



**Public Hearing
Information Package**

August 29, 2016 at 7:00 pm
Sooke Council Chamber
2225 Otter Point Road, Sooke, BC

6816 West Coast Road

Proposed Bylaw:	Bylaw No. 638, <i>Zoning Amendment Bylaw (600-33)</i>
Zoning Amendment:	A bylaw to amend Bylaw No. 600, <i>Sooke Zoning Bylaw, 2013</i> for the purposes of amending the zoning of the property legally described as Lot 1, Section 3, Sooke District Plan 16130 Except Part within the boundaries of Plan 16490, from Large Lot Residential (R1) to Community Facilities (P2).

Information Package Contents:

1. Notice of Public Hearing published in Sooke News Mirror August 17, 2016 and August 24, 2016. 1
2. Bylaw No. 638, *Zoning Amendment Bylaw (600-33)* at second reading. 3
3. Council resolution dated July 11, 2016 5
4. Staff Report to Council dated July 11, 2016: 7
 - Application Summary
 - Referral Agency Comments
 - Subject Property Map
 - About SOCLA
 - Community Facilities Zone
 - Draft Bylaw No. 638
 - Draft S. 219 Covenant

Please note that written and verbal submissions will become part of the public record.



2205 Otter Point Road, Sooke
 Phone: 250-642-1634 Fax: 250-642-0541
 email: info@sooke.ca
 website: www.sooke.ca

NOTICE OF PUBLIC HEARING

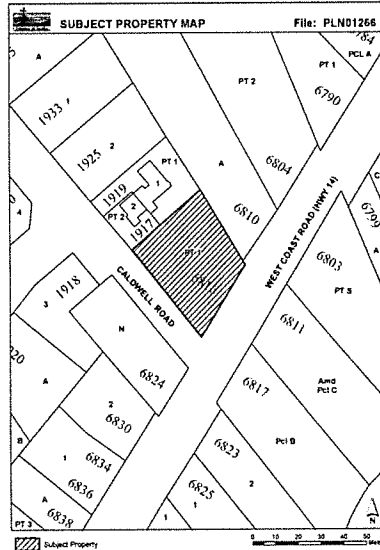
The Council of the District of Sooke will hold a Public Hearing pursuant to the provisions of the *Local Government Act* in the Council Chambers at 2225 Otter Point Road, Sooke, BC on **Monday, August 29, 2016** commencing at 7:00 pm.

Application Information:

Bylaw: Bylaw No. 638, *Zoning Amendment Bylaw (600-33)*
File No: PLN001266
Civic Address: 6816 West Coast Road (outlined in black and hatched on the subject map)
Legal Description: Lot 1, Section 3, Sooke District, Plan 16130 Except Part within the Boundaries of Plan 16490
Applicant: **Sooke Options for Community Living Association – Executive Director Dewayne Ward** 6580 Sooke Road, Sooke, BC, V9Z 0A7

Proposal:

The purpose of Bylaw No. 638, *Zoning Amendment Bylaw (600-33)* is to rezone 6816 West Coast Road from Large Lot Residential (R1) to Community Facilities (P2), for the purpose of creating a permanent home for Sooke Options for Community Living Association, a non-profit society that have established various programs that support children, youth and adults who have developmental and physical disabilities.



Adoption of Bylaw No. 638 will be subject to a Section 219 Covenant being registered on title with regard to a sidewalk requirement along West Coast Road from Caldwell Road to the eastern property line.

Further Information:

Copies of the bylaw(s), supporting written reports and any relevant background documentation may be viewed in the "Public Notices" section of the District of Sooke website www.sooke.ca or inspected at the District Municipal Offices at 2205 Otter Point Road, Sooke, BC, between the hours of 8:30 am and 4:30 pm, Monday to Friday (excluding statutory holidays), beginning August 17, 2016 up to and including August 29, 2016.

Public Input:

All persons who believe their interests in property are affected by the proposed bylaw(s) will be afforded an opportunity to be heard at the Public Hearing on the matters contained in the proposed bylaw(s). Should you have any concerns or comments you wish to convey to Council, please submit in writing by fax to 250-642-0541, email publichearing@sooke.ca or in person addressed to the Corporate Officer at the District Municipal Offices no later than Monday, August 29, 2016 at 12:00 noon. Please be advised that submissions to Council will become part of the public record and are subject to disclosure under the *Freedom of Information and Protection of Privacy Act (FOIPPA)*.

NOTE: Council cannot receive further information concerning this application after the Public Hearing has concluded.

Gabryel Joseph
 Director of Corporate Services



DISTRICT OF SOOKE

BYLAW No. 638

A bylaw to amend Bylaw No. 600, *Sooke Zoning Bylaw, 2013* for the purpose of amending the zoning on the property legally described as Lot 1, Section 3, Sooke District, Plan 16130 Except Part within the Boundaries of Plan 16490 from Large Lot Residential (R1) to Communities Facilities Zone (P2).

The Council of the District of Sooke, in open meeting assembled, enacts as follows:

1. This bylaw is cited as *Zoning Amendment Bylaw (600-33)*.
2. The parcel of land legally described as Lot 1, Section 3, Sooke District, Plan 16130 Except Part within the Boundaries of Plan 16490 as shown boldly outlined and hatched on **Schedule A**, which is affixed to and forms part of this bylaw, is hereby rezoned from Large Lot Residential (R1) to Communities Facilities Zone (P2).
3. Bylaw No. 600, *Sooke Zoning Bylaw, 2013* as amended and **Schedule A** by attached thereto, are amended accordingly.

Introduced and read a first time the 11th day of July, 2016.

Read a second time the 11th day of July, 2016.

Public hearing held the _____ day of _____, 2016.

Read a third time the _____ day of _____, 2016.

Approved by Ministry of Transportation and Infrastructure the _____ day of _____, 2016.

Adopted on the _____ day of _____, 2016.

Certified by:

Maja Tait
Mayor

Gabryel Joseph
Corporate Officer

SCHEDULE A



B-8 Bylaw No. 638, Zoning Amendment Bylaw (600-33) – 6816 West Coast Road

The Development Services department gave a PowerPoint presentation and summary of the proposed bylaw.

Questions arose around parking requirement for staff. Ms. Johnson informed Council that all parking issues will be addressed through the business licence and building permit processes.

MOVED B. Parkinson - E. Logins

THAT Bylaw No. 638, *Zoning Amendment Bylaw (600-33)* to rezone the property located at 6816 West Coast Road from Large Lot Residential Zone (R1) to Communities Facilities Zone (P2), be read a first time.

CARRIED

In favour:

Mayor Tait, Councillor Kasper, Councillor Logins, Councillor Parkinson

MOVED R. Kasper - E. Logins

THAT Bylaw No. 638, *Zoning Amendment Bylaw (600-33)* to rezone the property located at 6816 West Coast Road from Large Lot Residential Zone (R1) to Communities Facilities Zone (P2), be read a second time.

CARRIED

In favour:

Mayor Tait, Councillor Kasper, Councillor Logins, Councillor Parkinson

MOVED E. Logins - B. Parkinson

THAT staff be directed to schedule a Public Hearing for *Bylaw No. 638*, in accordance with the requirements of the *Community Charter* and the *Local Government Act*.

CARRIED

In favour:

Mayor Tait, Councillor Kasper, Councillor Logins, Councillor Parkinson

MOVED E. Logins - B. Parkinson

THAT staff be directed prior to adoption of Bylaw No. 638, the owner enter into a Development Agreement by way of a section 219 Covenant with the District of Sooke to address infrastructure requirements; AND

THAT Council authorize the Mayor and Chief Administrative Officer to execute the section 219 Covenant.

CARRIED

In favour:

Mayor Tait, Councillor Kasper, Councillor Logins, Councillor Parkinson



REQUEST FOR DECISION

Regular Council

Meeting Date: July 11, 2016

To: Teresa Sullivan, Chief Administrative Officer

From: Development Services Department

Re: **6816 West Coast Road**

RECOMMENDATION:

THAT COUNCIL give first and second reading to Bylaw No. 638, *Zoning Amendment Bylaw (600-33)* to rezone the property located at 6816 West Coast Road from Large Lot Residential Zone (R1) to Communities Facilities Zone (P2);

AND THAT COUNCIL direct staff to schedule a Public Hearing for Bylaw No. 638 in accordance with the requirements of the *Community Charter* and the *Local Government Act*

AND FURTHER THAT COUNCIL direct that prior to final adoption of Bylaw No. 638, the owner enter into a Development Agreement by way of a section 219 covenant with the District of Sooke to address infrastructure requirements, and that Council authorize the Mayor and the Chief Administrative Officer to execute the section 219 Covenant.

1. Executive Summary:

Sooke Options for Community Living Association (SOCLA) have applied to rezone 6816 West Coast Road from Large Lot Residential (R1) to Community Facilities (P2) for the purpose of creating a permanent home for themselves; a non-profit society that supports local Sooke children, youth and adults who have developmental and physical disabilities, and their families.

The area to be rezoned is approximately 1659.2m² (0.41 acres).

2. Background:

The area immediately surrounding the subject property is predominately single family residential. Within 150 meters to the east of the subject property is the Town Centre and within 150 meters west of the property there are various types of commercial businesses. Caldwell Road



is to the west of the subject property and West Coast Road is to the south.

The subject property is located within walking distance to commercial and social amenities of the Sooke Town Centre. There is currently a gravel pathway in front of the property along West Coast Road and this gravel pathway continues east towards the Town Centre until the Hope Centre, where it turns into a paved sidewalk.

Over the past eighteen years, SOCLA have established day camps during the summer, winter and spring school holidays for children and youth with disabilities, various adult day programs and a children and youth's life skills program. SOCLA also supports individual adult life skills contracts.

There is a large single family dwelling on the property, as well as a garage and a small greenhouse. SOCLA proposes to renovate the existing house to fit their needs.

Referrals were sent to internal departments and applicable external agencies for their review and comment. All referral comments were received and forwarded to the applicant for their review.

3. Analysis:

A. OFFICIAL COMMUNITY PLAN 2010 (OCP)

The District of Sooke OCP designation for this property is Community Residential (CR) which encourages low to medium density residential growth along with appropriately scaled commercial development. The following policy statements from the OCP support this rezoning application.

4.6 HEALTH AND QUALITY OF LIFE

- 4.6.3 (h) Strengthen community connections, relationships and services for children and youth;

4.7 HOUSING

- 4.7.2 (e) Secure and promote options for seniors' housing, including independent living and special needs;

5.1 COMMUNITY RESIDENTIAL

- 5.1.2 (b) Provide affordable and attainable housing opportunities, to meet the needs of various age groups, family types, lifestyles and income groups.
(g) Require safe and formalized pedestrian access to services from all residential areas, including connections to amenities and commercial service areas;
(i) Preserve and enhance the character of existing neighbourhoods.
(j) Encourage the creation of childcare facilities in residential areas;
(k) Allow for a variety of housing options within new and existing residential areas

B. ZONING BYLAW 2013 (Zoning Bylaw)

The use proposed by SOCLA would fall under "institutional use", which means "a facility established to serve a social, recreational, educational, or other public purpose and includes, but is not limited to: arena, armory, cemetery, college, Community Care Facility, community centre, community hall, court of law, fire hall, hospital, library, municipal office, park, playground, police station, public art gallery, public museum, school, stadium or public swimming pool."

The use proposed will be compatible within a single family neighbourhood. Any additional structures or renovations that occur will need to abide by the maximum height, lot coverage and setback regulations within the P2 zone.

In the P2 zone, there is a 6 meter setback required for any buildings or structures from property lines that are adjacent to residential zones. The applicant will also be installing a visually pleasing privacy fence that must meet the screening and landscaping requirements within section 3.18 of the Zoning Bylaw.

4. Legal Impacts:

A section 219 covenant is required to address infrastructure requirements. Depending on the applicant's development plans for the property, a Development Permit may be required.

5. Financial Impacts:

The Applicant will pay for all costs associated with site improvements and development and is bound by District of Sooke Bylaws and regulations.

6. Implication of Recommendation:


The rezoning application is consistent with the objectives of the Community Residential designation within the OCP. The proposed use is compatible with surrounding land uses and is close to Town Centre services. Providing SOCLA with a permanent location will help the non-profit organization to continue their active role in providing needed services that are vital to improving the health and quality of life in the community.

7. Strategic Relevance:

This proposal is consistent with Council's 2016 Corporate Strategic Plan.

Attached Documents:

1. Application Summary
2. Referral Agency Comments
3. Subject Property Map
4. About SOCLA
5. Community Facilities Zone
6. Draft Bylaw No. 638
7. Draft S. 219 Covenant



Tara Johnson, MCIP, RPP
Planner II


Approved for Council Agenda

Development
Services


Corporate Services


Financial Services


CAO

Application Summary

Address	6816 West Coast Road
Legal	Lot 1, Section 3 Sooke District, Plan 16130 Except Part within the Boundaries of Plan 16490
Existing Zoning	Large Lot Residential (R1)
Proposed Zoning	Community Facilities (P2)
Existing OCP	Community Residential
Proposed OCP	n/a
Parcel Size	+/- 0.41ha = 1659.2m ²
Services	Water: CRD Water Sewer: Municipal Drainage: On-site
Adjacent Land Uses	North: Single Family Residential zones South: West Coast Road East: Single Family Residential zones West: Caldwell Road

Summary of Referral Agency Comments [originals are in the file]

**SUMMARY OF COMMENTS RECEIVED
IN RESPONSE TO DISTRICT OF SOOKE REFERRAL**

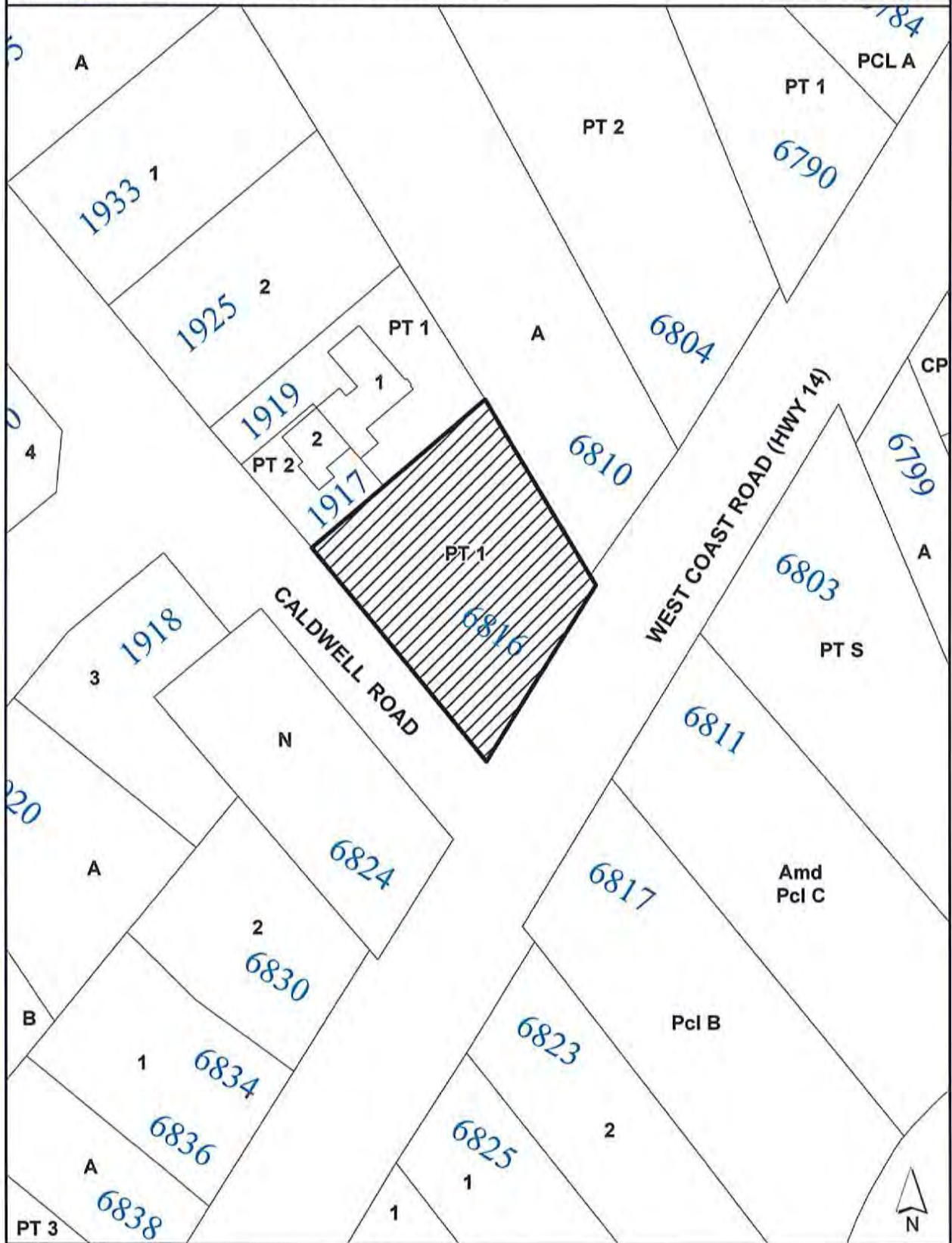
EXTERNAL REFERRALS	
Agency	Comments
BC Hydro	<p>BCH does not own any equipment on this property. A Statutory Right-of-Way Agreement (SRW) is not required to be registered at this time but may be needed in the future. Before any future electrical equipment on the property is energized, including temporary construction power, the SRW must be registered at the Land Title Office.</p> <p>There is overhead electrical infrastructure adjacent to this property which may affect this development. It is the developer's responsibility to ensure that any infrastructure built on this property will meet all current CSA requirements and limitations around high voltage equipment and transformation.</p>
Ministry of Transportation and Infrastructure	<p>No objections in principle to the rezoning subject to the condition that a controlled highway access permit will be required for the construction of any access off West Coast Road. The Ministry recommends that access to the property remain off Caldwell Road.</p> <p>Additionally, the Ministry recommends that the District of Sooke require enough on-site parking off Caldwell Road to support the new facility.</p>
Canada Post	No response
BC Transit	No response
Beecher Bay	No response
CRD Water	<p>Community piped water can be supplied to this proposed development provided the Owner is prepared to pay the necessary costs and fees as authorized under CRD Bylaw 3889. The existing property is presently serviced with water by a 12mm (1/2") water service located at the property frontage on West Coast Road. The owner shall pay all costs to upgrade the existing non-conforming 12mm service to a minimum 19mm (3/4") service to comply with current minimum service standards.</p> <p>The owner's Engineer will be required to calculate the fire flow requirements to Fire Underwriters Survey standards for the development and confirm in writing to both the CRD and the District of Sooke that the available flow from the CRD system is sufficient.</p>
CRD JdFEA	N/A
SEAPARC	No response
T'souke Nation	No response
VIHA	N/A
Archeological Branch	<p>According to Provincial records there are no known archaeological sites recorded on or near the subject area. However, archaeological potential modelling indicates there are areas of high potential close by.</p> <p>Archaeological sites (both recorded and unrecorded) are protected under the <i>Heritage Conservation Act</i> and must not be altered or damaged without a permit from the Archaeology Branch. If a suspected archaeological site is</p>


	encountered during development, activities must be halted and the Archaeology Branch contacted at 250-953-3334 for direction.
RCMP	No response
School District #62	No response
Fortis BC	No conflicts; however, gas pipelines exist within the Road Allowance fronting the development.
Shaw Cable	No concerns
Telus	No objections
Building & Fire	The proposed development will need to meet the requirements of the BC Fire Code and the BC Building Code
Engineering	At time of Building Permit and as deemed appropriate by the Director of Development Services, a paved sidewalk is required along the property frontage that abuts West Coast Road to Caldwell Road.

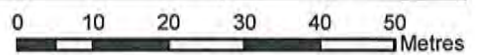


SUBJECT PROPERTY MAP

File: PLN01266



 Subject Property



Sooke Options for
Community Living Association



www. SOCLA .ca

SCANNED

April 30, 2016

A bit about us:

We are a Non-profit and have been doing this for nearly 18 years. We started with one client...who is still with our program. When clients come into our program they almost never leave. We are very, very well respected by the Provincial, business and Sooke community partners we have. We are the "only show in town" so to speak from Port Renfrew to Langford. Every family that has a person requiring care during the day has one option ...and that is us. It is a responsibility that we do not take lightly.

We constantly receive requests to do over night or weekend respite for families and this is something that we are willing to do for our families in future. We have all the trained staff we need and the expertise to do so.

We have several fund raisers and fee for service projects each year and have excellent community support. All those funds go mainly into programming or equipment.

There are precious few houses big enough to house us and this property is in a prime location and is more than large enough for us.

A bit about our Board of Directors:

Our Board of Directors is a long standing and well experienced Board. They are well vested in the Agency as most of the Board have children or grandchildren receiving care in the agency. All members of the Board are long standing and plan on remaining on the Board for several more years.

Program "metrics":

Our program is so well known and respected we have had recently 3 families sell their homes in Victoria and move out just so their family member can attend our program. All this so the parents can commute back to their jobs in Victoria each day.

We have several programswith three main programs: Life skills for children and youth which currently has 12 participants....most of whom are teenagers and an Adult Day Program which currently has 7 participants, and a Summer Day Camp for children.

my best
Dewayne Ward
Executive Director

6580 Sooke Road, Sooke, BC V9Z 0A7

SOOKE OPTIONS FOR COMMUNITY LIVING ASSOCIATION

1.1 PHILOSOPHY, MISSION AND VISION

PHILOSOPHY

Sooke Options for Community Living Association (SOCLA) is a non-profit society that supports people who have developmental disabilities and their families in the Sooke area. SOCLA began as a group of parents, educators and caregivers in the Sooke area excited at the prospect of providing programs and services in the Sooke area for families with children, youth and adults with developmental and physical disabilities. In October 1998, SOCLA was incorporated and registered as a non-profit organization. Over the years the Board of Directors, members and employees have worked together to establish day camps during the summer, winter and spring school holidays for children and youth with disabilities, an adult day program, a life skills program for children and youth and support individual life skills contracts for adults.

MISSION STATEMENT

Sooke Options for Community Living Association exists to provide opportunities for personal growth, independence, and participation in the community for people who live with developmental and physical disabilities, and to provide support to their families and caregivers.

VISION

Date Issued: April 31, 2009
Date Revised:
Date Reviewed:
References: Board Policy May 18, 2004
Authorization: Executive Director

Community Facilities

P2

602.1 Purpose: This zone provides for community facilities within the District of Sooke.

602.2 Permitted Uses:

Principal Uses:

- a) Assembly use
- c) Cemetery
- d) Concession
- e) Country market
- f) Horticulture
- g) Institutional use
- h) Place of worship

Accessory Uses:

- i) Accessory dwelling unit, one per lot *

**See conditions of use.*

602.3 Minimum Lot Size for Subdivision Purposes:

- a) Within Sewer Specified Area: 600 m²
- b) Outside of Sewer Specified Area: 1 ha

602.4 Minimum Width for Subdivision Purposes: 30 m

602.5 Maximum Height:

- a) Principal Buildings: 15 m
- b) Accessory Buildings: 8 m

602.6 Maximum Lot Coverage:

- a) Within Sewer Specified Area: 60%
- b) Outside of Sewer Specified Area: 40%

602.7 Minimum Setbacks:

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line
Building or Structure outside Sewer Specified Area	3 m	3 m	1.5 m	4.5
Building or Structure inside Sewer Specified Area	0 m	0 m	0 m	0 m
Adjacent to residential zones, including CD zones	0 m	0 m	6 m	6 m

Schedule 602 – Community Facilities (P2)

602.8 Conditions of Use:

If an accessory dwelling unit is a detached single family residential dwelling, it must be located above or to the rear of the principal use.



DISTRICT OF SOOKE

BYLAW No. 638

A bylaw to amend Bylaw No. 600, *Sooke Zoning Bylaw, 2013* for the purpose of amending the zoning on the property legally described as Lot 1, Section 3, Sooke District, Plan 16130 Except Part within the Boundaries of Plan 16490 from Large Lot Residential (R1) to Communities Facilities Zone (P2).

The Council of the District of Sooke, in open meeting assembled, enacts as follows:

1. This bylaw is cited as *Zoning Amendment Bylaw (600-33)*.
2. The parcel of land legally described as Lot 1, Section 3, Sooke District, Plan 16130 Except Part within the Boundaries of Plan 16490 as shown boldly outlined and hatched on **Schedule A**, which is affixed to and forms part of this bylaw, is hereby rezoned from Large Lot Residential (R1) to Communities Facilities Zone (P2).
3. Bylaw No. 600, *Sooke Zoning Bylaw, 2013* as amended and **Schedule A** attached thereto, are amended accordingly.

Introduced and read a first time the day of , 2016.

Read a second time the day of , 2016.

Public hearing held the day of , 2016.

Read a third time the day of , 2016.

Approved by Ministry of Transportation and Infrastructure the day of , 2016.

Adopted on the day of , 2016.

Certified by:

Maja Tait
Mayor

Gabryel Joseph
Corporate Officer

SCHEDULE A



TERMS OF INSTRUMENT – PART 2

SECTION 219 COVENANT

THIS AGREEMENT, dated for reference _____, 201__ is made

BETWEEN:

Jordie Thomas McDermid
6816 West Coast Road
Sooke, British Columbia
V9Z 0V2
(the "Owner")

AND:

DISTRICT OF SOOKE, a municipality incorporated under the Local Government Act, R.S.B.C. 1996, c.323 and having its office at 2205 Otter Point Road, Sooke, BC V9Z 1J2

(the "Municipality")

GIVEN THAT:

A. The Owner is the registered Owner in fee simple of the land in Sooke, British Columbia, legally described as:

Lot 1, Section 3, Sooke District, Plan 16130 Except Part within the Boundaries of Plan 16490

(the "Land");

B. The Owner proposes to develop the Land for an institutional use;

C. The Owner has requested the Municipality to adopt Bylaw No. 638, *Zoning Amendment Bylaw (600-33)* (the "Rezoning Bylaw") rezoning the Land to permit the development proposed by the Owner, and

D. The Council of the Municipality has determined that the adoption of the Rezoning Bylaw would, but for the covenants contained in this Agreement, not be in the public interest; and the Owner therefore wishes to grant pursuant to s.219 of the *Land Title Act*, and the Municipality wishes to accept, the covenants over the Land that are set out in this Agreement;

THIS AGREEMENT is evidence that in consideration of payment of \$1.00 by each of the Municipality to the Owner (the receipt of which is acknowledged by the Owner), the Owner grants to the Municipality in accordance with s.219 of the Land Title Act the following covenants:

1. The Owner covenants and agrees with the Municipality that:
 - (a) The Land must not be subdivided;
 - (b) No building permit may be applied for, and the Municipality is not obliged to issue any building permit, in respect of the Land; and

unless the subdivision or building is in accordance with the Schedule of Restrictions attached as Schedule A.

2. Any opinion, decision, act or expression of satisfaction of the Municipality provided for in this Agreement is to be taken or made by the Municipality's Municipal Engineer or his or her delegate authorized as such in writing, in each case acting reasonably.
3. The Owner may, after the Rezoning Bylaw is adopted, request a discharge of any particular covenant granted in this Agreement in respect of any parcel into which the Land may be subdivided, and the Municipality shall execute and deliver a discharge in respect of any such covenant that has been, in the Municipality's opinion, fully satisfied by the Owner.
4. The Owner releases, and must indemnify and save harmless, the Municipality, its elected and appointed officials and employees, from and against all liability, actions, causes of action, claims, damages, expenses, costs, debts, demands or losses suffered or incurred by the Owner, or anyone else, arising from the granting or existence of this Agreement, from the performance by the Owner of this Agreement, or any default of the Owner under or in respect of this Agreement.
5. The parties agree that this Agreement creates only contractual obligations and obligations arising out of the nature of this document as a covenant under seal. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of, or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract and under the law pertaining to covenants under seal.
6. The rights given to the Municipality by this Agreement are permissive only and nothing in this Agreement imposes any legal duty of any kind on the Municipality to anyone, or obliges the Municipality to enforce this Agreement, to perform any act or to incur any expense in respect of this Agreement.
7. Where the Municipality is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the Owner agrees that the Municipality is under no public law duty of fairness or natural justice in that regard and agrees that the Municipality may do any of those things in the same manner as if it were a private party and not a public body.
8. This Agreement does not:
 - (a) affect or limit the discretion, rights or powers of the Municipality under any enactment (as defined in the Interpretation Act, on the reference date of this Agreement) or at common law, including in relation to the use of the Land,

- (b) affect or limit any enactment related to the use of the Land, or
 - (c) relieve the Owner from complying with any enactment, including in relation to the use of the Land.
9. Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under s.219 of the Land Title Act in respect of the Land and this Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated. The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered Owner of the Land.
 10. The Owner agrees to do everything reasonably necessary, at the Owner's expense, to ensure that this Agreement is registered against title to the Land with priority over all financial charges, liens and encumbrances registered, or the registration of which is pending, at the time of application for registration of this Agreement.
 11. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach in respect of which the waiver is asserted. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.
 12. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.
 13. This Agreement is the entire agreement between the parties regarding its subject.
 14. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.
 15. The Owner must do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instrument.
 16. By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

As evidence of their agreement to be bound by the terms of this instrument, the parties hereto have executed the Land Title Office Form C that is attached hereto and forms part of this Agreement.

SCHEDULE "A"

SCHEDULE OF RESTRICTIONS

1. At time of Building Permit and as deemed appropriate by the Director of Development Services, a paved sidewalk is required along the property frontage that abuts West Coast Road to Caldwell Road.

END OF DOCUMENT