

# HACKETT SIMPSON\*TRIPODI LLP

BARRISTERS & SOLICITORS

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**TO: SOLICITORS ACTING ON CEDAR SPRINGS TRANSACTIONS**

**NB:** This letter should be read in conjunction with my Detailed Letter (**CSCC Detailed Letter to Solicitors 2008**) which provides a summary of the General Building Scheme.

**Re:** Cedar Springs Community Club (the “Club”)  
Request for Consent to Transfer a Cottage in Cedar Springs, Burlington (the “Property”)  
Request for Consent to Mortgage a Cottage in Cedar Springs

Please be advised that I have been retained by the Board of Directors of Cedar Springs Community Club to process the above noted proposed Transfer of Membership in the Club and the associated Transfer of Title of the Vendor(s)’ real estate holdings in the Cedar Springs Community, to the Purchaser(s). I understand that you have been retained as the Vendor(s) and/or Purchaser(s) solicitor, as the case may be, with respect to this transaction. To assist in your understanding of the mechanics of this transaction I have or soon will be forwarding my standard “Detailed Letter to Solicitor’s” which provides details as to the general building scheme and the By-Laws, rules, regulations and procedures of Cedar Springs Community Club.

Pursuant to the By-Laws and procedures of Cedar Springs Community Club, the Club’s consent to the transfer of ownership of the above property and the admission of the Purchaser(s) as a member of Cedar Springs Community Club will be provided in escrow.

In order to ensure that both solicitors understand the terms of the escrow delivery of the Club’s Consent, I am writing to outline the terms of the Club’s standard procedures which are as follows:

1. The Vendor must register against title a Summary of the Restrictions and Provisions of the General Building Scheme by way of an application under Section 119 of the Land Titles Act. The Section 119 Restrictions must be registered well prior to the closing date so that the registration number and date of same can be inserted in the balance of the closing documents, where required. A sample registered Section 119 Application can be downloaded from the Land Titles Office. **Request Instrument Number HR270387.**

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**Please note that I require the original executed Schedule of Restrictions to be scanned in so that original signatures are visible in the E-reg document.**

2. As the registration particulars of the Section 119 Restrictions must be inserted in the balance of the Club documentation, I will require that the Vendor attend to the registration of the Restrictions as soon as possible so that the lawyers involved will be in a position to recite registration particulars in the various schedules which will be forwarded for completion and insertion in the closing documents. **I require the Section 119 Restrictions to be registered before I will proceed with the review or preparation of any other documents.**
3. The Transfer/Deed of Land must include the Covenant of the Purchaser(s) and the Purchaser's spouse, as the case may be, agreeing, **under seal**, to be bound by the Building Scheme and the Consent of the Club to the transaction. As the Statement 61, Schedule, incorporating these matters, must be executed separately by the Purchaser(s) and the Purchaser's spouse, as the case may be, I will forward the required documentation directly to the Purchaser's solicitor by email. Please provide an appropriate email and confirm that you are using Word. A sample registered Transfer containing the Club's Consent can be downloaded from the Land Title Office. **Request Instrument Number HR274530. Please note that I require the original executed Consent Schedule to be scanned in so that original signatures and seals are visible in the E-reg document.**
4. The Vendor(s) must execute a Resignation of Membership from Cedar Springs Community Club. Please provide an appropriate email and confirm that you are using Word.
5. Once the Section 119 Restrictions have been registered, please insert the following statement in the Transfer/Deed of Land when completing same for my review:  
  
"Cedar Springs Community Club has consented to the registration of this document subject to the continuance of registration number **insert registration number for Section 119 Restrictions** being an application to Annex Restrictive Covenants pursuant to Section 119 of the Land Titles Act and registered on the **insert date here**". **Please see the Transfer noted above for a precedent in this regard.**
6. In the event that a mortgage is to be registered, please advise me immediately so that I may forward the appropriate Schedule for attachment to the charge incorporating the Club's Form of Consent and a Schedule of Amendments to Charge which will modify the terms of the Charge and any Standard Charge Terms so as to incorporate the Restrictive Covenants and the obligations and provisions of the General Building Scheme directly into the Charge. A sample registered Mortgage containing the Club's Consent and a

Schedule of Amendments to Charge can be downloaded from the Land Title Office.  
**Request Instrument Number HR221387.**

7. Lastly, the Club's consent is conditional upon the Purchaser(s) immediately registering, pursuant to Section 118, Restrictions prohibiting any further Transfer, Charge or Lease without the consent of Cedar Springs Community Club. Again, I will forward the required schedule of Section 118 Restrictions to the Purchaser(s)' solicitor. Please note that spousal consent will be required where only one spouse is taking registered title. A sample registered Section 118 Application can be downloaded from the Land Title Office. **Request Instrument Number HR221388. Please note that I require the original executed Schedule of Restrictions to be scanned in so that original signatures and seals are visible in the E-reg document.**

The Club's Consent and all other deliveries will be provided in escrow conditional upon the Purchaser's Solicitor or the Vendor's Solicitor, as the case may be, providing the following deliveries, before or immediately following (in duplicate except for payments noted):

1. Copy of Registered E-reg Section 119 Restrictions (Vendor's Solicitor);
2. Original copy of Schedule of Section 119 Restrictions duly executed by the Vendor(s) (Vendor's Solicitor);
3. Resignation of the Vendor(s) from Cedar Springs Community Club (Vendor's Solicitor);
4. Copy of Registered E-reg Transfer (Purchaser's Solicitor);
5. Original Consent to Conveyance, duly executed and sealed by the Purchaser(s) (Purchaser's Solicitor);
6. Copy of registered E-reg Mortgage, if a mortgage was approved (Purchaser's Solicitor);
7. Copy of registered E-reg Section 118 Restrictions (Purchaser's Solicitor);
8. Original Schedule of Section 118 Restrictions duly executed by the Purchasers (Purchaser's Solicitor);
9. \$20,000.00 plus applicable G.S.T. in certified form payable to Cedar Springs Community Club (Purchaser's Solicitor), unless paid in advance;
10. Payment of any outstanding arrears of Annual Dues, in certified form, payable to Cedar Springs Community Club (Purchaser's Solicitor), unless paid in advance;

11. Septic Undertaking (Purchaser(s)' Solicitor) unless a septic certificate, confirming that the septic system is in good working order and condition, has been received and approved by Cedar Springs;
12. Payment of my Legal Fees with respect to the Purchase estimated to be \$650.00 plus G.S.T. (Purchaser's Solicitor); and
13. Payment of my Legal Fees with respect to any Charge/Mortgage, if applicable, estimated to be \$450.00 plus G.S.T. (Mortgagor's Solicitor).

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CSCC Initial Letter to Solicitors 2008