

FOR OFFICE USE ONLY

LT 106858

CERTIFICATE OF RECEIPT
RECEIVED
NIAGRA SOUTH DISTRICT

'95 10 4 11 39

New Property Identifiers

Additional:
See
Schedule

Executions

Additional:
See
Schedule

(1) Registry ☐

Land Titles ☒

(2) Page 1 of 5 pages

(3) Property Identifier(s)

Block

Property

Additional:
See
Schedule

(4) Consideration

ONE-----GIVEN PURSUANT TO A
SUBDIVISION AGREEMENT---

Dollars \$1.00

(5) Description This is a:

Property
Division ☐

Property
Consolidation ☐

Part of parcel ~~6-1, 7-1, 13-1, 14-1,~~
~~54-1, 55-1, 59-1, 60-1, 67-1, 75-1, 76-1,~~
~~90-1, 91-1, 102-1,~~ Section 59M-22\ being part of
Lots 6, 7, 13, 14, 54, 55, 59, 60, 67,
75, 76, 90, 91 and Block 102, Plan 59M-22\
designated as parts 1, 2, 3, 4, 7, 8, 9,
10, 11, 12, 13, 14, 15 and 16 on reference plan
59R-9329, Town of Pelham
Regional Municipality of Niagara

(6) This Document Contains:

(a) Redescription
New Easement
Plan/Sketch ☐

(b) Schedule for:

Description ☐

Additional Parties ☐

Other ☒

(7) Interest/Estate Transferred

Fee Simple
Easement

(8) Transferor(s) The transferor hereby transfers the land to the transferee

Name(s)

CANBERRA FIVE PROPERTIES LTD.

Signature(s)

Nicola Basciano

Date of Signature
Y M D

1995 08 22

I have the authority to bind the

Company

President

(9) Spouse(s) of Transferor(s) I hereby consent to this transaction

Name(s)

Signature(s)

Date of Signature
Y M D

(10) Transferor(s) Address for Service

12-261 Martindale Road, St. Catharines, Ontario L2W 1A2

(11) Transferee(s)

THE
CORPORATION OF THE TOWN OF PELHAM

Date of Birth
Y M D

(12) Transferee(s) Address for Service

Box 400, Pelham Municipal Building, Fonthill, Ontario L0S 1E0

(13) Transferor(s) The transferor verifies that to the best of the transferor's knowledge and belief, this transfer does not contravene section 50 of the Planning Act.

Date of Signature

Date of Signature

Y M D

Y M D

Signature

Signature

Solicitor for Transferor(s) I have explained the effect of section 50 of the Planning Act to the transferor and I have made inquiries of the transferor to determine that this transfer does not contravene that section and based on the information supplied by the transferor, to the best of my knowledge and belief, this transfer does not contravene that section. I am an Ontario solicitor in good standing.

Name and Address of Solicitor

Date of Signature
Y M D

Signature

(14) Solicitor for Transferee(s) I have investigated the title to this land and to abutting land where relevant and I am satisfied that the title records reveal no contravention as set out in subclause 50 (22) (c) (ii) of the Planning Act and that to the best of my knowledge and belief this transfer does not contravene section 50 of the Planning Act. I act independently of the solicitor for the transferor(s) and I am an Ontario solicitor in good standing.

Name and Address of Solicitor

Date of Signature
Y M D

Signature

(15) Assessment Roll Number of Property

Cty. Mun. Map Sub. Par.

not assessed

(16) Municipal Address of Property
multiple
Pelham, Ontario

(17) Document Prepared by:

David I. Shapiro
DANIEL, WILSON
P.O.Box 24022, 39 Queen St
St. Catharines, Ontario
L2R 7P7

Fees and Tax

Registration Fee

Land Transfer Tax

Total

SCHEDULE

Form 5 - Land Registration Reform Act, 1984

Additional Property Identifier(s) and/or Other Information

6(a) DESCRIPTION

- ^{PLAN - 1}
 Part of Parcel ~~51~~, Section 59M- 221 being part of Lot 6, Plan 59M-221 designated as Part 1 on reference plan 59R-9329
- ^{PLAN - 1}
 Part of Parcel ~~71~~, Section 59M- 221 being part of Lot 7, Plan 59M- 221 designated as Part 2 on reference plan 59R-9329
- ^{PLAN - 1}
 Part of Parcel ~~121~~, Section 59M- 221 being part of Lot 13, Plan 59M- 221 designated as Part 3 on reference plan 59R-9329
- ^{PLAN - 1}
 Part of Parcel ~~141~~, Section 59M- 221 being part of Lot 14, Plan 59M- 221 designated as part 4 on reference plan 59R- 9329
- ^{PLAN - 1}
 Part of Parcel ~~301~~, Section 59M- 221 being part of Block 102, Plan 59M- 221 designated as part 7 on reference plan 59R- 9329
- ^{PLAN - 1}
 Part of Parcel ~~541~~, Section 59M- 221 being part of Lot 54, Plan 59M- 221 designated as part 8 on reference plan 59R- 9329
- ^{PLAN - 1}
 Part of Parcel ~~551~~, Section 59M- 221 being part of Lot 55, Plan 59M- 221 designated as Part 9 on reference plan 59R- 9329
- ^{PLAN - 1}
 Part of Parcel ~~591~~, Section 59M- 221 being part of Lot 59, Plan 59M- 221 designated as Part 10 on reference plan 59R- 9329
- ^{PLAN - 1}
 Part of Parcel ~~601~~, Section 59M- 221 being part of Lot 60, Plan 59M- 221 designated as Part 11 on reference plan 59R- 9329
- ^{PLAN - 1}
 Part of Parcel ~~671~~, Section 59M- 221 being part of Lot 67, Plan 59M- 221 designated as Part 12 on reference plan 59R- 9329
- ^{PLAN - 1}
 Part of Parcel ~~761~~, Section 59M- 221 being part of Lot 76, Plan 59M- 221 designated as Part 13 on reference plan 59R- 9329
- ^{PLAN - 1}
 Part of Parcel ~~751~~, Section 59M- 221 being part of Lot 75, Plan 59M- 221 designated as Part 14 on reference plan 59R- 9329
- ^{PLAN - 1}
 Part of Parcel ~~901~~, Section 59M- 221 being part of Lot 90, Plan 59M- 221 designated as Part 15 on reference plan 59R- 9329
- ^{PLAN - 1}
 Part of Parcel ~~911~~, Section 59M- 221 being part of Lot 91, Plan 59M- 221 designated as Part 16 on reference plan 59R- 9329

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SCHEDULE

Form 5 - Land Registration Reform Act, 1984

Additional Property Identifier(s) and/or Other Information

WHEREAS the easement was authorized by By-Law No. 1740(1995) of the Corporation of the Town of Pelham.

1. The Transferor grants to the Transferee, its successors and assigns, to be used and enjoyed as appurtenant to the Transferee's lands, the free, uninterrupted and unobstructed right and easement in perpetuity to enter, survey, lay, construct, operate, use, inspect, remove, renew, replace, alter, enlarge, reconstruct, repair, expand and maintain a storm sewer and all works, appurtenances, attachments, apparatus, appliances, markers, fixtures and equipment which the Transferee may deem necessary or convenient thereto, in, on, under and through the lands described in Box 5 of the Transfer/Deed (called "the Easement Lands) for the servants, agents, contractors and workmen of the Transferee to enter with machinery, material, vehicles and equipment necessary or incidental to the exercise and enjoyment of the easement hereby granted.
2. The Transferee covenants to fill in all excavations, remove all surplus soil and debris, and as far as practicable restore the surface to the same condition as prior to the commencement of construction or of any subsequent work thereto.
3. The Transferor shall have the right to use and enjoy the surface of the Easement Lands except that such use and enjoyment shall not interfere with the rights of the Transferee hereunder. The Transferor covenants to keep the Easement Lands clear of all buildings, structures, fences, brush, trees and other obstructions as may be necessary for the use of the easement and the Transferor shall not excavate, alter the grading, drill or install thereon any pit, well, foundation or pavement which will obstruct or prevent the exercise and enjoyment by the Transferee of its rights hereunder. The Transferee shall have the right to remove or control the growth of any roots, trees, stumps, brush or other vegetation on or under the Easement Lands and remove any obstruction therefrom.
4. Notwithstanding any rule of law or equity, all works, appurtenances, attachments, apparatus, appliances, markers, fixtures and equipment shall be deemed to be the property of the Transferee notwithstanding the same may have become annexed or affixed to the Easement Lands.
5. The easement herein is declared to be appurtenant to and for the benefit of the lands of the Transferee more particularly described in Schedule "A" attached hereto.
6. The Transfer of Easement and everything herein contained shall enure to and include the parties hereto and their respective heirs, administrators, successors and assigns.

SCHEDULE

Form 5 - Land Registration Reform Act, 1984

Additional Property Identifier(s) and/or Other Information

Those public Highways in the Town of Pelham, Regional Municipality of Niagara known as Concord Street, Oakridge Boulevard and Evelyn Court, all as shown on Plan 59M- 22)

Refer to all instructions on reverse side.

IN THE MATTER OF THE CONVEYANCE OF Part of Parcels 6-3, 7-3, 13-3, 14-3, 54-3, 55-3, 59-3, 60-3, 67-3, 75-3, 76-3, 90-3, 91-3 and 102-3, Section 59M-221 designated as Parts 14, 7, 16 on Plan 59R-9329, Town of Pelham
BY Regional Municipality of Niagara/ CANBERRA FIVE PROPERTIES LTD.

TO (see instruction 1 and print names of all transferees in full) THE CORPORATION OF THE TOWN OF PELHAM.

I, (see instruction 2 and print name(s) in full) R. BRUCE SMITH.

MAKE OATH AND SAY THAT:

1. I am (place a clear mark within the square opposite that one of the following paragraphs that describes the capacity of the deponent(s)): (see instruction 2)

- ☐ (a) A person in trust for whom the land conveyed in the above-described conveyance is being conveyed;
☐ (b) A trustee named in the above-described conveyance to whom the land is being conveyed;
☐ (c) A transferee named in the above-described conveyance;
☒ (d) The authorized ~~agent~~ solicitor acting in this transaction for (insert name(s) of principal(s)) THE CORPORATION OF THE TOWN OF PELHAM

(insert name(s) of deponent(s)) described in paragraph(s) ~~XXXXX~~ (c) above; (strike out references to inapplicable paragraphs)

☐ (e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for (insert name(s) of corporation(s))

(insert name(s) of deponent(s)) described in paragraph(s) (a), (b), (c) above; (strike out references to inapplicable paragraphs)

☐ (f) A transferee described in paragraph (insert only one of paragraph (a), (b) or (c) above, as applicable) and am making this affidavit on my own behalf and on behalf of (insert name of spouse) who is my spouse described in paragraph (insert only one of paragraph (a), (b) or (c) above, as applicable) and as such, I have personal knowledge of the facts herein deposed to.

2. (To be completed where the value of the consideration for the conveyance exceeds \$400,000).

I have read and considered the definition of "single family residence" set out in clause 1(1)(ja) of the Act. The land conveyed in the above-described conveyance

☐ contains at least one and not more than two single family residences.

☐ does not contain a single family residence.

☐ contains more than two single family residences. (see instruction 3)

Note: Clause 2(1)(d) imposes an additional tax at the rate of one-half of one per cent upon the value of consideration in excess of \$400,000 where the conveyance contains at least one and not more than two single family residences.

3. I have read and considered the definitions of "non-resident corporation" and "non-resident person" set out respectively in clauses 1(1)(f) and (g) of the Act and each of the following persons to whom or in trust for whom the land is being conveyed in the above-described conveyance is a "non-resident corporation" or a "non-resident person" as set out in the Act. (see instructions 4 and 5) NONE

4. THE TOTAL CONSIDERATION FOR THIS TRANSACTION IS ALLOCATED AS FOLLOWS:

(a) Monies paid or to be paid in cash	\$1.00	
(b) Mortgages (i) Assumed <u>(show principal and interest to be credited against purchase price)</u>	\$nil	
(ii) Given back to vendor	\$nil	
(c) Property transferred in exchange <u>(detail below)</u>	\$nil	
(d) Securities transferred to the value of <u>(detail below)</u>	\$nil	
(e) Liens, legacies, annuities and maintenance charges to which transfer is subject	\$nil	
(f) Other valuable consideration subject to land transfer tax <u>(detail below)</u>	\$nil	
(g) VALUE OF LAND, BUILDING, FIXTURES AND GOODWILL SUBJECT TO LAND TRANSFER TAX <u>(Total of (a) to (f))</u>	\$1.00	\$1.00
(h) VALUE OF ALL CHATTELS - items of tangible personal property <u>(Retail Sales Tax is payable on the value of all chattels unless exempt under the provisions of the "Retail Sales Tax Act", R.S.O. 1980, c.454, as amended)</u>	\$nil	
(i) Other consideration for transaction not included in (g) or (h) above	\$nil	
(j) TOTAL CONSIDERATION	\$1.00	

All Blanks
Must Be
Filled In.
Insert "Nil"
Where
Applicable.

5. If consideration is nominal, describe relationship between transferor and transferee and state purpose of conveyance. (see instruction 6)
Transfer of easement pursuant to subdivision agreement.

6. If the consideration is nominal, is the land subject to any encumbrance? No.

7. Other remarks and explanations, if necessary. NONE

Sworn before me at the City of Welland,
in the Regional Municipality of Niagara,
this 2nd day of September, 1995.

A Commissioner for taking Affidavits, etc.

(signature)
signature(s)

Property Information Record

- A. Describe nature of instrument: Transfer of Easement
B. (i) Address of property being conveyed (if available) not assessed
(ii) Assessment Roll No. (if available) not assessed
C. Mailing address(es) for future Notices of Assessment under the Assessment Act for property being conveyed (see instruction 7)
D. (i) Registration number for last conveyance of property being conveyed (if available)
(ii) Legal description of property conveyed: Same as in D.(i) above. Yes ☐ No ☐ Not known ☒
E. Name(s) and address(es) of each transferee's solicitor
R. Bruce Smith, Messrs. Brooks, Bielby & Smith, Barristers & Solicitors,
247 East Main Street, Welland, Ontario, L3B 5N9

For Land Registry Office Use Only

Registration No.

Registration Date

Land Registry Office No.

School Tax Support (Voluntary Election) See reverse for explanation

- (a) Are all individual transferees Roman Catholic? Yes ☐ No ☐
(b) If Yes, do all individual transferees wish to be Roman Catholic Separate School Supporters? Yes ☐ No ☐
(c) Do all individual transferees have French Language Education Rights? Yes ☐ No ☐
(d) If Yes, do all individual transferees wish to support the French Language School Board (where established)? Yes ☐ No ☐
French Public School Board or Sector unless otherwise directed in (a) and (b).