

THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 03-213

**BEING A BY-LAW TO AUTHORIZE THE EXECUTION OF AN
AGREEMENT BETWEEN THE CORPORATION OF THE CITY OF
PETERBOROUGH AND 1559643 ONTARIO INC.
(Remediation of 550 Braidwood Avenue – tax arrears)**

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL
THEREOF HEREBY ENACTS AS FOLLOWS:

1. That the Mayor and Clerk be and they are hereby authorized to execute an agreement between the Corporation of the City of Peterborough and 1559643 Ontario Inc., in the form attached hereby as Schedule “A”, and to affix the Seal of the Corporation thereto.

By-law read a first and second time this 27th day of October, 2003

By-law read a third time and finally passed this 27th day of October, 2003

(Sgd.) Sylvia Sutherland, Mayor

(Sgd.) Nancy Wright-Laking, City Clerk

SCHEDULE "A"

AGREEMENT made this day of October, 2003.

BETWEEN:

THE CORPORATION OF THE CITY OF PETERBOROUGH

hereinafter referred to as the "City",

OF THE FIRST PART

- and -

1559643 ONTARIO INC.

hereinafter referred to as the "Owner"

OF THE SECOND PART

WHEREAS the Owner is the registered owner of property municipally known as 550 Braidwood Avenue, Peterborough, Ontario (the "Property");

AND WHEREAS the Owner purchased the Property on May 15, 2003 (the "Purchase Date");

AND WHEREAS, at the Purchase Date, realty taxes in the principal amount of Three Hundred and Thirty-three Thousand, Three Hundred and Forty-two and 48/100 Dollars (\$333,342.48) were owing against the Property (the "Tax Arrears");

AND WHEREAS the Property has been determined to contain, in both the lands and buildings, certain hazardous environmental contaminants, which are described in Environmental Reports issued by Geo-Logic Inc. (November, 2002), Site Investigation Services Limited (June, 2002), and Barenco Environmental Engineering and Site Remediation Services (July, 2003) (the "Environmental Reports"), which contaminants include, but are not limited to, asbestos, PCB, toluene, isopar and heating oil;

AND WHEREAS the Owner has undertaken to remediate the Property and the City is prepared to write-off the Tax Arrears, together with interest and penalties which have accrued and which will accrue thereon, in the event that the remediation is completed by the Owner;

NOW THEREFORE THE PARTIES HERETO COVENANT AND AGREE AS FOLLOWS:

1. The Owner agrees to remediate the Property of the hazardous environmental contaminants which are outlined in the Environmental Reports to the extent required by the Ministry of the Environment ("MOE") for properties having the

same use and zoning as the Property. The Owner shall either remove the environmental contaminants to a level which is prescribed by the MOE, or will manage the contaminants in a manner which is prescribed by the MOE (the "Remediation").

2. When the Remediation has been completed, the Owner will provide to the City a report signed by a qualified Professional Engineer, confirming that the Remediation has been completed. The report will document the work undertaken and completed, including testing by qualified persons to the parameters required by the MOE.
3. The Owner will provide to the City satisfactory evidence of all costs incurred by the Owner in connection with the Remediation.
4. Following the receipt of the Engineer's report and evidence of costs, the City agrees to write-off all or a portion of the Tax Arrears, together with all interest and penalties incurred to the date of the completion of the Remediation, in an amount which is equal to the costs of the Remediation. In the event that the amount of the Tax Arrears, together with interest and penalties, exceeds the total cost of the Remediation, the Owner shall forthwith pay to the City the portion of such Tax Arrears, interest and penalties, which remains outstanding.
5. The Remediation shall be completed on or before July 31, 2004, failing which, the City, in its sole discretion, may demand payment in full of the Tax Arrears, together with all accrued interest and penalties.

6. This agreement may not be assigned by the Owner without the prior written consent of the City, which may be arbitrarily withheld.

IN WITNESS WHEREOF the parties hereto have hereunto set their respective hands and seals.

**THE CORPORATION OF THE
CITY OF PETERBOROUGH**

Sylvia Sutherland, Mayor

Nancy Wright-Laking, Clerk

1559643 ONTARIO INC.

Greg Palmer, President
I have authority to bind the Corporation.