



The Corporation of the Town of Fort Erie By-law 58-2025

Being a By-law to Authorize the Entry into an Amending Agreement with DCS Niagara Developments Inc. for 271 Ridgeway Road (Expand Permitted Uses)

Whereas By-law 104-2022 authorized The Corporation of the Town of Fort Erie (the "Town") to enter into an agreement of purchase and sale (the "APS") with Design Construct Solutions 2018 Inc. and M. Riad-Mikhail Drugs Ltd. for the conveyance of 271 Ridgeway Road (the "Property"), which agreement included a condition reserving to the Town a right of re-conveyance of the Property if certain conditions were not met, and required the parties to enter into a separate Right of Re-Conveyance Agreement; and

Whereas prior to closing the sale transaction, Design Construct Solutions 2018 Inc. and M. Riad-Mikhail Drugs Ltd. assigned their interest in the APS to DCS Niagara Developments Inc. (the "Owner"); and

Whereas pursuant to the APS, the Town and the Owner entered into a right of re-conveyance agreement dated November 23, 2022 (the "Right of Re-Conveyance Agreement"), which limited the permitted uses of the Property to a pharmacy and medical clinic; and

Whereas the Owner requested an expansion of the permitted uses of the Property in a letter dated February 12, 2025 (the "Letter"); and

Whereas at the regular Council meeting held on April 28, 2025, Council considered the Letter and directed staff to prepare an amending agreement to amend the Right of Re-Conveyance Agreement to reflect the additional permitted uses as set out in the Closed Session Memorandum titled "Request Regarding Former Crystal Beach Firehall (271 Ridgeway Road)"; and

Whereas it is deemed desirable to enter into an Amending Agreement with DCS Niagara Developments Inc., to set out the expanded permitted uses of the Property;

Now, therefore, the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the entry into an Amending Agreement with DCS Niagara Developments Inc., to expand the permitted uses of the Property, is authorized and approved.
2. **That** the Mayor and Clerk are authorized and directed to execute the Amending Agreement, in a form satisfactory to the Town Solicitor, and to affix the corporate seal thereto.
3. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 23rd day of June 2025.

Mayor

Clerk

THIS AMENDING AGREEMENT made this 22nd day of May, 2025

BETWEEN:

DCS NIAGARA DEVELOPMENTS INC.

(“the Assignee”)

-and-

THE CORPORATION OF THE TOWN OF FORT ERIE

(“the Town”)

WHEREAS the Town has entered into a Right to Re-Conveyance Agreement with DCS Niagara Developments Inc. dated November 23, 2022:

WHEREAS Notice of the Right to Re-Conveyance Agreement was registered in the Land Registry Office for Niagara South No. 59 as Instrument No. SN750761 on December 01, 2022.

WHEREAS the Assignee has requested, and the Town has agreed to expand the permitted use of the Property to include other uses than “Pharmacy + Medical Clinic”.

WHEREAS the Assignee and the Town have agreed on a list of permitted uses listed on the attached Schedule “A” titled “Permitted Uses” and is now deemed to form part of the Right to Re-Conveyance Agreement.

AND WHEREAS paragraph 7.1 of the Right to Re-Conveyance Agreement provided that the Agreement may be amended by mutual agreement of the parties by way of a written document signed by the parties, which shall be appended to and form part of the Agreement.

NOW THEREFORE in consideration of the mutual covenants contained in the Agreement, and other good and valuable consideration, the parties covenant and agree as follows:

1. Section 1.1.4 and Schedule “A” shall be deleted.
2. Section 1.1.4 shall be replaced with the following:

The Assignee shall implement the use of the Property as set out Schedule “A” and forms part of this Agreement.
3. Schedule “A” shall be replaced with Schedule “A” “Permitted Uses” attached hereto listing the permitted uses.

4. All other terms and conditions of the Agreement to remain the same mutatis mutandis.

IN WITNESS WHEREOF the parties have affixed their corporate seals, attested by the hand of its duly authorized officers.

DCS NIAGARA DEVELOPMENTS INC.

Per: _____
Name: _____
Title: _____

Per: _____
Name: _____
Title: _____

I/We have authority to bind the Corporation

**THE CORPORATION OF THE TOWN OF
FORT ERIE**

Per: _____
Name: Wayne H. Redekop
Title: Mayor

Per: _____
Name: Ashlea Carter
Title: Town Clerk

We have authority to bind the corporation.

SCHEDULE “A”

PERMITTED USES

The expanded permitted uses include:

- Animal hospitals in wholly enclosed buildings
- Bake shops
- Banks and Financial Institutions
- Brewers' Retail outlets
- Business or professional offices
- Candy kitchens
- Catering establishments
- Clinics
- Custom broker
- Custom workshops
- Day Nursery
- Department stores
- Dry Cleaning Outlets
- Eating Establishments
- Fitness Centres
- Laundries and Laundromats
- Liquor Control Board of Ontario outlets
- Personal service shops
- Pet Day Care Establishments
- Pharmacies
- Places of entertainment or recreation or assembly
- Post offices
- Printing establishments
- Private or commercial clubs
- Public Libraries
- Religious, fraternal or public institutions
- Retail stores
- Service shops
- Spa Services
- Studios
- Supermarkets
- Taverns
- Veterinarian Clinic in wholly enclosed buildings
- Video Outlet Sales and Rental Establishments