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DATE: January 14, 2009

SUBJECT: **PEEL/HALTON BOUNDARY RE-ALIGNMENT**

FROM: David Szwarc, Chief Administrative Officer

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## RECOMMENDATION

That Memorandum of Understanding in form and content substantially as attached to this Report as Appendix "I", between the City of Mississauga, the Town of Milton and the Regions of Halton and Peel, be authorized for execution by the Region's signing officers.

And further, that one *ad hoc* Committee consisting of the CAO's or their staff of the four municipalities be established to direct the project, to hold a joint public meeting, and to report back to all four municipal Councils on the proposed annexation, the recommendations of the Compensation Consultant and provide a recommendation as to the appropriate compensation amounts.

## REPORT HIGHLIGHTS

- Boundary adjustment needed to rationalize servicing for lands east of Highway 407.
- Boundary adjustment needed to complete communities in Mississauga.
- Boundary adjustment also needed to rationalize boundary between Peel/Halton.

## DISCUSSION

### 1. Background

#### a) Location

The lands that are the subject matter of this report are the lands located in Milton east of Highway 407 and west of Ninth Line including all lands from Eglinton Ave. to Highway 401. A plan showing the lands included is attached as Appendix "II".

#### b) Rationalization of Communities

Mississauga is developed to the border of the Ninth Line. The closest residential and community services, including schools, roads, recreation, shopping and emergency services would be in Mississauga. The undeveloped parcels of land in the Region of Halton east of Highway 407 are separated from their urban core, Milton, by a massive multifunctional transit corridor comprising Highway 407 and perhaps other rapid transit facilities. They are isolated islands of the Town of Milton. There is little, if any, planning justification for the subject lands to remain in the Town of Milton. Appendix "III", attached hereto, shows the Land Use Designations for the subject lands based on recent study.

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## c) Boundary Adjustment Rationalization

The westerly boundary of Mississauga has been located along the Ninth Line since before the construction of Highway 407. Roads, particularly Provincial Highways, provide good urban separators. Highway 407 is an obvious physical boundary. The subject lands are functionally related to Mississauga and not Milton. Therefore, it is now appropriate that Highway 407 become the boundary between the City of Mississauga and the Town of Milton and between the Region of Halton and the Region of Peel.

**2. Proposed Direction**

## a) Proposed Boundary Re-Alignment

The proposed boundary realignment is an annexation under the terms of the *Municipal Act, 2001* (the "Act") and is accomplished by means of a restructuring proposal under s.173 of the Act.

The following steps are required to satisfy the procedures set out in section 173 of the Act and prior to the restructuring proposal being submitted to the Minister of Municipal Affairs and Housing for approval by issuing an Order:

1. A restructuring proposal prepared by Mississauga and circulated to the Town of Milton, Region of Peel and Region of Halton with a request for endorsement and authorization of a joint public meeting.
2. At least one public meeting must be held, either jointly or individually by all governments involved.
3. A restructuring proposal containing any amendments arising out of the public meeting(s) is to be presented to each council for consideration.
4. Each council is required to make a decision to approve the final restructuring proposal either by way of resolution or by-law.
5. Once approved by each of the affected municipalities, the final restructuring proposal is forward to the Minister of Municipal Affairs and Housing for final approval.

## b) Compensation

While the Minister's Order will reflect the basic elements of the annexation, the process under the Act will normally be supplemented by locally developed agreements which outline issues such as compensation to be paid in exchange for the annexation of the lands. This compensation is often in the amount of tax revenue lost by the ceding municipality over a period of years. Staffs are proposing that an independent consultant be retained to evaluate the value of the Subject Lands and to provide recommendations as to any compensation to be paid.

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The Regions of Halton and Peel will be taking the lead on retaining the Compensation Consultant, with approval required from Mississauga and Milton as to the terms of the retainer. The cost of retaining the consultant is proposed to be split equally among all Parties.

c) Proposed *ad hoc* Committee

Since a public meeting must be held and a draft restructuring proposal considered, Regional Council, along with Milton, Halton and Mississauga, should establish a Committee for providing day to day direction and attendance at any meetings on this proposal and to report back to Regional Council.

d) Proposed Joint Public Meeting

It would be appropriate to hold a joint public meeting on the proposal to be scheduled in the spring at a location mutually agreed to by the Parties. Peel should consent to jointly host this joint public meeting. A joint public meeting by all affected municipalities would be the most cost and time-efficient process for the proposed re-alignment.

### 3. Financial Impact

In order to proceed further it will be necessary to retain at least two consultants including an Ontario Land Surveyor and a Compensation Consultant to fairly evaluate the lost tax revenues. Peel's contribution to the expenses for these consultants can be paid for out of existing budgets. The overall cost of consultants is proposed to be shared equally. The ultimate cost of this project cannot be estimated until the Report of the Compensation Consultant is evaluated.

### 4. Conclusion

Peel Staff is of the opinion that the public interest would be served by proceeding with this possible re-alignment.

For all of the forgoing reasons, Staff make the above recommendations to Regional Council.

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- ATTACHMENTS:**
- Appendix I: Memorandum of Understanding with the Town of Milton, the City of Mississauga and the Region of Halton.
  - Appendix II: Lands proposed to be annexed
  - Appendix III: The Land Use Designations of the Subject Lands

**Approved for Submission:**



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D. Szwarc, Chief Administrative Officer

*For further information regarding this report, please contact  
Doug Gates at extension 4382 or via email at [doug.gates@peelregion.ca](mailto:doug.gates@peelregion.ca)*

*Authored By: Doug Gates*

c. Legislative Services

File: 20154

**PEEL/HALTON BOUNDARY RE-ALIGNMENT**

**MEMORANDUM OF UNDERSTANDING (“MOU”)**

Between:

**The Corporation of the City of Mississauga  
(hereinafter called “Mississauga”)**

and

**The Corporation of the Town of Milton  
(hereinafter called “Milton”)**

and

**The Regional Municipality of Peel  
(hereinafter called “Peel”)**

and

**The Regional Municipality of Halton  
(hereinafter called “Halton”)**

**(together the “Parties”)**

**WHEREAS** Mississauga, Milton, Peel and Halton wish to enter into a Memorandum of Understanding to establish a framework for agreement relative to the realignment of the municipal boundary between Mississauga and Milton, whereby certain lands would be annexed to Mississauga, as generally depicted in Schedule “A” (the “Subject Lands”);

**AND WHEREAS** the desire to realign the municipal boundary is due in part to, but not dependent on the proposed joint development of a pool facility as part of the GTA/Golden Horseshoe 2015 Pan Am Games bid;

**AND WHEREAS** the Parties recognize that servicing and emergency services for the Subject Lands will come from Mississauga/Peel;

**AND WHEREAS** Mississauga currently has ownership of a portion of the Subject Lands;

**AND WHEREAS** staff from each of the Parties have met to discuss the principles that will form the basis of the boundary realignment;

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**NOW THEREFORE** the parties agree as follows:

1. The Parties have agreed that as part of the realignment of the municipal boundary some form of compensation for the loss of tax revenues is appropriate, to be detailed in a form of agreement (the "Compensation Agreement").
2. The Parties agree that Milton/Halton will be compensated for the realignment of the municipal boundary and that an independent consultant will be retained for the purposes of calculating and recommending the appropriate compensation to be paid (the "Compensation Consultant");
3. The Parties agree that Halton and Peel (the "Regions") shall be responsible for retaining the Compensation Consultant on behalf of all of the Parties, the cost of which will be equally paid. All Parties shall approve the terms of reference prior to finalizing the retainer.
4. The Parties acknowledge that it is necessary to retain an accredited Ontario Land Surveyor ("the OLS") in order to survey the Subject Lands for the purpose of developing a restructuring proposal relative to the boundary realignment.
5. The Parties agree that the City of Mississauga shall be responsible for retaining the OLS on behalf of the Parties, the cost of which will be equally paid.
6. The Parties agree that they will use best efforts to ensure that the new boundary lines are in place before January 1, 2010 so that any boundary adjustment will be reflected at the next municipal election.

**IN WITNESS WHEREOF** the Parties have set their hands and seals as attested by the hands of their proper signing officers on that behalf.

DATED at Mississauga, Ontario, this \_\_\_\_\_ day of \_\_\_\_\_, 2009

**THE CORPORATION OF THE CITY OF MISSISSAUGA**

Per: \_\_\_\_\_

**PEEL/HALTON BOUNDARY RE-ALIGNMENT**

Name:  
Title:

Per: \_\_\_\_\_  
Name:  
Title:

I/we have authority to bind the Corporation

DATED at the Town of Milton, Ontario, this \_\_\_\_\_ day of \_\_\_\_\_, 2009

**THE CORPORATION OF THE TOWN OF MILTON**

Per: \_\_\_\_\_  
Name: Gordon A. Krantz  
Title: Mayor

Per: \_\_\_\_\_  
Name: Troy McHarg  
Title: Town Clerk

I/we have authority to bind the Corporation

DATED at the City of Brampton, Ontario, this \_\_\_\_\_ day of \_\_\_\_\_, 2009

**THE REGIONAL MUNICIPALITY OF PEEL**

Per: \_\_\_\_\_  
Name:  
Title:

Per: \_\_\_\_\_  
Name:  
Title:

I/we have authority to bind the Corporation

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**APPENDIX I**

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**PEEL/HALTON BOUNDARY RE-ALIGNMENT**

DATED at the Town of Oakville, Ontario, this \_\_\_\_\_ day of \_\_\_\_\_, 2009

**THE REGIONAL MUNICIPALITY OF HALTON**

Per: \_\_\_\_\_

Name: Gary Carr

Title: Regional Chair

Per: \_\_\_\_\_

Name: Susan Lathan

Title: Regional Clerk

I/we have authority to bind the Corporation

PEEL/HALTON BOUNDARY RE-ALIGNMENT



