

Status: Registered

Doc #: M30606

RCVD: 1983-03-18 RQST: 2017-12-13
14/24.21

LAND TITLE ACT,
Form 17
(Sections 151, 152 (1), 220)
APPLICATION

NATURE OF INTEREST (1) Fee-simple <input type="checkbox"/>	Market Value \$
(2) Charge <input checked="" type="checkbox"/>	Top Value \$, nominal
(3) Cancellation of charge <input type="checkbox"/>	Restrictive Covenant (Nature of charge)
Nature and purpose of charge cancelled	
REDEMPTION FEE OF \$ 10.00	
As to (1) and (2) Address of person entitled to be registered as owner, if	
At least one name in instrument	
As to (3) Full name of person entitled to be registered who or on whose	
behalf the application is made	
& Notices To	
Least exception of the Registrar's Services Ltd. - Agents with the	
Application	
Box 1537, Victoria, B.C.	
V8W 2X7	
Full name, address, telephone number of person presenting application	
George Ann Durand	
Assistant City Solicitor	
CITY SOLICITOR'S OFFICE, 1 CENTENNIAL SQUARE	
VICTORIA, B.C. V8W 2P6 TEL. 380-0711 local 212	
Signature of applicant or solicitor of applicant's agent	

File No. 85-17

THIS INDENTURE made the 10th day of MARCH, 1983

RECEIVED
LAND TITLE OFFICE
VICTORIA B.C.
16 MAR 83 13 29

BETWEEN:

MELVIN DOUGLAS DYE, Businessman
6403 Rodolph Road
Victoria, British Columbia V8Z 5W2

and

DONALD RYAN BIRMINGHAM, Businessman
2777 Dewdney
Victoria, British Columbia V8R 3M3

(called the "Grantors")

L 1 481791 - 335

AND:

THE CORPORATION OF THE CITY OF VICTORIA
1 Centennial Square
Victoria, British Columbia V8W 1P6

(called the "Grantee")

THE BANK OF BRITISH COLUMBIA
752 Fort Street
Victoria, British Columbia V8W 1H2

(called the "Mortgagee")

WITNESSES THAT WHEREAS:

- A. The Grantors are the registered owners in fee simple of land in the City of Victoria and Province of British Columbia described as:

Lots 509, 510, 526 and 527, Victoria City
(referred to as "the land");

referred to DNE
see pg 910 pmt vol 2
in - endorsement

AND:

FORM 1 (Section 25)
MEMORANDUM OF REGISTRATION
Registered on application received on
the day and time within herein
P. E. PROPER, Registrar of the
Victoria Land Title Office BT

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- B. The Grantee is a municipality;
- C. Part 3 of the Heritage Conservation Act, R.S.B.C. 1979, c. 165 provides that a council may by bylaw designate a building, structure or land in whole or in part as a municipal heritage site;
- D. Part 3 of the Heritage Conservation Act further provides that no person shall
 - (a) demolish a building or structure;
 - (b) alter the facade or exterior of a building or structure; or
 - (c) build on land so designated without the prior approval, by resolution of the council;
- E. Part 3 further provides that for that part a council may acquire covenants, and Section 27 of the Heritage Conservation Act provides that an easement or covenant acquired under that Act by a Council may be registered in the Land Title Office against the land affected by the easement or covenant;
- F. There is on the land buildings known as the "Attica Buildings", having heritage value;
- G. The Council of the Grantee does not wish the buildings to be demolished or their facade or exterior to be altered without the approval of the Council, and for that limited purpose wishes to acquire a covenant;
- H. The Grantors have agreed to grant such covenant for the limited purposes stated herein, and so as to avoid the enactment of a bylaw pursuant to Section 11 of the Heritage Conservation Act;
- I. The Mortgagee desires to consent to this restrictive covenant, and that the said restrictive covenant stands in priority to its mortgage.

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NOW THEREFORE the Grantors covenant with the Grantee as follows:

1. The Grantors shall not alter the facade or exterior of the buildings known as the Attica Buildings, and presently on the land, nor shall the Grantors demolish the roof or outside walls or any part of the roof or outside walls of these buildings without the prior written consent of the Grantee, as evidenced by a resolution of its Council.
2. The covenants contained in this grant shall bind the Grantors and their successors in title to the land in perpetuity.
3. The Mortgagee agrees and consents to this restrictive covenant being registered against the aforesaid land in priority to and ahead of its mortgage, namely Mortgage No. L 22929, registered against the land, such priority to take effect irrespective of the dates and times of execution of any documents or charges against the land.

IN WITNESS WHEREOF the Grantors have set their hands and seals, and the Mortgagee has affixed its corporate seal, duly authenticated by its proper officers in that behalf, all as of the day and year first above written.

SIGNED, SEALED AND DELIVERED
in the presence of:

M. H. H. H. H.
Witness

3988 Blenheim Rd.
Victoria, B.C. V8P3R1
Address

clerk
Occupation

(as to both signatures)

Melvin Douglas Dye
MELVIN DOUGLAS DYE

Donald Ryan Birmingham
DONALD RYAN BIRMINGHAM

~~THE BANK OF BRITISH COLUMBIA~~

SIGNED IN THE PRESENCE OF:

Joan Petrie
(JOAN PETRIE)

12th FLOOR, 505 BURNARD ST.
VANCOUVER, B.C. V7X 1M5

CLERK

AS TO BOTH SIGNATURES.

BANK OF BRITISH COLUMBIA
BY ITS LAWFUL ATTORNEYS:

E. R. J. J. J.
MANAGER, CREDIT

MANAGER, CREDIT

Status: Registered

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14:24.21

FORM NO. LTA 2

LAND TITLE ACT
Form 2
Sections 43(a) and 44(a)
AFFIDAVIT OF WITNESS

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I, **WALTER WAKELYN**, of **Victoria**
in British Columbia, make oath and say:

1. I was present and saw this instrument duly signed and executed by **MELVIN DOUGLAS DYE and DONALD RYAN BIRMINGHAM** the party(ies) to it, for the purposes named in it.
2. The instrument was executed at **Victoria, British Columbia**
3. I know the party(ies) who is(are) 19 years old or more.
4. I am the subscribing witness to the instrument and am 16 years old or more.

Sworn before me at **Victoria**

in British Columbia, this **15th**
day of **March**, 19 **83**.

[Signature]
A Commissioner for taking affidavits
within British Columbia

*Write name and qualifications under section 48, c.g., A Commissioner for Taking Affidavits for British Columbia.

[Signature]
Walter Wakelyn

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LAND TITLE ACT
SECTION 45 (1) (a) & (b)

FORM 1551 (7-80)

30006

STATUTORY DECLARATION WHERE ATTORNEY IS NOT A CORPORATION
and CERTIFICATE OF ACKNOWLEDGMENT OF TRANSFEROR

We, **CHARLES RICHARD IRICKER** and
TIMOTHY THOMAS McCOLL, both of Vancouver,
British Columbia, DO SOLEMNLY DECLARE that:

1. We are the attorneys for BANK OF BRITISH COLUMBIA under a power of attorney filed under the Land Title Act.
2. We are the persons who subscribed the name of BANK OF BRITISH COLUMBIA and our names in the instrument as transferor.
3. At the time of execution of the instrument the power of attorney had not been revoked by or on behalf of BANK OF BRITISH COLUMBIA, that BANK OF BRITISH COLUMBIA is legally entitled to hold and dispose of land in British Columbia, and we had not received any notice or information of the bankruptcy or dissolution of BANK OF BRITISH COLUMBIA.
4. We know the contents of the instrument and subscribed the name of BANK OF BRITISH COLUMBIA to it voluntarily as the free act of the transferor.

And we make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

SEVERALLY DECLARED before me today at)
Vancouver, in the Province of British)
Columbia, AND I CERTIFY that today at)
Vancouver, in the Province of British)
Columbia, the above-named attorneys)
who are personally known to me,)
appeared before me and acknowledged)
to me that they are the persons)
mentioned in the instrument as)
attorneys of a transferor, that their)
names are subscribed to it, that they)
know the contents of the instrument)
and executed it voluntarily, and are)
of the age of 19 years or more.)

Charles Richard Iricker
Title **MANAGER, CREDIT**
Timothy Thomas McColl
Title **MANAGER, CREDIT**

In testimony of which I set my hand at)
Vancouver, British Columbia this 11th)
day of MARCH, 1983.)

Terrence E. King
A Commissioner for taking
Affidavits for British Columbia

TERRENCE E. KING

(To be completed by solicitors documents signed at Pacific Division
or Heat - 1200-750 WEST PENDER ST.
VANCOUVER, B.C. V6C 2B8