

**From:** O'Melia, Steven <somelia@millertthomson.com>  
**Sent:** November 2, 2020 5:43 PM  
**To:** Emily Dance <edance@huronkinloss.com>  
**Cc:** Mary Rose Walden <mrwalden@huronkinloss.com>; Shuh, Dawn <dshuh@millertthomson.com>  
**Subject:** RE: Welsh - Servicing (EA) [MTDMS-Legal.FID1359976]

Hi Emily,

Further to our email exchange below and subsequent discussion, I confirm:

1. It would be within the Township's legal authority to enter into the "7 year" agreement with the owner of Lot 6 if the owner was willing. I understand that the owner is not willing to enter into such an agreement.
2. Given the ownership of 2 of the remaining 6 lots by the Aitchisons, and the ownership of Lot 7 by Beven, it seems unlikely that development would happen within 7 years in any event (or at a minimum it would be within the control of those individuals to prevent unanimous agreement from being reached).
3. The Township may, but is not obliged to, allow the owner of Lot 6 to extend the water line along Somerville Street and then to hook into it. Section 86 of the *Municipal Act, 2001* provides that a municipality "shall" supply a water public utility if a lot "lies along a supply line of the municipality" and there is sufficient capacity. However, Lot 6 does not lie along an existing supply line, so the mandatory hook-up provision does not apply. This is why the line would have to be extended, and it is within Council's discretion.
4. As set out in John's report, all of the cost of connecting Lot 6 should be at the lot owner's expense. We would want the actual quoted/tendered cost to be secured by the owner of Lot 6 in advance through an agreement with the Township and a 100% cash deposit before the contractor was actually engaged.

If you need anything further on this matter, please let me know.

**STEVEN J. O'MELIA**

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