

Court File No.

*Ontario*  
**SUPERIOR COURT OF JUSTICE**

**B E T W E E N:**

**EDWARD DAY, Estate Trustee of the Estate of ALFRED PEART**

Applicant

- and -

**THE CORPORATION OF HALDIMAND COUNTY**

Respondent

**AFFIDAVIT OF DIANNE B. DYKSTRA**

**I, DIANNE B. DYKSTRA**, of Hagersville, in Haldimand County,

**MAKE OATH AND SAY:**

1. I am a law clerk at the office of McCarthy & Fowler solicitors for the Applicant herein, and as such have knowledge of the matters hereinafter deposed to.
2. Alfred Peart was a former owner of various parts of the William Cook Block in the former Township of Oneida as well as a small island in the Grand River lying in front of the William Cook Block pursuant to Instrument No. HC107301.

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3. The lands in Instrument No. HC107301 consisted of seven separate parcels of land. The said lands have now been further subdivided and the original lands of Alfred Peart now consist of eight separate parcels of land each of which now has their own Property Identifier Number (PIN), all of which are located in the William Cook Block in the former Township of Oneida with the exception of the small island in the Grand River lying in front of the William Cook Block. Particulars of the PIN Nos. for these eight parcels are as follows:
- 38177-0039 (LT)
  - 38177-0040 (LT)
  - 38177-0043 (LT)
  - 38177-0217 (LT)
  - 38177-0218 (LT)
  - 38177-0220 (LT)
  - 38175-0108 (LT)
  - 38175-0109 (LT)
4. There is registered on the title to all of the above parcels of land, two by-laws namely, Town of Haldimand By-Law 769/89 (registered as HC186008) and Haldimand County (The Respondent) By-Law 2062/19 (registered as CH93824). The purpose of these by-laws was to designate the “Cook-Peart House” to be of cultural heritage value or interest. Although the said Cook-Peart house was only on one portion of Alfred Peart’s original seven parcels, nevertheless the by-laws were registered on all portions of his property. The portion of his property upon which the said Cook-Peart house is situated has now been severed from the abutting portion of the property and the parcel of land upon which the said house is situated is now designated as Parts 1, 2 and 3, Plan 18R-7950, PIN No. is 38177-0218 (LT). The purpose of this Application is to remove the said by-laws from all the other parcels of land upon which they are registered except for PIN No. 38177-0218 (LT).

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5. We have been advised by the Ministry of Government and Consumer Services who administer the Registry Act and the Land Titles Act, that it is not possible under either one of those acts to delete by-laws from parcel registers and that the only way to remove the said by-laws is by way of Court Order. Hence this Application.
6. The Applicant has undertaken to clear these by-laws from all the said titles except the parcel upon which the said house is situated.

SWORN BEFORE ME at Hagersville, in )  
Haldimand County, this 19<sup>th</sup> day of May , )  
2022 )

  
Dianne B. Dykstra

  
A Commissioner, etc.

THE CORPORATION OF HALDIMAND  
COUNTY  
Respondent

-and- TED DAY, Estate Trustee of the Estate of Alfred  
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SUPERIOR COURT OF JUSTICE

IN THE MATTER OF the Estate of Alfred Peart

PROCEEDINGS COMMENCED AT  
CAYUGA

**AFFIDAVIT OF DIANNE B. DYKSTRA**  
SWORN MAY 19, 2022

MCCARTHY & FOWLER

BARRISTER & SOLICITOR

17 MAIN STREET SOUTH, P.O. BOX 879

HAGERSVILLE, ONTARIO N0A 1H0

C. EDWARD MCCARTHY LSO# 12047A

SOLICITOR FOR THE APPLICANT

Court File No.

**Ontario  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE ) DAY THE  
JUSTICE ) DAY OF , 2022

**IN THE MATTER OF THE ESTATE OF ALFRED PEART**

**B E T W E E N:**

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Applicant

- and -

**THE CORPORATION OF HALDIMAND COUNTY**

Respondent

**ORDER**

Upon reading the Application herein, the Affidavit of Dianne B. Dykstra filed and the consent of the Respondent filed, and it appearing that the said by-laws need only be registered upon that portion of the former lands of Alfred Peart upon which the said Cook-Peart house is situated:

1. **THIS COURT ORDERS** that Town of Haldimand By-Law 769/89 (registered as HC186008) and the by-law of the Respondent Haldimand County By-law 2062/19 (registered as CH93824) respectively shall apply only to that portion of the William Cook Block in the former Township of Oneida designated as Parts 1, 2 and 3, Plan 18R-7950 being all of PIN No. 38177-0218 (LT).

2. **THIS COURT FURTHER ORDERS** that the said by-laws be deleted from all other parcels in the William Cook Block, Oneida, Haldimand County upon which they are registered namely the parcels with the following PIN Nos.:

- 38177-0039 (LT)
- 38177-0040 (LT)
- 38177-0043 (LT)
- 38177-0217 (LT)
- 38177-0218 (LT)
- 38177-0220 (LT)
- 38175-0108 (LT)
- 38175-0109 (LT) the latter being the small island in the Grand River in front of the William Cook Block.

3. **THIS COURT FURTHER ORDERS** that the Directors of Titles or other appropriate persons administering the land registration system for Haldimand County is hereby directed to delete the said by-laws from the said PIN Nos. in accordance with the foregoing provisions, except for PIN 38177-0218.

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(Signature of Judge)

THE CORPORATION OF HALDIMAND  
COUNTY  
Respondent

-and- TED DAY, Estate Trustee of the Estate of Alfred  
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**ORDER**

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HAGERSVILLE, ONTARIO N0A 1H0  
  
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SOLICITOR FOR THE APPLICANT