

SENT AS EMAIL ATTACHMENT, kwesthue@uwaterloo.ca to aherlovitch@niagarafalls.ca

Mr. Alex Herlovitch
Director of Planning, Building, & Development
City of Niagara Falls, Ontario

Inquiry about ownership of Niagara Grandview Manor

Dear Mr. Herlovitch:

Thank you for the notice of public meeting on 1 June 2021 for the Niagara Grandview Manor revised application, and for the documentation posted online in a Dropbox file. Your notice is dated 30 April 2021.

As we did for the initial application last December, Anne and I plan to submit comments on the revised submission to you and City Council.

Before sending those comments, I have questions about the ownership of two of the subject properties: 5359 River Road (the huge main building) and 4465 Eastwood (the small single-family home across the lane from the main building).

So far as I can tell from the Ontario Land Registry and Corporations Canada, the information about these two properties in the revised application is false, and the true owner of the larger property did not sign the official, notarized application dated 22 April 2021.

Information on City of Niagara Falls website

I was led to investigate ownership by the line at the top of your notice of meeting: "Owner: 1907782 Ontario Inc. and 11409433 Canada Inc. (John Pinter)." This gives the impression that John Pinter is the owner of both these numbered companies.

I then checked the revised application itself and found that it gives the same impression. On page 3, it identifies John Pinter as the owner of 1907782 Ontario Inc. and 11409433 Canada Inc. At the top of page 7, in the space marked "Owner's name," the names shown are "11409433 Canada Inc. 1907782 Ontario Inc. o/a Niagara Historic Inns John and Isabella Pinter." Just below that, in the space marked "Signature of Owner," only one signature appears, Mr. Pinter's.

Information from provincial and federal records

According to the Ontario Land Registry, Mr. Pinter is indeed the owner of 4465 Eastwood, through his numbered company, 1907782 Ontario Inc. He is not, however, the owner of 5359 River Road. He is the *former* owner. The Registry shows that on 2 March 2021, Mr. Pinter's company, 1907782 Ontario Inc., sold this property for \$3.65 million to 11409433 Canada Inc., a company owned by an entirely different individual.

The new owner of 5359 River Road, as best I can determine, is Qiyang Xue (aka Richard Xue), the sole director of 11409433 Canada Inc.

I am unable to find Mr. Xue’s name or signature in any of the documentation for the revised application. Unless I’m missing something, this means that the revised application misrepresents ownership of the main property.

Who is the new owner?

Qiyang Xue (aka Richard Xue) lives at 220 Scrivener Drive, Aurora, Ontario L4G 0Z1. The company through which he appears to own Niagara Grandview Manor, 11409433 Canada Inc., was incorporated in May 2019. Mr. Xue is the sole director of one other corporation at the same address, and is one of multiple directors for seven other corporations in the GTA.

To judge by his Facebook page, Niagara Grandview Manor appears to be a particularly prized possession of Mr. Xue. He describes his occupation as “Real Estate Development & Hospitality.” There are several pictures of the inn. For the cover photo, he has superimposed a picture of himself on a picture of the inn, as shown below:



Additional false information

According to the Ontario Land Registry, the revised application dated 22 April 2021 misrepresents not only ownership of 5359 River Road but also the encumbrances on this property.

Appendix A of the revised application lists two encumbrances: a first mortgage from CIBC and a second mortgage from Unimor Capital.

According to the Ontario Land Registry, there are two current encumbrances: a mortgage of \$1.175 million obtained on 2 March 2021 from Stercus Accidit Investment Corporation, and a mortgage of \$1.047 million obtained on 2 March 2021 from 1907782 Ontario Inc. (Mr. Pinter's company). The CIBC mortgage is shown as discharged on 26 April 2021.

Similarly, Appendix A of the revised application gives untrue information about the encumbrances on 4465 Eastwood. It says there are two mortgages, one from CIBC and another from Unimor Capital. According to the Ontario Land Registry, both these encumbrances were discharged in 2019. There are two current encumbrances: one for \$1.9 million from Stercus Accidit Investment Corporation on 22 November 2019, and one for \$79.9 thousand from Darva Canada Inc. on 9 March 2020.

Questions

Everybody, me included, sometimes makes mistakes. I would ask first that you review for yourself the provincial and federal governmental records, and confirm to the members of Council, with a copy to me, that my reading of these records is correct.

Then secondly, if my reading is correct that the revised application misrepresents the ownership and encumbrances on 5359 River Road, can you please inform the members of Council, with a copy to me, of what action, if any, you believe the city should take in this regard.

Please let me know at your earliest convenience, since the date of the public meeting scheduled for 1 June 2021 is fast approaching.

I'll copy this letter to all members of Council, also to Mr. Todd as CAO and to Mr. Lustig as Acting City Solicitor, since you will undoubtedly want to consult with them before you reply.

Respect and kind regards,

A handwritten signature in black ink that reads "Kenneth Westhues". The signature is written in a cursive, slightly slanted style.

Kenneth Westhues
5419 River Road
Niagara Falls, Ontario L2E 3H1