

The Corporation of the Municipality of Brockton



By-Law 2019-043

Being a By-Law to Authorize the Transfer of Property from the Corporation of the Municipality of Brockton to Wellness & Emotional Support (WES) for Youth Online

Whereas The Council for the Corporation of the Municipality of Brockton deems it expedient to transfer the property legally described as LT 25 PL 473; PT LT 26, 29 PL; 473 PT 3 3R3521; BROCKTON and bearing parcel identifier number 33199-0138 (LT) for 4 Park Street, Walkerton;

And Whereas Wellness & Emotional Support (WES) for Youth Online entered into a Lease Agreement on May 12, 2014 that contained an Option to Purchase, and the Corporation of the Municipality of Brockton received acknowledgement that Wellness & Emotional Support (WES) for Youth Online intended to exercise the Option to Purchase on May 3, 2019 as attached as "Schedule A" and forms part of this By-Law;

Now Therefore the Council of the Corporation of the Municipality of Brockton enacts as follows;

- 1.0 That The Corporation of the Municipality of Brockton Council hereby approves the transfer of land to Wellness & Emotional Support (WES) for Youth Online in accordance with the Transfer as attached as "Schedule B" and forms part of this By-Law;
- 2.0 The execution by the Mayor and Clerk of the attached Acknowledgement and Direction dated May 3, 2019 for the Transfer between the Corporation of the Municipality of Brockton and Wellness & Emotional Support (WES) for Youth Online, or any amendments thereto, is hereby authorized, ratified, and confirmed.
- 3.0 This By-Law shall come into full force and effect upon final passage.
- 4.0 This By-Law may be cited as the "WES for Youth Land Transfer Agreement By-Law".

Read, Enacted, Signed and Sealed this 14th day of May, 2019.

Mayor – Chris Peabody

Clerk – Fiona Hamilton

Schedule A to By-Law 2019-043

FROM: Wellness & Emotional Support (WES) for Youth Online
[formerly "The Wes Foundation for Youth Crisis and Counselling"]

TO: The Corporation of the Municipality of Brockton

AND TO: Grove-McClement & Fischer LLP
Barristers & Solicitors

RE: Wellness & Emotional Support (WES) for Youth Online purchase from
The Corporation of the Municipality of Brockton

Property: 4 Park Street, Walkerton, Ontario
Our File No. 19392

NOTICE OF EXERCISE OF OPTION TO PURCHASE

Please take notice that pursuant to the Commercial Lease between THE CORPORATION OF THE MUNICIPALITY OF BROCKTON (the "Landlord") and WELLNESS & EMOTIONAL SUPPORT (WES) FOR YOUTH ONLINE [Formerly THE WES FOUNDATION FOR YOUTH CRISIS AND COUNSELLING] (the "Tenant") dated April 16, 2014 and attached hereto, we hereby confirm that we intend to exercise our right to purchase the property owned by the Landlord at 4 Park Street, Walkerton, Ontario N0G 2V0 with a legal description of LT 25 PL 473; PT LT 26, 29 PL; 473 PT 3 3R3521; BROCKTON and bearing Parcel Identifier Number: 33199-0138 (LT) for the agreed-upon purchase price of \$75,000.00.

We further confirm that we are agreeable to a Closing Date of May 23, 2019 for the transaction and that we will provide a certified cheque in the amount of \$1,000.00 made payable to: Grove-McClement & Fischer LLP, in Trust, by 5:00pm on Tuesday May 7, 2019 as a deposit in accordance with the terms of the Option to Purchase.

Dated at Walkerton, Ontario this 3rd day of May, 2019.

WELLNESS & EMOTIONAL SUPPORT
(WES) FOR YOUTH ONLINE

Per: 

Jennifer Mulcaster, Executive Director

I have the authority to bind the Corporation.

ACKNOWLEDGEMENT AND DIRECTION

TO: Tammy W. Grove-McClement
AND TO: Grove-McClement & Fischer LLP
RE: Brockton SALE TO Wellness & Emotional Support (Wes) for Youth Online –
Transfer
File No.:19396

This will confirm the following:

1. I/We have reviewed the information set out below and attached and the information is accurate.
2. You, your agent or employee are authorized and directed to sign, deliver, and/or register electronically on my/our behalf the document(s) described in this Acknowledgment and Direction as well as any other document(s) required to complete the transaction described above.
3. You are hereby authorized to insert any information that may be required in the electronic documents described in this Acknowledgment and Direction that may not be available to you at the time of execution of this Acknowledgment and Direction.
4. The effect of the electronic documents described in this Acknowledgment and Direction has been fully explained to me/us and I/we understand that I/we are parties to and are bound by the terms and provisions of these electronic documents to the same extent as if I/we had signed these documents.
5. I am/We are, in fact, the parties named in the electronic documents described in this Acknowledgment and Direction and I/we have not misrepresented our identities to you.
6. I/We hereby authorize you to make any minor, non-material alterations that may be required by the Land Registry Office or any governmental agencies or governmental authorities to effect certification of the electronic documents described in this Acknowledgment and Direction by the Land Registry Office.
7. This Acknowledgment and Direction may be executed in counterpart and each such counterpart shall, for all purposes, constitute one document binding on all parties hereto, notwithstanding that all parties are not signatories to the same counterpart, provided that each party has signed at least one counterpart.
8. Execution of the Acknowledgment and Direction by facsimile transmission or by e-mail shall be binding upon each party hereto and upon the party so signing by facsimile or e-mail transmission.

DESCRIPTION OF DOCUMENT: Transfer

Date: May , 2019. THE CORPORATION OF THE
MUNICIPALITY OF BROCKTON

Per: _____
Name: Chris Peabody
Title: Mayor

Per: _____
Name: Fiona Hamilton
Title: Clerk

We have authority to bind the Corporation.

This document has not been submitted and may be incomplete.

Properties

PIN 33199 - 0138 LT Interest/Estate Fee Simple
Description LT 25 PL 473; PT LT 26, 29 PL 473 PT 3 3R3521; BROCKTON
Address 4 PARK ST
 WALKERTON

Consideration

Consideration \$75,000.00

Transferor(s)

The transferor(s) hereby transfers the land to the transferee(s).

Name THE CORPORATION OF THE MUNICIPALITY OF BROCKTON
 Acting as a company
Address for Service 100 Scott Street, P.O. Box 68
 WALKERTON, ON N0G 2V0

This document is not authorized under Power of Attorney by this party.
This document is being authorized by a municipal corporation Chris Peabody, Mayor and Fiona Hamilton, Clerk.

Transferee(s)	Capacity	Share
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Name	WELLNESS & EMOTIONAL SUPPORT (WES) FOR YOUTH ONLINE	Registered Owner
	Acting as a company	
Address for Service	4 Park Street Walkerton ON N0G 2V0	

Statements

The land is being acquired or disposed of by the Crown in Right of Ontario or the Crown in Right of Canada, including any Crown corporation, or any agency, board or commission of the Crown; or a municipal corporation.

Calculated Taxes

Provincial Land Transfer Tax \$475.00

File Number

Transferor Client File Number : 19396
Transferee Client File Number : 19392

LAND TRANSFER TAX STATEMENTS

In the matter of the conveyance of: 33199 - 0138 LT 25 PL 473; PT LT 26, 29 PL 473 PT 3 3R3521; BROCKTON

BY: THE CORPORATION OF THE MUNICIPALITY OF BROCKTON
TO: WELLNESS & EMOTIONAL SUPPORT (WES) FOR YOUTH ONLINE
Registered Owner

1. WELLNESS & EMOTIONAL SUPPORT (WES) FOR YOUTH ONLINE

I am

- ☐ (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 _____ described in paragraph(s) () above.
- ☐ (e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for _____ described in paragraph(s) () above.
- ☐ (f) A transferee described in paragraph () and am making these statements on my own behalf and on behalf of _____ who is my spouse described in paragraph () and as such, I have personal knowledge of the facts herein deposed to.

3. The total consideration for this transaction is allocated as follows:

(a) Monies paid or to be paid in cash	\$75,000.00
(b) Mortgages (i) assumed (show principal and interest to be credited against purchase price)	\$0.00
(ii) Given Back to Vendor	\$0.00
(c) Property transferred in exchange (detail below)	\$0.00
(d) Fair market value of the land(s)	\$0.00
(e) Liens, legacies, annuities and maintenance charges to which transfer is subject	\$0.00
(f) Other valuable consideration subject to land transfer tax (detail below)	\$0.00
(g) Value of land, building, fixtures and goodwill subject to land transfer tax (total of (a) to (f))	\$75,000.00
(h) VALUE OF ALL CHATTELS -items of tangible personal property	\$0.00
(i) Other considerations for transaction not included in (g) or (h) above	\$0.00
(j) Total consideration	\$75,000.00

6. Other remarks and explanations, if necessary.

- The information prescribed for the purposes of section 5.0.1 of the Land Transfer Tax Act is required to be provided for this conveyance. The information has been provided as confirmed by .
- The transferee(s) has read and considered the definitions of "designated land", "foreign corporation", "foreign entity", "foreign national", "specified region" and "taxable trustee" as set out in subsection 1(1) of the Land Transfer Tax Act. The transferee(s) declare that this conveyance is not subject to additional tax as set out in subsection 2(2.1) of the Act because:
- (a) This is not a conveyance of land that is located within the "specified region".
- The transferee(s) declare that they will keep at their place of residence in Ontario (or at their principal place of business in Ontario) such documents, records and accounts in such form and containing such information as will enable an accurate determination of the taxes payable under the Land Transfer Tax Act for a period of at least seven years.
- The transferee(s) agree that they or the designated custodian will provide such documents, records and accounts in such form and containing such information as will enable an accurate determination of the taxes payable under the Land Transfer Tax Act, to the Ministry of Finance upon request.

PROPERTY Information Record

A. Nature of Instrument:

Transfer

LRO 3

Registration No.

Date:

B. Property(s):

PIN 33199 - 0138

Address 4 PARK ST
WALKERTON

Assessment 4104360 - 00612200
Roll No

C. Address for Service:

4 Park Street
Walkerton ON
N0G 2V0

D. (i) Last Conveyance(s):

PIN 33199 - 0138

Registration No.

(ii) Legal Description for Property Conveyed: Same as in last conveyance?

Yes☒

No☐

Not known☐