c 88 The Christian Reformed Church of Wallaceburg Act, 1980
CHAPTER 88

An Act to revive Christian Reformed Church of Wallaceburg

Assented to May 20th, 1980

WHEREAS Riemer Praamsma, John DePooter, the Younger, and Michael Springer, the applicants herein, represent that Christian Reformed Church of Wallaceburg, herein called the Corporation, was incorporated by letters patent dated the 24th day of March, 1953 as a corporation without share capital; that the Minister of Consumer and Commercial Relations by order dated the 22nd day of November, 1972, and made under the authority of subsection 9 of section 347 of The Corporations Act, cancelled the letters patent of the Corporation and declared it to be dissolved on the 27th day of December, 1972; that none of the applicants were directors of the Corporation at the time of its dissolution; that the notice of default in filing annual returns was apparently sent to each of the persons of record on the files of the Ministry of Consumer and Commercial Relations; that through inadvertence the annual returns for the Corporation were not filed; that none of the applicants was aware of the dissolution of the Corporation until more than five years after the date thereof; that the Corporation at the time of the dissolution was and is now actively carrying on religious and other charitable functions authorized by its letters patent; that the applicants were respectively elected as president, vice-president and secretary of the Corporation by the members of the Corporation and have been discharging the functions of those offices; that the Corporation at the time of its dissolution occupied the lands described in Schedules 1, 2 and 3 hereto, which lands were required for the Corporation's actual occupation or for the purpose of the religious and charitable functions authorized by its letters patent; that the Corporation acquired the lands described in Schedule 4 hereto in the year 1966 and purported to convey the same in the year 1972 to William George Thornton and Phylliss Jean Thornton; that by virtue of subsection 2 of section 7 of The Mortmain and Charitable Uses Act, being chapter 241 of the Revised Statutes of Ontario, 1950, title to the lands described in Schedule 1 may have vested in the Public Trustee; that by virtue of subsection 2 of section 7 of The Mortmain and Charitable Uses Act, being chapter 246 of the Revised Statutes of Ontario, 1960, title to the lands described in Schedules 2, 3 and 4 may have vested in the Public Trustee; that the lands described in Schedules 1 and 2
are occupied and used by the Corporation for its religious and charitable functions; that the lands described in Schedule 3 are used as a residence for the Minister of the Corporation in conjunction with the Corporation's religious functions; that the applicants are desirous that the Corporation and William George Thornton and Phyllis Jean Thornton be relieved of the effects of the said Act, being now chapter 280 of the Revised Statutes of Ontario, 1970; and whereas the applicants hereby apply for special legislation reviving the Corporation, declaring that the said lands had never vested in the Public Trustee, and confirming that the Corporation has, and has always had, the power to acquire, hold, possess, enjoy, sell, mortgage, lease or otherwise dispose of land or any interest therein; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Christian Reformed Church of Wallaceburg is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a corporation incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

2. — (1) The lands described in Schedules 1, 2, 3 and 4 shall be deemed never to have vested in the Public Trustee.

(2) Notwithstanding The Mortmain and Charitable Uses Act, the Corporation has and is deemed always to have had the power to acquire and to hold, possess and enjoy, without limitation as to the period of holding, the lands described in Schedules 1, 2, 3 and 4 or any estate or interest therein so long as the land is required for the actual use and occupation of the Corporation or for the carrying on of its undertaking and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof or any interest therein from time to time as occasion may require.

(3) When a parcel of land described in Schedule 1, 2 or 3 is no longer required for the actual use and occupation or for its religious and charitable functions, the parcel of land shall be disposed of within seven years from the time it ceases to be so required and if the parcel of land is not disposed of within the seven year period, it vests forthwith in the Public Trustee and subsection 2 of section 10 of The Mortmain and Charitable Uses Act applies thereto.

3. This Act comes into force on the day it receives Royal Assent.

SCHEDULE 1

That parcel of land situated in the Town of Wallaceburg in the County of Kent, being composed of lots 2, 3 and 4 and the westerly 73 feet of even width from front to rear of Lot 1, all according to a Plan registered in the Land Registry Office for the Registry Division of the County of Kent (No. 24) as Number 533.

SCHEDULE 2

That parcel of land situated in the Town of Wallaceburg in the County of Kent, being composed of Lot 5 according to a Plan registered in the Land Registry Office for the Registry Division of the County of Kent (No. 24) as Number 533.

SCHEDULE 3

That parcel of land situated in the Town of Wallaceburg in the County of Kent, being composed of those parts of lots 156, 157, 166 and 167, according to a Plan registered in the Land Registry Office for the Registry Division of the County of Kent (No. 24) as Number 116, of a part of the said Town of Wallaceburg, more particularly described as follows:

Commencing at a point in the southerly limit of the said Lot 167 distant 86 feet measured northwesterly therealong from the southerly angle of the said Lot;

Then e northeasterly and parallel to the northeasterly limits of the said lots 167 and 166 in a straight line to a point in such straight line distant 78.5 feet measured southerly therealong from the northeasterly limit of the said Lot 166;

Then e southerly and parallel to the southerly limits of the said lots 166 and 157, 86 feet to a point;

Then e southerly and parallel to the southerly limits of the said lots 157 and 156, 121.5 feet to a point in the southerly limit of the said Lot 156;

Then e northerly along the southerly limits of the said lots 156 and 167, 86 feet more or less to the place of beginning.

SCHEDULE 4

That parcel of land situated in the Town of Wallaceburg in the County of Kent, being composed of that part of Lot 166, according to a Plan registered in the Land Registry Office for the Registry Division of the County of Kent (No. 24) as Number 116, of a part of the said Town of Wallaceburg more particularly described as follows:

Commencing at a point in the northeasterly limit of Lot 166 distant 34 feet measured southeasterly therealong from the north or northeastern angle of the said Lot;

Then e southeasterly along the northeasterly limit of the said Lot, 37 feet to a point;

Then e southerly and parallel to the northerly limit of the said Lot, 78.5 feet to a point;
THENCE northwesterly and parallel to the northeasterly 37 feet to a point in a line drawn through the place of beginning and parallel to the northwesterly limit of the said Lot.

THENCE northeasterly and parallel to the northwesterly limit of the said Lot 78.5 feet more or less to the place of beginning.