

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 39-72

BEING A BY-LAW TO RATIFY AND CONFIRM NOTICE OF DEFAULT BY THE CORPORATION OF THE CITY OF NORTH BAY TO CHARTERWAYS LIMITED.

WHEREAS The Corporation of the City of North Bay enacted By-law No. 78-68, being a By-law authorizing The Corporation of the City of North Bay with the assent of the Municipal electors, to enter into an exclusive franchise agreement with Charterways Limited;

AND WHEREAS The Corporation of the City of North Bay entered into an Agreement dated the 23rd day of September, 1968 with Charterways Limited, granting Charterways Limited the exclusive franchise to maintain and operate buses for the conveyance of passengers within the territorial limits of the City of North Bay for a period of ten (10) years, commencing on the 1st day of January, 1969;

AND WHEREAS the said Agreement provided that if Charterways Limited should fail to carry out the covenants and conditions thereof, the City might notify Charterways Limited in writing that unless such failure or default be remedied within 10 days, the said agent and the exclusive franchise thereby granted and all rights and interests thereby created or then existing in favour of Charterways Limited would forthwith cease and determine.

AND WHEREAS Charterways Limited defaulted and failed to carry out the covenants and conditions of the said agreement in that it failed, from the 7th day of February, 1972 to and including the 14th day of March, 1972, to provide bus transportation service in the City.

AND WHEREAS the Corporation of the City of North Bay did, on the 14th day of March, 1972, give to Charterways Limited notice as aforesaid requiring that such default and failure be remedied and rectified within 10 days.

AND WHEREAS Charterways Limited did fail to remedy or rectify such default and failure within the time limited by such notice, and, therefore, the said Agreement and the exclusive franchise thereby granted and all rights and interests thereby created or then existing in favour of Charterways Limited did thereupon cease and determine.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. That the Notice of Default given to Charterways Limited by The Corporation of the City of North Bay, a copy of which is attached hereto and forming part hereof is hereby ratified and confirmed.
2. That the execution of the Notice of Default by the Mayor and Clerk of the said Corporation and the affixing thereto of the seal of the Corporation are hereby ratified and confirmed.

READ A FIRST TIME IN OPEN COUNCIL THIS 3RD DAY OF APRIL, 1972.

READ A SECOND TIME IN OPEN COUNCIL THIS 3RD DAY OF APRIL, 1972.

READ A THIRD TIME IN OPEN COUNCIL AND FINALLY ENACTED AND PASSED THIS 3RD DAY OF APRIL, 1972.



 MAYOR



 CITY CLERK

N O T I C E

TO: CHARTERWAYS LIMITED

TAKE NOTICE that Charterways Limited is in default of the terms of the agreement of 23 September 1968 made between it and this Corporation in that Charterways Limited from 7 February 1972, to and including this date, has failed to provide bus transportation service in the City of North Bay as required by the said agreement;

AND TAKE NOTICE that this Corporation does hereby require Charterways Limited to remedy and rectify such default within 10 days from the service on it of this notice;

AND FURTHER TAKE NOTICE that, should Charterways Limited fail to remedy and rectify such default as hereby required subject to the provisions therein contained, the aforementioned agreement and the exclusive franchise thereby granted and all rights and interests thereby created or now existing in favour of Charterways Limited under the agreement shall forthwith cease and determine.

IN WITNESS WHEREOF The Corporation of the City of North Bay has, this 14 day of March A.D. 1972, hereunto affixed its corporate seal in the presence of its proper officers in that behalf duly authorized.

THE CORPORATION OF THE CITY OF NORTH BAY


MAYOR


CLERK