

# PEARSALL, MARSHALL, HALLIWILL & SEATON LLP

BARRISTERS & SOLICITORS

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March 2<sup>nd</sup>, 2018

VIA EMAIL: [rbrown@kingsville.ca](mailto:rbrown@kingsville.ca)

**The Corporation of the Town of Kingsville**

Planning & Development Services Department

2021 Division Road North

Kingsville, Ontario, N9Y 2Y9

Attention: Robert Brown, Manager of Planning Services

**Re: Site Plan Agreement- 950 Seacliff Drive, Kingsville, Ontario**

Our File No. NTD

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We write to you on behalf of Walter Branco, President of 1552843 Ontario Ltd. o/a Noah Homes ("**Noah Homes**") with respect to the property municipally known as 950 Seacliff Dr., Kingsville, Ontario (the "**Property**").

Noah Homes entered into an agreement with the Corporation of the Town of Kingsville (the "**Town**"), dated the 26<sup>th</sup> day of April, 2010 (the "**Agreement**") with respect to the Property and development thereon, which Agreement was registered on title to the Property on the 14<sup>th</sup> day of May, 2010 as Instrument No. CE423660. Pursuant to the Agreement, Noah Homes was permitted to construct a contractor's office, shop and retail showroom on the Property and agreed to construct a residence on the Property, to be occupied by Mr. Branco and his family (the "**950 Seacliff Residence**"), within two (2) years.

At or around the same time that Noah Homes completed construction of the contractor's office, shop and showroom, Noah commenced development of a subdivision in Ruthven, ON. In the course of the development of the subdivision, Mr. Branco constructed a home in the subdivision to live in with his family on an interim basis (the "**Interim Residence**") until such time as he could complete construction of the 950 Seacliff Residence. Mr. Branco and his family have since settled into the Interim Residence and the surrounding area. To construct the 950 Seacliff Residence, and relocate to the Property at this time would force Mr. Branco to uproot his family. As such, Mr. Branco determined that it was in the best interest of his family to delay any construction of the 950 Seacliff Residences but instead revert the upper floor back to a residence as originally intended on the building permit. Mr. Branco's intention was in good-faith when he entered into the Agreement to construct the Personal Residence but his family circumstances have impacted his ability to do so, in the time contemplated in the Agreement. Mr. Branco remains committed to working with the town to comply with any zoning and by-laws. However Mr. Branco does not have any current intention of moving his personal residence to this location.

It is also worth noting that, Noah Homes pays commercial taxes on the Property and that the show room/office was constructed in such a manner, that it can be fairly easily converted to and occupied as a residence in the future.

We hope that this letter clarifies why the 950 Seacliff Residence has not been constructed to date. Should you have any further questions or require additional information, please feel free to contact the undersigned.

Yours very truly,

**Pearsall, Marshall, Halliwill & Seaton LLP**

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a series of loops and a final horizontal stroke.

David A. Halliwill

