

## HEALTH UNIT AGREEMENT - SAMPLE ONLY

TO BE VARIED ACCORDING TO CIRCUMSTANCES. THE COUNTY OF PETERBOROUGH AND THE LAND DIVISION COMMITTEE  
DO NOT ASSUME OR ACCEPT ANY RESPONSIBILITY FOR THE CONTENT OR WORDING OF THIS DOCUMENT.  
IT IS ADVISED THAT YOU TAKE THIS SAMPLE TO YOUR SOLICITOR TO EXECUTE THE AGREEMENT DOCUMENT.

### INSTRUCTIONS FOR COMPLETING HEALTH UNIT CONDITIONS

When Health Unit conditions regarding fill being placed on either the severed or retained properties, there are two ways of meeting this condition in order to meet the requirements for stamping a deed and completing the severance process:

**A)** You can place the fill on the lot(s) as required in the report of the Health Unit. Please contact the Health Unit Inspector as you did for the test holes to request a re-inspection. The Land Division Office must then receive confirmation from the Health Unit in writing that the condition(s) has been met to their satisfaction.

**OR;** if you prefer that the fill be placed on the property at a later date:

**B)** An Agreement (*sample attached*) is to be entered into between the applicant and the Municipality and then registered on title which would then warn anyone purchasing the property that in order to receive approval from the Health Unit, certain fill conditions must be met before a permit is issued for the septic system. The steps to take to complete the Health Unit condition this way are as follows:

1. Forward a copy of the filled in "draft" agreement, along with a deposited Plan of Survey to the Health Unit for its approval of content prior to sending the agreement to the Municipality to be signed.
2. Once the agreement has been signed by the Municipality, and then registered on title at the Land Registry Office, forward a copy of the final registered document back to the Health Unit (10 Hospital Drive, Peterborough Ontario K9J 8M1).
3. The Health Unit must then send a letter to the Land Division Office to advise that this condition has now been completed.

The choice on how to meet this condition is yours. You are advised to bring the sample Agreement to your solicitor to execute the agreement.

THIS AGREEMENT made in duplicate this            day of            200\_  
B E T W E E N:

XYZ

Hereinafter called the Owners

OF THE FIRST PART

And

ABC

Hereinafter called the Purchaser

OF THE SECOND PART

And

THE CORPORATION OF THE TOWNSHIP OF

Hereinafter called the Corporation

OF THE THIRD PART

WHEREAS the owners have applied to the Peterborough County Land Division Committee for a consent to sever lands in the corporation under File No. B-

AND WHEREAS the said Peterborough County Land Division Committee or the Director of Planning has signified its decision to grant an approval subject to the condition that the owner shall comply with the conditions imposed by the Peterborough County-City Health Unit and such other governmental authority, all of which are set forth on Schedule "A" attached hereto, that a certain amount of landfill and any other requirements as set forth in said Schedule "A", (attach Health Unit Report) be placed upon the said lands and fulfilled before a septic tank installation permit will be granted.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the covenants, provisos and conditions herein contained and for other good and valuable consideration, the applicant and the owner covenant and agree as follows:

1. That they will not apply for a Building Permit for a sewage disposal system until the fill and other requirements as required in Schedule "A" attached hereto has been placed upon the lands and fulfilled, and further that they will not apply for a building permit until such septic tank installation permit has been granted, and further that they will not commence the construction and erection of any septic tank installation or building until a septic tank installation permit and building permit have been issued for the said lands.

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2. The corporation hereby warrants not issuing a building permit until such times as the conditions set out herein, as recommended and required by the Peterborough County-City Health Unit, have been fulfilled.
3. This agreement and all conditions herein may be enforced by the municipality by court action.
4. This agreement shall be registered upon the title of the said lands at the Land Registry Office at the sole expense of the applicant and purchaser prior to the registration or delivery of any other document and prior to the issuance of certificate of consent to sever and in default thereof the consent to sever shall be deemed to have been refused.
5. The lands affected by this agreement are described in Schedule "B" attached hereto. (Attach legal description)
6. This agreement shall ensure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators and assigns.
7. The applicant and the purchaser shall be responsible for all costs of preparation, review, registration and release from title if the same is required.

IN WITNESS WHEREOF, the applicant and the purchaser have affixed their respective hands and seals and the municipality has affixed its corporate seal under the hands of its proper signing officers.

SIGNED SEALED AND DELIVERED ) \_\_\_\_\_  
In the presence of applicant

) \_\_\_\_\_  
applicant

) \_\_\_\_\_  
purchaser

) \_\_\_\_\_  
purchaser

THE CORPORATION OF THE  
) \_\_\_\_\_  
Reeve

) \_\_\_\_\_  
Clerk

c/s