

By-law Number 2024-062
of the Regional Municipality of Durham

Being a by-law to designate and register certain statutory easement rights under s. 91(9) of the Municipal Act, 2001, S.O. 2001, c. 25.

Whereas s. 15(1) of the Municipal Act, 2001, S.O. 2001, c. 25 as amended permits a municipality to enact by-laws through their municipal Council.

Whereas s. 91(9) of the Municipal Act, 2001, S.O. 2001, c. 25 as amended grants a municipality a (statutory easement) that subject to any court order under this section, a municipality may enter upon any land to repair and maintain its public utilities.

And Whereas Section 23.1(1) of the Municipal Act, 2001, S.O. 2001, c. 25 as amended permits a municipality to delegate its powers, duties under this or any other Act to a person or body subject to certain restrictions.

Now therefore, the Council of The Regional Municipality of Durham hereby enacts as follows:

1. That this by-law be enacted to permit its registration of the municipalities statutory easement rights under s. 91(9) of the Municipal Act, 2001, S.O. 2001, c. 25 being that subject to any court order under this section, the Regional Municipality of Durham may enter upon any land to repair and maintain its public utilities for which the lands as identified by their legal descriptions are provided for in Schedule A to this by-law upon which the Regional Municipality of Durham has public utilities subject to the statutory easement.
2. That Regional Council authorizes the Regional Solicitor and Director of Legal Services or their designates to amend Schedule A to this by-law to add additional lands as they become known upon which their exists public utilities subject to the statutory easement under s. 91(9) of the Municipal Act, 2001, S.O. 2001, c. 25.
3. That Regional Council authorizes the Regional Solicitor and Director of Legal Services or their designates to register this by-law on title to the lands as identified by legal descriptions and as amended and added in Schedule A to this by-law.

This By-law Read and Passed on the 18th day of December, 2024.

J. Henry, Regional Chair and CEO

A. Harras, Regional Clerk

SCHEDULE A

Lands subject to s. 91(9) of the Municipal Act Legal Description	Date of Amendment
Part of PIN 26529-0218(LT) Part of Lot 25, Concession 2 Township of Whitby Designated as Parts 1 and 2, Plan 40R32125 Town of Whitby	December 18, 2024