

THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 08-003

**BEING A BY-LAW TO AUTHORIZE THE EXECUTION OF A TAX
ARREARS EXTENSION AGREEMENT PURSUANT TO SECTION
378 OF THE *MUNICIPAL ACT, 2001***

WHEREAS The Corporation of the City of Peterborough has registered, on the 27th day of February, 2007, a Tax Arrears Certificate against the lands municipally known as 177 Edinburgh Street, in the City of Peterborough;

AND WHEREAS Section 378 of the *Municipal Act, 2001* provides that a municipality may, by by-law, authorize an agreement with the owner of such land to extend the period of time in which the cancellation price payable on the land is to be paid;

NOW THEREFORE, 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 Extension Agreement between The Corporation of the City of Peterborough and John Charles Clapham to extend the time period in which the cancellation price payable on the land is to be paid, in the form attached hereto as Schedule A and forming part of this By-law, and to affix the seal of the Corporation thereto.

By-law read a first, second and third time this 21st day of January, 2008

(Sgd.) D. Paul Ayotte, Mayor

(Sgd.) Nancy Wright-Laking, City Clerk

SCHEDULE A

A G R E E M E N T made this 3rd day of December, 2007.

B E T W E E N :

THE CORPORATION OF THE CITY OF PETERBOROUGH
hereinafter called the "City"

OF THE FIRST PART

- and -

JOHN CHARLES CLAPHAM
hereinafter called the "Owner"

OF THE SECOND PART

WHEREAS the Owner is the registered owner of the lands in the City of Peterborough, in the County of Peterborough, municipally known as 177 Edinburgh Street and legally described as Part of Lot 3, south of Edinburgh Street and west of George Street, being all of Parts 2, 3, 4 and 5, Plan 45R-2873, City of Peterborough, County of Peterborough (the "Lands");

AND WHEREAS, as a result of the realty taxes being in arrears in respect of the Lands, a Tax Arrears Certificate was registered on February 27, 2007 as Instrument PE48849 ;

AND WHEREAS the total now owing in respect of the cancellation price is Nine Thousand, Seven Hundred and Sixty-Eight and 54/100 Dollars (\$9,768.54);

AND WHEREAS, pursuant to Section 378 of the *Municipal Act, 2001*, as amended, a municipality may, by by-law, authorize an extension agreement to be entered into to extend the period of time in which the cancellation price in respect of the Lands is to be paid, and the City deems it appropriate to enter into an extension with Owner upon the terms and conditions hereinafter set forth;

NOW THEREFORE THE PARTIES HERETO AGREE AS FOLLOWS:

1. The Owner agrees to pay to the City the sum of Eight Hundred and Eighty-One and 69/100 Dollars (\$881.69) per month, on the first day of each month, commencing the last day of January, 2008, and continuing until the last day of December, 2008, when the cancellation price, as well as current taxes which accrue during that time, will have been fully paid. The Owner acknowledges that the payments listed above include all arrears, penalties, interest, costs, as well as current taxes falling due during the extended period of this agreement.

2. So long as the Owner continues to pay the monthly payments provided for in paragraph 1, the City, without waiving any statutory rights or powers, shall not proceed to take any other enforcement steps pursuant to the **Municipal Act, 2001**.
3. In the event that the Owner defaults in any payment required by this agreement, the City shall have the option of terminating this agreement, by written notice to the Owner, and thereupon, the City shall have the following options:
 - (a) The City may apply any payments made prior to the default to the outstanding tax arrears. If, in so doing, the arrears are reduced to less than three (3) years' taxes, the City shall register a Tax Arrears Cancellation Certificate in respect of the proceedings. If not, the City may proceed forthwith with the sale of the Lands, pursuant to the **Municipal Act, 2001**.
 - (b) The City may return to the Owner all payments made pursuant to this agreement, in which event this agreement shall be null and void, and the City may proceed forthwith with the sale of the Lands, pursuant to the **Municipal Act, 2001**.
4. In the event that the Owner makes all payments required pursuant to this agreement, and made arrangements for the future payment of taxes by pre-authorized payment, the Treasurer shall forthwith register a Tax Arrears Cancellation Certificate in respect of the Lands.
5. Notwithstanding anything contained in this agreement, the Owner, or any other person, may, at any time, pay the entire balance of the cancellation price. Upon receipt of such payment by the City, the Treasurer shall forth register a Tax Arrears Cancellation Certificate in respect of the Lands.
6. Any notice required to be given to the Owner hereunder shall be sufficiently given if sent by prepaid ordinary mail to the Owner at the address of the Lands, and shall be deemed to be effectively given as of the fourth date after mailing.
7. This agreement shall enure to the benefit of and shall be binding upon the parties hereto and their respective heirs, successors and assigns.

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

SIGNED, SEALED AND DELIVERED)	THE CORPORATION OF THE
in the presence of:)	CITY OF PETERBOROUGH
)	
)	

) D. Paul Ayotte, Mayor

)

)

)

Nancy Wright-Laking, Clerk

)

)

)

John Charles Clapham