

## Dianna Saunderson

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**From:** Beth Bruno  
**Sent:** July 18, 2018 1:23 PM  
**To:** Holly Dyson  
**Cc:** Dianna Saunderson  
**Subject:** CofA # B2018-021, B2018-022 and B2018-023 - 37 and 45 Heiman Street - 2466457 Ontario Inc.

Hi Holly,

I have registered the Agreement required to satisfy the following Conditions, so they can now be cleared:

B2018-021 – Condition 7  
B2018-022 – Condition 13  
B2018-023 – Condition 13

Kind Regards,

**Beth Bruno**

Legal Services Administrator | Legal Services | The Corporation of the City of Kitchener  
519-741-2200, Ext. 7713 | TTY 1-866-969-9994 | [beth.bruno@kitchener.ca](mailto:beth.bruno@kitchener.ca) | [www.kitchener.ca](http://www.kitchener.ca)

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# Internal Memo

Finance and Corporate Services Department

www.kitchener.ca

**Date:** July 18, 2018  
**To:** Connie Owen, Legislated Services  
**From:** Beth Bruno, Legal Services (ext. 7713)  
**cc:** Juliane von Westerholt, Catherine Lowery, Tammy Hogg, Dianna Saunderson  
(cc'd parties by email only)  
**Subject:** C of A Submission No. B2018-021, B2018-022, B2018-023  
2466457 Ontario Inc.  
37 and 45 Heiman Street, Kitchener

In order to satisfy Condition No. 7 of B2018-021 and Condition No. 13 of B2018-022 and B2018-023 of the above-noted Committee of Adjustment Decision, we were asked to prepare and register an Agreement on title to the subject lands. The original copy of this Agreement, which was registered on title on July 18, 2018 and receipted as Instrument No. WR1125863, is enclosed herewith for safekeeping.

By copy of this memo, the Agreement is being provided to Planning and Building departments to ensure that the conditions in the Agreement are satisfied in due course, prior to issuance of building permits. Please forward this information on to any other parties you feel necessary. Please also ensure that any required information regarding the conditions is entered into AMANDA.

Beth Bruno  
Legal Services  
Encls.

File No. 3.7.445

**Properties**

PIN 22494 - 0383 LT  Redescription  
 Description PART OF LOT 44, SUBDIVISION OF LOT 18 GERMAN COMPANY TRACT KITCHENER,  
 BEING PARTS 1, 2, 3, 4, 5 AND 6 ON 58R-20182; CITY OF KITCHENER  
 Address HEIMAN STREET  
 KITCHENER

**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 CITY OF KITCHENER  
 Address for Service P.O. BOX 1118  
 200 KING STREET  
 WEST  
 KITCHENER, ON N2G 4G7

This document is not authorized under Power of Attorney by this party.

This document is being authorized by a municipal corporation BERRY VRBANOVIC, MAYOR and CHRISTINE TARLING, CLERK.

**Statements**

This notice is pursuant to Section 71 of the Land Titles Act.

This notice is for an indeterminate period

Schedule: See Schedules

**Signed By**

Elizabeth M. Bruno	200 King St. W. Kitchener N2G 4G7	acting for Applicant(s)	Signed	2018 07 18
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Tel 519-741-2268

Fax 519-741-2702

I have the authority to sign and register the document on behalf of the Applicant(s).

**Submitted By**

CITY OF KITCHENER	200 King St. W. Kitchener N2G 4G7	2018 07 18
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Tel 519-741-2268

Fax 519-741-2702

**Fees/Taxes/Payment**

Statutory Registration Fee	\$63.65
Total Paid	\$63.65

**File Number**

Applicant Client File Number : 3.7.445

Notice of Agreement registered pursuant to Section 71 of the Land Titles Act and Section 53(12) of the Planning Act, R.S.O. 1990, c. P. 13.

This Notice affects the selected PIN(s):

22494-0383 (LT)

AGREEMENT made this ~~23~~<sup>10th</sup> day of ~~February~~<sup>July</sup> A.D. 2018.

BETWEEN:

**2466457 ONTARIO INC.**  
hereinafter called the "Owner"

of the FIRST PART

- and -

**THE CORPORATION OF THE CITY OF KITCHENER**  
hereinafter called the "City"

of the SECOND PART

- and -

**ROYAL BANK OF CANADA**  
hereinafter called the "Mortgagee"

of the THIRD PART

WHEREAS the Owner represents it is the owner of the lands described as Part Lot 44, Municipal Compiled Plan of Subdivision of Lot 18, German Company Tract, more particularly described as Parts 1, 2, 3, 4, 5 and 6 on Plan 58R-20182, in the City of Kitchener, in the Regional Municipality of Waterloo, (hereinafter referred to as the "Lands");

AND WHEREAS the Owner has agreed to perform the covenants herein contained in consideration of conditions imposed by Committee of Adjustment Decisions for Submission Numbers B2018-021, B2018-022 and B2018-023 (hereinafter referred to as the "Decisions") and of the rights and privileges conferred thereby;

AND WHEREAS pursuant to the Decisions, the Lands are to be severed to create four (4) separate parcels of land which are legally described as follows:

- a. Parcel 1: Part Lot 44, Municipal Compiled Plan of Subdivision of Lot 18, German Company Tract, more particularly described as Part 1 on Plan 58R-20182, in the City of Kitchener, in the Regional Municipality of Waterloo, (hereinafter referred to as "Parcel 1");
- b. Parcel 2: Part Lot 44, Municipal Compiled Plan of Subdivision of Lot 18, German Company Tract, more particularly described as Parts 2 and 6 on Plan 58R-20182, in the City of Kitchener, in the Regional Municipality of Waterloo, (hereinafter referred to as "Parcel 2");
- c. Parcel 3: Part Lot 44, Municipal Compiled Plan of Subdivision of Lot 18, German Company Tract, more particularly described as Parts 3 and 4 on Plan 58R-20182, in the City of Kitchener, in the Regional Municipality of Waterloo, (hereinafter referred to as "Parcel 3");
- d. Parcel 4: Part Lot 44, Municipal Compiled Plan of Subdivision of Lot 18, German Company Tract, more particularly described as Part 5 on Plan 58R-20182, in the City of Kitchener, in the Regional Municipality of Waterloo, (hereinafter referred to as "Parcel 4");

AND WHEREAS the Lands are subject to two (2) mortgages in favour of Royal Bank of Canada registered on title as Instrument Numbers WR886335 and WR886336 and the Mortgagee enters this Agreement to acknowledge its consent to the registration of this Agreement on title to the Lands;

NOW THEREFORE IN CONSIDERATION of the premises and the sum of ONE (\$1.00) DOLLAR paid by the Owner to the City, (receipt of which is hereby acknowledged) and other consideration, the Owners hereto covenant and agree:

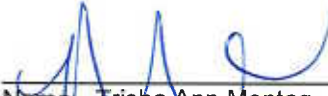
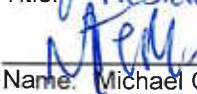
1. That the Owner shall prepare a Tree Preservation/Enhancement Plan for each of Parcel 1, Parcel 2, Parcel 3 and Parcel 4 in accordance with the City's Tree Management Policy, to be approved by the City's Director of Planning and the Director of Operations – Environmental Services Division, and where necessary, implemented prior to any grading, tree removal or the issuance of building permits. Such plans shall include, among other matters, the identification of a proposed building envelope/work zone, landscaped area and vegetation (including street trees) to be preserved. The Owner further agrees to implement the approved Tree Preservation/Enhancement Plan(s). No changes to the said plan(s) shall be granted except with the prior approval of the City's Director of Planning and the Director of Operations – Environmental Services Division.
2. That the Owner shall submit a scoped Environmental Impact Study for Parcel 1 to the satisfaction of the Director of Planning, prior to any grading, tree removal or the issuance of building permits.
3. That this agreement will be registered on title to the Lands.

This Agreement shall enure to the benefit of and be binding upon the parties hereto, their heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF the Parties hereto have hereunto set their hands and seals and affixed their corporate seals under the hands of their proper signing officers, duly authorized in that behalf.

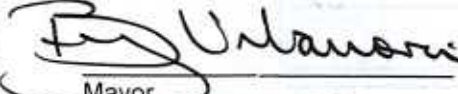
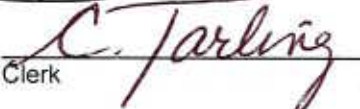
Signed, Sealed & Delivered  
In the presence of

2466457 ONTARIO INC.



  
 Name: Trisha Ann Montag Date: July 5/18  
 Title: President  
  
 Name: Michael Christopher Tenki Date: July 5/18  
 Title: Secretary

I/We have authority to bind the Corporation.


THE CORPORATION OF THE CITY OF KITCHENER

  
 Mayor Date: July 10/18  
  
 Clerk Date: July 10/18

ROYAL BANK OF CANADA

  
 Name: Onya Soban Date: 06/28/18  
 Title: MORTGAGE SERVICE REPRESENTATIVE  
  
 Name: CATHERINE NAKATA Date: 06/23/18  
 Title: MORTGAGE SERVICE REPRESENTATIVE

I/We have authority to bind the Corporation.

  
 RBC Witness  
 Lester Clements