

19

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: Halifax County

Submitter's user number: 3063

Submitter's name: Stephen A. Russell

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

114160832 (LR) (RODD)
 Document #

March 14 2019 13:41
 MM DD YYYY Time

In the matter of Parcel Identification Number (PID)

PID	374652
PID	400044

(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

- No power of attorney applies to this document

May 4, 2009

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*):

May 4, 2009

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) Instrument code: 443	

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
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 No. 110431997 (2017)

May 4, 2009

Reason for removal of interest (for use only when interest is being removed by operation of law) Instrument code: 443	
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The following recorded interests are to be added and/or removed 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)	
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) Instrument code: 443	

The textual qualifications are to be changed as follows:

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

Reason for change to textual qualification (for use only when no document is attached) Instrument code: 838	
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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	

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

February 22, 2019



Signature of authorized lawyer

Name: Stephen A. Russell

Address: PO Box 913, Dartmouth, NS B2Y 3Z6

Phone: 902-469-3030

E-mail: srussell@rpj.ns.ca

Fax: 902-465-3751

- 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.

May 4, 2009

THIS FIRST AMENDING AGREEMENT made this 7 day of March, 2019.

BETWEEN:

GARY FRANCIS EDWARDS

An individual, in the Halifax Regional Municipality, in the Province of Nova Scotia

- and -

MARY LOUISE EDWARDS

An individual, in the Halifax Regional Municipality, in the Province of Nova Scotia

- and -

GARMAR INVESTMENTS LIMITED

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 1490 Main Road, Eastern Passage and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Harbour East-Marine Drive Community Council of the Municipality approved an application to enter into a Development Agreement to allow for two multiple unit dwellings, each containing a maximum of 60 units, on the Lands (municipal reference number 18599), which said Development Agreement was registered at the Land Registration Office in Halifax on March 8, 2017 as Document Number 110431997 (hereinafter called the "Original Agreement");

AND WHEREAS the Developer has requested amendments to the Original Agreement to allow for the subdivision and development of the remainder on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policy COM-12 of the Municipal Planning Strategy for Eastern Passage/Cow Bay;

AND WHEREAS the Harbour East-Marine Drive Community Council for the Municipality approved this request at a meeting held on December 13, 2018 referenced as Municipal Case Number 21927;

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 3.1 of the Original Agreement shall be amended by deleting the Schedules shown in ~~strikeout~~ and inserting the Schedules, shown in bold as follows:

~~Schedule B~~ ~~Site Plan~~
~~Schedule C~~ ~~Landscape Plan~~
~~Schedule D~~ ~~Preliminary Plan of Subdivision/Consolidation~~

Schedule B-1 Site Plan
Schedule C-1 Landscape Plan
Schedule D-1 Preliminary Plan of Subdivision

4. The Original Agreement shall be amended by deleting the following Schedules:

Schedule B Site Plan
Schedule C Landscape Plan
Schedule D Preliminary Plan of Subdivision/Consolidation

And inserting the following Schedules:

Schedule B-1 Site Plan (attached)
Schedule C-1 Landscape Plan (attached)
Schedule D-1 Preliminary Plan of Subdivision (attached)

5. The Original Agreement shall be amended by deleting all text references to Schedule B, Schedule C, and Schedule D and replacing them with the respective reference to Schedule B-1, Schedule C-1, and Schedule D-1.
6. Section 3.2 of the Original Agreement shall be amended by inserting the text shown in bold as follows:

3.2 Requirements Prior to Approval for Lot A and Lot B
7. Section 3.3 of the Original Agreement shall be amended by renumbering subsections 3.2.3 and 3.2.4, to 3.3.3 and 3.3.4 respectively.
8. Section 3.3 of the Original Agreement shall be amended by inserting the following subsection, directly after subsection 3.3.4, shown in bold as follows:

3.3.5 Notwithstanding subsection 3.3.1 Block C shall be subdivided and developed according to regulations of the Regional Subdivision Bylaw and the Land Use By-law for Eastern Passage/Cow Bay.

9. Section 3.4 of the Original Agreement shall be amended by inserting the following subsection, directly after subsection 3.4.2, as shown in bold as follows:

3.4.3 Block C shall not be subject to any phasing or phasing requirements.

10. Section 3.7 of the Original Agreement shall be amended by inserting the text shown in bold as follows:

3.7 Siting and Architectural Requirements for Lot A and Lot B.

11. Section 3.9 of the Original Agreement shall be amended by inserting the following subsections, directly after subsection 3.9.5, shown in bold as follows:

3.9.6 Block C, and any future subdivision thereof, shall be permitted access from Silvers Lane for single unit dwellings.

3.9.7 Any other land uses on Block C, or portions of land subdivided thereof, shall only be permitted access from Main Road over the Common Shared Private Driveway on Lot A. A registered easement for pedestrian and vehicular access over the driveway on Lot A in favour of Block C, or portions of land subdivided, shall be required. Additionally, a barrier shall be installed, to the satisfaction of the Development Officer, to restrict access from Block C, or any lot subdivided from it, to Silvers Lane for any land uses other than single unit dwellings. Minor alterations to the required landscaping on Lot A and Lot B shall be permitted to accommodate access from Block C, or portions of land subdivided, to the Common Shared Private Driveway.

12. Subsection 3.10.1 of the Original Agreement shall be amended by inserting the text shown in bold as follows:

3.10.1 Where the lands are subdivided, said subdivision shall be generally in accordance with Schedule D-1 for the multi-unit buildings as indicated as Lot A and Lot B. The further subdivision of Block C shall comply with the requirements of the Regional Subdivision Bylaw and Land Use By-law for Eastern Passage/Cow Bay.

13. Section 3.11 of the Original Agreement shall be amended by inserting the text shown in bold as follows:

3.11 Outdoor Lighting for Lot A and Lot B

14. Subsection 3.12.1 of the Original Agreement shall be amended by inserting the text shown in bold as follows:

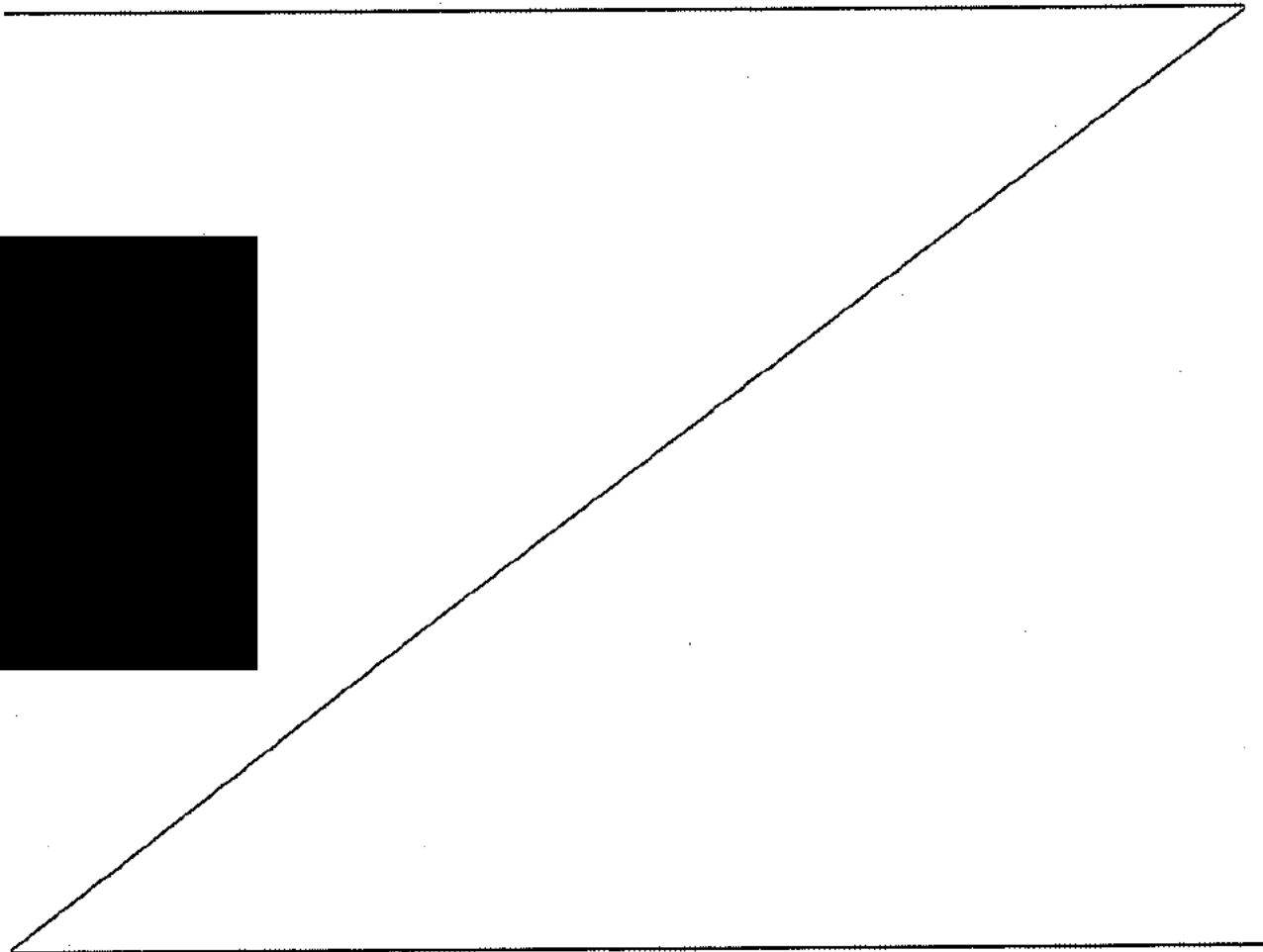
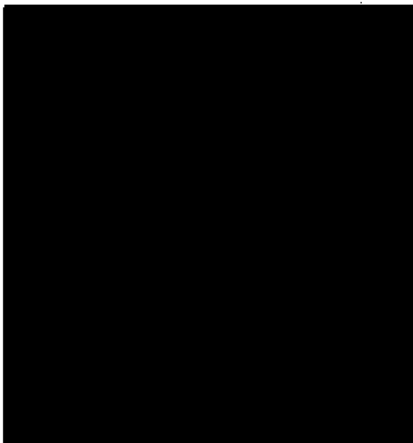
3.12.1 Landscaping of the property shall be as **generally shown** on Schedule C. **The "Park", including gazebo, benches, and walkway cul-de-sac shown on Schedule C shall be optional.**

15. Subsection 3.12.2 of the Original Agreement shall be amended by deleting text shown in ~~strikeout~~ and inserting the text shown in bold as follows:

3.12.2 The Developer agrees to construct a fence as **generally shown identified** on Schedule C. The fence shall be a minimum of 6 feet in height and opaque. **The fence shall only be required along shared property boundaries with existing residential/commercial uses that front on Main Road and Edwards Drive.**

16. Subsection 7.3.1 of the Original Agreement shall be amended by deleting 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 3 years from the date of registration of ~~this~~ **the First Amending Development 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.



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:

[Redacted signature]

GARY FRANCIS EDWARDS

Per:

[Redacted signature]



MARY LOUISE EDWARDS

[Redacted signature]
Witness

Per:

[Redacted signature]



GARMAR INVESTMENTS LIMITED

[Redacted signature]
Witness

Per:

Name:

Position:

[Redacted signature]



HALIFAX REGIONAL MUNICIPALITY

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

[Redacted signature]
[Redacted signature]

Per:

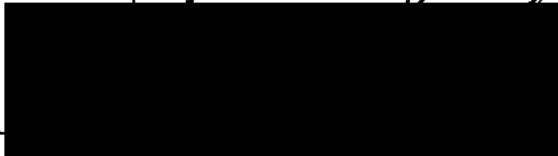
[Redacted signature]

Per:

[Redacted signature]

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this 22nd day of February, A.D. 2019, before me, personally came and appeared Barb Beutler, the subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that Gary Francis Edwards of the parties thereto, signed, sealed and delivered the same in his/her presence.



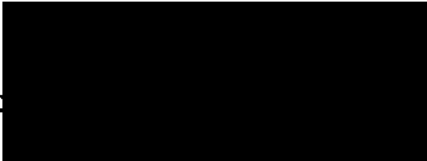
of Nova Scotia

Stephen A. Russell
A Barrister of the Supreme
Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this 7 day of March, A.D. 2019, before me, personally came and appeared Kelly MacNamara Leslie the subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that Mike Savage, Mayor and Kevin Arjoon, Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in his presence.

her KV



A Cor

KRISTA VINING
A Commissioner of the
Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this 22nd day of February, A.D. 2019, before me, personally came and appeared Barb Boutilier, the subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that Mary Louise Edwards of the parties thereto, signed, sealed and delivered the same in his/her presence.



of Nova Scotia
Stephen A. Russell
A Barrister of the Supreme
Court of Nova Scotia

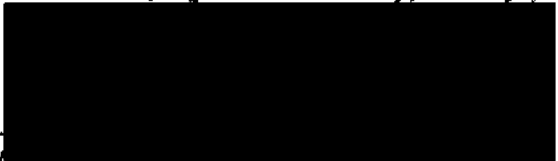
PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this _____ day of _____, A.D. 20____, before me, personally came and appeared _____, the subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that Mike Savage, Mayor and Kevin Arjoon, 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

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this 22nd day of February, A.D. 2019, before me, personally came and appeared Bodo Bontje, the subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that Garmar Investments Limited of the parties thereto, signed, sealed and delivered the same in his/her presence.



of Nova Scotia

Stephen A. Russell
A Barrister of the Supreme
Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this _____ day of _____, A.D. 20____, before me, personally came and appeared _____, the subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that Mike Savage, Mayor and Kevin Arjoon, 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

Schedule A

PARCEL DESCRIPTION REPORT

2018-12-19 14:22:06

PID: 374652
CURRENT STATUS: ACTIVE
EFFECTIVE DATE/TIME: 2017-03-16 09:52:12

Municipality/County: Halifax
Designation of Parcel on Plan: Lot B
Registration County: Halifax
Registration Reference of Plan: Plan No. 1523

SAVING AND EXCEPTING Lot Z which was conveyed to Margaret McManaman, wife of Thomas McManaman , by Quit Claim Deed dated March 25,1977, recorded in the Registry of Deeds for the County of Halifax, in Book3099, Page 425 on April 1, 1977, in order to expand the existing right of way, which conveyance is shown on a Plan dated July 8,1976, filed as Number13336,and titled PLAN SHOWING LANDS OF THE A. TRIDER ESTATE, WITH PROPOSED RIGHT OF WAY INCREASE, EASTERN PASSAGE, HALIFAX COUNTY, NOVA SCOTIA, which said plan is recorded at the Halifax County Registry of Deeds as Plan Number 15315 in Drawer Number 206.

TOGETHER WITH a right of way in common with others over said private right of way thirty feet wide as shown on said plan from the north eastern corner of the land herein conveyed to the Eastern Passage Highway as shown on the said plan.

SUBJECT TO a Development Agreement with Halifax Regional Municipality, dated February 17, 2017 and recorded at the Land Registry Office for the County of Halifax, on March 8, 2017 as Document Number 110431997.

The parcel originates with an approved plan of subdivision that has been filed under the Registry Act at the land Registration Office for the registration district of Halifax as Plan No. 1523.

External Comments:

Description Change Details:

Reason:
**Author of New or
Changed Description:**
Name:

Registered Instruments:

Comments:

PARCEL DESCRIPTION REPORT

2018-12-19 14:21:55

PID: 400044
CURRENT STATUS: ACTIVE
EFFECTIVE DATE/TIME: 2017-03-16 09:56:18

ALL that certain lot, piece or parcel of land lying and being at Eastern Passage, in the County of Halifax, Province of Nova Scotia, and being all of the remaining lands of the Estate of Arthur Trider, deceased, and being a part of the lands as contained in a Deed to the said Arthur Trider from Elizabeth Byrne and recorded at the Registry of Deeds in Halifax, in the Book 448 at Page 457, described as Lot X, Lot Y and a triangular parcel of land as shown on a plan of lands of Margaret McManaman formerly the Trider Estate lands at Eastern Passage dated the 26th of April, 1980 and filed as plan number 19281 drawer 228 and more particularly described as follows:

BEGINNING at an iron pin marking the north east angle of the T. McManaman lot situated on a stone wall marking the southerly boundary of the Donaldson lands;

THENCE North 62 degrees 13 minutes East along the said stone wall for a distance of 202.0 feet;

THENCE North 59 degrees 21 minutes East continuing along the stone wall or extension thereof for a distance of 164.0 feet to a survey marker;

THENCE North 61 degrees 56 minutes East along the said stone wall extension for a distance of 149.6 feet;

THENCE North 58 degrees 51 minutes East along the said stone wall extension for a distance of 100.4 feet to a survey marker shown as letter F on Boundary Line Agreement Plan Number 97006143 filed on October 15, 2010;

THENCE South 51 degrees 24 minutes 48 seconds East along the agreed boundary line for a distance of 198.16 feet to a survey marker marked Letter E on said boundary line agreement plan;

Thence South 39 degrees 24 minutes 34 seconds West along a blazed line for a distance of 315.06 feet to survey marker letter D on said boundary line agreement plan;

THENCE South 33 degrees 40 minutes 43 seconds West for a distance of 102.86 feet to survey marker Letter C as shown on said boundary line agreement plan;

THENCE South 47 degrees 38 minutes 30 seconds East along the said old fence for a distance of 165 feet to survey marker letter B as shown on said boundary line agreement plan;

THENCE South 43 degrees 22 minutes 43 seconds West for a distance of 61.89 feet to survey marker Letter A as shown on said boundary line agreement plan;

THENCE continuing South 43 degrees 22 minutes 43 seconds West along the northern boundary of a private right of way shown as Silvers lane to the east boundary of lands of Crosby;

THENCE North 21 degrees 42 minutes West along the easterly boundary of the Crosby, L. Edwards and C. Edwards lands for a distance of 165.0 feet to an iron pin.

THENCE South 69 degrees 19 minutes West along the southerly boundary of a 30 foot right-of-way for a distance of 375.4 feet to an iron pin on the easterly boundary of the Eastern Passage highway.

THENCE North 16 degrees 05 minutes West along the said Eastern Passage highway for a distance of 30.10 feet to a survey marker.

THENCE North 63 degrees 09 East 84.9 feet to a point.

PARCEL DESCRIPTION REPORT

2018-12-19 14:21:55

THENCE North 63 degrees 09 East 174.7 feet to a point.

THENCE Southeasterly direction to a point on the northern boundary of 30 foot private right of way.

THENCE North 69 degrees 19 east 190 feet to a point.

THENCE North 24 degrees 26 west along T. McManaman lot for a distance of 165.56 feet to the place of beginning.

Subject to a right of way in a Deed dated the 18th day of September, A.D, 1951 between Arthur James Trider and Ethel Mary Trider, Grantors, and Thomas Henry McManaman, Grantee, which deed is recorded at the Registry of Deeds in Halifax on the 25th day of March, A.D., 1952 in Book 1141 at Page 841.

SUBJECT TO a Development Agreement with Halifax Regional Municipality, dated February 17, 2017 and recorded at the Land Registry Office for the County of Halifax, on March 8, 2017 as Document Number 110431997.

***** Municipal Government Act, Part IX Compliance *****

Exemption:

The parcel is exempted from subdivision approval under the Municipal Government Act because the parcel was created by a subdivision

Reason for exemption:

Section 268A that is a Deemed Consolidation - (De Facto Consolidation).

External Comments:

Description Change Details:

Reason:

Author of New or

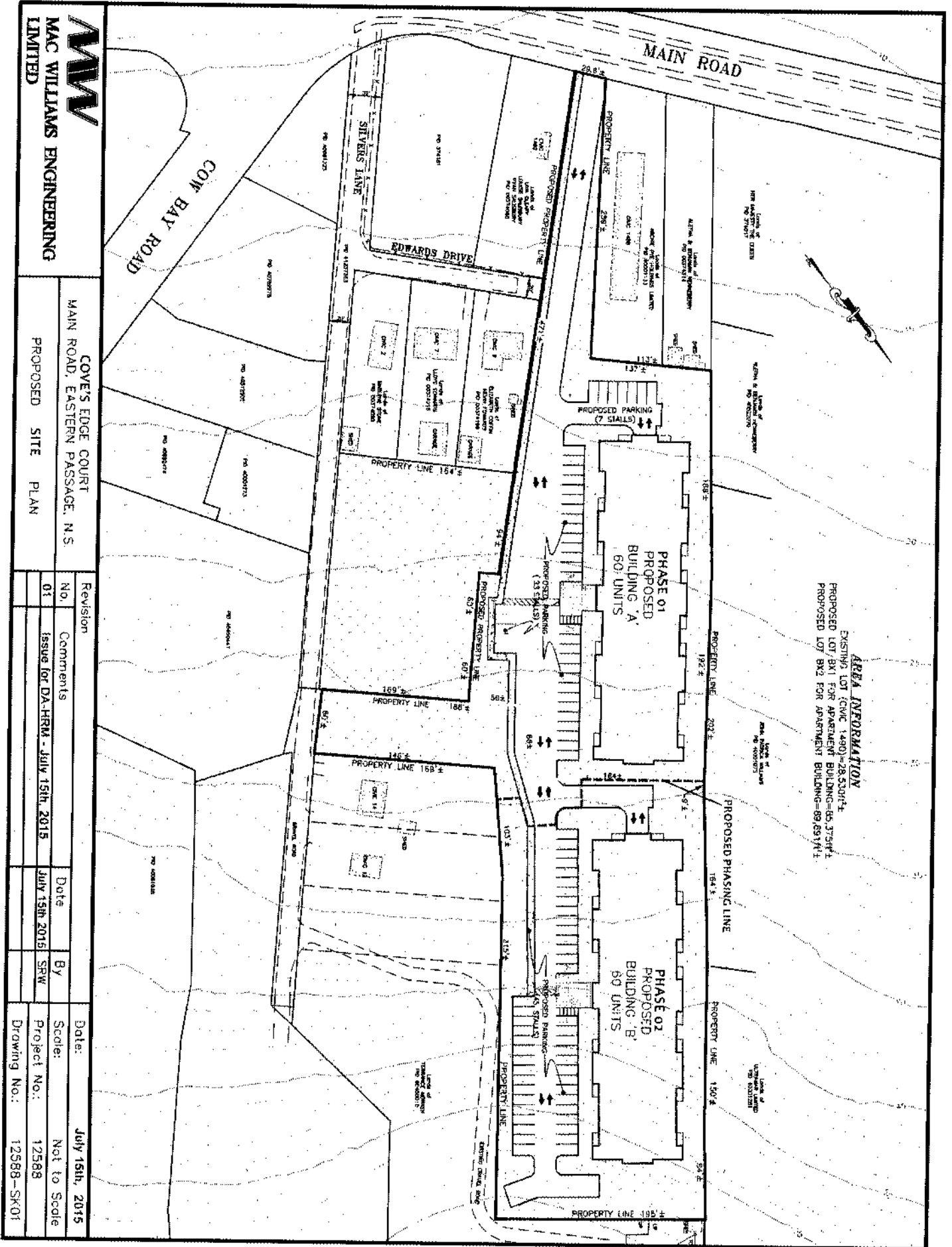
Changed Description:

Name:

Registered Instruments:

Comments:

Schedule B-1 - Site Plan



Schedule C-1 - Landscape Plan

NOTE:
SITE PLAN PREPARED BY
J. DOUGLAS MILLER - ARCHITECT

Designer
Gordon Ratcliffe
LANDSCAPE ARCHITECTS
2064 ROAD 328, BOX #1
REDBANK, NEWA SCOTIA
CANADA, B0J 1T0
TEL: (902) 749-3040
FAX: (902) 747-7108
g.ratcliffe@ratcliffe.ca

Project by:
Garnat Investments Ltd.
Project Name:
COVERS EDGE COURT

NO.	Comments	Date	By
01	Issue for DA-HRM - July 15th, 2015	July 15th, 2015	LG

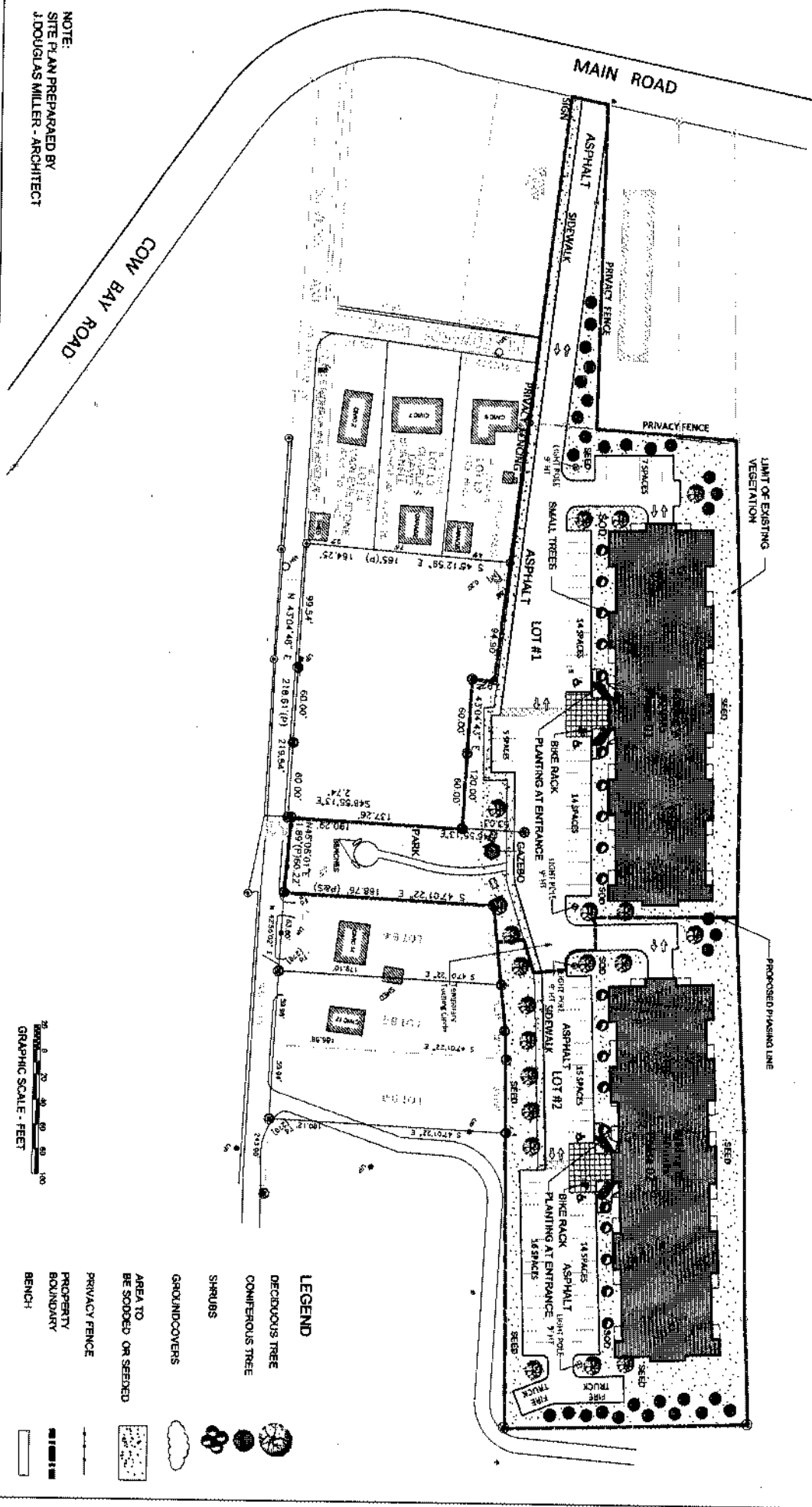
LANDSCAPE PLAN

Scale: AS NOTED
Drawn: LG
Date: July 15th, 2015

L1



- LEGEND**
- DECIDUOUS TREE
 - CONIFEROUS TREE
 - SHRUBS
 - GROUNDCOVERS
 - AREA TO BE SODDED OR SEEDED
 - PRIVACY FENCE
 - PROPERTY BOUNDARY
 - BENCH



Schedule D-1 - Preliminary Plan of Subdivision

