

The Corporation of the Township of Westmeath

By-Law 96-04

A By-Law to Acquire Land for Road Purposes

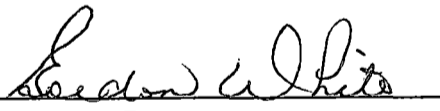
WHEREAS:

1. Under Section 191(1) of the Municipal Act, R.S.O. 1990, as amended, a Council may pass by-laws to acquire any land required for the purposes of the Corporation.
2. The persons hereinafter mentioned desire to convey to the Township the lands described in the deed hereinafter mentioned.
3. The Township requires the lands described in the said deed for the purposes of road widening altering or diverting and has agreed with the said persons to accept conveyance of the said parcels hereinafter described.

NOW THEREFORE the Municipal Council of the Corporation of the Township of Westmeath ENACTS as follows:-

- 1) That a deed of conveyance from the persons and for the lands referred to hereunder, made in favour of the Corporation of the Township of Westmeath, as a dedication, be accepted by the Township for public use, and to meet the requirements of the Township.
- 2) That Douglas W. Patterson Ltd. hereby deed to the Township of Westmeath Part Lot 13, Concession II, West of Muskrat Lake, Township of Westmeath, County of Renfrew, designated as Part 1 on Reference Plan 49R-12917.
- 3) The land referred to in Paragraph 2) is hereby established as public highways.

PASSED and ENACTED THIS 7th day of February, 1996

  
Reeve

  
Clerk



# Transfer/Deed of Land

Form 1 — Land Registration Reform Act

**A**

393667

NUMBER  
NUMÉRO

Certificate of Registration  
Certificat d'enregistrement

RENFREW

No. 49

JAN 25 1996

PEMBROKE

10<sup>10</sup>

*[Signature]*  
LAND REGISTRAR  
REGISTRATEUR

New Property Identifiers

Additional:  
See  
Schedule

Executions

Additional:  
See  
Schedule

(1) Registry  Land Titles

(2) Page 1 of 2 pages

(3) Property Identifier(s)

Block

Property

Additional:  
See  
Schedule

(4) Consideration

One

Dollars \$ 1.00

(5) Description

This is a: Property Division

Property Consolidation

Part of Lot 13, Concession II, West of Muskrat Lake, Township of Westmeath, County of Renfrew, designated as Part 1 on Reference Plan 49R-12917.

FOR OFFICE USE ONLY

(6) This Document Contains

(a) Redescription New Easement Plan/Sketch

(b) Schedule for: Description

Additional Parties  Other

(7) Interest/Estate Transferred Fee Simple

(8) Transferor(s) The transferor hereby transfers the land to the transferee and certifies that the transferor is at least eighteen years old and that

Name(s)

Signature(s)

Date of Signature  
Y M D

DOUGLAS W. PATTERSON LTD.

*[Signature]*  
Douglas W. Patterson, Pres.

1996 01 24

I have authority to bind the Corporation.

(9) Spouse(s) of Transferor(s) I hereby consent to this transaction

Name(s)

Signature(s)

Date of Signature  
Y M D

(10) Transferor(s) Address for Service

P. O. Box 415, Pembroke, Ontario K8A 6X6

(11) Transferee(s)

CORPORATION OF THE TOWNSHIP OF WESTMEATH

Date of Birth  
Y M D

(12) Transferee(s) Address for Service

Westmeath, Ontario K0J 2L0

(13) Transferor(s) The transferor verifies that to the best of the transferor's knowledge and belief, this transfer does not contravene section 50 of the Planning Act.

Date of Signature  
Y M D

Date of Signature  
Y M D

Signature

Signature

Solicitor for Transferor(s) I have explained the effect of section 50 of the Planning Act to the transferor and I have made inquiries of the transferor to determine that this transfer does not contravene that section and based on the information supplied by the transferor, to the best of my knowledge and belief, this transfer does not contravene that section. I am an Ontario solicitor in good standing.

Date of Signature  
Y M D

Name and Address of Solicitor

Signature

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(14) Solicitor for Transferee(s) I have investigated the title to this land and to abutting land where relevant and I am satisfied that the title records reveal no contravention as set out in subclause 50 (22) (c) (ii) of the Planning Act and that to the best of my knowledge and belief this transfer does not contravene section 50 of the Planning Act. I act independently of the solicitor for the transferor(s) and I am an Ontario solicitor in good standing.

Date of Signature  
Y M D

Name and Address of Solicitor

Signature

(15) Assessment Roll Number of Property

Cty. Mun. Map Sub. Par.

Not Assigned

(16) Municipal Address of Property

Not Assigned

(17) Document Prepared by:

Huckabone, Shaw, O'Brien,  
Radley-Walters & Reimer  
284 Pembroke St. East,  
Pembroke, Ontario

FOR OFFICE USE ONLY

Fees and Tax

Registration Fee	50.00
Land Transfer Tax	
<b>Total</b>	

**Affidavit of Residence and of Value of the Consideration**  
**Form 1 - Land Transfer Tax Act**

Refer to all instructions on reverse side.

IN THE MATTER OF THE CONVEYANCE OF (insert brief description of land) Part of Lot 13, Concession II, West of Muskrat Lake, Township of Westmeath, County of Renfrew, designated as Part 1 on Reference Plan 49R-12917

BY (print names of all transferors in full) Douglas W. Patterson Ltd.

TO (see instruction 1 and print names of all transferees in full) Corporation of the Township of Westmeath

I, (see instruction 2 and print name(s) in full) Randi Keith

**MAKE OATH AND SAY THAT:**

1. I am (place a clear mark within the square opposite that one of the following paragraphs that describes the capacity of the deponent(s)): (see instruction 2)
- (a) A person in trust for whom the land conveyed in the above-described conveyance is being conveyed;
  - (b) A trustee named in the above-described conveyance to whom the land is being conveyed;
  - (c) A transferee named in the above-described conveyance;
  - (d) The authorized agent or solicitor acting in this transaction for (insert name(s) of principal(s)) Corporation of the Township of Westmeath  
described in paragraph(s) ~~xxxxx~~ (c) above; (strike out references to inapplicable paragraphs)
  - (e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for (insert name(s) of corporation(s)) \_\_\_\_\_  
described in paragraph(s) (a), (b), (c) above; (strike out references to inapplicable paragraphs)
  - (f) A transferee described in paragraph ( ) (insert only one of paragraph (a), (b) or (c) above, as applicable) and am making this affidavit on my own behalf and on behalf of (insert name of spouse) \_\_\_\_\_ who is my spouse described in paragraph ( ) (insert only one of paragraph (a), (b) or (c) above, as applicable) and as such, I have personal knowledge of the facts herein deposed to.

2. (To be completed where the value of the consideration for the conveyance exceeds \$400,000).
- I have read and considered the definition of "single family residence" set out in clause 1(1)(ja) of the Act. The land conveyed in the above-described conveyance
- contains at least one and not more than two single family residences. **Note: Clause 2(1)(d) imposes an additional tax at the rate of one-half of one per cent upon the value of consideration in excess of \$400,000 where the conveyance contains at least one and not more than two single family residences.**
  - does not contain a single family residence.
  - contains more than two single family residences. (see instruction 3)

3. I have read and considered the definitions of "non-resident corporation" and "non-resident person" set out respectively in clauses 1(1)(f) and (g) of the Act and each of the following persons to whom or in trust for whom the land is being conveyed in the above-described conveyance is a "non-resident corporation" or a "non-resident person" as set out in the Act. (see instructions 4 and 5) None

4. THE TOTAL CONSIDERATION FOR THIS TRANSACTION IS ALLOCATED AS FOLLOWS:

(a) Monies paid or to be paid in cash	\$	<u>1.00</u>		
(b) Mortgages (i) Assumed (show principal and interest to be credited against purchase price)	\$	<u>Nil</u>	} All Blanks Must Be Filled In. Insert "Nil" Where Applicable.	
(ii) Given back to vendor	\$	<u>Nil</u>		
(c) Property transferred in exchange (detail below)	\$	<u>Nil</u>		
(d) Securities transferred to the value of (detail below)	\$	<u>Nil</u>		
(e) Liens, legacies, annuities and maintenance charges to which transfer is subject	\$	<u>Nil</u>		
(f) Other valuable consideration subject to land transfer tax (detail below)	\$	<u>Nil</u>		
(g) VALUE OF LAND, BUILDING, FIXTURES AND GOODWILL SUBJECT TO LAND TRANSFER TAX (Total of (a) to (f))	\$	<u>1.00</u>	\$	<u>1.00</u>
(h) VALUE OF ALL CHATTELS - items of tangible personal property (Retail Sales Tax is payable on the value of all chattels unless exempt under the provisions of the "Retail Sales Tax Act", R.S.O. 1980, c.454, as amended)	\$	<u>Nil</u>		
(i) Other consideration for transaction not included in (g) or (h) above	\$	<u>Nil</u>		
(j) TOTAL CONSIDERATION	\$	<u>1.00</u>		

5. If consideration is nominal, describe relationship between transferor and transferee and state purpose of conveyance. (see instruction 6) N/A

6. If the consideration is nominal, is the land subject to any encumbrance? No

7. Other remarks and explanations, if necessary. Conveyance to Township of Westmeath for road widening purposes.

Sworn before me at the  
in the County of Renfrew  
this 25 day of January 19 96

A Commissioner for taking Affidavits, etc. Annette Mantel Randi Keith  
signature(s)

<b>Property Information Record</b>	<b>For Land Registry Office Use Only</b>	
	Registration No.	
A. Describe nature of instrument: <u>Deed</u>	Registration Date	Land Registry Office No.
B. (i) Address of property being conveyed (if available) <u>Not Available</u>		
(ii) Assessment Roll No. (if available) <u>Not Available</u>		
C. Mailing address(es) for future Notices of Assessment under the Assessment Act for property being conveyed (see instruction 7) <u>Westmeath, Ontario</u>		
D. (i) Registration number for last conveyance of property being conveyed (if available) <u>Not Available</u>		
(ii) Legal description of property conveyed: Same as in D.(i) above. Yes <input type="checkbox"/> No <input type="checkbox"/> Not known <input type="checkbox"/>		
E. Name(s) and address(es) of each transferee's solicitor <u>Grant Radley-Walters</u> <u>284 Pembroke St. East</u> <u>Pembroke, Ontario</u>		

**School Tax Support (Voluntary Election) See reverse for explanation**

- (a) Are all individual transferees Roman Catholic? Yes  No
- (b) If Yes, do all individual transferees wish to be Roman Catholic Separate School Supporters? Yes  No
- (c) Do all individual transferees have French Language Education Rights? Yes  No
- (d) If Yes, do all individual transferees wish to support the French Language School Board (where established)? Yes  No

NOTE: As to (c) and (d) the land being transferred will be assigned to the French Public School Board or Sector unless otherwise directed in (a) and (b). 0449D (90-09)

## Instructions

1. Where any transferee (other than a joint tenant) is taking less than the whole interest in the property being acquired, then the percentage ownership of each transferee must be clearly indicated beside his/her respective name.
2. (i) It should be noted that if all *deponents* are not entitled to mark the same square in paragraph 1 of the Affidavit, then more than one Affidavit will be required. Only those deponents who are entitled to mark the same square in paragraph 1 may swear the same Affidavit.
  - (ii) This Affidavit is required to be made by each transferee named in the conveyance, by each person in trust for whom the land conveyed in the conveyance described is being conveyed and by each trustee named in the conveyance to whom the land is conveyed.
  - (iii) However, any of the transferees may have the Affidavit made on his behalf by an agent authorized in writing to make the Affidavit or by his solicitor. (See clause (d) of paragraph 1 of the Affidavit.)
  - (iv) The Affidavit for a transferee that is a corporation may be made by its President, Vice-President, Manager, Secretary, Director or Treasurer. (See clause (e) of paragraph 1 of the Affidavit.)
  - (v) Where transferees are married to each other, either spouse may make the Affidavit on behalf of him/herself and the other. (See clause (f) of paragraph 1 of the Affidavit.)

### 3. Extract of clause 1(1) (ja) of the Act:

- (ja) "single family residence" means,
  - (i) a unit or proposed unit under the Condominium Act, or
  - (ii) a structure or part of a structure,

that is designed for occupation as the residence of one family, including dependants or domestic employees of a member of the family, whether or not rent is paid for the occupation of any part of such residence, and whether or not the land on which the residence is situated is zoned for residential use, and "single family residence" includes any such residence that is to be constructed as part of the arrangement relating to a conveyance of land, but does not include any such residence constructed or to be constructed on agricultural land where the transferor with respect to the land conveyed meets the eligibility requirements for a farm tax reduction rebate contained in clause 4(b) or (c) of Ontario Regulation 716/83 made under the Ministry of Agriculture and Food Act.

### 4. Note: Subsection 1(3) provides, inter alia, that an individual shall be considered to be "ordinarily resident in Canada" if, at the time the expression is being applied, he has sojourned in Canada during the next preceding twenty-four months for a period of, or periods the aggregate of which is 366 days or more.

Extract of clauses 1(1) (f) and (g) of the Act:

- (f) "non-resident corporation" means a corporation incorporated, formed or otherwise organized in Canada or elsewhere,
  - (i) that has allotted and issued shares to which are attached 50 per cent or more of the voting rights ordinarily exercisable at meetings of the shareholders of the corporation and that are owned by one or more non-resident persons, but this subclause does not apply where it is established to the satisfaction of the Minister that such one or more non-resident persons do not in fact directly or indirectly exercise control over the corporation and that subclause (v) does not apply to the corporation,
  - (ii) that has allotted and issued shares to which are attached 25 per cent or more of the voting rights ordinarily exercisable at meetings of the shareholders of the corporation and that are owned by any one non-resident person or by that person and one or more persons who are associates of that person and who are themselves non-resident persons, but this subclause does not apply where it is established to the satisfaction of the Minister that such non-resident person does not in fact directly or indirectly exercise control over the corporation and that subclause (v) does not apply to the corporation,
  - (iii) one-half or more of the directors of which, or of the persons occupying the position of director by whatever name called, are individuals who are non-resident persons,
  - (iv) without share capital and one-half or more of the members of which are non-resident persons,
  - (v) that is controlled directly or indirectly by one or more non-resident persons, including a non-resident corporation within the definition contained in the provisions of this clause other than this subclause,
  - (vi) one-quarter or more of the paid-up capital of which is held by a non-resident person or by that person and one or more

persons who are associates of that person and who are themselves non-resident persons,

(vii) one-half or more of the paid-up capital of which is held by one or more non-resident persons,

(viii) that would be required on dissolving, winding up, or any other distribution that is not a dividend, to distribute one-quarter or more of its surplus to a non-resident person or to that person and one or more persons who are associates of that person and who are themselves non-resident persons, or

(ix) that would be required on dissolving, winding up, or any other distribution of surplus that is not a dividend, to distribute one-half or more of its surplus to one or more non-resident persons.

### (g) "non-resident person" means,

(i) an individual who is not ordinarily resident in Canada or who, if ordinarily resident in Canada, is neither a Canadian citizen nor an individual who has been lawfully admitted to Canada for permanent residence in Canada,

(ii) a partnership, syndicate, association or other organization of whatsoever kind of which one-half or more of the members are non-resident persons within the meaning of subclause (i), (iii) or (iv) or in which interests representing in value 50 per cent or more of the total value of the property of such partnership, syndicate, association or other organization are beneficially owned by non-resident persons within the meaning of subclause (i), (ii) or (iv),

(iii) a trust in which non-resident persons within the meaning of subclause (i), (ii) or (iv) have 50 per cent or more of the beneficial interests in the corpus of the trust or in the income arising therefrom, and "trust" includes the trustees under such a trust in their capacity as the trustees thereof, or

(iv) a non-resident corporation.

5. Insert the name and place of residence - or in the case of a corporation, the place of incorporation - of any transferee who is a non-resident person. If space is insufficient, attach a list of those transferees who are non-resident persons. If none of the transferees is non-resident, insert 'none'.

**Note: Where the person named in the instrument as grantee is taking title on behalf of another person(s), the residency status to be recited must be that of the person or persons who are the beneficial owners of the land - not that of the grantee named in the instrument. This applies regardless of whether the trustee or nominee capacity of the grantee named in the instrument is indicated on the instrument.**

6. Explain purpose of transfer: natural love and affection, pursuant to court order, separation agreement, etc.
7. Insert mailing address(es) where municipal assessment notices for property being conveyed are to be forwarded after closing of this transaction.

### SCHOOL TAX SUPPORT ( Voluntary Election )

- (a) & (b) The school tax support for the land being transferred will be assigned to the public school board unless otherwise directed. Only Roman Catholics can be separate school supporters. If all individual transferees are Roman Catholic and wish to be separate schools supporters, the completion of items (a) and (b) will serve as notice to the Regional Assessment Commissioner to enter the transferees on the next Assessment Roll as Roman Catholic separate school supporters. For further information on school support contact your local school board.

- (c) & (d) If the land being transferred is situate in an area in which a French Language School Board has been established, and all individual transferees have French language education rights, completion of (c) and (d) will serve as notice to the Regional Assessment Commissioner to enter the transferees on the next Assessment Roll as French language school board supporters.

Individuals have French language education rights under s.23 of the Canadian Charter of Rights and Freedoms if the individual can answer yes to any one of the following questions:

- (i) Is French the language you first learned and still understand?
- (ii) Did you receive your elementary school instruction in French? (This does not include French immersion or French as a second language).
- (iii) Have any of your children received, or are they now receiving elementary or secondary school instruction in Canada in French? ( This does not include French immersion or French as a second language).

This information is requested under the Authority of s.15 of the Assessment Act.

For further information contact your local school board.

**NOTE: IN ADDITION TO ATTACHING THIS AFFIDAVIT TO THE CONVEYANCE TENDERED FOR REGISTRATION, ONE UNATTACHED, COMPLETED COPY MUST BE TENDERED TO THE LAND REGISTRAR AT THE TIME OF REGISTRATION.**