



City Clerk & Solicitor Department
Service du greffier municipal et du chef du contentieux
File Number: L06 02 18 FORT

BY EMAIL .

March 14, 2019

Ursula Melinz
Soloway Wright LLP
700-427 Laurier Ave. West
Ottawa, ON K1R 7Y2

Dear Ms. Melinz:

Re: Kanata Lakes Golf Course

In response to your letter of January 7, 2019, the City Clerk and Solicitor sent a letter dated January 24, 2019. The City has yet to receive a response to its letter.

Further to your letter, the City has had the opportunity to consider what other documents may be relevant to the question of the Forty Per Cent Agreement. A list of relevant agreements is attached to this letter. It is noted that your letter of January 7, 2019 states that “pertinent legal decisions” are not on the list included with the letter. The City would respectfully request a listing of such “pertinent legal decisions”.

As stated in the City Clerk and Solicitor’s letter, as at January 24, 2019, the City, pursuant to the Forty Per Cent Agreements, had not received notice from your clients with respect to either a proposed sale of the golf course or notice that Clublink desires to discontinue the operation of the golf course and can find no other persons to acquire the golf course or operate it. No such notice has been received by the City to the date of this letter. As further stated in the January 24, 2019 letter, if any such notice is sent to the City, it should be sent to the City Solicitor at the address specified.

The City is aware through the discussions identified in your January 7, 2019 letter and otherwise of explorations that have been made in respect of “alternative land use” for the golf course lands. I can advise that, in the event of an application for draft plan of subdivision approval and/or an application for a rezoning to permit residential uses being made to the

City of Ottawa
Litigation and Labour Relations
Branch
3rd Floor
110 Laurier Avenue West
Ottawa, ON K1P 1J1
ottawa.ca
Direct Line (613) 580-2424 Ext.
21444
Fax (613) 560-1383
E-Mail :
Timothy.Marc@ottawa.ca

Ville d’Ottawa
Direction des litiges et des
relations de travail
3^e étage
110, avenue Laurier Ouest
Ottawa (Ontario) K1P 1J1
ottawa.ca
Ligne directe (613) 580-2424
poste 21444
Télécopieur (613) 560-1383
E-Mail : Timothy.Marc@ottawa.ca

City, Legal Services will be seeking instructions to commence by Notice of Application a Court proceeding that would include the seeking of a declaration that Clublinks is required to abide by the terms of the Forty Per Cent and other agreements, as assumed by it, including the conveyance of the golf course at no cost to the City.

Yours,

A handwritten signature in black ink that reads "Timothy C. Marc". The signature is written in a cursive style with a large initial 'T' and 'M'.

Timothy C. Marc
Senior Legal Counsel
/pa

Encl.

c.c./ Lee Ann Snedden

Attachment 1

Tab No.	Agreement/Document	LTO Registration No.
1.	Agreement between Campeau and the City dated May 26, 1981	NS140350 (LT286218) & LT277799
2.	Notice of Subdivision Agreement registered July 8, 1988	LT568244
3.	Agreement between Campeau and the City dated December 20, 1988	N480080 & LT606427
4.	Agreement between Campeau and the City dated June 10, 1985	LT606425
5.	Agreement between Campeau and the City dated December 29, 1988	LT606426
6.	Tripartite assumption agreement between Campeau, Genstar and the City dated March 30, 1989	LT607395
7.	Notice of Subdivision Agreement registered February 28, 1990	LT660648
8.	Notice of Subdivision Agreement registered August 19, 1992	LT787451
9.	Notice of Subdivision Agreement registered June 23, 1994	LT891301
10.	City of Kanata Council Report No. 21108-96 dated August 27, 1996	N/A
11.	Application by Clublink to annex restrictive covenants	LT1020194
12.	Tripartite assumption agreement between Imasco, Clublink and the City dated November 1, 1996	LT1020197
13.	Debenture between between Clublink Corporation ULC and Textron Financial Canada Limited dated June 30, 2004, as amended by a security amending agreement between Clublink Corporation ULC and Maxium Financial Services Inc. dated June 30, 2014 in respect of the principle amount of \$80,000,000	OC1598413