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# HALDIMAND COUNTY

## Report LSS-10-2020 Cayuga Roads Operations Yard Ownership For Consideration by Council in Committee on August 25, 2020

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### OBJECTIVE:

To obtain authorization to prepare and register the necessary documentation in order to accurately reflect ownership of the Cayuga Roads Operations Yard property on Indian Street in Cayuga.

### RECOMMENDATIONS:

1. THAT Report LSS-10-2020 Cayuga Roads Operations Yard Ownership be received;
2. AND THAT the lands described as PIN # 38232-0228(LT) Part of Lot 5, north side of Indian Street, Village of Cayuga, east of Grand River as in HC60832 except Part 3 on 18R-167; Haldimand County, be transferred from David John Gatti and Peter John Harman to The Corporation of Haldimand County for \$2.00, with David John Gatti and Peter John Harman responsible for all associated conveyance costs;
3. AND THAT the Mayor and Clerk be authorized to execute all necessary documents.

**Prepared by:** Sandra Marsh, Property Coordinator

**Reviewed by:** Michelle Brandt, Supervisor, Risk Management & Legal Services

**Respectfully submitted:** Cathy Case, General Manager of Corporate & Social Services

**Approved:** Craig Manley, MCIP, RPP, Chief Administrative Officer

### EXECUTIVE SUMMARY:

Information has been provided to the County from the solicitor for David John Gatti and Peter John Harman ("Gatti and Harman") regarding conflicts in certified ownership and occupation of the subject lands, being a portion of the Cayuga Roads Operations Yard (Cayuga Yard) property located on Indian Street in Cayuga. In order to properly reflect ownership of the Cayuga Yard property, staff are recommending that the subject lands be purchased from David John Gatti and Peter John Harman for \$2.00, with all associated conveyance costs being the responsibility of Gatti and Harman. The property transaction shall be at no cost to the County.

### BACKGROUND:

Ownership of the Cayuga Yard property is comprised of three parcels/PINs. Attachment #1 is a map of the area and identifies ownership. When the province converted the Cayuga Yard property from the Registry to the Land Titles System, ownership to the west and east parcels were identified as being owned by the County or its predecessor, however ownership to the centre parcel, being the subject land, was identified as being owned by Douglas R. Kohler and Lorraine Kohler ("Kohlers"), who obtained ownership by Transfer HC60832 registered on March 31, 1966. Although the County has occupied the subject land legally identified as owned by the Kohlers, it is unclear as to why there was no Transfer/Deed registered on title. Both Douglas and Lorraine Kohler are now deceased and the

Estate of Douglas R. Kohler sold the subject land to David John Gatti and Peter John Harman for \$360,000 by Transfer CH85970 registered on September 17, 2018. Gatti and Harman placed a mortgage on the subject lands in favour of Libro Credit Union Limited in the amount of \$500,000. Both solicitors involved in this property transaction between Kohler, Gatti and Harman, believed they were conveying another property owned by the Kohler Estate, being the lands located at 12 Joseph Street in Cayuga.

## **ANALYSIS:**

In reviewing the title searches and information provided by the solicitors involved in the above-noted sale, staff have concluded that, while the intention was to convey 12 Joseph Street in Cayuga, the Kohler estate inadvertently transferred part of the Cayuga Yard property to Gatti and Harman.

Solicitor Ralph W. Benedict represents the Estate of Douglas Ross Kohler, as well as the Estate Trustees. Following Mr. Kohler's death in June of 2018, a transfer of the subject parcel was registered in September of 2018 as CH85970 to Gatti and Harman. At that time, Mr. Benedict and the Estate Trustees believed they were conveying the lands at 12 Joseph Street, Cayuga to Gatti and Harman. However, as a result of the transaction, part of the Cayuga Yard property is owned by David John Gatti and Peter John Harman and 12 Joseph Street remains in the name of the Estate of Douglas Ross Kohler.

In order to correctly reflect ownership, Gatti and Harman need to transfer the subject parcel, being PIN # 38232-0228(LT) to The Corporation of Haldimand County, and the Estate of Douglas Ross Kohler needs to transfer 12 Joseph Street, Cayuga, being PIN # 38227-0100(LT) to David John Gatti and Peter John Harman. In addition, the existing mortgage registered on the Cayuga Yard property will need to be discharged and a new mortgage will need to be registered on 12 Joseph Street, Cayuga. All costs associated with the transactions will be the responsibility of the solicitors involved and/or their respective clients. The transactions will be at no cost to the County and will provide corrective action to the administrative error.

## **FINANCIAL/LEGAL IMPLICATIONS:**

The proposed property transaction would be at no cost to the County as the solicitors involved will prepare the necessary paperwork to facilitate the necessary transfers to accurately reflect ownership as occupied.

## **STAKEHOLDER IMPACTS:**

Not applicable.

## **REPORT IMPACTS:**

Agreement: No

By-law: No

Budget Amendment: No

Policy: No

## **ATTACHMENTS:**

1. Map of the Subject Lands