

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW NO. 2022 - 14

Being a By-law to Authorize the Exchange of Lands

WHEREAS the Council of the Municipality of Magnetawan has received a request for an Exchange of Lands of the property owned by 1895507 Ontario Inc. known as Plan 319 Lot 18 E/S King Street (Roll# 4944 0200 021 6400), for the lands Municipally owned known as PLAN 319 Lot 20 E/S Miller Street (Roll# 4944 0200 021 0100);

AND WHEREAS the Council of the Municipality of Magnetawan declared the lands located at PLAN 319 Lot 20 E/S Miller as surplus on March 02, 2022 Motion# 2022-63 and public notice was posted March 04, 2022;

NOW THEREFORE the Council of the Corporation of the Municipality of Magnetawan enacts as follows:


1. **THAT** Council endorses and approves the Exchange of Lands as requested with each party being responsible for their own legal cost and disbursements;
2. **AND FURTHER THAT** the CAO/Clerk of the Municipality of Magnetawan is hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, except where otherwise provided;
3. **AND FURTHER THAT** the CAO/Clerk and the Mayor are hereby authorized and directed to execute all necessary documents, including an offer of purchase and sale if required and to affix the Corporate Seal of the Municipality to such documents.

READ A FIRST, SECOND, AND THIRD TIME, passed, signed and the Seal of the Corporation affixed hereto, this 23rd day of March 2022.

THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN



Mayor



CAO/Clerk

INDEMNITY & UNDERTAKING
HARMONIZED SALES TAX

TO: 1895507 Ontario Inc.

FROM: The Corporation of the Municipality of Magnetawan

RE: 1) Transfer to 1895507 Ontario Inc. - Lt 20 E/S Miller St PL 319; Magnetawan, District of Parry Sound (All of PIN 52081
2) Transfer to The Corporation of the Municipality of Magnetawan - Lt 18 E/S King St PL 319; Magnetwan, District of Parry Sound (All of PIN 52081-0941 (LT))

In consideration of and notwithstanding the closing of this transaction, the undersigned hereby states:

1. It is purchasing the property as principal for its own account and same is not being purchased as an agent, trustee or otherwise on behalf of or for another person or corporation;
2. It represents and warrants to the Vendor that for the purposes of Harmonized Sales Tax ("HST") pursuant to the Excise Tax Act of Canada (the "Act"), the Township is a registrant under the Act and its registration number is 875093189RT001.
3. It shall be liable, shall self-assess and undertakes to remit any HST payable in connection with the above-mentioned transaction to the appropriate governmental authorities pursuant to and in accordance with the provisions of the Act; and
4. It agrees to indemnify and save harmless the Vendor from and against any and all HST, penalties, costs and/or interest which may become payable as a result of the failure of the Township to comply with its undertaking.

The foregoing undertaking and indemnity shall survive and not merge upon closing of the above-mentioned transaction.

Dated at the Magnetawan, Ontario this 1ST of June, 2022.

**The Corporation of the
Municipality of Magnetawan**

per: _____

Sam Dunnett, Mayor

per: _____

Kerstin Vroom, CAO/Clerk

We have authority to bind the corporation

ACKNOWLEDGMENT AND DIRECTION

TO: RUSSELL, CHRISTIE, LLP

RE: The Corporation of the Municipality of Magnetawan
Land Exchange with 1895507 Ontario Inc.

- 1) Transfer to 1895507 Ontario Inc. - Lt 20 E/S Miller St PL 319; Magnetawan
- 2) Transfer to Municipality of Magnetawan – Lt 18 E/S King St PL 319; Magnetawan

This will confirm that:

- We have reviewed the information set out below, and that this information is accurate.
- You are authorized and directed to sign and register electronically on behalf of The Corporation of the Municipality of Magnetawan, the electronic documents described in this Acknowledgment and Direction, and any other document(s) required to complete the transaction described above. Such documents are described in Schedule "A" attached.
- You are 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.
- The effect of the electronic documents described in this Acknowledgment and Direction has been fully explained to The Corporation of the Municipality of Magnetawan and the Municipality understands that it is a party to and is bound by the terms and provisions of these electronic documents to the same extent as if we have signed these documents.
- We are in fact a party named in the electronic documents described in this Acknowledgment and Direction and have not misrepresented our identity to you.
- We hereby authorize you to make any minor, non material alterations that may be required by the Land Registry Office to effect certification of the electronic documents described in this Authorization and Direction by the Land Registry Office.
- We have read and understand the memorandum and Definitions (Additional Land Transfer Tax on Certain Purchases of Real Property in the Greater Golden Horseshoe Region (the "Non-Resident Speculation Tax") attached hereto.
- Execution of this Acknowledgment and Direction by facsimile transmission shall be binding upon the party so signing.

Dated at the Magnetawan, Ontario this 1st of June, 2022.

**The Corporation of the
Municipality of Magnetawan**

per: 
Sam Dunnett, Mayor

per: 
Kerstin Vroom, CAO/Clerk

We have authority to bind the corporation

SCHEDULE "A" - Description of Electronic Documents - (copies attached)

- | | |
|--|--|
| 1) Transfer of Lt 20 E/S Miller St PL 319,
Magnetawan (All of PIN 52081-0733 (LT) | From: The Corporation of the
Municipality of Magnetawan
To: 1895507 Ontario Inc. |
| 2) Transfer of Lt 18 E/S King St PL 319,
Magnetawan (All of PIN 52081-0941 (LT) | From: 1895507 Ontario Inc
To: The Corporation of the
Municipality of Magnetawan |

PURCHASER'S UNDERTAKING & DIRECTION RE: TITLE

TO: 1895507 Ontario Inc.

FROM: The Corporation of the Municipality of Magnetawan

RE: 1) Transfer to 1895507 Ontario Inc. - Lt 20 E/S Miller St PL 319; Magnetawan, District of Parry Sound (All of PIN 52081)
2) Transfer to The Corporation of the Municipality of Magnetawan - Lt 18 E/S King St PL 319; Magnetwan, District of Parry Sound (All of PIN 52081-0941 (LT))

UNDERTAKING TO READJUST

In consideration of and notwithstanding the closing of the above transaction, the undersigned hereby undertakes to readjust any items improperly adjusted or omitted from the Statement of Adjustments.

DIRECTION RE: TITLE

You are hereby authorized, instructed and directed to:

Engross the Transfer/Deed of Land in the above-reference transaction (#2) as follows:

Transferee:

The Corporation of the Municipality of Magnetawan

Address for Service: 4304 Highway 520
Magnetwan, ON P0A 1P0

And for doing so this shall be your good and sufficient authority.

Dated at the Magnetawan, Ontario this 15th of June, 2022.

**The Corporation of the
Municipality of Magnetawan**

per: 
Sam Dunnett, Mayor

per: 
Kerstin Vroom, CAO/Clerk

We have authority to bind the corporation

Properties

PIN 52081 - 0733 LT *Interest/Estate* Fee Simple
Description LT 20 E/S MILLER ST PL 319; MAGNETAWAN
Address MAGNETAWAN

Consideration

Consideration \$65,000.00

Transferor(s)

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

Name THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN
Acting as a company
Address for Service 4304 Hwy 520, P.O. Box 70
Magnetawan, ON P0A 1P0

This document is not authorized under Power of Attorney by this party.

This document is being authorized by a municipal corporation Sam Dunnett, Mayor & Kerstin Vroom, CAO/Clerk.

Transferee(s) *Capacity* *Share*

Name 1895507 ONTARIO INC. *Capacity* Registered Owner
Acting as a company
Address for Service

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 \$375.00

File Number

Transferor Client File Number : 63-283-410

LAND TRANSFER TAX STATEMENTS

In the matter of the conveyance of: 52081 - 0733 LT 20 E/S MILLER ST PL 319; MAGNETAWAN

BY: THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

TO: 1895507 ONTARIO INC.

Registered Owner

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

(a) Monies paid or to be paid in cash	\$0.00
(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)	\$65,000.00
(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))	\$65,000.00
(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	\$65,000.00

PROPERTY Information Record

A. Nature of Instrument: Transfer

LRO 42 Registration No.

Date:

B. Property(s):

PIN 52081 - 0733 Address MAGNETAWAN

Assessment -
Roll No

C. Address for Service:

D. (i) Last Conveyance(s): PIN 52081 - 0733 Registration No.

(ii) Legal Description for Property Conveyed: Same as in last conveyance? Yes No Not known

Properties

PIN 52081 - 0941 LT *Interest/Estate* Fee Simple
Description LOT 18 E/S KING ST PLAN 319; MUNICIPALITY OF MAGNETAWAN
Address MAGNETAWAN

Consideration

Consideration \$65,000.00

Transferor(s)

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

Name 1895507 ONTARIO INC.
Acting as a company

Address for Service

Transferee(s) *Capacity* *Share*

Name THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN
Acting as a company
Address for Service 4304 Hwy 520, P.O. Box 70
Magnetawan, ON P0A 1P0
Capacity Registered Owner

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 \$375.00

File Number

Transferee Client File Number : 63-283-410

LAND TRANSFER TAX STATEMENTS

In the matter of the conveyance of: 52081 - 0941 LOT 18 E/S KING ST PLAN 319; MUNICIPALITY OF MAGNETAWAN

BY: 1895507 ONTARIO INC.

TO: THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN Registered Owner

1. SAM DUNNETT, MAYOR & KERSTIN VROOM, CAO/CLERK

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 THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN described in paragraph(s) (C) 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	\$0.00
(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)	\$65,000.00
(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))	\$65,000.00
(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	\$65,000.00

6. Other remarks and explanations, if necessary.

1. a) Consideration (c) - Property transferred in exchange: Lt 20 E/S Miller St PL 319; Magnetawan being all of PIN 52081-0733 (LT)
2. The information prescribed for purposes of section 5.0.1 of the Land Transfer Tax Act is not required to be provided for this conveyance.
3. The transferee(s) has read and considered the definitions of "designated land", "foreign corporation", "foreign entity", "foreign national", "Greater Golden Horseshoe Region", "specified region", "spouse" and "taxable trustee" as set out in subsection 1(1) of the Land Transfer Tax Act and O. Reg 182/17. 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:
4. (c) The transferee(s) is not a "foreign entity" or a "taxable trustee".
5. 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.
6. 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 42 Registration No. Date:
- B. Property(s): PIN 52081 - 0941 Address MAGNETAWAN Assessment -
Roll No
- C. Address for Service: 4304 Hwy 520, P.O. Box 70
Magnetawan, ON P0A 1P0
- D. (i) Last Conveyance(s): PIN 52081 - 0941 Registration No.
(ii) Legal Description for Property Conveyed: Same as in last conveyance? Yes No Not known