intense development of the parcel than the low coverage, prestige, industrial development envisaged by the Parkway Belt West Plan.

<u>Sale No. 21</u> with the October 1987 closing of the transaction at a sale price of $565,875 or $12,500 per acre is taken to be the most recent unconditional sale of Special Complementary Use Area Parkway Belt land.

Grouping No. 3 contains three sales and two conditional sales of properties purchased for specific use.

Sale No. 5 is the February 1981 acquisition by the Region of a 57.466 acre addition to their landfill site. It abuts Subject Property No. 3 and formed part of a larger holding of which both were part. I am advised that the Region didn't have the luxury of time available to them, in this acquisition, and with two landfill sites closing and under pressure to expand the Burlington Land Fill Site, paid the owner's asking price of $8,000 per acre.

Sale No. 10 is the purchase of the adjacent 6.544 acre parcel of North Service Road frontage lands by N.S.P. from M.G.S. for $9,169 per acre. It has already been discussed as part of Group 4.

Sale No. 14 is the November 1985 acquisition of 33.849 acres of Hwy. No. 6 frontage, "General Complementary Use Area" lands. The southerly and larger parcel of this acquisition has been developed with the "Wedgewood Golf Centre" containing mini golf; a driving range; pro shop and snack bar. It indicates a value for specific use development, highway frontage "General Complementary Use Area", Parkway Belt lands of $8,212 per acre, based upon the acreage actually purchased.

No. 18 is the August 1986 conditional agreement of purchase and sale of Listing No. 17, a 45.27 acre parcel of vacant "Special Complementary Use Area" land at the northeast corner of North Service and King Roads. They have already been discussed as part of Group 4 and are taken to indicate an August 1986 contributory value of less than $7,290 per acre for the much larger "Special Complementary Use Area" of subject Property No. 1.

No. 21 is the October 1987 unconditional acquision of the lands subject to a March 1987 agreement of purchase and sale of Listing No. 20 after the conditions in the offer were removed. These are the subsequent listing and sale of the same lands as in Nos. 17 and 18 after the conditional sale of same fell through. They have already been discussed as part of Group 4 and after adjustment for major differences are taken to be indicative of the value of subject Property No. 1 before the proposed taking, the Regional requirement therefrom (the proposed taking) and the lands remaining after the proposed taking.

Grouping No. 3 indicates a relatively narrow $7,290 to

$12,500 per acre for Parkway Belt encumbered lands purchased for specific uses over the time frame February 1981 to October 1987.

Grouping No. 1 indicating unit values of $5,500; $1,747 and $2,050 per acre, are Parkway Belt acquisitions. Acquisitions under this programme were based on their June 3, 1973 market value, without the Parkway Belt Regulations in effect, or the then (date of sale)current market value of the property as encumbered by the Parkway Belt Regulations, whichever was the greater.

Sale No. 2 indicates, the $5,500 per acre high of this grouping. As at December 1978, the date of this sale, its June 3, 1973 value, as if unencumbered by Parkway Belt Regulations would have been the higher value and therefore this sale should not be taken as being indicative of the normal value of "General Complementary Use Area" lands, as encumbered by the Parkway Belt Regulations.

The other two sales making up this grouping, Sale No. 4 and 9, indicate unit values of $1,747 and $2,050 per acre. Sale No. 9 is designated in its entirety as "Public Open Space Area" and Sale No. 4 contains substantial valley land also designated as "Public Open Space and Buffer Area". With regard to these two sales, there is some question in my mind as to whether the sale price represents the June 3, 1973 unencumbered value or the value as encumbered by the Parkway Belt Regulations as at the date of the sale. Both are essentially mainly rear lands with limited road frontage or access. Both contain substantial valley and creek land and were designated (in the case of Sale No. 4 about 70% and Sale No. 9 - 100%) Public Open Space and Buffer Area by The Parkway Belt West Plan.

These two sales at $1,747 and $2,050 per acre, are therefore taken to indicate the lower limit of value for Parkway Belt encumbered lands.

Grouping No. 2 indicates unit values of $9,169 and $2,011 per acre. They are sell-offs of surplus lands by M.G.S. and I have already discussed the relevance of Sale No. 10, indicating the high of $9,169 per acre.

Sale No. 16 is the recent sell-off of a small parcel of Parkway Belt encumbered land, east of Howard Road, to square out the purchaser's holding. Its indicated unit value of $2,011 per acre is taken as being reflective of the contributory use value of "General Complementary Use" lands.

2.9 YORK SETTLEMENT AREA (Map No. 11)

Location

This area lies on both sides of the York Road for a distance of less than a mile covering an area of limited residential ribbon development relatively separated from surrounding areas.

2.9.2 Settlement Core

This Settlement Area is primarily for good quality residential use and is within reasonable reach of the South Aldershot commercial areas. No provision for such a core is made in this Plan.

2.9.3 Residential - Population

This Settlement Area falls into the category which should develop by extension of full services ultimately from the urban area. It is divided by the easements of two major oil pipe lines and a Hydro-Electric Power Commission of Ontario transmission line. Furthermore, the area is in a terrain which is physically difficult to service, and careful site planning will be needed. This area includes approximately 100 acres. The basic principles for development are the same as those in the Central Settlement Area. This locality has a potential population of approximately 500 people.

2.9.4 Greenway

It is not anticipated that there will be a major greenway in this vicinity, but it is expected that park land will be obtained from the ravine lands as development is contemplated.

2.9.5 Implementation

This programme will be implemented by a zoning by-law at the time of development in accordance with the Official Plan, and by requiring plans of sub-division for major developments.

However, the majority of this sale was designated "General Complementary Use Area" by The Parkway Belt West Plan and did not have such a potential. It indicates a value of less than $3,500 per acre as at October 1981 for subject Property No. 1's "General Complementary Use Area" land which is mainly rear land and has no road frontage to speak of.

This sale, in terms of frontage, woods, creak and size, compares favorably with subject Parcel No. 3 before the taking. However, subject Parcel No. 3 lacks the potential attributed to a small area of Sale No. 7 by its "Special Complementary Use Area" designation under The Parkway Belt West Plan and the provisions for those lands made by that plan. It therefore indicates a value of slightly less than $3,500 per acre, as at October 1981, for subject Property No. 3, before the taking and before taking into consideration the diminution in value caused by the abutting "active" land fill use.

Sales No. 11 and 15 are the sale and resale of a 14.66 acre parcel of "Special and General Complementary Use Area" land on the north side of York Road, west of Lemonville Road. The "Special Complementary Use Area" designation in this instance, applied to the northerly 40% of this site and reference to the prior Official Plan indicates that the "Special Complementary Use Area" of which it forms a part, was identified as the "Lemonville Settlement Area" and the following analysis was made in that plan:-

2.8 LEMONVILLE SETTLEMENT AREA (Map No. 10)

2.8.1 Location

This area lies on both sides of the Lemonville Road immediately west of Hidden Valley, and extends less than a mile northerly from the route of 403 Highway; it also fronts in part on the North Service Road along Highway 403. This is shown on Map No. 10.

2.8.2 Settlement Core

This is a limited area of reasonable quality residential ribbon development with a plateau overlooking the South Aldershot Planning District. This locality has great potential as a good quality housing area, but it is unlikely, in view of communications and the proximity of the South Aldershot core areas, to develop its own core.

2.8.3 Residential - Population

This area includes 70 acres with approximately 30 people. The basic principles for future development are the same as those in the Central Settlement Area; this locality has a potential population of approximately 500 people.

2.8.4 Greenway

It is expected that a greenway will be established along the Hidden Valley, and that this will be related to the residential area.

2.8.5 Implementation

This programme will be implemented by a zoning by-law at the time of development, in accordance with the Official Plan, and by requiring plans of sub-division for major developments.

The provisions of Section 6.2.3 o) of the Parkway Belt West Plan apply to about 40% of this parcel and the unit prices paid of $5,457 and $5,798 per acre may be interpreted as being reflective of that potential. However, more significant than the unit prices paid for this parcel, is the total price paid which is $80,000 and $85,000 per home site.

Sale No. 13 is the April 1983 sale of a 22.66 acre parcel of vacant "General Complementary Use Area" land on Snake Road. It indicates a unit value of $3,089 per acre and/or a rural residential site value of $70,000.

The owner of Sale No. 12 (an improved parcel) advises that he entered into an offer to sell about half of his 21.06 acres for $90,000, conditional upon the purchaser obtaining the severance. That has not been obtained to date.

Sales No. 11, 13, 15 and the reported conditional sale of about half of Sale No. 12, indicate a relatively narrow $70,000 to $90,000 value per rural residential site in the Parkway Belt.

Chart B contains a sales history of a block of land outside the Parkway Belt and a recent acquisition of surplus Hydro corridor land for open space use.

Removal from the Parkway Belt would permit "Special Complementary Use Area" lands, fronting or in proximity to the North Service Road, to be developed industrially or subdivided and developed industrially along the lines of the lands at the northwest corner of the Kerns and the North Service Roads. The sales history of the lands at the northwest corner of Kerns and North Service Road, is contained on Chart B.

That chart indicates, that a 26.424 acre parcel of Development and M.T.C. zoned land designated for "Industrial" uses by the Official plan was acquired by Reimer Construction in August 1984 for $950,000 ($35,962 per acre). It was divided up, an application made to rezone, and two parcels sold off in April and may 1985 yielding a total of $1,019,000. Subsequently a 2.173 acre parcel of rear land designated for residential use, was sold off for $6,000 or $2,761 per acre, and the subdivider retains a 4.448 acre corner parcel for development. The yield of this 26.424 acre parcel was as follows:-

Valley land	7.274 acres/27.5%
Future development land	0.550 acres/ 2.1%
Future residential development land	2.173 acres/ 8.2%
Industrial development land	16.427 acres/62.2%
Total	26.424 acres/ 100%

The history of the "Stelco" lands at the northwest corner of Kern's Road and the North Service Road, indicates just how valuable "Showcase" industrial lands with exposure to Highway 403 can be if removed from the Parkway Belt and developed under normal industrial zoning regulations.

Sale No. 28 is the February 1987 acquisition at a unit price of $8,117 per acre of a 2.624 acre parcel of surplus Ontario Hydro corridor land by the City of Burlington for open space use. The parcel is 115.88 feet wide by 915.18 feet deep, fronts on the north side of Plains Road, abuts residential uses on the west and contains a creek for its entire length.

TIME TRENDING

The sales data charted and discussed covers the time frame, October 1978 to current date. If the Ministry of Government Services' Parkway Belt acquisition programme is taken into consideration, the time frame of the sales charted is June 3, 1973 to current date.

The extended time frame covered is one which was characterised by rampant speculative periods followed by depressed and stagnant markets of much longer duration.

The June 1973 to April 1974 market period was a so rampant, speculative, active market, in both urban and rural real estate, that the provincial government of the day brought it to an abrupt halt with a confiscatory land speculation tax.

This rampant speculative period was followed by a depressed and stagnant market for rural and speculative real estate with many foreclosures and power of sales of properties purchased during that earlier market.

The market stabilized in the following period and urban real estate began a steady, but unspectacular increase until the 1980/1981 speculative market. This market actually commenced much earlier for downtown luxury condominiums, spread to well located residences on prime transit routes and finally moved to most urban residential real estate in late 1980/1981. The enlarged market was of extremely short duration and many speculators were caught by the collapse of that expanded market. The prices of residential real estate, in some areas, escalated during this period to such highs that they were not achieved again until late 1985, early 1986. This speculative market and rampant price increases did not spill over into the industrial and speculative land market which had become over-built and over speculated in the earlier 1973/1974 market.

Again a depressed and stagnant period followed this speculative, active market period until early 1985 when the price of residential real estate began a steady upward climb, until 1986 when the prices began a rapid upward climb to May 1987 when, having regard to the October 15, 1987 value date of this report, they peaked.

In valuing the subject Parkway Belt encumbered properties, one would expect that they too would respond to these speculative markets, and in particular to the recent market, which was very hot, peaked in May 1987, declined slightly, stabilized in the last 3 months of 1987 and commenced its climb again to new heights in the spring of 1988. However, before one becomes carried away with the rapid increases of the 1986, 1987 and current market and apply such to the subject lands, one should review carefully the sales history of such and similar lands.

A look at the sales and listing in Lots 1 to 4, Concession 1 E.F. (Group 4 Sales) indicates 6 sales and listings over the time frame May 1982 to October 1987.

One in this grouping was listed for sale for a considerable period of time before finally selling. The series of listing, conditional sales and final sale of this property are <u>Nos. 17, 18, 20 and 21</u>. <u>Listing No. 17</u> was the June 1986 listing of this property on M.L.S. at an asking price of $342,000 or $7,555 per acre. A conditional offer to purchase this property for $330,000 or $7,290 per acre was received in August 1986 (Conditional Sale No. 18). This offer to purchase was conditional upon the Parkway Belt Regulations being amended to permit a low coverage, showcase industrial type of use, of the type envisaged for the property by Section 6.2.3 q) of The Parkway Belt West Plan. The price conditionally offered and accepted ($7,290 per acre) was consistent with earlier specific use purchases in the Parkway Belt such as:-

Sale No.	Date	No. of Acres	Unit Price Per Acre	Unit Price Per Hectare
5	2/81	57.466	$7,997	$19,760
10	5/82	6.544	9,169	22,659
14	11/85	39 ±	7,051	17,424
		(33.489)	8,212	20,291

This August 1986 conditional sale fell through and the property was subsequently relisted for sale at $600,000 or $13,524 per acre (<u>Listing No. 20</u>). An offer to purchase same, for about $13,000 per acre, was received March 1987 conditional upon removal of the property from the Parkway Belt and was accepted. As at March 1987 this conditional offer could not be compared with Parkway Belt encumbered lands by reason of the condition. Subsequently the purchaser removed the condition and closed the transaction in October 1987. As at the date of the removal of those conditions and the closing of the transaction on an unconditional basis, this the most recent sale charted can be viewed as being an unconditional sale of "Special Complementary Use Area" land.

This sales grouping and series of sale and listings is taken to indicate a very consistent value of $7,290 to $9,169 per acre over the time frame February 1981 to August 1986 for Parkway Belt encumbered lands purchased for specific uses. The majority of the sales in this grouping indicate a very narrow $7,290 to $8,212 value range for such lands over that time frame.

The conditional offer on Listing No. 20 indicates that this $7,290 to $8,212 value level continued into March 1987, but the removal of the conditions and the October 1987 unconditional closing of the transaction (Sale No. 22) indicates that the price of Parkway Belt land escalated dramatically between March 1987 and its October 1987 closing.

Sales of Parkway Belt encumbered lands with a rural residential potential, such as Sales Nos. 11, 13 and 15, the reported conditional offer for 10.53 acres of Sale No. 12 indicate Parkway Belt encumbered, rural residential site values of $80,000; $70,000; $85,000 and $90,000 respectively over the time frame May 1982 to about September 1986. A relatively narrow value range of $70,000 to $90,000 per Parkway Belt encumbered rural residential site over a 51 month time frame. Sale and Resale Nos. 11 and 15 of this grouping, indicate an increase of only:-

$$\frac{\$85{,}000 - \$80{,}000}{\$80{,}000} = 6.3\% \text{ over the intervening}$$

44 months or 0.14% per month for Parkway Belt encumbered lands, far less than the general increase in real estate over the same time frame.

No very recent sales are available to provide evidence of peak market conditions on this class of land, but common sense dictates that they too would have responded to the very hot 1987 market and enjoyed similar increases in market values.

After consideration of all of the foregoing, I am of the opinion that time trending upward of sales of Parkway Belt encumbered land using traditional methods is unwarranted between February 1981 and the end of 1986, and would result in unrealistically high values for such lands. However, traditional time trending is warranted for the 1987 market. I am therefore of the opinion that the selection of upper limit values would be appropriate and assist in reflecting the 1986 market when utilizing dated Parkway Belt encumbered sales for valuation purposes and that these values must then be updated to reflect the 1987 market.

VALUE ESTIMATES (PROPERTY NO. 1)

National Sewer Pipe Limited property

Subject Parcel No. 1 consists of 73.843 hectares/182.464 acres of "Special and General Complementary Use Area" land at the northwest corner of King Road and the North Service Road. Sanitary sewers have recently been extended northerly on King Road to service a leachate collection system at the south limit of Bayview Park and is available to service any development of the subject lands with the low coverage, prestige or showcase industrial uses envisaged by The Parkway Belt West Plan.

The site abuts the Region's, soon to be closed, "Burlington Landfill Site" and the closed up and rehabilitated "Bayview Landfill Site", now known as Bayview Park. The site contains a licenced shale quarry and environmentally sensitive areas. The owners identified the subject property's potential for private landfill in April 1979, initiated environmental and other necessary studies in 1981, made application on or about the April 14, 1982 to the Ministry of the Environment for a Certificate of Approval (Exhibit H-313) and proceeded onward with that application until late 1983, when it was agreed not to proceed until early 1985 due to proceedings under the Environmental Assessment Act for a new regional landfill site. Those proceedings are still underway.

On December 18, 1986, Proctor & Redfern, the owner's consultants, submitted a revised "Application for a Certificate of Approval for a Waste Disposal Site (Landfill) (Exhibit H-299). This revised application increased the total area of the site to be filled from 20.61 hectares/50.90 acres with a capacity of 1,574,000 tonnes/1,735,000 tons or 2,650,000 m3/3,470,000 cu. yards to 40.5 hectares/100 acres with a capacity of 3,754,000 tonnes or 6,319,000 m3. This revised application more closely corresponded to the Region's application of October 22, 1986, which sought approval for 50 hectares of Site F to be filled with a capacity of 3,280,000 tonnes.

The purpose of this appraisal is to estimate the Section 14 cost to the Region of acquiring, by expropriation if necessary, the Regional requirement (proposed taking) from subject Property No. 1, having regard to the provisions of the Expropriations Act. Section 14(4)(a) and (b) require that in determining the market value of the land, no account shall be taken of,

(a) the special use to which the expropriating authority will put the land;

(b) any increase or decrease in the value of the land resulting from the development or the imminence of the development in respect of which the expropriation is made or from any expropriation or imminent prospect of expropriation.

I interpret this section as directing me to ignore the effect upon value of the purpose of the taking, a sanitary landfill site. In the subject instance, the subject property abuts a closed up and rehabilitated landfill site on the east and an active landfill site on the west which is scheduled to close in the spring of 1988. The existence of these abutting closed up and rehabilitated and soon to be closed up and rehabilitated landfill sites will in my opinion not have a detrimental effect on the value of the subject lands for the low coverage, "showplace" industrial development envisaged by The Parkway Belt West Plan.

Further, the site had already been identified by the owners as a potential landfill site and were proceeding to receive the necessary approvals when, by reason of the Regions initiative, it was halted. The Region's proposed use of the site, as amended, bears a striking resemblance to the owner's original scheme, but is a more intense use of the lands. The owner's subsequently submitted a revised application which approximates the Region's proposal in intensity of use. Neither party has received approval of their landfill scheme to date.

In the traditional appraisal, it would be necessary for the appraiser to first estimate the highest and best use of the property and value the property in accordance with that highest and best use.

However, in recognition of the fact that the current process will have some bearing on the highest and best use ultimately determined for subject Property No. 1 (N.S.P. lands), I have been instructed by Counsel to estimate the potential Section 14 costs to the Region to acquire the Regional requirement from subject Property No. 1 on the basis of various alternative uses, one of which may ultimately be decided to be it's highest and best use and determine the level of compensation payable.

Subject Property No. 1 - Alternative Use No. 1

Value Before the Proposed Taking as Encumbered by The Parkway Belt Regulations

In estimating the value of subject Property No. 1 as encumbered by the Parkway Belt Regulations, I am assisted by the sales and listings detailed on Chart A earlier in this report.

The value of the subject's Special Complementary Use Area lands is estimated by reference to Sales No. 5, 10, 14, 17, 18, 19, 20 and 21 (Group 3 and 4 Sales). These were analyzed earlier and indicate a unit value range of $7,290 to $30,000 per acre.

Listing No. 19 indicating the high of $30,000 per acre is eliminated from consideration by reason of it being a listing and not a sale.

Sale No. 10 indicating the third high of $9,169 per acre, is eliminated from consideration by reason of the way it was purchased and the motivation of the purchaser. It was discussed in detail earlier in this report.

Sales No. 5, 14, 17 and 18 indicate a consistent $7,290 to $8,212 per acre for Parkway Belt encumbered lands purchased for specific use over the time frame February 1981 to August 1986.

These sales, representative of the consistent value level 1981 to 1986 time frame, are taken to indicate a minimum contibutory value for subject Property No. 1's "Special Complementary Use Area" land of $8,200 per acre.

Sale No. 22 the October 1987 closing of a March 1987 agreement of Purchase and Sale after the condition that it be removed from the Parkway Belt were removed by the purchaser is the most recent and comparable of the sales charted and the only one reflective of the 1987 market. It was discussed at length earlier in this report.

This unconditional sale, adjusted downward to reflect the considerable larger size of subject Property No. 1's "Special Complementary Use Area" component, before the proposed taking, the proximity of the soon to be closed, Burlington Landfill Site and the configuration of those lands is taken to indicate a contributory unit value for such as follows:-

Indicated unit value		= $12,500 per acre
Adjustments Size 10% of $12,500 per acre	= - $1,250	
Configuration and proximity of an active but soon to be closed and rehabilitated landfill site 10% of $12,500 per acre	= - 1,250	= - 2,500 per acre
Indicated contributory value of subject Property No. 1's "Special Complementary Use Area" component before the taking		= $10,000 per acre

The "General Complementary Use Area" component of subject Property No. 1, before the taking, is essentially rear land providing a buffer function in this premise. In estimating the contributory value of this component, I am assisted by Sales No. 4, 9 and 16, being sales of Parkway Belt encumbered lands with little or no frontage, and indicating unit values of $1,747; $2,000 and $2,011 per acre, and Sales No. 7 and 13 being sales of such land with extensive road frontage and indicating unit values of $3,500 and $3,089 per acre. Having regard to the evidence of value provided by these dated sales and the current market, I am of the opinion that the contributory value of subject Property No. 1's, essentially rear, "General Complementary Use Area" land is not less than $3,000 per acre.

The value of subject Property No. 1 before the taking, as encumbered by the Parkway Belt Regulations, without any consideration being given to its potential landfill use, is therefore estimated to be:-

115.668 acres of "Special Complementary Use Area" land @ $10,000 per acre	= $1,156,680
66.845 acres of "General Complementary Use Area" land @ $3,000 per acre	= 200,535
Indicated value of subject Property No. 1, before the taking, as encumbered by the Parkway Belt Regulations	= $1,357,215

$\frac{\$1,357,215}{182.464 \text{ acres}}$ = $7,438 per acre

$\frac{\$1,357,215}{73.843 \text{ hectares}}$ = $18,380 per hectare

Value After the Proposed Taking as Encumbered by The Parkway Belt Regulations

The value of subject Property No. 1, after the proposed taking, as encumbered by the Parkway Belt Regulations, without any consideration being given to its potential landfill use, is estimated to be:-

51.819 acres of "Special Complementary Use Area" and "General Complementary Use Area" land @ $12,500 per acre	= $ 647,738
Less Injurious affection to lands remaining by reason of the proximity of a new active landfill site, say 20% of $647,738	= $ 129,548
Indicated value of subject Property No. 1, after the proposed taking, as encumbered by the Parkway Belt Regulations	= $ 518,190

$\frac{\$ 518,190}{51.819 \text{ acres}}$ = $10,000 per acre

$\frac{\$ 518,190}{20.971 \text{ hectares}}$ = $24,710 per hectare

Loss in Market Value as Encumbered by The Parkway Belt Regulations

The value of the Regional requirement (proposed taking) from subject Property No. 1, as encumbered by the Parkway Belt Regulations, without any consideration being given to its potential landfill use, is estimated to be, on a before and after basis, inclusive of injurious affection to the lands remaining:-

Estimated value of subject Property No. 1, before the proposed taking	=	$ 1,357,215
Less Estimated value of subject Property No. 1, after the proposed taking	=	$ 518,190
Estimated value of the proposed taking (Regional requirement) from subject Property No. 1, inclusive of injurious affection	=	$ 839,025

$\frac{\$\ 839{,}025}{130.645 \text{ acres}}$ = \$6,422 per acre

$\frac{\$\ 839{,}025}{52.872 \text{ hectares}}$ = \$15,869 per hectare

Value of the Taking

Section 14(1) and (3) of the Expropriations Act provides as follows:-

14. - (1) The market value of land expropriated is the amount that the land might be expected to realize if sold in the open market by a willing seller to a willing buyer.

(3) Where only part of the land of an owner is taken and such part is of a size, shape or nature for which there is not general demand or market, the market value and the injurious affection caused by the taking may be determined by determining the market value of the whole of the owner's land and deducting therefrom the market value of the owner's land after the taking. R.S.O. 1970, c. 154, s 14 (1-3).

I interpret these subsections to direct me to appraise the proposed taking, as if it were a separate, distinct and separately saleable parcel of land.

The value of the Regional requirement (proposed taking) from subject Property No. 1, as encumbered by the Parkway Belt Regulations, valued as a separate and distinct parcel, without any consideration being given to its potential landfill use, is estimated to be:-

70.168 acres of "Special Complementary Use Area" land @ $10,000 per acre x 80%	=	$ 561,344
60.477 acres of "General Complementary Use Area" land @ $3,000 per acre	=	181,431
Indicated value of the Regional requirement from subject Property No. 1, as encumbered by the Parkway Belt Regulations	=	$ 742,775

$\frac{\$ 742,775}{130.645 \text{ acres}}$ = $5,685 per acre

$\frac{\$ 742,775}{52.872 \text{ hectares}}$ = $14,049 per hectare

Value Estimates Alternative Use No. 1

Summary and Final Estimate of Section 14 Cost to Region of Regional Requirement from Subject Property No. 1

If the highest and best use of subject Property No. 1 is determined to be as a holding for future development with low coverage, prestige, industrial development as envisaged by Section 6.2.3 q) of the Parkway Belt West Plan, the Section 14 cost to the Region of the Regional requirement (proposed taking) from subject Property No. 1 is estimated to be:-

1)	as encumbered by the Parkway Belt Regulations	= $ 742,775
2)	as encumbered by the Parkway Belt Regulations and inclusive of injurious affection to lands remaining	= $ 839,025

After consideration of the appraisal problem and all of the foregoing, it is my opinion that if the highest and best use of subject Property No. 1 is determined to be as a holding for future development with low coverage, prestige, industrial development as envisaged by Section 6.2.3 q) of the Parkway Belt West Plan, the current market value of the Regional requirement (proposed taking) from subject Property No. 1, inclusive of injurious affection to the lands remaining, or more properly the Section 14 cost to the Region of Halton, to acquire the same in connection with their acquisition of Site F for sanitary landfill purposes is:-

EIGHT HUNDRED AND FORTY THOUSAND DOLLARS

($840,000)

$\frac{\$840,000}{130.645 \text{ acres}} = \$6,430$ per acre

$\frac{\$840,000}{52.872 \text{ hectares}} = \$15,887$ per hectare

The effective date of the value estimate is October 15, 1987.

Subject Property No. 1 - Alternative Use No. 2 and 3

Value of the Regional Requirement from Subject Property No. 1 for Land Fill Use by the Income Approach

If the highest and best use of subject Property No. 1 (N.S.P. lands) is determined to be for landfill use the following approaches to value would provide the best estimate of the Section 14 cost to the Region of acquiring, by expropriation if necessary, the Regional requirement (the proposed taking) from subject Property No 1.

In estimating the value of the Regional requirement from subject Property No. 1 for landfill use, utilizing an income and comparative approaches to value, it is first necessary to:-

1) adopt a capacity and life for same.

   Alternative Use No. 2 adopts the intensity of use and capacity identified by the owner's and their consultants and applied for in their original application for a certificate of approval (Exhibit H-313) prior to the Region's initiative for the purpose of this value estimate.

   Alternative Use No. 3 adopts the intensity of use and capacity identified by the owner's and their consultants and applied in their December 18, 1986, revised application for a certificate of approval (Exhibit H-299) for the purpose of this value estimate.

2) project tipping fees related to the life period adopted and competitive rates in the area.

3) assume the Region's landfill requirement would be satisfied elsewhere in the Region.

4) project costs for developing and operating the site.

5) determine the acreage of land which, as a result of the proposed landfill operation, would be subject to Section 45 of the Environmental Protection Act.

6) project a gross annual income for the subject property related to the foregoing.

7) project fixed and variable operating costs for same.

8) select an appropriate rate at which to discount the subject's resultant net annual income into capital values.

9) add to those capital values the present worth of the reversionary value of the lands making up the Regional requirement from subject Property No. 1, having regard to the area filled, and the effect of Section 45 of the Environmental Protection Act, on value.

10) deduct from those capital values, the initial costs of developing the sanitary landfill operation thereon, installing a clay liner and the present worth of the future costs of expanding the facility as the cells reach capacity.

11) deduct from those capital values, the present worth of the costs of closing the site and rehabilitating same.

12) deduct from those resultant values, the assumed costs of completing the approval process.

I am assisted in the foregoing by:-

1) a design report prepared for National Sewer Pipe Limited, by The Proctor and Redfern Group dated April 1982 and in particular pages 6.4 and 6.5 from Section 6.0 of that report (Exhibit N-590). These pages contain the consultant's estimates of site capacity and life, and the explanatory notes, for Alternative Use 2.

2) the December 18, 1986, revised Aplication for a Certificate of Approval for a Waste Disposal Site (Landfill) (Exhibit H-299).

3) a seven page letter dated June 12, 1987 entitled 'Region of Halton, Revised Cost Estimates, Site "F" prepared for C.N. Watson and Associates Ltd. by Trow Hydrology Consultants, wherein the consultant estimates the costs of developing and operating the facility (Exhibit H-266).

3) a four page letter dated October 20, 1987 entitled "Additional Costing Information for Site F and Site D", prepared for C.N. Watson and Associates Ltd. by Trow Hydrology Consultants, wherein the consultant estimates the costs of providing a clay liner at Site F (Exhibit H-304).

These pages are contained in the Addenda Volume of this report as schedules H, E, I and J.

The size and capacity of N.S.P.'s revised application has, for the purpose of this valuation, been amended by me to reflect the lands actually owned by N.S.P., as the lands covered by the application include 1.876 hectares/4.636 acres of M.G.S. lands (subject Property 2A) and the most southerly 1.185 hectares/2.928 acres of Azova Investment lands (subject Property No. 3).

I have amended both the Trow estimates to reflect the smaller size and capacity of N.S.P.'s original and revised (amended by me) proposal and these amended costs are utilized in this approach to value. The Trow estimates amended by me for this purpose are contained in the Addenda Volume of this report as Schedules L, M, and N.

TIPPING FEES

As the value estimates assume a private operation, competitive fees must be adopted to attract the necessary landfill to fill the site to capacity having regard to the capacity and life projected. The 1986/1987/1988 tipping fee structure for surrounding Regions and private operators is as follows:-

Region or Private Operator	Tipping Fee per tonne 1986	1987	1988
Halton Region	$26.50	$34.50	$59.00
Metro Toronto	$17.25	$18.00	$50.00
Hamilton Wentworth	$24.00	$27.00	$28.60
Peel Region	$19.00	$34.50	n/a
St. Catherines	n/a	$20.50	n/a
Grimsby	n/a	$32.00	$50.00
Walker Bros.	n/a	$26.00	n/a
Steetley Bros.	n/a	$28.00	n/a

Value Estimates Alternative Use 2

1) Assumed 7 year life:-

CAPACITY AND SITE LIFE

Cell No.	Area (Hectares)	Capacity (tonnes)	Years to Complete
1	4.04	191,300	0.96
2	4.52	356,400	1.69
3	3.16	242,900	1.10
4	3.96	493,600	2.12
5	4.93	289,400	1.20
Total	20.61	1,573,600	7.07
	(50.93 acres)	(1,734,950 tons)	

TIPPING FEE

Having regard to the October 15, 1987 value date, competitive tipping fees and the assumed life of 7 years, a tipping fee of $27.00 per ton is selected.

DAVIS, HICKS & O'BRIEN LIMITED

1) Assumed 7 year Life (224,800 tonnes p.a.):-

Projected gross income 224,800 tonnes p.a. @ $27.00/tonne		$6,069,600 p.a.
Less		
Operating costs 224,800 @ $8.00 per tonne	= $1,798,400 p.a.	
Leachate treatment	= $35,000 p.a.	
Contingency operations	= $25,000 p.a.	
Monitoring	= $60,000 p.a.	
Administration/mgmt	= $131,500 p.a.	
Misc. capital costs	= $80,000 p.a.	= $2,129,900 p.a.
Net income before financing and recapture		= $3,939,700 p.a.
Present value of $3,939,700 p.a. paid $328,308 per month for 7.07 years compounded @ 15% (9% rate + 3% risk + 3% profit) per annum paid monthly in arrears P.V. factor = 52.11468		$17,109,687
Add		
Present value of reversionary interest in land in 7.0 years discounted @ 9% p.a.		
Section 45 land 74 acres @ $3,000 per acre =	$222,000	
Special Complementary Use land 56.645 acres @ $10,000 per acre =	$566,450	
	$788,450	
P.V. factor for 7.07 years @ 9%	x 0.5437442	= $428,715
Indicated capital value		=$17,538,402
Less		
Initial site preparation	= $3,822,000	
Initial clay liner costs	= $658,000	
Present value of leachate collection system cell expansion 22.6% of $631,870 x 115% x 115% = $188,856 deferred 0.96 years @ 9% P.V. factor = 0.9205991	= $173,861	

DAVIS, HICKS & O'BRIEN LIMITED

15.3% of $631,870 x 115% x 115% =			
$127,854 deferred 2.65 years @ 9%			
P.V. factor =	0.795829	= $101,750	
19.2% of $631,870 x 115% x 115% =			
$160,444 deferred 3.75 years @ 9%			
P.V. factor =	0.7238534	= $116,138	
23.9% of $631,870 x 115% x 115% =			
$199,720 deferred 5.87 years @ 9%			
P.V. factor =	0.6029849	= $120,428	
Present value of clay liner for cell expansion			
22.6% of $3,358,000 =			
$758,908 deferred 0.96 years @ 9%			
P.V. factor =	0.9205991	= $698,650	
15.3% of $3,358,000 =			
$513,774 deferred 2.65 years @ 9%			
P.V. factor =	0.795829	= $408,876	
19.2% of $3,358,000 =			
$644,736 deferred 3.75 years @ 9%			
P.V. factor =	0.7238534	= $466,694	
23.9% of $3,358,000 =			
$802,562 deferred 5.87 years @ 9%			
P.V. factor =	0.6029849	= $483,933	
Present value of site closure costs =	$1,133,550		
x 115% x 115% =	$1,499,120		
deferred 7.0 years @ 9% p.a.			
P.V. factor =	0.5470342	= $820,070	
Cost to complete approval process, say		= $1,500,000	= $9,370,401

Indicated value of Regional requirement from subject Property No. 1 (N.S.P. lands) based upon N.S.P.'s original application for a certificate of approval for a waste disposal site (landfill) (Exhibit H-313) on a 7 year (short) life basis	= $8,168,001

$8,168,001 / 130.645 acres = $62,521 per acre

$8,168,001 / 52.872 hectares = $154,486 per hectare

Value Estimates Alternative Use No. 2

2) Assumed 15 years life:-

CAPACITY AND SITE LIFE

Cell No.	Area (Hectares)	Capacity (tonnes)	Years to Complete
1	4.04	191,300	1.82
2	4.52	356,400	3.40
3	3.16	242,900	2.32
4	3.96	493,600	4.71
5	4.93	289,400	2.76
Total	20.61	1,573,600	15.01
	(50.93 acres)	(1,734,950 tons)	

TIPPING FEE

With a 15 year life, there is no need to be as competitive and a tipping fee of $34.50 per tonne is selected.

DAVIS, HICKS & O'BRIEN LIMITED

1) Assumed 15 year life (104,907 tonnes p.a.):-

Projected gross income		
104,907 tonnes p.a. @ $34.50/tonne		= $3,619,292 p.a.
Less		
Operating costs		
104,907 @ $8.00 per tonne	= $839,256 p.a.	
Leachate treatment	= $35,000 p.a.	
Contingency operations	= $25,000 p.a.	
Monitoring	= $60,000 p.a.	
Administration/mgmt	= $131,500 p.a.	
Misc. capital costs	= $80,000 p.a.	= $1,170,756 p.a.
Net income before financing and recapture		= $2,448,536 p.a.
Present value of $2,448,536 p.a. paid $204,045 per month for 15.01 years compounded @ 15% (9% rate + 3% risk + 3% profit) per annum paid monthly in arrears		
P.V. factor = 71.46237		$14,581,514
Add		
Present value of reversionary interest in land in 15.01 years discounted @ 9% p.a.		
Section 45 land		
74 acres @ $3,000 per acre	= $222,000	
Special Complementary Use land		
56.645 acres @ $10,000 per acre	= $566,450	
	$788,450	
P.V. factor for 15.01 years @ 9%	x 0.2743016	= $216,273
Indicated capital value		=$14,797,787
Less		
Initial site preparation	=$3,822,000	
Initial clay liner costs	= $658,000	
Present value of leachate collection system cell expansion		
22.6% of $631,870 x 115% x 115% = $188,856 deferred 1.82 years @ 9%		
P.V. factor = 0.8548379	= $161,442	
15.3% of $631,870 x 115% x 115% = $127,854 deferred 5.22 years @ 9%		
P.V. factor = 0.6377254	= $81,536	

19.2% of $631,870 x 115% x 115% =			
$160,444 deferred 7.54 years @ 9%			
P.V. factor =	0.5221607	= $83,778	
23.9% of $631,870 x 115% x 115% =			
$199,720 deferred 12.25 years @ 9%			
P.V. factor =	0.3479569	= $69,494	
Present value of clay liner for cell expansion			
22.6% of $3,358,000 =			
$758,908 deferred 1.82 years @ 9%			
P.V. factor =	0.8548379	= $648,743	
15.3% of $3,358,000 =			
$513,774 deferred 5.22 years @ 9%			
P.V. factor =	0.6377254	= $327,647	
19.2% of $3,358,000 =			
$644,736 deferred 7.54 years @ 9%			
P.V. factor =	0.5221607	= $336,656	
23.9% of $3,358,000 =			
$802,562 deferred 12.25 years @ 9%			
P.V. factor =	0.3479569	= $279,257	
Present value of site closure costs =	$1,133,550		
x 115% x 115% =	$1,499,120		
deferred 15.01 years @ 9% p.a.			
P.V. factor =	0.2743016	= $411,211	
Cost to complete approval process, say		=$1,500,000	= $8,379,763

Indicated value of Regional requirement from subject Property No. 1 (N.S.P. lands) based upon N.S.P.'s original application for a certificate of approval for a waste disposal site (landfill) (Exhibit H-313) on a 15 year (extended) life basis = $6,418,024

$$\frac{\$6,418,024}{130.645 \text{ acres}} = \$49,126 \text{ per acre}$$

$$\frac{\$6,418,024}{52.872 \text{ hectares}} = \$121,388 \text{ per hectare}$$

Value Estimates Alternative Use No. 2

Value for Sanitary Landfill Use by Comparison

In order to estimate the value of subject Property No. 1 for Sanitary landfill purposes, I made a search for such properties and the only arms length sale found of a licenced land fill site, was the acquisition of the Maple Landfill Site by the Municipality of Metropolitan Toronto. The details of this acquisition are as follows:-

Agreement Date - September 1, 1981
Vendor - Superior Sand and Gravel Limited
Purchaser - Municipality of Metropolitan Toronto
Sale price - $38,000,000
Location - N/S Major Mackenzie Road,
west of Dufferin Street,
N/S Teston Road, west of Dufferin Street
Town of Vaughan

Site Size - 245 acre licenced landfill area
100 acres buffer
205 acres clay source

550 acres

Site capacity - $20,000,000 tons
Unit price - $69,091 per acre
- $1.90 per ton

Remarks

Metropolitan Toronto entered into an agreement of purchase and sale to purchase 550 acres from Superior Sand and Gravel Limited for $38,000,000 in September 1981. The purchase was conditional upon provincial approval of the transfer of a dumping licence from Waste Management Inc. to Superior Sand and Gravel Limited and then Metropolitan Toronto.

Restrictive covenants prohibit the development of the adjoining 383 acres extending to Major Mackenzie Drive for 99 years.

The vendors were to meet several other conditions involving sizable capital expenditures, including construction of a barrier seal to prevent leaching from the existing pit north of Teston Road.

Metro anticipated it would have to spend another $29,000,000 in developing the site for their use, including lining the dump site, a purge system, a leachate collection system, odour control, monitoring, landscaping and engineering.

The 550 acres was made up of:-

- 245 acres with a landfill licence for about 20 million tons.

- 100 acres adjoining for buffer

- 205 acres in Arrowdale pit north of Teston Road from which clay will be removed to form a liner for the dump site.

Norm Goodhead, the president of the various companies involved in the Vaughan-Maple landfill site, estimated that the hearing process, as at June 1978, had cost his firm somewhere in the area of $2,000,000. In order to be compared with subject, the sale and resultant unit price must be adjusted for the completed approval process, as well as the different reversionary values of the two sites.

The capacity of this site on an acreage basis is:-

$$\frac{20{,}000{,}000 \text{ tons}}{550 \text{ acres}} = 36{,}364 \text{ tons per acre}$$

The capacity of the proposed landfill use of subject Property No. 1 was estimated by N.S.P.'s consultants, in their original application (Exhibit H-313) to be:-

$$\frac{1{,}734{,}950 \text{ tons}}{182.464 \text{ acres}} = 9{,}508 \text{ tons per acre}$$

The relevant unit of comparison is therefore the unit price per ton of capacity and not the price per acre.

Sale price=$38,000,000

<u>Less</u>

Reported cost of completed approval process	= $2,000,000	
Reversionary value of site Present value of 550 acres @ $2,500 per acre = $1,375,000 discounted for 20 years @ 9% (P.V. factor = 0.1784309)	= 245,342	2,245,342
Adjusted sale price	=	$35,754,658

$$\frac{\$35{,}754{,}658}{20{,}000{,}000 \text{ tons}} = \$1.788 \text{ per ton}$$

Value Estimates Alternative Use 3

1) Assumed short life (224,800 tonnes p.a.):-

CAPACITY AND SITE LIFE

Cell No.	Area (Hectares)	Capacity (tonnes)	Years to Complete
1	4.04	191,300	0.85
2	4.52	474,600	2.11
3	2.53	194,320	0.86
4	3.09	324,500	1.44
5	6.70	703,500	3.13
6	6.00	628,100	2.79
7	9.00	675,100	3.00
Total	35.88	3,191,420	14.18

TIPPING FEE

Having regard to the October 15, 1987 value date, competitive tipping fees, the fill rate and the assumed short life of 14.18 years, a tipping fee of $27.00 per ton is selected.

DAVIS, HICKS & O'BRIEN LIMITED

1) Assumed short life (224,800 tonnes p.a.):-

Projected gross income 224,800 tonnes p.a. @ $27.00/tonne		= $6,069,600 p.a.
Less		
Operating costs 224,800 @ $8.00 per tonne	=$1,798,400 p.a.	
Leachate treatment	= $35,000 p.a.	
Contingency operations	= $25,000 p.a.	
Monitoring	= $60,000 p.a.	
Administration/mgmt	= $131,500 p.a.	
Misc. capital costs	= $80,000 p.a.	= $2,129,900 p.a.
Net income before financing and recapture		= $3,939,700 p.a.
Present value of $3,939,700 p.a. paid $328,308 per month for 14.2 years compounded @ 15% (9% rate + 3% risk + 3% profit) per annum paid monthly in arrears P.V. factor = 70.36666		$23,101,963
Add		
Present value of reversionary interest in land in 14.2 years discounted @ 9% p.a.		
Section 45 land 115 acres @ $3,000 per acre =	$345,000	
Special Complementary Use land 67.464 acres @ $10,000 per acre =	$674,640	
T-MR1 land 6.544 acres @ $18,750 per acre =	$122,700	
	$1,142,340	
P.V. factor for 14.2 years @ 9%	x 0.294133	= $336,000
Indicated capital value		=$23,437,963
Less		
Initial site preparation	=$3,822,000	
Initial clay liner costs	= $658,000	
Present value of leachate collection system cell expansion 12.6% of $887,385 x 115% x 115% = $147,869 deferred 0.85 years @ 9% P.V. factor = 0.9293675	= $137,425	

DAVIS, HICKS & O'BRIEN LIMITED

7.1% of $887,385 x 115% x 115% = $83,323 deferred 2.96 years @ 9%			
P.V. factor =	0.7748499	= $64,563	
8.6% of $887,385 x 115% x 115% = $100,927 deferred 3.82 years @ 9%			
P.V. factor =	0.7195	= $72,617	
18.6% of $887,385 x 115% x 115% = $218,283 deferred 5.26 years @ 9%			
P.V. factor =	0.6355308	= $138,726	
16.7% of $887,385 x 115% x 115% = $195,986 deferred 8.39 years @ 9%			
P.V. factor =	0.4852792	= $95,108	
25.1% of $887,385 x 115% x 115% = $294,565 deferred 11.18 years @ 9%			
P.V. factor =	0.3815678	= $112,397	
Present value of clay liner for cell expansion			
12.6% of $5,846,000 = $736,596 deferred 0.85 years @ 9%			
P.V. factor =	0.9293675	= $684,568	
7.1% of $5,846,000 = $415,066 deferred 2.96 years @ 9%			
P.V. factor =	0.7748499	= $321,614	
8.6% of $5,846,000 = $502,756 deferred 3.82 years @ 9%			
P.V. factor =	0.7195	= $361,733	
18.6% of $5,846,000 = $1,087,356 deferred 5.26 years @ 9%			
P.V. factor =	0.6355308	= $691,048	
16.7% of $5,846,000 = $976,282 deferred 8.39 years @ 9%			
P.V. factor =	0.4852792	= $473,769	
25.1% of $5,846,000 = $1,467,346 deferred 11.18 years @ 9%			
P.V. factor =	0.3815678	= $559,892	
Present value of site closure costs =	$1,973,400		
x 115% x 115% =	$2,609,822		
deferred 14.2 years @ 9% p.a.			
P.V. factor =	0.294133	= $767,635	
Cost to complete approval process, say		=$1,500,000	=$10,461,094
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Indicated value of National Sewer Pipe's revised Sanitary Landfill application inclusive of the lands remaining (20.971 hectares/51.819 acres) and the T-MR1 North Service Road frontage lands (2.648 hectares/6.544 acres) =$12,976,869

DAVIS, HICKS & O'BRIEN LIMITED

Less

Value of 51.819 acres of lands remaining for Special Complementary Parkway Belt Use @ $12,500 per acre	= $647,738	
Value of 6.544 acres of T-MR1 North Service Road frontage lands @ $12,500 per acre x 150%	= $122,700	= $770,438
Indicated value of Regional requirement from subject Property No. 1 (N.S.P. lands) based upon their revised application for a certificate of approval for a waste disposal site (landfill) (Exhibit H-299) amended to reflect only lands owned by N.S.P.		=$12,206,431

$$\frac{\$12,206,431}{130.645 \text{ acres}} = \$93,432 \text{ per acre}$$

$$\frac{\$12,206,431}{52.872 \text{ hectares}} = \$230,868 \text{ per hectare}$$

Value Estimates Alternative Use No. 3

2) Assumed extended life (104,907 tonnes p.a.):-

CAPACITY AND SITE LIFE

Cell No.	Area (Hectares)	Capacity (tonnes)	Years to Complete
1	4.04	191,300	1.82
2	4.52	474,600	4.52
3	2.53	194,320	1.85
4	3.09	324,500	3.09
5	6.70	703,500	6.71
6	6.00	628,100	5.99
7	9.00	675,100	6.44
Total	35.88	3,191,420	30.42

TIPPING FEE

With the fill rate adopted and the extended 30.42 year life, there is no need to be as competitive and a tipping fee of $34.50 per tonne is selected.

DAVIS, HICKS & O'BRIEN LIMITED

1) Assumed extended life (104,907 tonnes p.a.):-

Projected gross income 104,907 tonnes p.a. @ \$34.50/tonne		= \$3,619,292 p.a.
Less		
Operating costs 104,907 @ \$8.00 per tonne	= \$839,256 p.a.	
Leachate treatment	= \$35,000 p.a.	
Contingency operations	= \$25,000 p.a.	
Monitoring	= \$60,000 p.a.	
Administration/mgmt	= \$131,500 p.a.	
Misc. capital costs	= \$80,000 p.a.	= \$1,170,756 p.a.
Net income before financing and recapture		= \$2,448,536 p.a.

Present value of \$2,448,536 p.a. paid
\$204,045 per month for 30.42 years compounded
@ 15% (9% rate + 3% risk + 3% profit) per
annum paid monthly in arrears

P.V. factor = 79.14160		\$16,148,419
Add		
Present value of reversionary interest in land in 30.42 years discounted @ 9% p.a.		
Section 45 land 115 acres @ \$3,000 per acre	= \$345,000	
Special Complementary Use land 67.464 acres @ \$10,000 per acre	= \$674,640	
T-MR1 land 6.544 acres @ \$18,750 per acre	= \$122,700	
	\$1,142,340	
P.V. factor for 30.42 years @ 9%	x 0.0726919	= \$83,039
Indicated capital value		=\$16,231,458
Less		
Initial site preparation	=\$3,822,000	
Initial clay liner costs	= \$658,000	
Present value of leachate collection system cell expansion 12.6% of \$887,385 x 115% x 115% = \$147,869 deferred 1.82 years @ 9% P.V. factor = 0.8548379	= \$126,404	

7.1% of $887,385 x 115% x 115% = $83,323 deferred 6.34 years @ 9%			
P.V. factor =	0.5790499	= $48,248	
8.6% of $887,385 x 115% x 115% = $100,927 deferred 8.19 years @ 9%			
P.V. factor =	0.4937157	= $49,829	
18.6% of $887,385 x 115% x 115% = $218,283 deferred 11.28 years @ 9%			
P.V. factor =	0.3782937	= $82,575	
16.7% of $887,385 x 115% x 115% = $195,986 deferred 17.99 years @ 9%			
P.V. factor =	0.2121765	= $41,584	
25.1% of $887,385 x 115% x 115% = $294,565 deferred 23.98 years @ 9%			
P.V. factor =	0.126623	= $37,299	
Present value of clay liner for cell expansion			
12.6% of $5,846,000 = $736,596 deferred 1.82 years @ 9%			
P.V. factor =	0.8548379	= $629,670	
7.1% of $5,846,000 = $415,066 deferred 6.34 years @ 9%			
P.V. factor =	0.5790499	= $240,344	
8.6% of $5,846,000 = $502,756 deferred 8.19 years @ 9%			
P.V. factor =	0.4937157	= $248,219	
18.6% of $5,846,000 = $1,087,356 deferred 11.28 years @ 9%			
P.V. factor =	0.3782937	= $411,340	
16.7% of $5,846,000 = $976,282 deferred 17.99 years @ 9%			
P.V. factor =	0.2121765	= $207,144	
25.1% of $5,846,000 = $1,467,346 deferred 23.98 years @ 9%			
P.V. factor =	0.126623	= $185,800	
Present value of site closure costs =	$1,973,400		
x 115% x 115% =	$2,609,822		
deferred 30.42 years @ 9% p.a.			
P.V. factor =	0.0726919	= $189,713	
Cost to complete approval process, say		=$1,500,000	= $8,478,169

Indicated value of National Sewer Pipe's revised Sanitary Landfill application inclusive of the lands remaining (20.971 hectares/51.819 acres) and the T-MR1 North Service Road frontage lands (2.648 hectares/6.544 acres)	= $7,753,289

Less

Value of 51.819 acres of lands remaining for Special Complementary Parkway Belt Use @ $12,500 per acre	= $647,738	
Value of 6.544 acres of T-MR1 North Service Road frontage lands @ $12,500 per acre x 150%	= $122,700	= $770,438
Indicated value of Regional requirement from subject Property No. 1 (N.S.P. lands) based upon their revised application for a certificate of approval for a waste disposal site (landfill) (Exhibit H-299) amended to reflect only lands owned by N.S.P. on an extended life basis		= $6,982,852

$$\frac{\$6,982,852}{130.645 \text{ acres}} = \$53,449 \text{ per acre}$$

$$\frac{\$6,982,852}{52.872 \text{ hectares}} = \$132,071 \text{ per hectare}$$

Value Estimates Alternative Use No. 3

Value for Sanitary Landfill Use by Comparison

In order to estimate the value of subject Property No. 1 for Sanitary landfill purposes, I made a search for such properties and the only arms length sale found of a licenced land fill site, was the acquisition of the Maple Landfill Site by the Municipality of Metropolitan Toronto. The details of this acquisition are as follows:-

Agreement Date - September 1, 1981
Vendor - Superior Sand and Gravel Limited
Purchaser - Municipality of Metropolitan Toronto
Sale price - $38,000,000
Location - N/S Major Mackenzie Road,
west of Dufferin Street,
N/S Teston Road, west of Dufferin Street
Town of Vaughan

Site Size - 245 acre licenced landfill area
100 acres buffer
205 acres clay source

550 acres

Site capacity - $20,000,000 tons
Unit price - $69,091 per acre
- $1.90 per ton

Remarks

Metropolitan Toronto entered into an agreement of purchase and sale to purchase 550 acres from Superior Sand and Gravel Limited for $38,000,000 in September 1981. The purchase was conditional upon provincial approval of the transfer of a dumping licence from Waste Management Inc. to Superior Sand and Gravel Limited and then Metropolitan Toronto.

Restrictive covenants prohibit the development of the adjoining 383 acres extending to Major Mackenzie Drive for 99 years.

The vendors were to meet several other conditions involving sizable capital expenditures, including construction of a barrier seal to prevent leaching from the existing pit north of Teston Road.

Metro anticipated it would have to spend another $29,000,000 in developing the site for their use, including lining the dump site, a purge system, a leachate collection system, odour control, monitoring, landscaping and engineering.

The 550 acres was made up of:-

- 245 acres with a landfill licence for about 20 million tons.
- 100 acres adjoining for buffer
- 205 acres in Arrowdale pit north of Teston Road from which clay will be removed to form a liner for the dump site.

Norm Goodhead, the president of the various companies involved in the Vaughan-Maple landfill site, estimated that the hearing process, as at June 1978, had cost his firm somewhere in the area of $2,000,000. In order to be compared with subject, the sale and resultant unit price must be adjusted for the completed approval process, as well as the different reversionary values of the two sites.

The capacity of this site on an acreage basis is:-

$$\frac{20{,}000{,}000 \text{ tons}}{550 \text{ acres}} = 36{,}364 \text{ tons per acre}$$

The capacity of the proposed landfill use of subject Property No. 1 was estimated by N.S.P.'s consultants in their revised application (Exhibit H-299) as amended by me to reflect the lands actually owned by N.S.P., to be:-

$$\frac{3{,}191{,}420 \text{ tons}}{182.464 \text{ acres}} = 17{,}491 \text{ tons per acre,}$$

The relevant unit of comparison is therefore the unit price per ton of capacity and not the price per acre.

Sale price		= $38,000,000
Less		
Reported cost of completed approval process	= $2,000,000	
Reversionary value of site Present value of 550 acres @ $2,500 per acre = $1,375,000 discounted for 20 years @ 9% (P.V. factor = 0.1784309)	= 245,342	2,245,342
Adjusted sale price		= $35,754,658

$$\frac{\$35{,}754{,}658}{20{,}000{,}000 \text{ tons}} = \$1.788 \text{ per ton}$$

3,191,420 tons of capacity in subject Property No. 1 @ $1.788 per ton			=	$5,706,259
<u>Add</u>				
Time adjustment (utilizing 1987 and 1981 tipping fees) $\frac{\$18.00/\$10.42}{\$10.42}$ = + 72.7%	=	$4,148,450		
Assumed cost of approval process to date	=	500,000		
Present value of reversionary interest in site in 30.42 years discounted @ 9% p.a. (as estimated earlier)	=	<u>83,039</u>	=	<u>4,731,489</u>
				$10,437,748
<u>Less</u>				
Value of 51.819 acres of lands remaining not included in proposed taking @ $12,500 per acre	=	$647,738		
Value of 6.544 acres of T-MR1 land in above but not in the proposed taking @$12,500 per acre x 150%	=	<u>122,700</u>	=	<u>$ 770,438</u>
Estimated value of the Regional requirement from subject Property No. 1 for sanitary landfill use by the comparative or market data approach			=	<u>$9,667,310</u>

$\frac{\$9,667,310}{130.645 \text{ acres}}$ = $73,997per acre

$\frac{\$9,667,310}{52.872 \text{ hectare}}$ = $182,844 per hectare

Value Estimates Alternative Use No. 3

Summary and Final Estimate of Section 14 Cost to Region of Regional Requirement from Subject Property No. 1

If the highest and best use of subject Property No. 1 is determined to be for landfill use, with the size and capacity identified and applied for by the owners and their consultants in their revised application for a certificate of approval for a waste disposal site (landfill) (Exhibit H-299), the value of the Regional requirement (proposed taking) from subject Property No. 1 is estimated to be:-

1) for sanitary landfill by the income approach

   a) assuming a 7 year life = $12,206,431
   b) assuming a 15 year life = $ 6,982,852

2) for sanitary landfill use by comparison = $ 9,667,310

The various assumptions made and approaches to value utilized, indicate a value range from a low of $6,983,000 to a high of $12,206,000.

The income approach indicates a value range for subject Property No. 1 of $6,983,000 to $12,206,000.

The comparative or market data approach indicates a value for subject Property No. 1 of $9,667,000.

The median of $9,667,000 is based upon a six year old sale of a licenced sanitary land fill site adjusted upwards for time and major differences.

The high of $12,206,000 is based upon an income approach, which assumed a short 14.2 year life for the site which was dependent upon receiving 100% of the Region's land fill (as estimated by N.S.P.'s consultants in April 1982 - Exhibit N-590) over that 14.2 year period.

The low value of $6,448,000 was based upon an income approach which assumed an extended life of 30.42 years.

All of these values were based upon a sanitary land fill use of the Regional requirement (proposed taking) from subject Property No. 1 and assume approval and licencing for such use is in place, but are after deduction of the assumed costs to complete the approval process.

If the highest and best use of subject Property No. 1 is determined to be for landfill use, with the size and capacity identified and applied for by the owners and their consultants in their revised application for a certificate of approval for a waste disposal site (landfill) (Exhibit H-299), it is my opinion that the October 15,1987 market value of the Regional requirement (proposed taking) from subject Property No. 1, or more properly the Section 14 cost to the Region of Halton, to acquire the same in connection with their acquisition of Site F for sanitary landfill purposes is:-

NINE MILLION SEVEN HUNDRED THOUSAND DOLLARS

($9,700,000)

$\frac{\$9,700,000}{130.645 \text{ acres}}$ = \$74,247 per acre

$\frac{\$9,700,000}{52.872 \text{ hectares}}$ = \$183,462 per hectare

VALUE ESTIMATE (PROPERTY NO. 2 & 2A)

M.G.S. lands

Subject Properties No. 2 and 2A consist of two triangular shaped parcels of Parkway Belt encumbered "Utility Corridor and General Complementary Use Area" land. They contain 0.819 hectares/2.024 acres and 1.057 hectares/2.612 acres respectively, for a total of 1.876 hectares/4.636 acres. Subject Property No. 2 has 36.488 meters/119.71 feet of frontage on King Road. Subject Property No. 2A is landlocked.

In estimating the market value of subject Properties No. 2 and 2A, I am assisted by Sales No. 2, 4, 7, 9, 13 and 16 on Chart A. They have already been discussed in detail earlier in the report.

Sale No. 2 is included in this grouping as subject Properties No. 2 and 2A formed part of this December 1978 acquisition by the Ministry of Government Services of 118.636 acres of Parkway Belt encumbered land at a unit cost of $5,500 per acre. This purchase was made under the Parkway Belt acquisition programme policy of paying the June 3, 1973 market value of the property, as unencumbered by the Parkway Belt Regulations or the current market value of same as encumbered by those Regulations, whichever was the greater. I am advised that this acquisition was based on its June 1973, unencumbered value. This December 1973 acquisition of subject Properties No. 2 and 2A, is therefore not considered relevant to a current valuation of same, as encumbered by the Parkway Belt Regulations.

The balance of the significant sales indicate as follows:-

Sale No.	Date	No. of Acres	Unit Price Per Acre	Unit Price Per Hectare
4	3/80	140.141	$1,747	$4,318
7	10/81	37.535	$3,500	$8,649
9	3/82	46.155	$2,000	$4,942
13	4/83	22.66	$3,089	$7,634
16	7/86	0.348	$2,011	$4,965

The significant sales indicate a unit value range of $1,747 to $3,500 per acre over the time frame March 1980 to July 1986. Having regard to their size, shape, location, encumbering easements and road frontage or lack thereof, it is my opinion that the current market or contributory value of subject Properties No. 2 and 2A is:-

<u>Property No. 2</u> (frontage land)		
2.024 acres @ $3,500 per acres	=	$ 7,084
<u>Property No. 2A</u> (rear land)		
2.612 acres @ $2,000 per acre	=	5,224
		$12,308

Rounded out to:-

TWELVE THOUSAND THREE HUNDRED DOLLARS

($12,300)

$\frac{\$12,300}{4.636 \text{ acres}} = \$2,653$ per acre

$\frac{\$12,300}{1.876 \text{ hectares}} = \$6,557$ per hectare

The effective date of the value estimate is October 15, 1987.

VALUE ESTIMATE (PROPERTY NO. 3)

Azova Investments Limited property

Subject Property No. 3 consists of 21.406 hectares/52.894 acres of "General Complementary Use Area" land encumbered by the Parkway Belt Regulations. It has 476.113 meters/1,562 feet of frontage on King Road and its highest and best use was estimated to be for rural residential country estate or hobby farm use. Its value for such uses is not thought to be diminished by the soon to close, abutting active landfill use.

The Region's requirement from subject Property No. 3 for "Site F" is the southerly 13.129 hectares/32.441 acres of the site, with 277.115 meters/909.17 feet of frontage on King Road, being mainly agricultural land in a state of succession.

The lands remaining, after the proposed taking, consists of the northerly 8.277 hectares/20.452 acres of the site with 199.998 meters/656.16 feet of frontage on King Road. The lands remaining contain a former home site, an orchard, open fields associated with the former home site and woodlands associated with 3 creeks or watercourses, which rise on the lands to the north and east. It is the most desirable portion of the site for rural residential development.

The highest and best use of the lands remaining, after the proposed taking, are for rural residential, country estate and/or hobby farm use. The value of the lands remaining for such use will, in my opinion, be diminished by the proposed landfill use of "Site F" to the south in spite of the buffer provided.

Value Before the Proposed Taking

In estimating the current value of the subject property, before the proposed taking, as encumbered by the Parkway Belt Regulations, I am assisted by Sales No. 4, 7, 9 and 13.

Sale No. 4, indicating the low value of $1,747 per acre, is the March 1980 acquisition of a 140.141 acre parcel of Parkway Belt encumbered land being mostly rear land with access from Snake Road via a narrow access strip and lying at the north end of the Lemonville Road. The parcel is mostly designated "Public Open Space and Buffer Area" associated with the Grindstone Creek Valley. The tableland portions of the site are designated "General Complementary Use Area".

This sale indicates a value in excess of $1,747 per acre for the smaller subject property, with its extensive King Road frontage.

Sale No. 9 is the March 1982 sale of a 46.155 acre parcel of "Public Open Space and Buffer Area" Parkway Belt encumbered land at a unit price of $2,000 per acre. The parcel has very limited frontage on Snake Road, is split into two parcels by the C.P.R. line, is wooded and contains two creeks rising in the escarpment area to the north and running southerly in well defined valleys. The site is subject to an easement in favour of Ontario Hydro over the south 100 feet (2.850 acres) of the site.

This sale of more restrictive Parkway Belt encumbered land, with its limited frontage, split nature and encumbering easement, indicates a value in excess of $2,000 per acre for subject Property No. 1 before the taking.

Sale No. 7 is the October 1981 sale of a 37.535 acre parcel of vacant "Special and General Complementary Use Area" land with extensive frontage on Old York Road. It was discussed in detail earlier in this report, is thought to compare favorably and is taken to indicate a value of slightly less than $3,500 per acre, as at October 1981, for subject Property No. 3 before the taking.

Sale No. 13 is the April 1983 sale of 22.6 acres of vacant, "General Complementary Use Area" land with extensive frontage on Snake Road. It indicates a unit value of $3,089 per acre for subject Property No. 3, as at April 3, 1983.

Having regard to the evidence provided by these significant sales, the soon to close, abutting active landfill use, and the dated nature of Sales No. 4, 7, 9, and 13, it is my opinion that the current market value of subject Property No. 3, before the proposed taking, is not less than $3,500 per acre value trended up from say mid 1986 to October 1987 utilizing the lesser of the time trend indicated Sales No. 18 and 21 and Toronto Real Estate Board "all properties" statistics.

Sales No. 18 and 21 indicate an increase between the static 1981/1986 and peak 1987 market of:-

$$\frac{\$12,500 - \$7,290}{\$7,290} = 71.5\%$$

Toronto Real Estate Board "all properties" statistics indicate an increase between the mid 1986 and October 1987 market of:-

$$\frac{\$207,910 - \$149,054}{\$149,054} = 39.5\%$$

It is therefore my opinion that the October 15, 1987 market value of subject Property No. 3 before the proposed taking is, not less than:-

52.894 acres @ $3,500 per acre x 139.5% = $258,255

Rounded out to:-

TWO HUNDRED AND SIXTY THOUSAND DOLLARS

($260,000)

$$\frac{\$260,000}{52.894 \text{ acres}} = \$4,915 \text{ per acre}$$

$$\frac{\$260,000}{21.406 \text{ hectares}} = \$12,146 \text{ per hectare}$$

Value after the Proposed Taking

In estimating the value of subject Property No. 3, after the proposed taking, as encumbered by the Parkway Belt Regulations, I am assisted by Sales No. 11, 13 and 15.

Sale No. 13, the April 1983 sale of a 22.6 acre parcel of vacant "General Complementary Use Area" land with a creek and woods, indicates a value in excess of $3,089 per acre for the smaller (17.023 acres) subject Property No. 3, after the proposed taking. However, it can also be interpreted as indicating a value of $70,000 for a rural residential site.

Sales No. 11 and 15 are the May 1982 and January 1986 sale and resale of a 14.66 acre parcel of vacant "Special and General Complementary Use Area" land on the north side of Old York Road at unit prices of $5,547 and $5,798 per acre respectively. More importantly they indicate values of $80,000 and $85,000 per rural residential site. The reported conditional sale of the vacant north half of Sale No. 12 (about 10.5 acres) indicates a $90,000 rural residential site value.

The significant sales of 10.3 to 22.6 acre rural residential sites encumbered by the Parkway Belt Regulations, are therefore taken to indicate a value range of $70,000 to $90,000 per rural residential site and having regard to the dated nature of these sales, size, amenities, features, the abutting active landfill use, and the current market, I am of the opinion that the mid 1986 market value of subject Property No. 3, after the taking, lies at the upper end of the upper range of $85,000 to $90,000 per rural residential site, indicated. This indication must be adjusted upwards to reflect the effect of the 1987 market on value and again the lesser of the market increase indicated by Sales No. 18 and 21 and the Toronto Real Estate Board "all properties" statistics is utilized.

Having regard to the foregoing, it is my opinion that the market value of the subject Property No. 3, after the taking is:-

$90,000 x 139.5%	= $125,550
<u>Less</u>	
Diminition in value attributable to proposed active land fill use of abutting Site F 20% x $125,550	= <u>$ 25,110</u>
Indicated value of subject Property No. 3 after the proposed taking	= <u>$100,440</u>

Rounded out to:-

ONE HUNDRED THOUSAND DOLLARS

($100,000)

$\frac{\$100,000}{20.452 \text{ acres}}$ = $4,889 per acre

$\frac{\$100,000}{8.277 \text{ hectares}}$ = $12,082 per hectare

Loss in Market Value

The value of subject Property No. 3 was estimated to be:-

1) before the proposed taking	=	$260,000
2) after the proposed taking	=	$100,000
The loss in market value to subject Property No. 3, inclusive of injurious affection to the lands remaining by reason of the proposed taking is therefore estimated to be	=	$160,000

$$\frac{\$160{,}000}{32.441 \text{ acres}} = \$4{,}932 \text{ per acre}$$

$$\frac{\$160{,}000}{13.129 \text{ hectares}} = \$12{,}187 \text{ per hectare}$$

Value of the Taking

Section 14(1) and (3) of the Expropriations Act provides as follows:-

14. - (1) The market value of land expropriated is the amount that the land might be expected to realize if sold in the open market by a willing seller to a willing buyer.

(3) Where only part of the land of an owner is taken and such part is of a size, shape or nature for which there is not general demand or market, the market value and the injurious affection caused by the taking may be determined by determining the market value of the whole of the owner's land and deducting therefrom the market value of the owner's land after the taking. R.S.O. 1970, c. 154, s 14 (1-3).

I interpret these subsections to direct me to appraise the proposed taking, as if it were a separate, distinct and separately saleable parcel of land. In estimating the market value of the proposed 35.870 acre taking from subject Property No. 3 as a separate, distinct and separately saleable parcel of vacant, Parkway Belt encumbered land, I am again assisted by Sales No. 7, 9 and 13, on Chart A. They have already been discussed in detail earlier in this report and in this section of the report. Recharting them according to size, indicates unit values as follows:-

Sale No.	Date	No. of Acres	Sale Price	Unit Price Per Acre	Per Hectare
13	4/83	22.66	$ 70,000	$3,089	$7,634
7	2/81	37.535	$131,372	$3,500	$8,649
9	3/82	46.155	$ 92,310	$2,000	$4,942

Consideration of the size, configuration, amenities, topography, road frontage of these sales and the proposed taking from subject Property No. 3 and the soon to close, active landfill use of the abutting lands, a unit value of $3,500 is selected to refelect the mid 1986 base value of the proposed taking from subject Property No. 3. This indication must be adjusted upwards to reflect the the effect of the 1987 market on value. Again, the lesser of the market increase indicated by Sales No. 18 and 21 and the Toronto Real Estate Board "all properties" statistics is utilized for time trending purposes.

Having regard to the foregoing, it is my opinion that the market value of the proposed taking (Regional requirement) from subject Property No. 3, is:-

32.441 acres @ $3,500 per acre x 139.5% = $158,393

Rounded out to:-

ONE HUNDRED AND FIFTY-EIGHT THOUSAND DOLLARS

($158,000)

$\frac{\$158,000}{32.441 \text{ acres}}$ = $4,870 per acre

$\frac{\$158,000}{13.129 \text{ hectares}}$ = $12,034 per hectare

Injurious Affection to Lands Remaining

The market value of the lands remaining was estimated earlier in this report to be $100,000 after deducting $25,000 or 20% of diminition in value attributable to the proposed active landfill use of abutting Site F.

The basis for the 20% loss in value was a study completed by me, of the effect on value of Metropolitan Toronto's Beare Road Sanitary Landfill Site on surrounding residential property.

Having regard to this study, it is my opinion that the lands remaining to the owner's of subject Property No. 3 will be suffer a loss in value (injurious affection) by reason of the proposed sanitary land use of the subject and other lands taken for Site F, of:-

TWENTY FIVE THOUSAND DOLLARS

($25,000)

Summary and Final Estimate of Value of the Proposed Taking From Subject Property No. 3

The loss in market value to subject Property No. 3 by reason of the proposed taking, inclusive of injurious affection, utilizing a before and after approach, was estimated to be $160,000 being at the rate of $4,932 per acre or $12,187 per hectare taken.

The current market value of the proposed taking from subject Property No. 3 was estimated to be $158,000, being at the rate of $4,870 per acre or $12,034 per hectare taken, based on the direction provided by Sections 14 (1) and (3) of the Expropriations Act.

Injurious affection to the lands remaining, by reason of the proposed active landfill use of abutting Site F, was estimated to be $25,000.

Having regard to all of the foregoing, it is my opinion that the Section 14 cost of the Regional requirement (proposed taking) for Site F from subject Property No. 3, inclusive of the market value of the proposed taking and injurious affection to the lands remaining is:-

ONE HUNDRED AND EIGHTY-THREE THOUSAND DOLLARS

($183,000)

$\frac{\$183{,}000}{32.441 \text{ acres}}$ = $5,641 per acre more or less

$\frac{\$183{,}000}{13.129 \text{ hectares}}$ = $13,939 per hectare

The loss in value is apportioned between the lands taken and injurious affection to the lands remaining as follows:-

Proposed taking (Regional requirement) 32.441 acres @ $4,870 per acre (rounded)	= $158,000
Injurious affection to the lands remaining	= $ 25,000
	$183,000

The effective date of the value estimates is October 15, 1987.

SUMMARY AND FINAL ESTIMATE OF SECTION 14 COST RANGE TO THE REGION TO ACQUIRE SITE F

The Section 14 cost to the Region of acquiring Site F by expropriation ranges from a low of $1,035,300 to a high of $9,895,300 and it's ultimate cost is dependent upon the final determination of the highest and best use of subject Property No. 1 (the N.S.P. lands).

The Section 14 cost to the Region to acquire Site F dependent upon the ultimate determination of subject Property No. 1's (the N.S.P. lands) have been estimated by me, as follows:-

Alternative No.1

If the highest and best use of subject Property No. 1 is determined to be as a holding for future development with low coverage, prestige, industrial development as envisaged by Section 6.2.3 q) of the Parkway Belt West Plan, it is my opinion that the Section 14 cost to the Region to acquire Site F, inclusive of injurious affection resulting from the proposed use of the subject site to the lands remaining but exclusive of that to properties in proximity, the value of lands within the requirement already owned by them, relocation allowances, legal and appraisal costs is:-

ONE MILLION AND THIRTY-FIVE THOUSAND THREE HUNDRED DOLLARS

($1,035,300)

which is apportioned amongst the properties making up Site F as follows:-

Property No.	Owner	No. of Acres	Partial Taking	Section 14 Value
1	National Sewer Pipe Limited	130.645	yes	$840,000
2	Ministry of Government Services	2.024	-	7,080
2A	Ministry of Government Services	2.611	-	5,220
3	Azova Investments Limited	32.441	yes	183,000
4	Region of Halton	16.196	-	N/A
	Estimated cost to the Region to acquire Site F	183.917		$1,035,300

$$\frac{\$1{,}035{,}300}{183.917 \text{ acres}} = \$5{,}629 \text{ per acre}$$

$$\frac{\$1{,}035{,}300}{74.431 \text{ hectares}} = \$13{,}910 \text{ per hectare}$$

The effective date of the value estimates is October 15, 1987.

Alternative No.2

If the highest and best use of subject Property No. 1 is determined to be for landfill use, but is restricted in size and capacity to that identified and applied for by the owners and their consultants in their original application for a certificate of approval for a waste disposal site (landfill) (Exhibit H-313), it is my opinion that the Section 14 cost to the Region to acquire Site F, inclusive of injurious affection resulting from the proposed use of the subject site to the lands remaining but exclusive of that to properties in proximity, the value of lands within the requirement already owned by them, relocation allowances, legal and appraisal costs is:-

SEVEN MILLION ONE HUNDRED AND NINETY-FIVE THOUSAND THREE HUNDRED DOLLARS

($7,195,300)

which is apportioned amongst the properties making up Site F as follows:-

Property No.	Owner	No. of Acres	Partial Taking	Section 14 Value
1	National Sewer Pipe Limited	130.645	yes	$7,000,000
2	Ministry of Government Services	2.024	-	7,080
2A	Ministry of Government Services	2.611	-	5,220
3	Azova Investments Limited	32.441	yes	183,000
4	Region of Halton	16.196	-	N/A
	Estimated cost to the Region to acquire Site F	183.917		$7,195,300

$$\frac{\$7,195,300}{183.917 \text{ acres}} = \$39,123 \text{ per acre}$$

$$\frac{\$7,195,300}{74.431 \text{ hectares}} = \$96,671 \text{ per hectare}$$

The effective date of the value estimates is October 15, 1987.

Alternative No.3

If the highest and best use of subject Property No. 1 is determined to be for landfill use, with the size and capacity identified and applied for by the owners and their consultants in their revised application for a certificate of approval for a waste disposal site (landfill) (Exhibit H-299), it is my opinion that the Section 14 cost to the Region to acquire Site F, inclusive of injurious affection resulting from the proposed use of the subject site to the lands remaining but exclusive of that to properties in proximity, the value of lands within the requirement already owned by them, relocation allowances, legal and appraisal costs is:-

NINE MILLION EIGHT HUNDRED AND NINETY-FIVE THOUSAND THREE HUNDRED DOLLARS

($9,895,300)

which is apportioned amongst the properties making up Site F as follows:-

Property No.	Owner	No. of Acres	Partial Taking	Section 14 Value
1	National Sewer Pipe Limited	130.645	yes	$9,700,000
2	Ministry of Government Services	2.024	-	7,080
2A	Ministry of Government Services	2.611	-	5,220
3	Azova Investments Limited	32.441	yes	183,000
4	Region of Halton	16.196	-	N/A
	Estimated cost to the Region to acquire Site F	183.917		$9,895,300

$$\frac{\$9,895,300}{183.917 \text{ acres}} = \$53,803 \text{ per acre}$$

$$\frac{\$9,895,300}{74.431 \text{ hectares}} = \$132,946 \text{ per hectare}$$

The effective date of the value estimates is October 15, 1987.

EFFECT OF CURRENT (1988) TIPPING FEES ON SECTION 14 COST OF SITE F

In addition, I was asked to consider the effect of current (1988) tipping fees upon the Section 14 cost to the Region of subject Property No. 1 (the N.S.P. lands) should their highest and best use be determined to be for landfill use. Accordingly, I completed an analysis utilizing 1988 tipping fees, and it is my opinion that the current Section 14 cost to the Region of acquiring Site F by expropriation ranges from a low of $1,035,300 to a high of $27,395,300 and it's ultimate cost is dependent upon the final determination of the highest and best use of subject Property No. 1 (the N.S.P. lands).

The Section 14 cost to the Region to acquire subject Property No. 1 (the N.S.P. lands), utilizing 1988 tipping fees, dependent upon the ultimate determination of their highest and best use, have been estimated by me on alternative pages 111 to 135 and 148 to 151, which are contained in the Addenda Volume of this report as Section O.

QUALIFICATIONS AND ADDENDA

R.W. O'BRIEN
APPRAISAL QUALIFICATIONS

QUALIFICATIONS AND AFFILIATIONS

Accredited Appraiser - Appraisal Institute of Canada
Corporate Member of the Association of Ontario Land Economists

Present Position - Vice-President - Davis, Hicks & O'Brien Ltd.

EDUCATION

1954	Western Technical School
1960	Theory and Elements of Architecture - Ryerson
1960	Materials Handling - Ryerson
1964/66	Licensed Real Estate Salesman
1964	Part 1 - Appraisal Institute of Canada
1965	Part 11 - Appraisal Institute of Canada

EXPERIENCE

1955	Draftsman and Designer - Kilborn Engineering (1954) Ltd
1958	Chief Draftsman - M.T.R.C.A.
1962	Assistant to the Property Administrator - M.T.R.C.A.
1964	Assistant Property Manager - Chambers & Meredith Ltd.
1966	Appraiser & Real Estate Manager - Sterling Trust Corp'n
1966	Staff Appraiser - K.W. Hicks & Associates
1967	Senior Staff Appraiser - Davis, Hicks & Associates Limited
1974	Vice-President - Davis, Hicks & O'Brien Limited

EXPERT WITNESS EXPERIENCE

Appeared as expert witness on real estate valuation before various courts and tribunals since 1969 e.g. Ontario Municipal Board; Land Compensation Board; Federal Court; Supreme Court; Assessment Review Board and private arbitration boards.

Appraisals Made in the Following Areas:

Metropolitan Toronto	Georgetown	London
Peterborough	Oshawa	Owen Sound
Oakville	Whitby	Ottawa
Markham	Mississauga	Sudbury
St. Catharines	Hamilton	Thunder Bay
Barrie	Burlington	Fort Erie
Sarnia	Trenton	Georgian Bay
Orillia	Thousand Islands	North Bay
Kingston	Port Perry	Smith Falls
Ajax	Lindsay	Moonstone
Waterloo	Hanover	Kitchener

Sutton
Vaughan
North Gwillimbury
Pickering
Adjala
Bethune
Brampton
Haliburton
Scugog
Albion
Uxbridge
Ameliasburgh
King
Hope
Belleville
Fergus
Caledon
Wasaga Beach
Stratford
Hornepayne
Collingwood
Richmond Hill
Aurora
Newmarket
Ancaster
Clarke

Appraisals made for various legal firms, private clients, municipalities and government departments including:-

MUNICIPALITIES AND BOARDS

City of North York
City of Etobicoke
City of Peterborough
Scarborough Board of Education
North York Board of Education
Toronto Public Library
University of Toronto
Ontario Food Terminal Board

PROVINCIAL AND FEDERAL GOVERNMENT DEPARTMENTS

Public Works Canada
Revenue Canada
Department of Justice
Ministry of Transportation & Communications
Ontario Land Corporation
Ministry of Government Services

INSTITUTIONAL

United Church of Canada
Doctors Hospital
Children's Aid Society
College of Physicians & Surgeons
The Royal Canadian Academy of the Arts

COMPANIES

Texaco Canada Limited
BP Canada Limited
Canadian Trailmobile Ltd.
T.H. Hancock Limited
Imperial Oil Limited
Tilzen Development Ltd.
Del Zotto Enterprises Ltd.
Valentine Developments Ltd.
Bathurst Manor Day Camp
City Savings & Trust Co.
Petrofina Canada Ltd.
C.N.A. Investors Ltd.
Toronto Airways Limited
The Royal Trust Co.
Mackan Group
Marathon Realty Limited
McDonalds Corporation
Philips Electronic Industries Ltd.
Danforth Radio Limited
Deltanne Construction Co. Ltd.
Supertest Petroleum Corporation
Nortanne Construction Ltd.
Catkey Construction (Toronto) Ltd.
South Sudbury Developments Ltd.
Narono Holdings Limited
Rockford Developments Ltd.
Canada Permanent Trust
Parfor Investments Ltd.
Home Equity Corporation
Robinwood Management Corpn. Ltd.
Runnymede Development Corpn. Ltd.
Canadian Imperial Bank of Commerce
Toronto International Centre of Commerce
Leggs Products Incorporated
Joseph Schilitz Brewing Co.

Petro Canada
Suncor
Hart & Cooley Ltd.
The Permanent
S.C. Time Inc.
Toronto Dominion Bank
Bowlerama
Investors Syndicate Realty Ltd.
Bank of Montreal
Sipco Oil Limited
DX Oil Company
Touche Ross Ltd.
Kingscross Estates
Memorial Gardens (Ontario) Ltd.
Green Door Storage Inc.
Borg-Warner Chemicals
Bernadol Music Ltd.
Parr's Print & Litho Limited
Ostrander's Jewellers
George Wimpey Canada Ltd.
Longmoor Investments Ltd.
Dow Corning Canada Ltd.
White Oaks Square
Evergreen Hotels Limited
Crown Life
Atco Industries Limited
Reed Paper Group Canada Ltd.
North American Life Assurance Co.
Canada Trust
Royal Lepage
Leisure Bowling Lanes Ltd.
Dayton Self Storage Inc.
Campeau Corporation
Royal Bank
Fisher Scientific Co. Ltd.
Credit Union Central
St. Mary's Cement Ltd.
Inland Projects Limited
London Life Assurance Co. Ltd.
Relocation Realty Service Corpn.
Consumers Gas Co.
Dylex Limited
Manulife
Western International Hotels
Costain Estates
Finchhurst Plaza Limited
TRW Inc.
I.B.M. Canada Ltd.
Anglo York Industrial Ltd.
Malabar Limited
Leisure World Nursing Homes Ltd.
Walsingham Hotel (Toronto) Ltd.
Sperry - Univac
City Parking
Wimpey Homes Limited
Waldorf-Astoria Hotel

LIMITING CONDITIONS AND CERTIFICATE

The legal description used is assumed to be correct. No responsibility is assumed for matters legal in character.

The information contained in this report furnished by others is believed to be reliable, but no responsibility for its accuracy is assumed.

Possession of this report, or a copy thereof, does not carry with it the right of publication, nor may it be used for any purpose by any but the applicant without the previous written consent of Davis, Hicks & O'Brien Limited and in any event only with proper qualifications and in its entirety.

The appraiser herein by reason of this appraisal is not required to give testimony or attendance in court or at any government hearing with reference to the property in question, unless arrangements have been previously made therefore.

Davis, Hicks & O'Brien Limited have no present or contemplated interest in the property appraised. Employment of Davis, Hicks & O'Brien to make this appraisal is in no way contingent upon the value reported therein.

The distribution, if any, of the total valuation in this report between the land and projected improvements applies only under the projected programme of utilization. The separate valuations for land and improvements should not be used in conjunction with any other appraisal and are invalid if so used.

This appraiser hereby certifies that to the best of his knowledge and belief the statements and opinions contained in this appraisal, subject to the limiting conditions set forth above, are correct.

DAVIS, HICKS & O'BRIEN LIMITED