

THE CORPORATION OF THE TOWN OF LATCHFORD

BY-LAW NO. 2020-016

**BEING a BY-LAW** to authorize the execution of required documents with respect to the sale of land to Nathan Lowe and Leslie-Ann Thomas

**WHEREAS** under Section 8 of the Municipal Act, 2001, S.O., 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** under Section 9. (1) (a) and (b) of the Municipal Act, 2001, S.O., 2001, c.25, as amended, Section 8 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

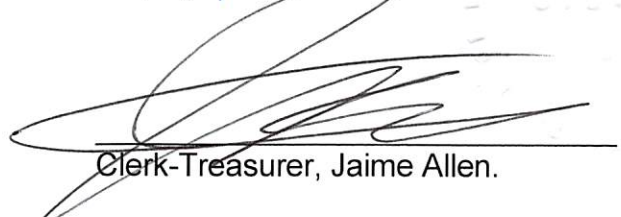
**NOW THEREFORE** the Council of the Corporation of the Town of Latchford enacts as follows:

That the Mayor and Clerk-Treasurer are hereby authorized to sign and seal the following documents with respect to the sale of Coleman Conc. 2 Pt Lot 380 PL M57NB Coleman S/T Latchford; District of Timiskaming, on behalf of the Corporation of the Town of Latchford.

**READ a FIRST, SECOND AND THIRD TIME and finally passed this 18<sup>th</sup> day of June 2020**



\_\_\_\_\_  
Mayor, George Lefebvre.



\_\_\_\_\_  
Clerk-Treasurer, Jaime Allen.

# KEMP PIRIE CROMBEEN

Barristers, Solicitors and Notaries

Paul Crombeen, B.A., J.D.  
George W. Kemp, B.Comm., LL.B.  
Kathryn J. Pirie, B.A., LL.B.

Phone: (705) 647-7353  
Fax: (705) 647-6473  
Email: [nllaw@kemppirie.com](mailto:nllaw@kemppirie.com)  
Website: [www.kemppirie.com](http://www.kemppirie.com)

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June 3, 2020

The Corporation of the Town of Latchford  
P.O. Box 10  
Latchford, Ontario  
P0J 1N0

Dear Town of Latchford:

RE: The Corporation of the Town of Latchford (the "Vendor") s/t Lowe and Thomas (the "Purchaser")  
Lot 380 Empire Street, Latchford, Ontario P0J 1N0 (the "Property")  
Legal Description: SURFACE RIGHTS ONLY LT 380 PL M57NB COLEMAN;  
S/T LT42548; LATCHFORD; DISTRICT OF  
TEMISKAMING, Latchford, District of Timiskaming  
Closing Date: June 11, 2020  
Our File No: 26512

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We acknowledge receipt of a copy of the Agreement of Purchase and Sale in the above matter and thank you for your instructions to act on your behalf.

**YOUR CONTACT AT OUR FIRM:** Your file has been assigned to Kevin Regimbal. If you are calling our office with information or if you have any questions as the transaction progresses, please contact him. The undersigned will supervise the file and will deal with any unusual difficulties that may be encountered. If you have any questions that our clerk is unable to answer, please contact the undersigned.

**LEGAL COSTS:** We confirm that the fees we will be charging in this matter are as follows:

|                      |          |
|----------------------|----------|
| Closing Fee re Sale: | \$500.00 |
| TOTAL FEES:          | \$500.00 |

The above fees have been quoted to you on the understanding that we will not encounter unusual difficulties in the completion of the transaction or extensions of the closing date. In the event that unexpected difficulties or extensions arise as a result of matters beyond our control, we reserve the right to increase our fee to reflect any additional time expended by the undersigned, our clerk and other staff in the completion of the transaction.

In addition to the above fee you will be billed for disbursements paid by us on your behalf in the course of completing the transaction and HST on the legal fees and taxable disbursements. In most cases, disbursements and HST will range between \$120.00 and \$220.00. If we incur additional disbursements after closing, we will submit a supplementary account to you.

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**SECTION 50 OF THE *PLANNING ACT*:** You will note that the Transfer in preparation contains prescribed statements made by you and me dealing with Section 50 of the *Planning Act* of Ontario (the "*Act*").

Specifically, the transfer contains a statement by you verifying that to the best of your knowledge and belief the transfer does not contravene Section 50 of the *Act*, and a statement by me verifying that,

- i) I have explained the effect of this section to you,
- ii) I have made inquiries of you to determine that the transfer does not contravene this section,
- iii) Based on the information supplied by you, to the best of my knowledge and belief, the transfer does not  
contravene this section, and
- iv) I am an Ontario Solicitor in good standing.

Generally, Section 50 of the *Act* provides that you cannot transfer a part only of your property and retain part except in very specific circumstances. In the Vendor's Combined Declaration or Certificate enclosed that you will be signing, you confirm that you would not be retaining any interest in land abutting the property being transferred. If this is not true, please contact me immediately so that we may determine whether you fall within one of the exceptions.

In the event that you contravene Section 50 of the *Act* and transfer the property to the Purchaser while retaining an interest in the abutting land and the transfer does not fall within an exception then even though the Purchaser will be registered at the Land Registry Office as owner of the property, the transfer does not and shall be deemed never to have had the effect of transferring the property to the Purchaser.

Provided the Purchaser's lawyer makes the prescribed Statement set out in the transfer related to Section 50 of the *Act* as well as you and me, then any contravention of Section 50 of the *Act* involving the property is cured upon registration of the transfer.

**ARRANGEMENTS TO FORWARD FUNDS TO YOU:** Kindly advise us how you wish us to send the funds to you. If you wish us to deposit the funds into your bank account, we would be happy to do so if it is a branch of one of our local banks, ie, CIBC, Royal Bank, Bank of Nova Scotia, Canada Trust, Toronto-Dominion Bank or Caisse Populaire. Please provide us with a void cheque or the name of the Bank, Branch Address, Transit Number and your account number.

Yours very truly,

Kemp Pirie Crombeen



PAUL CROMBEEN

PC:kr

Encl.