

John E. Bogue

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July 27, 2020

Marie-Eve Bélanger
Manager of Development
City of Clarence-Rockland
1560 Laurier Street
Rockland, ON
K4K 1P7

**Re: Application for a Validation of Title Certificate
Part Lot 15, Concession 1 (OS) Clarence, Parts 9 and 2 Plan 50R 7305**

Dear Ms. Bélanger,

Further to our telephone conversation on June 22, I am writing to apply for the "Validation of Title" of which you kindly made me aware.

I am enclosing a history of the titles and what I hope is the application.
Also I enclose a cheque for what I understand is the application fee.

This is completely new to me. I would be grateful to learn if you need anything more from me at this time. Ideally I would like to attend with you before the Committee meets in August

If we do not meet before, am I be expected to address the meeting?

I am taking the liberty of giving you all my out of office telephone numbers:

613 749-7072

613-203-7254

613-749-7072

613-283-1960

I hope we can at least chat before too long



John E. Bogue

JEB:jb

/encl.

APPLICATION FOR A VALIDATION OF TITLE CERTIFICATE

I act for my cousin Margo Ledoux and her husband Jean Jacques Ledoux.

Margo Ledoux and her sister Joanne Chevalier inherited the lands underlying Plan 50R 7305 in 1989. They owned the lands as tenants in common.

In 1991 the sisters decided to separate their joint ownership. Plan 50R 7305 was registered, consents obtained and Part 9 transferred to Joanne Chevalier in 1993.

In 2007 Margo purchased all of Joanne's parts on Plan 50R7305. The identical Part 9 was transferred; its severed status remained.

From 1989 until 2012 Margo and her husband resided on Part 2 Plan 50R 7305 and from which part she also operated a boarding kennel for dogs and cats..a" Place for Paws"

In 2012 Margo agreed to sell the house and kennel to her long time assistant In order to sell only that portion of Part 2 on which the house and kennel operation was situated a severance application was made. As that severance process proceeded the applicant was advised by the municipal planner that the proposed parcel to be severed from Part 2 would need to be enlarged. Somehow it was determined that this enlargement would be accomplished by taking a piece of Part 9 (now Part 1 on 50R 10065).Severances were granted for Parts 1 and 2 on Plan 50 R 10065.

It was never the applicant's intention to accidentally lose the separate status that Part 9 Plan 50R7305 enjoyed as being separate from Part 2 Plan 50R 7305and the remainder of said Part 2.

It was only when in 2019 a Purchaser came along with an offer for the remainder of Part 2 on 7305, which Margot accepted, that Margo was informed that the title to the remainders of Parts 2 and 9 on 7305 had now merged. It had never been explained that severing a part of Part 9 to add it to Part 2 so that the sale of Place for Paws could go through would have the effect of destroying the separate status Part 9 enjoyed. on it's original severance in 1993

It is hoped that this application for validation of title can reverse this innocent error by the solicitor arising from a misunderstanding of the application of the Planning Act. Of the effect that the taking of a part of Part 9 would have

If this application is appropriate for a Validation Certificate hopefully the remainder of Par 9 on Plan 50R 7305 will be created as a new parcel for Planning Act purposes or that the certificate will be a valid document that relates to an already recognized separate parcel of land.

TITLE HISTORY OF PARTS 9 AND 2 on REFERENCE PLAN 50R-7305

(The author of this note, John Bogue, is the cousin of and solicitor for the owners of these and other parts of Plan 50R-7305)

In 1998, Margo Ledoux and her sister, Joanne Chevalier, inherited from their father and mother all of the parts depicted on the reference plan. They were tenants in common.

Margo lived on Part of Part 2 in a 1 ½ story house shown on the draft reference plan.

From that location, Margo operated a boarding kennel known as "*Place for Paws*". At all times, her sister Joanne, lived in Florida.

In 1991 the sisters decided to divide their holdings as equally as possible between them and the reference Plan 50R-7305 was created and registered. Consents were obtained and Margo transferred her interests in those parts that were severed to Joanne. Effectively, part 9 was severed from part 2.

In 1993, Margo and Joanne entered into an agreement whereby Margo purchased all of the parts owned by Joanne. That transaction was completed in 2007.

The above is the back-story to the reason for an Application to validate the titles. In 2012, Margo decided to retire from the *Place for Paws* operation and entered into an Agreement of Purchase and Sale to sell that operation and the 1 ½ story house on that portion of part 2 on Plan 50R-7305 that contained it and the Place for Paws.

In order to complete the sale of the Place for Paws, an application for consent was made to sever that portion of Part 2 on 50R 7305 that contained the house and kennel. On reviewing the application the municipal planner advised the applicant that the portion to be severed as proposed would need to be enlarged.

Although I was not directly involved in the enlargement and the extra severance to effect the enlargement, reference plan 50R-10065 was created and registered on July 20, 2012 and Parts 1 and 2 were conveyed to the purchasers.. . (Part 3 on plan 50R-10065 was transferred to the Municipality for road widening).

In 2019, of an Agreement of Purchase and Sale was made for the remainder of Part 2 on Plan 50R 7305r, the sale is to be completed September 2020. The purchaser's

solicitor requisitioned that a severance application was required to transfer the remainder of said Part 2 as the title to it had merged with the title of Part 9.

Although I was not involved in the application for consent when Part 1 on Plan 50R 10065 was severed from Part 9 on Plan 50R 7305 I do recall telling my client that she would still be able to sell the remainder of Part 9 as "once a consent always a consent".

I now understand that was completely inaccurate and that the title to the remainder of Part 2 and remainder of Part 9, would now have merged. That result was clearly not intended. or expected I sincerely hope that this situation can be remedied by the Application for Validation, particularly as the sale of the remainder of Part 2 on Plan 50R-7305 is scheduled for a closing on September 30, 2020. Prior to my being apprised of the possible availability of the Application for Validation (only in June of 2020 from a very helpful officer in the Municipal offices), Pre COVID-19, I had been in been in communication with a planner and, in fact, had drafted an Application for what I had hoped would be a "technical" severance in order to sell the remainder of Part 2 on Plan 50R-7305 but I was never able to arrange for a meeting because of the shut down

of the municipal offices to review the process Only this June was it suggested to me that the Applicatio for a Validation of Tittle Certificate might be the appropriate way to proceed.

Following this "History" is my attempt to make a more formal application

I am available at any time to answer any questions which you may have. I can be reached with the following coordinates:

Email: bogie@on.aibn.com

Telephone: 613-234-4901
613-749-7072
613-203-7254 ©

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From: Jean Jacques Ledoux jjledoux1941@gmail.com
Subject: Lot 2 and Lot 9 and showing severance of kennell
Date: Jul 26, 2020 at 4:28:27 PM
To: Gmail 2 jjledoux1941@gmail.com

