



## **Amendment to Site Plan Agreement**

**THIS AGREEMENT** made (in triplicate) this 27<sup>TH</sup> day of April 2020.

**BETWEEN:**

**THE CORPORATION OF THE TOWN OF KINGSVILLE,**

hereinafter called the "Corporation",

**OF THE FIRST PART**

**-and-**

**TAY INC.**

hereinafter called the "Owner",

**OF THE SECOND PART**

**WHEREAS** the Owner and the Corporation executed a Site Plan Agreement made the 12<sup>th</sup> day of February, 2018 and said Site Plan Agreement was registered in the Registry Office for the County of Essex on February 7, of 2019 as instrument No. CE872411;

**AND WHEREAS** the Owner has requested an amendment to the Site Plan Agreement which the Corporation has agreed to allow for the construction of a second floor and addition of a covered canopy on land described as Pt. Lot 2, Concession 1, ED, Part 2, RP 12R 26799 and further known as 200 Main St. E., in the Town of Kingsville in the County of Essex, Province of Ontario (the "subject lands");

**NOW THEREFORE THIS AGREEMENT WITNESSETH THAT** in consideration of the mutual covenants hereinafter expressed and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, the parties agree as follows:

1. The Owner hereby consents to the registration of this Amendment to the Site Plan Agreement on title at its sole expense and at the sole discretion of the Corporation.
2. That the existing site plan agreement dated February 12<sup>th</sup>, 2018 be amended by changing the name of the Owner from HVM Holdings Ltd. to Tay Inc.
3. That the existing site plan attached and dated February 2, 2018 to the Site Plan Agreement made the 12<sup>th</sup> day of February, 2018 be replaced with a new site plan Schedule "A-2020" (consisting of AS101, A301 & A302) prepared by ROA Studio Inc. and dated April 23 2019 to said Agreement.
4. That all reference to the site plan dated February 2, 2018 in the Site Plan Agreement made the 12<sup>th</sup> of February, 2018 are deleted and shall now refer to Schedule 'A-2020' (consisting of AS101, A301 & A302).

5. That item 21. General Provisions be amended by adding the following as item vii):

‘vii) **Second Floor Easterly Facing Windows** – the Owner agrees to install privacy blinds to all second floor, easterly facing windows. Said blinds shall be fixed in place, not capable of being opened or raised, save and except for maintenance purposes only, blocking views to the east while allowing natural daylight into the second floor spaces.

Notwithstanding this clause may be removed from the site plan agreement via a site plan amendment request should the zoning of the property immediately east of 200 Main St. E. be changed, no longer permitting residential housing.

6. All of the terms and covenants in the said Site Plan Agreement are hereby confirmed in full force and effect save and except for the amendments noted in Paragraphs 1, 2, 3, 4 & 5 herein and such other modifications as are necessary to make said paragraphs applicable to the Site Plan Agreement.

**IN WITNESS WHEREOF** the parties have hereunto affixed their corporate seals duly attested to by their proper signing officers in that behalf this **27<sup>TH</sup> day of April, 2020**.

SIGNED SEALED AND DELIVERED

WITNESS

**TAY INC.**

\_\_\_\_\_

\_\_\_\_\_  
**PATRICIA VAN MINNEN – PRESIDENT**  
I HAVE AUTHORITY TO BIND THE CORPORATION

**THE CORPORATION OF THE TOWN OF  
KINGSVILLE**

\_\_\_\_\_  
**MAYOR NELSON SANTOS**

\_\_\_\_\_  
**CLERK JENNIFER ASTROLOGO**  
I/WE HAVE AUTHORITY TO BIND THE CORPORATION

## SCHEDULE "A-2020" SITE PLAN





