



May 7, 2013

To Property Owners on Registered Plan 656

Dear Sir/Madam:

Re: Block B, Plan 656 and Woodland Beach

The Township last wrote to you on April 2, 2012 to advise Plan 656 residents of the status of various issues concerning the Woodland Beach subdivision (being Plan 656) and of ongoing litigation relating to it. We are now writing to you to provide an update on those matters.

As we indicated in our previous letter, the Township commenced a court application to obtain the court's guidance on various issues relating to the boundaries and title to Plan 656 and Woodland Beach. The hearing of that application commenced on April 29, 2011 in Barrie and continued on July 15th and 18th, 2011. The court's decision was released on December 23, 2011, dismissing the Township's application. The Township then appealed the court's decision to the Ontario Court of Appeal. The appeal was heard on July 17, 2012, after which the Court of Appeal reserved its decision.

The Ontario Court of Appeal released its decision in this case on April 30, 2013. We are pleased to report that the Township was fully successful and that its appeal was allowed. The Court of Appeal's reasons for decision are available on the Township's website and also on the website for the Ontario Court of Appeal. Those reasons are lengthy and detailed and for a full appreciation of the decision, it is necessary to review the reasons in their entirety. However, the conclusions of the Court of Appeal included the following:

- The westerly boundary of the Woodland Beach subdivision, being Plan 656 (and, in particular, the westerly boundary of Block B on Plan 656) does not extend to the water's edge of Georgian Bay and is as shown on the reference plan prepared by Chester Stanton O.L.S. (being Plan 51R-37338);
- Certain other reference plans currently deposited on title to Block B on Plan 656 (including Plans 51R-34362, 51R-35342 and 51R-36043) are not accurate in depicting the westerly boundary of Block B on Plan 656 as the water's edge;
- The registration of various transfers of Block B on Plan 656 in May of 2008, describing Block B according to parts on the inaccurate reference plans listed above (being Plans 51R-34362, 51R-35342 and 51R-36043), did not change the western boundary of Block B to the water's edge;
- The Respondent, Darick Battaglia and 1737118 Ontario Inc., do not have a legal or beneficial interest in (in other words, do not own) the south part of the beach in front of (i.e. to the west of) the westerly boundary of Block B on Plan 656 (being Part 3 on Plan 51R-37338 prepared by Chester Stanton O.L.S.). That south part of the beach was owned by the heirs of one of the original sub-dividers of Plan 656, Jonathan Tripp, who have quit claimed their interests in it to the Township.

The Court of Appeal also granted the Township all of the declaratory relief which it had requested. The Court summarized those items of declaratory relief as follows:

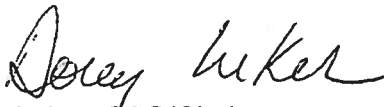
- confirm the accuracy of the Stanton Plan and the inaccuracy of Plans 51R-34362, 51R-35342 and 51R-36043;
- confirm that, as of the date of the application, the heirs of Jonathan Tripp were the legal owners of the South Beach (i.e., Part 3 on the Stanton Plan);
- confirm that any transfers by the Tripp heirs to the Township of the South Beach will be effective to convey their respective interests in Part 3 on the Stanton Plan to the Township;
- confirm that the respondents do not have a legal or beneficial interest in the South Beach;
- direct the Land Registrar for the Registry Office of Simcoe County to amend the register to show that the Tripp heirs own the South Beach and to register any transfers by those heirs to the Township; and
- direct the Land Registrar to issue new Property Identification Numbers reflecting the legal descriptions and boundaries of the lands within Plan 656 and the Beach in front of those lands.

The Court of Appeal also awarded the Township its costs of the appeal and of the original application.

As previously noted, the Court of Appeal's decision is lengthy and is available for review on the Township's website, or in the Township's offices. Also available for review in the Township's offices is a copy of Mr. Stanton's reference plan, which the Court of Appeal held accurately shows the boundaries of Block B on Plan 656 and of the south portion of the beach to be transferred to the Township. Going forward, the Township will be taking the appropriate steps to give effect to the Court of Appeal's declaratory relief and directions.

Sincerely,

THE CORPORATION OF THE TOWNSHIP OF TINY



Doug Luker, CAO/Clerk