c 180 The Board of Education for the Borough of Etobicoke Act, 1973
CHAPTER 180

An Act respecting The Board of Education for the Borough of Etobicoke

Assented to May 18th, 1973
Session Prorogued March 5th, 1974

WHEREAS The Board of Education for the Borough of Etobicoke hereby represents that it wishes to exchange certain lands which it holds in fee simple subject to a trust for special purposes with other lands of equal area that the said Board holds in fee simple in the same approximate location; and whereas the said Board wishes to convey certain of the lands which it holds in fee simple subject to a trust for special purposes to The Municipality of Metropolitan Toronto; and whereas the said Board holds certain other lands in fee simple subject to a trust for special purposes and the said Board wishes to remove the said trust from those lands; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

(a) "Board" means The Board of Education for the Borough of Etobicoke;

(b) "Board's Trust Lands" means those lands held by the Board in fee simple subject to the trust for special purposes set forth in Instrument No. 9872 which lands are described in Instrument No. 9872 as set forth in Schedule A hereto;

(c) "Borough" means the Borough of Etobicoke in The Municipality of Metropolitan Toronto;

(d) "Corporation" means The Municipality of Metropolitan Toronto;

(e) "Easement" means the easement described in an instrument dated the 21st day of February, 1962,
from the Board to The Corporation of the Township of Etobicoke which is registered in the Registry Office for the Registry Division of Toronto Boroughs and York South (formerly the Registry Division of the East and West Riding of the County of York) as No. 255826 Etobicoke;

(f) "Instrument No. 731" means an instrument dated the 28th day of May, 1874, between Robert Wilson, as grantor, and Andrew Barker and George Garbutt, Trustees of School Section Number Ten in the Township of Etobicoke, as grantees, which is registered in the Registry Office for the Registry Division of Toronto Boroughs and York South (formerly the Registry Division of the East and West Riding of the County of York) as No. 731 Etobicoke;

(g) "Instrument No. 9872" means an instrument dated the 28th day of April, 1910, between Martin Shaw and Annie Shaw of the Township of Etobicoke, as grantors, and Edward P. Cave, George E. Farr and Albert D. Johnston, Trustees of School Section Number Ten in the Township of Etobicoke, as grantees, and registered in the Registry Office for the Registry Division of Toronto Boroughs and York South (formerly the Registry Division of the East and West Riding of the County of York) as No. 9872 Etobicoke;

(h) "Instrument No. 9874" means an instrument dated the 2nd day of May, 1910, between the Municipal Corporation of the Township of Etobicoke, as grantor, and Edward P. Cave, George E. Farr and Albert D. Johnston, Trustees of School Section Number Ten in the Township of Etobicoke, as grantees, which is registered in the Registry Office for the Registry Division of Toronto Boroughs and York South (formerly the Registry Division of the East and West Riding of the County of York) as No. 9874 Etobicoke;

(i) "New Village Green" means those lands that are described in Schedule B hereto;

(j) "Old Village Green—Phase I" means those lands held by the Board in fee simple subject to the trust for special purposes set forth in Instrument No. 731, which lands are described in Instrument No. 731 as set forth in Schedule C hereto;
(b) "Old Village Green—Phase II" means those lands held by the Board in fee simple subject to the trust for special purposes set forth in Instrument No. 9874, which lands are described in Instrument No. 9874 as set forth in Schedule D hereto;

(l) "Right of Way" means the public right of way over the lands which are situate, lying and being in the Borough being 8 feet in width immediately adjoining the northerly limit of Lot 32, Concession "B", Northern Division of the Township of Etobicoke and extending from the road allowance between Concessions "A" and "B" in the Northern Division of the Township of Etobicoke, now known as Islington Avenue to Albion Road (formerly Weston Road);

(m) "Road Widening Lands" means the lands being part of the Old Village Green—Phase I and the Old Village Green—Phase II taken from the Board by The Corporation of the Borough of Etobicoke to widen the road allowance between Concession "A" and "B" in the Northern Division of the Township of Etobicoke now known as Islington Avenue, which lands are described as set forth in Schedule E hereto.

2. The Old Village Green—Phase I less the Road Widening Lands is hereby vested in the Board to be held in fee simple subject to the reservations, limitations, provisos, and conditions expressed in the original grant thereof from the Crown.

3. The trust for special purposes set forth in Instrument Trust terminated No. 731 is hereby terminated.

4. The Old Village Green—Phase II less the Road Widening Lands is hereby vested in the Board to be held in fee simple subject to the reservations, limitations, provisos and conditions expressed in the original grant thereof from the Crown.

5. The trust for special purposes set forth in Instrument Trust terminated No. 9874 is hereby terminated.

6. The New Village Green, held by the Board in fee simple, subject to the reservations, limitations, provisos and conditions expressed in the original grant thereof from the Crown and subject to the Easement, is hereby declared to be held by the Board in trust as a park for use and enjoyment by the public generally and the Board shall have no power to convey the New Village Green to be used for any other purpose whatever.
7. The Right of Way is hereby extinguished.

8. The Road Widening Lands are hereby vested in the Corporation.

9. The Board's Trust Lands are hereby vested in the Board to be held in fee simple subject to the reservations, limitations, provisos and conditions expressed in the original grant thereof from the Crown.

10. The trust for special purposes set forth in Instrument No. 9872 is hereby terminated.

11. This Act comes into force on the day it receives Royal Assent.

12. This Act may be cited as The Board of Education for the Borough of Etobicoke Act, 1973.
SCHEDULE A

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Etobicoke, in the County of York and Province of Ontario, being composed of part of lot number thirty-three in concession lettered “B” Northern Division of the said Township of Etobicoke, and which may be more particularly described as follows: that is to say:

COMMENCING at a point in the southerly limit of the Albion Road where it is intersected by the southerly limit of said lot number thirty-three; thence westerly measured along the said southerly limit of the Albion Road thirty-nine feet to a stake; thence southerly on a course at right angles to the southerly limit of the said Albion Road sixty-three feet more or less to the southerly limit of said lot number thirty-three; thence easterly measured along the southerly limit of said lot number thirty-three sixty-seven feet more or less to the place of beginning.

SCHEDULE B

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Borough of Etobicoke (formerly the Township of Etobicoke), The Municipality of Metropolitan Toronto, and Province of Ontario, and being composed of Parts of Lots 32 and 33, Concession “B”, Northern Division Fronting the Humber, and Parts of Lots 87, 88, 89, 90, 91 and 92, according to a plan on file in the Registry Office for the Registry Division for Toronto Boroughs and York South as Number 1946, which parcel of land may be more particularly described as follows:

PREMISSEING that the South Westerly limit of the Albion Road as widened by Part 29, according to a plan on file in the Registry Office for the Registry Division for Toronto Boroughs and York South as Number R S 1103, has an astronomical course of North 56° 01' 20" West, relating all bearings hereto, thereto:

BEGINNING at the North Westerly angle of Lot 32, being a point in the Easterly limit of the Road Allowance between Concessions “A” and “B” (Islington Avenue);

THENCE North 72° 17' 20" East following the limit between Lots 32 and 33 a distance of 27.00 feet more or less to its intersection with a line drawn parallel to and distant 27.00 feet measured Easterly at right angles to the original Easterly limit of Islington Avenue, the said point of intersection marking the Point of Commencement;

THENCE South 18° 13' 40" East along the said parallel line a distance of 287.89 feet to a Standard Iron Bar being distant 50.00 feet measured Southerly thereon from the North Westerly angle of Lot 87, Registered Plan 1946;

THENCE North 71° 46' 20" East being parallel to the Northerly limit of Registered Plan 1946 a distance 240.36 feet to a point;

THENCE North 18° 47' 10" West a distance of 244.10 feet to a point;

THENCE South 70° 14' 40" West a distance of 232.07 feet to its intersection with a line drawn parallel to and distant 27.00 feet measured Easterly at right angles to the original Easterly limit of Islington Avenue;

THENCE South 18° 14' 40" East along the said parallel line a distance of 49.75 feet more or less to the Point of Commencement.
SCHEDULE C

All and Singular those certain parcels or tracts of land, and premises, situate, lying and being in the Township of Etobicoke, in the County of York, and Province of Ontario, in the Dominion of Canada and may be known and described as follows, that is to say, Being composed of a portion of lot number Thirty-two, in Concession Lettered "B" in said Township of Etobicoke—Commencing at the North-west angle of said Lot No. 32; thence Easterly along the limit between lots Numbered thirty-two, and thirty-three fifteen rods to a stake; thence southerly and parallel with the concession line eight rods to a stake; thence westerly and parallel to the limit between said lots fifteen rods, to the eastern limit of the allowance for road between Concessions "H" and "A", where a stake is planted; thence northerly along said limit of road eight rods, to the place of beginning—Containing three-quarters of an acre—Also a lane eight feet wide extending from the north-east angle of said described 3/4 of an acre; along the limit between said lots numbered 32, and 33 to the Albion Road.

SCHEDULE D

All and Singular that certain parcel or tract of land and premises situate, lying and being in the Township of Etobicoke, in the County of York, and Province of Ontario being composed of a part of Lot number thirty-two in the Concession lettered "B", Northern Division of the said Township of Etobicoke, and which may be more particularly described as follows: that is to say: Commencing at a point in the easterly limit of the Road allowance between Concessions lettered "A" and "B" in the Northern Division of the said Township, at the distance of eight feet measured southerly along the said easterly limit from the northerly limit of said Lot number thirty-two; thence southerly along the said easterly limit of the said road allowance fourteen and one-half rods more or less to the South-westerly angle of a plot of land known as the "Village Green"; thence easterly measured along the southerly limit of the said "Village Green" twenty-one rods fifteen and one-half feet more or less to the South-westerly limit of the Public School site of School Section number ten; thence northerly measured along the westerly limit of said school site fourteen and one-half rods more or less to the southerly limit of a Right of Way, eight feet in width immediately adjoining the northerly limit of said Lot number thirty-two; thence westerly measured along the southerly limit of the said Right of Way twenty-one rods fifteen and one-half feet more or less to the place of beginning. Also any right or title that the said Municipal Corporation may hold in a public Right of Way eight feet in width immediately adjoining the northerly limit of said Lot number thirty-two and extending from the said Road Allowance between Concessions lettered "A" and "B", to the Albion Road.

SCHEDULE E

All and Singular that certain parcel or tract of land and premises situate, lying and being in the Borough of Etobicoke (formerly the Township of Etobicoke), the Municipality of Metropolitan Toronto, and Province of Ontario, and being composed of Part of Lot 32, Concession "B", Northern Division Fronting the Humber, which parcel of land may be more particularly described as follows:

Premising that the South W esterly limit of the Albion Road as widened by Part 29, according to a plan on file in the Registry Office for the Registry Division for Toronto Boroughs and York South as Number R S 1103, has an astronomical course of North 56° 01' 20" West relating all bearings hereon, thereto:
COMMENCING at the North Westerly angle of Lot 32, being a point in the Easterly limit of the Road Allowance between Concessions "A" and "B" (Islington Avenue):

THENCE South 17° 13' 40" East following the original Easterly limit of Islington Avenue a distance of 238.20 feet to the North Westerly angle of Lot 87, according to a plan on file in the Registry Office for the Registry Division for Toronto Boroughs and York South as Number 1946;

THENCE North 71° 46' 20" East following the Northerly limit of the said Lot 87 a distance of 27.00 feet to an iron bar planted in a line drawn parallel to and distant 27.00 feet measured Easterly at right angles to the original Easterly limit of Islington Avenue;

THENCE North 17° 13' 40" West along the said parallel line a distance of 237.89 feet to its intersection with the Northerly limit of Lot 32;

THENCE South 72° 17' 20" West along the last mentioned limit a distance of 27.00 feet more or less to the Point of Commencement.