

THIS AGREEMENT made this 1 day of October, 2018  
BETWEEN:

THE CORPORATION OF THE TOWN OF PELHAM

hereinafter called the "Town"

-AND-

GREY FOREST HOMES

hereinafter called the "Condominium"

WHEREAS the Corporation proposed to develop, under the Condominium Act, S.O. 1998, C19, as amended and Section 51 of the Planning Act, R.S.O. 1990 lands it owns;

AND WHEREAS by agreement, dated the 19th day of April, 2018, and registered in the Registry Office for the Land Titles Division of Niagara South on the 23 day of August, 2018, as Instrument No. SN562673 (the "Site Plan Agreement"), Grey Forest Homes did covenant and agree with the Town to perform certain works on the lands and premises therein described upon the terms and conditions therein contained;

AND WHEREAS buildings are to be constructed on the said lands in accordance with Schedule "B", "C", "D", "E" and "F" of the said Site Plan Agreement, and in accordance with site plans filed in the office of the Town;

AND WHEREAS by registration of a declaration and description on the 28th day of August, 2018, as Instrument No. SN 563127 in the Land Registry Office for the Land Titles Division of Niagara South, the Condominium was established;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the sum of one dollar (\$1.00) now paid by each of the parties to each other (the receipt of which is hereby acknowledged), the parties hereto mutually covenant and agree as follows:

1. That every covenant, condition, proviso and stipulation contained in the Site Plan Agreement will apply and bind the Condominium in the same manner and with the same effect as if the Condominium had been a party to the said Site Plan Agreement and the Condominium covenants and agrees with the Town to do, observe, keep and perform every such covenant, condition, proviso and stipulation.
2. The Condominium agrees to meet the requirements of Sections 6.6.4 and 6.6.5 of the Fire Code with respect to maintenance and testing of fire hydrant(s).

3. The Condominium agrees to include a clause within all offers of purchase and sale advising prospective purchasers that private roadways are subject to a Condominium Corporation and agreements for maintenance, snow removal and garbage pick-up. The Condominium further agrees that all laneways are to be kept free and clear of vehicles to ensure that emergency service, snow removal and waste collection vehicles have continued access and that failure to comply with this clause will result in ticketing and potentially towing.
4. The Condominium agrees to provide two 1.5 metre wide concrete sidewalks from the westerly termini of the laneway to the west property line in order to facilitate pedestrian connections to future roads on the property to the west.
5. The Condominium agrees that no condominium unit shall be conveyed and that no transfer of such unit shall be registered unless and until such time as this Agreement has been registered on title.
6. The Condominium shall pay the Town's costs in connection with this Agreement for the preparation, processing, administration and supervision including, but not limited to, all administrative, legal, inspection and consulting expenses.
7. The Condominium consents to the registration of this Agreement against the title to the lands described in Schedule "A".
8. This Agreement and everything herein contained shall enure to the benefit of and be binding upon the parties hereto and their successors and assigns and upon those persons or corporations hereafter acquiring title to all or any part of the lands described in Schedule "A".

IN WITNESS WHEREOF the parties hereunto have executed this Agreement as of the date and year first above written.

WITNESS

GREY FOREST HOMES

Leigh Anne Cullford  
(printed name)

Rudy Sawatzky  
(printed name)

Leigh Anne Cullford  
(signature)


Rudy Sawatzky  
(signature)

October 1, 2018  
(date)

October 1, 2018  
(date)

☒ I have the authority to bind the Corporation

THE CORPORATION OF THE TOWN OF PELHAM

  
\_\_\_\_\_  
Mayor Dave Augustyn

  
\_\_\_\_\_  
Clerk Nancy J. Buzzato

SCHEDULE "A"

Legal Description

PIN 64067-0284 (LT)

Level 1, Units 1 to 51 inclusive, Condominium Plan No. 143; Block 51, Registered Plan 59M-456;  
Town of Pelham, Regional Municipality of Niagara;