

Port of Johnstown – Action Item

Committee: Regular Council

Date: August 26, 2024

Division: Port of Johnstown

Topic: Assignment of lease

Purpose: To authorize the signing and execution of an assignment agreement.

Background:

The township of Edwardsburgh Cardinal owns the Port of Johnstown. Part of the Port's portfolio includes leasing out their property to businesses and residential houses. These 20-year residential lease agreements have a current term that runs from October 1, 2014, to September 30, 2034. The land is owned by the Port (Township); however, the buildings are owned by the tenants. In July of 2024, the Port General Manager was approached by the tenants requesting a change to the names that are currently on the lease agreement. This requires an amendment to the current lease which includes an assignment of the lease from one party to the other. William and Jeff Berube were the tenants when the lease was originally signed in 2014, however, Jeff Berube has decided to sell his share of the building to his brother William Berube. William has therefore asked that Jeff's name be taken off the lease agreement and replaced with his spouse Judy Berube. After seeking advice from the port's solicitor, an assignment of the lease was prepared ensuring that the township's best interests were considered. Both parties reviewed the assignment and have agreed to sign. As William Berube is already on the lease, the action item will recommend assigning the lease from Jeff Berube to Judy Berube. Once executed, William and Judy Berube will be the tenants on the lease. The legal document is being back dated to the date that Jeff sold his interest in the building as recommended by our solicitor.

Policy Implications: Agreements of this nature must be authorized by Council by-law.

Financial Considerations: All the terms of the original agreement remain in place.

Recommendations:

That Municipal Council approves the following:

- That an assignment of the current lease known as P-42 be completed which includes the removal of Jeff Berube from the lease and the addition of Judy Berube to the lease.
- That the assignment agreement be executed by the Port GM, the Mayor and CAO of the township.

Robert Dalley

General Manager, Port of Johnstown