

Peel Bldg. Bk.

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Hyliard Chappell

The Hyl Chappell saga

Former MP loses appeal on land compensation

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Staff Reporter



HYLIARD CHAPPELL

Former Peel Liberal MP Hyliard Chappell and his wife, Grace, have lost their attempt to appeal an Ontario Supreme Court decision that significantly reduced their compensation for expropriated land.

The provincial government expropriated 4.3 acres of the Chappells' land north of Burnhamthorpe Rd. along the east side of Credit River for construction of Hwy. 403. The couple were originally granted \$1.7 million in compensation by the Land Compensation Board.

But the province appealed that settlement and the compensation was reduced to \$248,000 in a decision handed down November 19, 1984.

The Ontario Court of Appeal this week upheld that decision and ordered the Chappells to pay the costs of the unsuccessful appeal.

The basis of the dispute was whether the Chappells should be compensated for 65 other acres of land adjacent to what was expropriated but is in the province's Parkway Belt West plan. That plan puts many controls on the types of land uses allowed.

The court ruled that the value of the expropriated lands, which was placed at \$60,000 an acre, shouldn't be affected by the fact other lands owned by the Chappells are in the Parkway Belt West plan.

The City is currently negotiating with the Chappells to acquire their beautiful wooded property along the east side of the Credit River. The City has already purchased two adjacent parcels, known as the Bird and McEwen properties, and plans to buy another property owned by John Zaichuk.

The property may eventually be used as a passive park with a conservatory. Mayor Hazel McCallion says it could become "Mississauga's High Park."

Robert Johnston, the City's director of realty services, says the court decision will have no effect on the City's acquisition. The City has been negotiating on the basis that the Chappells will be compensated for the loss of their development rights, Johnston says.

Representatives of the City staff and the Credit Valley Conservation Authority recently met with Ontario's Minister of Natural Resources, Vince Kerrio, to encourage a grant for the purchase. If the properties are acquired through the conservation authority, as proposed, the City would pay 45 per cent of their estimated \$3.2-million cost and the province would pay 55 per cent.