

The Corporation of the City of Kenora

By-Law Number 87 – 2026

Being A By-Law to Approve the Expropriation of the Kenricia Hotel Property for the Purposes of Community Improvement and Heritage Rehabilitation and Preservation

Whereas the Council of The Corporation of the City of Kenora (the "**City**") enacted By-law Number 116-2025 on July 24, 2025, authorizing an application for approval to expropriate certain lands municipally known as 155 Main Street South, Kenora, Ontario (the "**Property**"), being comprised of:

- PIN 42163-0002 LT
- Part of PIN 42163-0184 LT
- PIN 42163-0052 LT

(collectively, the "**Subject Property**") legally described as: LT 8 BLK 2 PL 3; PT LT 6 BLK 2 PL3; PT LT 7 BLK 2 PL 3; PT LT 9 BLK 2 PL 3; and

Whereas the City applied to expropriate the Subject Property for the municipal purposes of Community Improvement and Heritage Rehabilitation and Preservation pursuant to the *Expropriations Act*, R.S.O. 1990, c. E.26; and

Whereas the registered owner of the Subject Property, Kenricia Properties Inc., requested a Hearing of Necessity before the Ontario Land Tribunal pursuant to subsection 7(1) of the *Expropriations Act*; and

Whereas a Hearing of Necessity was conducted by the Ontario Land Tribunal under Case No. OLT-25-000692 on February 11 and 12, 2026; and

Whereas the Ontario Land Tribunal issued its Hearing of Necessity report on April 15, 2026, containing findings and recommendations concerning whether the proposed expropriation is fair, sound and reasonably necessary in the achievement of the objectives of the City, in accordance with section 7(5) of the *Expropriations Act*; and

Whereas Section 28 of the *Planning Act*, R.S.O. 1990, c. P.13, authorizes a municipality to designate a community improvement project area and prepare a community improvement plan where the municipality's official plan contains provisions relating to community improvement, and further authorizes the municipality to acquire, hold, clear, grade or otherwise prepare land for community improvement pursuant to subsection 28(3); and

Whereas Section 36 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, authorizes the council of a municipality to acquire, by purchase, lease or otherwise, any property designated under Part IV of the *Ontario Heritage Act*, and, subject to the *Expropriations Act*, to pass by-laws for expropriating such property where the council deems it necessary for heritage conservation purposes; and

Whereas the Subject Property is designated under Part IV of the *Ontario Heritage Act* by City of Kenora By-law 84-2007; and

Whereas the City has a Community Improvement Area and Plan applicable to the Subject Property, pursuant to which community improvement objectives include heritage rehabilitation and preservation and any further internal and external restoration improvements; and

That upon receiving and considering the report of the Ontario Land Tribunal containing its findings and recommendations, and being satisfied that the expropriation is fair, sound and reasonably necessary for the purposes of community improvement and heritage rehabilitation and preservation, Council deems it appropriate to approve the expropriation of the expropriation of the Subject Property, including all freehold, leasehold, easement and other estates, rights, titles and interests of every nature and kind whatsoever in, to, over or affecting the Lands, save and except only such interests, if any, as are expressly reserved in the Plan of Expropriation; and

Whereas the City is authorized to expropriate the Subject Property required for municipal purposes pursuant to sections 5 and 6 of the *Municipal Act, 2001*, S.O. 2001, c. 25, in accordance with the *Expropriations Act*; and

Whereas pursuant to subsection 5(1) of the *Expropriations Act*, where a municipality expropriates a property for municipal purposes, the approving authority is the council of the municipality;

Now Therefore the Council of The Corporation of the City of Kenora Enacts As Follows:-

1. Recitals

The recitals to this By-law are true and correct and form part of this By-law.

2. Definitions

In this By-law:

- (a) **"City"** means The Corporation of the City of Kenora;
- (b) **"Clerk"** means the City Clerk of the City of Kenora;
- (c) **"Council"** means the Council of The Corporation of the City of Kenora;
- (d) **"Expropriations Act"** means the *Expropriations Act*, R.S.O. 1990, c. E.26, as amended;
- (e) **"Municipal Act"** means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;
- (f) **"OLT"** means the Ontario Land Tribunal;
- (g) **"OLT Report"** means the report of the Ontario Land Tribunal issued pursuant to subsection 7(5) of the *Expropriations Act* containing findings and recommendations concerning the proposed expropriation under OLT Case No. OLT-25-000692;
- (h) **"Ontario Heritage Act"** means the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended;
- (i) **"Planning Act"** means the *Planning Act*, R.S.O. 1990, c. P.13, as amended;

- (j) "**Subject Property**" or "Property" means the lands municipally known as 155 Main Street South, Kenora, Ontario, being comprised of PIN 42163-0002 LT, Part of PIN 42163-0184 LT, and PIN 42163-0052 LT, and legally described as LT 8 BLK 2 PL 3; PT LT 6 BLK 2 PL3; PT LT 7 BLK 2 PL 3; PT LT 9 BLK 2 PL 3.

3. Receipt and Consideration of OLT Report

Council hereby acknowledges receipt of the OLT Report dated April 15, 2026, issued pursuant to subsection 7(5) of the *Expropriations Act*, and confirms that Council has reviewed and considered the findings and recommendations contained therein.

4. Statutory Authority for Expropriation

Council confirms that the proposed expropriation of the Subject Property is authorized pursuant to:

- (a) Sections 5 and 6 of the *Municipal Act*, which authorize municipalities to expropriate land required for municipal purposes in accordance with the *Expropriations Act*;
- (b) Section 28 of the *Planning Act*, which authorizes a municipality to acquire land within a community improvement project area for the purposes of community improvement, including the planning, replanning, design, redesign, construction, reconstruction, rehabilitation, improvement, or other preparation of land, buildings, structures, works, improvements, or facilities, where such land is located within a designated community improvement project area and a community improvement plan has been adopted;
- (c) Section 36 of the *Ontario Heritage Act*, which authorizes the council of a municipality to expropriate property designated under Part IV of the *Ontario Heritage Act* where the council deems such expropriation necessary for the purposes of heritage conservation, subject to the *Expropriations Act*.

5. Approval of Expropriation

Subject to the findings in the OLT Report, and being satisfied that the expropriation of the Subject Property is fair, sound and reasonably necessary in the achievement of the City's objectives for community improvement and heritage rehabilitation and preservation, Council hereby approves the expropriation of the Subject Property, being:

PIN 42163-0002 LT

PIN 42163-0052 LT

Part of PIN 42163-0184 LT

Legally described as:

LT 8 BLK 2 PL 3; PT LT 6 BLK 2 PL3; PT LT 7 BLK 2 PL 3; PT LT 9 BLK 2 PL 3

including all tenure and title interests therein, all easements, rights-of-way, encumbrances, and appurtenances relating thereto, and all buildings, structures, fixtures, and improvements located thereon, and without limiting the generality of the foregoing, the expropriation includes all freehold, leasehold, easement and other estates, rights, titles and interests of every nature and kind whatsoever in, to, over or affecting the Lands, save and except only such interests, if any, as are expressly reserved in the Plan of Expropriation.

6. Municipal Purpose

The Subject Property is required for the following municipal purposes:

- (a) **Community Improvement**, as authorized by section 28 of the *Planning Act*, to facilitate the implementation of the City's Community Improvement Plan, including the planning, replanning, design, redesign, construction, reconstruction, rehabilitation, improvement, and preparation of land, buildings, and facilities within the designated community improvement project area in which the Subject Property is located;
- (b) **Heritage Rehabilitation and Preservation**, as authorized by section 36 of the *Ontario Heritage Act*, to conserve, protect, rehabilitate, restore, and preserve the heritage attributes of the Subject Property, which is designated under Part IV of the *Ontario Heritage Act* by City of Kenora By-law 84-2007, and to ensure the long-term protection and appropriate stewardship of the Subject Property's identified heritage features and characteristics.

7. Certificate of Approval

Following the adoption of this By-law, the CAO and Clerk are hereby authorized and directed to:

- (a) Issue a Certificate of Approval pursuant to the *Expropriations Act*, approving the expropriation of the Subject Property;
- (b) Cause the Certificate of Approval and the written reasons of Council to be served upon the registered owners of the Subject Property and all persons appearing by the records of the land registry office to have an interest in the Subject Property, in accordance with the requirements of the *Expropriations Act*; and
- (c) Cause proof of service and the Certificate of Approval and written reasons of Council to be filed with the Ontario Land Tribunal, all within ninety (90) days of receipt of the Hearing of Necessity Report.

8. Expropriation Plan

The CAO and Clerk are hereby authorized and directed to:

- (a) Prepare or cause to be prepared an Expropriation Plan in accordance with the *Expropriations Act*, showing the property to be expropriated, being the Subject Property and all related interests as described in section 5 of this By-law; and
- (b) Cause the Expropriation Plan to be registered in the appropriate Land Registry Office within three (3) months following the issuance of the Certificate of Approval, in accordance with the *Expropriations Act*.

9. Service of Notices

Following the registration of the Expropriation Plan, the CAO and Clerk are hereby authorized and directed to:

- (a) Prepare or cause to be prepared the Notice of Expropriation, Notice of Possession and Notice of Election of valuation date, in accordance with the *Expropriations Act*; and

- (b) Cause the Notices in 9(a) and a copy of the Expropriation Plan to be served upon the registered owners, within thirty (30) days of registration of the Expropriation Plan; and
- (c) Cause an offer of compensation to be prepared and served upon the registered owner(s) of the Subject Property within three (3) months of the registration of the Expropriation Plan, in accordance with the *Expropriations Act*.

10. Execution of Documents

The CAO and the Clerk, or either of their respective delegates, are hereby authorized to execute all documents, certificates, plans, notices, and other instruments necessary or advisable to give effect to this By-law and to complete the expropriation of the Subject Property in accordance with the *Expropriations Act*, the *Planning Act*, the *Ontario Heritage Act*, and the *Municipal Act*, and such execution shall be conclusive evidence of the authority to execute same.

11. Compensation

The City acknowledges its statutory obligation to provide full and fair compensation to all persons entitled to compensation pursuant to the *Expropriations Act*, and Council confirms that the expropriation shall be completed in accordance with all compensation provisions of the *Expropriations Act*, including sections 13 to 33 thereof.

12. Severability

If any provision of this By-law is declared by a court of competent jurisdiction to be invalid, illegal, or unenforceable, such provision shall be severed and the remaining provisions of this By-law shall remain in full force and effect.

13. Effective Date

This By-law shall come into force and take effect on the day it is passed by Council.

By-Law Read a First and Second Time this 28th day of May, 2026

By-Law Read a Third and Final Time this 28th day of May, 2026

The Corporation of the City of Kenora:-

Andrew Poirier, Mayor

Heather Pihulak, City Clerk

By signing this bylaw on May 28, 2026, Mayor Andrew Poirier will not exercise the power to veto this bylaw.