

Form 24**Purpose: to change the registered interest, benefits or burdens****(Instrument code: 450)**

(If change(s) requested relate(s) to one or more of the following and no other interests are being added or removed on this form: manner of tenure, description of manner of tenure, non-resident status, parcel access or NSFLB occupant. Note: This form cannot be used to correct an error in a parcel register).

(Instrument code: 451)

(Change to existing servient or dominant tenement PID number in a parcel register as a result of subdivision or consolidation. Note: This form cannot be used to correct an error in a parcel register)

For Office Use

Registration district: HalifaxSubmitter's user number: 2569Submitter's name: Stephen D. Ling

HALIFAX COUNTY LAND REGISTRATION OFFICE
I certify that this document was registered or recorded
as shown here.
Kirk MacKay, Registrar

In the matter of Parcel Identification Number (PID)

PID	00127506
PID	00127514
PID	00127498

120500112 LRV RODE
Document #
APR 28 2022
MM DD YYYY
12:16 MC
Time

(Expand box for additional PIDs, maximum 9 PIDs per form)

The following additional forms are being submitted simultaneously with this form and relate to the attached document (check appropriate boxes, if applicable):

- ☐ Form 24(s)
☐ Form 8A(s)

Additional information *(check appropriate boxes, if applicable)*:

- ☐ This Form 24 creates or is part of a subdivision or consolidation.
☐ This Form 24 is a municipal or provincial street or road transfer.
☐ This Form 24 is adding a corresponding benefit or burden as a result of an AFR of another parcel.
☐ *This Form 24 is adding a benefit or burden where the corresponding benefit/burden in the "flip-side" parcel is already identified in the LR parcel register and no further forms are required.*

Power of attorney *(Note: completion of this section is mandatory)*

- ☐ The attached document is signed by attorney for a person under a power of attorney, and the power of attorney is:
☐ recorded in the attorney roll
☐ recorded in the parcel register
☐ incorporated in the document

OR

May 4, 2009

X No power of attorney applies to this document

This form is submitted to make the changes to the registered interests, or benefits or burdens, and other related information, in the above-noted parcel register(s), as set out below.

The registered interests and related information are to be changed as follows:

Instrument type	
Interest holder and type to be removed (if applicable)	
Interest holder and type to be added (if applicable) <i>Note: include qualifier (e.g., estate of, executor, trustee, personal representative) if applicable</i>	
Mailing address of interest holder to be added (if applicable)	
Manner of tenure to be removed (if applicable)	
Manner of tenure to be added (if applicable)	
Description of mixture of tenants in common and joint tenancy (if applicable)	
Access type to be removed (if applicable)	
Access type to be added (if applicable)	
Percentage or share of interest held (for use with tenant in common interests)	
Non-resident (to qualified solicitor's information and belief) (Yes/No?)	
Reference to related instrument in parcel register (if applicable)	
Reason for removal of interest (for use only when interest is being removed by operation of law and no document is attached) Instrument code: 443	

The following tenant in common interests that appear in the section of the parcel register(s) labelled "Tenants in Common not registered pursuant to the *Land Registration Act*" are to be removed because the interests are being registered (*insert names to be removed*):

I have searched the judgment roll with respect to this revision of the registered interest and have determined that it is appropriate to add the following judgment(s) or judgment-related documents to the parcel register, in accordance with the *Land Registration Act* and *Land Registration Administration Regulations*:

Instrument type	
Interest holder name and type to be added	
Interest holder mailing address	
Judgment Roll reference	

The following benefits are to be added and/or removed in the parcel register(s):

(Note: An amending PDCA is required if the changes being made to the benefit section are not currently reflected in the description in the parcel register).

Instrument type	
Interest holder and type to be removed (if applicable)	
Interest holder and type to be added (if applicable) <i>Note: include qualifier (e.g., estate of, executor, trustee, personal representative) (if applicable)</i>	
Mailing address of interest holder to be added (if applicable)	
Servient tenement parcel(s) (list all affected PIDs):	
Reference to related instrument in names-based roll/parcel register (if applicable)	
Reason for removal of interest (for use only when interest is being removed by operation of law) <i>Instrument code: 443</i>	

The following burdens are to be added and/or removed in the parcel register(s):

(Note: An amending PDCA is required if the changes being made to the burden section are not currently reflected in the description in the parcel register).

Instrument type	Amending Agreement – re: Use of Land
Interest holder and type to be removed (if applicable)	
Interest holder and type to be added (if applicable) <i>Note: include qualifier (e.g., estate of, executor, trustee, personal representative) (if applicable)</i>	Halifax Regional Municipality – Party to Agreement (Burden)
Mailing address of interest holder to be added (if applicable)	PO Box 1749 Halifax, NS B3J 3A5
Reference to related instrument in names-based roll/parcel register (if applicable)	Document: 111867025 December 11, 2017

May 4, 2009

Reason for removal of interest <i>(for use only when interest is being removed by operation of law)</i> Instrument code: 443	
---	--

The following recorded interests are to be added and/or removed in the parcel register:

Instrument type	
Interest holder and type to be removed <i>(if applicable)</i>	
Interest holder and type to be added <i>(if applicable)</i> <i>Note: include qualifier (e.g., estate of, executor, trustee, personal representative) (if applicable)</i>	
Mailing address of interest holder to be added <i>(if applicable)</i>	
Reference to related instrument in names-based roll/parcel register <i>(if applicable)</i>	
Reason for removal of interest <i>(for use only when interest is being removed by operation of law)</i> Instrument code: 443	

The textual qualifications are to be changed as follows:

Textual qualification on title to be removed <i>(insert any existing textual description being changed, added to or altered in any way)</i>	
Textual qualification on title to be added <i>(insert replacement textual qualification)</i>	

Reason for change to textual qualification <i>(for use only when no document is attached)</i> Instrument code: 838	
--	--

The following information about the occupier of the parcel, which is owned by the Nova Scotia Farm Loan Board, is to be changed:

Name and mailing address of occupier to be removed	
Name and mailing address of occupier to be added	

May 4, 2009

Certificate of Legal Effect:

I certify that, in my professional opinion, it is appropriate to make the changes to the parcel register(s) as instructed on this form.

Dated at Dartmouth, in the County of Halifax, Province of Nova Scotia, on April 5, 2022

Original Signed

Signature of authorized lawyer

Name: Stephen D. Ling

Address: 33-300 Ochterloney Street, Dartmouth,
NS B2Y 4B8

Phone: 902-463-8800

E-mail: sdl@landrymcgillivray.ca

Fax: 902-463-0590

- ☐ This document also affects non-land registration parcels. The original will be registered under the *Registry Act* and a certified true copy for recording under the *Land Registration Act* is attached.

THIS FIRST AMENDING AGREEMENT made this 19 day of April,
2022.

BETWEEN:

F.M. PROPERTIES LIMITED,

a body corporate, in the Province of Nova Scotia

- and -

FH DEVELOPMENT GROUP INC.,

a body corporate, in the Province of Nova Scotia

(hereinafter collectively called the "Developer")

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY,

a municipal body corporate, in the Province of Nova Scotia

(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 2858, 2860, and 2866 Gottingen Street and 5516 and 5518 Macara Street, Halifax and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Halifax and West Community Council approved an application to enter into a Development Agreement to allow for a mixed-use development on the Lands (municipal case 20149), which said Development Agreement was registered at the Land Registration Office on December 11, 2017 as Document Number 111867025 (hereinafter called the "Original Agreement");

AND WHEREAS the Developer has requested that further amendments to the Existing Agreement to allow for an extension to the commencement and completion of development dates on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies IM-33 and IM-34 of the Regional Centre Secondary Municipal Planning Strategy, Policies 2.3.1, 2.3.2, and 2.3.3 of Section XI of the Halifax Municipal Planning Strategy, Section 92 of the Halifax Peninsula Land Use By-law, and Section 6.1 of the Original Agreement;

AND WHEREAS the Halifax and West Community Council approved this request at a meeting held on February 22, 2022, referenced as Municipal Case Number 23936;

THEREFORE, in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree as follows:

1. Except where specifically varied by this First Amending Agreement, all other conditions and provisions of the Original Agreement as amended shall remain in effect.
2. The Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this First Amending Agreement, and the Original Agreement.
3. Section 7.3.1 of the Original Agreement shall be amended by deleting the text shown in ~~strikeout~~, and inserting the text shown in bold as follows:

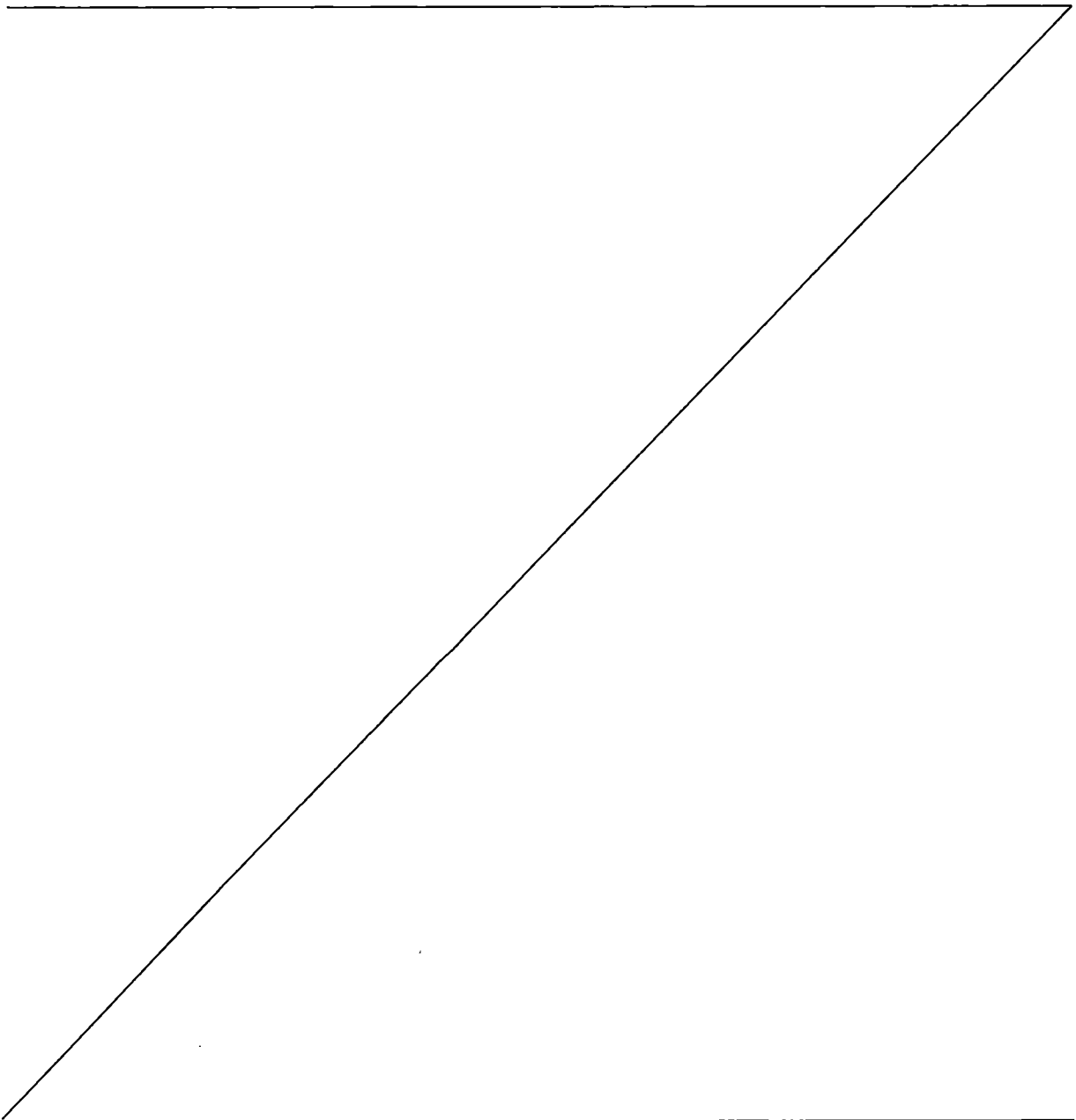
7.3.1 In the event that development on the Lands has not commenced within ~~five (5)~~ **seven (7)** years from **December 11, 2017** ~~the date of registration of this Agreement at the Registry~~

~~of Deeds or Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.~~

4. Section 7.5.1 of the Original Agreement shall be amended by deleting the text shown in strikeout, and inserting the text shown in bold as follows:

7.5.1 If the Developer fails to complete the development after ~~seven (7)~~ **nine (9)** years from **December 11, 2017** ~~the date of registration of this Agreement at the Registry of Deeds or Land Registration Office~~ Council may review this Agreement, in whole or in part, and may:

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement; or
- (c) discharge this Agreement.



IN WITNESS WHEREAS the said parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

SIGNED, SEALED AND DELIVERED in the presence of:

Original Signed

Witness

STEPHEN D. LING
Attorney of the Supreme
Court of Nova Scotia

Witness

SIGNED, DELIVERED AND ATTESTED to by the proper signing officers of Halifax Regional Municipality, duly authorized in that behalf, in the presence of:

Original Signed

Witness

Original Signed

Witness

F.M. PROPERTIES LIMITED

Original Signed

Per

Print Name:

FAISAL AL-HAMMADI

Print Position:

President

FH DEVELOPMENT GROUP INC.

Original Signed

Per

Print Name:

FAISAL AL-HAMMADI

Print Position:

President

HALIFAX REGIONAL MUNICIPALITY

Original Signed

Per

Original Signed

Per

MUNICIPAL CLERK

Mike Savade

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX, NOVA SCOTIA

On this 5 day of April, A.D., 2022, before me, the subscriber personally came and appeared Sharon Ling a subscribing witness to the foregoing Indenture who having been by me duly sworn, made oath and said that F.M. PROPERTIES LIMITED, one of the parties thereto, signed, sealed and delivered the same in his/her presence.

Original Signed

A Commissioner of the Supreme Court
of Nova Scotia

JOHN SCHWARTZ
A Commissioner of the Supreme
Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX, NOVA SCOTIA

On this 19 day of April, A.D., 2022, before me, the subscriber personally came and appeared Kelly MacNamara and April Stewart the subscribing witness to the foregoing Indenture who being by me sworn, made oath, and said that Mike Savage, Mayor, and Iain MacLean, Municipal Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in his/her presence.

Original Signed

A Commissioner of the Supreme Court
of Nova Scotia

SIMON ROSS-SIEGEL
A Commissioner of the
Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX, NOVA SCOTIA

On this 5 day of April, A.D., 2022, before me, the subscriber personally came and appeared STEFAN LING a subscribing witness to the foregoing Indenture who having been by me duly sworn, made oath and said that FH DEVELOPMENT GROUP INC., one of the parties thereto, signed, sealed and delivered the same in his/her presence.

Original Signed

A Commissioner of the Supreme Court
of Nova Scotia

ARON J. SCHWARTZ
A Commissioner of the Supreme
Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX, NOVA SCOTIA

On this _____ day of _____, A.D., 20____, before me, the subscriber personally came and appeared _____ the subscribing witness to the foregoing Indenture who being by me sworn, made oath, and said that Mike Savage, Mayor, and Iain MacLean, Municipal Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia

CASE 23936

Schedule A

PID: 00127506 (2856 Gottingen Street)

Parcel Description

All that certain lot, piece or parcel of land situate, lying and being in the northern part of the City of Halifax, Province of Nova Scotia and bounded and described as follows,

Beginning at a point distant of sixty-six feet eight inches or thereabouts from the corner formed by the intersection of the west line of Gottingen Street with the southern line of Macara Street said point being the northeast angle of land heretofore conveyed to one Thomas Prendergast;

Thence from said point to run westerly along the northern boundary line of said land conveyed to Thomas Prendergast aforesaid seventy-five feet;

Thence northerly in a line parallel with the western line of Gottingen Street aforesaid thirty-three feet four inches;

Thence eastwardly in a line parallel with said northern line of the aforesaid land conveyed to Thomas Prendergast aforesaid seventy-five feet to said western line of Gottingen Street;

Thence southerly by said last mentioned line thirty-three feet four inches to the place of beginning.

And also all that certain lot, piece or parcel of land situate, lying and being on the west side of Gottingen Street and on the south side of Macara Street in the said City of Halifax and bounded and described as follows,

Bounded eastwardly by the western line of Gottingen Street and there measuring thirty-one feet eight inches between the northern line of Jane Truesdale's property and the southern line of Macara Street aforesaid (and allowing fifty-five feet as the full width of Macara Street instead of fifty-three feet as it was originally laid out on the plan thereof and of his other lands adjacent thereto made by George Isles and now or formerly in his possession) the lot hereby conveyed or intended so to be being further bounded northerwardly by said southern line of Macara Street and measuring thereon ninety-eight feet and four inches to the eastern line of property now or formerly of James S. Mackay;

Thence running southwardly on said last mentioned line sixty-five feet to the northern line of property of Thomas Prendergast;

Thence eastwardly by said mentioned line twenty-four feet to the southwest corner of said Jane Truesdale's property there;

Thence northwardly by the western line of said last mentioned property to the northwest corner thereof;

Thence eastwardly by the northern line of said lands mentioned property seventy-five feet to the northeast corner thereof at Gottingen Street aforesaid.

Subject to a right of way in favour of PID 00127514 as described in document 21841 in book 5237 at page 452.

The parcel is exempt from the requirement for subdivision approval under the Municipal Government Act because of Defacto Consolidation registered as document S0916619.

PID: 00127514 (2858 Gottingen Street)

Parcel Description

All that certain lot or parcel of land situate, lying and being in the said City of Halifax and described as follows, that is to say;

Beginning on the western side of Gottingen Street at a point distant 66 feet and 8 inches southerly from the corner formed by the intersection of the said western side line of Gottingen Street and the southern side line of Macara Street ;

Thence to run westerly on a line parallel with said southern side line of Macara Street 100 feet;

Thence southerly on a line parallel to said western side line of Gottingen Street 33 feet and 4 inches;

Thence easterly 100 feet or to said western side line of Gottingen Street;

Thence northerly along the said western side line of Gottingen Street 33 feet and 4 inches to the place of beginning;

Together with a right of way in favour of the above described lot, along and over all that portion of land being on the southern sideline of property known as Civic No. 2866 Gottingen Street, described as follows:

Commencing on the northeast corner of 2860 Gottingen Street, the above described lot;

Thence northerly along the western boundary line of Gottingen Street a distance of 5 feet more or less to a point being the prolongation of the South side of the building presently existing on the property and known as 2866 Gottingen Street.

Thence westerly parallel to the southern boundary line of 2866 Gottingen Street a distance of 66 feet;

Thence southerly a distance of 5 feet more or less to the northern boundary line of the above described lot;

Thence easterly along the northern boundary line of the above described lot to the place of beginning.

For the purpose of clarity, it is clearly understood that no part of this right of way should exist over any part of the lot presently occupied by the building presently existing on the property known as 2866 Gottingen Street.

Provided that if the existing building on the above described lot is demolished after November 15, 1989, the right of way shall cease to exist.

MUNICIPAL GOVERNMENT ACT:

The description for this parcel originates with a Deed dated July 14, 1894, registered in the registration district of Halifax in Book 303, Page 35 and the subdivision is validated by Section 291 of the Municipal Government Act.

PID: 00127498 (5518 Macara Street)

Parcel Description

ALL that certain lot of land and premises situate, lying and being in the said City of Halifax, being Lot No. 16 on plan of division Letter C of property of one George Isles, which said lot measured fifty feet in width and one hundred feet in depth and is more particularly described as follows:

COMMENCING on the Southern side of Macara Street at the Northeastern corner or angle of Lot 15 formerly owned by one Hamilton;

THENCE running in a Southerly direction and at right angles to said street and along the Eastern side line of said Lot 15, one hundred feet or until it comes to the junction of Lots 5 and 6 on said plan;

THENCE in an easterly direction parallel to Macara Street fifty feet or until it comes to Lot No. 2 on said plan;

THENCE northerly along the western lines of Lots 2 and 1 on said plan one hundred feet or until it comes to Macara Street;

THENCE Westerly along the Southern line of said Macara Street fifty feet or to the place of beginning.

The description of this parcel originates with a deed dated December 9, 1965, registered in the registration district of Halifax County in book 2090 at page 639 and the subdivision is validated by Section 291 of the Municipal Government Act.