

**THE CORPORATION OF THE  
TOWNSHIP OF EDWARDSBURGH CARDINAL**

**BY-LAW NO. 2023-37**

**"A BY-LAW TO ENTER INTO A LICENCE AMENDING AGREEMENT WITH  
ONTARIO POWER GENERATION INC. (OPG)"**

**WHEREAS** the Municipal Act 2001, SO 2001, Chapter 25, Section 8(1) states that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues; and

**WHEREAS** the Municipal Act 2001, SO 2001, Chapter 25, Section 8(2) states that in the event of ambiguity, the ambiguity shall be resolved so as to include, rather than exclude, municipal powers that existed before the Municipal Act, 2001 came into force; and

**WHEREAS** the Municipal Act 2001, SO 2001, Chapter 25, Section 9 gives the municipality the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this Act; and


**WHEREAS** the Council of the Corporation of the Township of Edwardsburgh Cardinal deems it advisable to enter into a licence amending agreement with Ontario Power Generation Inc. for the access and use of the lands known as Part Spencer Island in the St. Lawrence River opposite Lot 21 and 22, Concession 1, Geographic Township of Edwardsburgh; Part Bed of the St. Lawrence River Parts 6, 7, 8 & 9, 15R143, PIN 68186-0091, now the Township of Edwardsburgh Cardinal and Part Bed of the St. Lawrence River, Part 48, 15R144, PIN 68186-0095 in the Township of Edwardsburgh Cardinal for a term of one year commencing August 1, 2023 to July 31, 2024;

**NOW THEREFORE** the Council of the Corporation of the Township of Edwardsburgh Cardinal enacts as follows:

1. That the Mayor and Clerk are hereby authorized to execute the Licence Amending Agreement attached hereto as Schedule "A" on behalf of the Township of Edwardsburgh Cardinal, and it shall form part of this by-law.
2. That this by-law shall come into force and take effect upon passing.

Read a first and second time in open Council this 26 day of June, 2023.

Read a third and final time, passed, signed and sealed in open Council this 26 day of June, 2023.

  
Tory Deschamps (Jun 28, 2023 08:53 EDT)

**Mayor**



**Clerk**

# LICENCE AMENDING AGREEMENT

THIS AMENDING AGREEMENT made as of the 4<sup>th</sup> day of July, 2023.

B E T W E E N:

**ONTARIO POWER GENERATION INC.**, a corporation incorporated under the laws of the Province of Ontario ("**OPG**")

-and-

The **TOWNSHIP OF EDWARDSBURGH/CARDINAL**, a corporation incorporated under the laws of the Province of Ontario (the "**Licensee**")

(each a "**Party**" and together the "**Parties**")

## WHEREAS:

- 1) The Parties entered into a licence effective August 12, 2019 (the "**Original Licence**") for certain lands known as Part Spencer Island in the St. Lawrence River Opposite Lot 21 and Lot 22 Concession 1 Geographical Township of Edwardsburgh; Part Bed of the St. Lawrence River Parts 6, 7, 8, & 9, 15R143, PIN 68186-0091, now the Township of Edwardsburgh/Cardinal and Part Bed of the St. Lawrence River, Part 48, 15R144, PIN 68186-0095, in the Township of Edwardsburgh/Cardinal, in the United Counties of Leeds and Grenville for a term of one (1) year commencing August 1, 2019 and ending on July 31, 2020.
- 2) The Rights of Extension provisions of the Licence provided the Licensee with the option to renew the Licence for a total of four (4) Renewal Terms of one (1) year each upon written notice of not less than thirty (30) days prior to the expiry of each Renewal Term.
- 3) In 2020, The Licensee requested and OPG agreed to amend the Licence to provide the Licensee with one additional extension right for a term of one (1) year (the "**First Renewal Term**"). The First Renewal Term expired July 31, 2021.
- 4) In 2021, The Licensee requested and OPG agreed to amend the Licence to provide the Licensee with one additional extension right for a term of one (1) year (the "**Second Renewal Term**"). The Second Renewal Term expired July 31, 2022.
- 5) In 2022, The Licensee requested and OPG agreed to amend the Licence to provide the Licensee with one additional extension right for a term of one (1) year (the "**Third Renewal Term**"). The Third Renewal Term will expire on July 31, 2023.
- 6) On June 2, 2023, the Licensee requested a renewal for the fourth and final extension term of the Original Licence (the "**Fourth Renewal Term**"). OPG has reviewed the Licensee's compliance as set out in the Original Licence and has agreed to renew the Licence for one additional extension term of one (1) year.
- 7) The Original Licence and the Fourth Renewal Term shall be collectively referred to herein, as (the "**Licence**").

**NOW THEREFORE THIS AGREEMENT WITNESSES THAT** in consideration of the mutual covenants and agreements of the Parties hereinafter contained, the receipt and sufficiency of which are hereby irrevocably acknowledged by the Parties hereto, the Parties hereto agree as follows:

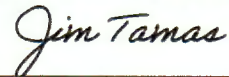
- 1) Unless otherwise defined herein, all capitalized terms herein shall have the meaning ascribed to them in the Licence.



- 2) OPG hereby grants to the Licensee one additional renewal term of one (1) year, the Fourth Renewal Term, effective August 1, 2023 and expiring July 31, 2024.
- 3) Except as amended by this Amending Agreement, the Licence shall continue in full force and effect, unamended.
- 4) This Amending Agreement may be executed in one or more counterparts and may be delivered by electronic means, each of which shall be deemed an original and all of which when, taken together, shall constitute one and the same instrument.
- 5) This Amending Agreement is governed by and is to be construed and interpreted in accordance with the laws of Ontario and the laws of Canada applicable in Ontario.

**IN WITNESS WHEREOF**, the Parties hereto have caused this Amending Agreement to be executed by the signatures of their proper officers duly authorized in that behalf.

**ONTARIO POWER GENERATION INC.**



Name: Jim Tamas

Title: Real Estate Associate


I have the authority to bind the corporation.

**TOWNSHIP OF EDWARDSBURGH/  
CARDINAL**

By: 

Name: Rebecca Williams

Title: Clerk, Township of  
Edwardsburgh/Cardinal

By:   
Tory Deschamps (Jun 28, 2023 08:20 EDT)

Name: Tory Deschamps

Title: Mayor, Township of  
Edwardsburgh/Cardinal

[I/We] have the authority to bind  
the corporation.