

*Yves... B/L 3.2.20*

**ACKNOWLEDGEMENT AND DIRECTION**

**TO:** Sarah Draper  
(Insert lawyer's name)

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

**RE:** Application to delete Site Plan Agreement from Part 3, 59R-14681, 851858 (the transaction")  
Ontario Inc. (partial release)  
(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 Pelham, ON, this 31<sup>st</sup> day of July, 2012.

**WITNESS**

(As to all signatures, if required)

\_\_\_\_\_

*[Signature]*  
THE CORPORATION OF THE TOWN OF PELHAM

*[Signature]*  
Deputy Clerk, Town of Pelham

\_\_\_\_\_

\_\_\_\_\_

**Properties**

*PIN*                64034 - 0594   LT  
*Description*    PT OF BLK X PL 717 FONTHILL, PT 3, 59R14681; TOWN OF PELHAM  
*Address*        FONTHILL

**Applicant(s)**

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

I, Mayor Dave Augustyn and Clerk, Nancy Bozzato, have the authority to bind the corporation.

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

**Statements**

Schedule: I, Sarah Draper, Solicitor for the applicant herein, hereby applies under Section 75 of the Land Titles Act to amend the register by deleting therefrom Notice of Site Plan Agreement SN345748 registered on May 16, 2012 made between the applicant and 851858 Ontario Inc. Evidence in support of the application is solicitors statement: I, Sarah Draper, solicitor hereby state that The Corporation of the Town of Pelham has released its interest in the said site plan agreement as to the lands identified as Part of Block X, Plan 717 Fonthill, being Part 3, 59R-14681; Town of Pelham and being the whole of PIN 64034-0594 (LT)

**File Number**

*Applicant Client File Number :*                    43029



**Fw: Discharge of Site Plan Agreement**  
Tara Druzina to: Jordan Arcaro

27/07/2012 02:59 PM

Jordan,

Can you please take care of this.

Thank you,

Tara Druzina  
Administrative Assistant  
The Town of Pelham  
Planning Services Department  
Phone: 905-892-2607 extension 321  
Fax: 905-892-5055  
Email: [tdruzina@pelham.ca](mailto:tdruzina@pelham.ca)

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----- Forwarded by Tara Druzina/PEHLAM on 07/27/2012 02:58 PM -----

From: Sarah Draper <[DraperS@niagaralaw.ca](mailto:DraperS@niagaralaw.ca)>  
To: "tdruzina@pelham.ca" <[tdruzina@pelham.ca](mailto:tdruzina@pelham.ca)>  
Date: 07/27/2012 02:55 PM  
Subject: FW: Discharge of Site Plan Agreement

Hi Tara,

Attached is an Authorization and Direction for signature.  
Please have Mayor Dave and Nancy sign and return a signed copy by e-mail.

Thanks in advance,

**Sarah J. Draper, B.A. (Hons.), J.D., M.L.A.**  
Associate

**From:** [tdruzina@pelham.ca](mailto:tdruzina@pelham.ca) [<mailto:tdruzina@pelham.ca>]  
**Sent:** July-26-12 11:23 AM  
**To:** Sarah Draper  
**Cc:** Callum Shedden  
**Subject:** Discharge of Site Plan Agreement

Good morning,

As per the attached By-law, can you please make arrangements to have the Site Plan discharged as noted. Please provide your charge for doing such, as I need to pass that along to the applicant.

Thank you for your assistance.

Tara Druzina  
Administrative Assistant  
The Town of Pelham  
Planning Services Department  
Phone: 905-892-2607 extension 321  
Fax: 905-892-5055  
Email: [tdruzina@pelham.ca](mailto:tdruzina@pelham.ca)

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**Daniel & Partners LLP**

**LAWYERS**

39 Queen Street, P.O. Box 24022

St. Catharines ON L2R 7P7 Canada

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

[www.niagaralaw.ca](http://www.niagaralaw.ca)



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A&D Pelham delete SPA.pdf

THE CORPORATION OF THE  
TOWN OF PELHAM

BY-LAW #3280 (2012)

**Being a by-law to release certain lands from a site plan  
agreement between The Town and 851858 Ontario Inc.**

**WHEREAS** the Council of The Corporation of the Town of Pelham deems it desirable to discharge a Site Plan Agreement, dated the 16<sup>th</sup> day of May, 2012, and registered as Instrument No. SN345748 between The Corporation of the Town of Pelham and 851858 Ontario Inc.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN  
OF PELHAM ENACTS AS FOLLOWS:**

- (1) **THAT** the above mentioned Site Plan Agreement be discharged from lands described in Schedule "A".
- (2) **THAT** the Mayor & Clerk be and each of them is hereby authorized and instructed on behalf of the Corporation of the Town of Pelham to execute the necessary discharge.

READ A FIRST, SECOND AND THIRD TIME  
AND FINALLY PASSED BY COUNCIL THIS  
16<sup>TH</sup> DAY OF JULY, 2012 A.D.

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MAYOR DAVE AUGUSTYN

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CLERK NANCY J. BOZZATO

**SCHEDULE 'A'**  
**DESCRIPTION**

Being Part of Block X, Plan 717, Town of Pelham, The Regional Municipality of Niagara,  
designated as Part 3 on Reference Plan No. 59R-14681 and being part of PIN 64034  
0079 (LT)



## **TOWN OF PELHAM**

### **COUNCIL REPORT**

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**REPORT TO:** Mayor and Members of Council

**MEETING DATE:** July 16, 2012

**SUBJECT:** Application for Partial Discharge of Site Plan Agreement  
170 Highway 20 West  
851858 Ontario Inc. (Robert Zwierschke)

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**PREPARED AND SUBMITTED BY:**

  
Craig Larmour, MCIP, RPP  
Director of Planning and Development

**APPROVED BY:**

  
Darren Ottaway  
Chief Administrative Officer

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#### **RECOMMENDATIONS:**

**THAT Council receive Planning Report P-31/12 regarding an Application for Partial Discharge of Site Plan Agreement for 170 Highway 20 West be received.**

#### **FINANCIAL, LEGAL AND STAFFING IMPLICATIONS:**

There are no financial, legal or staffing implications that will result directly from Council's consideration of this recommendation.

#### **SUMMARY:**

##### **a) Origin of Report**

Earlier this year, the Town entered a Site Plan Agreement with 851858 Ontario Inc. (Robert Zwierschke) to facilitate the development of 170 Highway 20 West. The owner subsequently applied for and received conditional approval of a consent to sever the lands. One condition of approval requires that the owner convey a 3.05 metre road widening to the Niagara Region. In order to facilitate the conveyance, the owner is required to discharge the Site Plan Agreement from the parcel to be conveyed as road widening.

##### **b) Authority**

*Planning Act, R.S.O., c.P. 13.*

***Blackadder Marion Wood LLP***  
*Barristers and Solicitors*

136 East Main Street P.O. Box 580  
Welland, Ontario L3B 5R3

Telephone: (905) 735-3620  
Fax: (905) 735-1577

E. A. Blackadder, Q.C.  
(Retired)  
R. A. Marion, LL.B.  
H. S. Wood, LL.B., LL.M.

July 11, 2012

Regular Mail and Fax: 905-892-5055

Town of Pelham  
Clerk's Department  
20 Pelham Town Square P.O. Box 400  
Fonthill, ON L0S 1E0

Attention: Nancy Bozzatto, Town Clerk

Dear Madam:

Re: 170 Highway 20 W., Pelham, ON  
Closing Date: ASAP  
Our File No.: 12-0134  
and Re: SN345718 (Site Plan Agreement)

As noted in our letter of July 5<sup>th</sup>, 2012, we require a Partial discharge of the above described Notice against Part 3, Plan 59R-14681 in order to satisfy the requirements of The Regional Municipality of Niagara concerning the road widening.

Mr. Larmour has suggested a separate letter requesting this discharge be submitted to the Clerk's Department. We understand it will then be circulated to the appropriate staff for comment and preparation of an appropriate by-law to address this matter.

Please accept this letter for that purpose. As noted earlier, timing remains important to our client.

Yours truly,

**Blackadder Marion Wood, LLP**

**H. STERLING WOOD**

HSW:ja

Encl.