

Properties

PIN	46392 – 0853 LT
Description	LOT 1, PLAN 30M386; S/T EASEMENT IN GROSS OVER PT 72, 30R13234 AS IN NR196084; NIAGARA–ON–THE–LAKE
Address	NIAGARA–ON–THE–LAKE
PIN	46392 – 0854 LT
Description	LOT 2, PLAN 30M386; S/T EASEMENT IN GROSS OVER PT 73, 30R13234 AS IN NR196084; NIAGARA–ON–THE–LAKE
Address	NIAGARA–ON–THE–LAKE
PIN	46392 – 0855 LT
Description	LOT 3, PLAN 30M386, NIAGARA–ON–THE–LAKE.
Address	NIAGARA–ON–THE–LAKE
PIN	46392 – 0856 LT
Description	LOT 4, PLAN 30M386; S/T EASEMENT IN GROSS OVER PT 74, 30R13234 AS IN NR196084; NIAGARA–ON–THE–LAKE
Address	NIAGARA–ON–THE–LAKE
PIN	46392 – 0857 LT
Description	LOT 5, PLAN 30M386; S/T EASEMENT IN GROSS OVER PT 80, 30R13234 AS IN NR196084; NIAGARA–ON–THE–LAKE
Address	NIAGARA–ON–THE–LAKE
PIN	46392 – 0858 LT
Description	BLOCK 6, PLAN 30M386, NIAGARA–ON–THE–LAKE.
Address	NIAGARA–ON–THE–LAKE
PIN	46392 – 0859 LT
Description	BLOCK 7, PLAN 30M386, NIAGARA–ON–THE–LAKE.
Address	NIAGARA–ON–THE–LAKE
PIN	46392 – 0860 LT
Description	BLOCK 8, PLAN 30M386, NIAGARA–ON–THE–LAKE.
Address	NIAGARA–ON–THE–LAKE
PIN	46392 – 0861 LT
Description	BLOCK 9, PLAN 30M386, NIAGARA–ON–THE–LAKE.
Address	NIAGARA–ON–THE–LAKE

Consideration

Consideration \$1.00

Applicant(s)

The notice is based on or affects a valid and existing estate, right, interest or equity in land

Name	THE CORPORATION OF THE TOWN OF NIAGARA–ON–THE–LAKE
Address for Service	1593 Four Mile Creek Road, P.O. Box 100 Virgil, Ontario L0S 1T0

I, Lord Mayor Gary Burroughs and I, Holly Dowd, Town Clerk, have the authority to bind the corporation.
This document is not authorized under Power of Attorney by this party.

Statements

This notice is pursuant to Section 71 of the Land Titles Act.
This notice is for an indeterminate period
Schedule: See Schedules
This document relates to registration no.(s)NR196083

Signed By

Callum Shedden

39 Queen St. P.O. Box 24022
St. Catharines
L2R 7P7

acting for
Applicant(s)

Signed 2009 08 10

Tel 9056881125

Fax 9056885725

I have the authority to sign and register the document on behalf of the Applicant(s).

Submitted By

DANIEL & PARTNERS LLP

39 Queen St. P.O. Box 24022
St. Catharines
L2R 7P7

2009 08 10

Tel 9056881125

Fax 9056885725

Fees/Taxes/Payment

Statutory Registration Fee	\$60.00
Total Paid	\$60.00

File Number

Applicant Client File Number : 36765

**CORPORATION
OF THE**

TOWN OF NIAGARA-ON-THE-LAKE

BY-LAW NO. 4263A-09

The Village Subdivision-Phase III
Roll No # 2627 020 008 01200
Roll No # 2627 020 008 00900

A BY-LAW TO AMEND BY-LAW 4263-08 BEING A BY-LAW TO AUTHORIZE A SUBDIVISION AGREEMENT BETWEEN THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE AND BROOKFIELD HOMES (ONTARIO) LIMITED AND THE ROYAL BANK OF CANADA AND TRADITIONAL NEIGHBOURHOOD DEVELOPMENTS INC.

BE IT ENACTED AS A BY-LAW OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE as follows:

1. THAT the Agreement dated the 27 day of July 2009 between the Corporation of the Town of Niagara-on-the-Lake and Brookfield Homes (Ontario) Limited and The Royal Bank of Canada and Traditional Neighbourhood Developments Inc., and the same is hereby approved; and
2. THAT the Lord Mayor and Clerk be authorized to affix their hands and the Corporate Seal; and
3. THAT this by-law shall come into force and take effect immediately upon the passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 27 DAY OF
JULY 2009



LORD MAYOR, GARY BURROUGHS



TOWN CLERK, HOLLY DOWD

THIS INDENTURE made in triplicates this 27 day of July 2009.

BETWEEN:

THE CORPORATION OF THE TOWN
OF NIAGARA-ON-THE-LAKE
(Hereinafter called the 'Town')

OF THE FIRST PART,

-and-

BROOKFIELD HOMES (ONTARIO) LIMITED
(Hereinafter called the 'Developer')

OF THE SECOND PART,

-and-

THE ROYAL BANK OF CANADA
TRADITIONAL NEIGHBOURHOOD DEVELOPMENTS INC.
(Hereinafter called the 'Mortgagee')

OF THE THIRD PART

WHEREAS the Developer is the Owner of the lands in the Town of Niagara-on-the-Lake described in Schedule 'A' attached hereto;

AND WHEREAS on July 20, 2009 Pubic Works Advisory Committee made a motion to allow for the amendment of the Subdivider's Agreement for "The Village-Phase II" to permit the installation of sidewalks immediately after the exterior of each housing unit is completed and prior to the housing units being occupied;

AND WHEREAS the developer and builder is one of the same;

AND WHEREAS the developer is will be providing the Town a 100% security deposit to cover the cost of installing the sidewalk;

AND WHEREAS in order to implement the developer's request an amendment to the Subdivider's Agreement is required;

AND WHEREAS this Agreement is an agreement executed under the authority of s. 51(26) of the Planning Act, R.S.O. 1990, c. P.13, as amended, and as such may be registered against title in the Land Titles Office for Niagara North.

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the Town approving the said plan of subdivision and, in consideration of the sum of One Dollar (\$1.00) of lawful money of Canada now paid by the developer to the Town (the receipt thereof is hereby acknowledged), the parties hereto covenant and agree with as follows:

1. The subdivider's agreement authorized by By-law 4263-08 dated November 17, 2008 and registered in the Registry Office for the Registry

Division of Niagara North (no. 30) as Instrument No. NR196083 dated December 1, 2008 is hereby amended by adding the following to end of Section 8.1.1:

save and except for sidewalks which shall be installed immediately after the exterior work for each single detached house, semi-detached house or block of townhouses is completed.

2. The subdivider's agreement authorized by By-law 4263-08 dated November 17, 2008 and registered in the Registry Office for the Registry Division of Niagara North (no. 30) as Instrument No. NR196083 dated December 1, 2008 is hereby amended by adding Section 8.1.7:

Occupancy shall not be granted for any unit until the sidewalk is constructed the entire length of the lot or block of each single detached dwelling, semi-detached dwelling or townhouse block. In the case of townhouse blocks, the sidewalk must be constructed for the entire townhouse block prior to occupancy being granted for the first unit.

3. The subdivider's agreement authorized by By-law 4263-08 dated November 17, 2008 and registered in the Registry Office for the Registry Division of Niagara North (no. 30) as Instrument No. NR196083 dated December 1, 2008 is hereby amended by adding to Section 4.23:

The Developer will be required to deposit to the Town securities in the amount of 100% of the costs associated with the installation of the internal sidewalks as approved by the Director of Public Works. These securities are to be released to the satisfaction of the Department of Public Works, as follows 80% upon completion of the internal sidewalks and 20% after one year maintenance period.

4. All other conditions of the Subdivision Agreement will continue to apply.

This agreement shall enure to the benefit of and be binding upon the respective successors and assigns of the parties hereto.

Any notice given hereunder shall be sufficiently given and addressed to:

DEVELOPER:
Brookfield Homes (Ontario) Limited
7303 Warden Avenue, Suite 100
Markham, ON L3R 5Y6

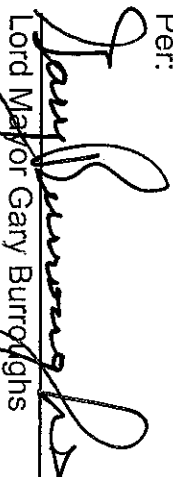
IN WITNESS WHEREOF the parties hereto have hereunto affixed their corporate seals under the hands of their officers duly authorized in that behalf.

**SIGNED, SEALED AND
DELIVERED**

in the presence of:

**THE CORPORATION OF THE
TOWN OF NIAGARA-ON-THE-
LAKE**

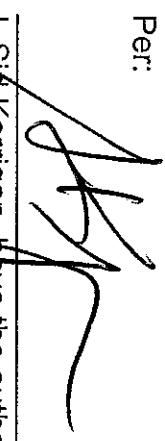
Per:



Lord Mayor Gary Burroughs


Town Clerk Holly Dowd

**BROOKFIELD HOMES (ONTARIO)
LIMITED**


Per:


I, Sid Kerrigan, have the authority to
bind the Corporation


I, Peter Schut, have the authority to
bind the Corporation


THE ROYAL BANK OF CANADA

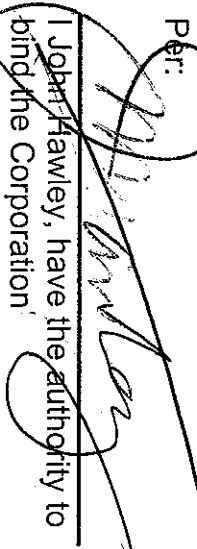
Per: 
William D. Collier
WB COLLIER


SENIOR ACCOUNT MANAGER
PETER SKAIN
SR. ACCT. MGR.

I,  ME, have the authority to
bind the Corporation

**TRADITIONAL NEIGHBOURHOOD
DEVELOPMENTS INC.**

Per:


I John Hawley, have the authority to
bind the Corporation

**SCHEDULE A
LEGAL DESCRIPTION**

"Garrison Village Phase II" being Lots 1 to 5, Blocks 6, 7, 8 and 9 on Plan 30M-386

PIN 46392-0852 (LT)