

ELECTION +
AUTHORIZATION
TO PROCEED
ATTACHED

97 SEP 22 12 54

BL324645

LAND TITLE ACT
FORM C
(Section 219:81)

LAND TITLE OFFICE
NEW WESTMINSTER/VANCOUVER

1/2
50.00

Province of
British Columbia

GENERAL INSTRUMENT - PART 1

(This area for Land Title Office use)

Page 1 of 7 pages

File: 1135-04-I

SURVEY DEPT.

1. APPLICATION:
Edmond C. Luke,
RUSSELL & DuMOULIN,
2100 - 1075 West Georgia Street
Vancouver, B.C., V6E 3G2
(604) 631-4829
Solicitor for Applicant



2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*

(PID) 009-167-510

(LEGAL DESCRIPTION) Lot 2 South 1/2 of District Lot 1064 Plan 11075

3. NATURE OF INTEREST:*

DESCRIPTION	DOCUMENT REFERENCE (PAGE AND PARAGRAPH)	PERSON ENTITLED TO INTEREST
Section 215 Covenant	Pages 4 to 7	Transferee
Priority Agreement granting S. 215 Covenant priority over No. BJ274577	Page 6, paragraph 8	Transferee

77 97/09/22 12:53:53 01 NW
CHARGE

021472
\$50.00

Q

4. TERMS: Part 2 of this instrument consists of (select one only)

- (a) Filed Standard Charge Terms D.F. No. _____
- (b) Express Charge Terms Annexed as Part 2 ✓
- (c) Release There is no Part 2 of this Instrument

A selection of (a) includes any additional or modified terms referred to in item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in item 3 is released or discharged as a charge on the land described in item 2.

5. TRANSFEROR(S):*

LI TEO and CANADA TRUSTCO MORTGAGE COMPANY

15 97/11/24 11:52:59 01 NW
DEFECT

034949
\$20.00

CCNS CORPORATE
SERVICES LTD. *Q*



6. TRANSFEREE(S) : (including postal address(es) and postal code(s))*

THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER 750 - 17th Street,
West Vancouver, B.C. V7V 3T3

7. ADDITIONAL OR MODIFIED TERMS:*

N/A

8. EXECUTION(S) : This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

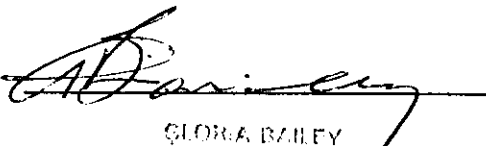


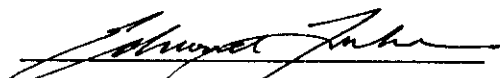
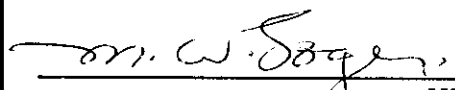

Officer Signature(s)	Execution Date			Transferor(s) Signature(s)
	Y	M	D	
 EDMOND C. LUKE Barrister & Solicitor 2100 - 1075 West Georgia Street Vancouver, B.C. V6E 3G2 Ph (604) 631-4829	95	10	31	 LI TEO

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1979, c. 116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.
* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

OFFICERS SIGNATURE	EXECUTION DATE			TRANSFEROR/BORROWER/PARTY SIGNATURE(S)
	Y	M	D	
 GLORIA BAILEY A Commissioner for Taking Affidavits for British Columbia 200 - 7138 KERS GEORGE HWY. SURREY, B.C. V3W 6A3 (604) 543-5300 EXP 8-31-98 (as to both signatures)	95	11	1	CANADA TRUSTCO MORTGAGE COMPANY by its authorized signatory(ies):  Name: MELINDA WONG  Name: FRANNY HASSANALI
 EDMOND C. LUKE Barrister & Solicitor 2100 - 1075 West Georgia Street Vancouver, B.C. V6E 3G2 Ph (604) 631-4829 (as to both signatures)	95	11	06	THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER by its authorized signatories:  Mark W. Sager MAYOR  MUNICIPAL CLERK Margaret K. Warwick

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1979, c. 116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

TERMS OF INSTRUMENT - PART 2

SECTION 215 COVENANT

CREEK CONTROL COVENANT

(CREEKS BYLAW)

WHEREAS:

- A. This document is dated for reference purposes the 31st day of October, 1995.
- B. In these Terms of Instrument:
- (a) THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER is referred to as the "Municipality";
 - (b) LI TEO as shown in Item 5 of Part 1 is referred to as the "Grantor"; and
 - ~~(c) CANADA TRUSTCO MORTGAGE COMPANY as shown in Item 5 of part 1 is referred to as the "Bank".~~
- C. The Grantor is the registered owner of the lands described in Part 1 to this General Instrument (hereinafter called the "Lands").
- D. Creeks Bylaw No. 3013 provides that those intending to build on Lands within a designated distance of the vicinity of the bed or banks of a creek must register a covenant pursuant to section 215 of the Land Title Act.
- E. Section 215 of the Land Title Act, R.S.B.C. 1979, c.219 as amended, provides that there may be registered as a charge against the title to any land a covenant in favour of a municipality in respect of the use of land or the use of a building on or to be erected on land or that land is or is not to be built on or is not to be subdivided except in accordance with the covenant.
- ~~F. The Bank is the registered owner of a charge against the Lands being No. BJ274577.~~

WITNESSETH that in consideration of the premises and the sum of One Dollar (\$1.00) (the receipt and sufficiency of which the Grantor hereby acknowledges), and pursuant to the provisions of Section 215 of the Land Title Act, the Grantor covenants with the Municipality as follows:

1. That part of the Lands shown outlined in heavy dark line on an Explanatory Plan prepared by Lea & Associates, B.C.L.S. and dated the 11th day of October, 1995, (a print of which is attached hereto) is referred to in this covenant as the "Creek Control Area".
2. No buildings, structures or works shall be built, erected, installed or placed nor shall fill be placed or areas excavated within, under, on or above the Creek Control Area without first obtaining the written consent of the Director of Operations of the Municipality.
3. Those buildings, structures or works (if any) that are shown on the Plan attached hereto are consented to by the Director of Operations and may be built within the Creek Control Area.
4. Applications for the written consent of the Municipality shall be made to the Director of Operations of the Municipality setting out the nature and scale of what is to be built in relation to the Creek Control Area with details as to what measures are to be taken to ensure the safety of the creek during and after such work. The Director of Operations may, in his discretion, reject or approve such application, and, if approved, may impose such conditions related to the safety and use of the creek and the area in the vicinity of it as he deems necessary or advisable, including a requirement that a new Plan be prepared and registered at the applicant's expense to replace the Plan attached hereto.
5. The Grantor shall indemnify and hold harmless the Municipality, its servants and agents, from any injury, death, damages, actions, causes of action, claims, demands and costs (including a reasonable charge for the use of any of the Municipality's employees and materials) arising in any way from the Grantor failing to comply with this Agreement or by reason of the Municipality remedying any non-compliance by the Grantor hereunder or in relation to any work done or building, structures or works that may be built.
6. It is understood and agreed by the Grantor that the Municipality does not represent to the Grantor that any building, structures or works will not be damaged by flooding.
7. This Covenant shall run with the Lands and shall bind the owner of the Lands from time to time and neither the Grantor

nor any successor shall have any liability under this covenant after he has ceased to be the owner of the Lands.

- ~~8. The Bank consents to the granting and the terms of this instrument in favour of the Municipality and hereby grants priority for this instrument over its charges which were registered in the Vancouver/New Westminster Land Title office on September 13, 1995 under No. BJ274577.~~
9. This agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

**EXPLANATORY PLAN OF EASEMENT
OVER PART OF LOT 2, S. 1/2 D.L. 1064,
PLAN 11075, MUNICIPALITY OF
WEST VANCOUVER. B.C.G.S. 926.026**

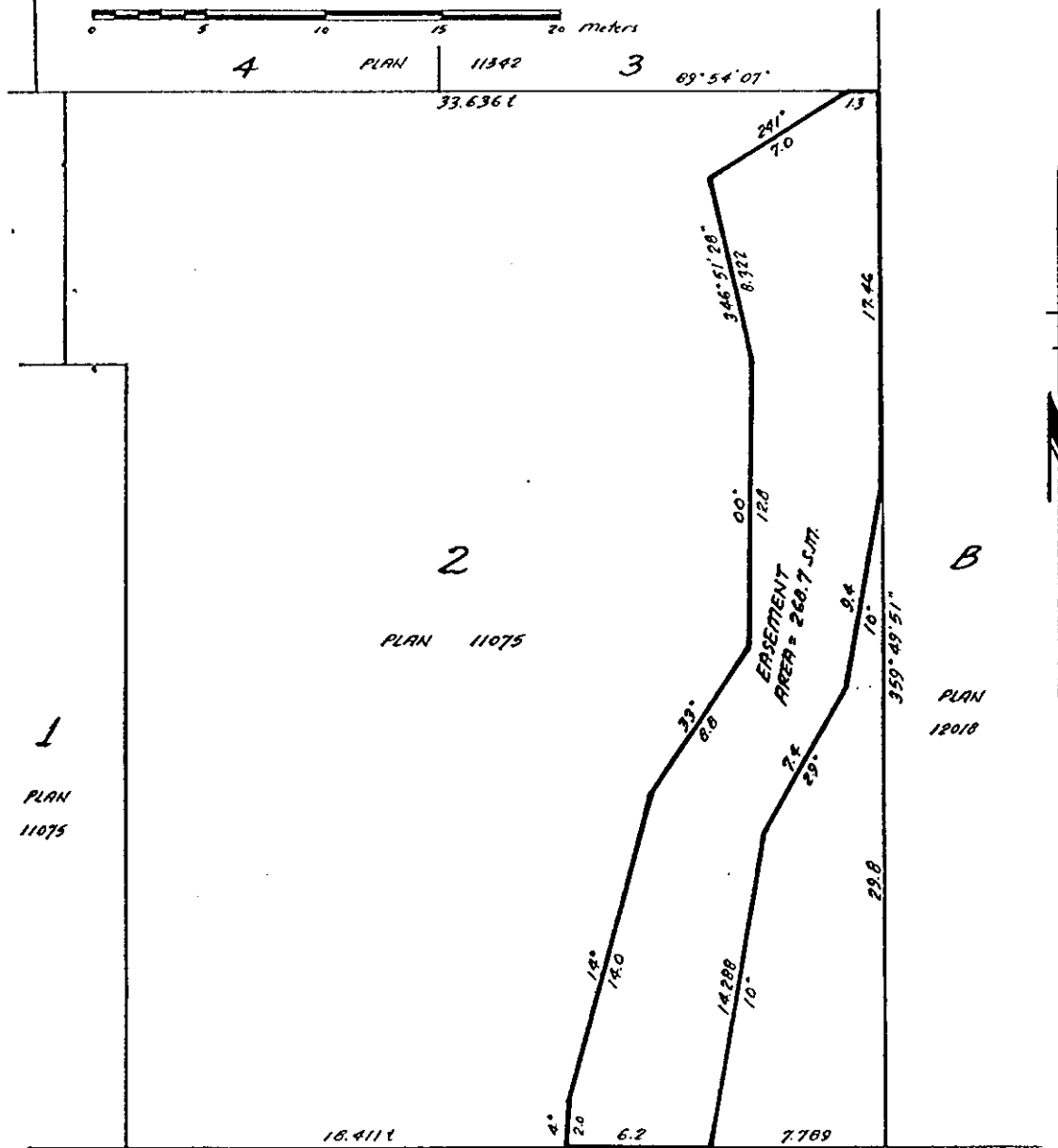
PLAN LMP. 34956

DEPOSITED IN THE LAND TITLE OFFICE
AT NEW WESTMINSTER, B.C. THIS
DAY OF _____ 1995.

(TO ACCOMPANY THE COVENANT REGARDING THE WATERCOURSE
BUILDING - LINE AS 1.524^m PARALLEL TO THE TOP
OF THE BANK, AND PERPENDICULAR THERETO, AS SHOWN
HEREON IN HEAVY OUTLINE.)

REGISTRAR

SCALE: 1: 200 (METRIC)



INGLEWOOD AVE.

THIS PLAN LIES WITHIN THE GREATER
VANCOUVER REGIONAL DISTRICT.
 BEARINGS ARE ASTRONOMIC
 DERIVED FROM PLAN LMP.-----
 S.M. SQUARE METERS

CERTIFIED CORRECT ACCORDING
 TO LAND TITLE OFFICE RECORDS
 THIS 11th DAY OF OCTOBER, 1995.

Rowd. S. Lee BCLS

LEA & ASSOCIATES
 LAND SURVEYING LTD.
 2140-650 W. GEORGIA ST., VANCOUVER, B.C.
 TEL: 683 4344

FILE: 2895

END OF DOCUMENT

SCAN
BL 324645

LAND TITLE ACT
[SECTION 213.1(2)(b)]

ELECTION AND AUTHORIZATION

To: Registrar of Titles
Vancouver Land Titles District

Re: Application to register a Section 215 Covenant in consequence of an instrument dated the 31st day of October 1995 wherein Li Teo is the Transferor and The Corporation of the District of West Vancouver is the Transferee.

I, the undersigned, being the Transferee named in the above-captioned instrument:

- (a) elect to proceed to registration of my interest subject to the certificate of pending litigation registered under No. BL92394, and
- (b) authorize the registrar to register the charge claimed by me subject to the certificate of pending litigation.

Date: November 21, 1997



Laura MacLean, Land Clerk, for
The Corporation of the District of West Vancouver