

The Corporation of the City of Kawartha Lakes

By-Law 2021 -

A By-law to Validate the Title of Land in the Former Town of Lindsay now within the City of Kawartha Lakes

File D03-2020-037, Report PLAN2021-030, respecting Part Lot 28, Plan 15P N/S Queen Street, former Town of Lindsay, now City of Kawartha Lakes, 92 Queen Street – 2554761 Ontario Inc. and John Ronald Barrett

Recitals:

1. Subsections 57(1) and (8) of the Planning Act, R.S.O. 1990, c. P.13, authorize Council to issue a Certificate of Validation in respect of land described in the Certificate and impose such conditions in respect of any land described in the Certificate, as it considers appropriate.
2. Council has received a request to validate the title of land described as Part Lot 28, Plan 15 N/S Queen Street, former Town of Lindsay, now the City of Kawartha Lakes.
3. Council deems it appropriate to give approval to a validation of title of the land described in the attached Certificate and to impose conditions, which shall be fulfilled prior to the registration of the attached certificate.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this **By-law 2021-__**.

Section 1.00: Definitions and Interpretation

- 1.01 **Definitions:** Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in this Section 1.01. Where any word appears in ordinary case, its regularly applied meaning in the English language is intended.
- (a) **“By-law”** means this by-law, as it may be amended from time to time. The Recitals to, and the Schedules attached to this By-law are considered integral parts of it.
 - (b) **“City”** means The Corporation of the City of Kawartha Lakes.
 - (c) **“Clerk”** means the person within the administration of the City, which fulfils the function of the City Clerk as required by the Municipal Act, 2001 S. O. c.25.
 - (d) **“Council”** means the elected municipal council for the City.
 - (e) **“Director”** means a Director of the City.

1.02 Interpretation Rules:

- (a) Whenever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.
 - (b) References to items in the plural include the singular, as applicable.
 - (c) The word “include” is not to be read as limiting the phrases or descriptions that precede it.
 - (d) The recitals, and any schedules to this By-law are integral parts of it.
- 1.03 **Statutes:** Specific references to laws in this By-law are printed in italic font and are meant to refer to the current laws applicable within the Province of Ontario as at the time this By-law was enacted. For Provincial laws, the reference is to the relevant chapter of the R.S.O. 1990 edition, as amended from time to time or current S. O. edition.
- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law will be considered to be severed from the balance of the By-law, which will continue to operate in full force and effect.

Section 2.00: Details

- 2.01 **Property Affected:** The Property affected by this by-law and subject to the attached certificate is described as Part Lot 28, Plan 15P N/S Queen Street, former Town of Lindsay, City of Kawartha Lakes.
- 2.02 **Conditions:** The conditions precedent to the passing of this By-law as follows:
1. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped;
 2. The owners shall apply for, pay the prescribed fee and obtain variances for the lands to be validated such that any outstanding zoning issues are addressed;
 3. The owners shall pay all costs associated with the preparation and registration of the required documents;
 4. Payment to the City of Kawartha Lakes of the review fee prevailing at the time the deed is validated, for the review and clearance of these conditions. The current fee is \$229.00. Payment shall be by certified cheque, money order, or from a lawyers trust account;
 5. All of these Conditions shall be fulfilled within a period of twelve months from the date of Council approval for said application, failing which the Validation By-law shall be considered null and void, and the Certificate of Validation invalid; and
 6. The owners' solicitor shall provide a written undertaking confirming that the Certificate of Validation in respect of this application shall be attached to the respective deed and registered in the proper land registry office within 1 year from the date of third and final reading of the respective Validation By-law. The solicitor shall also undertake to provide a copy of the registered deed to the Senior Planner as conclusive evidence of the fulfillment of the above-noted undertaking.

Section 3.00: Effective Date

3.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 57 of the Planning Act, R.S.O. 1990, c. P.13.

By-law read a first, second and third time, and finally passed, this **day of** , 2021.

Andy Letham, Mayor

Cathie Ritchie, Clerk

Certificate of Validation

The Planning Act, R.S.O. 1990, c. P13, as amended

Section 57

A contravention of Section 50 or a predecessor of it, or of a by-law passed under a predecessor of Section 50, or an order made under clause 27(1)(b) of the Planning Act as it reads on the 25th day of June, 1970, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor of it, does not have and shall be deemed never to have had, the effect of preventing the conveyance of, or creation of any interest in the parcel of land described as follows:

PT LT 28 N/S QUEEN ST PL 15P AS IN R239728 KAWARTHA LAKES
BEING ALL OF PIN 63214-0213 (LT)

This Certificate of Validation is issued in accordance with Section 57 of the Planning Act, R.S.O. 1990, c.P.13, as amended, and the decision of the City of Kawartha Lakes dated XX, XX, 2021

Dated this day of , 2021

Cathie Ritchie, Clerk
City of Kawartha Lakes