

<div>FOR OFFICE USE ONLY</div> <div>112625</div> <div>CERTIFICATE OF RECEIPT RECEPTE NIAGRA SOUTH/SUD(S9)WELLAND</div> <div>96 10 7 13 35</div> <div>New Property Identifiers</div> <div>Executions</div>	(1) Registry <input type="checkbox"/> Land Titles <input checked="" type="checkbox"/>	(2) Page 1 of 5 pages
	(3) Property Identifier(s) Block Property Additional: See Schedule <input type="checkbox"/>	
	(4) Nature of Document NOTICE OF AGREEMENT	
	(5) Consideration Dollars \$	
	(6) Description FIRSTLY: <i>Part of Parcel Plan-1</i> <del>Parcel 105-1</del> , Section 59M-221 Block 105, Plan 59M-221 Town of Pelham Regional Municipality of Niagara SECONDLY: Parcel D-1, Section M-48 Block D, Plan M-48 Town of Pelham Regional Municipality of Niagara	
Additional: See Schedule <input type="checkbox"/>	(7) This Document Contains: (a) Redescription New Easement Plan/Sketch <input type="checkbox"/> (b) Schedule for: Description <input type="checkbox"/> Additional Parties <input type="checkbox"/> Other <input checked="" type="checkbox"/>	

(8) This Document provides as follows:

The Corporation of the Town of Pelham has an unregistered estate, right, interest or equity in the land registered in the name of Canberra Five Properties Ltd. (firstly described in box (6) and Frank Matyskiewicz (secondly described in box (6) )and hereby applies under Section 71 of the Land Titles Act for the entry of a Notice of Agreement in the register for the said parcels.

Continued on Schedule ☐

(9) This Document relates to instrument number(s)

(10) Party(ies) (Set out Status or Interest)	Signature(s)	Date of Signature Y M D
Name(s)		
CANBERRA FIVE PROPERTIES LTD.		
FRANK MATYSKIEWICZ		
(Owners)		

(11) Address for Service

(12) Party(ies) (Set out Status or Interest)	Signature(s)	Date of Signature Y M D
Name(s)		
THE CORPORATION OF THE TOWN OF PELHAM	BROOKS, BIELBY & SMITH	
(Town/Applicant)		
by its solicitors	PER: <i>[Signature]</i>	1996 10 07
Brooks, Bielby & Smith	(R. Bruce Smith)	

(13) Address for Service P. O. Box 400, Fonthill, Ontario L0S 1E0

(14) Municipal Address of Property Not assigned	(15) Document Prepared by: R. Bruce Smith BROOKS, BIELBY & SMITH Barristers and Solicitors, 247 East Main Street P. O. Box 67 Welland, Ontario L3B 5N9	Fees and Tax Registration Fee Total
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THIS AGREEMENT DATED the 22nd day of January, 1996;

B E T W E E N:

CANBERRA FIVE PROPERTIES LTD.  
a company incorporated under the laws of the  
Province of Ontario,

Hereinafter called "CANBERRA"

PARTY OF THE FIRST PART

-and-

FRANK MATYSKIEWICZ  
of the Town of Pelham,  
in the Regional Municipality of Niagara,  
Province of Ontario

Hereinafter called "MATYSKIEWICZ"

PARTY OF THE SECOND PART

-and-

THE CORPORATION OF THE TOWN PELHAM

Hereinafter called "TOWN OF PELHAM"

PARTY OF THE THIRD PART

**WHEREAS** Canberra is the owner of lands registered in the Registry Office (Land Titles Division) at Welland and described as being the whole of Block 105 and the whole of Lot 19 on Plan 59M-221, (the "Canberra Lands").

**AND WHEREAS** Matyskiewicz is the owner of lands in the said Town of Pelham which lands are registered in the Registry Office (Land Titles Division) at Welland described as the whole of Lot 21 and the whole of Block D on Plan 59M-48, (the "Matyskiewicz Lands").

**AND WHEREAS** Canberra and Matyskiewicz wish to exchange portions of the lands owned by them;

**AND WHEREAS** in order to accommodate an exchange of lands between Canberra and Matyskiewicz the Town of Pelham has agreed, subject to the following conditions, to exempt Block 105 and Block D from the provisions of part lot control under The Planning Act of Ontario;

**NOWHEREFORE THIS AGREEMENT WITNESSETH** that in consideration of the sum of ONE-----xx/100 (\$1.00) DOLLAR of lawful money of Canada now paid by each of the parties to the other (the receipt of which is hereby acknowledged) and other good and valuable consideration the parties hereto covenant and agree as follows:

1. Canberra represents and warrants that it is the owner of the Canberra Lands. Matyskiewicz represents and warrants that he is the owner of the Matyskiewicz Lands.

2. The Town of Pelham shall pass the necessary By-law pursuant to Section 50 (7) of the Planning Act, R.S.O. 1990, exempting Block 105 on Plan 59M-221 and Block D on Plan 59M-48 from the part lot control restrictions of the Planning Act, (the "By-law").

3. Upon passage of the By-law by the Town of Pelham, Matyskiewicz shall convey to Canberra Those portions of Block D on Plan 59M-48 more particularly shown as Parts 9, 10, and 11 on the attached plan of survey prepared by William A. Mascoe Surveying Ltd. (attached hereto as Schedule "A" and hereinafter referred to as the "Survey") which lands shall merge with Lot 19 on Plan 59M-221 to create a new parcel (hereinafter referred to as "Parcel A").

4. Matyskiewicz shall also convey to Canberra that portion of the said Block D designated as Part 7 on the attached Plan of Survey which shall merge with that portion of the said Block 105 designated at Part 8 on the Survey to create a new parcel (hereinafter referred to as "Parcel B").

5. Canberra shall convey to Matyskiewicz that portion of the said Block 105 that is designated as Part 4 on the attached Plan of Survey which shall merge with that portion of Block D designated as Parts 5 and 6 on the Survey to create a new parcel (hereinafter referred to as "Parcel C").

6. Canberra shall convey to Matyskiewicz that portion of the said Block 105 designated as Part 3 on the Survey so that the said Part 3 shall merge with those portions of the said Block D that are designated as Parts 1 and 2 on the Survey and Matyskiewicz covenants and agrees that the said Parts 1, 2, and 3 shown on the Survey shall then merge with Lot 21 on Plan 59M-48 to create a new parcel (hereinafter referred to as "Parcel D").

7. Canberra and Matyskiewicz acknowledge that the Town of Pelham has consented to the passing of the By-law only on the condition that the merging of the various parcels of land as contemplated in paragraphs 3 to 6 inclusive of this agreement is to be completed and that Parcel A, Parcel B, Parcel C and Parcel D will be created. Canberra and Matyskiewicz further covenant and agree that they will execute all documentation and complete whatever procedures are required such that Parcel A, Parcel B, Parcel C and Parcel D will be created in accordance herein and that they will provide the Town of Pelham with written confirmation of same.

8. Upon completion of the registration of the said conveyances the Town of Pelham shall repeal the By-law thereby making all of the merged parcels once again subject to the part lot control provisions of the Planning Act. In the event that the By-law already contains an expiry date as provided pursuant to Section 50 (7.1) of the Planning Act then it will not be necessary to repeal the By-law.

9. Canberra and Matyskiewicz hereby acknowledge that the proposed conveyances when completed shall create the mergers in title as set forth above and that upon the repeal of the By-law exempting the said lands from part lot control, or upon the expiration of the By-law as the case may be, that neither Canberra, Matyskiewicz or their successors in title shall be entitled to convey off anything other than the whole of Parcel A, Parcel B, Parcel C, or Parcel D.


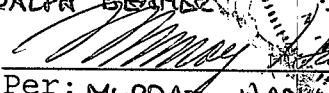
10. Canberra and Matyskiewicz shall each be responsible for drafting the transfers necessary to convey the parts required to be conveyed by each of them to the other and each party shall be responsible for registering the transfer of the lands so conveyed by the other.

11. Canberra and Matyskiewicz covenant and agree with each other that any lands required to be conveyed shall be conveyed free and clear of any encumbrances with taxes paid to the date of registration. Matyskiewicz further covenants and agrees that on any transfer of lands from Matyskiewicz to Canberra if Matyskiewicz is a spouse his spouse shall execute the transfer consenting to the conveyance.

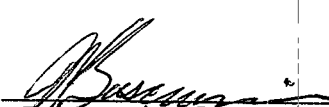
12. Each of Canberra and Matyskiewicz consent to the registration of this agreement against title to the Canberra Lands and the Matyskiewicz Lands.

13. This agreement shall enure to and be binding upon the parties hereto their successors, assigns, heirs, executors, administrators and all other persons acquiring title or interest in the Canberra Lands or the Matyskiewicz Lands.

DATED at the Town of Pelham, Ontario, this 29TH day of AUGUST, 1996

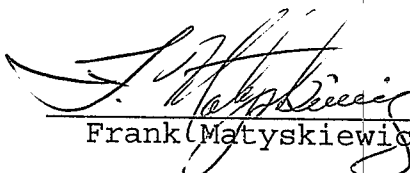
THE CORPORATION OF THE TOWN OF PELHAM  
  
RALPH BLAMIE  
  
Per: MURRAY MACLENNAN CS

DATED at St. Catharines, Ontario, this 24TH day of MAY, 1996

CANBERRA FIVE PROPERTIES LTD.  
  
Per: Nicola Basciano  
President

DATED at the Town of Pelham, Ontario, this 27th day of JUNE, 1996.

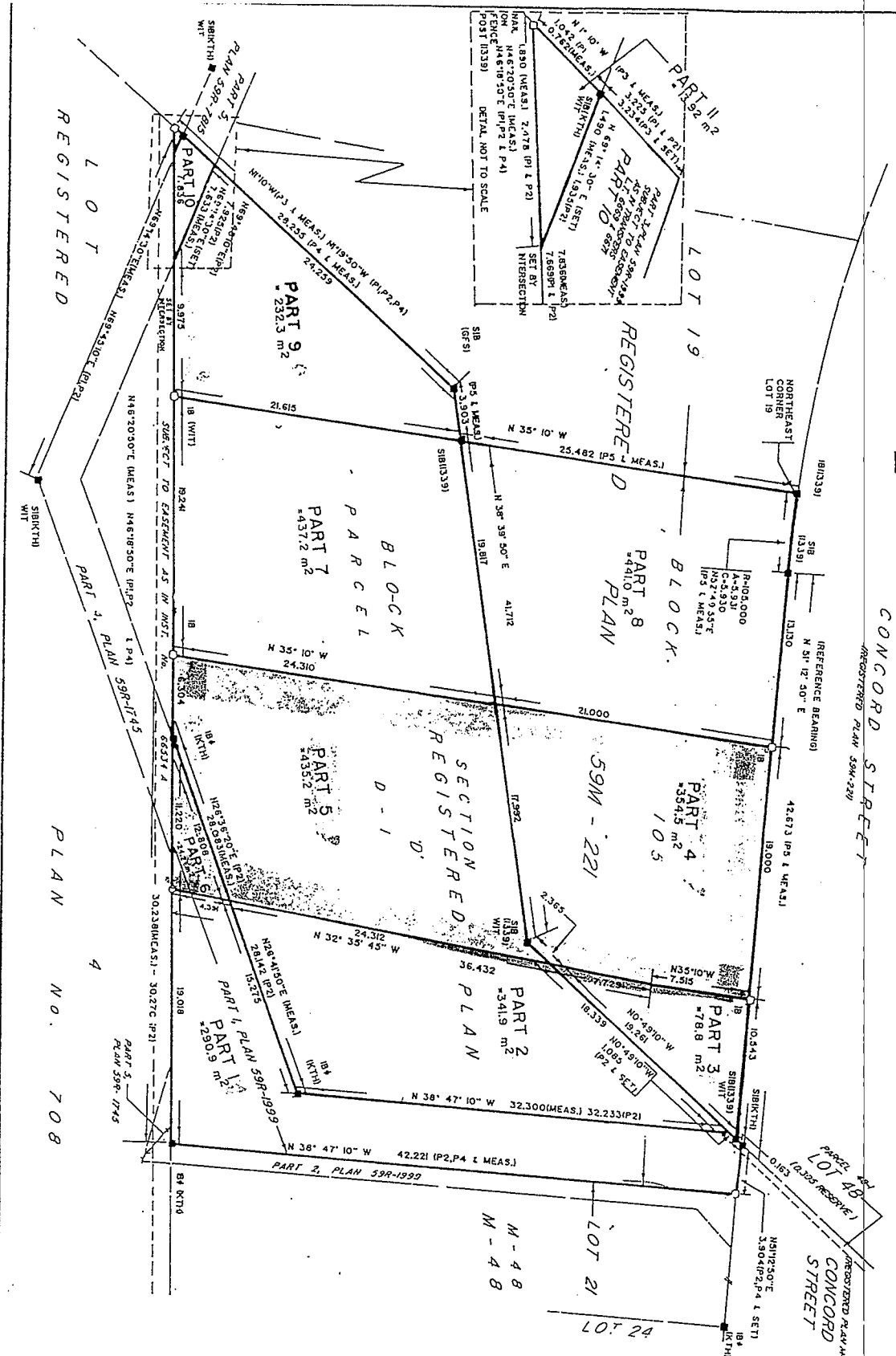
Witness

  
Frank Matyskiewicz

PLAN OF SURVEY OF

ALL OF BLOCK 105, REGISTERED PLAN 59M-221  
ALL OF BLOCK 'D', REGISTERED PLAN M-48  
TOWN OF PELHAM  
REGIONAL MUNICIPALITY OF NIAGARA

SCALE: 1:250  
WILLIAM A. MASCOE  
ONTARIO LAND SURVEYOR  
1992



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.		<b>PLAN 59R-</b>	
DATE: MARCH 31, 1992		RECEIVED AND DEPOSITED	
WILLIAM A. MASCOE, O.L.S.		DATE: _____	
PARTS 3, 4, 8 ALL OF PARCEL 105-1, SECTION 59M-221 PARTS 1, 2, 5, 6, 7, 9, 10 ALL OF PARCEL 105-1, SECTION 59M-221		DEF. LAND REGISTRAR FOR THE LAND TITLES DIVISION OF NIAGARA SOUTH (NO 59)	

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER.  
2. THE SURVEY WAS COMPLETED ON THE 31ST. DAY OF MARCH, 1992.

MARCH 31, 1992  
DATE  
WILLIAM A. MASCOE  
ONTARIO LAND SURVEYOR

BEARING NOTE

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTHEASTLY LIMIT OF CONCORD STREET AS SHOWN ON REGISTERED PLAN 59M-221, HAVING A BEARING OF N 51° 12' 50" E.

LEGEND

- P1 DENOTES PLAN 59R-1745
- P2 DENOTES PLAN 59R-1999
- P3 DENOTES PLAN 59R-1745
- P4 DENOTES REGISTERED PLAN M-48
- P5 DENOTES REGISTERED PLAN 59M-221
- S.L.B. DENOTES A STANDARD IRON BAR.
- I.B. DENOTES AN IRON BAR.
- Ø DENOTES ROUND.
- I.T. DENOTES IRON TUBE.
- DENOTES A SURVEY MONUMENT FOUND.
- O— DENOTES A SURVEY MONUMENT SET.
- I339 DENOTES W.A. MASCOE, O.L.S.
- KTH DENOTES KERRY T. HOWE, O.L.S.
- G73 DENOTES GERALD F. STEELE, O.L.S.

CAUTION

THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT.

WILLIAM A. MASCOE  
SURVEYING LTD.  
94 CHURCH STREET  
ST. CATHARINES, ONTARIO

DATE: MARCH 31, 1992 FILE: 3381