



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

*Number* 123-85  
To authorize the execution of an  
agreement between Bramalea  
Limited, The Corporation of the  
City of Brampton, Th Regional  
Municipality of Peel and The  
Royal Bank of Canada

The Council of The Corporation of the City of Brampton ENACTS as  
follows:

1. The Mayor and the Clerk are hereby authorized to execute  
an agreement dated May 6th, 1985 between Bramalea  
Limited, The Regional Municipality of Peel, the Royal  
Bank of Canada and The Corporation of the City of  
Brampton, and all other documents approved by the City  
Solicitor required to implement the provisions of this  
agreement.

READ a FIRST, SECOND and THIRD TIME and PASSED in Open Council this  
6th day of May , 1985.

  
KENNETH G. WHILLANS MAYOR

  
LEONARD J. MIKULICH CLERK

MEMORANDUM OF AGREEMENT made in duplicate this  
6<sup>th</sup> day of MAY, 1985.

B E T W E E N :

BRAMALEA LIMITED,

hereinafter called the "Owner"

OF THE FIRST PART,

A N D

THE CORPORATION OF THE CITY OF BRAMPTON,

hereinafter called the "City"

OF THE SECOND PART,

A N D

THE REGIONAL MUNICIPALITY OF PEEL,

hereinafter called the "Region",

OF THE THIRD PART,

A N D

THE ROYAL BANK OF CANADA,

hereinafter called the "Mortgagees"

OF THE FOURTH PART,

WHEREAS a subdivision agreement dated the 25th day of July, 1979 between the Owner, the City, and the Region (herein called the "Subdivision Agreement") provided for the development of a subdivision known as Residential 9, more particularly described in the Subdivision Agreement;

AND WHEREAS the Owner has made application to the City to amend the zoning by-law for part of the Residential 9 subdivision shown on Sheet 3 of Schedule B to the Subdivision Agreement, and more particularly described in Schedule A attached to this agreement;

AND WHEREAS the City has agreed to enact an amendment to the zoning by-law for the lands more particularly described in Schedule A attached hereto, on the condition that the Subdivision Agreement be amended as hereinafter provided.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the covenants hereinafter contained and in consideration of the City amending the zoning by-law, the parties hereto agree with each other as follows:

1. The Subdivision Agreement is amended by adding to Schedule D thereof the following paragraph numbered 23:

"23.

"23.1 The Owner shall include a maintenance easement of up to 1.2 metres in width in the conveyance of all lots on which the dwelling situate thereon has been erected with a side yard of less than 1.2 metres. It is intended that the width of the side yard, together with the width of the maintenance easement shall be at least 1.2 metres.

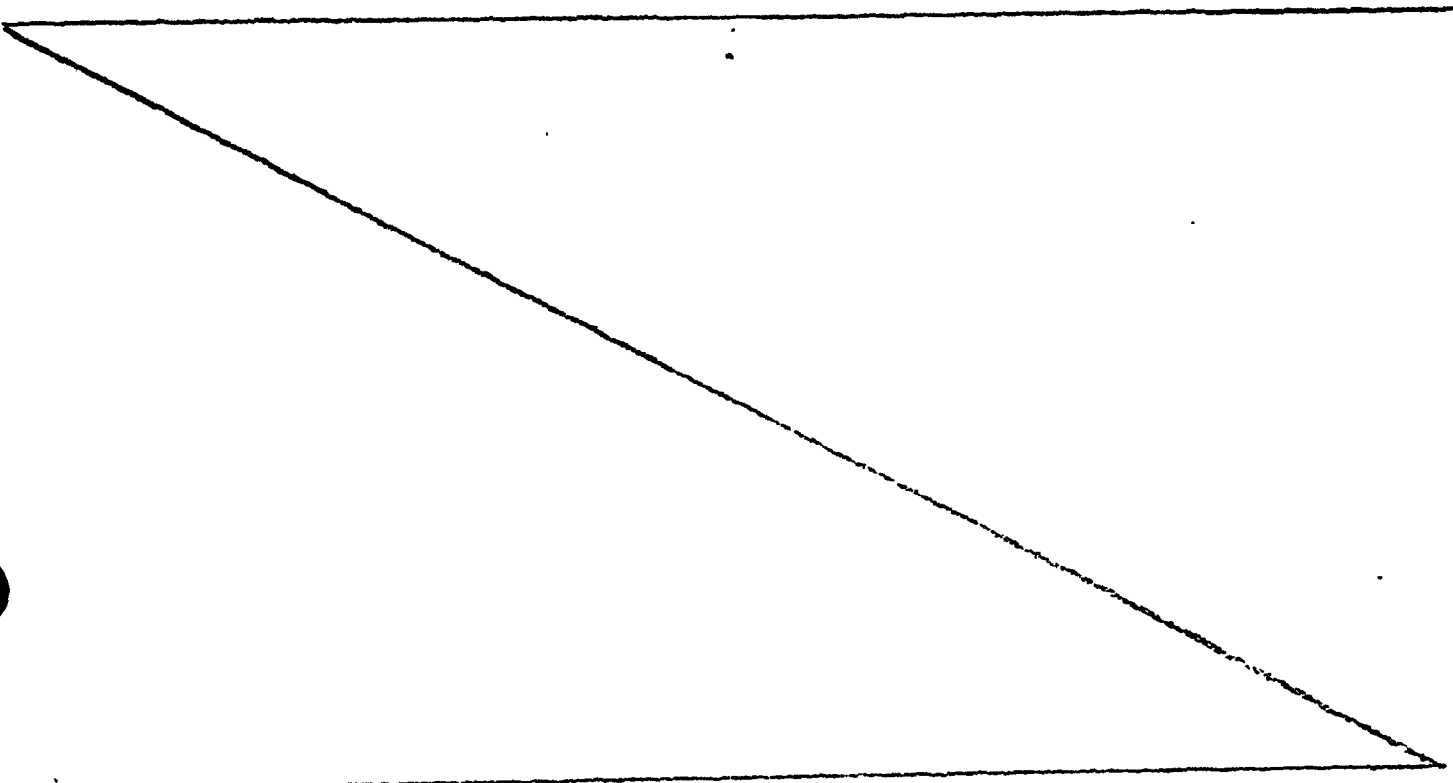
"23.2 The Owner agrees that no back-to-front drainage shall be permitted in situations where there are less than 2.4 metres of separation between dwelling units to be constructed on adjoining lots, unless agreed to by the Commissioner of Public Works and Building. The Owner shall, at its own expense, provide an alternative method of rear yard drainage to the satisfaction of the

Commissioner of Public Works and Building prior to the issuance of any building permits for such dwelling units.

"23.3 The Owner agrees that neither it nor any builder within Phase II as shown on Schedule B-2 will apply for or be entitled to receive any building permits until Nasmith Street has been constructed complete with all required municipal services, including sewer and water, base curb or curb and gutter and all granular material required up to and including base course asphalt from North Park Drive to Bovaird Drive. This paragraph shall not apply to lots shown on Registered Plans 43M-554 and 43M-441."

2. This agreement applies to the lands more particularly described in Schedule A attached hereto.

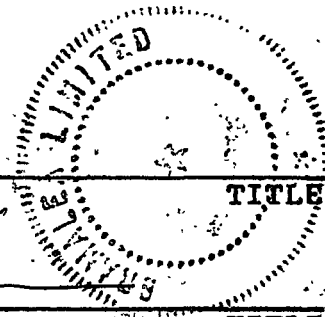
3. The parties hereto agree that in all other respects the provisions of the Subdivision Agreement shall remain unchanged.



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

BRAMALEA LIMITED

[Signature]  
TITLE  
[Signature]  
TITLE



THE CORPORATION OF THE CITY OF BRAMPTON

AUTHORIZATION BY-LAW	
NUMBER	<u>123-85</u>
PASSED BY CITY	
COUNCIL ON THE	<u>6th</u>
DAY OF	<u>MAY</u> 19 <u>85</u>

[Signature]  
KENNETH G. WHILLANS  
MAYOR  
[Signature]  
LEONARD J. MIKULICH  
CITY CLERK

THE REGIONAL MUNICIPALITY OF PEEL

FRANK BEAN REGIONAL CHAIRMAN

LARRY E. BUTTON REGIONAL CLERK

THE ROYAL BANK OF CANADA

[Handwritten signature]

[Signature] MANAGER TITLE  
[Signature] VICE PRESIDENT TITLE

AFFIDAVIT OF SUBSCRIBING WITNESS

I, SHERRY WENDLING  
of the CITY OF SCARBOROUGH  
in the MUNICIPALITY OF METROPOLITAN TORONTO  
make oath and say:

1. I am a subscribing witness to the attached instrument and I was present and saw it executed at Toronto by J.B. Traynor and J.C. Cooper as attorneys for The Royal Bank of Canada.
2. I verily believe that the persons whose signatures I witnessed were authorized to execute the instrument as attorneys for The Royal Bank of Canada.
3. I know the said persons and they are and at the time of the execution of the instrument they were a Vice President and Manager respectively, of The Royal Bank of Canada.
4. I am an employee of The Royal Bank of Canada and as such have personal knowledge of the matters deposed to herein.

SWORN BEFORE ME at the City )  
of Toronto, in the Municipality )  
of Metropolitan Toronto, this 3<sup>rd</sup> )  
day of May, 1985. )

*Sherry Wendling*  
.....

*[Signature]*

A Commissioner, etc.

AFFIDAVIT AS TO POWER OF ATTORNEY

I, J.C. COOPER  
of the CITY OF BURLINGTON  
in the PROVINCE OF ONTARIO  
make oath and say:

1. I am one of the Attorneys for The Royal Bank of Canada under Power of Attorney registered as No. 340958 in the Land Registry Office for the Land Titles Division of Peel (No. 43) at Brampton.
2. The Power of Attorney is in full force and effect and has not been revoked.

SWORN BEFORE ME at the City )  
of Toronto, in the Municipality )  
of Metropolitan Toronto, this 3<sup>rd</sup> )  
day of May, 1985. )

*J.C. Cooper*  
.....

*[Signature]*  
A Commissioner, etc.