

THE REGIONAL MUNICIPALITY OF PEEL

BY-LAW NUMBER 75-2020

A by-law to authorize the execution of an Agreement attached hereto as Schedule "A" between the City of Toronto and The Regional Municipality of Peel for the maintenance and repair of the Queensway Bridge over Etobicoke Creek.

WHEREAS the City of Toronto and The Regional Municipality of Peel (hereinafter referred to as the "Regional Corporation") are neighbouring municipalities sharing a common boundary;

AND WHEREAS, part of the Queensway forms a bridge (the "Queensway Bridge") that crosses Etobicoke Creek, which as a river forms the boundary between the City of Toronto and the Regional Corporation;

AND WHEREAS, Section 29(2) of the *Municipal Act, 2001*, SO 2001, c 25, as amended (the "Act"), provides that the Queensway Bridge is under the joint jurisdiction of the City of Toronto and the Regional Corporation;

AND WHEREAS, Section 29.1(2) of the Act provides that if municipalities enter into an agreement for the repair of a highway forming a boundary line, each municipality has jurisdiction over that part of the highway that it has agreed to keep in repair and is liable for any damages that arise from failure to keep the highway in repair and the other municipality is relieved from all liability in respect of the repair of that part;

AND WHEREAS, Section 2(1) of the *Bridges Act*, RSO 1990, c. B. 12, as amended, provides that the City of Toronto and the Regional Corporation as municipalities with jurisdiction over highways have authority to build, place, construct, rebuild, replace or alter the Queensway Bridge;

AND WHEREAS, on the 14th day of May, 2008, under Document Execution By-law 39-2001, the City of Toronto and the Regional Corporation entered into an agreement setting forth their respective rights and obligations with respect to the maintenance and repair of the Queensway Bridge, which agreement commenced on January 1, 2008 and terminated on January 1, 2018 (the "First Agreement");

AND WHEREAS, the Council of the Regional Corporation has, by Resolution on the 3rd day of December 2020, authorized the execution of an agreement with the City of Toronto for the maintenance and repair of the Queensway Bridge under joint jurisdiction, which agreement commences and take effect on the 1st day of January, 2020 to the 31st day of December, 2029;

AND WHEREAS, the Regional Corporation and the City of Toronto acknowledge and agree that the parties continued to operate under and be bound by rights and obligations in the First Agreement with respect to the

maintenance, repair and construction of the Queensway Bridge until the term of a new agreement commences.

NOW THEREFORE, the Council of the Regional Corporation enacts as follows:

1. That the Regional Solicitor and the Regional Clerk of the Regional Corporation are hereby authorized to execute under the seal of the Regional Corporation the agreement attached hereto as Schedule "A" between the City of Toronto and The Regional Municipality of Peel for the maintenance and repair of the Queensway Bridge under joint jurisdiction;
2. That a copy of the agreement attached hereto as Schedule "A", upon execution by the City of Toronto and The Regional Municipality of Peel, together with a copy of this by-law be registered in the Land Registry Office for the Registry Division of The Regional Municipality of Peel;

READ THREE TIMES AND PASSED IN OPEN COUNCIL this 3rd day of December, 2020.

Deputy Regional Clerk

Regional Chair