

**AMENDING AGREEMENT NO. 1 TO THE ONTARIO MUNICIPAL COMMUTER
CYCLING (OMCC) PROGRAM
TRANSFER PAYMENT AGREEMENT**

This Amending Agreement No. 1 to the Ontario Municipal Commuter Cycling (OMCC) Program Transfer Payment Agreement (this “**Amending Agreement**”) is effective as of the date of signature by the last signing party to this Amending Agreement.

BETWEEN:

Her Majesty the Queen in right of Ontario
as represented by the Minister of Transportation for the Province of Ontario

(the “**Province**”)

- and -

Municipality of Kincardine

(the “**Recipient**”)

BACKGROUND

The Province and the Recipient entered into the Ontario Municipal Commuter Cycling (OMCC) Program Transfer Payment Agreement effective as of 26th day of March 2018 (the “**Agreement**”).

The Agreement, pursuant to Section 4.1 (Amendments) of the Agreement, may only be amended by a written agreement.

The Parties have agreed to extend the Term of the Agreement by one year and make any necessary changes to the Agreement to capture their intent.

IN CONSIDERATION of the mutual covenants and agreements contained in this Amending Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are expressly acknowledged, the Parties agree as follows:

1. Capitalized terms used in this Amending Agreement have the meanings ascribed to them in the Agreement.

2. Section A1.2 (Definitions) of the Agreement is hereby amended by:
 - a) replacing “March 31, 2021” with “March 31, 2022” in the definition of Expiry Date;
 - b) replacing “December 30, 2020” with “December 31, 2021” in the definition of Projects End Date; and
 - c) replacing “December 30, 2020” with “December 31, 2021” in the definition of “Substantial Completion”.
3. Section A4.10 (Inability to Complete Eligible Projects) of the Agreement is hereby amended by replacing “December 30, 2020” with “December 31, 2021”.
4. Section C2.1 (Timelines) of the Agreement is hereby amended by replacing “December 30, 2020” with “December 31, 2021”.
5. Sub-schedule “D.1” (Table of Annual Allocations) of the Agreement is hereby amended by adding “2021-2022” after “2020-2021” in the 1st column (Funding Year)/ 5th row of the table.
6. Paragraph E3.3 (d) of the Agreement is hereby amended by replacing “December 30, 2020” with “December 31, 2021”.
7. Section F3.1 (Final Report) of the Agreement is hereby amended by replacing “February 28, 2021” with “February 28, 2022”.
8. Paragraph F5.2 (b) of the Agreement is hereby amended by replacing “December 30, 2020” with “December 31, 2021”.
9. Paragraph F5.3 (f) of the Agreement is hereby amended by replacing “December 30, 2020” with “December 31, 2021”.
10. Paragraph 3 of Sub-schedule “J.1” (Ontario Municipal Commuter Cycling (OMCC) Program Form of Annual Funding Certificate) of the Agreement is hereby amended by replacing “December 30, 2020” with “December 31, 2021”.
11. Except for the amendments provided for in this Amending Agreement, all provisions in the Agreement will remain in full force and effect.
12. This Amending Agreement may be executed and delivered by scanning the manually signed Agreement as a PDF and delivering it by email to the other Party.
13. This Amending Agreement is conditional upon, on or before the effective date of this Amending Agreement, the Recipient providing the Province with:

- (a) if not addressed under the by-law(s) and, if applicable, any council resolution(s) provided to the Province for the Agreement, a copy of the by-law(s) and, if applicable, any council resolution(s) authorizing this Amending Agreement and naming authorized signing officer (s) for this Amending Agreement; and
- (b) an insurance certificate or other proof as the Province may request for the Project pursuant to section A10.2 (Proof of Insurance) of the Agreement.

- SIGNATURE PAGE FOLLOWS -

The Parties have executed this Amending Agreement on the dates set out below.

Her Majesty the Queen in right of Ontario
as represented by the Minister of Transportation for
the Province of Ontario

Signature: _____

Name: James Pearce

Title: Director, Municipal Programs
Branch, Agencies Oversight and
Partnerships Division

Date of Signature: _____

Municipality of Kincardine

Signature: _____

Name: Sharon Chambers

Title: Chief Administrative Officer

Date of Signature: _____

I have authority to bind the Recipient.

Signature: _____

Name: Anne Eadie

Title: Mayor

Date of Signature: _____

I have authority to bind the Recipient.