

VICTORIA LTO FRONT  
COUNTER 1 Status:  
Registered

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11:21



Government of British Columbia

File No. N 72438

☐ Not available at time of filming.

☐ Plan not suitable for filming, see ~~work sheet~~

☒ See G 17135 1/2

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DO NOT PHOTOCOPY



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containing such terms and conditions for the use and development of the land as may be mutually agreed upon and that thereafter the use and development of the land shall notwithstanding any by-law of the municipality or the said Section 712 or 713 be in accordance with the land use contract;

AND WHEREAS the owner is the owner of an estate in fee simple absolute in possession in and to the said lands;

AND WHEREAS an application has been made on behalf of the owner of the said lands to the Municipal Council of the City for this land use contract;

AND WHEREAS it is provided by Subsection (4) of the said Section 702A of the Municipal Act that a land use contract entered into as aforesaid shall have the force and effect of a restrictive covenant running with the lands and shall be registered in the Land Registry Office by the municipality;

AND WHEREAS the parties hereto agree that this land use contract shall be registered in the aforesaid Land Registry Office as a first charge upon the said lands;

AND WHEREAS it is provided by Subsection (6) of the said Section 702A of the Municipal Act that a municipal council shall not enter into a land use contract until it has held a public hearing, notice of which shall have been published in the manner described in Section 703 of the Municipal Act, and except upon the affirmative vote of at least two-thirds of all the members of the Council present at the meeting at which the vote is taken and entitled to vote on the by-law;

AND WHEREAS the Municipal Council of the City has held a public hearing with respect to the matter of this land use contract, notice of which was duly published and served in the manner prescribed;

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AND WHEREAS this land use contract and the execution thereof on behalf of the City has been duly authorized by By-law Number 78-12, cited as the "Beacon Hill School Land Use Contract By-law, 1978", which by-law was adopted by the necessary number of members of the Municipal Council of the City in the manner prescribed by the Municipal Act;

NOW THEREFORE in consideration of the mutual covenants herein contained the parties hereto covenant and agree with each other as follows:

1. Those lands in the City of Victoria and Province of British Columbia described as Lots 8 and 9, Beckley Farm, Plan 231 shall not for a period of fifty (50) years following the date of execution hereof be used for any purpose or in any manner other than the provision of residential accommodation, and, without limiting the generality of this prohibition, shall not be used for a hotel, motel, or other form of transient accommodation.
2. During the said period no building or structure shall be erected on the said lands without the prior written consent of the City.
3. During the said period there shall be no substantial alterations or additions to the exterior of the building, nor, shall the said building be demolished without the prior written consent of the City.
4. During the said period the only alterations which may be made to the interior of the said building shall be such as shall provide for the creation of eight (8) strata title apartment units and the creation of the necessary common area, services and appurtenances within the building.

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5. During the said period the said building shall not be used for any purpose unless there is provided and maintained adequate parking on the said lands for not fewer than eight automobiles on a paved surface.
6. No building permit shall be issued for any alterations to the said building unless the plans for such alterations have been approved by the City Director of Community Development, who shall, before giving such approval, satisfy himself that the plans meet with the approval of the Advisory Design Panel, established by the Mayor of the City.
7. Upon the written request of the owner of the said lands and of all other persons having a registered interest in the said lands the City may without further formality at any time before the expiry of the said fifty (50) years agree to the cancellation of this contract and of the registration thereof at the Land Registry.
8. Upon the expiration or prior termination of this contract the use of the said lands shall be governed by the provisions, if any, of such zoning and other by-laws of the City as may then be in force and effect.
9. Subject to the provisions of the preceding clause the provisions of this contract, where in conflict with the provisions of any by-law of the City, shall prevail over the provisions of such by-law.
10. The owner shall not be entitled to compensation from the City for any right-of-way, or other easement, reasonably expropriated by the City for public utility purposes, except to the extent that the expropriation causes or results in structural or material changes, affecting any building or structure on the said lands.

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PARK STATIONERS & PRINTERS LTD.  
For and Commercial Stationers  
Vancouver, B.C.  
FORM NO. 706 ACKNOWLEDGMENT OF OFFICER OF A CORPORATION

## Acknowledgment of Officer of a Corporation

I HEREBY CERTIFY that, on the 26 day of January, 19 78,  
at VICTORIA, in the Province of British Columbia,  
GERALD JOHN SULLIVAN, (whose identity has been proved by the evidence in-  
volved) who is personally known to me,  
appeared before me and acknowledged to me that he is the Secretary of  
TOWN & COUNTRY REALTY LTD., and that he is the person  
who subscribed his name to the annexed instrument as Secretary of the said  
TOWN & COUNTRY REALTY LTD. and affixed the seal of the  
TOWN & COUNTRY REALTY LTD.  
to the said instrument, that he was first duly authorized to subscribe his name as aforesaid, and affix the said seal to  
the said instrument, and that such corporation is legally entitled to hold and dispose of land in the Province of  
British Columbia.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office,  
at VICTORIA in the Province of  
British Columbia, this 26 day of January, 1978,  
one thousand nine hundred and seventy-eight.

*[Signature]*  
A Notary Public for the Province of British Columbia  
A Corporation duly authorized to practice as a Notary Public in British Columbia

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## Land Registry Act

FORM Q. (Section 59).

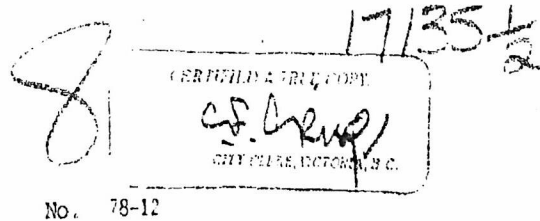
*For the Secretary (or other officer) of a Corporation*

I HEREBY CERTIFY that, on the 27th day of February, 1978  
at Victoria, in the Province of British Columbia, COLIN FREDERICK GEORGE CRISP  
who is personally known to me, appeared before me and acknowledged to me that he is the  
\_\_\_\_\_ City Clerk of The Corporation of the City of Victoria, and that he is the person who  
subscribed his name to the annexed instrument as \_\_\_\_\_ City Clerk of The Corporation of  
the City of Victoria, and affixed the seal of The Corporation of the City of Victoria to the said instru-  
ment, that he was first duly authorized to subscribe his name aforesaid, and affix the said seal to the  
said instrument and that such Corporation is legally entitled to hold and dispose of land in the  
Province of British Columbia.

IN TESTIMONY whereof I have hereto set my hand at  
Victoria, B.C., this 27th day of February  
in the year of Our Lord one thousand nine hundred and seventy eight.

Isaiah Williams  
A Commissioner for taking affidavits within British Columbia.





A BY-LAW OF THE CITY OF VICTORIA

to authorize a land use contract  
in respect of the Beacon Hill  
School Building

The Municipal Council of the Corporation of the  
City of Victoria enacts as follows:

1. This By-law may be cited as the "Beacon Hill School Land Use Contract By-law, 1978".
2. The draft land use contract in respect of Lots 8 and 9, Beckley Farm, Plan 231 in the City of Victoria and Province of British Columbia, which has been prepared by the City Solicitor and executed by Town & Country Realty Ltd. shall be executed under the seal of the Corporation and deposited at the Land Registry for registration.

Passed by the Municipal Council the 12th day of  
January , A.D., 1978.

Public hearing held the 9th day of February ,  
A. D. , 1978.

Reconsidered, adopted and finally passed by the  
votes of at least two-thirds of the members of  
the Municipal Council present the 9th day of  
February , A. D., 1978.

"C.F.G. CRISP"

"W.D. TINDALL"

CITY CLERK

ACTING MAYOR