The Corporation of the Town of South Bruce Peninsula

By-Law Number 3-2016

Being a By-Law to Authorize the Mayor and Clerk to Sign an Agreement with Elsinore Community Centre Inc.

Whereas Section 8 of the Municipal Act, 2001, Chapter 25, as amended, provides that Section 8 shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

And whereas Section 9 of the Municipal Act, 2001, Chapter 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

And whereas the Corporation of the Town of South Bruce Peninsula is desirous of continuing the operation of the 3 Elsinore Road as a community centre;

And whereas Elsinore Community Centre Inc. are desirous of continuing said operation of 3 Elsinore Road.

Now therefore the Council of the Corporation of the Town of South Bruce Peninsula enacts as follows:

1. That the Mayor and Clerk are hereby authorized to sign an agreement with Elsinore Community Centre Inc. for the operation of 3 Elsinore Road as a community centre.

2. That the agreement shall be attached hereto and form a part of this by-law.

Read a first and second time this 19th day of January, 2016.

[Signatures]

Read a third time and finally passed this 19th day of January, 2016.

[Signatures]
This agreement made this 19th day of January, 2016

Between

Elsinore Community Centre Inc.

And

The Corporation of the Town of South Bruce Peninsula

Whereas on the 23rd day of January 1969 a deed was registered as Instrument No. 67600 conveying the use of the property known as Part Lot 24 Concession A in the Township of Amabel from the trustees of the Amabel Community Centre to the Township of Amabel;

And whereas the Amabel Community Centre came to be known as the Elsinore Community Centre and continued to function as a community centre;

And whereas upon amalgamation, the Town of South Bruce Peninsula did assume ownership for all properties and lands as were previously in the ownership of the Township of Amabel, Township of Albemarle, Town of Wiarton and Village of Hepworth;

And whereas the former Township of Amabel and the Town of South Bruce Peninsula have permitted the Elsinore Community Centre Inc. to operate and manage the property located at 3 Elsinore Road as a community centre;

And whereas the Elsinore Community Centre Inc. has provided maintenance and upgrades to the facility and grounds;

And whereas the Elsinore Community Centre Inc. provides support and encouragement for the community by providing community functions and the provision of a meeting hall.

Now therefore this agreement witnesseth that in consideration of the covenants and agreements hereinafter contained, the parties hereto agree and covenant as follows:

That the Town of South Bruce Peninsula shall continue the availability of the property known as Pt Lot 24 Concession A in the former Township of Amabel more commonly known as 3 Elsinore Road.

That the Elsinore Community Centre Inc. shall continue said operation of the facilities as a community centre.
That all expenses with regard to the upgrade and ongoing maintenance of the facility and property shall remain the responsibility of the Elsinore Community Centre Inc.

That the Town of South Bruce Peninsula shall continue to be responsible for insurance coverage and payment of premiums.

That the Town of South Bruce Peninsula shall continue to be responsible for water sampling as per regulations and legislation.

That in the event that the parties hereto cease to agree to the use of the property as a community centre, such notice shall be served one party to the other and this agreement shall terminate ninety (90) days after notification is served.

That no money shall be exchanged, due or owing for rental or use of the community centre by the Elsinore Community Centre Inc. and the Town of South Bruce Peninsula.

That this agreement shall be in full force and effect for a period of five years, ending on January 18, 2021.

In witness whereof, the parties hereto have set their hand and seal.

Signed, sealed and delivered in the presence of:

Elsinore Community Centre Inc.

Authorized Signator  Witness

Authorized Signator

The Corporation of the Town of South Bruce Peninsula

[Signature]

Mayor

[Signature]

Clerk

We have the authority to bind the Corporation.