

ACKNOWLEDGEMENT AND DIRECTION

TO: Callum Shedden
(Insert lawyer's name)

AND TO: DANIEL & PARTNERS LLP
(Insert firm name)

RE: Woodland Estates Subdivision Phase 1 (the transaction)
(Insert brief description of transaction)

This will confirm that:

- I/We have reviewed the information set out this Acknowledgement and Direction and in the documents described below (the "Documents"), and that this information is accurate;
- You, your agent or employee are authorized and directed to sign, deliver, and/or register electronically, on my/our behalf the Documents in the form attached.
- You are hereby authorized and directed to enter into an escrow closing arrangement substantially in the form attached hereto being a copy of the version of the Document Registration Agreement, which appears on the website of the Law Society of Upper Canada as of the date of the Agreement of Purchase and sale herein. I/We hereby acknowledge the said Agreement has been reviewed by me/us and that I/We shall be bound by its terms;
- The effect of the Documents has been fully explained to me/us, and I/we understand that I/we are parties to and bound by the terms and provisions of the Documents to the same extent as if I/we had signed them; and
- I/we are in fact the parties named in the Documents and I/we have not misrepresented our identities to you.
- I, _____, am the spouse of _____, the (Transferor/Chargor), and hereby consent to the transaction described in the Acknowledgment and Direction. I authorize you to indicate my consent on all the Documents for which it is required.

DESCRIPTION OF ELECTRONIC DOCUMENTS

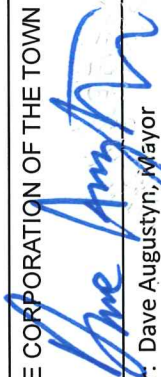
The Document(s) described in the Acknowledgement and Direction are the document(s) selected below which are attached hereto as "Document in Preparation" and are:

- ☐ A Transfer of the land described above.
- ☐ A Charge of the land described above.
- ☐ Other documents set out in Schedule "B" attached hereto.

Dated at Levony Lebanon, this 5th day of July, 2013.

WITNESS

(As to all signatures, if required)

THE CORPORATION OF THE TOWN OF PELHAM

Per: Dave Augustyn, Mayor

Per: Nancy J. Bozzato, Clerk

This document has not been submitted and may be incomplete.

Properties

PIN 64031 - 0446 LT ☒ Affects Part of Prop

Description IN THE MATTER OF A PLAN OF SUBDIVISION OF PART LOT 13, CONCESSION 9, PELHAM AND BEING PART OF PIN 64031-0446 (LT) PREPARED BY DONALD G. CHAMBERS, OLS, CHAMBERS AND ASSOCIATES SURVEYING LTD. DATED THE 25TH DAY OF JUNE, 2013.

Address FONTHILL

Applicant(s)

Name CANBORO DEVELOPMENTS INC.
Acting as a company

Address for Service c/o 31 Church Street
St. Catharines, Ontario L2R 3B7

I, Terry Hinan, President, have the authority to bind the corporation.

This document is not authorized under Power of Attorney by this party .

Statements

The applicant applies to register a plan of subdivision of the land prepared by Donald G. Chambers O.L.S. dated 2013/06/25

All the consents required have been obtained.

Schedule: See Schedules

File Number

Applicant Client File Number : 71635

CONSENT OF CHARGE

IN THE MATTER OF A PLAN OF SUBDIVISION of Part of Lot 13 Concession 9 Township of Pelham, Regional Municipality of Niagara, and being part of PIN 64031-0446 (LT), prepared by Donald G. Chambers, Ontario Land Surveyor, and dated the 25th day of June, 2013.

THE TORONTO-DOMINION BANK, a Chargee under a Charge registered as Instrument No. SN332884 on December 9, 2011, as to the above noted lands, hereby consents to the registration of the above mentioned Plan of Subdivision.

 **DATED** this 3 day of July, 2013.

THE TORONTO-DOMINION BANK

Per:



Name: Alan Whitehead

Title: Account Manager

Name: Greg Hoekman

Title: Manager Commercial Credit

We have authority to bind the corporation.

This document has not been submitted and may be incomplete.

Properties

PIN	64031 - 0446	LT	☒ Affects Part of Prop
Description	LOTS 1 AND 2, PLAN 59M- _____ PELHAM		
Address	FONTHILL		

Applicant(s)

Name	CANBORO DEVELOPMENTS INC. Acting as a company
Address for Service	c/o 31 Church Street St. Catharines, Ontario L2R 3B7

I, Terry Hinan, President, have the authority to bind the corporation.
This document is not authorized under Power of Attorney by this party.

Statements

Schedule: See Schedules

File Number

Applicant Client File Number : 71635

BUILDING RESTRICTIONS

According to the nature of the annexed instrument, the words "Owner" and "Land" shall have the following meaning:

- (a) "OWNER" means and includes also a grantee, transferee or buyer and the heirs, successors and assigns of the Owner.
- (b) "LAND" means and includes the land intended to be sold, conveyed or transferred by such instrument.

The Owner shall, in respect of the herein described land, adhere to and comply with the lot grading plan attached to the subdivider's agreement registered in the Land Titles Office for Niagara South and, in particular, shall do nothing to interfere with or impede the drainage patterns shown thereon. All grade elevation shown on the said lot grading plan shall be maintained after construction of any building or structure upon the herein described land in accordance with the Town's Lot Grading Control Policy. In the event that the Owner fails to maintain such elevations, or to maintain the proper grades and levels herein referred to, or in the event that the Owner impedes any drainage system or pattern on the herein described lands or neighbouring lands, the Owner shall be responsible for the immediate rectification and alteration of the land to conform with the drainage system or patterns laid out in the subdivider's agreement for any consequential damages, costs, expenses or other loss caused by the failure to maintain such grades or drainage patterns.

The Owner shall, in the event of requiring a different driveway entrance from that installed by the Vendor, relocate services/utilities at Owner's expense, cut and reconstruct the concrete curb where necessary on the roadway adjacent to the land herein described. He shall install, keep and maintain his driveway entrance or entrances from the travelled portion of the roadway to the lot line in good condition until the concrete sidewalk, concrete curbs and/or asphalt roadways for the said subdivision are constructed.

The Owner shall, within nine (9) months of being able to occupy the home in accordance with the *Ontario Building Code* and to the satisfaction of the Chief Building Official, pave or cause to be paved the driveway upon the lot. Paving shall consist of a hard surface such as asphalt, concrete, paving stones, paving bricks or other similar materials. Crushed brick is not a suitable alternative.

The Owner shall, within twelve (12) months of being able to occupy the home in accordance with the *Ontario Building Code* and to the satisfaction of the Chief Building Official, sod the lot.

The Owner shall maintain the road allowance between the lot line and the curb nearest thereto in good condition and free from weeds and shall cut the grass thereon at frequent intervals.

The Owner will not remove any topsoil or strip the lot of vegetation prior to commencing construction of a home on the lot. Only then will the Owner strip and excavate to the limit approved by the Town.

SCHEDULE "F"

BUILDING RESTRICTIONS **(Continued)**

The Owner shall not occupy the dwelling on the lot concerned until the Chief Building Official for the Town has certified that such of the following services, as are applicable to the property, have been installed and are operating adequately to serve the dwelling, or in the case of telephone services, are at least available to houses within the plan: hydro, gas, water services, sanitary sewers and telephone.

The Owner shall not impede by the placing of fill, buildings or other structures or works any natural watercourse, swale, ditch, etc. which exists on the property.

The Owner shall not discharge by direct connection to a sanitary or storm sewer any discharge from eavestroughing, downspouts or swimming pools.

The Owner shall not erect any free standing tower, radio antenna, communication tower or similar structure.

Properties

PIN

64031 - 0446 LT

Description

LOTS 1 AND 2,
PLAN 59M-
PELHAM

Address

FONTHILL

☒ Affects Part of Prop

Source Instruments

Registration No.	Date	Type of Instrument
SN332884	2011 12 09	Charge/Mortgage

Party From(s)

Name	THE TORONTO-DOMINION BANK Acting as a company
Address for Service	St. Catharines Commercial Banking Centre 40 King Street St. Catharines, Ontario L2R 3H4

I, Greg Hoekman, Manager Commercial Credit and I, Alan Whitehead, Account Manager, have the authority to bind the corporation.

This document is not authorized under Power of Attorney by this party.

Party To(s)	Capacity	Share
-------------	----------	-------

Name	THE CORPORATION OF THE TOWN OF PELHAM Acting as a company
Address for Service	20 Pelham Town Square Fonthill, Ontario L0S 1E0

Statements

The applicant postpones the rights under the selected instrument to the rights under an instrument registered as number SN379037 registered on 2013/06/28

File Number

Party From Client File Number :	71635
Party To Client File Number :	43029-B

Nancy Bozzato

From: Monica Wolfe <wolfem@niagaralaw.ca>
Sent: Thursday, July 04, 2013 2:59 PM
To: Nancy Bozzato
Subject: Woodlands Subdivision Phase 1
Attachments: Draft Document Town of Pelham.pdf; Draft M-Plan June 25.pdf

Hi Nancy; As you know we registered the subdivision agreement on Friday for Phase 1. For these two lots then the only thing remaining is the Plan document and the Restrictive Covenants (which the other side will register) and the postponement of the exiting mortgage to the Subdivision agreement. I've sent the drafts for your review and signing. (I only sent one Acknowledgement and Direction for this one).

I understand the plan has been checked by the Registry Office (see attached as well) so the mylars should be coming your way sometime soon. Block 3 is dedicated as a public highway by the Plan, which is why there's no transfer for that parcel. The mortgage will not be carried forward onto that parcel.

Let me know if you have any questions or concerns.

Monica Wolfe

2 Abstract for You, Ltd.

Conveyancer for Daniel and Partners, LLP.

705-797-0709

????????????????????

Daniel & Partners LLP

L A W Y E R S

39 Queen Street, P.O. Box 24022

St. Catharines ON L2R 7P7 Canada

Tel: 905-688-9411 Fax: 905-688-5747

www.niagaralaw.ca/UrlBlockedError.aspx

This e-mail communication is CONFIDENTIAL AND LEGALLY PRIVILEGED. If you are not the intended recipient, please notify me at the telephone number shown above or by return e-mail and delete this communication and any copy immediately. Thank you.

[<http://www.niagaralaw.ca/email/untitled.bmp>]