



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

275-78

*Number* \_\_\_\_\_


By-law to authorize the execution of a transfer of easement between Flowertown Shopping Centre Limited and Tip Top Construction Limited, carrying on business under the firm name and style of Darcel Construction Company, as partnership property and the City of Brampton. (PLAN M-180) \_\_\_\_\_

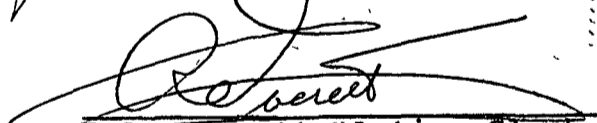
The Council of the Corporation of the City of Brampton

ENACTS as follows:

That the Mayor and Clerk are hereby authorized to execute Transfer of Easement between Flowertown Shopping Centre Limited and Tip Top Construction Limited, carrying on business under the firm name and style of Darcel Construction Company, as partnership property and the City of Brampton attached hereto as Schedule "A".

READ a FIRST, SECOND and THIRD TIME and PASSED in Open Council this 6th day of November, 1978.

  
James E. Archdekin, Mayor

  
R.A. Everett, Acting Clerk

TRANSFER OF EASEMENT

FLOWERTOWN SHOPPING CENTRE LIMITED and  
TIP TOP CONSTRUCTION LIMITED, carrying  
on business under the firm name and  
style of DARCEL CONSTRUCTION COMPANY,  
as partnership property

(Hereinafter callthe Transferor)

the registered owner of the freehold land registered in the Land  
Registry Office for the Land Titles Division of Peel (No.43) as  
Parcel Plan -1 in the Register for Section M-180

IN CONSIDERATION of the sum of TWO-----(\$2.00)-----DOLLARS  
paid to the Transferor,

TRANSFERS TO:

THE CORPORATION OF THE CITY OF BRAMPTON

(Hereinafter called the Transferee)

the rights and easements hereinafter described, (to be used and  
enjoyed as appurtenant to the lands of the Transferee described  
in Schedule "B" hereto) namely:

The free, uninterrupted and unobstructed right and  
easement in perpetuity to enter on and construct, repair, replace,  
operate and maintain its drainage works including all necessary  
culverts, catch basins, pipes, conduits, equipment, and all  
appurtenances or accessories thereto as the Transferee may from  
time to time or at any time hereafter deem requisite, upon, under,  
along and across the lands described in Schedule "A" hereto;

TOGETHER with the right of free, uninterrupted and  
unobstructed access for the Transferee, its servants, agents, work-  
men, vehicles, supplies, and equipment at all times and for all  
purposes and things necessary for or incidental to the exercise  
and enjoyment of the rights hereby transferred over such portion  
of the above-mentioned Parcel as may from time to time be  
unencumbered by any building or other structure, fences excepted,  
to and from the lands described in Schedule "A" hereto;

The Transferee covenants and agrees with the Transferor  
that it shall be responsible for any damage caused by the  
negligence of its own agents or employees to the property (including

growing things) of the Transferor on the lands herein presently owned by the Transferor in the course of exercising the rights and easement hereby transferred, and shall as far as possible to restore the surface to the same condition as prior to the commencement of construction or of any subsequent work thereto, and to replace or restore any soil or turf removed in connection with any of the work referred to above.

~~The Chargees hereby consent to the granting of the property rights hereby transferred and hereby postpone their Charges in favour hereof~~

THIS INDENTURE and everything herein contained shall extend to and include the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF the said parties hereto have affixed their corporate seals attested by the hands of their duly authorized officers.

DATED at Brampton, this 2nd day of October, 1978.

FLOWERTOWN SHOPPING CENTRE LIMITED

Per:

TIP TOP CONSTRUCTION LIMITED

Per:

THE CORPORATION OF THE CITY OF BRAMPTON

Per:

Mayor

Per:

Clerk

SCHEDULE "A"

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Brampton, in the Regional Municipality of Peel and being composed of:

FIRSTLY:

Part of Lot 29 according to Plan M-180 registered in the Land Registry Office for the Land Titles Division of Peel (No.43) and designated as Part 3 on a Plan of Survey of Record filed in the said office as 43R-6359;

SECONDLY:

Part of Lot 30 according to Plan M-180 registered in the Land Registry Office for the Land Titles Division of Peel (No.43) and designated as Part 4 on a Plan of Survey of Record filed in the said office as 43R-6359;

THIRDLY:

Part of Lot 38 according to Plan M-180 registered in the Land Registry Office for the Land Titles Division of Peel (No.43) and designated as Part 5 on a Plan of Survey of Record filed in the said office as 43R-6359;

FOURTHLY:

Part of Lot 39 according to Plan M-180 registered in the Land Registry Office for the Land Titles Division of Peel (No.43) and designated as Part 6 on a Plan of Survey of Record filed in the said office as 43R-6359;

and being part of Parcel Plan 1, Section M-180.

SCHEDULE "B"

referred to in the annexed Transfer of Easement made the 2nd day of October, 1978.

B E T W E E N: FLOWERTOWN SHOPPING CENTRE LIMITED and TIP TOP CONSTRUCTION LIMITED, carrying on business under the firm name and style of DARCEL CONSTRUCTION COMPANY, as partnership property

as TRANSFEROR

-and-

THE CORPORATION OF THE CITY OF BRAMPTON

as TRANSFEREE

The dominant tenement of the Transferee consists of a system of pipes of The Corporation of the City of Brampton situate in The Regional Municipality of Peel, together with buildings and plants of the said City situate on the lands owned by The Corporation of the City of Brampton, and Histon Crescent, in the City of Brampton, in the Regional Municipality of Peel.



IN THE MATTER OF SUBSECTION 3 OF SECTION 5 OF  
THE LAND SPECULATION TAX ACT, 1974

**AFFIDAVIT**

I, Sam Patch of the Borough of  
(print name)  
North York, in the Municipality of Metropolitan Toronto  
(print address)

**MAKE OATH AND SAY THAT:**

1. I verily believe that the disposition of designated land evidenced in the attached instrument or writing is exempt from the tax imposed by subsection 1 of section 2 of the above Act by virtue of the disposition being:

describe nature of disposition

A disposition of designated land to a Municipality.

as provided for by section 4, clause (j), ~~subclause~~, of the above Act.

delete this paragraph if inapplicable

2. I am the transferor making the disposition referred to in paragraph 1 hereof. Since the acquisition of my interest in the designated land that is referred to in paragraph 1 hereof and that is being disposed of to the transferee named in the attached instrument or writing, no disposition with respect to such designated land has occurred prior to the disposition to the said transferee.

delete this paragraph if inapplicable

3. ~~I am authorized in writing by the transferor making the disposition referred to in paragraph 1 hereof to make this affidavit. Since the acquisition of the interest of the transferor in the designated land that is referred to in paragraph 1 hereof and that is being disposed of to the transferee named in the attached instrument or writing, no disposition with respect to such designated land has occurred prior to the disposition to the said transferee.~~

Sworn before me at the City  
of Brampton  
in the Regional Municipality  
of Peel  
this 13th  
day of October 1978

IN THE MATTER OF SUBSECTION 3 OF SECTION 5 OF  
THE LAND SPECULATION TAX ACT, 1974

**AFFIDAVIT**

I, Allan Kerbel of the Borough of \_\_\_\_\_  
(print name)

North York, in the Municipality of Metropolitan Toronto,  
(print address)

**MAKE OATH AND SAY THAT:**

- 1. I verily believe that the disposition of designated land evidenced in the attached instrument or writing is exempt from the tax imposed by subsection 1 of section 2 of the above Act by virtue of the disposition being:  
Disposition of designated land to a Municipality

describe nature of disposition

as provided for by section 4, clause (j), ~~xxxxxxx~~, of the above Act.

- 2. ~~I am the transferor~~ **President of Flowertown Shopping Centre Limited a** making the disposition referred to in paragraph 1 hereof. Since the acquisition of my interest in the designated land that is referred to in paragraph 1 hereof and that is being disposed of to the transferee named in the attached instrument or writing, no disposition with respect to such designated land has occurred prior to the disposition to the said transferee.

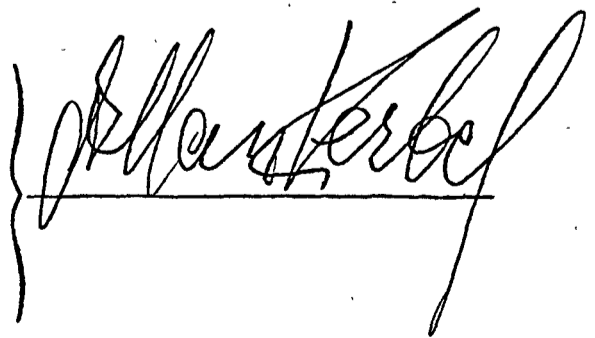
delete this paragraph if inapplicable

- ~~3. I am authorized in writing by the transferor making the disposition referred to in paragraph 1 hereof to make this affidavit.~~

delete this paragraph if inapplicable

Since the acquisition of the interest of ~~the transferor~~ in the designated land that is referred to in ~~paragraph 1~~ hereof and that is being disposed of to the transferee named in the attached instrument or writing, no disposition with respect to such designated land has occurred prior to the disposition to the ~~said transferee.~~

Sworn before me at the City  
of Brampton  
in the Regional Municipality  
of Peel  
this 13th  
day of October 1978





The Land Transfer Tax Act, 1974

AFFIDAVIT OF VALUE OF THE CONSIDERATION

IN THE MATTER OF THE CONVEYANCE made

by: Darcel Construction Company

to: The Corporation of the City of Brampton

on the 2nd day of October 19 78

I, Laszlo Pandy of the City of Brampton in the Regional Municipality of Peel

make oath and say that:

- 1. I am the solicitor for the Transferee named in the within (or annexed) conveyance.
2. I have a personal knowledge of the facts stated in this affidavit.
3. (1) The total consideration for this transaction has been allocated as follows:
(a) Land, building, fixtures and goodwill \$ 2.00
(b) Chattels — items of tangible personal property (see note) \$ NIL
TOTAL CONSIDERATION \$ 2.00

- (2) The true consideration for the transfer or conveyance for Land Transfer Tax purposes is as follows:
(a) Monies paid in cash \$ 2.00
(b) Property transferred in exchange (Detail Below) \$ NIL
(c) Securities transferred to the value of (Detail Below) \$ NIL
(d) Balances of existing encumbrances with interest owing at date of transfer \$ NIL
(e) Monies secured by mortgage under this transaction \$ NIL
(f) Liens, legacies, annuities and maintenance charges to which transfer is subject \$ NIL
(g) Other (Detail Below) \$ NIL
TOTAL CONSIDERATION (should agree with 3(1) (a) above) \$ 2.00

All blanks must be filled in.

- 4. If consideration is nominal, is the transfer for natural love and affection? n/a
5. If so, what is the relationship between Grantor and Grantee? n/a
6. Other remarks and explanations, if necessary Transfer of easement to Municipality pursuant to Subdivision Agreement.

SWORN before me at the City of Brampton, in the Regional Municipality of Peel

this day of October 19 78 Laszlo Pandy. (signature)

A Commissioner, etc.

NOTE TO PARAGRAPH 3(1) (b): Chattels: Retail sales tax is payable on the valuation of items shown in 3(1) (b) unless otherwise exempted under the provisions of The Retail Sales Tax Act, R.S.O. 1970, c.415, as amended.

For the purpose of this affidavit insert above only the value of chattels, the total value of which in the opinion of the deponent exceeds \$100.00. This does not exonerate a purchaser from the payment of Retail Sales Tax on any tangible personal property as part of this transaction. When chattels are purchased as part of this transaction with a value of less than \$100.00, the applicable tax should be paid by the purchaser to the Treasurer of Ontario and remitted to the Minister of Revenue

Identify the parties to the conveyance

This affidavit may be made by the purchaser or vendor or by anyone acting for them under power of attorney or by an agent accredited in writing by the purchaser, or vendor or by the solicitor of either of them or by some other person approved by the Minister of Revenue.

DATED: October 5th 1978

DARCEL CONSTRUCTION COMPANY

-and-

THE CORPORATION OF THE CITY OF  
BRAMPTON

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TRANSFER OF EASEMENT

---

LAWRENCE, LAWRENCE, STEVENSON &  
WEBBER  
Barristers & Solicitors,  
43 Queen St. West,  
Brampton, Ontario.  
L6Y 1L9

JRK

LAND TITLES ACT

TRANSFER OF EASEMENT

FLOWERTOWN SHOPPING CENTRE LIMITED, and  
TIP TOP CONSTRUCTION LIMITED, carrying  
on business under the firm name and style  
of DARCEL CONSTRUCTION COMPANY, as  
partnership property.

(hereinafter called the Transferor),

the registered owner of the freehold land registered in the Land  
Registry Office for the Land Titles Division of Peel (No. 43) as  
Parcel Plan 1  
in the Register for Section M-180

TRANSFERS TO:

THE CORPORATION OF THE CITY OF BRAMPTON,

(hereinafter called the First Transferee)

- and -

THE REGIONAL MUNICIPALITY OF PEEL,

(hereinafter called the Second Transferee)

jointly and severally, the rights and easement hereinafter  
described, (to be used and enjoyed as appurtenant to the  
respective lands of the First Transferee described in Part I of  
Schedule "B" hereto and of the Second Transferee described in  
Part II of Schedule "B" hereto) namely:

The free, uninterrupted and unobstructed right, interest  
and easement on, over, under and through the land of the  
Transferor described in Schedule "A" hereto for the following  
purposes, namely, to construct, install, operate, maintain,  
inspect, alter, remove, replace, reconstruct, enlarge and repair  
all and any sanitary sewers and storm sewers, and above ground  
drainage works, and any and all appurtenances to said sewers and  
drainage works, and for every such purpose and for all purposes  
necessary or incidental to the exercise of the rights hereby  
created, the Transferees shall have access to the said lands at all  
times by their servants, agents, contractors, licensees, and  
assignees and their vehicles, supplies and equipment.

The Transferor hereby agrees that the Transferees shall  
have the right to sever, fell, cut, trim and remove at any time  
all trees, shrubs, bushes and branches, stumps and roots, and to  
prevent or control the growth of same within the limits of the

///

servient land, which may at any time interfere with or endanger the operation of the sanitary sewers and storm sewers.

The servient tenement (easement) is more particularly described in Schedule "A" hereto. The easement described in Schedule "A" is appurtenant to the lands described in Schedule "B".

The Transferor hereby promises the Transferees that no other easement will be granted over the land in Schedule "A" prior to registration of this Transfer of Easement.

The Transferees hereby agree to restore the said land to its original condition insofar as possible after any construction or maintenance work is completed.

The Transferor, for itself, its successors and assigns, covenants with the Transferees, their successors and assigns to keep the said land free and clear of any buildings, structures or obstructions; not to deposit on or remove any fill from said land, and not to do or suffer to be done any other thing which might injure or damage the said sanitary sewers and storm sewers.

IN WITNESS WHEREOF the said parties hereto have affixed their corporate seals attested by the hands of their duly authorized officers

DATED at Brampton this 2nd day of October, 1978.

FLOWERTOWN SHOPPING CENTRE LIMITED

Per: *Allen Kerbel*

TIP TOP CONSTRUCTION LIMITED

Per: *Samuel ...*

THE CORPORATION OF THE CITY OF BRAMPTON

Per: *James E. Archibald*  
Mayor

Per: *[Signature]*  
Clerk

THE REGIONAL MUNICIPALITY OF PEEL

Per: \_\_\_\_\_  
Chairman

Per: \_\_\_\_\_  
Clerk

SCHEDULE "A"

ALL AND SINGULAR that certain parcel of land and premises, situate, lying and being in the City of Brampton, in the Regional Municipality of Peel and being composed of:

FIRSTLY:

Part of Lot 25 according to Plan Number M-180, registered in the Land Registry Office for the Land Titles Division of Peel (No.43) and designated as Part 1 on a Plan of Survey of Record filed in the said Office as 43R-6359;

SECONDLY:

Part of Lot 26 according to Plan Number M-180, registered in the Land Registry Office for the Land Titles Division of Peel (No.43) and designated as Part 2 on a Plan of Survey of Record filed in the said Office as 43R-6359;

and being part of Parcel Plan 1, Section M-180.

SCHEDULE "B"

referred to in the annexed Transfer made the 2nd day of October,  
A.D. 1978:-

B E T W E E N:

FLOWERTOWN SHOPPING CENTRE LIMITED, and  
TIP TOP CONSTRUCTION LIMITED, carrying  
on business under the firm name and style  
of DARCEL CONSTRUCTION COMPANY, as  
partnership property.

as TRANSFERORS,

-and-

THE CORPORATION OF THE CITY OF BRAMPTON

as FIRST TRANSFEREE,

-and-

THE REGIONAL MUNICIPALITY OF PEEL

as SECOND TRANSFEREE.

PART I

(description of the land owned by the First Transferee)

The dominant tenement of the First Transferee consists  
of a system of pipes of The Corporation of the City of Brampton,  
in the Regional Municipality of Peel, together with buildings and  
plants of the said City situate on lands owned by The Corporation  
of the City of Brampton, and Histon Crescent in the said City of  
Brampton, in the Regional Municipality of Peel.

PART II

(description of the land owned by the Second Transferee)

The dominant tenement of the Second Transferee consists  
of a system of pipes and sewers of The Regional Municipality of  
Peel, situate in the Regional Municipality of Peel together with  
buildings and plants of the said Region situate on lands owned by  
The Regional Municipality of Peel, and Histon Crescent in the City  
of Brampton, in the Regional Municipality of Peel.

IN THE MATTER OF THE TITLE TO  
PARCEL PLAN 1, SECTION M-180,

A F F I D A V I T  
\*\*\*\*\*

I, ALLAN KERBEL of the Borough of North York, in the  
Municipality of Metropolitan Toronto, make oath and say:

1. That I am the President of Flowertown Shopping Centre Limited and as such have knowledge of the matters herein deposed to.
2. That Flowertown Shopping Centre Limited and Tip Top Construction Limited are the only partners of Darcel Construction Company and there has been no change in the said partnership.
3. That the hereindescribed lands were purchased with partnership money and have been held from the date of purchase up to this date as a partnership asset.

SWORN BEFORE ME at the City of  
Brampton, in the Regional  
Municipality of Peel, this  
*13th* day of October, 1978.

)  
)  
)  
)  
)  
)  
)



*S. Naster*  
A Commissioner, etc.

SHIRLEY NASTER, a Commissioner, etc.,  
Judicial District of York, for Kerbel  
Developments Limited and its subsidiary  
Companies. Expires on the 9th day of  
January, 1980.

IN THE MATTER OF SUBSECTION 3 OF SECTION 5 OF  
THE LAND SPECULATION TAX ACT, 1974

**AFFIDAVIT**

I, Allan Kerbel of the Borough of \_\_\_\_\_  
(print name)

North York, in the Municipality of Metropolitan Toronto.  
(print address)

**MAKE OATH AND SAY THAT:**

- I verily believe that the disposition of designated land evidenced in the attached instrument or writing is exempt from the tax imposed by subsection 1 of section 2 of the above Act by virtue of the disposition being:  
Disposition of designated land to a Municipality

describe nature  
of disposition

as provided for by section 4, clause (i), ~~xxxxxxx~~ of the above Act.

- I am the ~~transferor~~ President of Flowertown Shopping Centre Limited making the disposition referred to in paragraph 1 hereof. Since the acquisition of my interest in the designated land that is referred to in paragraph 1 hereof and that is being disposed of to the transferee named in the attached instrument or writing, no disposition with respect to such designated land has occurred prior to the disposition to the said transferee.

delete this  
paragraph if  
inapplicable

- ~~I am authorized in writing by the transferor making the disposition referred to in paragraph 1 hereof to make this affidavit. Since the acquisition of the interest of the transferor in the designated land that is referred to in paragraph 1 hereof and that is being disposed of to the transferee named in the attached instrument or writing, no disposition with respect to such designated land has occurred prior to the disposition to the said transferee.~~

delete this  
paragraph if  
inapplicable

Sworn before me at the City  
of Brampton  
in the Regional Municipality  
of Peel  
this 13th  
day of October 19 78



*D. Nester*  
A Commissioner, etc.



IN THE MATTER OF SUBSECTION 3 OF SECTION 5 OF  
THE LAND SPECULATION TAX ACT, 1974

**AFFIDAVIT**

I, Sam Patch of the Borough of  
(print name)  
North York, in the Municipality of Metropolitan Toronto  
(print address)

MAKE OATH AND SAY THAT:

1. I verily believe that the disposition of designated land evidenced in the attached instrument or writing is exempt from the tax imposed by subsection 1 of section 2 of the above Act by virtue of the disposition being:

describe nature of disposition

A disposition of designated land to a Municipality.

as provided for by section 4, clause (j), ~~subclause~~, of the above Act.

the President of Tip Top Construction Limited

delete this paragraph if inapplicable

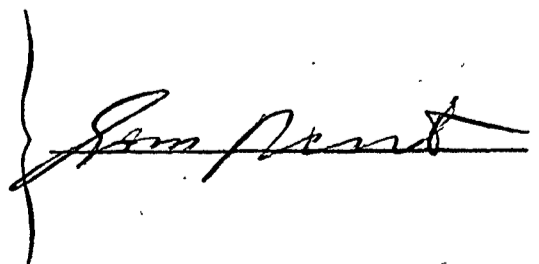
2. I am the transferor making the disposition referred to in paragraph 1 hereof. Since the acquisition of my interest in the designated land that is referred to in paragraph 1 hereof and that is being disposed of to the transferee named in the attached instrument or writing, no disposition with respect to such designated land has occurred prior to the disposition to the said transferee.

delete this paragraph if inapplicable

3. ~~I am authorized in writing by the transferor making the disposition referred to in paragraph 1 hereof to make this affidavit.~~

~~Since the acquisition of the interest of the transferor in the designated land that is referred to in paragraph 1 hereof and that is being disposed of to the transferee named in the attached instrument or writing, no disposition with respect to such designated land has occurred prior to the disposition to the said transferee.~~

Sworn before me at the City  
of Brampton  
in the Regional Municipality  
of Peel  
this 13<sup>th</sup>



day of October 1978

*S Naster*  
A Commissioner, etc

# The Land Transfer Tax Act, 1974

## AFFIDAVIT OF VALUE OF THE CONSIDERATION

IN THE MATTER OF THE CONVEYANCE made

by: Darcel Construction Company .....

to: The Corporation of the City of Brampton .....

on the 2nd day of October 19 78

I, Laszlo Pandy  
of the City of Brampton  
in the Regional Municipality of Peel

make oath and say that:

1. I am the solicitor for the Transferee named in the within (or annexed) conveyance.
2. I have a personal knowledge of the facts stated in this affidavit.
3. (1) The total consideration for this transaction has been allocated as follows:
 

(a) Land, building, fixtures and goodwill	\$ 2.00
(b) Chattels — items of tangible personal property (see note)	\$ NIL
<b>TOTAL CONSIDERATION</b>	<b>\$ 2.00</b>

(2) The true consideration for the transfer or conveyance for Land Transfer Tax purposes is as follows:

- |   |                |
|---|----------------|
| (a) Monies paid in cash   | \$ 2.00        |
| (b) Property transferred in exchange (Detail Below)                                 | \$ NIL         |
| (c) Securities transferred to the value of (Detail Below)                           | \$ NIL         |
| (d) Balances of existing encumbrances with interest owing at date of transfer       | \$ NIL         |
| (e) Monies secured by mortgage under this transaction                               | \$ NIL         |
| (f) Liens, legacies, annuities and maintenance charges to which transfer is subject | \$ NIL         |
| (g) Other (Detail Below)  | \$ NIL         |
| <b>TOTAL CONSIDERATION (should agree with 3(1) (a) above)</b>                       | <b>\$ 2.00</b> |

All blanks must be filled in.

4. If consideration is nominal, is the transfer for natural love and affection? n/a
5. If so, what is the relationship between Grantor and Grantee? n/a
6. Other remarks and explanations, if necessary Transfer of easement to Municipality pursuant to Subdivision Agreement.

SWORN before me at the City  
of Brampton, in the Regional  
Municipality of Peel

this day of October 19 78

(signature)  
Laszlo Pandy.

A Commissioner, etc.

NOTE TO PARAGRAPH 3(1) (b): Chattels: Retail sales tax is payable on the valuation of items shown in 3(1) (b) unless otherwise exempted under the provisions of The Retail Sales Tax Act, R.S.O. 1970, c.415, as amended.

For the purpose of this affidavit insert above only the value of chattels, the total value of which in the opinion of the deponent exceeds \$100.00. This does not exonerate a purchaser from the payment of Retail Sales Tax on any tangible personal property as part of this transaction. When chattels are purchased as part of this transaction with a value of less than \$100.00, the applicable tax should be paid by the purchaser to the Treasurer of Ontario and remitted to the Minister of Revenue.

DATED: October 12th 1978

DARCEL CONSTRUCTION COMPANY

-and-

THE CORPORATION OF THE CITY OF  
BRAMPTON

-and-

THE REGIONAL MUNICIPALITY OF PEEL

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TRANSFER OF EASEMENT

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LAWRENCE, LAWRENCE, STEVENSON &  
WEBBER,  
Barristers & Solicitors,  
43 Queen St. West,  
Brampton, Ontario.  
L6Y 1L9

JRK

PASSED November 6 1978

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# BY-LAW

275-78

No. \_\_\_\_\_