

Form 24

Purpose: to change the registered interest, benefits or burdens

11

(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: 892
 Submitter's name: Wayne F. Howatt

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

116191520 **LR** **ROD**
 Document #
April 14 2020 16:05
 MM DD YYYY Time

In the matter of Parcel Identification Number (PID)

PID: 398552	PID 40414633
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Original Signed

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

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) <i>Instrument code: 443</i>	

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) 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	Amendment (Not Condominium)
Interest holder and type to be removed (if applicable)	N/A
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, Nova Scotia, B3J 3A5
Reference to related instrument in names-based roll/parcel register (if applicable)	#93061001, March 31, 2009 #106668354, February 19, 2015 # 111228285, August 11, 2017
Reason for removal of interest (for use only when interest is being removed by operation of law) Instrument code: 443	N/A

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	

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 Halifax, in the County of Halifax, Province of Nova Scotia, on February 27, 2020.
Original Signed

Signature of authorized lawyer

Name: Wayne F. Howatt

Address: 1800 – 1801 Hollis Street, Halifax, Nova Scotia, B3J 3N4

Phone: 902-442-8329

E-mail: Whowatt@burchells.ca

Fax: 902-420-9326

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.

Approved as to Form
and Authority
Original
Signed _____
Schiller

THIS THIRD AMENDING AGREEMENT made this 3rd day of March

, 2020

BETWEEN:

MARC GIROUARD

an individual, in the Halifax Regional Municipality, in the Province of Nova Scotia (hereinafter 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 Evergreen Drive, Cole Harbour (PIDs 00398552 and 40414633) and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Harbour East Community Council of the Municipality approved an application to enter into a Development Agreement to allow for a 16-unit townhouse development on the Lands (municipal case number 01145), pursuant to the provisions in the *Municipal Government Act* and Policy UR-8 and IM-11 of the Cole Harbour-Westphal Municipal Planning Strategy at a meeting on December 4, 2008, which said Development Agreement was registered at the Land Registration Office in Halifax on March 31, 2009 as Document Number 93061001 (hereinafter called the "Original Agreement") and which applies to the Lands;

AND WHEREAS the Harbour East-Marine Drive Community Council of the Municipality approved an application to amend the Original Agreement to allow for a one-year extension to the date of Commencement of Development on the Lands (municipal case 19485), pursuant to the provisions of the *Halifax Regional Municipality Charter* and Policies UR-8 and IM-11 of the Cole Harbour-Westphal Municipal Planning Strategy at a meeting on November 13, 2014, which said Amending Development Agreement was registered at the Land Registration Office in Halifax on February 19, 2015 as Document Number 106668354 (hereinafter called the "First Amending Agreement") and which applies to the Lands;

AND WHEREAS the Harbour East-Marine Drive Community Council of the Municipality approved an application to amend the First Amending Agreement to allow for a one-year extension to the date of Commencement of Development on the Lands and to remove the provision requiring a further 'non-substantive amendment' prior to Phase 2 commencing (municipal case 20260), pursuant to the provisions of the *Halifax Regional Municipality Charter* and Policies UR- and IM-11 of the Cole Harbour-Westphal Municipal Planning Strategy at a meeting on May 4, 2017, which said Development Agreement was registered at the Halifax County Land Registration Office on August 11, 2017 as Document Number 111228285 (hereinafter called the "Second Amending Agreement") and which applies to the Lands;

AND WHEREAS the Original Agreement, the First Amending Agreement and Second Amending Agreement together comprise the Existing Development Agreement (hereinafter called "the Existing Agreement");

AND WHEREAS the Developer has requested that further amendments to the Existing Agreement to allow for a one-year extension to the date of Commencement of Development on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter*, Policies UR-8 and IM-11 of the Cole Harbour-Westphal Municipal Planning Strategy, and Section 6.2 of the Existing Agreement;

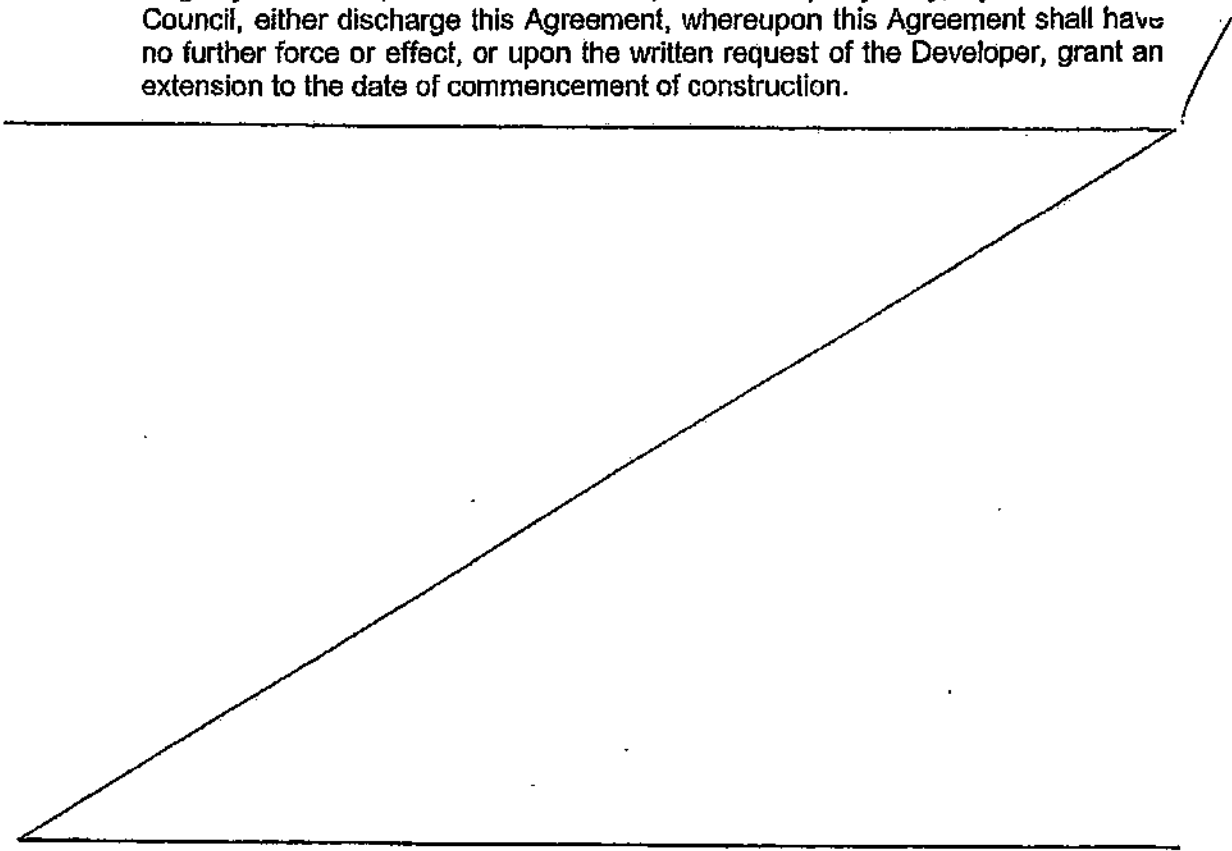
AND WHEREAS the Harbour East-Marine Drive Community Council for the Municipality approved this request at a meeting held on December 5, 2019, referenced as Municipal Case 22512;

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 Third Amending Agreement, all other conditions and provisions of the Existing 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 Third Amending Agreement, and the Existing Agreement.
3. Section 8.3.1 of the Existing Agreement shall be amended by deleting the text shown in ~~strikeout~~, and inserting the text shown in bold as follows:

8.3.1 In the event that development on the Lands has not commenced within one (year from the date of registration of the ~~Second~~ **Third Amending** Agreement Registry of Deeds, as indicated herein, the Municipality may, by resolution Council, either discharge this Agreement, whereupon this Agreement shall have no further force or effect, or upon the written request of the Developer, grant an extension to the date of commencement of construction.

Original Signed 



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

MARC GIROUARD
Original Signed

Witness  (MARK HIGGINS)

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

HALIFAX REGIONAL MUNICIPALITY

Witness 
Original Signed

Original Signed

Per: _____
MAYOR



Original Signed

Witness 
Original Signed

Per: _____
MUNICIPAL CLERK



Original Signed

 Original

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this 27 day of FEBRUARY, A.D. 2020, before me, personally came and appeared MARK HIBBINS, the subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that MARC GIROUARD of the parties thereto, signed, sealed and delivered the same in his/her presence.

Original Signed

✓
A Commissioner of the Supreme Court
WAYNE F. HOWATT of Nova Scotia
A Barrister of the Supreme
Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this 31st day of March, A.D. 2020, before me, personally came and appeared Leslie Neale & Bob Murphy, the subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that Mike Savage, Mayor and Kevin Sherrill Murphy 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

LIAM MACSWEEN
A Commissioner of the
Supreme Court of Nova Scotia

Schedule A

PID 40414633

ALL that certain lot, piece or parcel of land situate, lying and being at Cole Harbour, in the County of Halifax, Province of Nova Scotia, and consisting of Lots shown as Lot C15, C16 and C17 and a portion of a proposed road as shown on a plan of the subdivision of the lands of Robert K. and Hilda E. Turner at Cole Harbour, prepared by K.W. Robb, P.L.S., on the 16th day of October, 1962, the said plan being filed in the Registry of Deeds at Halifax as Plan No. 6277 in Drawer No. 94, the said lot of land being more particularly described as follows:

BEGINNING at a point shown as the southeastern corner of Lot C14 as shown on the said plan, the said point being on the line marking the northern side of part of the lands of one Bryden Bissett, the said point being 29.34 feet when measured easterly along the southern side line of Lot C14 from the northeastern corner of Lot C8;

THENCE running along the southern sideline of Lots C15, C16 and C17 and along the northern sideline of part of the lands of Bryden Bissett a distance of 213.73 feet more or less to a point marking an angle on the lands of Bryden Bissett, the said point being the southeastern corner of Lot C17;

THENCE running in a general northerly direction along the western sideline of the lands of Bryden Bissett a distance of 101.27 feet more or less to a point marking the southern sideline of the proposed road;

THENCE continuing in a northerly direction along the western sideline of the lands of Bryden Bissett a further distance of 66.01 feet more or less to the northern sideline of the proposed road as shown on said plan;

THENCE running westerly along the northern sideline of the proposed road a distance of 212 feet more or less to a point marking the prolongation northerly of the division line between Lots C14 and C15;

THENCE running in a southerly direction along the prolongation of and the division line between Lots C14 and C15 a distance of 183.07 feet more or less to the place of beginning.

The said Lot being and intended to be added to the lands conveyed by Robert K. Turner and Hilda E. Turner to S. Jachimowicz Limited, which lands lie to the north of the said proposed road.

TOGETHER with a right of way over the aforementioned proposed road as shown on the said plan.

The parcel originates with an approved plan of subdivision that has been filed under the Registry Act or registered under the Land Registration Act at the Land Registration Office for the registration district of Halifax as plan 6277.

Schedule A

PID 00398552

All that certain lot, piece or parcel of land situate lying and being at Cole Harbour in the County of Halifax Province of Nova Scotia and being described as follows:

BEGINNING at the Southeasterly point of Lot C-10;

THENCE in an easterly direction 300.69 feet more or less to a point;

THENCE in a northerly direction 183.07 feet more or less to a point;

THENCE in a westerly direction until it reaches the lands of Charles Settle;

THENCE in a southerly direction 66 feet more or less to a point;

THENCE in an easterly direction 287 feet more or less to a point;

THENCE in a southerly direction 125 feet more or less to the place of beginning.

The description for this parcel originates with a deed dated September 9, 1926 registered in the registration district of Halifax in book 610 at page 105 and the subdivision is validated by Section 291 of the Municipal Government Act.