



GREATER TORONTO TRANSIT AUTHORITY
RELEASE OF LIABILITY AND PERMIT

Appendix III

In consideration of Greater Toronto Transit Authority ("GO Transit") permitting Greensborough Phase 1 Limited (The "FIRM") and its servants, agents or contractors to enter upon the right of way of GO Transit for the purposes of Road Construction at Mile 45.47 on the Uxbridge Subdivision.

The FIRM hereby releases and forever discharges GO Transit, its servants, contractors and agents from any and all claims, demands, actions, suits or other proceedings which the FIRM may have in any manner whatsoever when on the said right of way, including any claims or demands for loss of or damage to machines or other equipment brought upon the right of way or injuries or death to persons on the said right of way, pursuant to this permission, except only to the extent that such loss, damage, injury or death is caused by the negligence of GO Transit.

In further consideration of the said permission, the FIRM hereby covenants to indemnify, save harmless and, when requested by GO Transit, defend GO Transit from any and all expenses, costs, claims, demands, actions, suits or other proceedings arising out of the said permission, except only to the extent caused by the negligence of GO Transit. Without limiting the generality of the foregoing, such indemnity shall include any expenses, costs, claims, demands or actions, arising out of injury or death to persons or animals who gain access to the GO Transit right of way as a result of said permission.

Claims referred to herein shall include any awards made against GO Transit under any statute for the protection of workers.

The FIRM shall not, at anytime or in any way, interfere with the operations, maintenance or use of GO Transit property by GO Transit, its agents, contractors or assigns. GO Transit shall be entitled, at anytime when it deems it advisable in its sole judgment, to postpone, interrupt or end the FIRM's operations or occupation of its property, without penalty or liability for such decision.

The FIRM shall comply with and conform to all GO Transit rules and regulations regarding security and behavior on GO Transit property or GO Transit right of way including but not limited to GO Transit's Safety Guidelines and to all orders, rules and regulations of the Department of Transport and of the Canadian Transportation Agency or other authority having jurisdiction respecting the premises, the goods and property placed and stored therein, the business transacted thereon and the use of such premises by it.

Work is not permitted where persons or equipment may affect the track without a GO Transit employee present.

Under no circumstances may equipment work within 10 metres of the nearest rail without flagging protection provided by GO Transit at the expense of the FIRM. This minimum distance may be increased/decreased at the discretion of GO Transit dependent on the type of work to be done. Said protection must be arranged at least 10 working days in advance of starting work.

THIS PERMIT EXPIRES AT _____ (TIME) _____ (DATE)

Signature of FIRM Representative

GO Transit Authorizing Officer (Signature)

Witness

GO Transit Authorizing Officer (Print)