

Form 26

Purpose: To record an interest in a parcel; or to record a power of attorney in the power of attorney roll

For Office Use

Registration district: Halifax
 Submitter's user number: 1730
 Submitter's name: Elias Metlej/McInnes Cooper



In the matter of Parcel Identification Number (PID)

284729	40089195
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(Expand box for additional PIDs. Maximum 9 PIDs per form.)

Power of attorney 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

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

113074000 LRI ROD
Document #

- OR
- No power of attorney applies to this document

AUG 13 2018 14:58 Original Signed
MM DD YYYY Time

This form is submitted to record the attached document *(select applicable box)*:

- in the parcel register as a recorded interest
- in the power of attorney roll
- in the power of attorney roll as a duplication of a power of attorney registered under the *Registry Act*

The following information relates to the interest being recorded:

Instrument type	Amendment
Expiry date <i>(if applicable)</i>	n/a

Interest holder and type to be added (if applicable) Note: include qualifier (eg. estate of, executor, trustee, personal representative) if applicable	Halifax Regional Municipality/Party to Agreement
Mailing address of interest holder to be added (for power of attorney, provide mailing address for donee)	5201 Duke Street Halifax, NS B3J 1N9
Name and mailing address power of attorney donor to be added (if applicable)	n/a
Name and mailing address power of attorney donee to be added (if applicable)	n/a
Reference to related instrument in names-based roll/parcel register (if applicable) (for power of attorney to be duplicated, insert document/instrument number/year; include book/page if applicable)	106492052

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, ~~July 11, 2018~~
Original Signed _____

Signature } _____
vyer

Name Elias Metlej/McInnes Cooper

Address PO Box 730, Halifax, Nova Scotia, B3J 2V1

Phone 902-425-6500

Email: elias.metlej@mcinnescooper.com

Fax: 902-425-6350

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 DEVELOPMENT AGREEMENT made this 1st day of August,
2018.

BETWEEN:

3156293 NOVA SCOTIA LIMITED a body
corporate, in the Province of Nova Scotia, and
ABOUD RAYMOND TOULANY an individual, in
the Halifax Regional Municipality in the Province of
Nova Scotia

(hereinafter collectively called the "Developers")

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 3156293 Nova Scotia Limited is the registered owner of certain lands located at 286 Herring Cove Road and Aboud Raymond Toulany is the registered owner of 290 Herring Cove Road, 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 of the Halifax Regional Municipality approved an application to enter into a development agreement to allow for an apartment house development on the Lands on August 6, 2014 (Municipal Case 16367), which said Agreement was registered at the Land Registration Office on January 15, 2015 as Document Number 106492052 (hereinafter called the "Existing Agreement");

AND WHEREAS the Developers wish to amend the Existing Agreement to allow for a three (3) year extension to the date of construction commencement of development pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Part 6 of the Existing Agreement;

AND WHEREAS the Halifax and West Community Council for the Municipality approved this request at a meeting held on March 21, 2018 referenced as Municipal Case Number 21192;

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 Amending Development Agreement, all other terms, conditions and provisions of the Existing Agreement shall remain in effect.
2. Subsection 7.3.1 of the Existing Agreement shall be amended by deleting the text shown in ~~strikeout~~ and inserting the text shown in bold as follows:
 - 7.3.1 In the event that development on the Lands has not commenced within ~~four (4)~~ **three (3)** years from the date of registration of this **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.

3. Subsection 7.5.1 of the Existing 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 ~~six (6)~~ **five (5)** years from the date of the registration of this **First Amending Development** Agreement at the Registry of Deeds or Land Registration Office Council may review this Agreement, in whole or in part, and may:

- (a) retain this 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 _____

Original Signed _____

Witness _____

SEALED, 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 _____

3156293 NOVA SCOTIA LIMITED

Original Signed _____

Per: _____

Print Name: *Elias Toulany*

Print Position: *Authorized Signing Officer*

ABOUD RAYMOND TOULANY

Original Signed _____

Per: _____

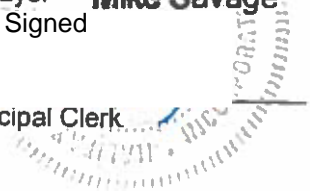
Print Name: *Elias Toulany, Lawful Attorney*

HALIFAX REGIONAL MUNICIPALITY

Original Signed _____

Mayor **Mike Savage**
Original Signed _____

Original _____
Municipal Clerk _____



PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX, NOVA SCOTIA

I hereby certify that on this 11 day of July, 2018, 3156293 Nova Scotia Limited, one of the Parties hereto, caused the foregoing Indenture to be executed in its name and on its behalf by its proper officers in my presence and I have signed as a witness to such execution.

Original Signed 

Elias Metlej, A
Court of No

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PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX, NOVA SCOTIA

On this 1 day of August, A.D., 20 18, before me, the subscriber personally came and appeared Ken Bennett + Loolie Neate the subscribing witness to the foregoing Indenture who being by me sworn, made oath, and said that Mike Savage, Mayor, and Kevin Sherryll ~~Arden~~, Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in his/her presence.

Murphy

Original Signed


Court

OF NOVA SCOTIA

KRISTA VINING
A Commissioner of the
Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX, NOVA SCOTIA

I hereby certify that on this 11 day of July, 2018, Aboud Raymond Toulany by his lawful attorney Elias Toulany, one of the Parties hereto, caused the foregoing Indenture to be executed in its name and on its behalf by its proper officers in my presence and I have signed as a witness to such execution.

Original Signed 

Elias M
Cot

of the Supreme

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 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

PID 00284729

Municipality/County: Halifax
Designation of Parcel on Plan: Lot R-3

Title of Plan: Plan of Survey of Lots R-1, R-2, R-3, P-3 and Parcel R-4 in a Subdivision of lands conveyed to Pyara Singh & Satnam Kaur Randhawa and in a subdivision of Lot P-2 conveyed to The First Pentecostal Holiness Church of Halifax Herring Cove Road, Halifax, Nova Scotia

Registration County: Halifax

Registration Reference of Plan: Plan No. 22079, Drawer No. 252

An approved plan of subdivision has been filed under the Registry Act or registered or recorded under the Act.

PID 40089195

Municipality / County: Halifax

Designation of Parcel on Plan: Lot R-1

Title of Plan: Plan of Survey of Lots R-1, R-2, R-3, P-3 and Parcel R-4, Subdivision of Land conveyed to Pyara Singh Randhawa and Satnam Kaur Randhawa and The First Pentecostal Holiness Church of Halifax

Registration County: Halifax

Registration Reference of Plan: Plan No. 22079, Drawer 252

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 County as plan or document number 22079 in Drawer 252.

3156293 NOVA SCOTIA LIMITED a body
corporate, in the Province of Nova Scotia, and
ABOUD RAYMOND TOULANY an individual, in
the Halifax Regional Municipality in the Province of Nova Scotia

(hereinafter collectively called the "Developers")

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

FIRST AMENDING AGREEMENT

RETURN TO:
HRM Planning and Development
Alderney Gate, 2nd Floor
PO Box 1749
Halifax, NS B3J 3A5

MAINTAINED (L
SCANNED
QC

Original
Signed