

The Corporation of the Municipality of Brockton



By-Law 2025-064

Being a By-Law to Authorize Entering into a Subdivision Amending Agreement
with Walker Hill Development Inc.

Whereas the *Municipal Act S.O. 2001, c 25*, Section 5(3), as amended provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by By-Law;

And Whereas Section 51(26) of the *Planning Act, R.S.O. 1990* provides that a municipality or approval authority, or both, may enter into agreements imposed as a condition to the approval of a plan of subdivision and the agreements may be registered against the land to which it applies and the municipality or the approval authority, as the case may be, is entitled to enforce the provisions of it against the owner and, subject to the Registry Act and the Land Titles Act, any and all subsequent owners of the land;

And Whereas on May 7, 2024 as per By-Law 2024-046 Walker Hill Development Inc. entered into a Subdivision Agreement with the Municipality of Brockton to provide for the development of a Subdivision (Walker Hill) legally described as Part of PART LOT 32, CONCESSION 1, NORTH OF DURHAM ROAD, BRANT, PARTS 3 AND 4, PLAN 3R-10756; SUBJECT TO AN EASEMENT OVER PART 4, PLAN 3R-10756 AS IN R34232; SUBJECT TO AN EASEMENT OVER PART 4, PLAN 3R-10756 AS IN R35700; MUNICIPALITY OF BROCKTON; being part of PIN 33196-0614 (LT); LRO #3; and more particularly identified on the Plan as Phase 1, being Lots 1 – 4, Block 45 – 49, and the part of Harmony Drive that connects Old Durham Road to Walker Hill Crescent (up to the northerly boundary limit of Lot 1 and Lot 2).

And Whereas the Council of The Corporation of the Municipality of Brockton wishes to enter into a Subdivision Amending Agreement with Walker Hill Development Inc.;

Now Therefore the Council of The Corporation of the Municipality of Brockton enacts as follows:

- 1.0 That the Council for The Corporation of the Municipality of Brockton hereby authorizes the entering into of a Subdivision Amending Agreement with Walker Hill Development Inc., a copy of which is attached as Schedule "A" hereto and forming part of this By-Law;
- 2.0 That the Clerk and Chief Administrative Officer shall be authorized to make minor amendments to the attached Subdivision Amending Agreement as may be advised by the municipal engineers and/or solicitors and as agreed to by the parties.
- 3.0 That the Mayor and Clerk are hereby authorized and directed to fully execute the Subdivision Amending Agreement attached hereto and forming a part of this By-law and are further authorized to sign any documents related to the agreement, or to the registration of the agreement in the Land Registry Office, and to affix the Corporate Seal thereon upon receipt of all necessary documentation and securities.
- 4.0 This By-Law shall come into full force and effect upon final passage.
- 5.0 This By-Law may be cited as the "Walker Hill Development Inc. Subdivision Amending Agreement By-Law".

Read, Enacted, Signed and Sealed this 12th day of August, 2025.

Mayor – Chris Peabody

Director of Legislative and Legal Services (Clerk) –
Fiona Hamilton

THE CORPORATION OF THE MUNICIPALITY OF BROCKTON

SUBDIVISION AMENDING AGREEMENT

Between

WALKER HILL DEVELOPMENT INC.

-and-

THE CORPORATION OF THE MUNICIPALITY OF BROCKTON

Dated August _____, 2025

The Corporation of the Municipality of Brockton

Address: 100 Scott Street, Walkerton, Ontario
N0G 2V0

MUNICIPALITY OF BROCKTON
SUBDIVISION AMENDING AGREEMENT

THIS AGREEMENT made on the _____ day of August, 2025.

BETWEEN:

WALKER HILL DEVELOPMENT INC.
hereinafter called the “**Developer**” of the FIRST PART

-and-

THE CORPORATION OF THE MUNICIPALITY OF BROCKTON
hereinafter call the “**Municipality**” of the SECOND PART

WHEREAS:

- A. By Subdivision Agreement dated May 7, 2024 registered as Instrument No. BR207686 on the 9th day of September, 2024, Walker Hill Development Inc., as Owner and Developer, and The Corporation of the Municipality of Brockton entered into an agreement for the development of lots as a subdivision on lands within the Municipality of Brockton identified in the said Agreement (the “**Subdivision Agreement**”).
- B. The Subdivision Agreement was registered on title to the lands, owned by Walker Hill Development Inc., the said lands legally described in Schedule “A” (the “Lands”)
- C. The Developer is developing the lands into a subdivision in phases, and phase 1 of the subdivision will be completed in accordance with plan of subdivision, Plan 3M-274 (“**Phase 1**”).
- D. The Developer is requesting that the Subdivision Agreement be amended to include LOT 1 Plan 3M-_____ as part of Phase 1, as further described in Schedule “B”.
- E. The Developer will grant to the Municipality an easement for inground stormwater management infrastructure over LOT 1 3M-_____ as further described on Schedule “B” of this agreement, and over the Lands described on Reference Plan 3R-_____, as further described on Schedule “C”.
- F. The parties therefore wish to amend the terms of the Subdivision Agreement as herein provided to account for the addition of LOT 1 3M-_____ to the Phase 1 lands as described in Schedule “B” of the Subdivision Agreement dated May 7, 2024 and the addition of an Easement over LOT 1 3M-_____ as described on Schedule “B”, and the addition of an Easement over the Lands described on Reference Plan 3R-_____ as described on Schedule “C” of this Agreement.

NOW THEREFORE in consideration of the terms and conditions of the Subdivision Agreement dated May 7, 2024, and the covenants hereinafter expressed, and for other good and valuable consideration and the sum of TWO DOLLARS (\$2.00) of lawful money of Canada now paid by each of the parties hereto to each of the other party hereto, with receipt whereof is hereby acknowledged, the parties hereto hereby covenant and agree as follows:

PART I

1.1 Recitals

The Parties agree that the recitals herein are true and accurate in substance and in fact and form part of this Agreement.

1.2 Lands Affected

This Agreement applies to and binds the lands identified as:

REFERENCE PLAN 3R-_____; MUNICIPALITY OF BROCKTON

WALKER HILL CRESCENT PLAN 3M-274; MUNICIPALITY OF BROCKTON

LOT 1 3M-_____; MUNICIPALITY OF BROCKTON

PART II

AMENDMENTS TO SUBDIVISION AGREEMENT

1.1 The parties agree that the Subdivision Agreement dated May 7, 2024 is hereby amended as follows:

1. Schedule "A" of the Subdivision Agreement is hereby amended as follows:

Insert: LOT 1 3M-_____;

2. Schedule "H" of the Subdivision Agreement is hereby amended as follows:

LIST OF EASEMENTS TO BE GRANTED TO THE MUNICIPALITY

Insert: Easement over LOT 1 3M-_____ AND the lands described on Reference Plan 3R-_____;

3. Notwithstanding anything to the contrary contained in the Subdivision Agreement dated May 7, 2024, Walker Hill Development Inc. shall be allowed until October 31, 2026 to complete the creation of the easement, the installation and completion of the inground stormwater management infrastructure, and the required grading and servicing of lot 1, as may be further described in this Agreement.

2.2 Save and except as amended by this Agreement, the parties agree that the terms and conditions of the Subdivision Agreement dated May 7, 2024 continue and are binding on them.

PART III

ADMINISTRATION

3.1 Registration of Agreement

The Parties hereby covenant and agree that this Agreement may be registered upon title to the Lots and the Developer/Owner hereby authorizes the Solicitor for the Municipality to execute on behalf of the Developer/Owner all documents necessary to register this Agreement in the Land Registry Office for Bruce County (LRO#3). The Developer is responsible to pay all costs associated with the preparation and registration of this Agreement, as well as all other costs incurred by the Municipality as a result of the registration of any other documents pertaining to this Agreement.

3.2 Governing Law

This Agreement shall be interpreted under and is governed by the laws of the Province of Ontario and the federal laws of Canada applicable herein.

3.3 Successors & Assigns

This Agreement shall be enforceable by and against the parties hereto, their heirs, executors, administrators, successors and assigns and that the Agreement and all covenants by the Developer and Owner herein contains shall run with the Lands.

3.4 Severability

If any provision of this Agreement is deemed illegal, invalid or unenforceable, by an arbitrator or any court of competent jurisdiction from which no appeal exists or is taken, that provision will be severed from this Agreement and the remaining provisions will remain in full force and effect.

3.5 PDF/Counterparts

This Agreement may be executed in counterparts, each of which shall be deemed to be an original and all of which taken together shall be deemed to constitute one and the same instrument. Counterparts shall be accepted in original, electronic, or facsimile form, and the parties to this Agreement adopt any signatures received by receiving facsimile or electronic mail as original signatures of the parties.

IN WITNESS WHEREOF the Developer has hereunto set his hand and seal, and the Municipality has hereunto set its corporate seal attested to by the hands of the Mayor and Clerk.

WALKER HILL DEVELOPMENT INC.
Per:

Himansu Shah, President
I have authority to bind the Developer.

THE CORPORATION OF THE
MUNICIPALITY OF BROCKTON
Per:

Chris Peabody, Mayor

Fiona Hamilton, Clerk
We have authority to bind the Municipality.

Schedule "A"
Legal Description of the Lands

PIN: 33196-0625

Legal Description:

FIRSTLY: PART LOT 32, CONCESSION 1, NORTH OF DURHAM ROAD, BRANT, PARTS 3 & 4 PLAN 3R10756; SUBJECT TO AN EASEMENT OVER PART 4 PLAN 3R10756 AS IN R34232; SUBJECT TO AN EASEMENT OVER PART 4 PLAN 3R10756 AS IN R35700; SECONDLY: PART PARK LOT 48, PLAN 162, PARTS 1 & 2 PLAN 3R10756; SUBJECT TO AN EASEMENT OVER PART 2 PLAN 3R10756 AS IN R34232; MUNICIPALITY OF BROCKTON

NOTES:

- BEARINGS ARE UTM GRID AND ARE REFERRED TO THE NORTH LIMIT OF OLD DURHAM ROAD HAVING A BEARING OF N79°13'20"E AS SHOWN ON PLAN 3R-10756.
- DISTANCES SHOWN ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.999558

PLAN OF SUBDIVISION
OF PART OF
PARK LOT 48
REGISTERED PLAN No. 162
AND PART OF
LOT 32, CONCESSION 1
NORTH OF THE DURHAM ROAD
(GEOGRAPHIC TOWNSHIP OF BRANT)
MUNICIPALITY OF BROCKTON
COUNTY OF BRUCE

PLANNING APPROVAL

Approved In Accordance With Section 51 Of The Planning Act (R.S.O. 1990), Chapter P.13, as amended.

This 21st Day Of October, 2024.

Maria Morrison

Secretary-Treasurer of the Land Division Committee
County of Bruce

County File: S-2021-003

PLAN 3M - 274

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF BRUCE (No. 3) AT 9:57 O'CLOCK ON THE 6th DAY OF November 2024 AND ENTERED IN THE PROPERTY IDENTIFIER 33196-0625(LT)

AND REQUIRED CONSENTS ARE REGISTERED AS PLAN DOCUMENT No. BR 209398

[Signature]
REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF BRUCE (No 3)

THIS PLAN COMPRISES PART OF PIN 33196-0625(LT)

PART OF LOTS 1, 2, 3, 4, BLOCK 6 AND PART OF WALKER HILL CRESCENT ARE SUBJECT TO EASEMENTS AS IN R34232 AND R35700

LEGEND

- DENOTES MONUMENTATION FOUND
- DENOTES MONUMENTATION PLANTED
- SIB DENOTES 2.5cm sq. STANDARD IRON BAR
- SSIB DENOTES 2.5cm sq. SHORT STANDARD IRON BAR
- IB DENOTES 1.6cm sq. IRON BAR
- PB DENOTES PLASTIC BAR
- CC DENOTES CUT CROSS
- WIT DENOTES WITNESS
- N.D.R. DENOTES NORTH OF THE DURHAM ROAD
- P1 DENOTES PLAN 3R-10756
- 982 DENOTES H.R.WHALE, O.L.S.
- 1527 DENOTES D. CULBERT LTD., O.L.S.
- 1661 DENOTES R.F.DOBE, O.L.S.

OWNER'S CERTIFICATE:

I CERTIFY THAT:

- LOTS 1 TO 4, BOTH INCLUSIVE, BLOCKS 5 & 6, THE STREET NAMEDLY WALKER HILL CRESCENT HAVE BEEN LAID OUT ACCORDING TO MY INSTRUCTIONS.
- THE STREET IS DEDICATED AS PUBLIC HIGHWAY TO THE CORPORATION OF THE MUNICIPALITY OF BROCKTON.

DATED THE 10th DAY OF SEPTEMBER, 2024

OWNER'S NAME

Himansu Shah
HIMANSU SHAH, PRESIDENT
WALKER HILL DEVELOPMENT INC.
I HAVE THE AUTHORITY TO BIND THE CORPORATION

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 28th DAY OF SEPTEMBER, 2023

SEPT. 10, 2024
DATE

[Signature]
D.A. CULBERT
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-60893

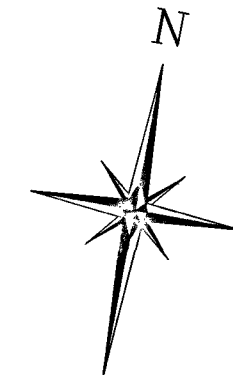
D. CULBERT LTD.
ONTARIO LAND SURVEYOR
GODERICH, ONTARIO PHONE: 519-524-5321

ONTARIO
DCL
LAND SURVEYOR

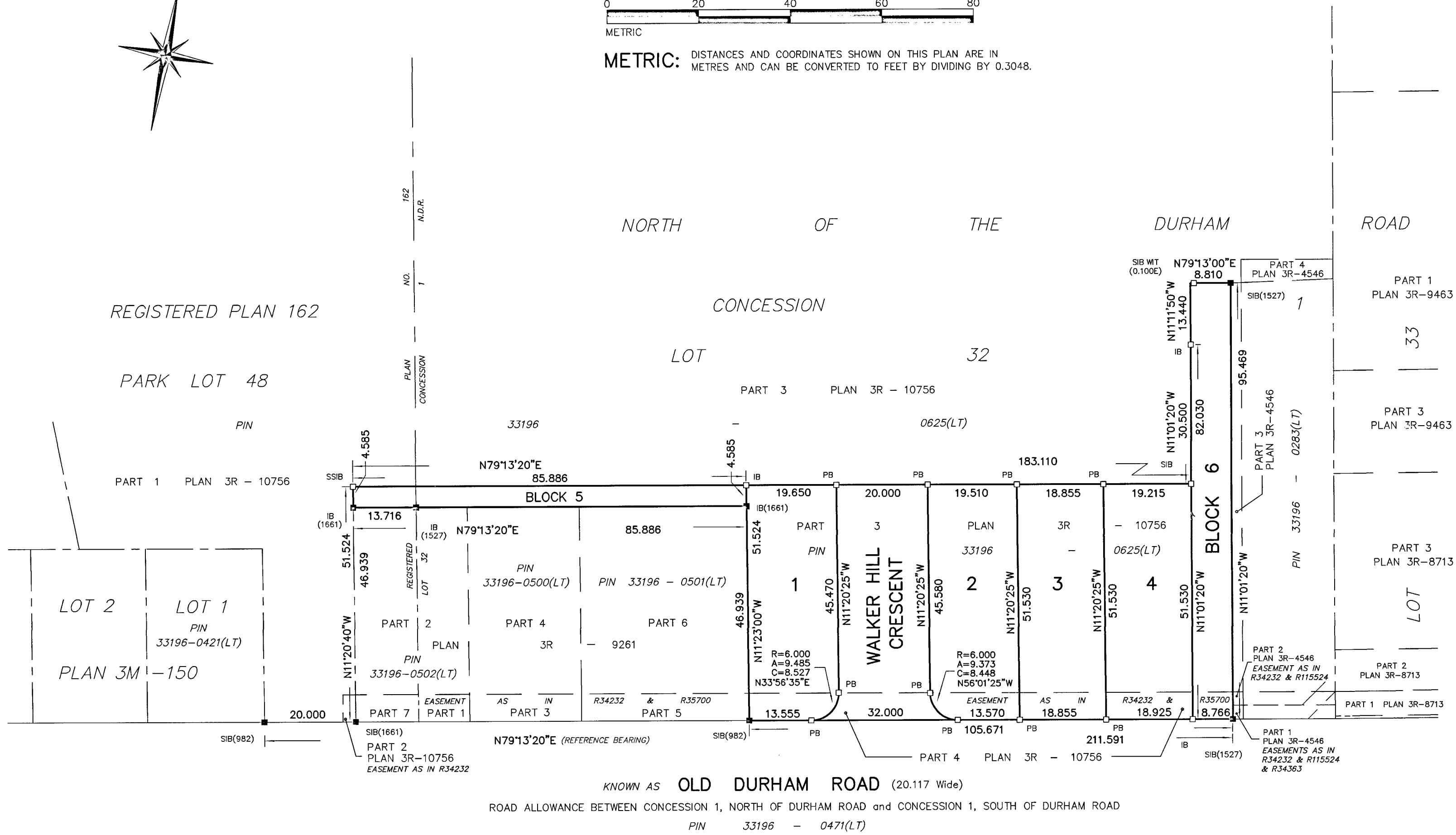
DRAWN BY: MA
CHECKED BY: DAC

DIGITAL FILE: BT2001D1
FILE: BRA-01N-32-1

PLAN No:
2GA-1209
Rv. **0**



METRIC: DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.



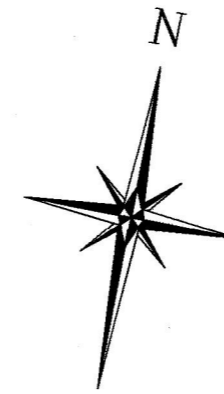
KNOWN AS **OLD DURHAM ROAD** (20.117 Wide)
ROAD ALLOWANCE BETWEEN CONCESSION 1, NORTH OF DURHAM ROAD and CONCESSION 1, SOUTH OF DURHAM ROAD
PIN 33196 - 0471(LT)

Schedule "B"
LOT 1 Plan 3M-_____

INTEGRATION DATA		
COORDINATES ARE DERIVED FROM GPS OBSERVATIONS USING SMARTNET NETWORK AND ARE REFERRED TO UTM 17 (81° WEST LONGITUDE) NAD83 (CSRS) EPOCH 2010		
COORDINATE VALUES ARE TO A RURAL ACCURACY IN ACCORDANCE WITH SECTION 14(2) OF O.REG.216/10		
POINT ID	NORTHING	EASTING
A	4887005.58	488839.48
B	4886995.61	488990.23
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

UTM GRID NOTES:

- 1) BEARINGS ARE UTM GRID AND ARE REFERRED TO THE NORTH LIMIT OF OLD DURHAM ROAD HAVING A BEARING OF N79°13'20"E AS SHOWN ON PLAN 3R-10756.
- 2) DISTANCES SHOWN ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.999558.



PLAN 3M-

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF BRUCE (No. 3) AT _____ O'CLOCK ON THE _____ DAY OF _____, 2025 AND ENTERED IN THE REGISTER(S) FOR P.I.N. 33196-0633(LT) AND THE REQUIRED CONSENTS ARE REGISTERED AS PLAN DOCUMENT No. _____.

REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF BRUCE (No. 3)

THIS PLAN COMPRISES PART OF THE LAND IDENTIFIED BY P.I.N. 33196-0633(LT). PART OF LOT 1 IS SUBJECT TO EASEMENT AS IN INSTRUMENT No. R34232.

PLAN OF SURVEY
OF PART OF
PARK LOT 48
REGISTERED PLAN No. 162
(FORMERLY IN THE TOWN OF WALKERTON)
MUNICIPALITY OF BROCKTON
COUNTY OF BRUCE

SCALE 1:500
0 2 4 6 8 10 20 30 METRES

D. CULBERT LTD.
ONTARIO LAND SURVEYORS

METRIC:

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

LEGEND:

- DENOTES PLANTED MONUMENT
- DENOTES FOUND MONUMENT
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- OJ DENOTES ORIGIN UNKNOWN
- WT DENOTES WITNESS
- MEAS DENOTES MEASURED
- 982 DENOTES H.R. WHALE, O.L.S.
- 1661 DENOTES R.F. DORE, O.L.S.
- P1 DENOTES PLAN 3R-10756

APPROVED IN ACCORDANCE WITH SECTION 51 OF THE PLANNING ACT (R.S.O. 1990), CHAPTER P.13, AS AMENDED.

THIS _____ DAY OF _____, 2025.

SECRETARY-TREASURER OF THE LAND DIVISION COMMITTEE
COUNTY OF BRUCE

COUNTY FILE:

OWNER'S CERTIFICATE

I CERTIFY THAT:
1) LOT 1 HAS BEEN LAID OUT ACCORDING TO MY INSTRUCTIONS.
DATED THE _____ DAY OF _____
WALKER HILL DEVELOPEMENTS INC.

I HAVE THE AUTHORITY TO BIND THE CORPORATION _____ HIMANSU SHAH PRESIDENT

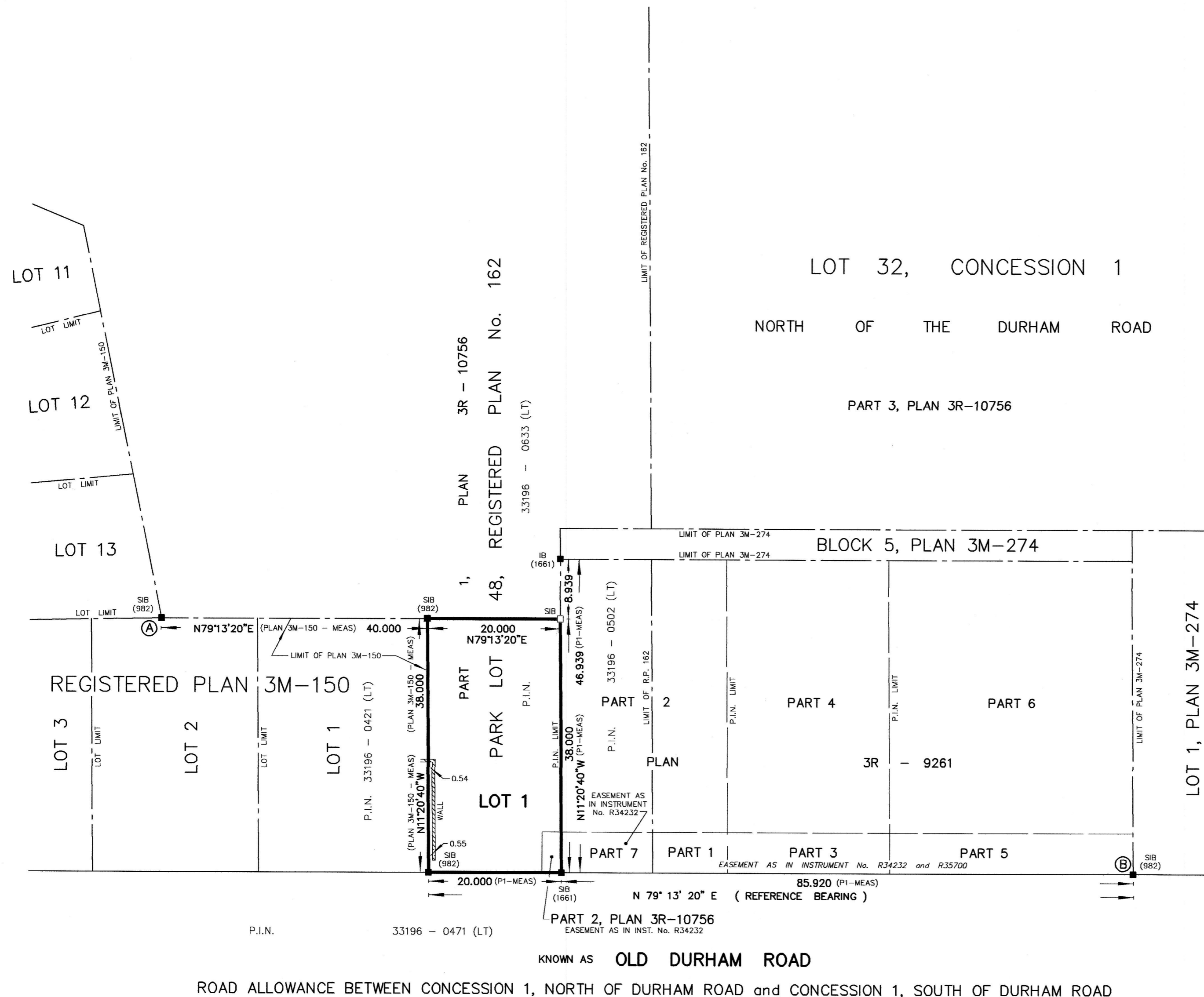
SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2) THE SURVEY WAS COMPLETED ON THE

DATE _____ D.A. CULBERT
ONTARIO LAND SURVEYOR

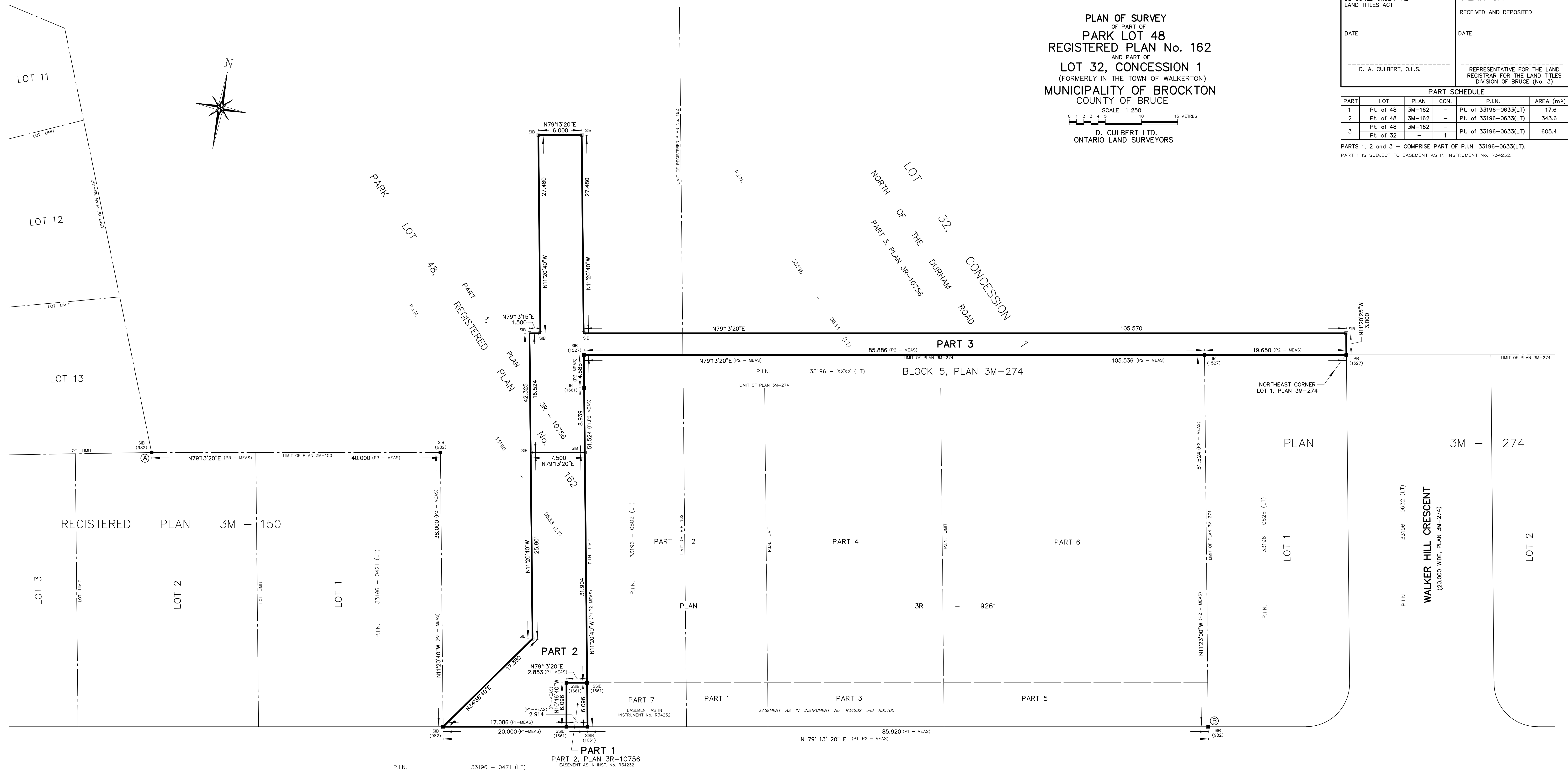
D. CULBERT LTD. ONTARIO
ONTARIO LAND SURVEYOR **DGL**
LAND SURVEYOR
GODERICH, ONTARIO PHONE: 519-524-5321

Cad File: D:\Block Art\26\2617\2617-SUB.dwg COGO: 2617-GROUND.txt
Drawn By S.R.M. Checked By D.A.C. DCL File: BRA-01N-32- Plan: 2GZ-2646



ROAD ALLOWANCE BETWEEN CONCESSION 1, NORTH OF DURHAM ROAD and CONCESSION 1, SOUTH OF DURHAM ROAD

Schedule "C"
REFERENCE PLAN 3R-_____



PLAN OF SURVEY
 OF PART OF
PARK LOT 48
 REGISTERED PLAN No. 162
 AND PART OF
LOT 32, CONCESSION 1
 (FORMERLY IN THE TOWN OF WALKERTON)
 MUNICIPALITY OF BROCKTON
 COUNTY OF BRUCE

SCALE 1:250
 0 1 2 3 4 5 10 METRES

D. CULBERT LTD.
 ONTARIO LAND SURVEYORS

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT

PLAN 3R-
 RECEIVED AND DEPOSITED

DATE _____ DATE _____

D. A. CULBERT, O.L.S. REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF BRUCE (No. 3)

PART SCHEDULE					
PART	LOT	PLAN	CON.	AREA (m ²)	
1	Pl. of 48	3M-162	-	Pt. of 33196-0633(LT)	17.6
2	Pl. of 48	3M-162	-	Pt. of 33196-0633(LT)	343.6
3	Pl. of 32	-	1	Pt. of 33196-0633(LT)	605.4

PARTS 1, 2 and 3 - COMPRISE PART OF P.I.N. 33196-0633(LT).
 PART 1 IS SUBJECT TO EASEMENT AS IN INSTRUMENT No. R34232.

KNOWN AS **OLD DURHAM ROAD**
 ROAD ALLOWANCE BETWEEN CONCESSION 1, NORTH OF DURHAM ROAD and CONCESSION 1, SOUTH OF DURHAM ROAD

INTEGRATION DATA		
COORDINATES ARE DERIVED FROM GPS OBSERVATIONS USING SMARTNET NETWORK AND ARE REFERRED TO UTM 17 (81° WEST LONGITUDE) NAD83 (CSRS) EPOCH 2010		
COORDINATE VALUES ARE TO A RURAL ACCURACY IN ACCORDANCE WITH SECTION 14(2) OF O.REG.216/10		
POINT ID	NORTHING	EASTING
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B	4886995.61	488990.23
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- LEGEND:**
- DENOTES PLANTED MONUMENT
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 - 1661 DENOTES R.F. DORE, O.L.S.
 - P1 DENOTES PLAN 3R-10756
 - P2 DENOTES PLAN 3M-274
 - P3 DENOTES PLAN 3M-150

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT:
 1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 2) THE SURVEY WAS COMPLETED ON THE **XX**

DATE _____ D.A. CULBERT
 ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION No. V-**XX**

D. CULBERT LTD. ONTARIO LAND SURVEYOR
 GODERICH, ONTARIO PHONE: 519-524-5321

OGL ONTARIO LAND SURVEYOR

Cad File: D:\Block_Art\20\2622\2622-REF.dwg C000: 2622-OROUND.txt
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