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AMENDMENT TO DECLARATION AND DESCRIPTION TO CREATE A PHASE

(subsection 146 (3) of the Condominium Act, 1998)

Condominium Act, 1998

OXFORD STANDARD CONDOMINIUM CORPORATION NO. 112 (the "Corporation")

AMENDMENT TO DECLARATION

Warren D. Sinclair Construction Ltd. states that:

- 1. The board has been elected at a meeting of owners held on the 9th day of June, 2015, at a time when Warren D. Sinclair Construction Ltd., the declarant, did not own the majority of the units.
- 2. More than 60 days have passed since the registration of the declaration and description or the registration of the latest amendments to the declaration and description creating a phase, whichever is the later.
- 3. More than 60 days have passed since Warren D. Sinclair Construction Ltd., the declarant, delivered to the Corporation the documents described in clauses 149 (1) (a), (b) and (c) of the Condominium Act, 1998.
- 4. There is no outstanding application to the Superior Court of Justice for an injunction under subsection 149 (2) of the *Condominium Act, 1998* and the Superior Court has not issued an injunction to prevent the registration of the amendments creating the phase.

The declaration of Oxford Standard Condominium Corporation No. 112 registered as Instrument No. CO130999 on the 21st day of April, 2015, (known as the "Declaration"), is amended as follows:

- 1. Schedule A is replaced with Schedule A attached.
- 2. Schedule B is amended to include the attached Consents.
- 3. Schedule C is amended to include the material identified as Amendments to Schedule C attached.
- 4. Schedule D is replaced with Schedule D attached.
- 5. Schedule E is not amended.
- 6. Schedule F is amended to include the material identified as Amendments to Schedule F attached.
- 7. Schedule G is amended to include the material identified as Amendments to Schedule G attached.
- 8. Schedule K is attached is added to the Declaration.

AMENDMENT TO DESCRIPTION

The description identified as Oxford Standard Condominium Plan No. 112 is amended as follows:

- 1. Part I of the description is amended to include the following prepared by Paul J. Benedict, O.L.S. and dated the 12nd day of June, 2015:
 - a. 1 sheet of a perimeter plan of survey, designated as Sheet 2 of 6 sheets,
 - b. 1 sheet designating units for the land included in the phase, designated as Sheet 4 of 6 sheets, and
 - c. 1 sheet designating the monuments controlling the extent and locations of the unit boundaries, designated as Sheet 6 of 6 sheets.

- 2. Part II of the description is amended to include 1 sheet designated as Sheet 2 of 2 sheets of an exclusive use portions survey for the land included in the phase prepared by Paul J. Benedict, O.L.S. and dated the 12nd day of June, 2015.
- 3. Part V is added consisting of architectural plans of the buildings on the land included in the phase prepared by Chris Gowing and dated the 5th day of November, 2013.

Dated this 3rd day of July, 2015.

Warren D. Sinclair Construction Ltd.

Per:

Warren D. Sinclair

President

I have authority to bind the Corporation.

Schedule A

FIRSTLY

(the lands subject of the Declaration, registered as Instrument No. CO130999)

Part of Block 60, Plan 41M-217, designated as Parts 1 and 3 on Reference Plan 41R-9197, Town of Ingersoll, County of Oxford (hereinafter called the "Condominium Lands"):

Subject to an easement in favour of Rogers Communications Inc. as in Instrument Number CO125530;

Subject to an easement in gross in favour of County of Oxford as in Instrument Number CO127309;

Subject to an easement in gross in favour of Erie Thames Powerlines as in Instrument Number CO127310;

Reserving a nonexclusive easement in perpetuity in favour of Part of Block 60, Plan 41M-217, designated as Parts 4, 5, 6, 7, 8, and 9 on Reference Plan 41R-9197, Town of Ingersoll, County of Oxford, upon, over, in, under and across all Common Elements of the Condominium Lands to allow the right of entry, and free and unimpeded right to flow surface waters and storm water flows from Parts 4, 5, 6, 7, 8, and 9 on Reference Plan 41R-9197 as set out in Instrument No. CO130999;

Reserving a nonexclusive easement in perpetuity in favour of Part of Block 60, Plan 41M-217, designated as Parts 4, 5, 6, 7, 8, and 9 on Reference Plan 41R-9197, Town of Ingersoll, County of Oxford, upon, over, in, under and across all of the Common Elements of the Condominium Lands to allow the right of entry, and free and unimpeded access at all times for entry thereon for the purposes of the construction, repair, replacement, operation, use and maintenance of common services therein and thereon together with the right to flow fuel (including, without limiting the generality of the foregoing, natural gas, potable water, sewage, electricity, radio, television, internet or other reception or transmission signals) through the appropriate common services location therein and thereon as set out in Instrument No. CO130999;

Reserving a nonexclusive easement in favour of Part of Block 60, Plan 41M-217 Ingersoll, designated as Parts 4, 5, 6, 7, 8, and 9 on Reference Plan 41R-9197, Town of Ingersoll, County of Oxford, upon, over, in, under and across all of the Common Elements of the Condominium Lands to allow the right of entry, and free and unimpeded access at all times for entry thereon for the purposes of the construction, repair, replacement, operation, use and maintenance of any building, structure, facility, feature or improvement on or proposed to be on Parts 4, 5, 6, 7, 8, and 9 on Reference Plan 41R-9197 as set out in Instrument No. CO130999;

Reserving a nonexclusive easement in perpetuity in favour of Part of Block 60, Plan 41M-217 Ingersoll, designated as Parts 4, 5, 6, 7, 8, and 9 on Reference Plan 41R-9197, Town of Ingersoll, County of Oxford, upon, over, in, under and across part of the Common Elements of the Condominium Lands being Part 1 on Reference Plan 41R-9197 to allow the right of entry, and free and unimpeded access at all times to owners, occupants and mortgagees and their successors and assigns (including but not limited to any residents, guests and/or invitees of the Servient Lands) for pedestrian and vehicular access to and from Ingersoll Street North as set out in Instrument No. CO130999;

Together with an easement in favour of the Condominium Lands upon, over, in, under and across Part of Block 60, Plan 41M-217, designated as Parts 4, 5, 6, 7, 8, and 9 on Reference Plan 41R-9197, Town of Ingersoll, County of Oxford, to allow the right of entry, and free and unimpeded right to flow surface waters and storm water flows from the Condominium Lands along, on, over, under and through Parts 4, 5, 6, 7, 8, and 9 on Reference Plan 41R-9197 as set out in Instrument No. CO130999;

Together with an easement in favour of the Condominium Lands upon, over, in, under and across Part of Block 60, Plan 41M-217, designated as Parts 4, 5, 6, 7, 8, and 9 on Reference Plan 41R-9197, Town of Ingersoll, County of Oxford, to allow the right of entry, and free and unimpeded access at all times for entry thereon for the purposes of the construction, repair, replacement, operation, use and maintenance of common services therein and thereon together with the right to flow fuel (including, without limiting the generality of the foregoing, natural gas, potable water, sewage, electricity, radio, television, internet or other reception or transmission signals) through the appropriate common services location therein and thereon as set out in Instrument No. CO130999; and

Together with an easement in favour of the Condominium Lands upon, over, in, under and across Part of Block 60, Plan 41M-217, designated as Parts 4, 5, 6, 7, 8, and 9 on Reference Plan 41R-9197, Town of Ingersoll, County of Oxford, to allow the right of entry, and free and unimpeded access at all times for entry thereon for the purposes of the construction, repair, replacement, operation, use and maintenance

of any building, structure, facility, feature or improvement on or proposed to be on the Condominium Lands as set out in Instrument No. CO130999;

Being all of PINs 00405-0001 (LT) through 00405-0004 (LT), both inclusive.

SECONDLY

(the lands subject of this Amendment to the Declaration)

Part of Block 60, Plan 41M-217, designated as Part 2 on Reference Plan 41R-9197, Town of Ingersoil, County of Oxford (hereinafter referred to as "Phase One Lands"):

Subject to an easement in favour of Rogers Communications Inc. as in Instrument Number CO125530;

Subject to an easement in gross in favour of County of Oxford as in Instrument Number CO127309;

Subject to an easement in gross in favour of Erie Thames Powerlines as in Instrument Number CO127310;

Reserving a nonexclusive easement in perpetuity in favour of Part of Block 60, Plan 41M-217, designated as Parts 4, 5, 6, 7, 8, and 9 on Reference Plan 41R-9197, Town of Ingersoll, County of Oxford, upon, over, in, under and across all Common Elements of the Phase One Lands to allow the right of entry, and free and unimpeded right to flow surface waters and storm water flows from Parts 4, 5, 6, 7, 8, and 9 on Reference Plan 41R-9197;

Reserving a nonexclusive easement in perpetuity in favour of Part of Block 60, Plan 41M-217, designated as Parts 4, 5, 6, 7, 8, and 9 on Reference Plan 41R-9197, Town of Ingersoll, County of Oxford, upon, over, in, under and across all of the Common Elements of the Phase One Lands to allow the right of entry, and free and unimpeded access at all times for entry thereon for the purposes of the construction, repair, replacement, operation, use and maintenance of common services therein and thereon together with the right to flow fuel (including, without limiting the generality of the foregoing, natural gas, potable water, sewage, electricity, radio, television, internet or other reception or transmission signals) through the appropriate common services location therein and thereon;

Reserving a nonexclusive easement in favour of Part of Block 60, Plan 41M-217 Ingersoll, designated as Parts 4, 5, 6, 7, 8, and 9 on Reference Plan 41R-9197, Town of Ingersoll, County of Oxford, upon, over, in, under and across all of the Common Elements of the Phase One Lands to allow the right of entry, and free and unimpeded access at all times for entry thereon for the purposes of the construction, repair, replacement, operation, use and maintenance of any building, structure, facility, feature or improvement on or proposed to be on Parts 4, 5, 6, 7, 8, and 9 on Reference Plan 41R-9197;

Together with an easement in favour of the Phase One Lands upon, over, in, under and across Part of Block 60, Plan 41M-217, designated as Parts 4, 5, 6, 7, 8, and 9 on Reference Plan 41R-9197, Town of Ingersoll, County of Oxford, to allow the right of entry, and free and unimpeded right to flow surface waters and storm water flows from the Phase One Lands along, on, over, under and through Parts 4, 5, 6, 7, 8, and 9 on Reference Plan 41R-9197;

Together with an easement in favour of the Phase One Lands upon, over, in, under and across Part of Block 60, Plan 41M-217, designated as Parts 4, 5, 6, 7, 8, and 9 on Reference Plan 41R-9197, Town of Ingersoll, County of Oxford, to allow the right of entry, and free and unimpeded access at all times for entry thereon for the purposes of the construction, repair, replacement, operation, use and maintenance of common services therein and thereon together with the right to flow fuel (including, without limiting the generality of the foregoing, natural gas, potable water, sewage, electricity, radio, television, internet or other reception or transmission signals) through the appropriate common services location therein and thereon; and

Together with an easement in favour of the Phase One Lands upon, over, in, under and across Part of Block 60, Plan 41M-217, designated as Parts 4, 5, 6, 7, 8, and 9 on Reference Plan 41R-9197, Town of Ingersoll, County of Oxford, to allow the right of entry, and free and unimpeded access at all times for entry thereon for the purposes of the construction, repair, replacement, operation, use and maintenance of any building, structure, facility, feature or improvement on or proposed to be on the Phase One Lands;

Being all of PIN 00176-0548 (LT).

I am the solicitor who is registering this Amendment to the Declaration.

In my opinion, based on the parcel register and the plans and documents recorded in therein, the legal description set out above in 'SECONDLY' is correct, the easements described in 'SECONDLY' will exist in law upon registration of this Amendment to the Declaration creating the phase, the declarant is the registered owner of the land included in the phase and appurtenant interests thereto.

The following is the description of the servient lands:

Part of Block 60, Plan 41M-217, designated as Parts 4, 5, 6, 7, 8, and 9 on Reference Plan 41R-9197, Town of Ingersoll, County of Oxford.

Being all of PINs 00176-0549 (LT) and 00176-0550 (LT).

Dated the 3rd day of July, 2015

CLIFTON KOK LLP

(iaowen Liu

In my opinion, based on the parcel register and the plans and documents recorded therein the following described easements will merge and no longer exist in law upon the registration of this Amendment to the Declaration:

- The nonexclusive easement in perpetuity in favour of Part of Block 60, Plan 41M-217, designated as Part 2 on Reference Plan 41R-9197, Town of Ingersoll, County of Oxford, upon, over, in, under and across all Common Elements of the Condominium Lands to allow the right of entry, and free and unimpeded right to flow surface waters and storm water flows from Part 2 on Reference Plan 41R-9197 as set out in Instrument No. CO130999;
- a nonexclusive easement in perpetuity in favour of Part of Block 60, Plan 41M-217, designated as Part 2 on Reference Plan 41R-9197, Town of Ingersoll, County of Oxford, upon, over, in, under and across all of the Common Elements of the Condominium Lands to allow the right of entry, and free and unimpeded access at all times for entry thereon for the purposes of the construction, repair, replacement, operation, use and maintenance of common services therein and thereon together with the right to flow fuel (including, without limiting the generality of the foregoing, natural gas, potable water, sewage, electricity, radio, television, internet or other reception or transmission signals) through the appropriate common services location therein and thereon as set out in Instrument No. CO130999;
- a nonexclusive easement in favour of Part of Block 60, Plan 41M-217 Ingersoll, designated as Part
 2 on Reference Plan 41R-9197, Town of Ingersoll, County of Oxford, upon, over, in, under and
 across all of the Common Elements of the Condominium Lands to allow the right of entry, and
 free and unimpeded access at all times for entry thereon for the purposes of the construction,
 repair, replacement, operation, use and maintenance of any building, structure, facility, feature
 or improvement on or proposed to be on Part 2 on Reference Plan 41R-9197 as set out in
 Instrument No. CO130999;
- a nonexclusive easement in perpetuity in favour of Part of Block 60, Plan 41M-217 Ingersoll, designated as Part 2 on Reference Plan 41R-9197, Town of Ingersoll, County of Oxford, upon, over, in, under and across part of the Common Elements of the Condominium Lands being Part 1 on Reference Plan 41R-9197 to allow the right of entry, and free and unimpeded access at all times to owners, occupants and mortgagees and their successors and assigns for pedestrian and vehicular access to and from Ingersoll Street North as set out in Instrument No. CO130999;
- an easement in favour of the Condominium Lands upon, over, in, under and across Part of Block 60, Plan 41M-217, designated as Part 2 on Reference Plan 41R-9197, Town of Ingersoll, County of Oxford, to allow the right of entry, and free and unimpeded right to flow surface waters and storm water flows from the Condominium Lands along, on, over, under and through Part 2 on Reference Plan 41R-9197 as set out in Instrument No. CO130999;
- an easement in favour of the Condominium Lands upon, over, in, under and across Part of Block
 60, Plan 41M-217, designated as Part 2 on Reference Plan 41R-9197, Town of Ingersoll, County of

Oxford, to allow the right of entry, and free and unimpeded access at all times for entry thereon for the purposes of the construction, repair, replacement, operation, use and maintenance of common services therein and thereon together with the right to flow fuel (including, without limiting the generality of the foregoing, natural gas, potable water, sewage, electricity, radio, television, internet or other reception or transmission signals) through the appropriate common services location therein and thereon as set out in Instrument No. CO130999; and

 an easement in favour of the Condominium Lands upon, over, in, under and across Part of Block 60, Plan 41M-217, designated as Part 2 on Reference Plan 41R-9197, Town of Ingersoll, County of Oxford, to allow the right of entry, and free and unimpeded access at all times for entry thereon for the purposes of the construction, repair, replacement, operation, use and maintenance of any building, structure, facility, feature or improvement on or proposed to be on the Condominium Lands as set out in Instrument No. CO130999.

Dated the 3rd day of July, 2015

CLIFTON KOK LLP

Amendments to Schedule B

CONSENT AND POSTPONEMENT (Amendment to Schedule B to Declaration of a Phased Condominium Corporation to Create a Phase)

(under clause 146(4)(a) of the Condominium Act, 1998)

- 1. YOUR NEIGHBOURHOOD CREDIT UNIT LIMITED has a registered mortgage within the meaning of clause 146(4)(a) of the *Condominium Act, 1998*, registered as Instrument CO116047 in the Land Registry Office for the Land Titles Division of Oxford (No. 41).
- 2. The declaration was registered as Instrument No. CO130999 on the 21st day of April, 2015.
- 3. YOUR NEIGHBOURHOOD CREDIT UNIT LIMITED consents to the registration of this amendment to the declaration, pursuant to the Act, against the land included in the phase or the interests appurtenant to the land, as the land and the interests are described in the amendment to the description, for the purposes of creating the phase.
- 4. YOUR NEIGHBOURHOOD CREDIT UNIT LIMITED postpones the mortgage and the interests under it to the declaration and the easements described in Schedule A to the declaration, as amended by this amendment.
- 5. YOUR NEIGHBOURHOOD CREDIT UNIT LIMITED is entitled by law to grant this consent and postponement.

Dated this $\frac{28}{28}$ day of $\frac{\text{May}}{\text{, 2015}}$.

YOUR NEIGHBOURHOOD CREDIT UNIT LIMITED

Name:

Title:

Marc Rivard

Director, Commercial Services

I/We have authority to bind the corporation.

Amendments to Schedule C

UNIT BOUNDARY DESCRIPTION

(being Units 5 to 8, both inclusive, on Level 1)

The Units are bounded by the vertical and horizontal planes referenced to the walls and eaves of the building and monumented by iron bars and standard iron bars and corners and surfaces of the building as constructed, and as illustrated on Part 1, Sheet 2 and 4 of the Description filed concurrently herewith.

Each Unit (being Units 5 to 8, both inclusive, on Level 1) shall comprise the area within the heavy lines shown on Part 1, Sheet 2 and 4 of the Description with respect to the Unit numbers indicated thereon, and are bounded by:

- (a) the backside of drywall on all exterior walls and walls between units;
- (b) the interior face of the concrete walls;
- (c) the exterior surface of all doors and windows providing ingress to and egress from the Unit, including the garage door, and the frames thereof and every glass panel therein;
- (d) the upper surface of the concrete slab foundation floor;
- (e) the lower face and plane of the roof trusses.

The undersigned certifies that the written description of the monuments and boundaries of the units accurately corresponds with the diagrams of the Units shown on Part 1, Sheet 2 and 4 of the Description.

Dated the day of Joly, 2015

Benedict Raithby Inc.

Per

Paul J. Benedict, Ontario Land Surveyor

Reference should be made to the provisions of the Declaration itself, in order to determine the maintenance and repair responsibilities for any Unit, and whether specific physical components (such as wires, pipes, cables, conduits, equipment, fixtures, structural components and/or any other appurtenances) are included or excluded from the Unit, regardless of whether same are located within or beyond the boundaries established for such Unit.

Schedule D

PROPORTIONS OF COMMON INTERESTS AND CONTRIBUTIONS TO COMMON EXPENSES

Unit	LEVEL	PROPORTIONATE SHARES OF CONTRIBUTIONS TO THE COMMON EXPENSES EXPRESSED AS PERCENTAGES	PROPORTIONATE SHARES OF THE COMMON INTEREST EXPRESSED AS PERCENTAGES
1	1	12.5000	12.5000
2	1	12.5000	12.5000
3	1	12.5000	12.5000
4	1	12.5000	12.5000
5	1	12.5000	12.5000
6	1	12.5000	12.5000
7	1	12.5000	12.5000
8	1	12.5000	12.5000
To	tals	100.0000	100.0000

Amendments to Schedule F

Subject to the provisions of the declaration, the by-laws and rules of the Corporation and the right of entry in favour of the Corporation thereto and thereon for purposes of facilitating any requisite maintenance and/or repair work, or to give access to the utility and service areas adjacent thereto, the Unit Occupants of the Units as listed below shall have exclusive use of the common elements appurtenant thereto as illustrated in heavy outline on Part 2, Sheet 1 and 2 of the Description and listed opposite such Unit as set out below:

Unit	LEVEL	REAR YARD EXCLUSIVE USE AREA
1	1	1A
2	1	2A
3	1	3A
4	1	4A
5	1	5A .
6	1	6A
7	1	7A
8	1	8A

Schedule G

CERTIFICATE OF ARCHITECT

(SCHEDULE G TO DECLARATION FOR A STANDARD OR LEASEHOLD CONDOMINIUM CORPORATION)

(under clauses 5(8)(a) or (b) of Ontario Regulation 48/01 or clause 8 (1) (e) or (h) of the *Condominium Act, 1998*)

Condominium Act, 1998

I certify that:

Each building on the property has been constructed in accordance with the regulations made under the *Condominium Act, 1998,* with respect to the following matters:

- 1.

 The exterior building envelope, including roofing assembly, exterior wall cladding, doors and windows, caulking and sealants, is weather resistant if required by the construction documents and has been completed in general conformity with the construction documents.
- 2. Except as otherwise specified in the regulations, floor assemblies are constructed to the subfloor.
- 3. Except as otherwise specified in the regulations, walls and ceilings of the Common Elements, excluding interior structural walls and columns in a Unit, are completed to the drywall (including taping and sanding), plaster or other final covering.
- 4. ☑ There are no underground garages.
- 5. There are no elevating devices as defined in the *Elevating Devices Act*, except for elevating devices contained wholly in a Unit and designed for use only within the Unit.
- 6. All installations with respect to the provision of water and sewage services are in place.
- 7. All installations with respect to the provision of heat and ventilation are in place and heat and ventilation can be provided.
- 8. 🗹 All installations with respect to the provision of air conditioning are in place.
- 9. All installations with respect to the provision of electricity are in place.
- 10. ☑ There are no indoor and outdoor swimming pools.
- 11. Except as otherwise specified in the regulations, the boundaries of the units are completed to the drywall (not including taping and sanding), plaster or other final covering, and perimeter doors are in place.

Dated this H day of ________, 2015

WASYLKO ARCHITECT INC.

Per: Mykola Wasylko, B.Arch., OAA, MRAIC E

Seal

Note: This Schedule G pertains only to the Phase One Lands as defined in Schedule A hereto.

Amendments to Schedule K

The Approving Authority, being the County of Oxford, approved the amendment to the description creating the first phase with no conditions required to be mentioned in the amendment to the declaration.

THE ENCLAVE AT VICTORIA HILLS



Amendments to Schedule G

STATEMENT FROM THE MUNICIPALITY

The County of Oxford hereby confirms that the facilities and services have been installed and provided sufficiently to ensure the independent operation of Oxford Standard Condominium Corporation No. 112 if no subsequent phases are created.

Dated this $\underline{7}$ day of $\underline{}$

COUNTY OF OXFORD

per:

Name: GOZO

√Name: Title:

Seal