



June 16, 2015

To Property Owners on Registered Plan 656

Dear Sir/Madam:

Re: Block B, Plan 656 and Woodland Beach

Since the Township last wrote to you to advise of the status of various issues concerning the Woodland Beach subdivision (being Plan 656) and of ongoing litigation relating to it, we are now reporting on the completion of 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 application was heard and decided in 2011 and the Township then appealed the court's decision to the Ontario Court of Appeal. The appeal was heard in 2012 and the Court of Appeal released its decision on April 30, 2013. As we previously reported, the Township was fully successful on that appeal. 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 (which were summarized in our last letter to you and are repeated here, for context) 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.

Since the previous report to residents of March, 2014, the Township has taken the necessary steps, working with Registry Office staff, to give effect to the Court of Appeal's declaratory relief and directions. As a result, the Township is now the registered owner of the south part of the beach in front of Plan 656.

In addition, the Township has now resolved all litigation relating to Plan 656, Block B on Plan 656 and the Beach in front of Plan 656 and has also acquired title to the north portion of the Beach (in front of Lots 1 to 11 and Lot 14 on Plan 656, designated as Parts 1 and 2 on the Stanton Plan, referenced above), as well as all of Block B. The portions of Block B and the Beach that are now owned by the Township are shown on the attached reduced copy of the Stanton Plan, where they are designated as Parts 1, 2, 6 and 8. Please note that they do not include the Beach in front of Lots 12 and 13 on Plan 656, which are not owned by the Township.

While we have included a reduced copy of the Stanton Plan with this letter, the full plan is available to be viewed at the Township offices.

Sincerely,

THE CORPORATION OF THE TOWNSHIP OF TINY

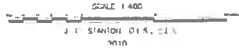
A handwritten signature in purple ink that reads "Doug Luker". The signature is written in a cursive style with a small dot at the end.

Doug Luker, CAO/Clerk

Attachments

c.c. Mayor and Members of Council

PLAN OF SURVEY
 OF PART OF LOT 27, CONCESSION 1 AND
 HIGHWAY 26, REGISTERED PLAN 514
 GEOGRAPHIC TOWNSHIP OF TINY
 COUNTY OF SIMCOE



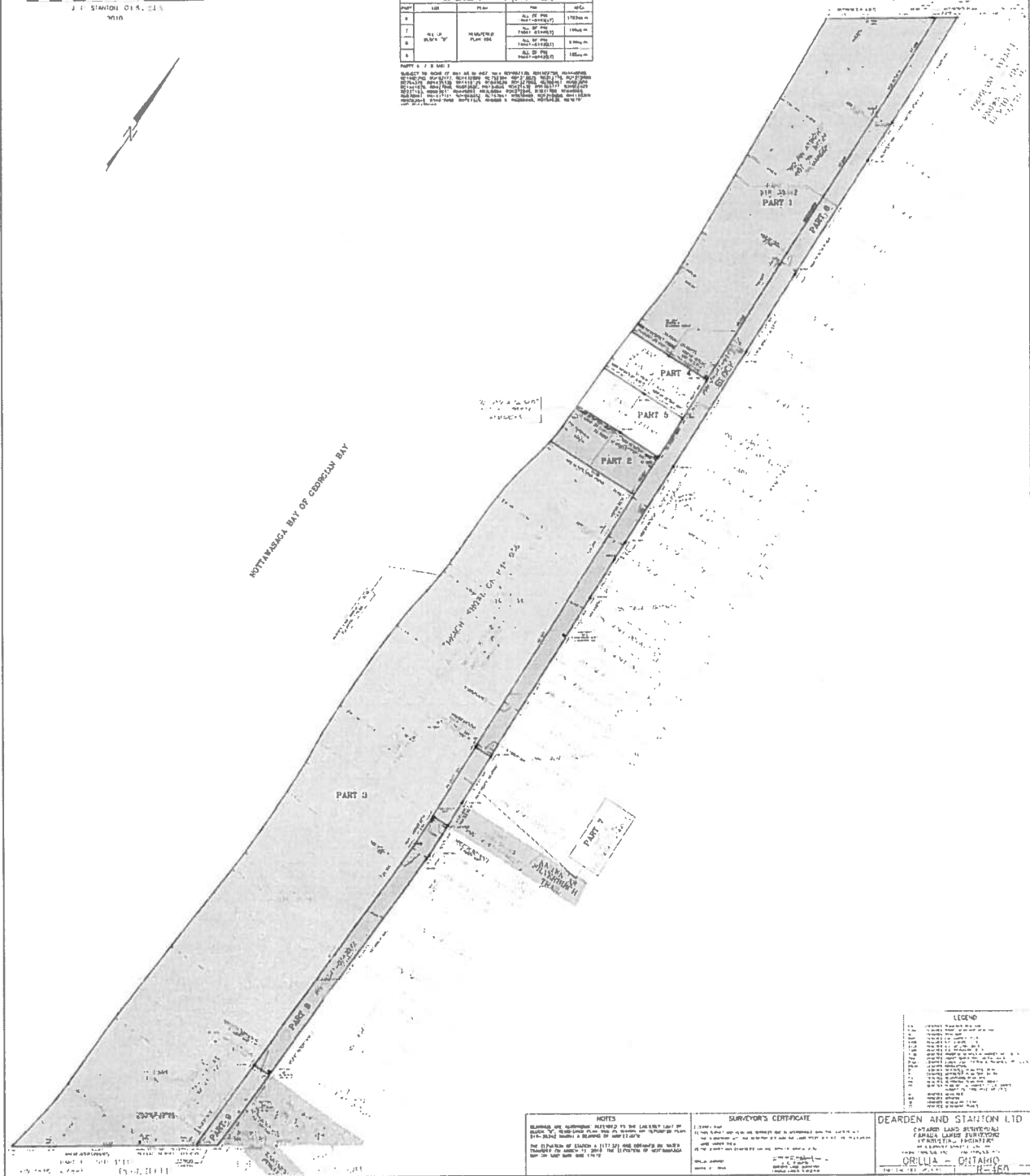
SCHEDULE OF PARTS (NO PVI ASSIGNED) REGISTRY				
Part	Lot	Concession	Area	sq. ft.
1	27	1	10.3000	1108800
2	Part of Lot 27	Concession 1	10.3000	1108800
3	Part of Lot 27	Concession 1	10.3000	1108800

SCHEDULE OF PARTS (REGISTRY)				
Part	Lot	Concession	Area	sq. ft.
1	27	1	10.3000	1108800
2	Part of Lot 27	Concession 1	10.3000	1108800
3	Part of Lot 27	Concession 1	10.3000	1108800

SCHEDULE OF PARTS (LAND TITLES)				
Part	Lot	Plan	Area	sq. ft.
1	27	514	10.3000	1108800
2	Part of Lot 27	514	10.3000	1108800
3	Part of Lot 27	514	10.3000	1108800

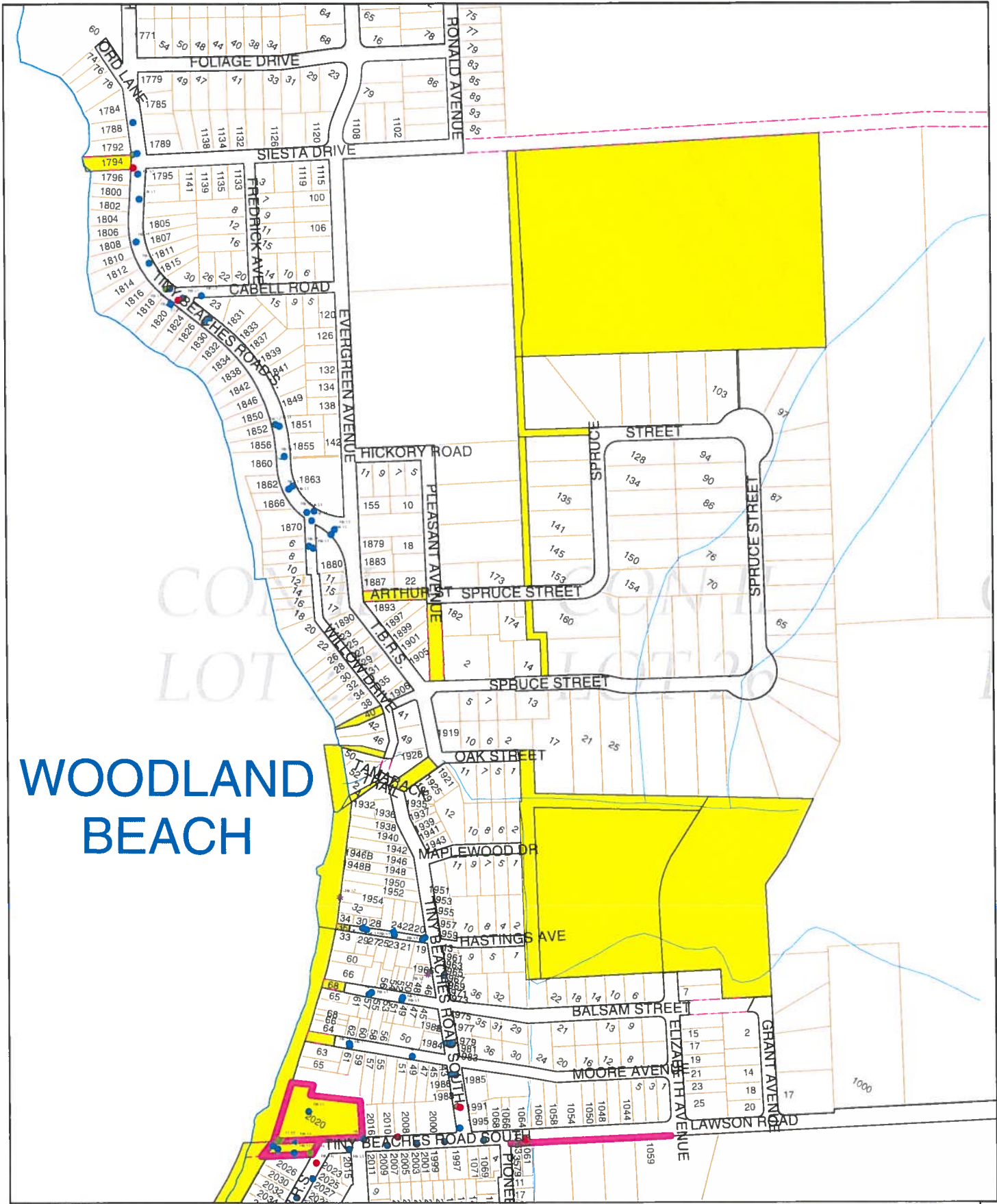
PLAN 514-1-1-1
 REGISTERED PLAN 514
 HIGHWAY 26
 CONCESSION 1
 TOWN OF TINY
 COUNTY OF SIMCOE

ROAD ALLOWANCE BETWEEN
 CONCESSIONS 1 AND 2



<p>NOTES</p> <p>1. THIS PLAN IS THE PROPERTY OF THE SURVEYOR AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR.</p> <p>2. THE SURVEYOR HAS BEEN ADVISED BY THE LANDLORD OF THE EXISTENCE OF A DEED DATED 1972 AND 1973 AND HAS THEREFORE SHOWN THE SAME ON THIS PLAN.</p>	<p>SURVEYOR'S CERTIFICATE</p> <p>I, the undersigned, being a duly qualified and licensed Surveyor of the Province of Ontario, do hereby certify that the foregoing is a true and correct copy of the original plan as filed in my office.</p> <p>Dated this 1st day of May, 2011.</p> <p>DAVID J. HARRIS Surveyor</p>	<p>DEARDEN AND STANTON LTD.</p> <p>CHARTERED LAND SURVEYORS 1000 SHEPPARD AVENUE EAST SUITE 1000 SCARBOROUGH, ONTARIO M1S 1T5 TEL: (416) 291-1111 FAX: (416) 291-1112 WWW.DASURV.COM</p>
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Please Note: Yellow represents Township Owned Land.



WOODLAND BEACH

Township of Tiny
Street Map Index Book



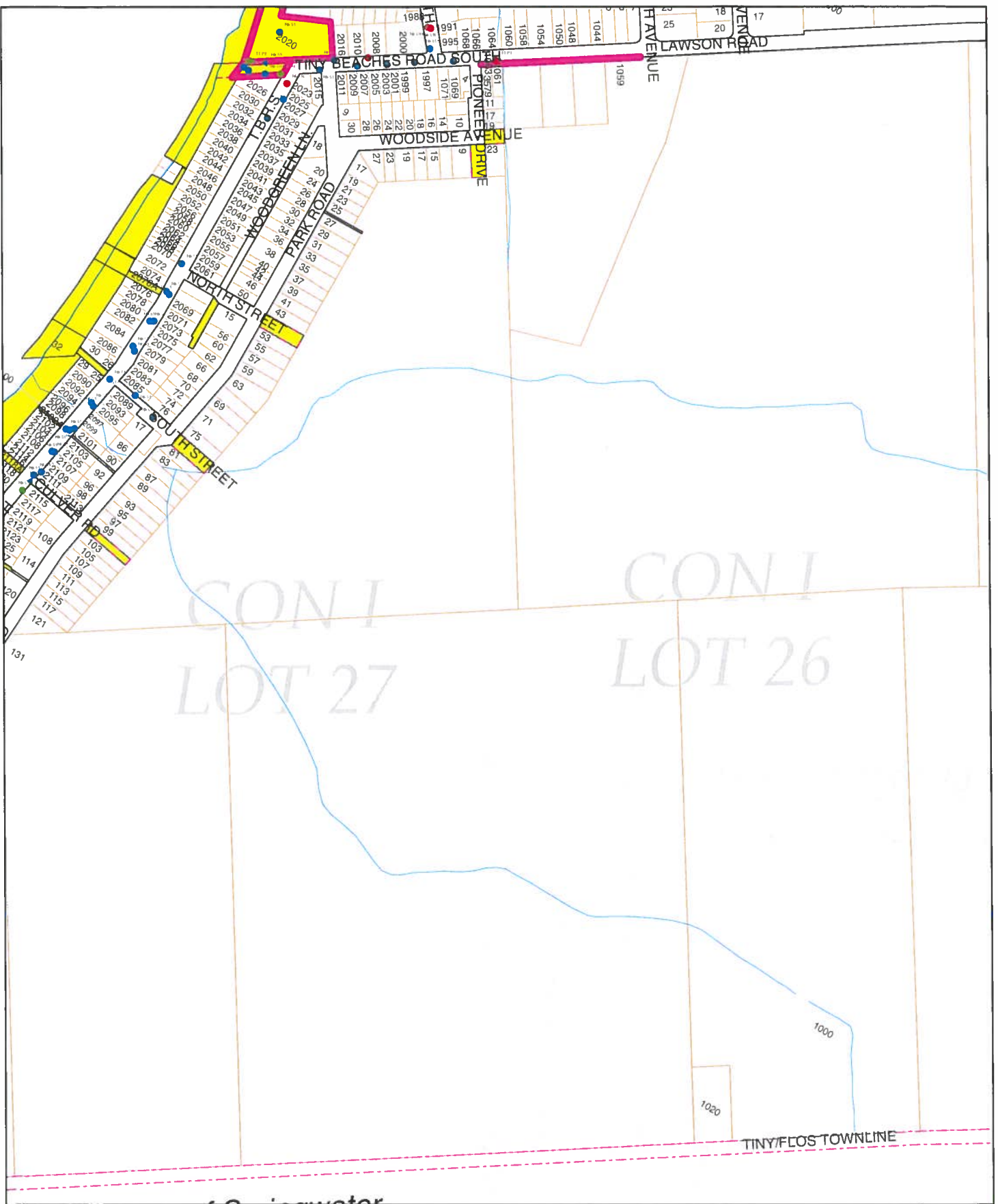
Map: 3

Date Printed: 10/06/2015
Scale 1:7,000



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Please Note: Yellow represents Township Owned Land.



Township of Tiny
Street Map Index Book



Map: 2

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