

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

**BY-LAW NO. 5352-21**  
(Kent Street, Part 1, 30R-15782)

**A BY-LAW TO AUTHORIZE A DEVELOPMENT AGREEMENT BETWEEN  
THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE AND  
JOSHUA PETER GIESBRECHT AND REBEKAH DORI WEINS-  
GIESBRECHT**

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

1. THAT the Development Agreement dated the 30th day of August, 2021 between The Corporation of the Town of Niagara-on-the-Lake and Joshua Peter Giesbrecht and Rebekah Dori Weins-Giesbrecht, be and the same is hereby approved;
2. THAT the Lord Mayor and Acting Town 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 30TH DAY OF AUGUST, 2021**

\_\_\_\_\_  
LORD MAYOR BETTY DISERO

\_\_\_\_\_  
ACTING TOWN CLERK  
COLLEEN HUTT

**THIS AGREEMENT** made this 30th day of August, 2021, is made pursuant to Sections 53(12), 51(25) and 51(26) of the *Planning Act, R.S.O. 1990, c. P.13* and authorized by By-law No. 5352-21 of the Corporation of The Town of Niagara-on-the-Lake.

BETWEEN:

**THE CORPORATION OF THE TOWN  
OF NIAGARA-ON-THE-LAKE**  
(hereinafter called the "Town")

-and-

**JOSHUA PETER GIESBRECHT AND REBEKAH DORI WEINS-  
GIESBRECHT**  
(hereinafter called the "Owner")

**WHEREAS** the Owner is the owner of the real property legally described as Lot 42 and Part of Lot 43, Corporation Plan 1, designated as Part 1 on Reference Plan 30R-15782, Town of Niagara-on-the-Lake, Regional Municipality of Niagara, (the "Lands"), more particularly described in Schedule A;

**AND WHEREAS** the Committee of Adjustment for the Town of Niagara-on-the-Lake has granted provisional consent to Application B-14/20, subject to conditions set out in the Committee of Adjustment Decision dated January 21, 2021, imposed under Sections 53(12) and 51(25) of the *Planning Act, R.S.O. 1990, c. P.13*;

**AND WHEREAS** a condition of provisional consent for the Application requires the Owner to enter into a Development Agreement with the Town imposed under Section 51(26) of the *Planning Act, R.S.O. 1990, c. P.13*;

**NOW THEREFORE IN CONSIDERATION OF** the sum of Two Dollars (\$2.00) and other good and valuable consideration paid by each of the Parties hereto to the other, the receipt and sufficient of which is hereby acknowledged, the Parties hereto hereby agree as follows:

1. The Parties confirm that the foregoing recitals are true and correct and form part of this Agreement.
2. That Urban Design Committee review is required prior to issuance of a Building Permit for any new dwelling on Part 1, 30R-15782, and that any construction will be consistent with the Town's Official Plan and Queenston Secondary Plan and associated review by the Urban Design Committee, to the satisfaction of the Director of Community and Development Services.
3. Any agreements of Purchase and Sale of Part 1, 30R-15782, which may be negotiated, shall contain a clause notifying the purchaser of this Development Agreement and the requirement to comply with this Development Agreement.
4. This Agreement shall be registered on title to the Lands at the cost and expense of the Owner.
5. This Agreement shall not be extinguished or released without the prior written approval of the Town.
6. This Agreement and the obligations contained herein shall be binding upon and enure to the benefit of the Parties and their respective successors and assigns.

**IN WITNESS WHEREOF** the Parties hereto have executed this Agreement on the date first written above.

**SIGNED, SEALED AND DELIVERED**  
in the presence of:

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

Per:

\_\_\_\_\_  
LORD MAYOR BETTY DISERO

\_\_\_\_\_  
ACTING TOWN CLERK  
COLLEEN HUTT

OWNERS:

\_\_\_\_\_  
JOSHUA PETER GIESBRECHT

\_\_\_\_\_  
REBEKAH DORI WEINS-  
GIESBRECHT

## **SCHEDULE "A"**

### **Legal Description**

Lot 42 and Part of Lot 43, Corporation Plan 1, designated as Part 1 on Reference Plan 30R-15782, Niagara-on-the-Lake, Regional Municipality of Niagara

**PIN** 46375-0134 (LT)