



MEDIA RELEASE

The Corporation of the Town of Fort Erie

JUDGEMENT ON CIVIL SUIT IN FAVOUR OF THE TOWN AND MOLINARO GROUP APPEALED

FORT ERIE, June 4, 2012 – Following the recent announcement that the Town and the Molinaro Group were successful in the civil suit launched by six individuals and one corporate entity for the Crystal Beach Gateway condominium development, the Town has learned that a Notice of Appeal was filed on May 31, 2012 by the lawyer representing the plaintiffs.

The Statement of Claim was filed in the Ontario Superior Court of Justice on April 20, 2011 seeking various declarations arising from the Town's contractual arrangements with the Molinaro Group with respect to the development of the Crystal Beach Gateway condominiums and improved community space. Arguments were heard by Justice Hainey in Toronto on February 8, 2012.

The Judge's ruling awarded costs of the litigation process to both the Town, in the amount of \$78,524, and the Molinaro Group, in the amount of \$57,250.

The Plaintiffs had 30 days from the May 2, 2012 ruling to appeal the judgment. The ruling, by Justice Hainey, also relied on a recent Ottawa ruling which appears to limit the chance of a successful appeal.

A date to hear the appeal has not yet been set. The awarding of costs will be held in abeyance awaiting the outcome of the appeal.

Key Facts:

- The benefits to the community resulting from the development and paid by the developer are valued at \$3.45 million and include:
 - a year-round multi-purpose community pavilion
 - a large outdoor public event space and beachfront promenade
 - open space improvements (environmental protection habitat, landscaping, walkways, seating and other park furniture, lighting, etc.)
 - beach accessible washrooms/change rooms and concession area
 - the reconstruction of a portion of Erie Road, Schooley Road, Eastwood and Beechwood Avenues, including the installation of a gateway feature and parking lot improvements
 - construction of the condominium in accordance with Leadership in Energy and Environmental Design (LEED) silver certification requirements

The entire 4-acre parcel was acquired in 2001 for \$2.1 million with the intention of seeking a return on investment. The Town now receives a \$3.45 million investment in public amenities and retains over 80% of the site, including the entire beach.

For further details, including site plan drawings, visit the Town of Fort Erie's web-site at www.forterie.on.ca

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For more information:

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