

LERNERS

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January 15, 2025

FILE NUMBER 115585-19

Municipality of North Middlesex
229 Parkhill Main Street
Parkhill, Ontario N0M 2K0
Attn: Ashley Sawyer, Planner

Andrew Hentz
Direct Line: (519) 640-6365
Direct Fax: 519.932.3365
ahentz@lerners.ca

To Whom it May Concern:

Opendoor Homes Inc. (the "Applicant") wishes to apply to the Municipality of North Middlesex (the "Municipality") to exempt, by by-law, parts of Lots K & R, Plan 358(C) from part lot control to create two (2) residential lots, pursuant to Section 50(7) of the Planning Act, R.S.O. 1990, c. P.13 (the "Act"), as amended, such that Section 50(5) of the Act relating to part lot control shall not apply.

More specifically, the Applicant applies for an exemption to part lot control to the following lands comprising of two (2) parcels, and each parcel shall be transferred to individual transferees with the following descriptions: (collectively the "Subject Lands"):

1. Part of Lot R, Plan 358(C), designated as Parts 4 & 5 33R-9391, being PINs 09636-0136 and 09636-0238
2. Part of Lot K & R, Plan 358(C), designated as Parts 6 & 7 33R-939, being PIN 09636-0239

PINs 09636-0136 and 09636-0238, and PIN 09636-0239 are attached hereto at **Schedule "A"**.

Pursuant to Section 50(7) of the Planning Act, as amended or replaced, the Council of a Municipality may enact a bylaw providing that Section 50(5) relating to part lot control does not apply to certain land within a Registered Plan of Subdivision or part or parts thereof. The Municipality has requested a legal opinion that Plan 358(c) is a "Registered Plan of Subdivision within" to establish that the Applicant may rely on Section 50(7) of the Act through an exemption to part lot control, through a municipal by-law.

Plan 358(c) is a survey of lots created by Alex Davidson on what was formerly described as the Southerly Part of Lot No. IV in the XX Concession of West Williams, prepared under the provision of the Registration of Titles (Ontario) Act. A copy of Plan 358(c) is attached hereto at **Schedule "B"**.

THE RELEVANT LAW

Section 50(5) of the Act prohibits the conveyance of part of a lot within a Plan of Subdivision. Section 50(7) of the Act permits the conveyance of part of a lot or lots within a Registered Plan of Subdivision through the enactment of a by-law by a Municipality in which the land is situated.

The term 'Registered Plan of Subdivision' is not defined in the Planning Act and is therefore subject to judicial interpretation through case law.

Case law has established that plans of subdivision prepared prior to subdivision control becoming applicable to that parcel, either by (a) a subdivision control by-law being passed by a municipality; or, (b)

the universal implementation of subdivision control (as stipulated by an amendment to the Planning Act in 1970), are deemed to be Registered Plans of Subdivision for the purpose of the Act, provided that the Municipality has not passed a by-law to 'de-register' the Registered Plan of Subdivision pursuant to Section 50(4) of the Act, which permits a council of a municipality to designate by by-law a plan that has been registered for 8 years or more to not be a Registered Plan of Subdivision for the purpose of the Act.¹

In *Theriac v. Beaulieu* (1982), 23 R.P.R. 154 (Ont. Co. Ct.), the court concluded:

It is reasonable to assume that when it enacted this section of the Planning Act, the Legislature envisaged controlling development in old plans registered under the Registry Act by this piecemeal method rather than enacting a definition of "registered plan of subdivision" in the Planning Act that would, in effect, have deregistered all those composite or compiled plans simultaneously with the coming into effect of such a definition.

In summary, provided that a plan of subdivision was registered prior to a subdivision control by-law being registered on the land on which the plan is registered, or the implementation of universal subdivision control, and further provided that the applicable municipality has not de-registered that plan, the plan shall be considered a Registered Plan of Subdivision for the purpose of the Planning Act.

APPLICATION OF THE LAW TO THE FACTS

Plan 358(c) is a plan of subdivision registered on title to the Lands. Plan 358(c) was registered before the coming into effect of the Planning Act, and there is no subdivision control by-law otherwise registered on title to the Subject Lands (see the attached PINs at Schedule "A"). Further, there is no by-law registered on the Subject Lands pursuant to Section 50(4) of the Planning Act purporting to de-register Plan 358(c) (see the attached PINs at Schedule "A"). Without such by-laws registered on title to the Subject Lands, pursuant to the prevailing case law, the Plan 358(c) is deemed to be a Registered Plan of Subdivision for the purpose of the Planning Act.

The Municipality may direct further inquiries to the undersigned.

Yours very truly



signed electronically

Andrew Hentz
AH/

¹ Re *Courneyea et al. and Smith et al.*, 1977 CanLII 1337 (ON SC); *Theriac v. Beaulieu* (1982), 23 R.P.R. 154 (Ont. Co. Ct.)

Schedule "A"

PROPERTY DESCRIPTION: PART LOT R, SOUTH OF HASTINGS STREET PLAN 358, PART 4, 33R9391; MUNICIPALITY OF NORTH MIDDLESEX

PROPERTY REMARKS:

ESTATE/QUALIFIER:

FEE SIMPLE
LT CONVERSION QUALIFIED

RECENTLY:

FIRST CONVERSION FROM BOOK

PIN CREATION DATE:

1996/03/25

OWNERS' NAMES

OPENDOOR HOMES INC.

CAPACITY SHARE

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
<p>**EFFECTIVE 2000/07/29 THE NOTATION OF THE "BLOCK IMPLEMENTATION DATE" OF 1996/03/25 ON THIS PIN**</p> <p>**WAS REPLACED WITH THE "PIN CREATION DATE" OF 1996/03/25**</p> <p>** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 1996/03/22 **</p> <p>**SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:</p> <p>** SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES *</p> <p>** AND ESCHEATS OR FORFEITURE TO THE CROWN.</p> <p>** THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF</p> <p>** IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY</p> <p>** CONVENTION.</p> <p>** ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.</p> <p>**DATE OF CONVERSION TO LAND TITLES: 1996/03/25 **</p>						
33R9391	1990/04/26	PLAN REFERENCE				C
866734	1990/05/01	AGREEMENT			TOWN OF PARKHILL	C
866875	1990/05/02	TRANSFER		*** COMPLETELY DELETED ***	789393 ONTARIO LIMITED	
866876	1990/05/02	CHARGE		*** COMPLETELY DELETED ***	806589 ONTARIO LIMITED	
947991	1995/06/02	CHARGE		*** DELETED AGAINST THIS PROPERTY ***	BANK OF MONTREAL	
947993	1995/06/02	POSTPONEMENT		*** COMPLETELY DELETED ***		
REMARKS: 866876, 947991						
ER221565	2003/05/20	DISCH OF CHARGE		*** COMPLETELY DELETED ***		

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.

NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
ER1439433	2022/02/11	TRANSFER		BANK OF MONTREAL *** COMPLETELY DELETED *** 789393 ONTARIO LIMITED	806589 ONTARIO LIMITED	
ER1439435	2022/02/11	DISCH OF CHARGE		*** COMPLETELY DELETED *** 806589 ONTARIO LIMITED		
ER1440481	2022/02/16	TRANSFER		*** DELETED AGAINST THIS PROPERTY *** 806589 ONTARIO LIMITED	MERRITT ESTATES (PARKHILL) INC.	
ER1440482	2022/02/16	CHARGE		*** DELETED AGAINST THIS PROPERTY *** MERRITT ESTATES (PARKHILL) INC.	2757043 ONTARIO INC.	
ER1440483	2022/02/16	NO ASSGN RENT GEN		*** DELETED AGAINST THIS PROPERTY *** MERRITT ESTATES (PARKHILL) INC.	2757043 ONTARIO INC.	
ER1467829	2022/06/02	NOTICE	\$2	MERRITT ESTATES (PARKHILL) INC.	THE CORPORATION OF THE MUNICIPALITY OF NORTH MIDDLESEX	C
ER1471043	2022/06/17	BYLAW		THE CORPORATION OF THE MUNICIPALITY OF NORTH MIDDLESEX		C
ER1471047	2022/06/17	APL ANNEX REST COV		MERRITT ESTATES (PARKHILL) INC.		C
ER1471075	2022/06/17	CHARGE	\$5,000,000	MERRITT ESTATES (PARKHILL) INC.	LIBRO CREDIT UNION LIMITED	C
ER1471178	2022/06/17	DISCH OF CHARGE		*** COMPLETELY DELETED *** 2757043 ONTARIO INC.		
ER1511979	2023/02/02	TRANSFER	\$199,200	MERRITT ESTATES (PARKHILL) INC.	OPENDOOR HOMES INC.	C
ER1511983	2023/02/02	CHARGE	\$1,539,830	OPENDOOR HOMES INC.	MERRITT ESTATES (PARKHILL) INC.	C
ER1511984	2023/02/02	TRANSFER OF CHARGE		MERRITT ESTATES (PARKHILL) INC.	LIBRO CREDIT UNION LIMITED	C

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NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

LAND
REGISTRY
OFFICE #33

09636-0136 (LT)

PAGE 3 OF 3
PREPARED FOR Jeannette
ON 2025/01/08 AT 14:56:07

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
ER1517809	2023/03/22	CHARGE	\$508,620	OPENDOOR HOMES INC.	LIBRO CREDIT UNION LIMITED	C

PROPERTY DESCRIPTION: PART LOT R SOUTH HASTINGS STREET PLAN 358 PART 5, 33R9391; MUNICIPALITY OF NORTH MIDDLESEX

PROPERTY REMARKS:

ESTATE/QUALIFIER:

FEE SIMPLE
LT CONVERSION QUALIFIED

RECENTLY:

DIVISION FROM 09636-0236

PIN CREATION DATE:

2023/03/03

OWNERS' NAMES

OPENDOOR HOMES INC.

CAPACITY SHARE

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
** PRINTOUT INCLUDES ALL DOCUMENT TYPES (DELETED INSTRUMENTS NOT INCLUDED) **						
**SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:						
** SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES *						
** AND ESCHEATS OR FORFEITURE TO THE CROWN.						
** THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF						
** IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY						
** CONVENTION.						
** ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.						
**DATE OF CONVERSION TO LAND TITLES: 1996/03/25 **						
33R9391	1990/04/26	PLAN REFERENCE				C
866734	1990/05/01	AGREEMENT			TOWN OF PARKHILL	C
ER1467829	2022/06/02	NOTICE	\$2	MERRITT ESTATES (PARKHILL) INC.	THE CORPORATION OF THE MUNICIPALITY OF NORTH MIDDLESEX	C
ER1471043	2022/06/17	BYLAW		THE CORPORATION OF THE MUNICIPALITY OF NORTH MIDDLESEX		C
REMARKS: BY-LAW 074 OF 2022; A BY-LAW TO EXEMPT PART LOT CONTROL ON CERTIAN LANDS IN HE MUNICIPALITY OF NORTH MIDDLESEX (FORMALY TOWN OF PARKHILL) COUNT OF MIDDLESEEX AND BEING PART LOTS K & R, PLAN 358(C), DESIGNATED AS PARTS 4, 5, 6, 7, 9, 10, 13, & 16 ON 33R9391.						
ER1471047	2022/06/17	APL ANNEX REST COV		MERRITT ESTATES (PARKHILL) INC.		C
ER1471075	2022/06/17	CHARGE	\$5,000,000	MERRITT ESTATES (PARKHILL) INC.	LIBRO CREDIT UNION LIMITED	C
ER1511979	2023/02/02	TRANSFER	\$199,200	MERRITT ESTATES (PARKHILL) INC.	OPENDOOR HOMES INC.	C
REMARKS: PLANNING ACT STATEMENTS.						
ER1511983	2023/02/02	CHARGE	\$1,539,830	OPENDOOR HOMES INC.	MERRITT ESTATES (PARKHILL) INC.	C

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.

NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

09636-0238 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
ER1511984	2023/02/02	TRANSFER OF CHARGE		MERRITT ESTATES (PARKHILL) INC.	LIBRO CREDIT UNION LIMITED	C
	REMARKS: ER1511983.					
ER1517809	2023/03/22	CHARGE	\$508,620	OPENDOOR HOMES INC.	LIBRO CREDIT UNION LIMITED	C

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NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

PROPERTY DESCRIPTION: PART LOT K WEST EAGLE STREET AND PART LOT R SOUTH HASTINGS STREET PLAN 358 PARTS 6 & 7, 33R9391; MUNICIPALITY OF NORTH MIDDLESEX

PROPERTY REMARKS:

ESTATE/QUALIFIER:

FEE SIMPLE
LT CONVERSION QUALIFIED

RECENTLY:

DIVISION FROM 09636-0236

PIN CREATION DATE:

2023/03/03

OWNERS' NAMES

OPENDOOR HOMES INC.

CAPACITY SHARE

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
<p>** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 2023/03/03 **</p> <p>**SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:</p> <p>** SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES * AND ESCHEATS OR FORFEITURE TO THE CROWN.</p> <p>** THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY CONVENTION.</p> <p>** ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.</p> <p>**DATE OF CONVERSION TO LAND TITLES: 1996/08/25 **</p>						
33R9391	1990/04/26	PLAN REFERENCE				C
866734	1990/05/01	AGREEMENT			TOWN OF PARKHILL	C
ER1429311	2021/12/23	CHARGE		*** DELETED AGAINST THIS PROPERTY *** 116 DUNDAS STREET CORP.	ADJ HOLDINGS INC.	
ER1429312	2021/12/23	NO ASSGN RENT GEN		*** DELETED AGAINST THIS PROPERTY *** 116 DUNDAS STREET CORP	ADJ HOLDINGS INC.	
REMARKS: ER1429311.						
ER1467829	2022/06/02	NOTICE	\$2	MERRITT ESTATES (PARKHILL) INC.	THE CORPORATION OF THE MUNICIPALITY OF NORTH MIDDLESEX	C
ER1471043	2022/06/17	BYLAW		THE CORPORATION OF THE MUNICIPALITY OF NORTH MIDDLESEX		C
REMARKS: BY-LAW 074 OF 2022; A BY-LAW TO EXEMPT PART LOT CONTROL ON CERTIAN LANDS IN HE MUNICIPALITY OF NORTH MIDDLESEEX (FORMALY TOWN OF PARKHILL) COUNT OF MIDDLESEEX AND BEING PART LOTS K & R, PLAN 358(C), DESIGNATED AS PARTS 4, 5, 6, 7, 9, 10, 13, & 16 ON 33R9391.						
ER1471047	2022/06/17	APL ANNEX REST COV		MERRITT ESTATES (PARKHILL) INC.		C
ER1471075	2022/06/17	CHARGE	\$5,000,000	MERRITT ESTATES (PARKHILL) INC.	LIBRO CREDIT UNION LIMITED	C

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REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
ER1511980	2023/02/02	TRANSFER <i>REMARKS: PLANNING ACT STATEMENTS.</i>	\$207,200	MERRITT ESTATES (PARKHILL) INC.	OPENDOOR HOMES INC.	C
ER1511983	2023/02/02	CHARGE	\$1,539,830	OPENDOOR HOMES INC.	MERRITT ESTATES (PARKHILL) INC.	C
ER1511984	2023/02/02	TRANSFER OF CHARGE <i>REMARKS: ER1511983.</i>		MERRITT ESTATES (PARKHILL) INC.	LIBRO CREDIT UNION LIMITED	C
ER1514046	2023/02/22	DISCH OF CHARGE <i>REMARKS: ER1429311.</i>		*** DELETED AGAINST THIS PROPERTY *** ADJ HOLDINGS INC.		
ER1517814	2023/03/22	CHARGE	\$503,020	OPENDOOR HOMES INC.	LIBRO CREDIT UNION LIMITED	C

Schedule "B"

389020110.1

N^o 358.

PL 000

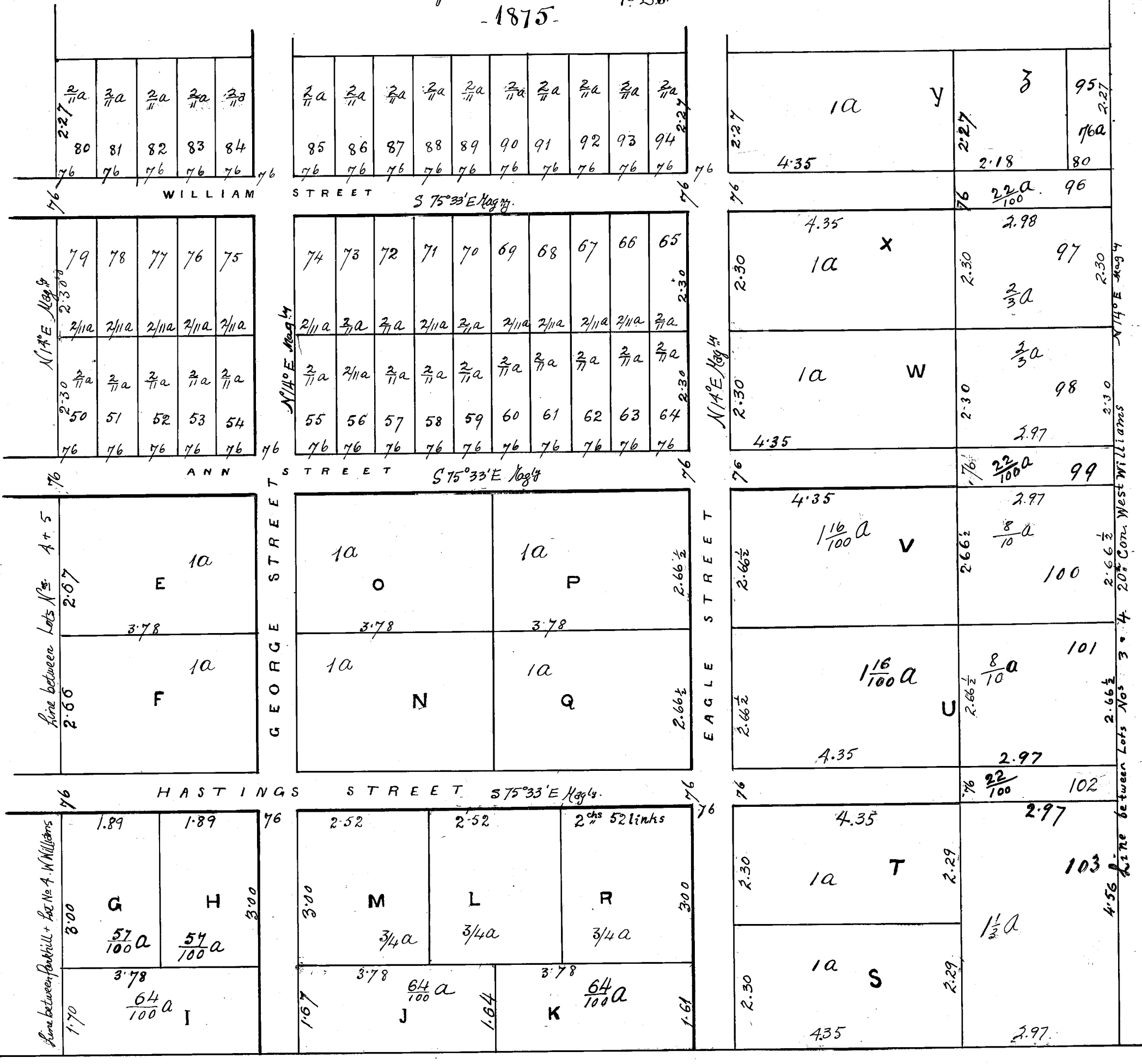
AN ADDITION TO THE
VILLAGE OF PARKHILL
SITUATE ON THE SOUTH PART OF LOT
N^o IV IN THE XX CON. OF
WEST-WILLIAMS

surveyed for W^m Hastings Esq^r
By Alex. Davidson
P.L.S.
-1875-

Received in the Registry Office
for the North & East Districts
County of Middlesex on the
28th day of September A.D. 1874
at 3.20 o'clock P.M.
G. S. Stewart
Dep. Registrar
C. D. W.

Wm Hastings Esq^r
Proprietor

continued the numbers after the alphabet run out.



Scale 2 chs. to an inch

This plan is correct and is prepared under the provision
of the Registration of Titles (Ontario) Act.

Akrona Nov. 1875.

Alex. Davidson
P.L.S.