

Properties

PIN	46373 – 0394    LT
Description	LOT 1, PLAN 30M354, NIAGARA ON THE LAKE.
Address	00002 BUNNY GLEN DRIVE NIAGARA ON THE LAKE
PIN	46373 – 0395    LT
Description	LOT 2, PLAN 30M354; S/T EASEMENT IN GROSS OVER PT 1 30R11729 AS IN NR9 3642; NIAGARA ON THE LAKE
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0396    LT
Description	LOT 3, PLAN 30M354; S/T EASEMENT IN GROSS OVER PT 2 30R11729 AS IN NR9 3642; NIAGARA ON THE LAKE
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0397    LT
Description	LOT 4, PLAN 30M354, NIAGARA ON THE LAKE.
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0398    LT
Description	LOT 5, PLAN 30M354, NIAGARA ON THE LAKE.
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0399    LT
Description	LOT 6, PLAN 30M354; S/T EASEMENT IN GROSS OVER PT 3 30R11729 AS IN NR9 3642; NIAGARA ON THE LAKE
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0400    LT
Description	LOT 7, PLAN 30M354; S/T EASEMENT IN GROSS OVER PT 4 30R11729 AS IN NR9 3642; NIAGARA ON THE LAKE
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0401    LT
Description	LOT 8, PLAN 30M354, NIAGARA ON THE LAKE.
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0402    LT
Description	LOT 9, PLAN 30M354, NIAGARA ON THE LAKE.
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0403    LT
Description	LOT 10, PLAN 30M354; S/T EASEMENT IN GROSS OVER PT 5 30R11729 AS IN NR 93642; NIAGARA ON THE LAKE
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0404    LT
Description	LOT 11, PLAN 30M354; S/T EASEMENT IN GROSS OVER PT 6 30R11729 AS IN NR 93641; NIAGARA ON THE LAKE
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0405    LT
Description	LOT 12, PLAN 30M354, NIAGARA ON THE LAKE.
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0406    LT
Description	LOT 13, PLAN 30M354, NIAGARA ON THE LAKE.
Address	00019 BUNNY GLEN DRIVE NIAGARA-ON-THE-LAKE
PIN	46373 – 0407    LT
Description	LOT 14, PLAN 30M354, NIAGARA ON THE LAKE.
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0408    LT
Description	LOT 15, PLAN 30M354, NIAGARA ON THE LAKE.
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0409    LT
Description	LOT 16, PLAN 30M354, NIAGARA ON THE LAKE.
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0410    LT
Description	LOT 17, PLAN 30M354, NIAGARA ON THE LAKE.

Properties

Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0411    LT
Description	LOT 18, PLAN 30M354; S/T EASEMENT IN GROSS OVER PT 7 30R11729 AS IN NR 93642; NIAGARA ON THE LAKE
Address	00012 RED HAVEN DRIVE NIAGARA-ON-THE-LAKE
PIN	46373 – 0412    LT
Description	LOT 19, PLAN 30M354, NIAGARA ON THE LAKE.
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0413    LT
Description	LOT 20, PLAN 30M354, NIAGARA ON THE LAKE.
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0414    LT
Description	LOT 21, PLAN 30M354; S/T EASEMENT IN GROSS OVER PT 8 30R11729 AS IN NR 93642; NIAGARA ON THE LAKE
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0415    LT
Description	LOT 22, PLAN 30M354; S/T EASEMENT IN GROSS OVER PT 9 30R11729 AS IN NR 93642; NIAGARA ON THE LAKE
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0416    LT
Description	LOT 23, PLAN 30M354, NIAGARA ON THE LAKE.
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0417    LT
Description	LOT 24, PLAN 30M354; S/T EASEMENT IN GROSS OVER PT 10 30R11729 AS IN N R93641; NIAGARA ON THE LAKE
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0418    LT
Description	LOT 25, PLAN 30M354; S/T EASEMENT IN GROSS OVER PT 11 30R11729 AS IN N R93642 PARTIALLY RELEASED BY NR191206 AS TO PT 11 30R11729 EXCEPT PT 1 6 30R13183; NIAGARA ON THE LAKE
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0419    LT
Description	LOT 26, PLAN 30M354, NIAGARA ON THE LAKE.
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0420    LT
Description	LOT 27, PLAN 30M354, NIAGARA ON THE LAKE.
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0421    LT
Description	LOT 28, PLAN 30M354; S/T EASEMENT IN GROSS OVER PT 12 30R11729 AS IN N R93642; NIAGRA ON THE LAKE
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0422    LT
Description	LOT 29, PLAN 30M354; S/T EASEMENT IN GROSS OVER PT 13 30R11729 AS IN N R93642; NIAGARA ON THE LAKE
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0423    LT
Description	LOT 30, PLAN 30M354, NIAGARA ON THE LAKE.
Address	00017 REDHAVEN DRIVE NIAGARA-ON-THE-LAKE
PIN	46373 – 0424    LT
Description	LOT 31, PLAN 30M354; S/T EASEMENT IN GROSS OVER PT 14 30R11729 AS IN N R93641; NIAGARA ON THE LAKE
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0425    LT
Description	LOT 32, PLAN 30M354; S/T EASEMENT IN GROSS OVER PT 15 30R11729 AS IN N R93642; NIAGARA ON THE LAKE
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0426    LT

Properties

Description	LOT 33, PLAN 30M354; S/T EASEMENT IN GROSS OVER PT 16 30R11729 AS IN N R93642; NIAGARA ON THE LAKE
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0427    LT
Description	LOT 34, PLAN 30M354, NIAGARA ON THE LAKE.
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0428    LT
Description	LOT 35, PLAN 30M354, NIAGARA ON THE LAKE.
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0429    LT
Description	LOT 36, PLAN 30M354, NIAGARA ON THE LAKE.
Address	00003 RED HAVEN DRIVE NIAGARA-ON-THE-LAKE
PIN	46373 – 0430    LT
Description	LOT 37, PLAN 30M354, NIAGARA ON THE LAKE.
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0431    LT
Description	LOT 38, PLAN 30M354, NIAGARA ON THE LAKE.
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0432    LT
Description	LOT 39, PLAN 30M354, NIAGARA ON THE LAKE.
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0433    LT
Description	BLOCK 40, PLAN 30M354, NIAGARA ON THE LAKE.
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0434    LT
Description	BLOCK 41, PLAN 30M354, NIAGARA ON THE LAKE.
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0435    LT
Description	BLOCK 42, PLAN 30M354, NIAGARA ON THE LAKE.
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0436    LT
Description	BLOCK 43, PLAN 30M354, NIAGARA ON THE LAKE.
Address	NIAGARA-ON-THE-LAKE
PIN	46373 – 0437    LT
Description	BLOCK 44, PLAN 30M354, 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.

Statements

This notice may be deleted by the Land Registrar when the registered instrument, NR93638 registered on 2006/02/10 to which this notice relates is deleted

Schedule: See Schedules

Signed By

Callum Shedden	39 Queen St. P.O. Box 24022 St. Catharines L2R 7P7	acting for Applicant(s)	Signed	2009 05 12
Tel	9056881125			
Fax	9056885725			

Submitted By

DANIEL & PARTNERS LLP	39 Queen St. P.O. Box 24022 St. Catharines L2R 7P7	2009 05 13
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. 3962A-09**

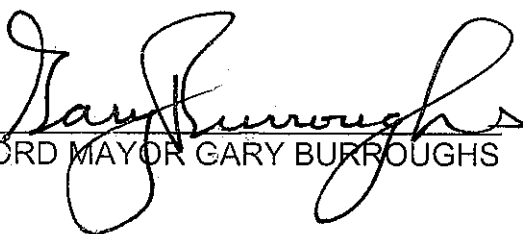
Apricot Glen Subdivision-Phase 1  
(Four Mile Creek Road)

A BY-LAW TO AMEND BY-LAW 3962-06 BEING A BY-LAW TO AUTHORIZE A SUBDIVISION AGREEMENT BETWEEN THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE AND ORCHARD GLEN GARDEN FRESH TRADITIONS INC. AND THE EFFORT TRUST COMPANY

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 26<sup>th</sup> day of January 2009 between the Corporation of the Town of Niagara-on-the-Lake and Orchard Glen Garden Fresh Traditions Inc. and The Effort Trust Company, be 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 26<sup>th</sup> DAY OF JANUARY 2009**

  
LORD MAYOR GARY BURROUGHS

  
TOWN CLERK HOLLY DOWD

THIS INDENTURE made in triplicates this 26 day of January 2009.

BETWEEN:

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

OF THE FIRST PART,

-and-

**ORCHARD GLEN GARDEN FRESH TRADITIONS INC.**  
(Hereinafter called the 'Owner or Developer')

OF THE SECOND PART,

-and-

**THE EFFORT TRUST COMPANY**  
(Hereinafter called the 'Mortgagee')

OF THE THIRD PART

**WHEREAS** the Developer <sup>was the Developer</sup> ~~is the Owner~~ of the lands in the Town of Niagara-on-the-Lake described in Schedule 'A' attached hereto.

**AND WHEREAS**, on September 15, 2008 Council approved a motion to allow for a curb face sidewalk to be installed along the south side of Apricot Glen Drive from Tanbark Road to Bunny Glen Drive in the Apricot Glen Subdivision-Phase 1, Plan 30M-354, and a motion that the Developer shall agree to maintain the cedar hedge from Tanbark Road to Bunny Glen Drive for a period of 10 years and that any new owners of Lot 1, Plan 30M-354 (Apricot Glen Subdivision-Phase 1) shall assume that responsibility;

**AND WHEREAS** in order to implement Council's decision 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 3962-05 dated July 25, 2005 and registered in the Registry Office for the Registry Division of Niagara North (No. 30) as Instrument No. NR93638 dated February 10 2006 is hereby amended by adding to Section 4.21 (a) the following:
  - (a) The sidewalk along the south side of Apricot Glen Drive from Tanbark Road to Bunny Glen Drive shall be permitted to be a 1.5 metre curb face sidewalk.

Also, to construct, at its own expense, a 1.5 metre sidewalk across the existing concrete driveway for Lot 1 Plan 30M-354, located on Apricot Glen Dr., and across a lateral sidewalk on Bunny Glen Dr. adjacent to Lot 1 Plan 30M-354.
2. The subdivider's agreement authorized by By-law 3962-05 dated July 25, 2005 and registered in the Registry Office for the Registry Division of Niagara North (no. 30) as Instrument No. NR93638 dated February 10 2006 is hereby amended by deleting the paragraph titled Sidewalks (Primary) on Schedule C and replacing it with:

Sidewalks (Primary)

The Developer shall, at its own expense, construct a 1.5 metre sidewalk along one side of all internal streets in the subdivision to the satisfaction of the Town Public Works Department:

  - (a) The sidewalk along the south side of Apricot Glen Drive from Tanbark Road to Bunny Glen Drive shall be permitted to be a 1.5 metre curb face sidewalk.
  - (b) To construct, at its own expense, a 1.5 metre sidewalk across the existing concrete driveway for Lot 1 Plan 30M-354, located on Apricot Glen Dr., and across a lateral sidewalk on Bunny Glen Dr. adjacent to Lot 1 Plan 30M-354.
3. The subdivider's agreement authorized by By-law 3962-05 dated July 25, 2005 and registered in the Registry Office for the Registry Division of Niagara North (no. 30) as Instrument No. NR93638 dated February 10 2006 is hereby amended by including under Section 11 Restrictive Covenants:
  - 11.9 The Owner of Lot 1, Plan 30M-354 agrees to water, trim, fertilize and maintain the cedar hedge and retaining wall on Apricot Glen Dr. from Tanbark Road to Bunny Glen Drive for a period of 10 years from the execution of this agreement. It is understood and agreed that all cedar trees and retaining wall shall be maintained in a healthy and sound condition. Any repairs to the retaining wall

will be completed within 24 hours of being advised by the Town. Diseased or dead cedar trees shall be replaced within six (6) months of the recognition of their deteriorated condition. If the hedge and retaining wall are not maintained to the Town's satisfaction the Town may, after giving sufficient notice to the owner, carry out the required maintenance at the owner's expense.

- (b) The owner of Lot 1, Plan 30M-354 will assume all liabilities arising from the lack of maintenance outlined above.

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:

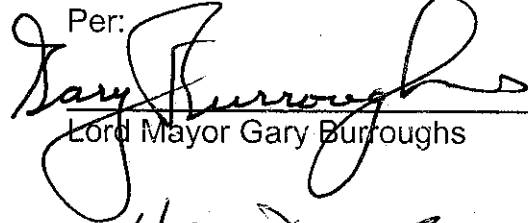
Orchard Glen Garden Fresh Traditions Inc  
126 Four Mile Creek Road  
St. David's, Ontario L0S 1P0

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:

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

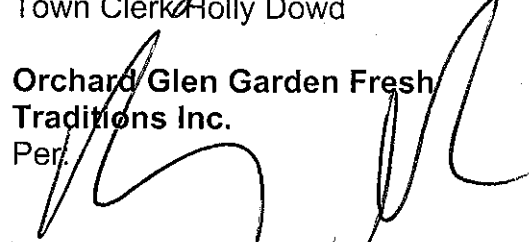
Per:

  
Lord Mayor Gary Burroughs

  
Town Clerk Holly Dowd


**Orchard Glen Garden Fresh  
Traditions Inc.**

Per:

  
I, Bryce Ivanchuk, have the authority  
to bind the Corporation

**The Effort Trust Company**

Per:

  
I, T.J. Weisz, have the authority  
to bind the Corporation



**SCHEDULE A  
LEGAL DESCRIPTION**

Lots 1 to 39, and Blocks 40 to 44, Plan 30M-354; Niagara-on-the-Lake