



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 99-79

To authorize the execution of an agreement between Sentry Jewellery Shops Limited and The Corporation of the City of Brampton.

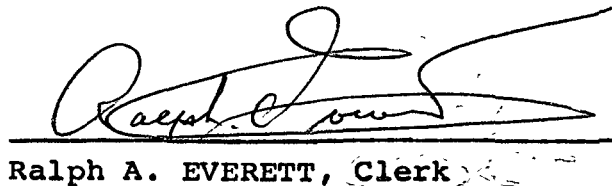
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The Council of the Corporation of the City of Brampton  
ENACTS as follows:

1. The Mayor and the Clerk are hereby authorized to execute an agreement between Sentry Jewellery Shops Limited and the Corporation of the City of Brampton, in the form attached hereto as Schedule "A".

READ a FIRST, SECOND and THIRD TIME and PASSED in Open Council this 7th day of May, 1979.

  
James E. ARCHDEKIN, Mayor

  
Ralph A. EVERETT, Clerk

MEMORANDUM OF AGREEMENT made in duplicate this  
14th day of May, 1979.

B E T W E E N :

SENTRY JEWELLERY SHOPS LIMITED, being  
a company incorporated under the laws  
of the Province of Ontario

hereinafter called the 'Owner'

OF THE FIRST PART

A N D

THE CORPORATION OF THE CITY OF BRAMPTON

hereinafter called the 'City'

OF THE SECOND PART

A N D

THE MERCANTILE BANK OF CANADA, and  
BURNAC LEASEHOLDS LIMITED

hereinafter called the 'Mortgagees'

OF THE THIRD PART

WHEREAS the Owner warrants that it is the owner  
of the lands more particularly described in Schedule 'A'  
attached hereto (herein called the "lands") and further  
warrants that the Mortgagees are the only mortgagees of the  
lands;

AND WHEREAS the Owner has requested the City to  
amend its zoning by-law in respect to the lands and the  
City is of the opinion that such amendment would not be  
proper and in the public interest unless assurances are  
given by the Owner that the matters and things referred  
to in this agreement will be done in the manner  
hereinafter set forth.

NOW THEREFORE THIS AGREEMENT WITNESSETH that  
in consideration of the covenants hereinafter contained

and in consideration of the City taking the necessary steps to amend its zoning by-law with respect to the lands, the parties hereto agree with each other as follows:

1.

Provided that the amendment to the zoning by-law to be passed by the City of Brampton receives the approval of the Ontario Municipal Board, the Owner covenants and agrees that it will neither apply for nor be entitled to receive any building permits with respect to the construction or erection of buildings on that part of the lands more particularly shown as Building Area B on the plan attached hereto as Schedule 'B' until such time as a site plan with respect to the building to be constructed or erected within Building Area B and the development of that part of the lands lying to the west of the easterly limit of the thirty (30) foot sewer easement shown on Schedule 'B' attached hereto has been approved by the City Council and the Owner has entered into an agreement with the City in a form satisfactory to the City with respect to the development of the lands lying to the west of the east limit of the sewer easement shown on Schedule 'B' attached hereto.

2.

The lands more particularly described in Schedule 'A' attached hereto are the lands affected by this agreement.

IN WITNESS WHEREOF THE PARTIES HERETO have hereunto affixed their corporate seals attested by the hands of their proper officers duly authorized in that behalf.

SENTRY JEWELLERY SHOPS LIMITED

By: *D. A. Neel* VP.  
Vice-President

*[Signature]*  
Director

THE CORPORATION OF THE CITY OF BRAMPTON

*James E. Archdekin*  
JAMES E. ARCHDEKIN MAYOR

*Ralph A. Everett*  
RALPH A. EVERETT ACTING CLERK

~~THE MERCANTILE BANK OF CANADA~~

BURNAC LEASEHOLDS LIMITED

*[Signature]*  
AUTHORIZED SIGNING OFFICER

THE MERCANTILE BANK OF CANADA

*[Signature]*  
Phillip M. Asseff  
Assistant Vice-President

WITNESS WHEREOF this indenture  
has been executed by The Mercantile  
Bank of Canada by its attorney duly  
appointed under Power of Attorney  
registered as No. 465138 in the Land  
Registry Office for the Land Registry  
Division of Peel on February 22, 1978.

*[Signature]*

AFFIDAVIT OF SUBSCRIBING WITNESS

I, *BARBARA DYKE*

of the City of Toronto, in the Municipality of Metropolitan Toronto, MAKE OATH AND SAY THAT:

1. I am the subscribing witness to the attached instrument and I was present and saw it executed at Toronto by Phillip M. Asseff.
2. I verily believe that the person whose signature I witnessed was authorized to execute the instrument as attorney for The Mercantile Bank of Canada.
3. I know the said person and he is and at the time of execution of the instrument he was an Assistant Vice-President of The Mercantile Bank of Canada.
4. I am an employee of The Mercantile Bank of Canada and as such have personal knowledge of the matters herein deposed to.

SWORN BEFORE ME at the City )  
of Toronto, in the Municipality )  
of Metropolitan Toronto, this )  
*24<sup>th</sup>* day of May, 1979. )  
A Commissioner, etc. )

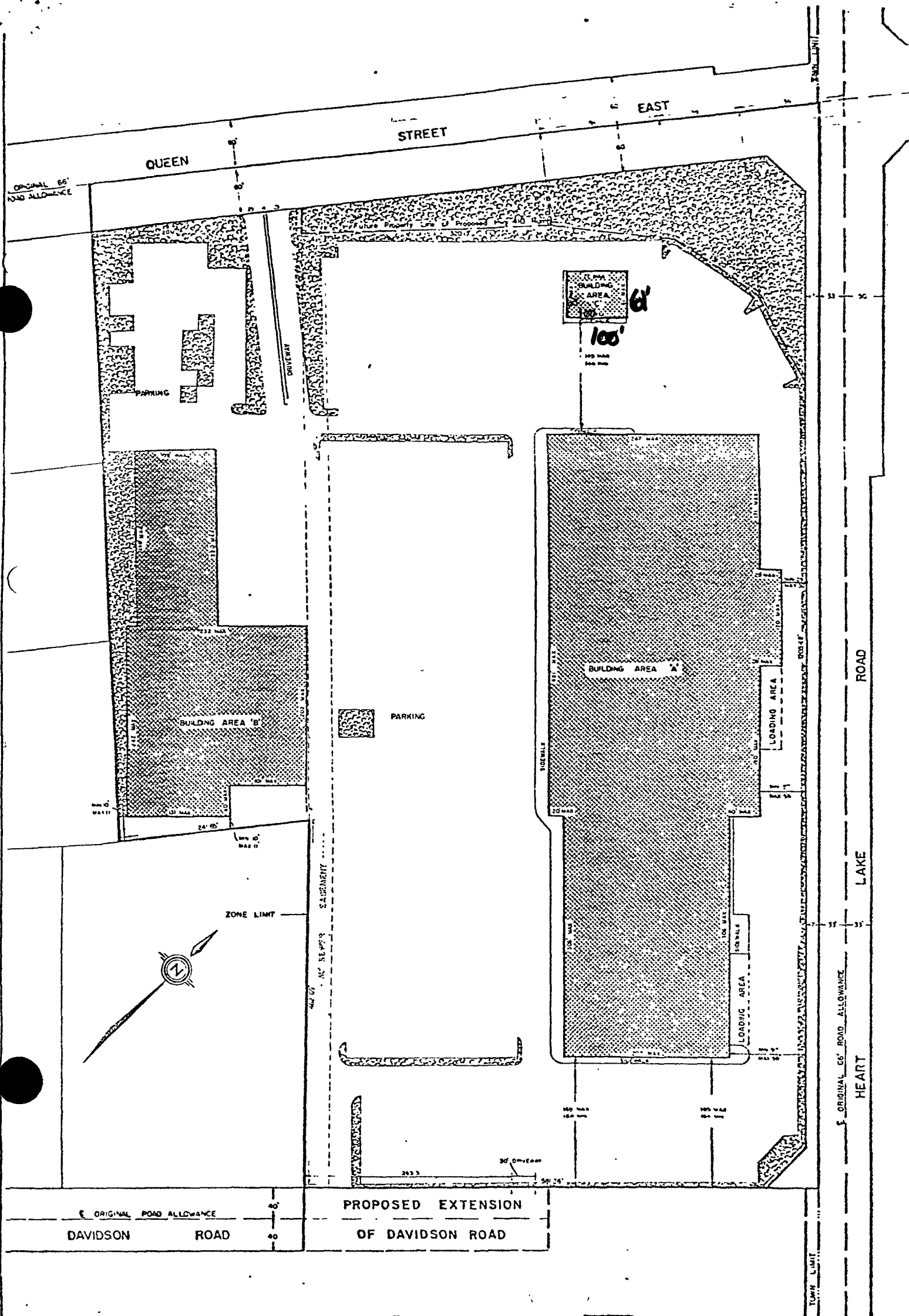
*Barbara Dyke*

SCHEDULE "A"

ALL AND SINGULAR those certain parcels or tracts of lands and premises situate, lying and being in the City of Brampton, in the Regional Municipality of Peel (formerly in the Township of Chinguacousy in the County of Peel) and Province of Ontario being composed of part of the East Half of Lot 5, Concession 2, East of Hurontario Street for the said City and being more particularly described as Parts 1, 2, 3 and 4 according to a reference plan filed in the Land Registry Office for the Registry Division of Peel (No. 43) as No. 43R-6139, subject to the easements over those parts of said lands and premises firstly and secondly described hereafter:

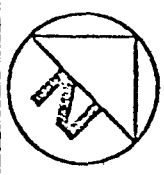
FIRSTLY: an easement or right and licence in favour of The Corporation of the City of Brampton to enter and construct, install, lay, maintain, open, inspect, add to, alter, repair and keep in good condition, remove, replace, relocate, reconstruct, supplement and operate within the lands described as Part 2 a sanitary sewer or any part thereof forming a part of the municipal sewer system of The Corporation of the City of Brampton, including all pipes, mains, conduits, connections, valves, manholes and fixtures necessary or incidental thereto as more particularly set forth in Instrument Number 130241 VS; and

SECONDLY: an easement in favour of The Water Commissioners of the City of Brampton and The Corporation of the City of Brampton to enter and lay down, install, construct, maintain, open, inspect, add to, alter, repair and keep in good condition, remove, replace, relocate, reconstruct, supplement and operate one or more water mains or any part thereof, including all appurtenances necessary or incidental thereto, on, in, across, under and through the lands described as Part 4 as more particularly described in Instrument Number 288796 VS.



DEVELOPMENT  
AGREEMENT

SCHEDULE B



1:2400

CITY OF BRAMPTON  
Planning and Development

Date: 1979 04 16 Drawn by: JS  
File no. C2E5.1 Map no. 61-16A

521169

Registry Division of Peel (No. 43).  
I CERTIFY that this instrument is registered as of

1979 JUL 11 PM 3 19

In The Land  
Registry Office  
at Brampton,  
Ontario.

*Nera Porter*  
LAND REGISTRAR

DATED: 14 MAY 1979

SENTRY JEWELLERY SHOPS  
LIMITED

AND

THE CORPORATION OF THE  
CITY OF BRAMPTON

AND

THE MERCANTILE BANK OF  
CANADA and  
BURNAC LEASEHOLDS LIMITED

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A G R E E M E N T

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JOHN G. METRAS,  
CITY SOLICITOR,  
CITY OF BRAMPTON,  
24 QUEEN STREET EAST,  
BRAMPTON, ONTARIO.  
L6V 1A4