

APPENDIX 2

Summary of Property Title Encumbrances on 153- 185 Eastern Ave

Below is a summary of the registered title encumbrances for the respective properties current as of January 15, 2021 10:20am. This is a “snapshot” or subsearch of what is shown on the parcel registers for the properties.

PROPERTY #1 – 153 Eastern Ave

I. PROPERTY

LEGAL DESCRIPTION

Block 26, Plan 66M-2488; City of Toronto being all of PIN 21077-0322(LT) (the "153 Eastern Property")

REGISTERED OWNER

Her Majesty the Queen in Right of Ontario as Represented by the Minister of Infrastructure

II. AGREEMENTS

Instrument No.	Date Registered	Summary of Agreement
AT2824469	September 28, 2011	<p>Notice of Subdivision Agreement</p> <ul style="list-style-type: none">• between Infrastructure Ontario and City of Toronto• only City-owned lands in the Plan of Subdivision are public road allowances; City is therefore not an owner of land for the purposes of the Subdivision Agreement• agreement entered into pursuant to 51(26) of the <i>Planning Act</i> and registered on title to the Blocks in Plan of Subdivision 66M-2488 – in the West Don Lands• agreement sets out the various requirements for the development of the Plan of Subdivision including, <i>inter alia</i>:<ul style="list-style-type: none">- technical and professional services;- installation of municipal and utility services, and acceptance/assumption thereof;- construction and insurance matters;- grading and building siting control;- registration of Plan of Subdivision and building permit requirements;- conveyances to the City, including parkland;

		<ul style="list-style-type: none"> - tree, soil and groundwater matters; - various financial matters; - Sections 41 and 42 in Schedule B-1 of the agreement relate to heritage matters – see Public Appendix "2" for extras of Sections 41 and 42
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III. ENCUMBRANCES

Instrument No.	Date Registered	Summary of Encumbrances
AT2824749	September 28, 2011	<p>Restrictive Covenant</p> <ul style="list-style-type: none"> • required pursuant to §12.1.7 of the Subdivision Agreement (AT2424469) • slope restrictions – neither the City nor Infrastructure Ontario shall, (except in accordance with the approved Lot Grading and Building Siting Control Plan): <ul style="list-style-type: none"> - alter the slope of its part of the lands; - interfere with any drains; or - alter the width of the driveway <p>without the written consent of the City of Toronto</p> <ul style="list-style-type: none"> • Infrastructure Ontario and the City will maintain any such alterations approved by the City • this restriction runs with each block in Plan of Subdivision 66M-2488

PROPERTY #2 – 185 Eastern Ave

I. PROPERTY

LEGAL DESCRIPTION

Block 17, Plan 66M-2488; Subject to an Easement as in Instrument No. AT2824753; City of Toronto being all of PIN 21077-0313(LT) (the "185 Eastern Property")

REGISTERED OWNER

Her Majesty the Queen in Right of Ontario as Represented by the Minister of Infrastructure

II. EASEMENTS

Instrument No.	Date Registered	Summary of Easement Provisions
AT2824753	September 28, 2011	<ul style="list-style-type: none"> • permanent easement in favour of Metrolinx for discharging noise, vibration and other sounds in connection with Metrolinx railway facilities (Operational Emissions Easement) • easement made pursuant to Agreement between Infrastructure Ontario, City of Toronto and Metrolinx dated September 8, 2011 – pertains to part of Block 17 being Part 34 on 66R-25772

III. AGREEMENTS

Instrument No.	Date Registered	Summary of Agreement
AT2824469	September 28, 2011	<p>Notice of Subdivision Agreement</p> <ul style="list-style-type: none"> • between Infrastructure Ontario and City of Toronto • only City-owned lands in the Plan of Subdivision are public road allowances; City is therefore not an owner of land for the purposes of the Subdivision Agreement • agreement entered into pursuant to 51(26) of the <i>Planning Act</i> and registered on title to the Blocks in Plan of Subdivision 66M-2488 – in the West Don Lands • agreement sets out the various requirements for the development of the Plan of Subdivision including, <i>inter alia</i>: <ul style="list-style-type: none"> - technical and professional services; - installation of municipal and utility services, and acceptance/assumption thereof; - construction and insurance matters; - grading and building siting control; - registration of Plan of Subdivision and building permit requirements; - conveyances to the City, including parkland; - tree, soil and groundwater matters; - various financial matters; and - Sections 41 and 42 in Schedule B-1 of the agreement relate to heritage matters – see Public Appendix "2" for extracts of Sections 41 and 42
AT2824752	September 28, 2011	Notice of Agreement – pertains to part of Block 17 being Part 34 on 66R-25772

		<ul style="list-style-type: none"> • between Infrastructure Ontario, City of Toronto and Metrolinx • purpose: Infrastructure Ontario wants to develop its lands, acknowledgement in this agreement that: <ul style="list-style-type: none"> (i) Metrolinx is operating nearby railway facilities and may expand (ii) Metrolinx/successor company is not responsible for complaints arising from these railway facilities (iii) development of the lands only appropriate with rail noise/vibration and safety impact mitigation measures <p>Restrictive Covenants, Article A (§ 1-12).</p> <ul style="list-style-type: none"> • Owner covenants with Metrolinx that (i) no buildings or dwellings shall be used or occupied on the Owner Lands and (ii) no Owner Lands used as a park or for open space unless various conditions are met, including: <ul style="list-style-type: none"> - setbacks of 30m from Metrolinx lands - no changes to Metrolinx drainage patterns - noise, vibration mitigation undertaken by Owner - Owner obtains noise studies prior to construction - no occupancy until Metrolinx satisfied these have been met - no construction of any building (except parking and temporary storage) unless is it completed in accordance with engineering plans approved by City and reviewed by Metrolinx with respect to the works required by this agreement (§ 10) <p>Easement (§ 13)</p> <ul style="list-style-type: none"> • Owner agrees that Owner Lands (ie: IO and City lands) within 300 meters of the Metrolinx Lands will be subject to Easement Rights in favour of Metrolinx to discharge, emit, release and vent noise, vibration and other sounds • agreement shall be registered, and future owners of the Owner Lands will enter into a Replacement Agreement (§ 16) • certain pre-existing easements/restrictive covenants are released (none affecting the 185 Eastern Property)
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IV. ENCUMBRANCES

Instrument No.	Date Registered	Summary of Encumbrances
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AT2824749	September 28, 2011	<p>Restrictive Covenant</p> <ul style="list-style-type: none"> • required pursuant to §12.1.7 of the Subdivision Agreement (AT2424469) • slope restrictions – neither the City nor Infrastructure Ontario shall, (except in accordance with the approved Lot Grading and Building Siting Control Plan) <ul style="list-style-type: none"> - alter the slope of its part of the lands; - interfere with any drains; or - alter the width of the driveway <p>without the written consent of the City of Toronto</p> <ul style="list-style-type: none"> • Infrastructure and the City will maintain any such alterations approved by the City • this restriction runs with each block in Plan of Subdivision 66M-2488
<p>NB: the restrictive covenant between Infrastructure Ontario, the City and the Toronto Region Conservation Authority (Instrument AT2825068) regarding prohibition on occupancy, was deleted from title by Instrument AT3218494 as a result of the completion of the flood protection landform</p>		

V. OTHER

A Certificate of Requirement under Section 168.6 of the *Environmental Protection Act* was registered as Instrument No. AT3214418 on January 11, 2013. It refers to Certificate of Property Use No. 0433-8F3LB4 issued December 22, 2011. Requires certain Risk Management Measures on the property.