FINAL CAPACITY ALLOCATION AGREEMENT

Made in Duplicate this 7ᵗʰ day of September, 2022.

BETWEEN: **Flato Dundalk Meadows Inc.**
                                      Flato East Phase 11
                                      3621 Hwy 7, Suite #503
                                      Markham, ON   L3R 0G6
                                      (hereinafter referred to as the "Developer")

                                      AND

                                      THE CORPORATION OF THE
                                      TOWNSHIP OF SOUTHGATE
                                      185667 Grey Road #9 – RR#1
                                      Dundalk, ON   N0C 1B0
                                      (hereinafter referred to as the "Township")

WHEREAS the Township of Southgate ("**Township**") has available or plans for increasing Water and Wastewater servicing capacity to supply existing and future development in the Village of Dundalk "Dundalk"; and

AND WHEREAS, a new development is proposed in Dundalk and as such the development has requested in writing to the Township water and wastewater servicing capacity allocated subject to availability.

NOW THEREFORE the Parties Here to agree:

1. That the Township of Southgate will allocate 152 (one hundred & fifty - two) Equivalent residential Units of Water and Wastewater Reserve Servicing Capacity for this project. The Developer acknowledged that the Township of Southgate is not able to provide 50 (fifty) units of servicing allocation because it is not available at this time.

2. That the Developer accepts this allocation of water and wastewater Residential Units of Reserve Servicing Capacity based on the conditions set out in this agreement.

3. That the Final Capacity Allocation Agreement shall be for a period of 3 (three) years following the municipal by-law approval date of this agreement.

4. That the Final Capacity Allocation Agreement may be extended for an additional 1 (one) year term(s) based on evidence of site development progress.

5. That the Developer accepts that at its sole discretion the Township may not agree to extend a Final Capacity Allocation Agreement in in whole or in part, if in the opinion of Township and its Engineers that

site development progress has not progressed sufficiently to reflect 50 (fifty) percent occupancy or use of the allocated servicing capacity.

6. That the Developer acknowledges that any payments to be made or works with respect to the projects allocation of Final Capacity by the Developer required by the Township must be completed to maintain this agreement in force and affect. The payments and/or works required are listed in the attached Schedule A documents that forms as part of the agreement document or provides reference to a Front Ending or Service Finance Agreement that has been previous approved by the Developer and Township Council by municipal by-law.

7. This Agreement shall be binding on the parties hereto and their heirs, executors, administrators or assigns.

IN WITNESS WHEREOF the Parties hereto have affixed their respective hands and seals.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCES OF:

Flato Dundalk Meadows Inc.
Flato East Phase 11

_____

_____
Date: Name: Shakir Rehmatullah
Title: President

_____

_____
Witness   _I have authority to bind the Corporation._

The Corporation of the Township of Southgate

_____

Southgate Mayor John Woodbury

_____

Southgate Clerk Lindsey Green

We have authority to bind the Corporation.

Schedule A

Flato East Phase 11 Development
Servicing Capacity Allocation

Capacity Requested:

Construction Type	Requested ERU	Residential Units
Commercial	29	
Industrial	0	
Residential Single Family	92	92
Residential Semi-detached	0	
Residential Townhomes	81	101
Total	**202**	**193**

Township Allocated Water and Wastewater Servicing Capacity for this Project Agreement:

Construction Type	Allocated ERU	Residential Units
Commercial	29	
Industrial	0	
Residential Single Family	42	42
Residential Semi-detached	0	
Residential Townhomes	81	101
Total	**152**	143

Unallocated Water and Wastewater Servicing Capacity for this Project Agreement:

Construction Type	Allocated ERU	Residential Units
Commercial	0	
Industrial	0	
Residential Single Family	50	50
Residential Semi-detached	0	0
Residential Townhomes	0	0
Total	**50**	**50**

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<u>Schedule</u> B

Flato East Phase 11

**Listing of Payments and Works for the
Development Project Final Capacity Allocation**

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None