



# Interoffice Memorandum

**The Regional  
Municipality of  
Durham**

Legal Services  
Department

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**Jason Hunt**  
**Commissioner, Legal**  
**Services Department**  
**and Regional Solicitor**

**Date:** June 25, 2025

**To:** Durham Regional Council

**From:** Alexander McPherson, Solicitor

**Re:** By-law under s. 52 of the *Municipal Act, 2001*, S.O. 2001, c. 25

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At its meeting on June 9, 2025, the Corporation of the Town of Whitby passed By-law # 8198-25, a by-law under subsection 31 (2) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the Act) to dedicate certain lands as part of the highway known as Victoria Street East.

The site has not been assigned a municipal address but is shown as Part 1 on the attached Reference Plan 40R-32203 (Attachment #1).

Subsection 52 (1) of the Act allows an upper-tier municipality to add to its highway system a lower-tier highway.

Subsection 52 (3) provides that where a highway forms part of the upper-tier highway system, the upper-tier municipality has jurisdiction over the highway.

Paragraph (a) of section 53 provides that the municipality to which jurisdiction of the highway is transferred stands in place of the transferor under any agreement in respect of the highway transferred.

At the Town of Whitby's request, the Region agreed to the transfer in this manner and to dedicate the highway as part of the Regional highway system.

Therefore, it is recommended that the attached draft by-law (Attachment #2) be passed by Regional Council to give effect to the proposed jurisdictional transfer of the road.

Attachment #1: Reference Plan 40R-32203

Attachment #2: Draft By-law 2025-\*\*\*

OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17, NAD83 (CSRS) (2010.0), COORDINATES TO URBAN ACCURACY PER SEC 14 (2) OF O. REG. 216/10		
POINT ID	NORTHING	EASTING
A	4859517.870	669087.131
B	4859290.618	669094.439
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

PLAN 40R-32203

RECEIVED AND DEPOSITED

DATE MAY 25/2023

DATE MAY 29, 2023

JAMES A. AGYEMANG B.Eng.  
ONTARIO LAND SURVEYOR

"D. Vassos"  
REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF DURHAM (No. 40)

#### SCHEDULE

PART	PART OF LOT	CONCESSION	PART OF PIN	AREA M <sup>2</sup>	NAME OF MOST RECENT TRANSFEREE
1	19 AND PART OF ROAD ALLOWANCE BETWEEN LOTS 18 AND 19	BROKEN FRONT	16392-0013(LT)	2576.5	THE CORPORATION OF THE TOWN OF WHITBY

PLAN OF SURVEY OF  
PART OF LOT 19  
BROKEN FRONT CONCESSION AND  
PART OF THE ROAD ALLOWANCE BETWEEN  
LOTS 18 & 19, BROKEN FRONT CONCESSION  
(GEOGRAPHIC TOWNSHIP OF WHITBY)

TOWN OF WHITBY  
REGIONAL MUNICIPALITY OF DURHAM

SCALE 1:1000

25 50 75 Metres

MAURO GROUP INC.  
ONTARIO LAND SURVEYORS

#### METRIC

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

#### BEARING NOTE

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (TOPNET) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0).

#### ROTATION NOTE

FOR BEARING COMPARISONS, A ROTATION OF 1° 2' 35" COUNTER CLOCKWISE WAS TO P, P1 AND P2 TO CONVERT TO GRID BEARINGS.

#### DISTANCE NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN GROUND AND CAN BE CONVERTED INTO GRID DISTANCES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.999944.

#### LEGEND

- DENOTES FOUND BAR
- DENOTES PLANTED BAR
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- Ms DENOTES MEASURED
- WT DENOTES WITNESS
- OU DENOTES ORIGIN UNKNOWN
- P DENOTES PLAN 40R-11516
- P1 DENOTES EXPROPRIATION PLAN D116970
- P2 DENOTES PLAN 40R-13555
- P3 DENOTES PLAN 40R-12405
- P4 DENOTES PLAN 40R-26355
- PWF DENOTES POST & WIRE FENCE
- (1056) DENOTES IVAN B. WALLACE LTD., O.L.S.
- (1414) DENOTES BROWN & COGGAN LTD., O.L.S.
- (1042) DENOTES B. K. EDWARDS, O.L.S.
- (MMM) DENOTES MARSHALL MACKLIN MANAGHAN LTD., O.L.S.
- WMF DENOTES WIRE MESH FENCE

#### SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 23rd DAY OF MAY, 2023

MAY 25/2023  
DATE

JAMES A. AGYEMANG B.Eng.  
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-51287

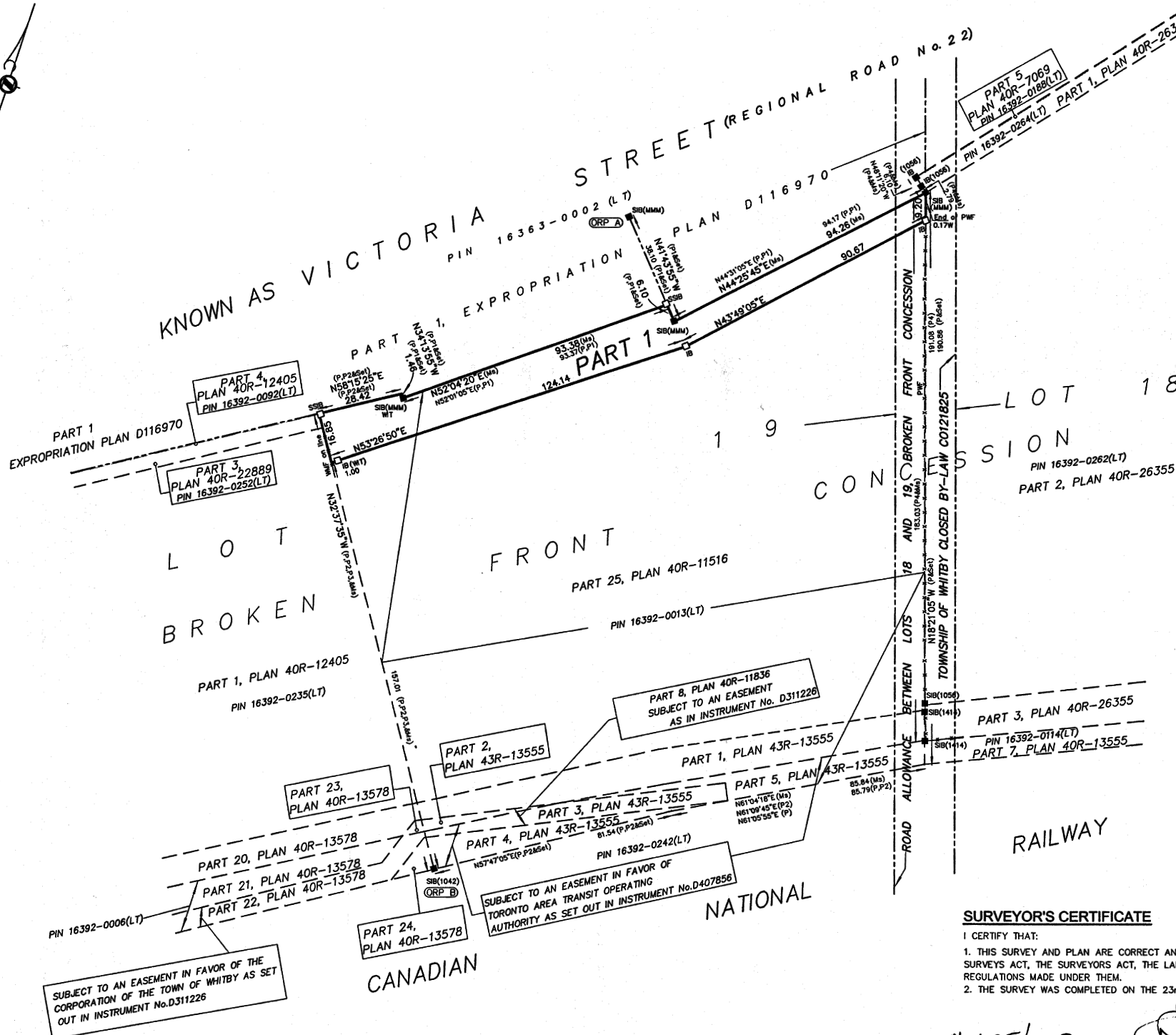


**MAURO GROUP INC.**  
ONTARIO LAND SURVEYORS

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PHONE 905.951.6000 - FAX 905.857.4811  
www.maurogroup.ca - info@maurogroup.ca

PARTY CHIEF: BP DRAWN BY: LV CHECKED BY: JA  
CLIENT: MUNICIPALITY OF DURHAM  
PATH: F:\PROJECTS\2022\B8088\MSCAD\B8088\_RP.DWG

**PROJECT No. 23-B8088**



**By-law Number 2025-\*\*\***  
**of The Regional Municipality of Durham**

Being a by-law to transfer jurisdiction over part of the highway known as Victoria Street East from The Corporation of the Town of Whitby to The Regional Municipality of Durham according to sections 52 and 53 of the *Municipal Act, 2001*, S.O. 2001, c. 25 and for connected purposes.

Whereas subsection 31 (2) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the “Act”) allows a municipality to pass a by-law to dedicate a highway and therefore to have jurisdiction over that highway;

And whereas The Corporation of the Town of Whitby, at its meeting on June 9, 2025, passed By-law 8198, being a by-law under subsection 31 (2) of the Act, to dedicate certain lands as part of the highway known as Victoria Street East;

And whereas subsection 52 (1) of the Act allows an upper-tier municipality to add to its highway system a lower-tier highway;

And whereas subsection 52 (3) of the Act states that where a highway forms part of the upper-tier highway system, the upper-tier municipality has jurisdiction over the highway;

And whereas paragraph (a) of section 53 of the Act provides that the municipality to which jurisdiction over the highway that has been transferred stands in the place of the transferor under any agreement in respect of the highway;

And whereas The Regional Municipality of Durham wishes to transfer a highway under the jurisdiction and ownership of The Corporation of the Town of Whitby and to dedicate the highway as part of the Regional highway system;

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

1. The lands legally described in Schedule A and forming part of the lower-tier highway known as Victoria Street East (the “transferred highway”) are hereby transferred to The Regional Municipality of Durham and are hereby established as part of the public highway known as Regional Road 22 (Victoria Street East).
2. Regional staff may register a copy of this by-law in the Land Registry Office.
3. Schedule A attached hereto forms part of this by-law.

This By-law Read and Passed on the 25th day of June, 2025.

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J. Henry, Regional Chair and CEO

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A. Harras, Regional Clerk

## **Schedule A**

### **Transferred Highway**

Part of Lot 19, Broken Front Concession and Part of the Road Allowance Between Lots 18 and 19, Broken Front Concession, stopped up and closed by By-law CO121825, in the Geographic Township of Whitby, now in the Town of Whitby, identified as part of the PIN 16392-0013 (LT) and designated as Part 1 on Reference Plan 40R-32203.