

on the Corporation Property or the Gardens, as the case may be, to the extent reasonably necessary to remove the weeds from the Pond under this section.

3.0 Maintenance of Water Levels in the Pond

3.1 Subject to section 3.2, during the months of May to September of each year, inclusive, the Board must maintain a supply of fresh water to the Pond that is adequate to maintain the water level of the Pond so that it just overflows the water outlet for the Pond during the months of May and June. The Board must supply that fresh water at the end of the Pond that is opposite to the water outflow for the Pond. The Corporation agrees to pay half of the cost of water supply as provided in section 5.0 of this Agreement.

3.2 The obligation of the Board under section 3.1 is suspended during any period during which the Greater Vancouver Water District, the Greater Vancouver Regional District or any other public authority with the jurisdiction to do so requests or requires the Board specifically, or Greater Vancouver Regional District water users generally, to reduce or eliminate unnecessary water uses or to ration the use of water.

4.0 Changes in the Gardens

4.1 The Board agrees to use reasonable efforts to give notice to the Corporation of any proposed changes in the design, layout or

planting of any part of the Gardens, including the Pond, that is within a radius of 100 feet from any point on the eastern boundary of the Corporation Property. The Board agrees to use reasonable efforts to consult with the Corporation on any of those proposed changes and to consider any suggestions or requests made by the Corporation. The Board is not obliged to implement any suggestions or requests made by the Corporation. The Board may carry out any proposed changes despite failure by it to give notice to or consult with the Corporation.

5.0 Payment for Weed Removal and Water Supply

5.1 The Board from time to time may deliver an invoice to the Corporation setting out:

(a) the one half share of the cost of:

(i) weed removal under section 2.0, or

(ii) the supply of water to the Pond under section 3.0,

or both, that must be paid by the Corporation, and

(b) any social services, goods and services or other consumption or added value taxes that are payable by the Corporation in respect of removal of the weeds from the Pond or the supply of water to the Pond invoiced under section 5.1(a).

5.2 Within 30 days after the date of each invoice delivered under section 5.1, the Corporation must pay the amount of that invoice to the Board. Any amount that remains unpaid more than 30 days after the date of the invoice bears interest payable to the Board starting 31 days after the date of the invoice at the annual rate of interest, compounded annually not in advance, that is 3% greater than the annual rate of interest charged from time to time by the Bank of Montreal, Main Branch, 595 Burrard Street, Vancouver, on demand Canadian dollar commercial loans made in Canada to its most creditworthy commercial customers and designated by that bank as its prime rate.

6.0 Allocation of Risk

6.1 The Board is not liable for

- (a) damage caused to the Corporation Property or any other property of any kind during removal of weeds from the Pond,
- (b) damage caused to the Corporation Property or any other property of any kind by water in the Pond, or
- (c) personal injury or death suffered by anyone in that part of the Pond that is on the Corporation Property.

6.2 The Corporation agrees that for the purposes of the *Occupiers' Liability Act* (British Columbia) the Board is not an occupier of that

part of the Pond that is on the Corporation Property. The Corporation agrees that it must take reasonable care to ensure that no personal injury or death is suffered in connection with that part of the Pond that is on the Corporation Property.

7.0 Statutory Covenant Regarding Corporation Property

7.1 In accordance with section 215 of the *Land Title Act* (British Columbia), the Corporation agrees with the Board that

- (a) the part of the Corporation Property that is covered by the Pond may be used and occupied only in accordance with the terms of this Agreement, and
- (b) the Corporation must indemnify the Board, its employees and agents against any liability, loss, expense or cause of action that may be suffered by or asserted against the Board or its employees or agents in connection with that part of the Pond that is located on the Corporation Property, but this indemnity does not apply to the extent that any liability, loss or expense is suffered as a result of the negligence of the Board or its employees or agents.

7.2 The Corporation agrees that the indemnity created by section 7.1 is both an indemnity granted in accordance with section 215 of the *Land Title Act* (British Columbia) as an integral part of the statutory

covenant created by section 7.1 and an indemnity granted under the common law.

8.0 Effectiveness and Termination

8.1 This Agreement is effective after June 1, 1991.

8.2 Either party may terminate this Agreement by giving 90 days notice of termination to the other party and this Agreement terminates on expiry of the 90 days.

9.0 General

9.1 Any notice or invoice which may be or is required to be given under this Agreement must be in writing and delivered addressed as follows:

(a) to the Board:

Board of Parks and Recreation
2099 Beach Avenue
Vancouver, British Columbia
V6G 1Z4

Attention: Director of Environment and Operations

(b) to the Corporation:

The Owners, Strata Plan VR-368,
4900 Cartier Street
Vancouver, British Columbia
V6M 4H2

Attention: Strata Council Chair,

or to such other address of which notice has been given as provided in this section. Any notice, direction or demand that is delivered is to be considered to have been given on the next business day after its dispatch for delivery. If a party changes its address it must promptly give notice of its new address to the other party as provided in this section.

9.2 The obligations created by sections 7.1 and 7.2 are not merely personal, but are covenants which burden the Corporation Property and run with it.

9.3 If any term of this Agreement is held by a court to be invalid, illegal or unenforceable, that term 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 term.

9.4 No alleged waiver of any breach of this Agreement is effective unless it is an express waiver in writing of the breach in respect of which it is asserted against the party alleged to have given the waiver.

No waiver by the Board or the Corporation of any breach of this Agreement operates as a waiver of any other breach of this Agreement.

9.5 The Corporation must promptly do everything necessary to ensure that this Agreement and the interests it creates are registered against title to the Corporation Property in the appropriate Land Title Office with priority over all other charges and encumbrances other than charges and encumbrances held by the Board.

9.6 This is the entire agreement between the Board and the Corporation concerning its subject and it may be changed only in a document executed by the Board and the Corporation.

8.7 This Agreement is both a contract and a deed executed and delivered under seal.

As evidence of their agreement to be bound by the above terms, the parties to this Agreement have executed and delivered this Agreement under seal on the dates set out below:

The Common Seal of the
CITY OF VANCOUVER
was affixed in the
presence of:

Authorized Signatory

C/S

Date executed and delivered by City of Vancouver: _____, 1991.

The Common Seal of THE
OWNERS, STRATA PLAN VR-368
was affixed in the
presence of:

Authorized Signatory

Authorized Signatory

C/S

Date executed and delivered by The Owners, Strata Plan VR-368:
_____, 1991.

(VANDUSEN/DL8/HP)

SCHEDULE A

to the Pond Maintenance Agreement
dated for reference June 1, 1991 with the Board of Parks and Recreation

Illustrative sketch of the Pond and its surroundings

See attached.

MODE=TRANSMISSION
FILE NO. = 293

START=JUN-24 09:18

END=JUN-24 09:24

NO.	COM	ABBR.NO.	STATION NAME/ TELEPHONE NO.	PAGES	PRG.NO.	PROGRAM NAME
01	OK	[15]	s.22(1)	15/15		

-CITY VANCOUVER LAW DEPT. -



FAX COVER SHEET

**LAW DEPARTMENT
CITY OF VANCOUVER
453 WEST 12TH AVENUE
VANCOUVER, BRITISH COLUMBIA
V5Y 1V4
FAX (604) 873-7445**

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TO: s.22(1)

OF: _____

FAX NO.: 669-1620 DATE: June 24, 1991

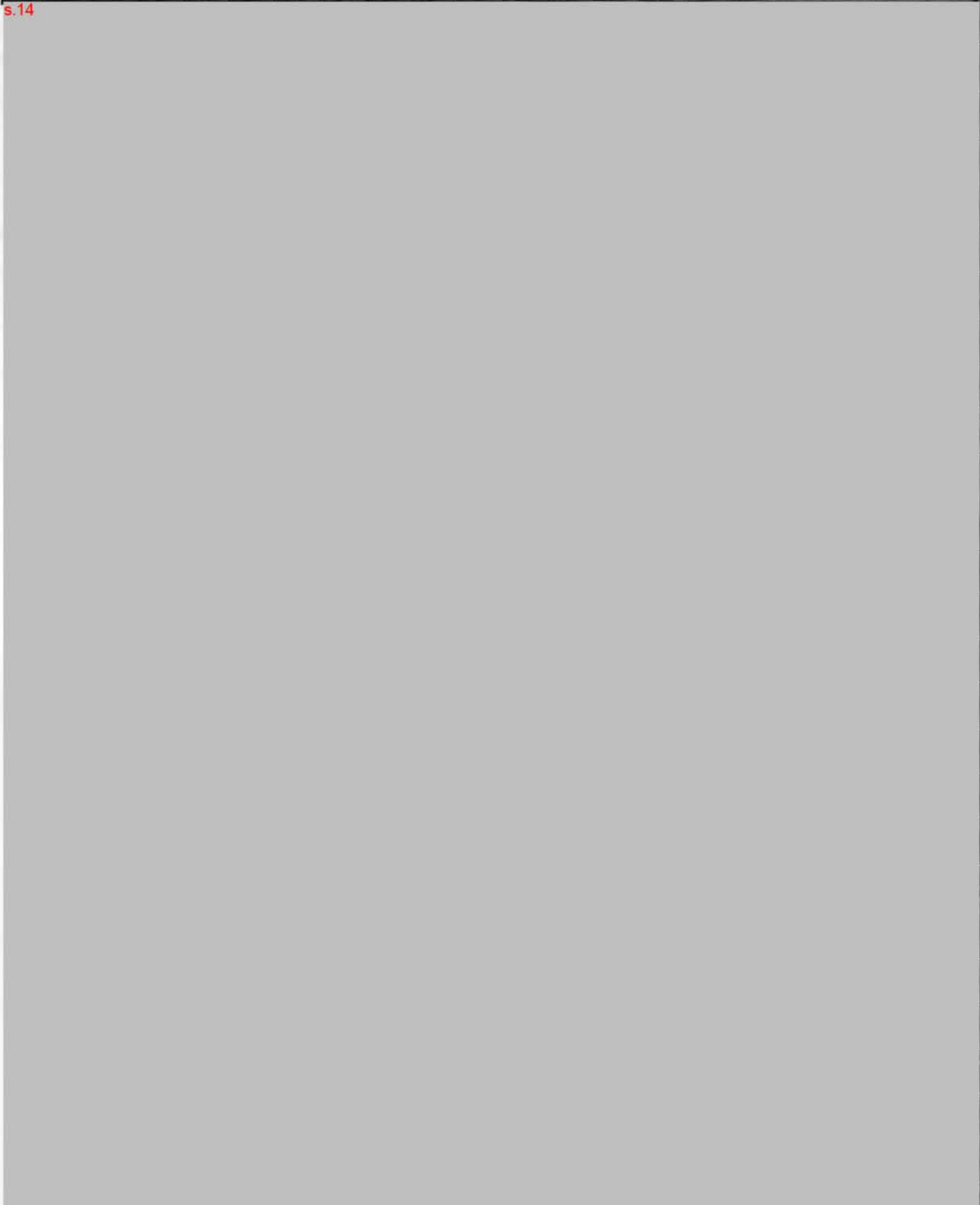
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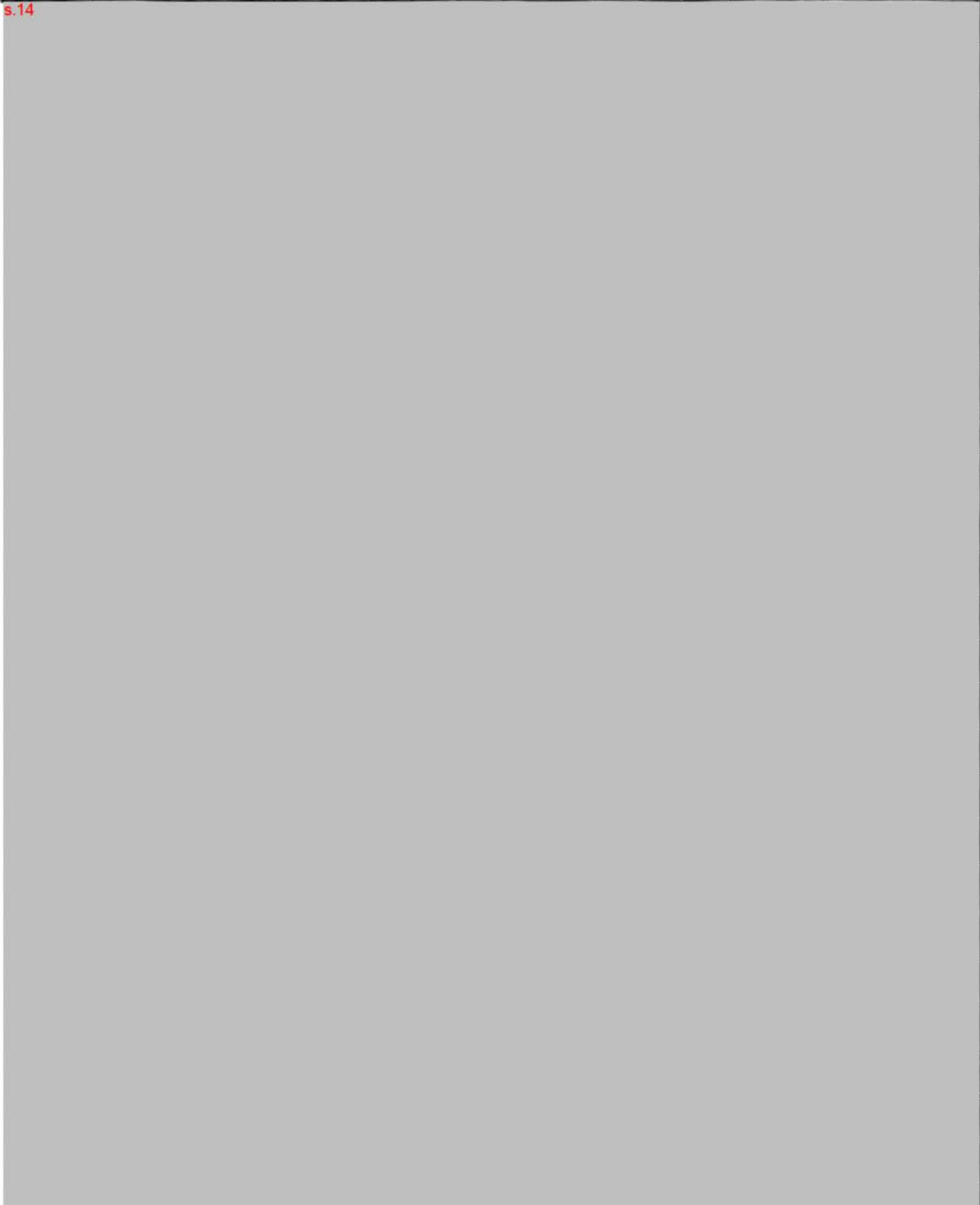
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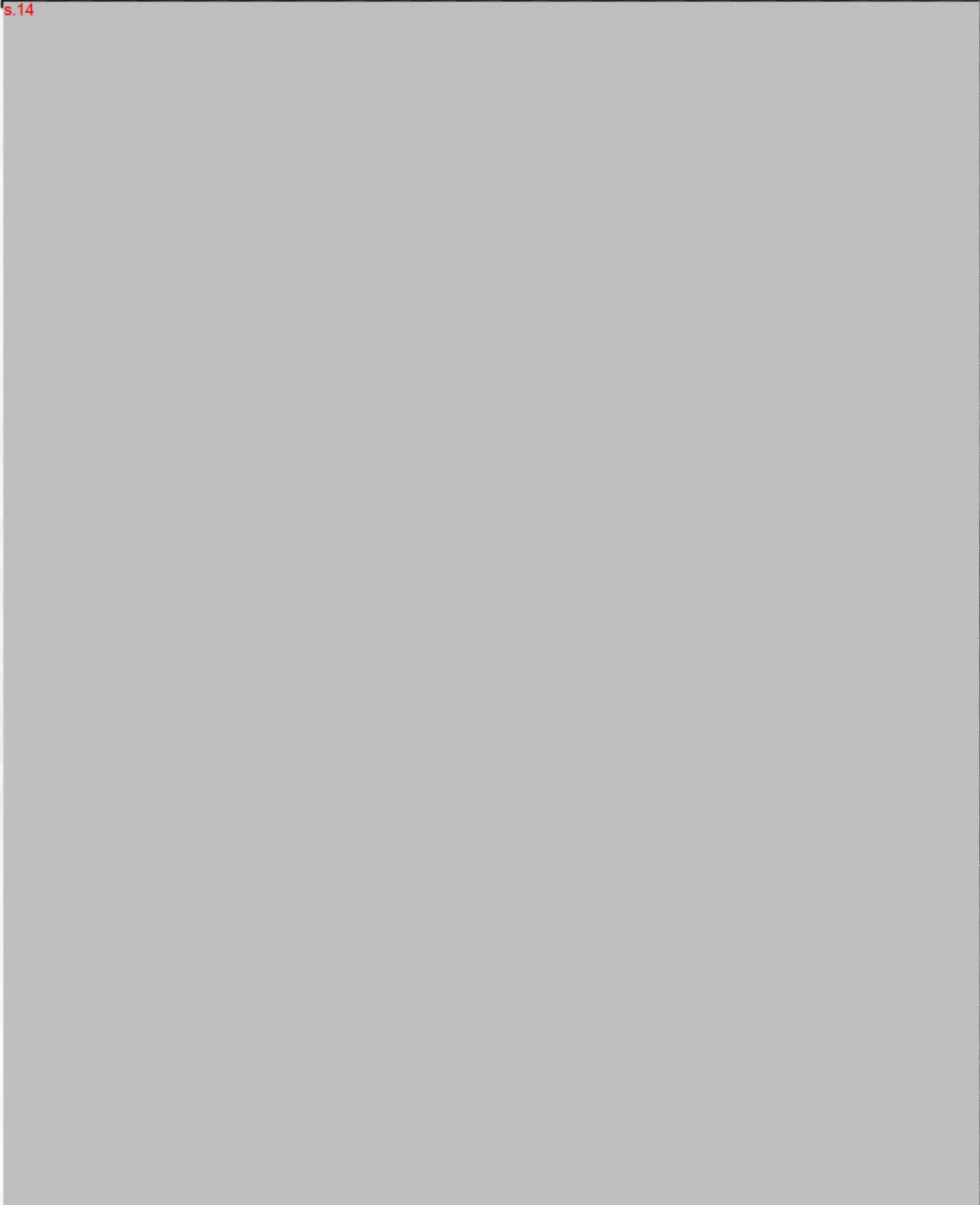
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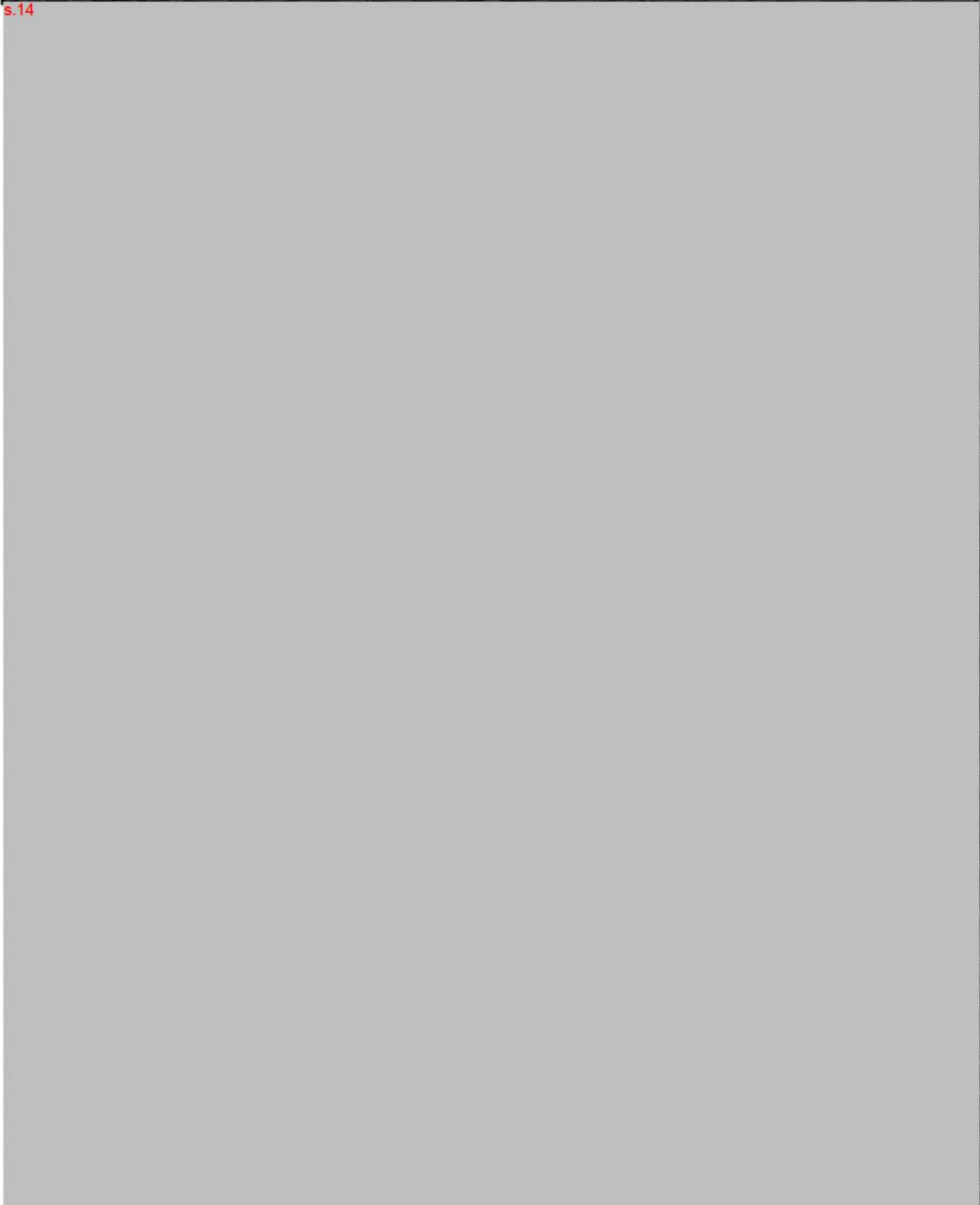
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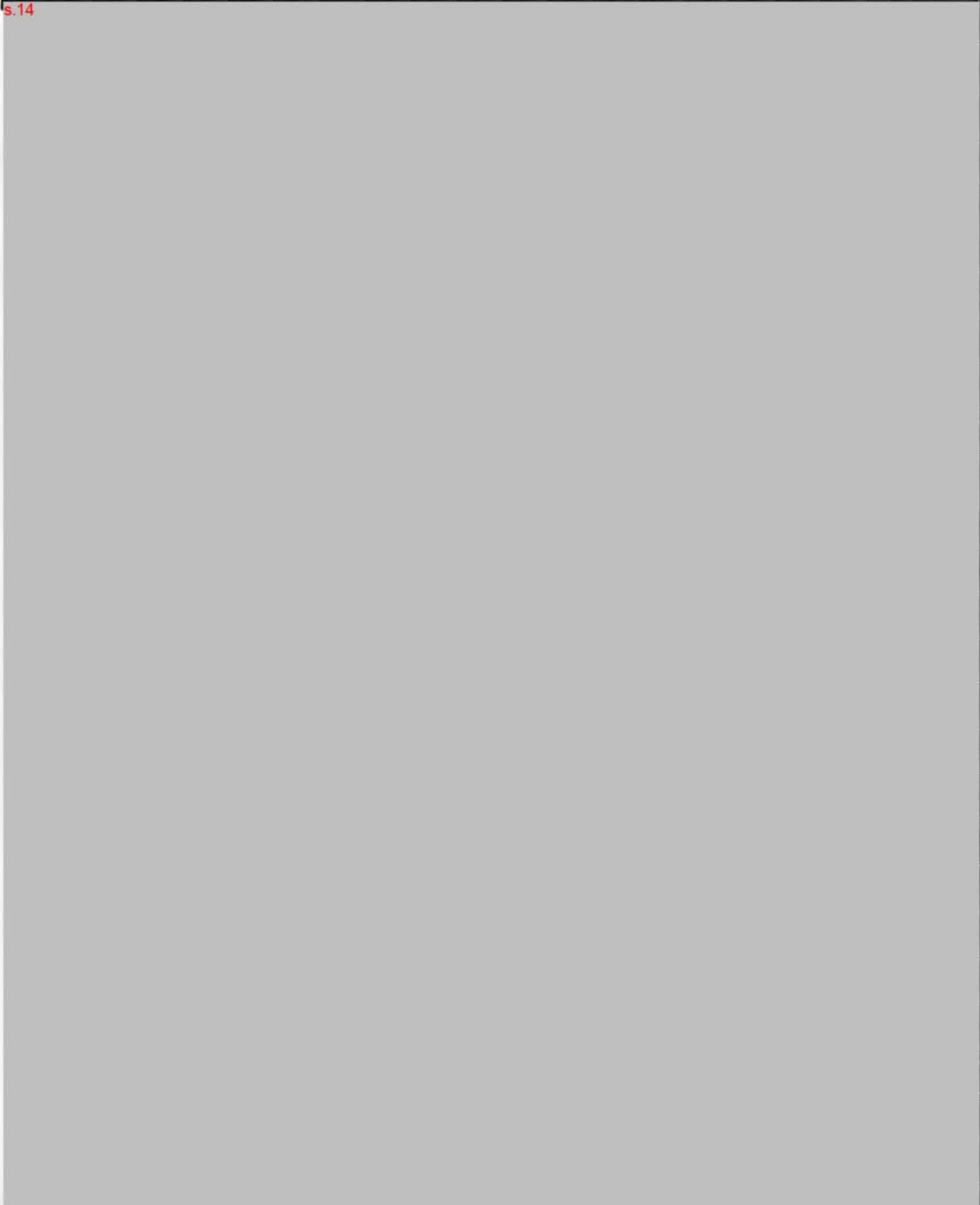
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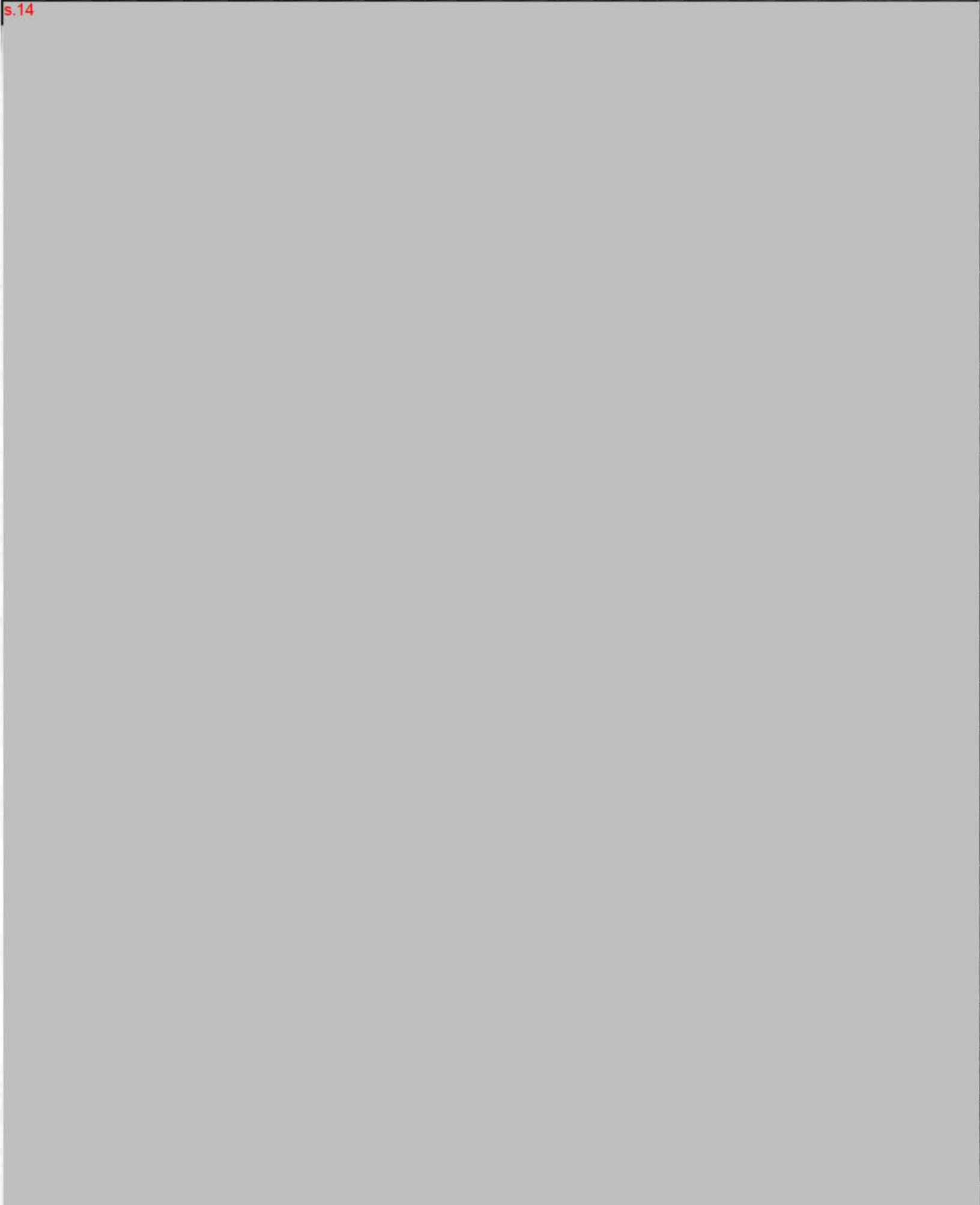


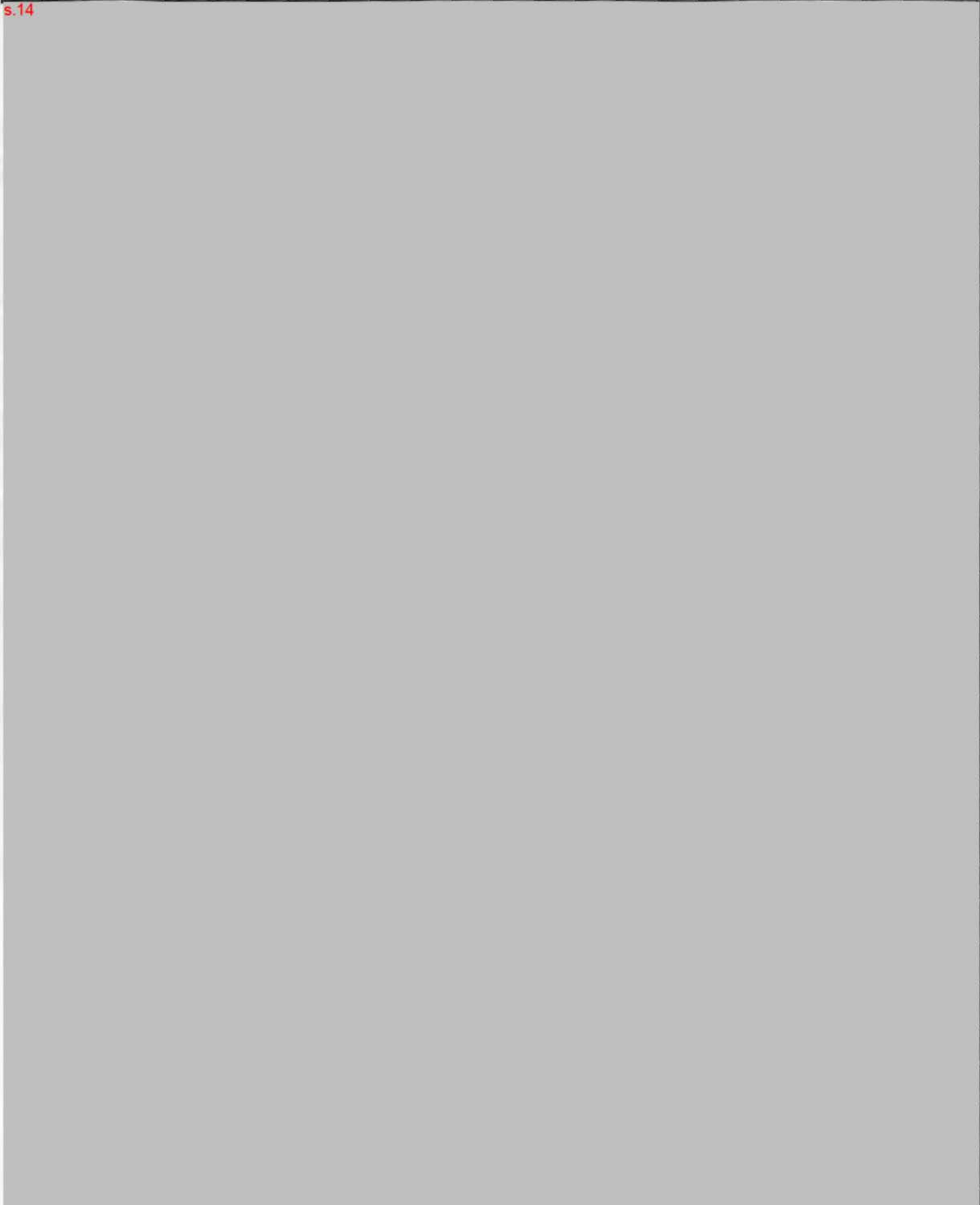


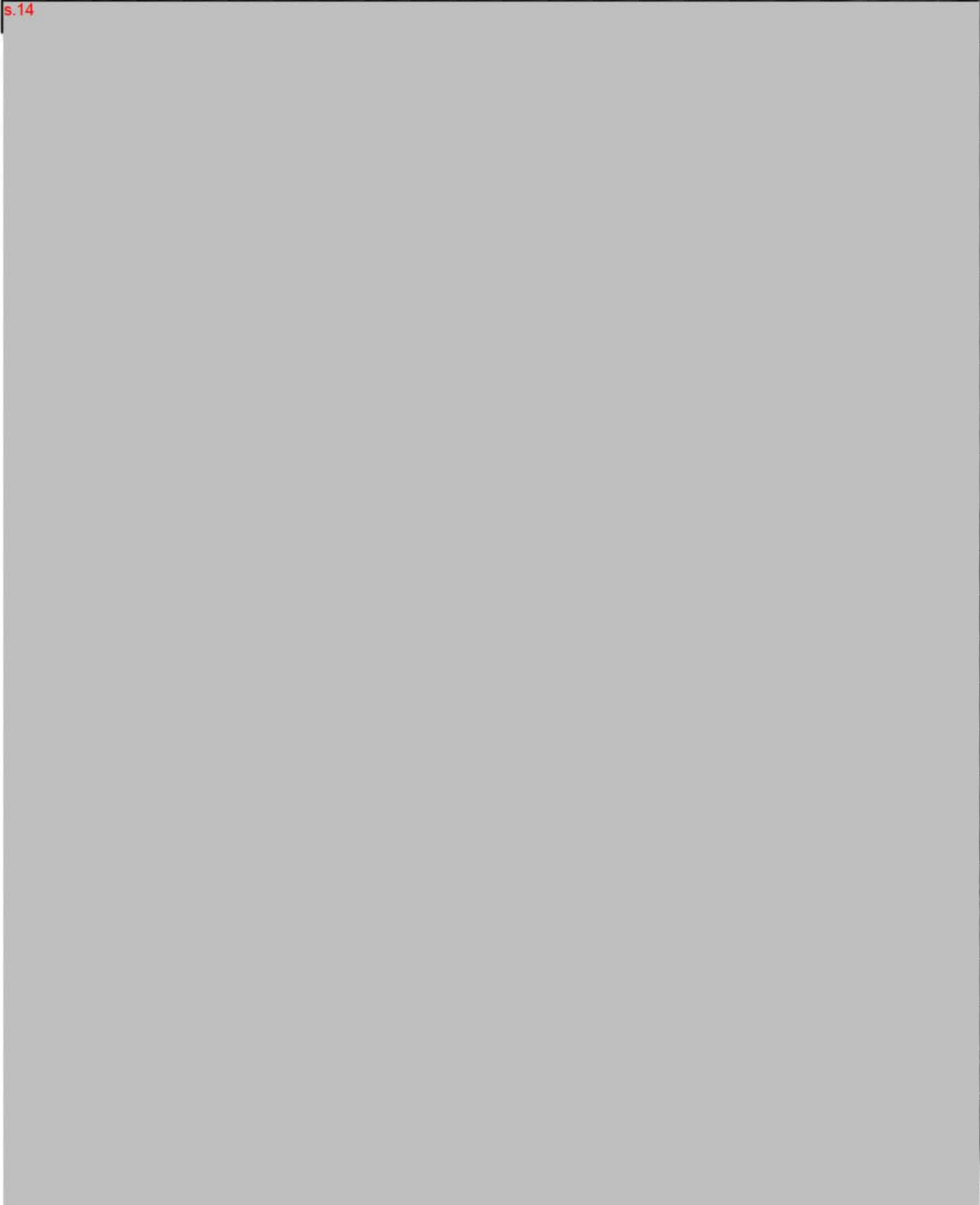


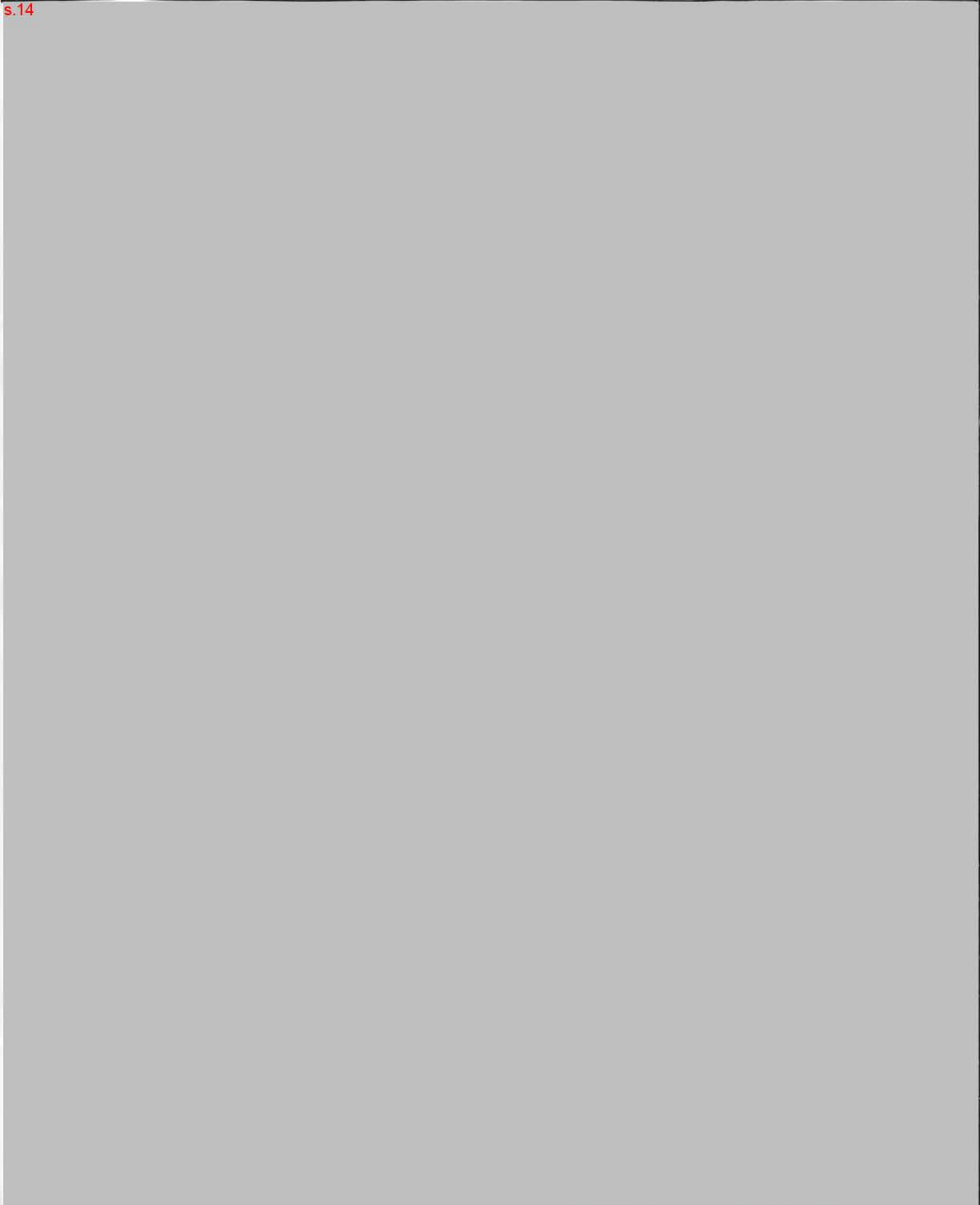


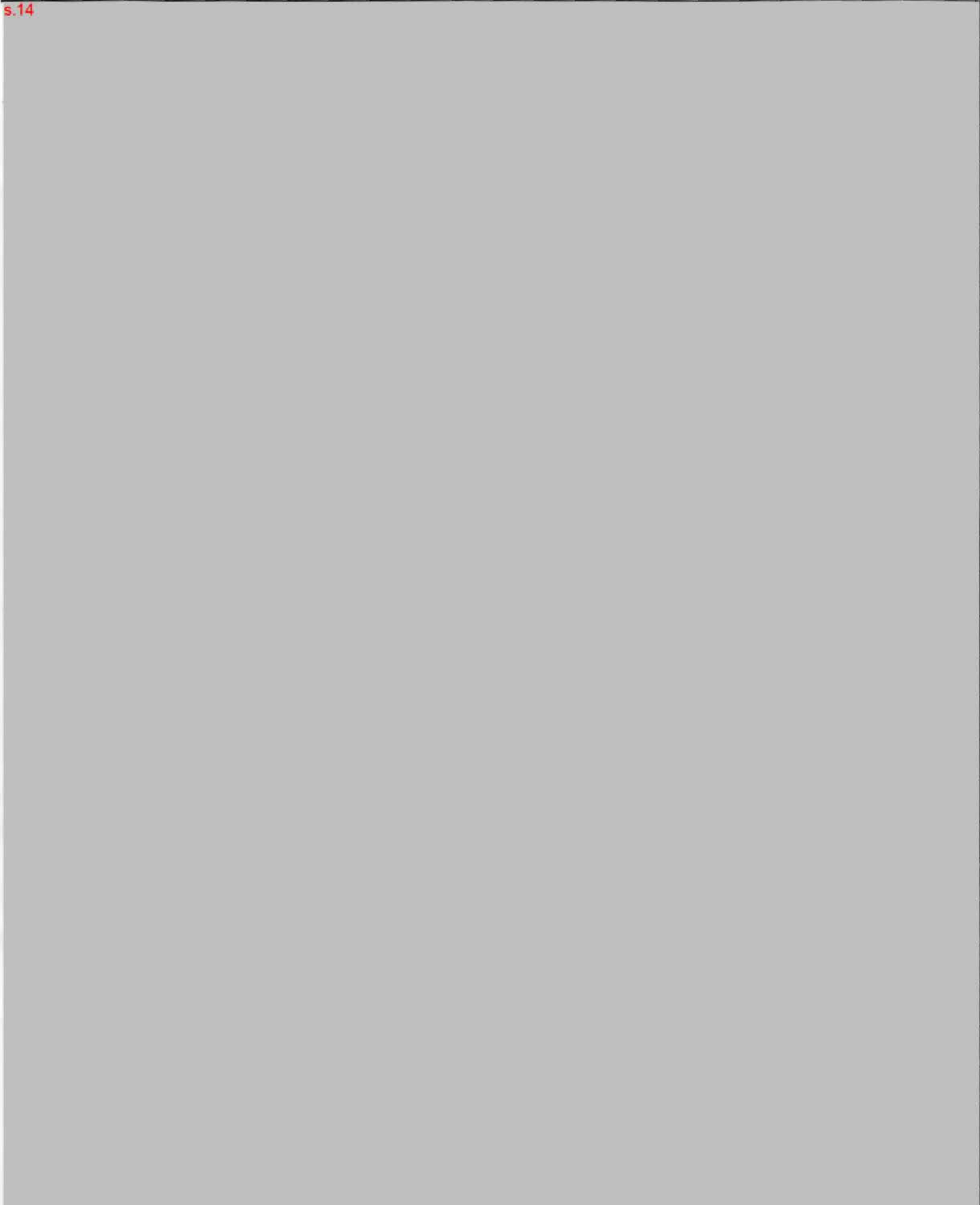


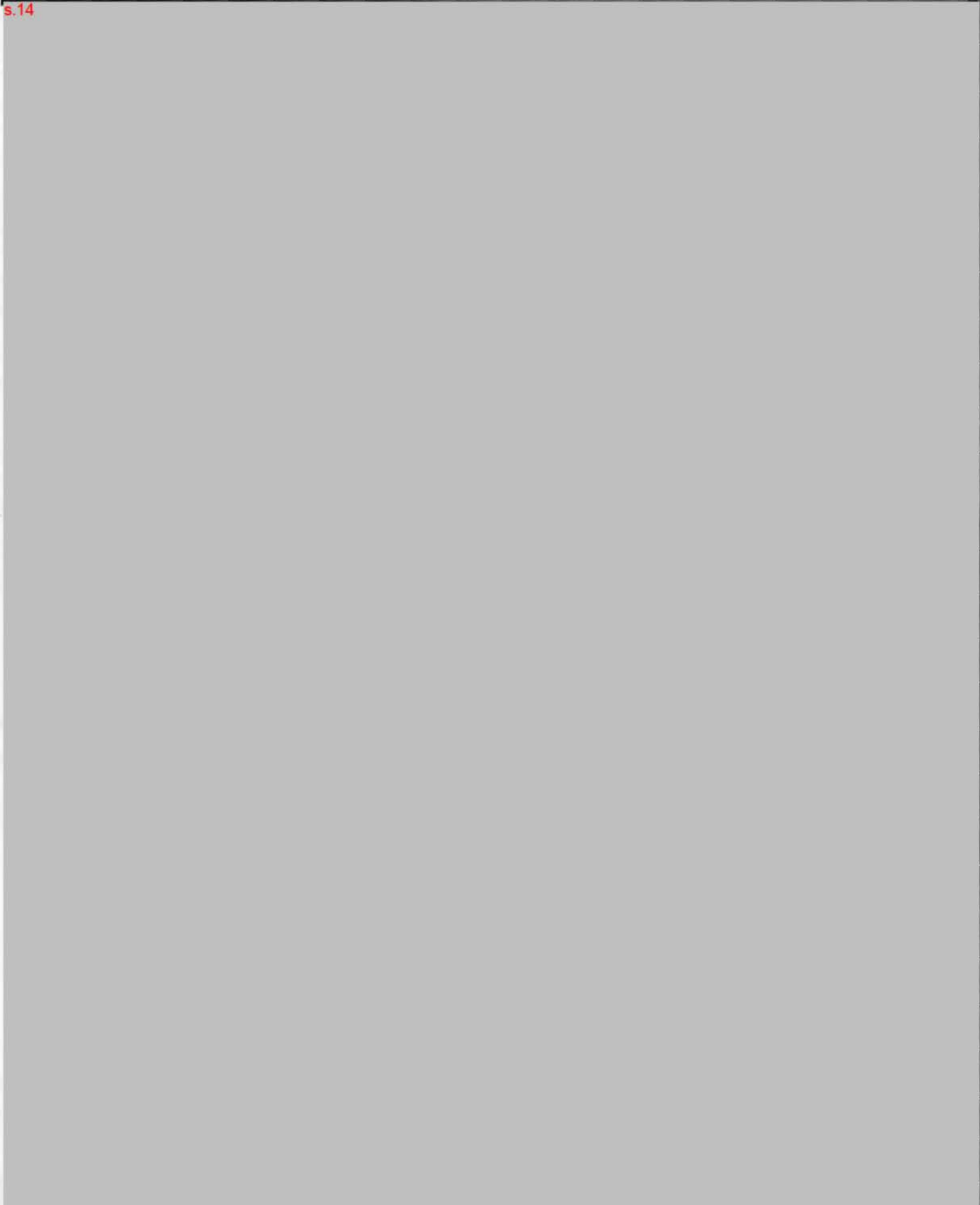


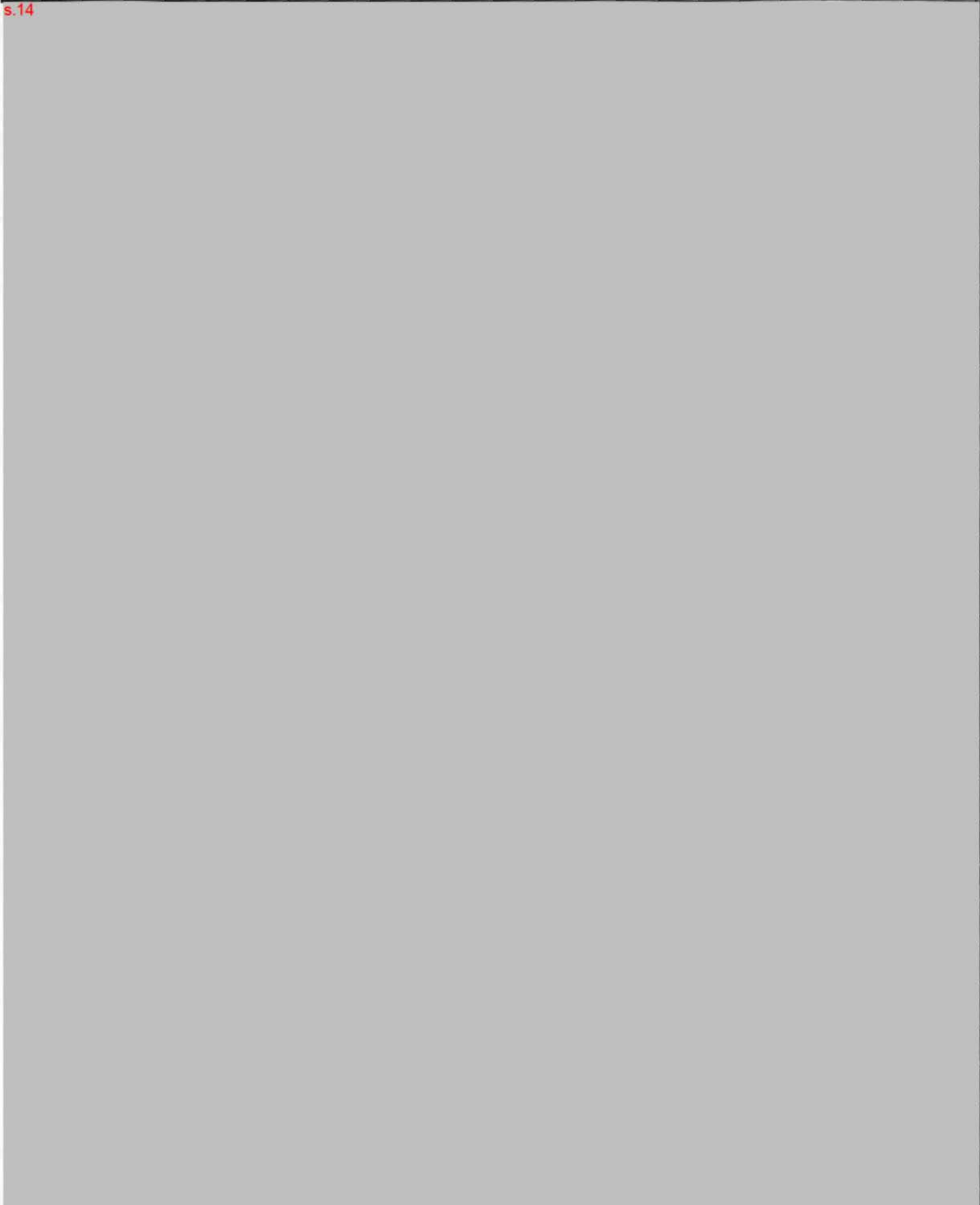










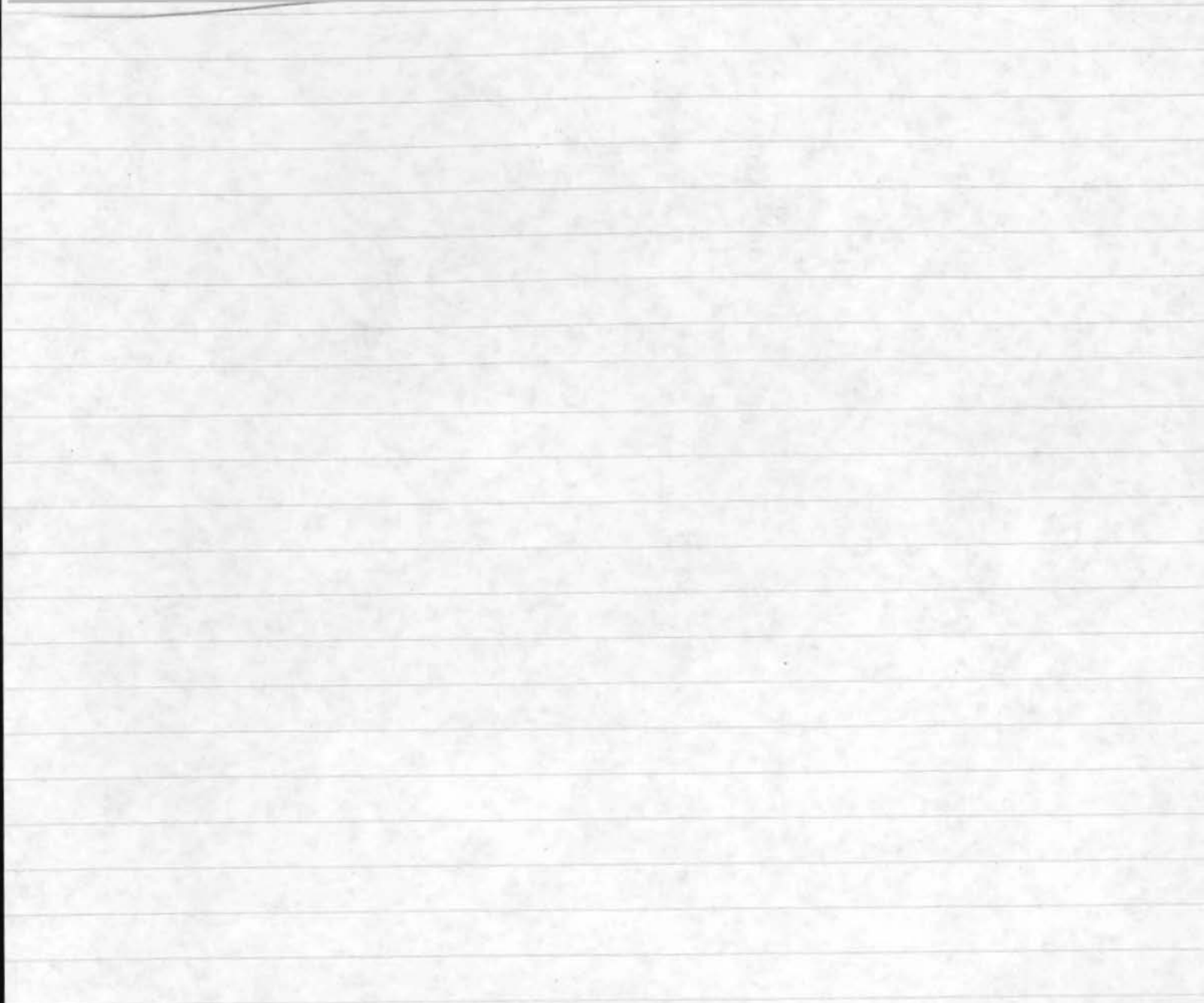
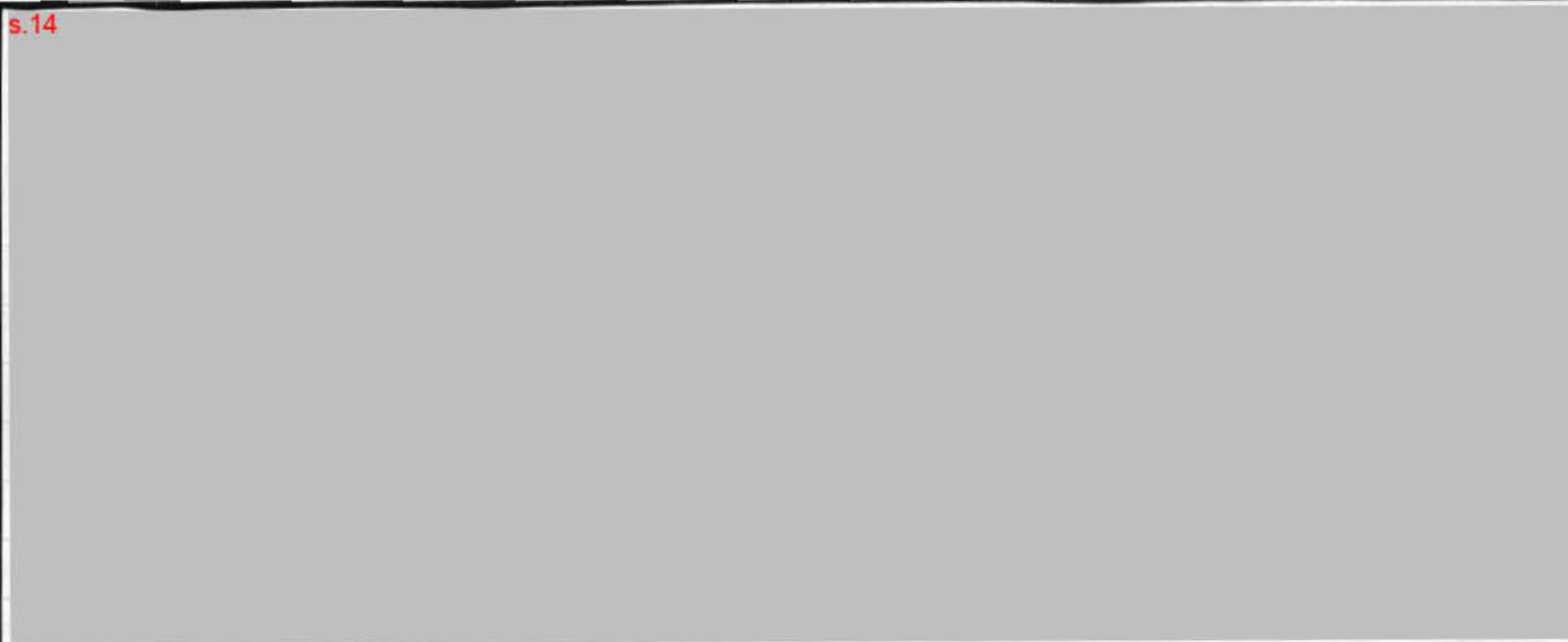


SCHEDULE A

to the Pond Maintenance Agreement
dated for reference June 1, 1991 with the Board of Parks and Recreation

Illustrative sketch of the Pond and its surroundings

See attached.



DIRECTOR OF LEGAL SERVICES CORPORATION COUNSEL

JOHN L. MULBERRY

TERRANCE R. BLAND

SOLICITORS

JOE STUBBS
DEREK C. M. CREIGHTON
LYNN C. ROBERTS
CATHERINE M. KINAHAN
BARRY S. WILLIAMSON
JEREMY F. SHOTTON

BRIAN J. PORTER
FRANCES J. CONNELL
GRAHAM P. G. JOHNSON
LYNDA A. CAMLEY
PATSY J. SCHEER
DAVID E. LOUKIDELIS



CITY HALL

453 WEST 12TH AVENUE
VANCOUVER, B. C. V5Y 1V4
FAX NO. 873-7445

TELEPHONE 873-7063

OUR FILE NO. _____

YOUR FILE NO. _____

TELECOPIED

May 31, 1991

s.22(1)



Shaughnessy Place - VanDusen Gardens - Pond Maintenance Agreement

I sent a draft of the pond maintenance agreement today to Bert Breakwell at the Parks Board for his review and comment. As soon as I receive Mr. Breakwell's comments I will revise the draft agreement as necessary and send it to you for your comment.

I am sorry that it has taken until now for me to get this under way, but I expect we will be able to settle an agreement quickly once I have sent the draft to you.

Yours very truly,

CITY OF VANCOUVER

David Loukidelis
/dj1

cc: Mr. Bert Breakwell, Director of Environment and Operations,
Board of Parks and Recreation

MODE=TRANSMISSION
FILE NO.= 240

START=MAY-31 11:37

END=MAY-31 11:38

NO.	COM	ABBR.NO.	STATION NAME/ TELEPHONE NO.	PAGES	PRG.NO.	PROGRAM NAME
01	OK		9-6691620	02/02		

-CITY VANCOUVER LAW DEPT. -

***** - 604 8737445- *****

Sent

FAX COVER SHEET



LAW DEPARTMENT
CITY OF VANCOUVER
453 WEST 12TH AVENUE
VANCOUVER, BRITISH COLUMBIA
V5Y 1V4
FAX (604) 873-7445

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OF: _____

FAX NO.: 669-1620 DATE: May 31, 1991

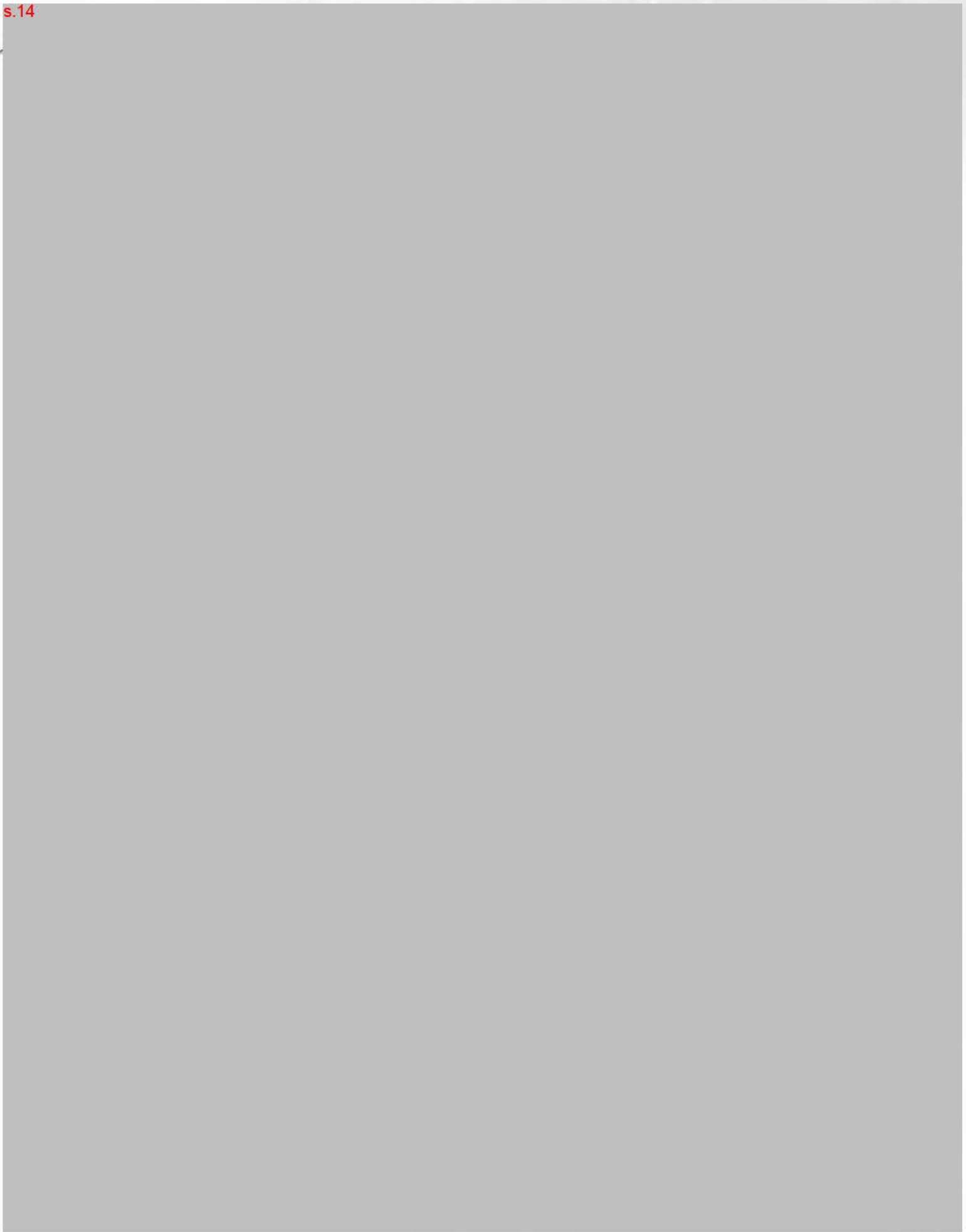
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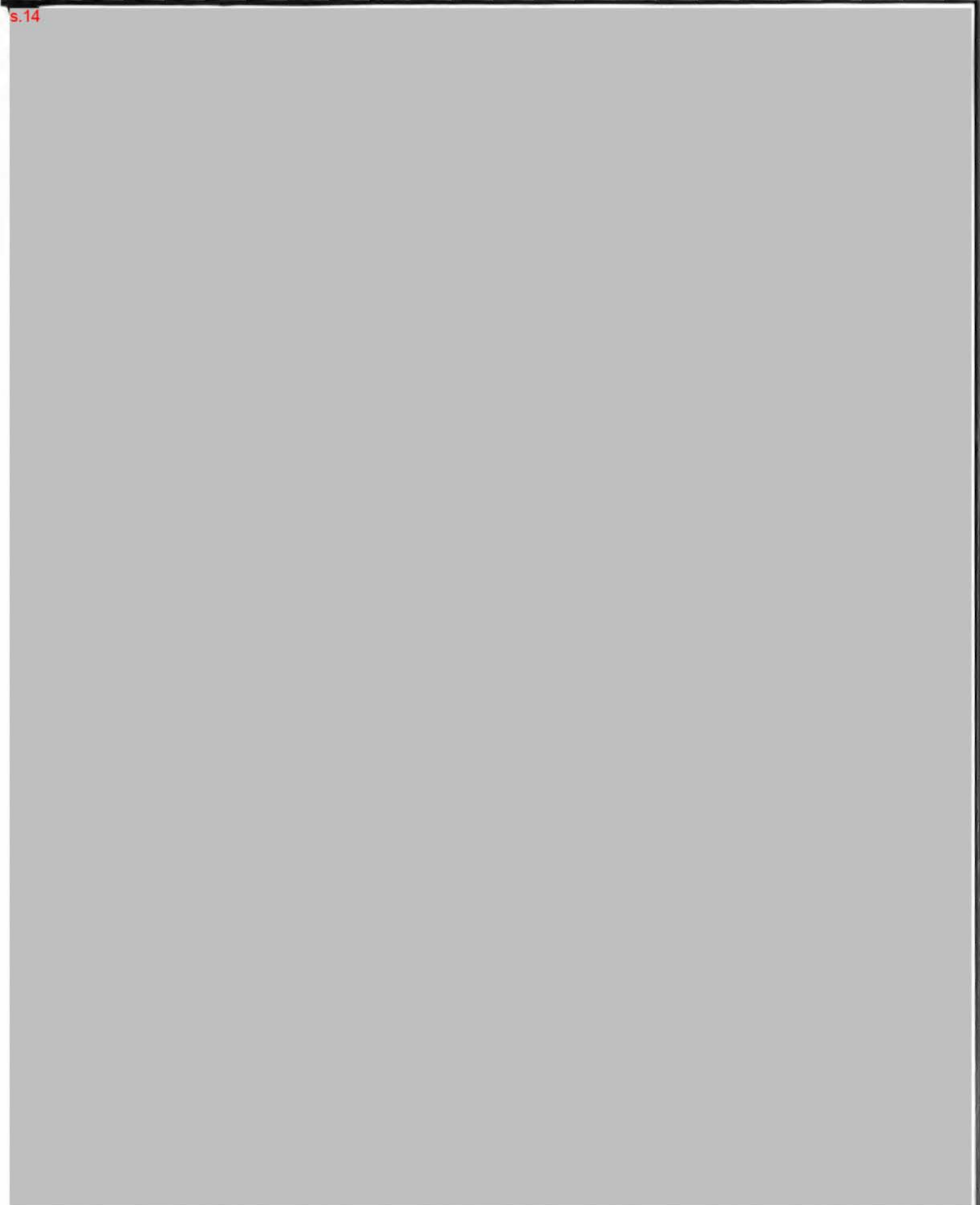
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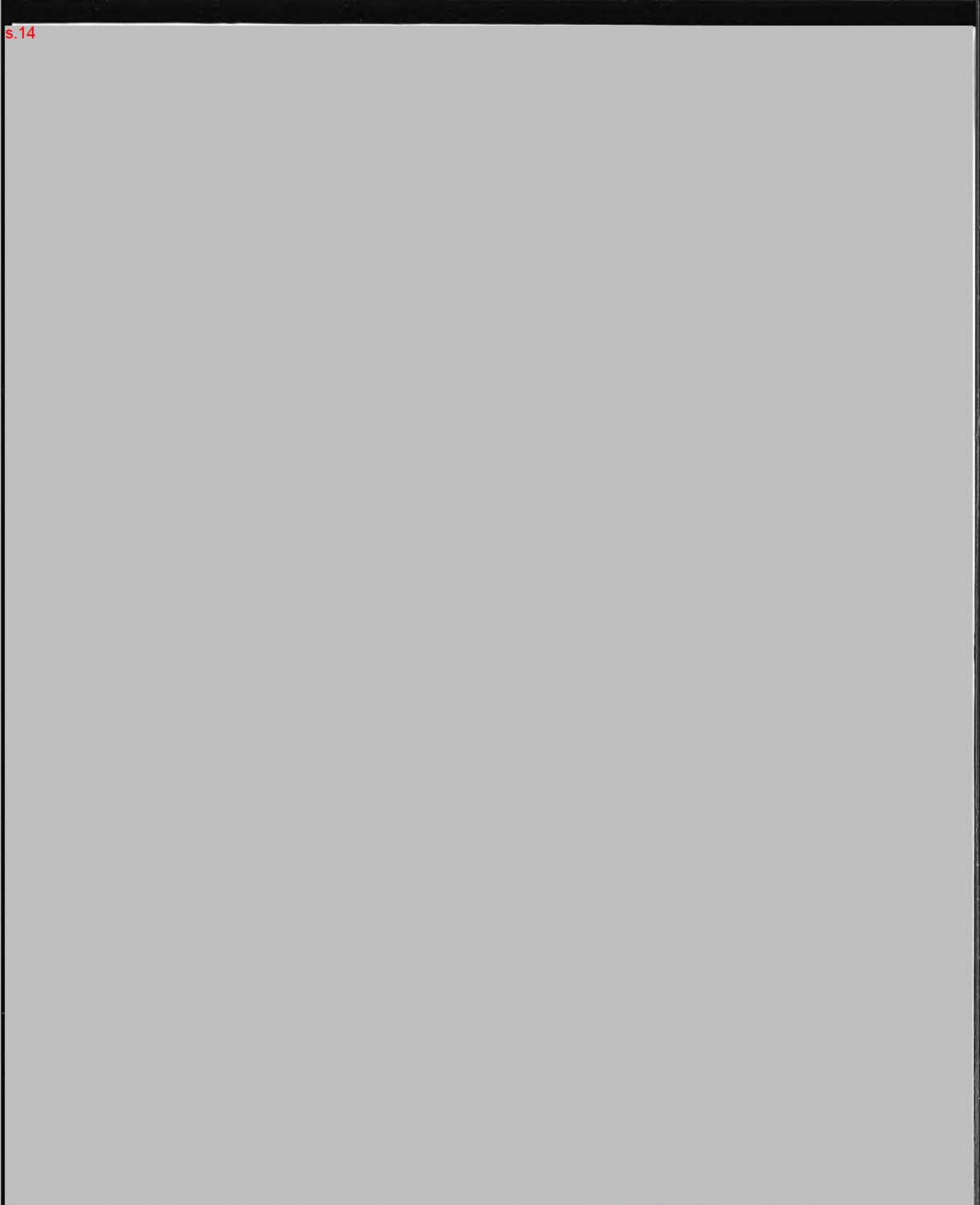
IF TRANSMISSION FAULTY, CONTACT ANGIE AT (604) 873-7512

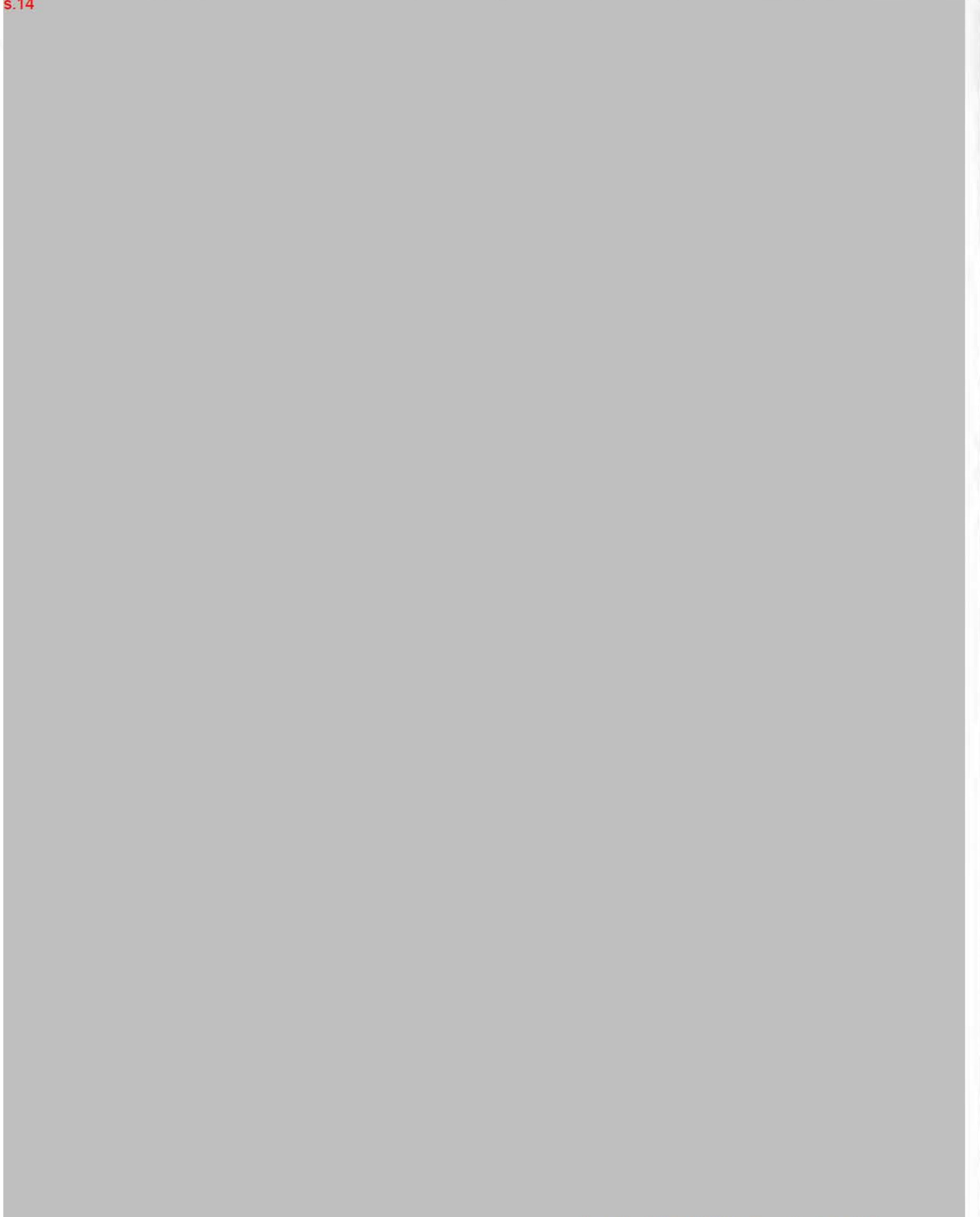
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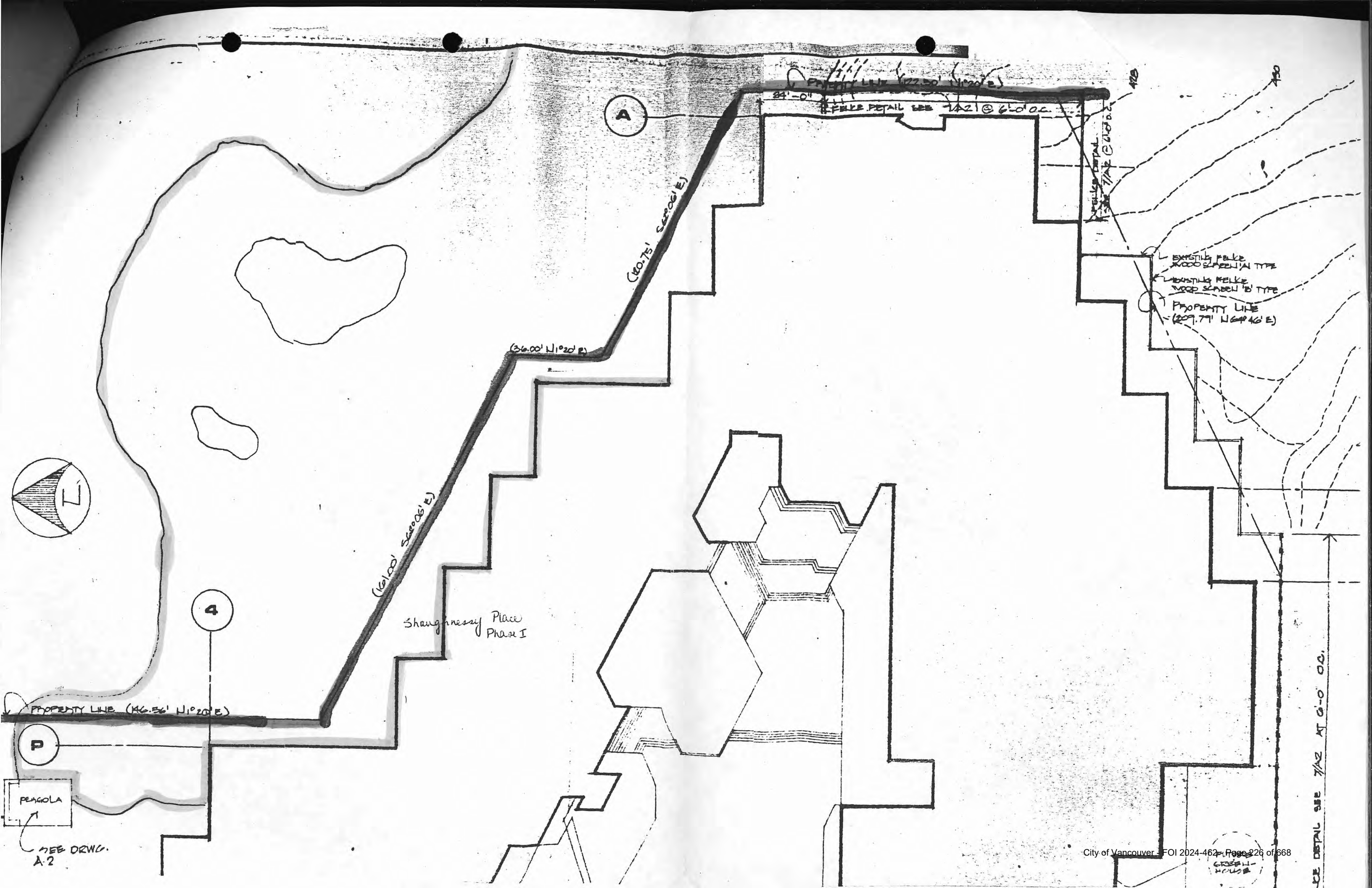
MESSAGE:











A

(120.75' S 29° 06' E)

(36.00' N 1° 20' E)

(61.00' S 60° 06' E)

Shanghnessy Place
Phase I

PROPERTY LINE (146.56' N 1° 20' E)

P

PERGOLA

SEE DRWG.
A-2

EXISTING FELKE
WOOD SCREEN 'A' TYPE
EXISTING FELKE
WOOD SCREEN 'B' TYPE
PROPERTY LINE
(209.77' N 64° 46' E)

SEE DETAIL SEE 7/12 AT 6'-0" O.C.

GREEN
HOUSE



RECEIVED

MAYOR'S OFFICE

NOV 21 1990

Ref'd to

283-110

Ans'd

s.22(1)

November 20, 1990

Telephone: s.22(1)

His Worship Mayor Gordon Campbell
Vancouver City Hall
453 West 12th Avenue
Vancouver, B.C.
V5Y 1V4

Dear Mayor Campbell:

Shaughnessy Place and Van Dusen Gardens

I am writing in reply to your letters of November 7, 1990 to s.22(1) Chairman of our Strata Council at Shaughnessy Place, and to me.

However I would first like to congratulate you on your election victory and wish you success in your new term and with your plans for the City during that term.

The difficulty over the lake at Van Dusen Gardens and Shaughnessy Place has not been resolved. I believe there was a discussion between one of the owners in Shaughnessy Place and a member of the Park Board regarding a possible clean up. However, before entering into any such arrangement we need to know who has the legal responsibility for the maintenance of that lake and what the legal rights of the parties are regarding its continued existence and operation. Once we know that, then we can properly deal with the question of the clean up.

Page 2

Would it be appropriate if we got in touch with John Mulberry directly? We very much appreciate your interest and help but if a direct meeting with Mr. Mulberry would be more appropriate please let me know.

I shall look forward to hearing from you.

Yours sincerely,

s.22(1)



s.22(1)





November 14, 1990

s.22(1)



Sorry about the mix up. On re-reading Vic Kondrosky's memo, he simply advised us that:

"It was agreed at the meeting that s.22(1) would discuss a proposed 50-50 cost-sharing arrangement with the residents of Shaughnessy Place. s.22(1) will be informed when the cost of the project is confirmed.

s.22(1) was also informed that the weeds would grow back again and possibly in about three to five years the removal process would likely be necessary once more.

Not all of the details have been confirmed, but it seems that a solution may be near for the removal of the weeds from the pond."

I did have a meeting with s.22(1) and s.22(1). Your name became attached to the proceedings through the Park Board response and a letter was sent to you in error. I hope this clarifies the situation.

Please don't forget to vote in the Civic Election on November 17th.

Yours truly,

Gordon Campbell
MAYOR



OFFICE OF THE MAYOR

GORDON CAMPBELL
MAYOR

CITY OF VANCOUVER
480 WEST 12TH AVENUE
VANCOUVER, B. C.
V6Y 1Y4

TELEPHONE: 604-273-7321 7322
FAX NO. 604-273-7355

November 7, 1990

s.22(1)



Further to our discussion of early October regarding the problem with the lake in the Shaughnessy Place Project, I have recently received a report from Art Cowie of Park Board and John Mulberry, our Director of Legal Services. It would appear that a satisfactory resolution has been reached between the Park Board and Shaughnessy Place. My understanding is that the Park Board and Shaughnessy Place will each pay 50% of the cleanup which is estimated to be \$6,000 to \$9,000. I am further advised that the cleanup will take place this fall.

I am glad that an agreement has been reached. I appreciated the opportunity to become involved with this issue and I trust that you are pleased with the resolution.

Thank you for your interest in the City. Don't forget to vote in the civic election on November 17th.

Yours truly,

Gordon Campbell
Mayor



OFFICE OF THE MAYOR
GORDON CAMPBELL
MAYOR

CITY OF VANCOUVER
430 WEST 10TH AVENUE
VANCOUVER, B.C.
V6Y 1Y4
TELEPHONE: 604-273-7821 7822
TOLL FREE: 800-378-7822

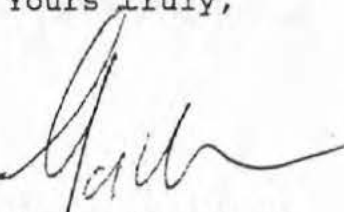
November 7, 1990

s.22(1)

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Thank you for your interest in the City. Don't forget to vote in the civic election on November 17th.

Yours truly,

Gordon Campbell
Mayor



OFFICE OF THE MAYOR
GORDON CAMPBELL
MAYOR

CITY OF VANCOUVER
483 WEST 10TH AVENUE
VANCOUVER, B.C.
V6Y 1Y4
TELEPHONE: 604-273-7821 7822
FAX NO. 604-273-7885

November 7, 1990

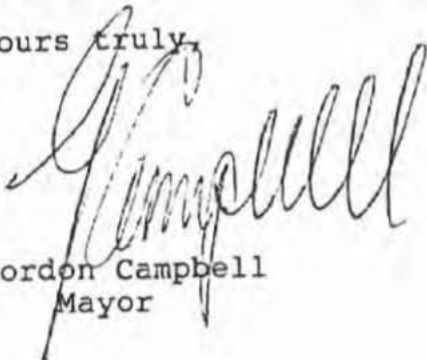
s.22(1)

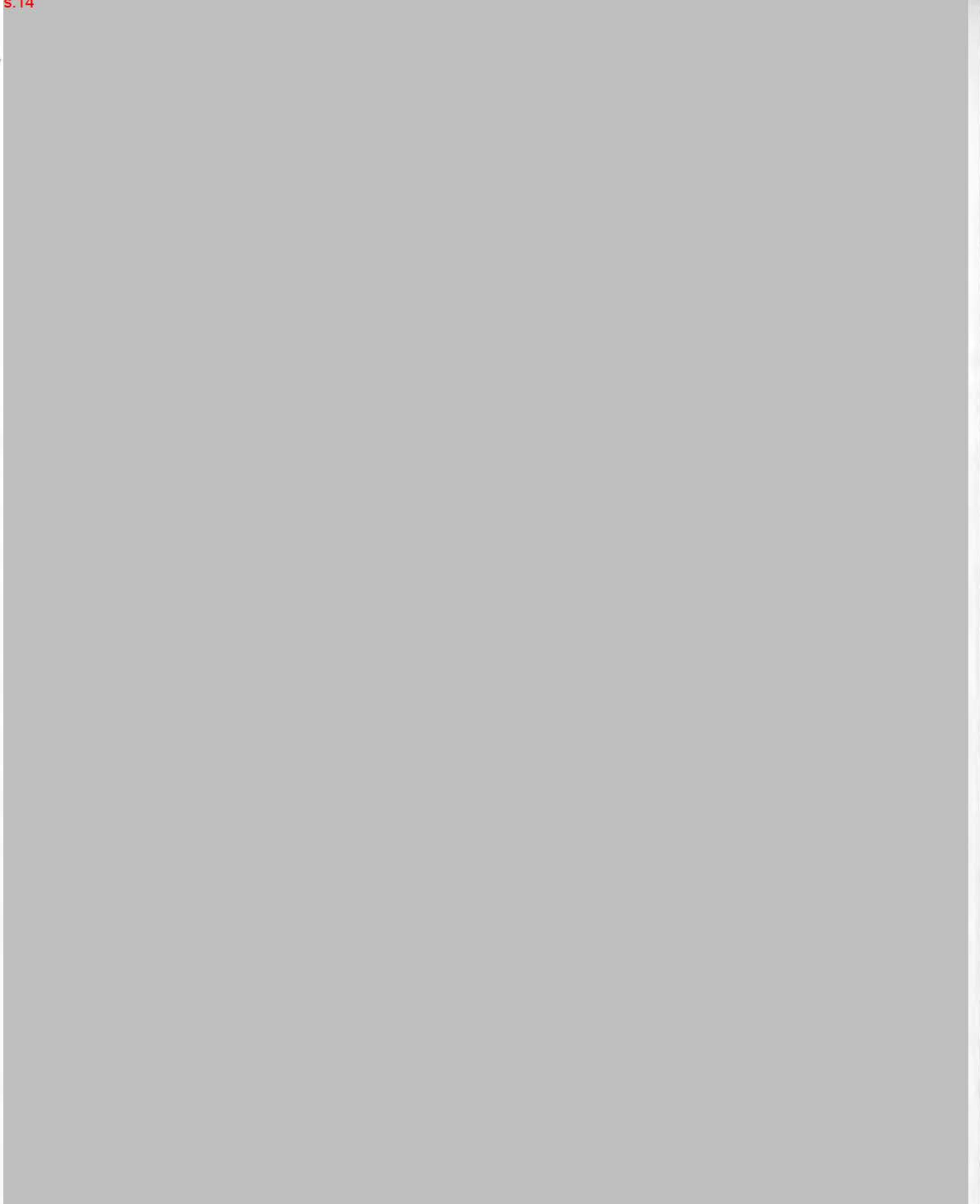
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I am glad that an agreement has been reached. I appreciated the opportunity to become involved with this issue, and I trust that you are pleased with the resolution.

Thank you for your interest in the City. Don't forget to vote in the civic election on November 17th.

Yours truly,


Gordon Campbell
Mayor





BOARD of PARKS
and RECREATION
CITY OF VANCOUVER

2099 BEACHT AVENUE
VANCOUVER, B.C.
CANADA V6G 1Z3
PHONE (604) 681-1141

283-110

RECEIVED

MAYOR'S OFFICE

NOV 5 1990

Re'd to _____

Ans'd _____

October 24, 1990

Mayor Gordon Campbell
City Hall
Vancouver BC

Dear Mayor Campbell,

Staff and I have met with s.22(1) and we have come to a mutual understanding whereby Park Board and Shaughnessy Place will each pay 50% of the cleanup. To get into history only confuses the issue. The estimated cost at this time is \$6,000 to \$9,000. Cleanup will be done this fall.

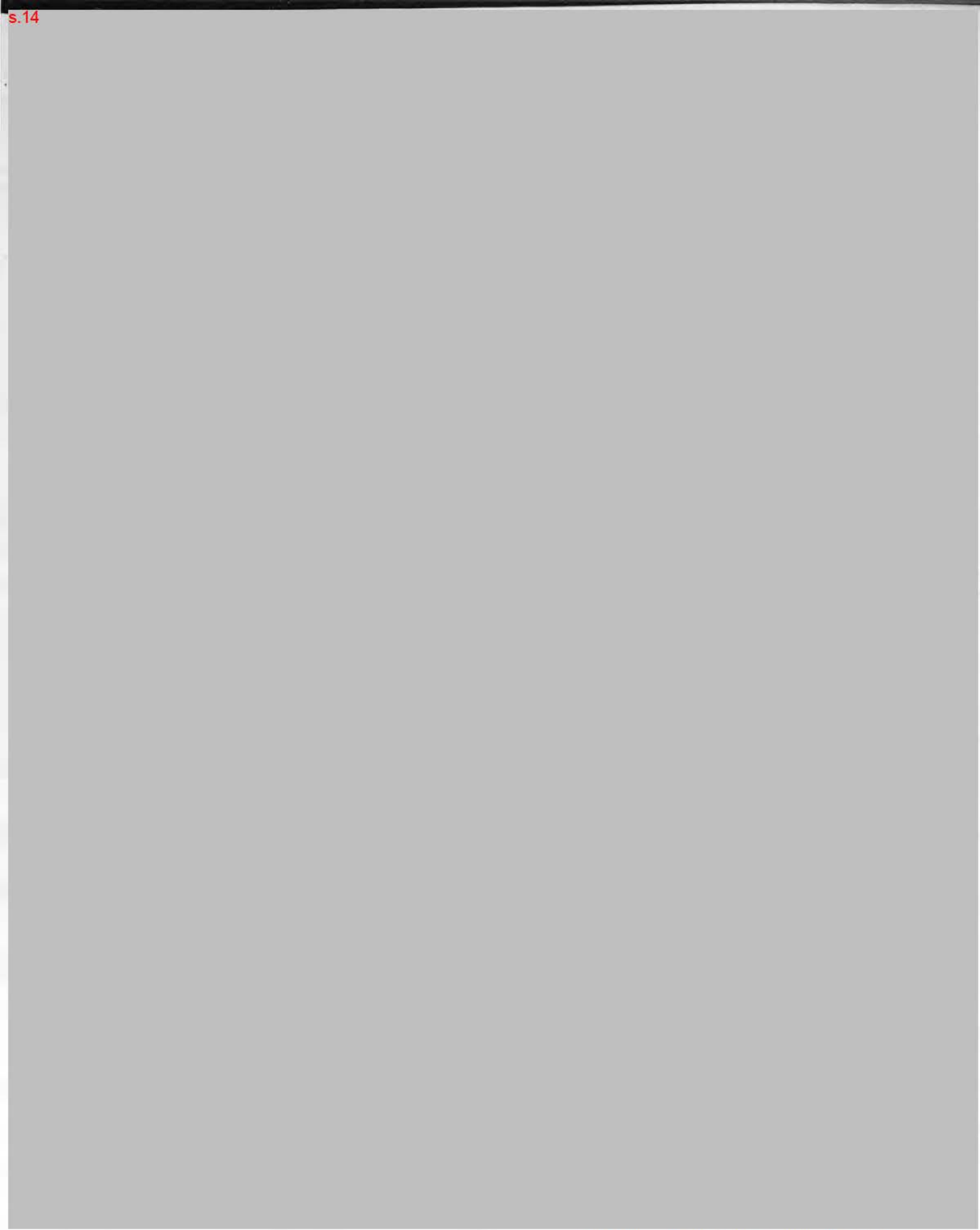
Yours truly,

Commissioner Art Cowie
Chairman

cc: Bert Breakwell

AC/jc







BOARD OF PARKS
and RECREATION
CITY OF VANCOUVER

1099 BEACH AVENUE
VANCOUVER, B.C.
CANADA V6G 1Z1
PHONE (604) 681-1121

October 24, 1990

RECEIVED

MAYOR'S OFFICE

OCT 26 1990

Ref'd to _____

Ans'd _____

Mayor Gordon Campbell
City Hall
453 W. 12th Avenue
Vancouver, B.C.
V5Y 1V4

Dear Mayor Campbell:

Re: VanDusen Gardens - Shaughnessy Place (Phase I)

The attached "History Review" was prepared for Park Board Commissioner Cowie prior to a site meeting of October 19, 1990 with s.22(1) a resident of Shaughnessy Place.

Since the meeting, Aquatic Systems International of Vernon, B.C. has confirmed that they will be bringing their weed removal machinery to the Lower Mainland for the winter season. They are going to provide the details of removing the weeds from the pond in question later this week.

It was agreed at the meeting that s.22(1) would discuss a proposed 50-50 cost sharing arrangement with the residents of Shaughnessy Place. s.22(1) will be informed when the cost of the project is confirmed.

s.22(1) was also informed that the weeds would grow back again and possibly in about three to five years the removal process would likely be necessary once more.

Not all of the details have been confirmed, but it seems that a solution may be near for the removal of the weeds from the pond.

Yours truly,

V. Kondrosky
General Manager

:tet:1036

c.c: Mr. R. Forster
Curator - VanDusen



VanDusen Garden

Pond Adjacent to Shaughnessy Place

History Review

The pond adjacent to Shaughnessy Place was provided in 1973-74 by Park Board staff. Whether the cost was shared by the developers of the housing units is uncertain but staff at VanDusen think it was built totally at Park Board cost. The pond straddles the property line but the largest portion of it is on VanDusen Gardens property.

Staff at VanDusen think that the first calls about weeds in the pond started around 1982. Up until about 1985 the weeds in the pond were controlled by a pesticide called reglone. Environmental concerns and I.P.M. prevented the continuation of this herbicide. The elimination of the herbicide application resulted in a rapid growing of weeds which covers almost the entire pond at some times of the year. The depth of water and the natural condition in the pond produces an ideal weed growing environment.

Letters began to be written in 1987 by Mr. Neil Fraser, Property Manager, about the condition of the pond.

Staff at VanDusen faced the decision of determining which of the 5 ponds in the Garden should receive the priority for weed removal with limited capital funds provided for this purpose. All of the ponds have the same weed growth problem and the other 4 ponds are in the highly used public garden area. The pond area near the Shaughnessy Place property has no public access path and is used by only a very few visitors to the Garden.

The main purpose of the pond in question is as a physical separation from the Garden and primarily serves as an aesthetic benefit to the residents of Shaughnessy Place.

In June 1989, Vancouver Condominium Service Ltd., the Property Manager for Shaughnessy Place, asked for and was given permission to have the weeds manually removed by their forces. After two weeks of labour and a cost of \$2,000 the project was abandoned when about one fifth of the pond was cleared of weeds. Two weeks after ceasing the weed clearing, the pond was virtually covered with weeds again. As a result, they again asked Park Board staff to take steps to apply a herbicide to the pond.

Staff at VanDusen had earlier applied to the Department of the Environment for a herbicide application permit. The herbicide, casoron, was applied in the fall of 1989 under a special permit and resulted in the elimination of only a limited amount of the weed cover. By this past summer the pond was again covered with weed growth.

In June, 1990 Mr. Neil Fraser requested that Dr. John Blatherwick, Medical Health Officer, investigate the "health hazard" associated with the pond area because of the weed growth and stagnant water. The Health Department, on July 31, 1990, recommended that the Park Board proceed with the removal of the weeds and increase the water flow through the pond.

Staff has continued to explore methods of removing the weeds. A company located in Vernon that has equipment designed for weed removal has looked at the pond and is in the process of determining a cost for the work. However, this option is contingent upon the company getting enough work to justify bringing the equipment to the Lower Mainland.

The flow of fresh water through the pond was eliminated as a result of a request from GVRD through the City Manager's office to stop all but essential use of water throughout the dry summer season. However, with the fall season rains the pond level has again reached the maximum height.

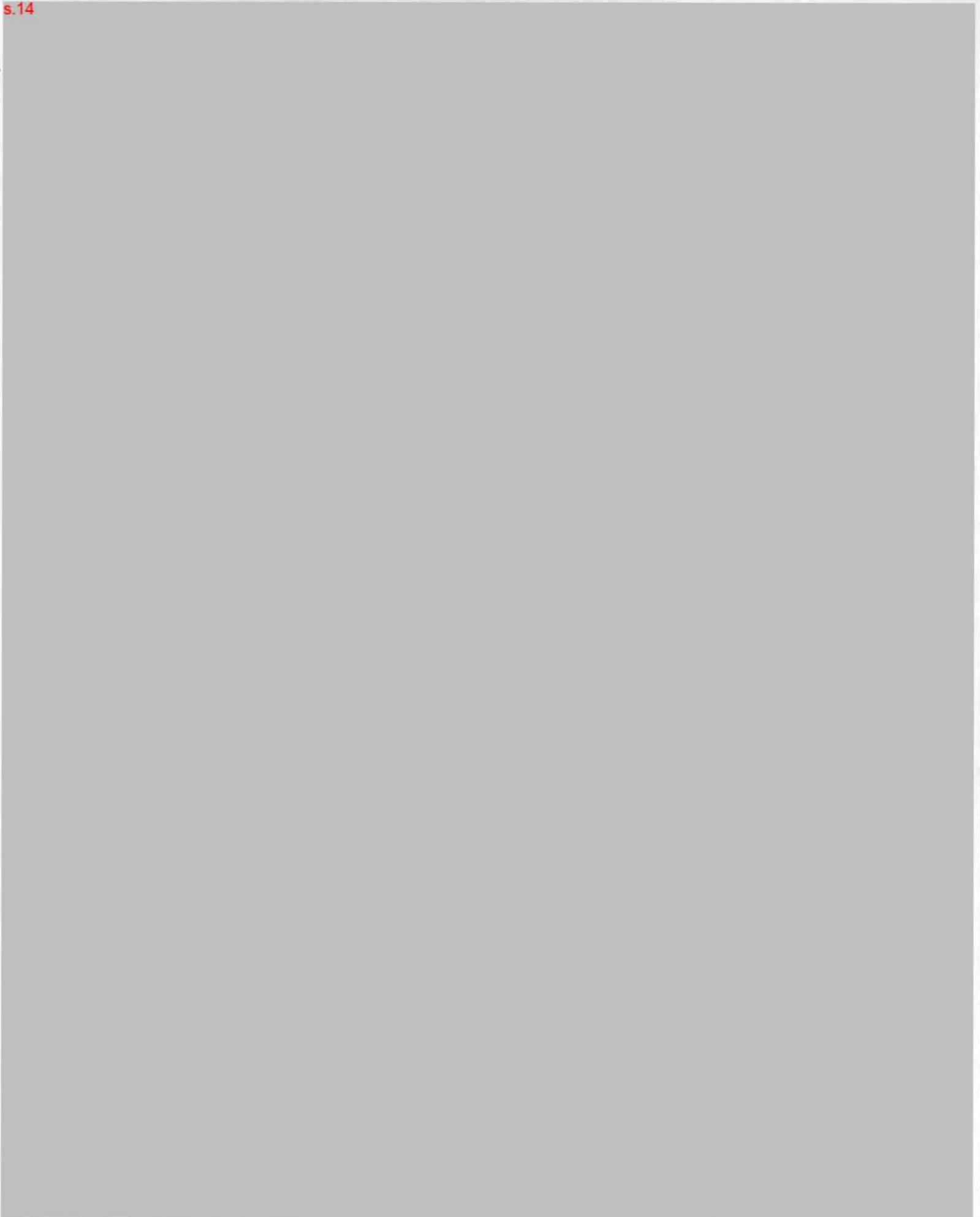
All other possible alternatives for the maintenance of the pond should be explored, such as, but not limited to:

1. removing the pond by filling it in and landscaping the area;
2. turning the area over to the residents of Shaughnessy Place for their maintenance;
3. cost sharing the maintenance expenses;
4. manually removing the weeds on a continuous basis.

Regardless of the extent of the maintenance program undertaken by the Park Board, a request for funding will be required.

October 18, 1990

AWB:tet:0979





Vancouver Health Department

Environmental Health Division

1770 West 7th Avenue, Vancouver, B.C. V6J 4Y6 Telephone: 736-2866

1990 July 31

AUG - 9 1990

Mr. Bert Breakwell
Director of Operations
Vancouver Parks Board
2099 Beach Avenue
Vancouver, B.C.
V6G 1Z4

Dear Sir:

RE: SHAUGHNESSY PLACE, 4900 CARTIER STREET, VANCOUVER, BC

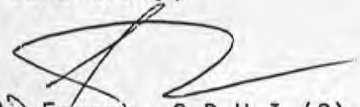
In response to the attached letter from Mr. Neil Fraser I visited the Shaughnessy Place property with Mr. A. Guthrie (supervising Inspector) recently to address Mr. Fraser's concerns, regarding mosquito and odour problems related to weed growth and poor water circulation in the Van Dusen Gardens pond located adjacent to Shaughnessy Place.

At the time of our visit we noted a heavy growth of weeds throughout the pond (a condition which has worsened in recent weeks), and no obvious water flow into the pond. Also, the water discharge pipe (overflow-type) was situated well above the level of the pond (i.e. no drainage out) and roughly 10' - 15' from the water supply point thereby creating a 'short-circuiting' of fresh water out of the pond when water is supplied.

In order to control these developing problems I recommend that the Parks Board proceed with a weed removal program and increase the water flow into the pond. Also, alteration of the water discharge system to collect water from a location farther from the inlet, and from farther below the water surface is suggested in order to reduce the stagnation of the water, alternatively, aeration of the pond may achieve the desired effects.

If you have any questions on this matter please call me at 736-2866.

Yours truly,


A. Faremo, C.P.H.I.(C)
Public Health Inspector

AF/lm

FAR-0499

cc: Mr. D. Losito, Director of Environmental Health
- Mr. Neil Eraser



CITY OF VANCOUVER



VANCOUVER CONDOMINIUM SERVICES LTD.

400 - 1281 W. GEORGIA STREET, VANCOUVER, B.C. V6E 3J7

October 5, 1990

MEMO TO: s.22(1) Chairman
Strata Plan VR-368

FROM: Neil Fraser
Vancouver Condominium Services Ltd.

Dear s.22(1) :

Further to our telephone conversation of October 4, 1990 and your meeting of October 9, 1990 with Mayor Campbell: I will attempt to chronologically recreate the actions taken by ourselves and the strata council with regards to the removal of weeds from the pond area adjacent to Shaughnessy Place I and the VanDusen Botanical Gardens.

Inquiries were made in late 1987 regarding the pond and during the late summer of 1988, a vast number of weeds became very evident in the pond area. Concern was expressed by the residents on the building's north side over the fact that these weeds were stagnating the water to a certain extent. At this point in time, a call was placed regarding the weeds and Mr. Forester of the Botanical Gardens advised that the matter would "be looked into". As fall and winter approached, the weeds dissipated and people used their patio areas less and less, the problem was almost forgotten.

In the spring of 1989, the matter again became evident. Shoots started to appear up through the lake area and, again, concern was expressed by the residents. At this point in time, my assistant at the time, Miss Ann Richards, phoned Roy Forester of VanDusen gardens and requested his input. Mr. Forester advised that a non-toxic blue dye would be placed in the water to prevent photosynthesis and subsequently prevent the weeds from growing and reaching the surface. (Please see attached letter.)

/ . . . 2

The dye did little, if anything, to prevent photosynthesis and the weeds came back with vengeance. At this point in time, a great deal of discussions ensued with regards to the existence of an agreement between the owners of Strata Plan VR-368 and the Parks Board regarding the responsibility for the lake area. A number of long-time residents of VR-368 advised that this agreement did exist and that the agreement clearly stipulated that the lake was the responsibility of VanDusen Botanical Gardens and subsequently the Parks Board.

A thorough search of all past records of the strata plan located at Shaughnessy Place I and even those records at the law firm of Ladner Downes proved futile. No agreement was found. I spoke with Mr. Laurensen of the City of Vancouver Legal Department and, he too, searched for the agreement to no avail. At this point in time, the strata council of Shaughnessy Place I agreed that they would undertake the removal of the weeds from the lake area, and then forward an invoice to VanDusen Gardens for partial payment. On June 1, 1989, I called VanDusen Botanical Gardens seeking permission to enter the pond. (Please see attached letter of June 2, 1989). Mr. Forester of VanDusen Botanical Gardens contacted his superior, Mr. Bert Breakwell, of the Parks Board and his letter of June 7th (also attached) was returned to our office. The strata plan absolved the gardens of any liability for injury incurred during the removal of the weeds and work commenced.

The work was far more labour intensive than originally anticipated and following a time frame of two weeks, the pond was approximately one-fifth clear. The strata plan had expent a sum of money in excess of \$2,500 for the removal. At this point, the strata council cancelled the project due to the heavy billings to date and again requested that the gardens address this problem via implementation of a removal team or chemical compound to the water. In August, 1989, I again wrote to Mr. Forester of the botanical gardens regarding the matter and asked that they implement herbicide in the lake area. He responded on August 15th (his letter is also enclosed) and advised that he proposed to drain the lake and treat the weeds as if they were on land. This work was to take place between September 5th and 26th. As of November 1, 1989 nothing had been done and we again wrote to VanDusen Botanical Gardens. Mr. Forester responded and stressed that the work would commence; however, should it not work out properly, the mechanical removal of the weeds would cost \$30,000, which was beyond the resources of VanDusen Gardens.

During the spring of 1990, the weeds again became apparent. This time, more so than ever. Water flow to the pond was cut off due to the ongoing watering problems in the municipality at the time. The result of this was in effect "A stagnant pond overgrown with weeds". This resulted in a number of insects infesting various areas of the pond and subsequently biting two residents of VR-368, one of whom had to be hospitalized as a result. At this point in time, both the management company and the strata council were at wits end and we took the matter up with the City of Vancouver Health Department. This matter was followed with a letter from the Health Department to the Parks Board requesting that they address the situation. To date nothing further has been done with the pond area and the final straw was September 18, 1990 when my assistant, Ms. Suzanne Bramley, phoned Mr. Breakwell at the Parks Board regarding an update on the situation and he advised that the pond adjacent to Shaughnessy Place I was "not a priority". Three years of discussion and correspondence regarding the matter followed with Mr. Breakwell's statement that it was not a priority and that nothing further could be done, certainly set us back on our heels.

We wish you all the very best in your discussion with the Mayor regarding this matter.

P.S. It should be noted that s.22(1) [REDACTED] of VR-368 will also be meeting with Mr. Cowie of the Parks Board regarding this matter.

* * *

NF/jo

Attch:



VR-368

VANCOUVER CONDOMINIUM SERVICES LTD.

400 - 1281 W. GEORGIA STREET, VANCOUVER, B.C. V6E 3J7

April 6, 1989

Van Dusen Gardens
5251 Oak Street
Vancouver, B.C.
V6M 4H1

ATTENTION: Mr. Roy Forrester

Dear Sir:


This is to confirm our conversation of Monday, April 3, 1989 regarding the weeds in the lake. I was pleased to hear that you have already effected a possible solution to the problem by using a non-toxic blue dye in the water in order to block light and choke out the weeds. Let's hope it works.

It would also be appreciated if you would investigate removing some of the broom from the north side of the pond.

Thank you.

Yours truly,

VANCOUVER CONDOMINIUM SERVICES LTD.


Ann Richards
Property Manager

AR/ap



C/O 242 368

VANCOUVER CONDOMINIUM SERVICES LTD.

400 - 1281 W. GEORGIA STREET, VANCOUVER, B.C. V6E 3J7

June 2, 1989

Mr. Roy Forester
c/o Van Duesan
Botanical Gardens
5251 Oak Street
Vancouver, B.C.
V6M 4H1

Dear Sirs:

Re: Shaughnessey, Place 1
Lake Weeds

Further to our telephone conversation of June 1, 1989. We are seeking permission to access the Van Duesan property in order to remove the weeds from the area. We wish to proceed with this work as soon as possible and urge you to get any additional approval that may be required.

Also as discussed; upon removal of the weeds we would appreciate it if additional dye could be put in the water so that the weeds do not regrow.

Yours truly,

VANCOUVER CONDOMINIUM SERVICES LTD.

Neil Fraser
Property Manager
Per the Owners
Strata Plan VR-368

NF/ap



VanDusen Botanical Garden

Operated by the Board of Parks and Recreation, City of Vancouver

JUN 12 1989

5251 Oak Street
Vancouver, B.C.
V6M 4H1
Phone 256-7194

June 7, 1989

Mr. Neil Fraser
Vancouver Condominium Services Ltd.
400-1281 W. Georgia St.
Vancouver, B.C.
V6E 3J7

Dear Mr. Fraser:

I have discussed your request with my superior, the Director of Operations, Mr. Bert Breakwell, and we agree to your proposal providing we receive a signed copy of the attached waiver prior to commencement of the work.

Sincerely,

R. Roy Forster
Curator

RRF/mb
encl.
c.c. B. Breakwell

June 7, 1989

REMOVAL OF WEEDS FROM WATER BARRIER BETWEEN
VANDUSEN GARDENS AND SHAUGHNESSY - PHASE 1

Vancouver Condominium Services undertake to remove all the aquatic plants except for ornamental water lilies from the lake. These will be cut as close to the lake bed as possible as this will facilitate the use of "Aquashade" dye for the prevention of weed re-growth. All material will be removed to an approved land-fill site.

Vancouver Condominium Services absolve the Vancouver Park Board and the City of Vancouver from any responsibility for personal injury to any person or property damage resulting from this work.

SIGNED _____

Vancouver Condominium Services Ltd.

C.C. Bert Breakwell - Director of Operations,
Board of Parks and Recreation

RRF/mb



VANCOUVER CONDOMINIUM SERVICES LTD.

400 - 1281 W. GEORGIA STREET, VANCOUVER, B.C. V6E 3J7

June 12, 1989

Mr. R. Forester
c/o Van Duesan Botanical Gardens
5251 Oak Street
Vancouver, B.C. V6M 4H1


Dear Sirs:

Re: Shaughnessey Place I
Lake Weeds

Further to our recent telephone conversation and my letter of June 2, 1989, please be advised that the Owners Strata Plan VR-368 and West Coast Horticulture Services absolve the Vancouver Parks Board of any liability arising from the clearing of the weeds from the above-noted pond.

Yours truly,

VANCOUVER CONDOMINIUM SERVICES LTD.



Neil Fraser
Property Manager
Per the Owners
Strata Plan VR-368

NF/11

cc: Council Chairman



VanDusen Botanical Garden

Operated by the Board of Parks and Recreation, City of Vancouver

5251 Oak Street
Vancouver, B.C.
V6M 4H1
Phone 266-7194

June 19, 1989

Mr. Neil Fraser
Vancouver Condominium Services Ltd.
400-1281 W. Georgia St.
Vancouver, B.C.
V6E 3J7

Dear Mr. Fraser:

Thank you for your letter dated June 12.

Please let us know when the work will commence, as we may be able to be of assistance.

Sincerely,

Roy Förster
Curator

RF/mb



VANCOUVER CONDOMINIUM SERVICES LTD.

400 - 1281 W. GEORGIA STREET, VANCOUVER, B.C. V6E 3J7

August 3, 1989

Mr. Roy Forester
c/o Van Duesan Botanical Gardens
5251 Oak Street
Vancouver, B.C.
V6M 4H1

Dear Sirs:

Re: Shaughnessey Place I
Van Duesan Gardens Lake Weeds

We are writing at this time to again request further assistance from you in resolving the ongoing problem of lake weeds in the above noted lake.

The strata corporation engaged their own landscaper to commence the removal task; yet after an expenditure of \$2,000 and two weeks of labour the project was abandoned due to the prohibitive cost. At the time that the project was stopped more than one fifth of the lake had been cleared. Please note, however, that within two weeks of ceasing the weed clearing, the lake is again virtually covered.

With the above in mind we again request that Van Duesan and the Parks Board utilize a herbicide in the lake. We note that herbicide was utilized last year in two lower garden ponds as signs were posted to indicate the same.

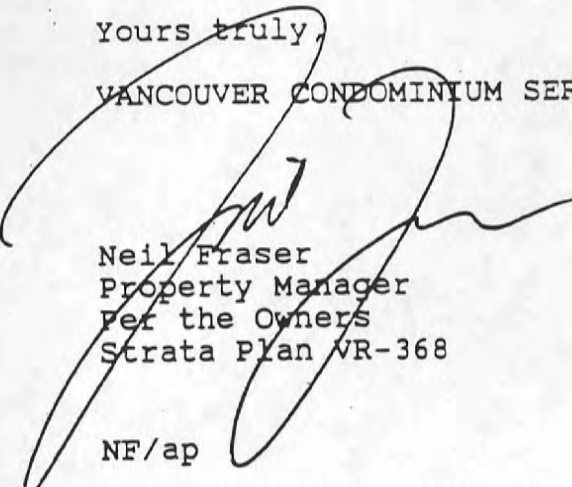
. . . 2

- 2 -

In closing, again we must express our frustration over the time that this issue has dragged. Our initial requests on behalf of the owners of Strata Plan VR-368 commenced some three years ago.

Yours truly,

VANCOUVER CONDOMINIUM SERVICES LTD.



Neil Fraser
Property Manager
Per the Owners
Strata Plan VR-368

NF/ap

cc: Vancouver Parks Board

cc: Strata Council
Chairman VR-368

AUG 17 1989
AUG 17 10 00



VanDusen Botanical Garden

Operated by the Board of Parks and Recreation, City of Vancouver

5251 Oak Street
Vancouver, B.C.
V6M 4H1
Phone 266-7194

August 15, 1989

Mr. Neil Fraser
Vancouver Condominium Services Ltd.
400-1281 W. Georgia St.
Vancouver, B.C.
V6E 3J7

Dear Mr. Fraser:

This is to advise that we now have a permit to treat the Shaughnessy lake with a herbicide. Between the time the permit was applied for and given, almost a year elapsed.

We propose to drain the lake and treat the weeds as if they were on land. Following treatment, the lake will be refilled.

The work will take place between September 5 and 26. We regret any temporary inconvenience this may cause the residents but, at that time of the year, any unpleasant smells resulting from the draining of the pond should be minimized.

Yours truly,

R. Roy Forster
Curator

RRF/mb



-16 VR 368

VANCOUVER CONDOMINIUM SERVICES LTD.

400 - 1281 W. GEORGIA STREET, VANCOUVER, B.C. V6E 3J7

November 1, 1989

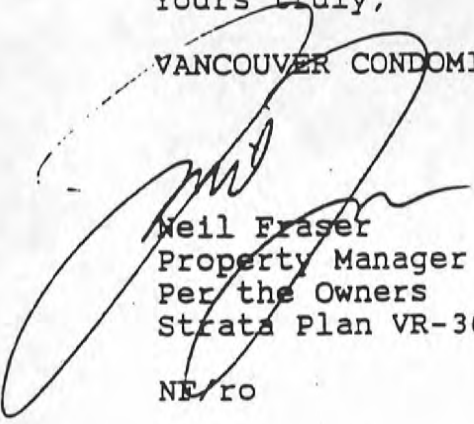
Mr. R. Forester
Curator
Van Duesan Botainical Gardens
5251 Oak Street
Vancouver, B.C.
V6M 4H1

Dear Mr. Forester:

We have been instructed to write to you and request a progress report on the lane situation. The strata council is particularly curious as to why the commitment made to the owners of strata paln VR-368 is yet to be fulfilled.

Yours truly,

VANCOUVER CONDOMINIUM SERVICES LTD.



Neil Fraser
Property Manager
Per the Owners
Strata Plan VR-368

NE/ro

C/G 268



VanDusen Botanical Garden

Operated by the Board of Parks and Recreation, City of Vancouver

NOV - 8 1989

5251 Oak Street
Vancouver B.C.
V6M 4H1
Phone 286-7194

November 6, 1989

Mr. Neil Fraser
Property Manager
Vancouver Condominium Services
400-1281 W. Georgia St.
Vancouver, B.C.
V6E 3J7

Dear Mr. Fraser:

Regarding your letter dated November 1, perhaps you would like to clarify what you are asking of us. I assume "lane" is a typo for "lake."

The work we undertook, to drain the lake, treat it with herbicide and refill, is now complete. The lake is now slowly refilling and should be up to normal levels before mid winter if we receive normal rainfall. We have expended a considerable amount in labour and materials on this work. Everything possible has now been done within environmentally-safe guidelines. If the problem persists, it will be necessary to remove the weeds mechanically, at an estimated cost of \$30,000.

Such an amount is beyond the resources of the VanDusen Botanical Garden. When the time comes, there may be merit in discussing cost-sharing of the work.

Yours truly,

R. Roy Forster
Curator

RRF/mb

c.c. Mr. Bert Breakwell, Director of Operations - Parks Board



1 G VR 368

VANCOUVER CONDOMINIUM SERVICES LTD.

400 - 1281 W. GEORGIA STREET, VANCOUVER, B.C. V6E 3J7

July 6, 1990

Vancouver Parks Board
2099 Beach Avenue
Vancouver, B.C.
V6G 1Z4

Attention: Burt Breakwell

Re: 4900 Cartier Street, Vancouver, B.C.
Van Dusen Gardens

Dear Sirs:

We are again writing on behalf of our clients the owners of Shaughnessey Place I. Despite numerous discussions and no fewer than three letters, our clients are still suffering the effects of the congested pond and stagnant water.

We urge your immediate attention to this problematic situation.


Yours truly,

VANCOUVER CONDOMINIUM SERVICES LTD.

Neil Fraser
Property Manager
Per the Owners
Strata Plan VR-368



2/0 VR 368

VANCOUVER CONDOMINIUM SERVICES LTD.

400 - 1281 W. GEORGIA STREET, VANCOUVER, B.C. V6E 3J7

October 1, 1990

Van Duesan Botanical Gardens
5251 Oak Street
Vancouver, B.C.
V6M 4H1

Attention: Mr. R. Forrester

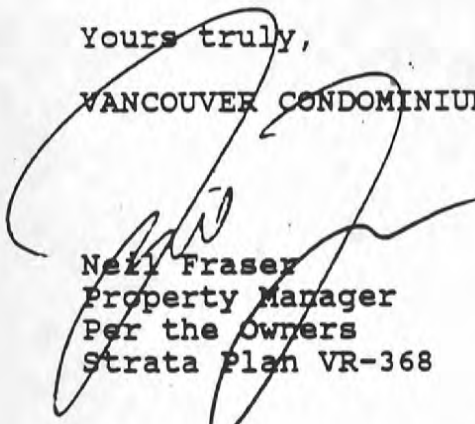
Dear Sirs:

We again write to you regarding the lake adjacent to Van Duesan Gardens and Shaughnessey Place I.

Please advise us as to the status regarding the cleaning up of this pond.

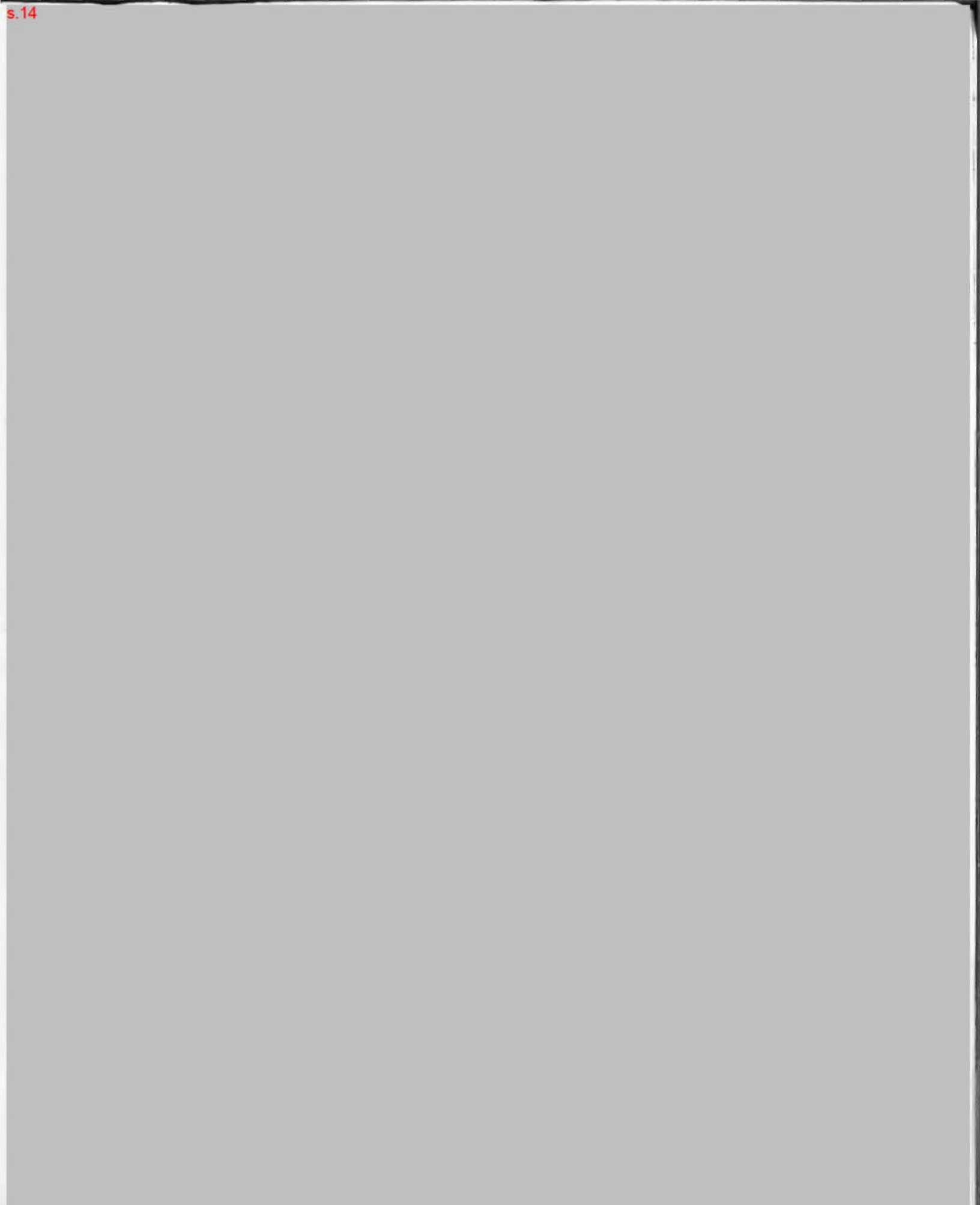
Yours truly,

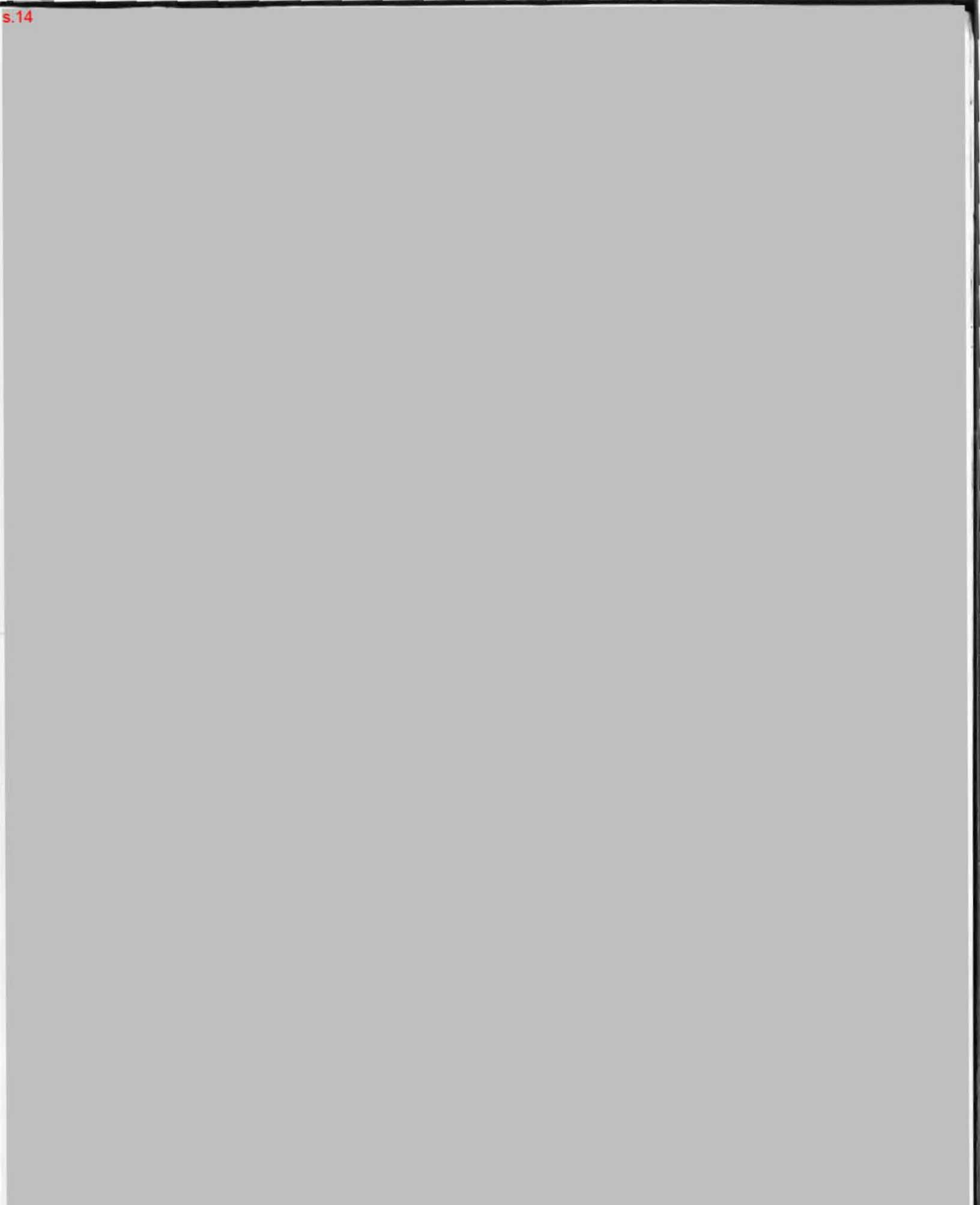
VANCOUVER CONDOMINIUM SERVICES LTD.



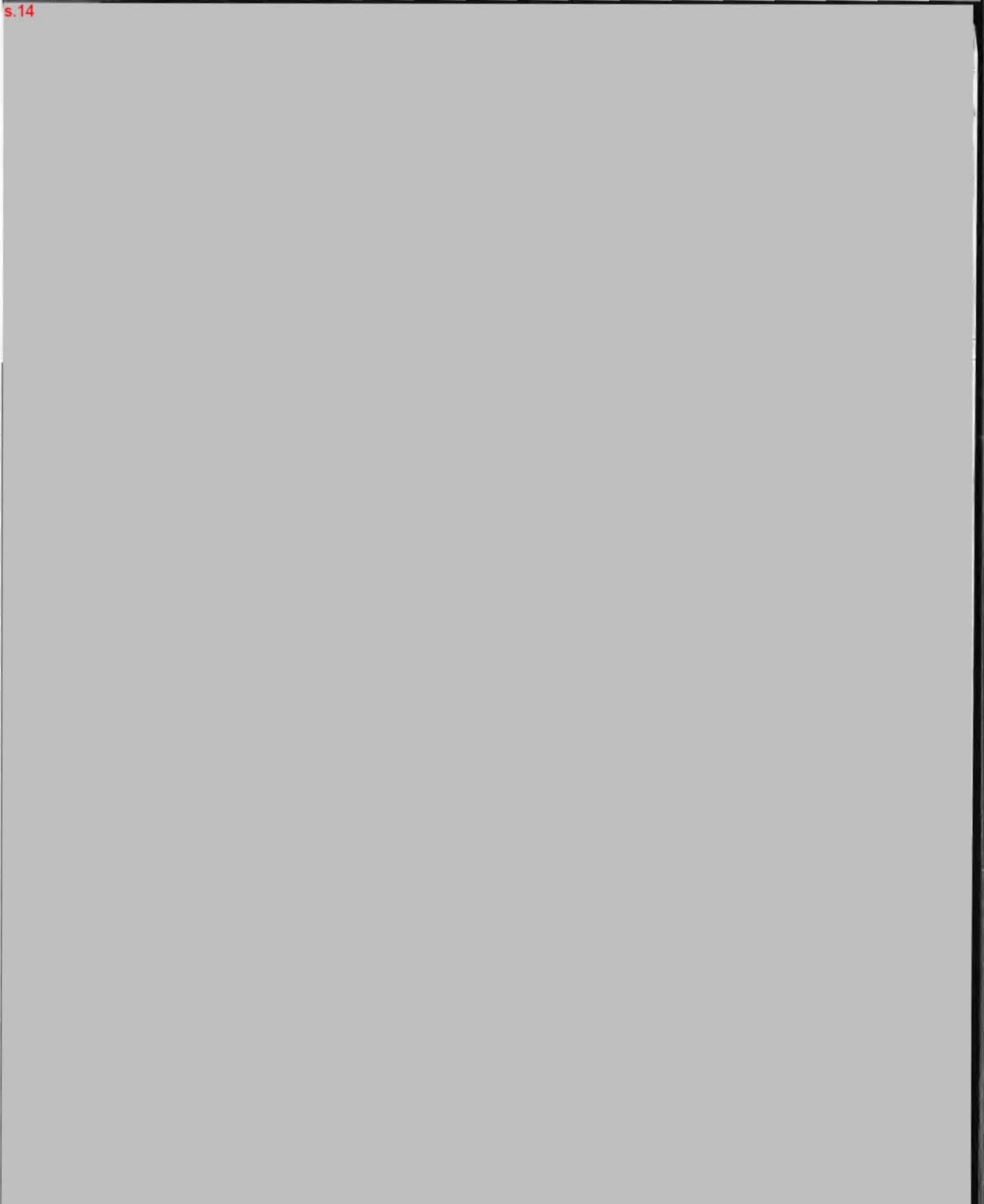
Neil Fraser
Property Manager
Per the Owners
Strata Plan VR-368

NF/af













PROPERTY & INSURANCE OFFICE

TELEPHONE 873-7011

J. F. AITKEN
SUPERVISOR



453 WEST 12TH AVENUE
VANCOUVER 10, B.C.

PLEASE REFER TO: Mr. W. Goodacre

January 19, 1971

Board of Parks & Public Recreation
2099 Beach Avenue
Vancouver 5, B.C.

Attention: Mr. S. S. LeFeaux
Superintendent

RECEIVED
JAN 21 1971
Referred to _____

Dear Sirs:

Re: Old Shaughnessy Golf Course &
City Reservoir Site - 5.5 Acres

*Van Ouse
5200 Oak St.*

Reference is made to the recent purchase by the City of Vancouver of a portion of Old Shaughnessy Golf Course as approved by Council, January 6th, 1971.

In accordance with Council's Resolution, the sum of \$2,000,000.00 was paid to the Canadian Pacific Railway for 46.449 acres on January 15, 1971. In addition to this area, the City Reservoir site and certain dedicated roads are to be included in the proposed Botanical Garden, which total area will be transferred to the care and custody of the Board of Parks in due course.

The Shaughnessy Reservoir site, comprising 5.5 acres, is now held in the City of Vancouver Capital Asset Account and as such this office has been responsible for the maintenance of this property.

In this connection, would you kindly advise if the Board is prepared to take over this responsibility in advance of the actual transfer of the property to your account.

Yours truly,

Geoff Jordan
Deputy Supervisor of Property & Insurance

WG/kd

I, DOUGLAS HAIG LITTLE, Deputy City Clerk of the City of Vancouver, HEREBY CERTIFY that on the 12th day of January, 1971, the Council of the City of Vancouver passed the following resolution:

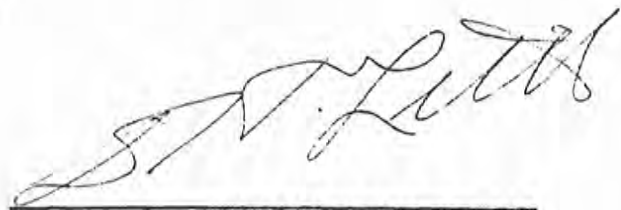
"MOVED by Ald. Linnell

THAT Clauses 1 to 6 inclusive of the report of the Board of Administration (Works and Utility matters), dated January 8, 1971, be adopted. - CARRIED."

Clause 1 of the report of the Board of Administration on Works and Utility matters headed "Closing of Roads - Shaughnessy Golf Course Proposed Botanical Gardens Site North of 37th Avenue West of Oak Street" reads in part as follows:

"that all the streets adjacent to Blocks 899 and 900, D.L. 526, dedicated by the deposit of Plan 11764 be closed, stopped up and title taken thereto and the said closed streets be subdivided with the abutting property."

IN WITNESS WHEREOF I have hereunto set my hand this
13th day of January, 1971.



DEPUTY CITY CLERK

February 9/71

MEMO TO::File

FROM: G. Donegan

Re: Purchase of Old Shaughnessy
Golf Course from CPR

I have not yet prepared a report recommending that Council hand the above property over to the Park Board because of the Supreme Court action started by General Clark et al to set the Amendment to the "Zoning By-law" aside per *CW* CSF on February 9, 1971

Gerald Donegan



CITY OF VANCOUVER

Planning & Civic Development

OFFICE

CITY HALL

August 5th, 1971.

Memorandum to: Commissioner L.E. Ryan
Board of Administration

Copies to: His Worship the Mayor
Mr. G.H. Lawson, City Engineer
Mr. R. Boyes, Asst. City Engineer
Traffic & Transportation
Mr. R.K. Baker, Corporation Counsel
Mr. H.W. Gray, Zoning Planner
Mr. E. Crickmore, Asst. Zoning Planner

Subject: Ingress and Egress -
Marathon Realty Development
adjacent to Botanical Gardens

The meeting was held between His Worship the Mayor and citizens from Shaughnessy on July 9th to consider memoranda from General J.A. Clark to His Worship dated June 24th, 1971. Subsequently you asked the City Engineer and myself to report on closing access to the town house and garden apartment project from 33rd Avenue.

At the meeting it was implied that the residents were not aware that a development permit had been issued. As I stated at that time, the development permit was issued on January 15th, 1971 having been authorized by City Council on January 6th, 1971. The residents should have been aware of the details of this development permit and the conditions imposed by Council because I understand that they attended a meeting in the office of Marathon Realty in False Creek on February 25th, 1971. This was approximately six weeks after the development permit had been issued. I have been told that the approved development was explained to them in detail during the meeting. This information is of course also a matter of public record.

Status of Development Permit:

The issuance of a development permit confirms the use of the site and details of development and cannot be rescinded by the Technical Planning Board or Council. Any changes to the

development can only result from a voluntary action by Marathon Realty. They would have to submit a further development permit application or request a modification of the original development permit. In both cases, the revision would be subject to consideration by the Technical Planning Board, Town Planning Commission and Council and would probably require notification of surrounding property owners.

Traffic and Street Characteristics:

In a report to Council on the application made to rezone the site to a CD-1 Comprehensive Development District, it was advised that after consultation with the Assistant City Engineer (Traffic), two vehicular crossings would be provided for the site. One at West 37th Avenue, the other at Cartier Street leading to West 33rd Avenue.

These two points of vehicular access were selected after a wide range of alternatives had been examined so as to determine the optimum traffic arrangements which would serve the needs of the development having regard to the existing surrounding residential uses.

It had been concluded that vehicular ingress or egress from the site via the three street ends to Granville Street was undesirable. This assessment still applies.

The proposed crossings give access to West 33rd Avenue, a major thoroughfare, which provides good vehicular dispersal for traffic. West 37th Avenue also allows for good vehicular dispersal facilities.

Vehicular access to the town house and garden apartment development was also considered in relationship to the vehicular access for the off-street parking areas for the proposed Botanical Gardens which is provided from the Botanical Gardens off-street parking area to West 37th Avenue. There would also be a vehicular crossing to Oak Street. Provision is also made for a possible future access road leading from the off-street parking area to West 33rd Avenue.

The locations of all vehicular crossings were stated in the Board of Administration report of June 15th, 1970 as submitted to City Council regarding the Public Hearing to rezone the Botanical Gardens and the Town House-Garden Apartment Development areas to a CD-1 Comprehensive Development District.

Present Position - Marathon Realty:

While Marathon officials are prepared to consider any change of benefit to the city, they do not wish to prejudice the present development permit, nor do they wish to take a course of action

which would lead to the matter being referred back to City Council, with a possibility of re-opening consideration of other aspects of the development.

They also feel that the present solution, both for internal and external traffic, is both technically and functionally correct. They are not prepared therefore to request a change in the development permit.

They point out that it is their intention, as stated in the meeting with General Clark, to investigate the provision of gates on what is after all a private road. They also intend to instal "silent policemen" (ridges in the road) to discourage rapid through-traffic.

Conclusion:

It is suggested therefore that General Clark be notified by His Worship that the alternatives have been investigated from both a technical, legal and neighbourhood viewpoint and that no change in the present arrangements are appropriate in the development permit which has already been in effect for six months.

W.E. Graham,
Director of Planning
& Civic Development

WEG/mr.

600389



CITY OF VANCOUVER
PLANNING DEPARTMENT
DEVELOPMENT PERMIT REFUSAL

NUMBER DR 203500

CO-ORDINATE		PROPERTY ADDRESS 5251 OAK		SPECIFICS OF PROPERTY ADDRESS SPRINKLERS RESTAURANT	
APPLICANT IS TENANT		ADDRESS	CITY	POSTAL CODE	PHONE
NAME s.22(1)		CODE 15	CP		
OF SPRINKLERS RESTAURANT		5251 OAK	VAN.	V6M 4H1	261-0011
PROPERTY OWNER		ADDRESS	CITY	POSTAL CODE	PHONE
NAME VANCOUVER BOARD OF PARKS & RECREATION		2099 BEACH	VAN.		681-1141
LEGAL	LOT	SUB.	BLOCK	PLAN	D.L.
DESCRIPTION			903	13962	526
LOT SIZE		TYPE OF LOT	ZONE	P.U.I. DISTRICT	MEASUREMENTS IN
WIDTH IRREG.	CODE DEPTH IRREG.	CRN/LANE	CD-1	NO.	METRIC OR IMPERIAL
		CODE 4	CODE 70		
BUILDING SIZE		HEIGHT	STOREYS	FRONTAGE	DEPTH
RELATED DEVELOPMENT	RELATED ZONING	BUILDING CODE CLASSIFICATION			
APP./PERMIT/REFUSAL	BOARD OF VARIANCE				
D	Z				

FOR OFFICIAL USE ONLY					
PURPOSE TO CODE	REQUESTED DEVELOPMENT USE CODE	FLOOR IDENTIFICATION	REQUESTED AREA SQ.FT./METRES	RELAXATION FROM DEVELOPMENT USE CODE	FROM AREA SQ.FT./METRES
11					
30					

THE APPLICATION SUBMITTED WITH PLANS TO: (DESCRIPTION OF PROPOSED DEVELOPMENT)

XXXX ALTER TO ENCLOSE AN EXISTING PATIO IN THIS RESTAURANT TO PROVIDE SKYLIGHTS AND WINDOWS.

HAS BEEN REFUSED FOR THE FOLLOWING REASONS: (SEE REVERSE FOR CODE MEANINGS)

CODES: **04**

THE SIZE OF THE PROPOSED RESTAURANT IS NOT CONSIDERED AN ACCESSORY USE TO THE BOTANICAL GARDEN AS REGULATED BY THE COMPREHENSIVE DEVELOPMENT DISTRICT BY-LAW NO. 4532.

Van Jansen

NOTE SEE SECTION 573 OF THE VANCOUVER CITY CHARTER AND THE BOARD OF VARIANCE BY-LAW FOR APPEALS TO THE BOARD OF VARIANCE. ANY APPEAL BE FILED ON THE OFFICIAL NOTICE OF APPEAL FORM WITHIN 15 DAYS FROM DATE OF THIS REFUSAL.

PROCESSED THROUGH CODE	BY-LAW PROVISION CODE (CONDITIONAL OR OUTRIGHT)	DEVELOPMENT PLANNER	BUILDING PLAN CHECKER	DEVELOPMENT PLAN CHECKER
01				D. MARSHALL 1019
SERVICE TYPE	MAIL	DROP OFF	DO NOT PURGE OVER	
REFUSAL HANDLED BY	FEE SCHEDULE 1 SECTION 4(B)			
D. MARSHALL 10199	FEE SCHEDULE 1 SECTION			
FOR DIRECTOR OF PLANNING	DEVELOPMENT PERMIT APPLICATION TOTAL AREA			
REFUSAL AUTHORIZED/CHECKED BY	A. DEVELOPMENT PERMIT APPLICATION FEE	A	\$	104.00
A. R. FLOYD 10193	DEVELOPMENT PERMIT APPLICATION BUILDING GRADES MEASUREMENT		\$	
— SEE REVERSE FOR NOTICE —	B. DEVELOPMENT PERMIT APPLICATION BUILDING GRADES FEE		\$	
	C. DEVELOPMENT PERMIT APPLICATION REVISION FEE		\$	
	D. DEVELOPMENT PERMIT APPLICATION EXTENSION FEE		\$	
JA	E. DEVELOPMENT PERMIT APPLICATION TOTAL FEE	E	\$	104.00
DATE OF REFUSAL 851108	DEVELOPMENT PERMIT APPLICATION FEE RECEIPT NUMBER(S)			66483

(THIS IS NOT A PERMIT)



Clause #2 Cont'd

A Botanical Gardens (Cont'd)

The detailed scheme of development to be subject to the prior approval of City Council on advice from the Technical Planning Board and Town Planning Commission; not to be materially different from the submitted plans as prepared by the Board of Parks and Public Recreation as received June 11th, 1970, with regard being given to the location, screening and treatment of the off-street parking area and site perimeter fencing and screening.

o o o o o o o

B Town House and Garden Apartment Development

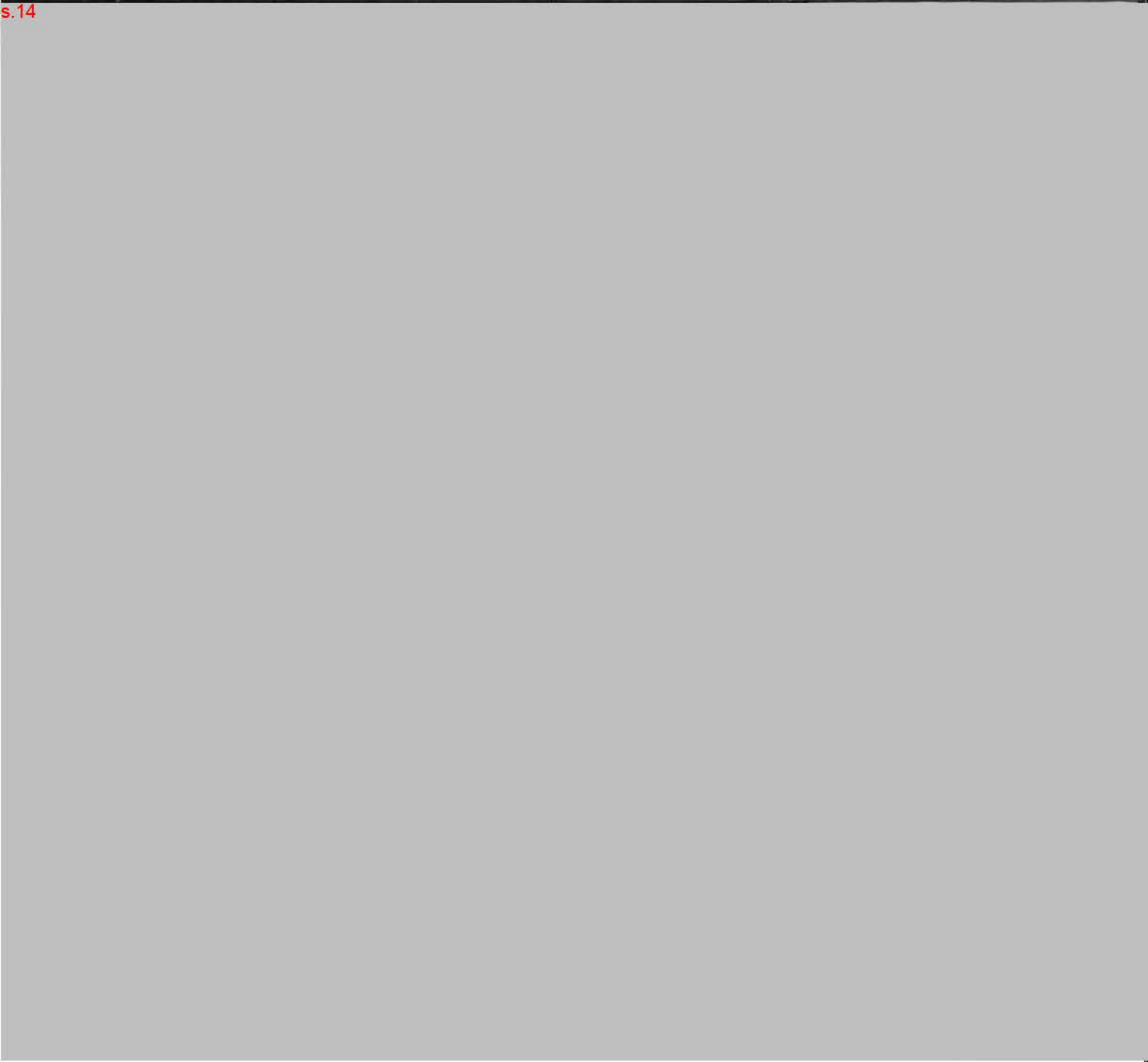
12 acres on unsubdivided portion of D.L. 526. Being the area bounded by the lane east of Granville Street on the west, the lane south of 33rd Avenue on the north, 37th Avenue on the south and an irregular shaped boundary with a Botanical Garden Development on the east.

It is approved by the Technical Planning Board subject to the uses being restricted to town houses or garden apartments and subject to the following conditions:

1. The issuance of any development permit for the detailed scheme of development to be subject to prior approval by the City Council on advice from the Technical Planning Board after consultation with the Design Panel with regard to architectural design and advice from the Town Planning Commission subject to:
 - i The floor space ratio not exceeding a maximum of 0.70 computed on an area equal to 75 percent of the gross area of the site including one half the width of streets and lanes, around the periphery and measured to the extreme outer limits of the buildings except for those areas not above finished grade of the buildings used for off-street parking facilities; (this being equal to a floor space ratio of 0.55 computed on the net site area of 12. acres).
 - ii Off-street parking being provided at not less than one car per 725 square feet of gross building area; with the off-street parking spaces being generally underground except for visitor or guest parking.
 - iii The town houses to be not higher than 2 storeys from the finished grade; the garden apartments to be not higher than 4 storeys from the finished grade. Regard to be given to the provision of adequate setbacks from the property lines; open space within the site; daylighting; landscaping treatment and suitable planting of the open portions of the site and the roofs of the buildings; adequate service facilities to the buildings; treatment of any required boundary walls or fences.

It is approved by the Town Planning Commission in accordance with the conditions as set by the Technical Planning Board.

..... Cont'd



MCCARTER, NAIRNE & PARTNERS

SHAUGHNESSY PLACE
 WESTERN CONSTRUCTION & ENGINEERING RESEARCH
 PROJECT NO. 71-249

December 20, 1972

SUBMISSION FOR AMENDMENT TO DEVELOPMENT PERMIT NO. 54192

I. FLOOR SPACE RATIO

(i) Allowable Building Area 287,484 sq. ft.

(ii) Actual Floor Area

(A) Development Permit Drawings
January 15, 1971

Townhouses

Type 1	5 @ 1,598 sq. ft.	7,990 sq. ft.
2S2	18 @ 2,150.5 "	38,709 "
2M2	9 @ 2,161.5 "	19,453.5 "
2S3	18 @ 2,252.5 "	40,545 "
2F3	15 @ 2,252.5 "	33,787.5 "
2M3	4 @ 2,263.5 "	9,054 "
3	6 @ 1,788.5 "	10,731 "

Total Floor Area - 75 units 160,270 sq. ft.

Apartments

Total Floor Area 126,534 sq. ft.

GROSS FLOOR AREA 286,804 sq. ft.

(B) Amendment Drawings
December 20, 1972

Townhouses

Type 1	5 @ 1,385 sq. ft.	6,925 sq. ft.
2S2R	50 @ 1,624.5 "	81,225 "
2S3R	13 @ 2,092 "	27,196 "
3	2 @ 1,670 "	3,340 "
3A	3 @ 1,439 "	4,317 "
2L3S/A	4 @ 2,554.5 "	10,218 "
2L3S/B	3 @ 2,566 "	7,698 "
3L3S	3 @ 2,620.5 "	7,862 "

Total Floor Area - 83 units 148,781 sq. ft.

Area allowance for Gatehouse, Cabana,
 Greenhouse 1,350 sq. ft.

150,131 sq. ft.

MCCARTER, NAIRNE & PARTNERS

...2

1. FLOOR SPACE RATIO (Cont'd)

Apartments

150,131 sq.ft.

See October 12, 1972 Drawings

136,928 sq.ft.

GROSS FLOOR AREA

287,059 sq.ft.

2. PARKING

(i) Parking Required:

Townhouses

83 units x 2.4 cars/unit = 199.2 = 200 cars

Apartments

81 units x 2.4 cars/unit = 194.4 = 195 cars

TOTAL: 395 cars

(ii) Parking Provided:

Townhouses

in Garages 173 cars
open guest parking 40 cars

213 cars

Apartments

Covered 170 cars
Open guest parking 32 cars

202 cars

TOTAL PARKING

415 cars

3. AMENDMENTS TO DEVELOPMENT PERMIT DRAWINGS -
Indicated on December 20, 1972 Drawings

(i) General

- Ten luxury Units replacing ten standard Units at south end of site with on grade garages replacing underground garage.
- 50 two-bedroom Units at 21'6" width and 13 three-bedroom Units at 26'0" width replacing 55 two and three bedroom Units at 26'0" width, thereby actually reducing the total width of units.

...3

...3

(ii) Site Plan

- Omit lake at south end of site.
- Minor adjustments to grade elevation changes in pedestrian walks.

(iii) Garage Level Plan

- Revised garage layout: driving and parking directly under each row of townhouses, replacing central drive for two rows of townhouses.
- Revised location of stairs to units above and storage area.

(iv) Unit Plans

- Addition of three types of luxury units.
- Addition of variation on Unit Type 3.
- Plan changes on two and three bedroom Units.
Relocation of Stair.
Minor revisions to room layouts.

E. Matsuzaki:cml
December 20, 1972

McCarter, Name
#400 The Marine Building
Vancouver, B. C.

DEVELOPMENT PERMIT NUMBER 54192

THIS DEVELOPMENT PERMIT IS HEREBY ISSUED IN ACCORDANCE WITH THE SUBMITTED APPLICATION AND SUCH PLANS AND INFORMATION FORMING PART THEREOF AND SUBJECT TO COMPLIANCE WITH THE PROVISIONS OF THE ZONING AND DEVELOPMENT BY-LAW AND ALL OTHER RELEVANT BY-LAWS OF THE CITY OF VANCOUVER NOW OR HEREINAFTER IN FORCE. THEREBY PERMITTING: a 152 dwelling unit Townhouse and Garden Apartment development in accordance with the application and such plans and information forming part thereof

being a 12 acre site bounded by the lane east of [unclear] Street, West 37th Avenue; and the lane south of West 33rd Avenue.

AT (LOCATION) 1401 West 37th Avenue

BEING LOT SUBDIVISION BLOCK (NEW SUB DIVISION) DISTRICT LOT

- AND SUBJECT TO THE FOLLOWING CONDITIONS:-
1. The required detailed landscaping plan including the boundary screening and the landscaping and treatment of the roofs of the Garden Apartment building be submitted to and amended as required to the satisfaction of the Technical Planning Board prior to the issuance of any Building Permits other than for excavation and foundations.
 2. The location and provision of garbage and collection facilities for the whole development be to the satisfaction of the Director of Planning, the City Engineer, and the Medical Health Officer.
 3. The 365 off-street parking spaces to be provided in accordance with the approved drawings and Section 12 of the Zoning and Development By-law within 60 days from the date of any use or occupancy of the proposed development and thereafter be maintained including surfacing, screening, and curbing etc. at all times.
 4. The landscaping and treatment of all open portions of the site including the roof of the Garden Apartment building be completed within 6 months from the date of any use or occupancy of the proposed development and thereafter to be permanently maintained in good condition at all times.
 5. All utilities and services to be underground.
 6. No signs or advertisements shall be permitted except as may be approved by the Technical Planning Board.

(In accordance with the decision of the Technical Planning Board dated December 30th, 1970, and resolution of Vancouver City Council dated January 6th, 1971.)

See minor amendment Nov. 22/73

DATE January 15th 1971

SIGNED [Signature] FOR THE DIRECTOR OF PLANNING

NOTE SEE SECTION 573 OF THE VANCOUVER CITY CHARTER FOR APPEALS TO THE BOARD OF VARIANCE. ANY APPEAL MUST BE FILED ON THE OFFICIAL NOTICE OF APPEAL FORM WITHIN 15 DAYS FROM DATE OF THIS REFUSAL.

CD1	FRONTAGE	FRONT	FEET	SLEEPING	UNITS EXISTING	UNITS PROPOSED
	DEPTH	SIDE	STORIES	HOUSEKEEPING		
		REAR		DWELLING		

I hereby declare that all of the above statements and the information contained in the material submitted in support of this application are to the best of my belief true and correct in all respects.

RECEIPT NO.

APPLICANT'S SIGNATURE John Gray Woodell

TEL. NO. 685 0484

FEE REFUND

INTEREST IN DEVELOPMENT ARCHITECTS IF NOT OWNER

DATE OF APPLICATION DEC. 2 1970

VOUCHER NO.

OFFICIAL	CHECK SQUARE	ENTERED ON INDEX MAP NO. BY	REMARKS:	D. OF P. APPROVAL REQUIRED	DISTRICT SCHEDULE USE NO.
	PERMIT ISSUED <input type="checkbox"/>	BUILDING PERMIT APPLIED FOR <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			OUTRIGHT USE NO. 1
	REFUSAL NOTICE ISSUED <input type="checkbox"/>	APPLICATION TAKEN BY A. O'NEILL		T.P.B. APPROVAL REQUIRED	CONDITIONAL USE NO.

BOARD OF ADMINISTRATION

DATE: January 4th, 1971

TO: Vancouver City Council

SUBJECT: Development Permit Application for Town Houses and Garden Apartments --
Old Shaughnessy Golf Course --.

CLASSIFICATION: R E C O M M E N D A T I O N

The Director of Planning reports as follows:

"McCarter, Nairne, Architects on behalf of Marathon Realty Company Limited, have filed Development Permit Application #54192 for a 'Town House and Garden Apartment Complex.'

The proposed development is located on the 12 acre site on the westerly portion of the former Shaughnessy Golf Course being the area bounded by the lane east of Granville Street (to the west) West 37th Avenue (to the south) the lane south of West 33rd Avenue (to the north) and the Botanical Gardens boundary (to the east).

City Council at a Public Hearing on June 18, 1970, approved an application by the Director of Planning to rezone the 67 acre parcel bounded by Oak Street to the east, lane east of Granville Street to the west, lane south of West 33rd Avenue to the north and West 37th Avenue to the south,

FROM: An RS-1 One Family Dwelling District

TO: A CD-1 Comprehensive Development District

to permit - a 55 acre Botanical Garden Development
- a 12 acre Town House and Garden Apartment Development.

ATTACHED for the information of City Council is a copy of the minutes of the Public Hearing of June 18, 1970, having the recommendations of the Technical Planning Board and the Town Planning Commission on the rezoning application and stating the approval as granted by City Council subject to certain conditions.

THIS REPORT DEALS WITH DEVELOPMENT PERMIT APPLICATION #54192
BEING FOR THE 12 ACRE TOWN HOUSE AND GARDEN APARTMENT DEVELOPMENT

The Technical Planning Board after advice from the Design Panel and the Town Planning Commission have recommended that the overall scheme of development be APPROVED subject to certain conditions (see page 3 of this report).

BRIEF ANALYSIS AND COMMENTS:
ON DEVELOPMENT PROPOSALS

Town Houses

The general building arrangement and location is similar to the plans submitted at Public Hearing except that the provision now of chimneys, roof lights, horizontal sun louvers, as well as patio walls of varying heights give the Town Houses an appearance of more bulk.

Because of the spacing between buildings etc., some rooms in the Town House Units would not comply with normal daylight angle standards as required in the Zoning and Development By-law.

On advice from the Director of Planning the Technical Planning Board is recommending approval of the Town House development as relates to general location of buildings with their resultant standards of daylighting to unit rooms - having regard to the type of accommodation proposed; the overall standard of the Town House development; that the site is 12 acres; and the number of Town House units (75 two storey with cellar units).

Such recommendation of approval by the Technical Planning Board is however subject to the Director of Planning examining the individual unit window locations; heights of patio enclosures and such horizontal sun louvers etc. all as may affect the daylighting of rooms.

Garden Apartments

The number of storeys and height of this building is similar to the plans submitted at Public Hearing except that while the northerly wing of the building is in the same location the southerly wing has been moved to a new south position much closer to the Botanical Garden property line and while spreading the whole building out somewhat provides a larger open court between the north and south wings of the building.

This revised building arrangement, is on advice of the Director of Planning, recommended by the Technical Planning Board.

Design

The Technical Planning Board after advice from the Design Panel recommend that the design be approved. Although the Design Panel recommended approval the Technical Planning Board after advice from the Director of Planning were concerned that the basic external finish of the Town House and Garden Apartment Development is Stucco. The Director of Planning has been requested to discuss the proposed external finish materials with the Architects to obtain some change in part, of exterior materials.

Landscaping

Conceptual plans of landscaping and treatment of open portions of the site have been submitted. These are considered acceptable subject to the submission of required detailed information.

As with certain other previous major developments, it is being recommended that the submission of the normal required detailed landscaping plans be at a later date after the issuance of the Development Permit but before the issuance of any Building Permit other than for excavation or foundations.

Such detailed submission would also include the information regarding the screening fence etc. between the proposed development and the Botanical Gardens. The developers wish to collaborate with the Board of Parks and Public Recreation on the details of the common boundary screening before submitting the required further information to the Technical Planning Board for consideration.

The landscaping and treatment of the roofs of the Garden Apartment building would also be subject to the subsequent approval of the Technical Planning Board.

General

The development will comply with floor space ratio requirements; off-street parking spaces - both as stipulated by conditions of approval by Council at Public Hearing.

- 5. The landscaping and treatment of all open portions of the site including the roof of the Garden Apartment building be completed within 6 months from the date of any use or occupancy of the proposed development and thereafter to be permanently maintained in good condition at all times.
- 6. All utilities and services to be underground.
- 7. No signs or advertisements shall be permitted except as may be approved by the Technical Planning Board

Notwithstanding the foregoing this Development Permit cannot be issued until the required amending By-law to rezone the site to a CD-1 Comprehensive Development District has been passed by City Council and all the foregoing conditions fulfilled.

The Technical Planning Board notes that should the developer request pedestrian access from the site to Granville Street or West 33rd Avenue, such request would be first reported to City Council and be on the basis that any approved construction and maintenance costs would be at the developers expense.

The Town Planning Commission endorses the recommendations of the Technical Planning Board and are particularly in agreement that the matter of daylighting to unit rooms be subject to the prior approval of the Director of Planning and also that consideration is to be given in obtaining some changes to the external finish materials being other than Stucco.

The Town Planning Commission would also advise City Council of their concern about the relocation of the south wing of the Garden Apartment portion of the development. This relocation means that the Garden Apartment building (which is in effect a four storey apartment building) will now present a much bulkier and more massive effect than originally shown."

Your Board recommends that Development Permit Application #54192 be APPROVED in accordance with the recommendations of the Technical Planning Board and the Town Planning Commission. Your Board however would draw the remarks of the Town Planning Commission to Council's attention.

Should an approval be granted, it

EC:lw

Approved:

Board of Administration

Per: _____

Director of Planning

Per: Williamson

For City Clerk to forward to Board of Administration.

SHAUGHNESSY PLACE

#70-108

MARATHON REALTY

1. SITE DEFINITION

A 12,000 acre site east of Granville Street between 33rd Avenue and 37th Avenue.

2. SITE ACCESS

Access to the site is from Cartier Street on the north (the old Shaughnessy Golf Course entrance) and from a new entrance directly off 37th Avenue on the south.

No use is intended for the lane bordering the property on the north and west property lines.

3. BUILDING SETBACKS

Apartment

There is a minimum setback of ten feet from the property line adjoining the botanical gardens site.

Townhouses

The minimum setback around the townhouses is 32 feet from the centre line of the lane to the face of building.

4. FLOOR SPACE RATIO

Gross Site Area	546,349 sq. ft.
Less 25% for Roads	136,587
Total	409,762 sq. ft.
F.S.R. = 0.70	
Allowable Building Area	286,833 sq. ft.

Ref Map No 1306

1306

Portion of D.L. 526, G.I., N.W.D.,

"C."

Scale: 200 Feet = One Inch.

Shaughnessy Heights Golf Links

Granville Street

POINT GREY RESERVOIR
5.50 Ac.

$S. 86^{\circ} 44\frac{1}{2}' E$ 500'

$N. 1^{\circ} 17' E$ 490.6

$S. 17^{\circ} 15'$

$N. 87^{\circ} 01' W$ 500'

$N. 87^{\circ} 01' W$
565.74

37 TH Ave.

Hudson Ave.

I, H.H. Roberts, British Columbia Land Surveyor,
certify that the dimensions shown on this plan are
according to the survey which has been made by
me upon the ground.

H.H. Roberts

FOR IDENTIFICATION

February 1916

The Royal Trust Co.
A. Macmillan
Assistant Manager
H.E. Richards

Taylor & Roberts,
Engineers & Surveyors,
17 Bank of Hamilton,
Vancouver, B.C.

COBBLESTONE
RESERVOIR

Law

May 18, 1971

Mr. Ronald Thompson
City Clerk
City Hall

Dear Sir:

Re: Botanical Garden
(Old Shaughnessy Golf Course)
Royal Trust Company

Please accept the following for filing:

1. Deed of Land, dated January 15, 1971, between the Royal Trust Company and the City respecting the conveyance to the City of Block 899; Lots 1 - 6 inclusive, Block 900, all in District Lot 526; and part of District Lot 526 shown as Block 902.
2. Restrictive Covenants Agreement, dated January 15, 1971, between the same parties.
3. Agreement re Schedule of Restrictions, dated January 15, 1971, between the City and Her Majesty the Queen in right of the Province of British Columbia, represented by her Minister of Finance.
4. Financial Agreement, dated December 31, 1970, between Her Majesty the Queen (represented by her Minister of Finance), the City of Vancouver and the Vancouver Foundation.
5. Consent, dated January 14, 1971, respecting the stopping up and closing of the streets dedicated by the deposit of

Mr. Thompson

2

May 18, 1971

Plan 11764 in the Land Registry Office.

6. Agreement to Sell, dated January 15, 1971, between the City and Canadian Pacific Railway Company, respecting the easterly portion of the Golf Course Land comprising 46.449 acres.

Yours truly,

:M
Att. - 7

for Corporation Counsel

CITY PLANNING
DEPARTMENT

DATE 1979 08 20

TO: City Manager (for Council)

SUBJECT: Van Dusen Gardens

CLASSIFICATION: INFORMATION AND RECOMMENDATION

The Director of Planning and the Director of Legal Services report as follows:

PURPOSE

The purpose of this report is to respond to concerns voiced by the Upper Shaughnessy Homeowners' Association regarding recent activity by the Board of Parks and Recreation at Van Dusen Gardens. These concerns, related primarily to the creation of a Sino-Himalayan Garden on the southwest portion of the property, are outlined in a letter dated July 18, 1979 from Mr. Wm. G. Robinson, a copy of which is attached as Appendix A.

BACKGROUND

The Van Dusen Gardens lands were acquired by the City from the C.P.R. in 1971.

At a Public Hearing on June 18, 1970, Council approved a rezoning of both the Van Dusen Gardens lands and the remaining lands to the west (retained by Marathon Realty) from RS-1 One-Family Dwelling District to CD-1 Comprehensive Development District. CD-1 By-Law No. 4532, enacted by Council on January 6, 1971, permits townhouses and garden apartments on the Marathon lands and a Botanical Garden and uses accessory thereto on the City-owned lands.

In addition to the provisions of the CD-1 By-Law, various conditions applicable to these sites were established by Council resolution at the Public Hearing. The following condition was established regarding the Botanical Garden site:

'The detailed scheme of development to be subject to the prior approval of City Council on advice from the Technical Planning Board and Town Planning Commission; not to be materially different from the submitted plans as prepared by the Board of Parks and Public Recreation as received June 11th, 1970, with regard being given to the location, screening and treatment of the off-street parking area and site perimeter fencing and screening.'

Subsequent to the rezoning, the following development permits have been issued:

- | | | |
|--------------------------|---|--|
| <u>January 28, 1971</u> | - | D.P.A. #52656. The approval granted by this development permit is only for the use of the site as a botanical garden development. All uses accessory to the botanical gardens (i.e. service buildings, floral hall, offices, lath and nature houses, etc.; off-street parking areas, including screening and treatment) were subject to subsequent approval by the Technical Planning Board on application for a development permit. |
| <u>December 20, 1972</u> | - | D.P.A. #60944. To construct a 16' x 20' shelter. |
| <u>January 29, 1973</u> | - | D.P.A. #58322. To construct a 270-car off-street parking facility. |
| <u>March 28, 1974</u> | - | D.P.A. #64507. To construct a Floral Hall. |
| <u>May 20, 1975</u> | - | D.P.A. #69456. To construct a Forestry Exhibit. |

ANALYSIS

On July 31, 1979, Mr. R. Forster, Curator, accompanied Planning Department staff on an inspection of the activities at Van Dusen Gardens. Mr. Forster explained what was taking place in the vicinity of the old reservoir. He explained that nearly 10,000 cubic yards of fill had been deposited around the reservoir site.

Current plans call for the area to be "soft" landscaped (low maintenance). At the eastern portion of the reservoir the grounds are being prepared for a Sino-Himalayan garden display. This work has resulted in large berms (mock alps) being created. These berms have resulted in some loss of views to several houses on West 37th Avenue.

In addition to these activities, staff were advised of proposals to develop a desert pavilion in and over part of the old reservoir. A 32' high glass roof above the reservoir is being considered. Also proposed for the reservoir are a service area, washroom facilities for staff and a foreman's office. Mr. Forster was advised that these structural additions would be most significant and require development permits.

Another item of concern to Mr. Robinson, as well as others in the immediate area, has been the large leaf pile on the site. Complaints of odour and unsightliness have been considerable. Staff were told this would only be temporary and that in the future compost would likely be brought in from Jericho Park.

There is a definite concern among area residents over the development taking place in the reservoir area for aesthetic reasons, loss of views, and the anticipation of further structural and functional development in the reservoir. The berms created for the "Alpine Gardens" have blocked views. The concept plan of 1970, however, did not indicate this function at this location. As well, a desert pavilion was not proposed for the reservoir. Similarly, the 1970 plans did not indicate the lath house or service area being moved to this location. These modifications to the 1970 plan should be subject to a formal review via the development permit application process.

There is some difficulty in determining if the landscaping being undertaken is "materially different" than proposed in 1970. Unfortunately, the 1970 plans are very general in nature and do not indicate proposed grade alterations, etc., for any of the gardens. A strict comparison of what presently exists as to that proposed for the gardens shows that changes have been made in location and design of functional components; however, the Director of Legal Services advises that Development Permit No. 52656, issued on January 28, 1971, approved the use of this site as a botanical garden and that no further development permits are required for the gardens per se. Development permits are required for new structures and any other accessory uses (i.e. off-street parking) to be developed.

As far as staff are able to determine, Council has never approved any overall detailed scheme of development for Van Dusen Gardens. The initial Development Permit (No. 52656) was apparently issued based on the concept drawings displayed at the June 1970 Public Hearing. It appears therefore that development has proceeded on a somewhat flexible basis and has not been rigidly dictated by any "Master Plan" of development.

CONCLUSION

In view of both historical and emerging alterations to the botanical gardens concept as originally considered by Council during the initial rezoning of this site in 1970 - 1971, it is desirable to seek a status report on this matter from the Park Board. This suggestion has been discussed with and is supported by Park Board staff.

RECOMMENDATION

The Director of Planning and the Director of Legal Services submit the foregoing report for the information of Council and recommend:

-
- A. That the Park Board be requested to report to Council on the longer range concept and current status of Van Dusen Gardens development.

The City Manager submits the foregoing report for the INFORMATION of Council and RECOMMENDS that the recommendation of the Director of Planning and Director of Legal Services be approved.

CC 63-MLH-75

City Manager to complete:

Approved _____

Officials to be present

Report Reference

Report Dated 1979 08 20

for Department Head David H. Giddings

Author's Initials RS:jmn

Concurrence of other
involved Departments:

W. H. McInnes
Director of Legal Services

Officials recommended to be
present

Circulated for the information of Mayor and Members of Council and City Manager, and referred to the Director of Legal Services and Director of Planning for report to Council, by the Office of the City Clerk. Writer so advised. July 24, 1979.

UPPER SHAUGHNESSY HOMEOWNERS' ASSOCIATION

1336 West 37th Avenue,
VANCOUVER, B.C.
V6M 1M2

18th July, 1979

His Worship the Mayor,
Member of City Council,
453 West 12th Avenue,
VANCOUVER, B.C.

Dear Sir,

re: VAN DUSEN GARDENS

On Tuesday, 4th July, Mrs. Byers and Mr. Robinson visited City Hall to enquire about the legality of the Board of Parks & Recreation proceeding with the construction (landscaping) of a portion of the Gardens in the vicinity of the old reservoir.

We also spent some time discussing the problem with the City Legal Department. Although we did not receive too much satisfaction on our immediate questions, we do note that all work on the project has stopped for the time being.

Our latest concerns are twofold.

Firstly, the Board of Parks & Recreation, despite our letter of request, has not as yet made any application to the City Legal Department for an opinion on their position under By Law 4532 and nor have they applied for a development permit.

Secondly, we are concerned that further construction may commence at any day on a development that is not wanted by the neighbourhood, at least in its present form.

Despite what the Board of Parks & Recreation feel they are at liberty to do with their own land, we are of the opinion that the Van Dusen Botanical Gardens was established by By Law 4532 and must be bound by this By Law and any discussion leading to its formation.

By Law 4532 created -

- (i) townhouse and garden apartments; and
- (ii) botanical gardens.

2/...

His Worship the Mayor,
Vancouver, B.C.

18th July, 1979

Certain stipulations were put on the establishment and building of the Gardens, and I quote -

"The detailed scheme of development to be subject to the prior approval of City Council on advice from the Technical Planning Board and Town Planning Commission; not to be materially different from the submitted plans as prepared by the Board of Parks & Public Recreation, as received 11th June, 1970, with regard being given to the location, screening and treatment of the offstreet parking area and site perimeter fencing and screening."

There can be no doubt in our minds that any detailed development, and that includes technically the displacement of the smallest amount of the terrain, needs the prior approval of City Council through advice from the City Planner.

This By Law governs the building of the Gardens as well as the townhouse and garden apartment complexes. Your Department may not discriminate in any By Law between any two portions of the By Law. If you have full control on the development of the townhouses and garden apartments through development and building permits, you must also have the same control over the development of the Botanical Gardens and, therefore, the Board of Parks and Recreation require a development permit before commencing any landscaping of any kind.

Our Association requests your immediate comment to the problem outlined above. Do you or do you not have control over what the Parks Board may develop in the Van Dusen Botanical Gardens?

Yours very truly,



Wm. G. Robinson
Upper Shaughnessy Homeowners' Association

WGR/cn

P.S. As of this writing, however, work commenced again on this construction site, yesterday, 17th July, 1979.

c.c. Mr. R. Spaxman,
Director of City Planning,
City Hall

Mr. R. Hebert,
Director of Permits & Licencing,
City Hall

TO: Vancouver City Council

SUBJECT: PURCHASE OF THE OLD SHAUGHNESSY GOLF COURSE

CLASSIFICATION: Recommendation

Your Board submits the following report of the Corporation Counsel:

"On February 17, 1970 Council considered a proposal by the Honourable Grace M. McCarthy for financing the purchase of the Old Shaughnessy Golf Course and for developing it as a botanical garden. On April 7, 1970 Council approved in principle the expenditure of \$666,000.00 for site purchase.

Two contracts have now been prepared which provide for the financing of the purchase of 46.449 acres of the Old Shaughnessy Golf Course, the actual purchase of the property and its development as a botanical garden.

I. FINANCE CONTRACT

This contract is made between the Provincial Government, the Vancouver Foundation and the City. It provides that if the City agrees to buy the 46.449 acre portion of the Golf Course for \$2,000,000.00 on January 15, 1971, the Foundation and the Provincial Government will each pay \$666,666.67 to the City on January 14, 1971 to be applied towards the purchase thereof. The Foundation and the Provincial Government also agree that each will contribute an additional \$333,333.33 in three instalments of \$111,111.11 on September 30 in 1971, 1972 and 1973 to be applied towards developing the site as a botanical garden.

This contract contains covenants by the City that this property, the reservoir site and the dedicated roads lying in the eastern portion of this property will be developed and maintained as a botanical garden.

This contract has been considered and approved by the Corporation Counsel, executed by the Provincial Government and the Vancouver Foundation and has been submitted to the City for execution.

II. AGREEMENT FOR SALE

This contract is between the City of Vancouver and the Canadian Pacific Railway and provides for payment by the City of the purchase price of \$2,000,000.00 for the 46.449 acres on January 15, 1971, and for the conveyance of this property to the City on that date.

The contract also provides that the City will abide by restrictive covenants limiting the use to which the property so conveyed, the reservoir site and the dedicated roads in the eastern portion of the property may be put.

This agreement has been approved by the Corporation Counsel

and the solicitors for the Canadian Pacific Railway although it has not yet been submitted to the Canadian Pacific Railway for final approval and execution.

The Corporation Counsel recommends that the City enter into these two contracts and that His Worship the Mayor and the City Clerk be authorized to sign them on behalf of the City.

YOUR BOARD RECOMMENDS that the foregoing recommendation of the Corporation Counsel be adopted by Council.

THIS AGREEMENT made this day of

1970,

BETWEEN:

HER MAJESTY THE QUEEN in the right of the
Province of British Columbia, represented
and acting by her

(hereinafter called the "Province")

OF THE FIRST PART

AND:

CITY OF VANCOUVER, 453 West 12th Avenue,
Vancouver, British Columbia

(hereinafter called the "City")

OF THE SECOND PART

AND:

VANCOUVER FOUNDATION, a corporate body incorporated
by Special Act of the Legislature of British
Columbia, having its chief office and place of
business at 1105 West Pender Street, Vancouver,
British Columbia

(hereinafter called the "Foundation")

OF THE THIRD PART

WITNESSETH THAT WHEREAS:

A. The Canadian Pacific Railway Company (the "Company")
is the beneficial owner of ALL AND SINGULAR those certain
parcels or tracts of land situate, lying and being in the City
of Vancouver, in the Province of British Columbia, commonly
known and described as the old Shaughnessy Golf Course (The
Royal Trust Company being the registered owner thereof) compris-
ing 58.449 acres more or less (hereinafter called the "Golf Course
Land") and being shown hatched blue and marked Parcels A and B
on the plan attached hereto;

B. The City is the beneficial owner of ALL AND SINGULAR
that certain parcel or tract of land situate, lying and being
in the City of Vancouver, in the Province of British Columbia,
more particularly known and described as:

Portion of District Lot Five Hundred
Twenty-Six (526) (Point Grey Reservoir)
as shown coloured red on Reference
Plan 1306;

comprising five and five-tenths (5.5) acres more or less and being shown outlined green on the plan attached hereto (hereinafter called the "Reservoir land");

C. The City anticipates it will secure from the Company an agreement by the Company to sell to the City for the full price or sum of TWO MILLION DOLLARS (\$2,000,000) of lawful money of Canada those parts (hereinafter collectively called "Parcel B") of the Golf Course Land comprising 46.449 acres more or less and marked Parcel B on the plan attached hereto but subject to the provisions, conditions and restrictive covenants more particularly referred to herein, and the City proposes to establish on Parcel B and on the portions of roads outlined in red on the plan attached hereto and on the Reservoir land a Botanical Display Garden;

NOW THEREFORE, THIS AGREEMENT WITNESSETH that in consideration of the premises and of the agreement hereafter contained the parties hereto agree, each with the other, that if the City succeeds in obtaining from the Company an agreement to sell Parcel B to the City for the price and upon the terms aforesaid, then in that event:

1. The Province shall pay to the City the sums on the dates and for the purposes following:

- (a) the sum of SIX HUNDRED SIXTY-SIX THOUSAND SIX HUNDRED SIXTY-SIX and 67/100 DOLLARS (\$666,666.67) on the 14th day of January, 1971 in partial payment of the cost of acquisition by the City from the Company of Parcel B;
- (b) the sum of THREE HUNDRED THIRTY-THREE THOUSAND THREE HUNDRED THIRTY-THREE and 33/100 DOLLARS (\$333,333.33) in three (3) annual instalments of ONE HUNDRED ELEVEN THOUSAND ONE HUNDRED ELEVEN and 11/100 DOLLARS (\$111,111.11) each on the 30th days of September, 1971, September, 1972, and September, 1973, such sums to be applied by the City toward the costs of development of Parcel B and the said portions of road and the Reservoir land (aggregating 55.236 acres more or less (herein collectively called the "Botanical Display Garden site")) as a Botanical Display Garden by the Vancouver Board of Parks and Public Recreation;

2. The Foundation shall pay to the City the sums on the dates and for the purposes following:

- (a) the sum of SIX HUNDRED SIXTY-SIX THOUSAND SIX HUNDRED SIXTY-SIX and 67/100 DOLLARS (\$666,666.67) on the 14th day of January, 1971, in partial payment of the cost of acquisition by the City from the Company of Parcel B:
- (b) the sum of THREE HUNDRED THIRTY-THREE THOUSAND THREE HUNDRED THIRTY-THREE and 33/100 DOLLARS (\$333,333.33) in three (3) annual instalments of ONE HUNDRED ELEVEN THOUSAND ONE HUNDRED ELEVEN and 11/100 DOLLARS (\$111,111.11) each on the 30th days of September, 1971, September, 1972 and September, 1973, such sums to be applied by the City toward the costs of development of the Botanical Display Garden site as a Botanical Display Garden by the Vancouver Board of Parks and Public Recreation;

3. The City shall use the sums described in paragraphs 1 and 2 for the purposes therein set forth and for no other purposes and the City will from its own sources of revenue provide such further and other sums as are required for the payment of the balance of such costs.

4. The City shall, immediately following the conveyance to the City of Parcel B, close and stop up the said portions of road outlined in red on the plan attached hereto.

5. The City and the Province shall, immediately following the conveyance to the City of Parcel B, execute an agreement in the form attached hereto as Schedule 1 (with blanks therein completed) and the City shall forthwith deliver such agreement to the Land Registry Office, Vancouver, British Columbia, for registration.

6. The City shall, immediately following conveyance by or on behalf of the Company to the City of Parcel B, place the Botanical Display Garden site in the care and custody of the Vancouver Board of Parks and Public Recreation for the purpose of developing and maintaining a Botanical Display Garden for the use and enjoyment of the public.

7. The City shall cause all fees received from the

public for admission to the Botanical Display Garden on the Botanical Display Garden site to be applied toward the costs of development, maintenance and operation thereof.

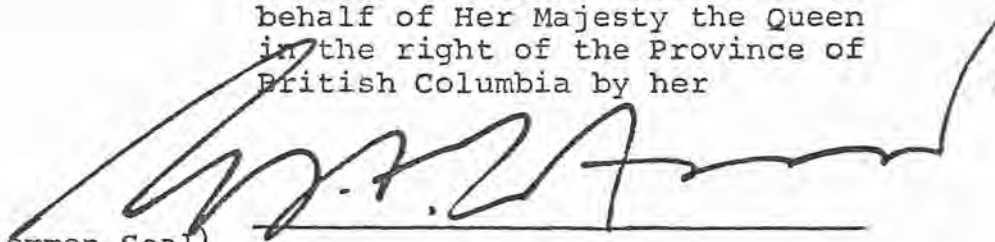
8. The Foundation may, on or before the 30th day of September, 1974, by notice in writing given to the City and the Province, designate the name for the Botanical Display Garden and if written notice is so given by the Foundation, the Botanical Display Garden shall at all times thereafter be known by the name so designated by the Foundation.

9. Each party hereto shall and will upon the reasonable request of any other party hereto make, do, execute or cause to be made, done or executed all such further and other lawful acts, deeds, documents and assurances whatsoever for the better or more perfect and absolute performance of the terms and conditions of this Agreement as may be requisite.

10. This Agreement may be executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute the one and the same instrument.

IN WITNESS WHEREOF the parties hereto have duly executed these presents the day and year first above written.

SIGNED, SEALED and DELIVERED on behalf of Her Majesty the Queen in the right of the Province of British Columbia by her

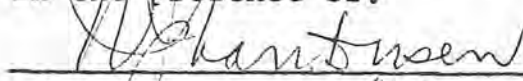


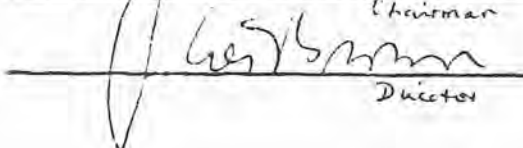
SEALED with the Common Seal of the CITY OF VANCOUVER and signed by:

Mayor

City Clerk

VANCOUVER FOUNDATION has hereunto affixed its seal in the presence of:



Chairman


Director

SCHEDULE 1

THIS AGREEMENT made the day of

197

BETWEEN:

CITY OF VANCOUVER, 453 West 12th Avenue
Vancouver, British Columbia

(hereinafter called the "City")

OF THE FIRST PART

AND:

HER MAJESTY THE QUEEN in right of the
Province of British Columbia, represented
and acting by her

(hereinafter called the "Province")

OF THE SECOND PART

WITNESSETH THAT WHEREAS:

A. The City is the beneficial owner of those lands and premises lying and being in the City of Vancouver in the Province of British Columbia, more particularly known and described as:

(Insert in this blank a description, sufficient for purposes of registration under the Land Registry Act, of Parcel B, the Reservoir land and those portions of road outlined in red on the plan attached to the agreement between Her Majesty the Queen in right of the Province of British Columbia, City of Vancouver and the Vancouver Foundation to which this form of agreement is attached as Schedule 1)

comprising 55.236 acres more or less (hereinafter called the "Botanical Display Garden site");

B. The City and the Province intend that the use of the Botanical Display Garden site shall henceforth be limited as herein provided;

NOW, THEREFORE, and pursuant to the Section 24A of the Land Registry Act (Chapter 208 R.S.B.C. 1960, as amended) the City hereby covenants and agrees with the Province that the Botanical Display Garden site and the several parts thereof shall be used only in accordance with the particulars set out

in the Schedule of Restrictions attached hereto.

IN WITNESS WHEREOF the parties hereto have duly executed these presents the day and year first above written.

SIGNED, SEALED and DELIVERED on behalf of Her Majesty the Queen in the right of the Province of British Columbia by her



SEALED with the Common Seal)
of the CITY OF VANCOUVER)
and signed by:)

Mayor)

City Clerk)

SCHEDULE OF RESTRICTIONS

1. The Botanical Display Garden site shall be used only as a botanical display garden and for no other purpose except such uses as are accessory thereto and no building shall be erected or suffered or permitted to remain thereon which is not accessory to such botanical display garden and used for the purposes thereof.
2. The Botanical Display Garden site shall not be used for residential accommodation or for any profession, trade or business or any sport or entertainment or otherwise than as or accessory to a botanical display garden.
3. No garage, cage, outbuilding or other structure shall be erected nor shall vehicles be parked in such a location that the perpendicular distance between any point on the West boundary of the Botanical Display Garden site and any such garage, cage, outbuilding or other structure or such vehicle is equal to or less than 150 feet.

Date: 90/10/18
Requestor: (P041255)

TITLE SEARCH PRINT - VANCOUVER
CITY OF VANCOUVER - LAW DEPARTMENT
Title: M26026

Time: 11:03:20
Page 001

STRATA TITLES ACT (SECTION 2)
SECTION 172(3)

VANCOUVER LAND TITLE OFFICE TITLE NO: M26026
FROM TITLE NO: L117980

APPLICATION FOR REGISTRATION RECEIVED ON: 29 MARCH, 1984
ENTERED: 05 APRIL, 1984

REGISTERED OWNER IN FEE SIMPLE:

HENRY KANAO NARUSE, OPTOMETRIST
101 - 4900 CARTIER STREET
VANCOUVER, B.C.
V6M 4H2

DESCRIPTION OF LAND
CITY OF VANCOUVER

PARCEL IDENTIFIER: 003-912-043
STRATA LOT 1 DISTRICT LOT 526 STRATA PLAN VR. 368
TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT
ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1.

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE	CHARGE NUMBER	DATE AND TIME OF APPLICATION
COVENANT		
	D61611	29/09/1976 11:24
REGISTERED OWNER OF CHARGE:		
CITY OF VANCOUVER		
REMARKS: L.R.A. S. 24A		
INTER ALIA		

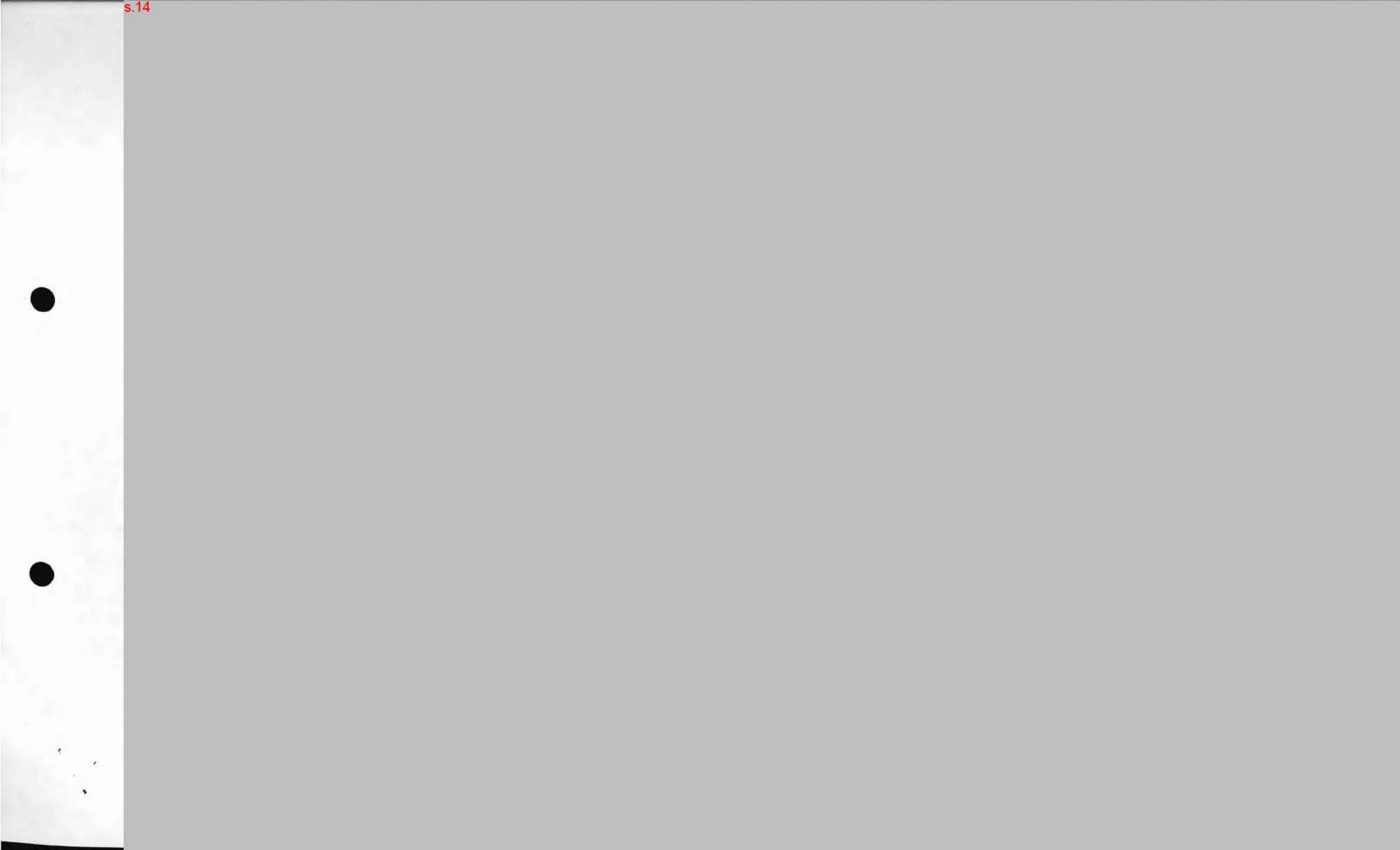
"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 27, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE

TRANSFERS: NONE

PENDING APPLICATIONS: NONE

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***



SEP 29 AM 11:24

30 61611 19401-L
24th day of August, 1976. 61611

THIS AGREEMENT made the

BETWEEN:

MARATHON REALTY COMPANY LIMITED, a body corporate having an office at 2100 Granville Square, 200 Granville Street, in the City of Vancouver, in the Province of British Columbia, Registration Number 6861A;

(hereinafter called the "Grantor")

OF THE FIRST PART

A N D:

C.R.
THE CITY OF VANCOUVER,
453 West 12th Avenue, in the City of Vancouver, in the Province of British Columbia;

(hereinafter called the "Grantee")

OF THE SECOND PART

WHEREAS:

The Grantor is the registered owner of those lands and premises situate, lying and being in the City of Vancouver, in the Province of British Columbia and more particularly known and described as:

W.R.
Lot "A",
Block 901,
District Lot 526,
Plan 14259

(hereinafter called the "Lands")

PLAN REFERRED TO HEREIN
PRESERVED AND HELD UNDER
FORM G. LAND REGISTRY ACT
DOCUMENT NUMBER D 61611
MEMORANDUM OF REGISTRATION
REGISTERED

SEP 30 1976

On application received at the time written or stamped on the application.
D. H. STURCH, REGISTRAR
VANCOUVER LAND REGISTRATION DISTRICT

AND WHEREAS:

The Grantor has requested that the Grantee permit the Grantor to subdivide the Lands into two parcels and the Grantee has agreed to permit the subdivision of the Lands into two parcels on the express condition that the Grantor execute this Agreement and that this Agreement be registered in the Vancouver Land Registry Office concurrently with the subdivision plan of the Lands.

AND WHEREAS:

The Grantor has constructed an apartment building on the

Subscribed by the Grantor

Date

C
September 29th 1976

Witnessed by the Grantor

Covenant under section 24A which prohibits over lease and mortgage B 4507
G.R. Rowles
VANCOUVER
29 SEP 76

Arch

Subject to Right of Way C 70891

Lands and this apartment building will be situated within the lot, hereinafter called the "Developed Lot", to be created by the subdivision plan, and the balance of the Lands are herein referred to as the "Undeveloped Lot".

AND WHEREAS:

The Developed Lot and the Undeveloped Lot are more particularly described in Schedule "A" hereto.

AND WHEREAS:

Pursuant to Section 24A of the Land Registry Act of British Columbia, there may be registered as annexed to any land that is being or has been registered, a condition or covenant in favour of a municipality that the land or any specified portion thereof is not to be built on, or is or is not to be used in a particular manner.

NOW THEREFORE THIS AGREEMENT WITNESSETH that pursuant to Section 24A of the Land Registry Act R.S.B.C. 1960 Chapter 208 as amended and in consideration of the premises and the sum of \$1.00 now paid by the Grantee to the Grantor (the receipt and sufficiency whereof is hereby acknowledged) the Grantor covenants and agrees with the Grantee as follows:

1. The Undeveloped Lot and the Developed Lot shall not be used, built on or developed in any manner other than in accordance with the plans and information filed with the Grantee in support of Development Permit Application Number 54192 as amended and By-Law Number 4532 or as permitted by this Agreement.

2. That the Grantor shall, as part of the development of this Undeveloped Lot construct an access road from 37th Avenue to both the Developed Lot and the Undeveloped Lot all as more particularly shown outlined in red on Schedule "B" attached hereto. The construction of this road shall be

requirement of and shall be completed in accordance with the development of the Undeveloped Lot.

3. Notwithstanding the restriction contained in paragraph 1 hereof the Grantor, its successors and assigns, shall not by the execution and delivery of this Agreement be deemed to have surrendered or detrimentally affected in any manner whatsoever their rights, as they existed prior to the execution and delivery of this Agreement:

- (a) to apply to the City of Vancouver for an alternate development of the Undeveloped Lot so long as this application is made in accordance with the prevailing rules and regulations of the City of Vancouver at the time the application is made so long as the development of the Undeveloped Lot does not vary the general development guidelines as contained in the plans and information filed with the Grantee in support of Development Permit Number 54192 as amended and By-Law Number 4532;
- (b) to create a strata corporation on the Developed Lot and a separate strata corporation on the Undeveloped Lot.

4. The Grantor shall not build on or develop the Undeveloped Lot before the Grantor as the owner of the Undeveloped Lot has granted and caused to be registered three easements over the Undeveloped Lot for the benefit of the Developed Lot as follows:

- (a) an easement for the installation, maintenance and replacement of a sanitary sewer to serve the Developed Lot, such easement to be in a location acceptable to the City Engineer and of a width of 10 feet more or less; and
- (b) an easement for the installation, maintenance and

.../4

replacement of a water main to serve the Developed Lot, such easement to be in a location and width acceptable to the City Engineer;

- (c) an easement providing 24 parking spaces on the Undeveloped Lot for the exclusive use of the Developed Lot at no cost to the owners of the Developed Lot as set out in Development Permit Application Number 54192 as amended and By-Law Number 4532;

all such easements to be in a registrable form reasonably satisfactory to the solicitors for the Grantee and to be registered as three separate charges against the title to the Undeveloped Lot subject only to B.C. Hydro Right-of-Way Number C70891 and the charge created by this Agreement.

5. Notwithstanding that a development of the Undeveloped Lot which may vary from the plans and information filed with the Grantee in support of Development Permit Number 54192 and By-Law Number 4532, may be approved by the City of Vancouver, the Grantor shall not be relieved from its obligation to provide the access road as required by paragraph 2 hereof unless specifically provided in the approval of the alternate development to the satisfaction of the City Engineer of the City of Vancouver.

6. Nothing contained or implied herein shall prejudice or affect the City's rights, powers, duties and obligations in the exercise of its functions pursuant to the Vancouver Charter and the rights, powers, duties and obligations of the City of Vancouver under all its public and private statutes, by-laws, orders and regulations which may be fully and effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered by the Grantor.

7. The covenants set forth herein shall be covenants the burden of which shall run with the Lands and bind the

.../5

Lands in every part thereof and shall attest to and run with the Lands in each and every part to which the Lands may be so divided.

8. Notwithstanding anything contained in this Agreement, neither the Grantor named herein nor any future owner of the Lands shall be liable under any of the covenants and agreements contained herein after it or he has no further interest in the Lands.

9. The Grantor will, forthwith after execution hereof by it and at its own expense, do or cause to be done all acts or things necessary to ensure that this Agreement is registered against the title to the Lands in the Vancouver Land Registry Office in priority to all other charges or interests in or to the Lands except those described in Section 38 (1) (a), (b), (c), (e), (f), (i), (j), and (k) of the Land Registry Act.

10. Whenever the singular or masculine is used herein, the same shall be construed as meaning the plural, feminine or body corporate or politic where the context of the parties so require.

11. The parties hereto shall do and cause to be done all things and execute and cause to be executed all documents which may be necessary to give proper effect to the intention of this Agreement.

12. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns as the case may be.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day and year first above written.

WITNESS:

C. H. Hooper
108-200 Main St.
Vancouver, B.C.
Solicitor

) MARATHON REALTY COMPANY LIMITED
) BY ITS LAWFUL ATTORNEY

[Signature]
Vancouver, B.C.

114-715-25

CONSENT AND PRIORITY

SHAUGHNESSY PLACE LIMITED, a body corporate under the laws of the Province of British Columbia having an office at 4900 Cartier Street in the City of Vancouver, in the Province of British Columbia

is the registered holder of a Lease of those certain lands in the City of Vancouver, more particularly known and described as follows:

Lot "A",
Block 901,
District Lot 526,
Plan 14259 -

which Lease is registered under Number A76512 and for a term of ~~seventy~~ ^{6 months July} (70) years from ~~January~~ 1st, 1972. ~~2/4~~

SHAUGHNESSY PLACE LIMITED herewith consents to and approves of the granting by Marathon Realty Company Limited to The City of Vancouver of this Agreement and consents to the registration thereof under Section 24A of the Land Registry Act in priority to its interest as Lessee to the same extent as if its Lease Number A76512 had been executed, delivered and registered after the execution, delivery and registration of this Agreement.

IN WITNESS WHEREOF SHAUGHNESSY PLACE LIMITED has hereunto affixed its corporate seal in the presence of its proper officers first duly authorized in that behalf this 27th day of August, 1976.

The Common Seal of
SHAUGHNESSY PLACE
LIMITED was hereunto
affixed in the presence of:)

Angela Hunt PRES.)
James Lee)
Secy.)

(C/S)

SCHEDULE "A"

The Undeveloped Lot: That portion of Lot "A", Block 901, District Lot 526, Plan 14259 shown as Lot 1 on the Plan of Subdivision of Lot "A", Block 901, District Lot 526, Plan 14259 prepared by J. M. Parnell B.C.L.S. the 24th day of August 1976 and sworn to the 24th day of August 1976 a print of which is attached hereto as Schedule A-1.

The Developed Lot: That portion of Lot "A", Block 901, District Lot 526, Plan 14259 shown as Lot 2 on the Plan of Subdivision of Lot "A" Block 901, District Lot 526, Plan 14259 prepared by J. M. Parnell B.C.L.S. the 24th day of August 1976 and sworn to the 24th day of August 1976 a print of which is attached hereto as Schedule A-1.

"STRATA PLAN Vr368"

DEALINGS AFFECTING THE COMMON PROPERTY

REGISTRATION		DOCUMENT	
NUMBER	DATE	DATE	NATURE AND PARTICULARS
C70891	6-11-75	24-6-75	RIGHT-OF-WAY IN FAVOUR OF THE BRITISH COLUMBIA HYDRO AND POWER AUTHORITY OVER THAT PART INCLUDED IN REFERENCE PLAN 12721 WITH SUBORDINATE RIGHTS OVER THE BALANCE <i>W.R. Ridgway Assistant Deputy Registrar</i>
C70891	CANCELLED AS TO STRATA LOTS 1 TO 76		
D 56885	22/10/76	D. H. STURCH REGISTRAR I.W.R.R.	
			HERE TO IS ANNEXED RESTRICTIVE COVENANT 522051M OVER PART OF BLOCK 903 FORMERLY IN FORMER BLOCK 899, LOTS 1 TO 6, BLOCK 900, PLAN 11764 AND BLOCK 902 PLAN 13961, SEE 618900L. <i>W.R. Ridgway Assistant Deputy Registrar</i>
			HERE TO IS ANNEXED RESTRICTIVE COVENANT 522052M OVER PART OF DISTRICT LOT 526 SHOWN COLOURED RED ON REFERENCE PLAN 1306 AND THE CLOSED ROADS DEDICATED BY THE DEPOSIT OF PLAN 11764 <i>W.R. Ridgway Assistant Deputy Registrar</i>
			HERE TO IS ANNEXED EASEMENT F43600 OVER PART OF LOT 1 PLAN 16502 INCLUDED IN EXPLANATORY PLAN 13937 <i>W.R. Ridgway Assistant Deputy Registrar</i>
			HERE TO IS ANNEXED EASEMENT F43601 OVER PORTIONS OF LOT 1 PLAN 16502 INCLUDED IN EXPLANATORY PLANS 13938 AND 13939 <i>W.R. Ridgway Assistant Deputy Registrar</i>
			HERE TO IS ANNEXED EASEMENT F43602 OVER PART OF LOT 1 PLAN 16502 INCLUDED IN EXPLANATORY PLAN 13940 <i>W.R. Ridgway Assistant Deputy Registrar</i>
F 43604	15/6/78	28/6/78	EASEMENT OVER PART INCLUDED IN EXPLANATORY PLAN 13941 APPURTENANT TO LOT 1 PLAN 16502 <i>W.R. Ridgway Assistant Deputy Registrar</i>
F 43605	15/6/78	28/6/78	EASEMENT OVER PART INCLUDED IN EXPLANATORY PLAN 13942 APPURTENANT TO LOT 1 PLAN 16502. <i>W.R. Ridgway Assistant Deputy Registrar</i>
F 43606	27/6/78	28/6/78	RIGHT-OF-WAY IN FAVOUR OF THE CORPORATION OF THE CITY OF VANCOUVER OVER PART INCLUDED IN EXPLANATORY PLAN 13943 <i>W.R. Ridgway Assistant Deputy Registrar</i>
			HERE TO IS ANNEXED EASEMENT G 65281 OVER PART OF LOT 1, INCLUDED IN EXPLANATORY PLAN 14538. <i>W.R. Ridgway Assistant Deputy Registrar</i>
			HERE TO IS ANNEXED EASEMENT G 65282 OVER PART OF LOT 1, INCLUDED IN EXPLANATORY PLAN 13938. <i>W.R. Ridgway Assistant Deputy Registrar</i>
G 65283	11/9/79	9/8/79	EASEMENT OVER PART INCLUDED IN EXPLANATORY PLAN 14561, APPURTENANT TO LOT 1, PLAN 16502. <i>W.R. Ridgway Assistant Deputy Registrar</i>

CONT

J.M. Parnell B.C.L.S.
August 26, 1976

"STRATA PLAN Vr368"

DEALINGS AFFECTING THE COMMON PROPERTY

REGISTRATION		DOCUMENT	
NUMBER	DATE	DATE	NATURE AND PARTICULARS
C70891	6-11-75	24-6-75	RIGHT-OF-WAY IN FAVOUR OF THE BRITISH COLUMBIA HYDRO AND POWER AUTHORITY OVER THAT PART INCLUDED IN REFERENCE PLAN 12721 WITH SUBORDINATE RIGHTS OVER THE BALANCE <i>W.R. Ridgway</i> 1 Deputy Registrar
C70891	22/10/76	22/10/76	CANCELLED AS TO STRATA LOTS 1 TO 76 D66885 <i>D.N. STURCH</i> REGISTRAR J.V.R.A.
			HERE TO IS ANNEXED RESTRICTIVE COVENANT S22051M OVER PART OF BLOCK 903 FORMERLY IN FORMER BLOCK 899, LOTS 1 TO 6 BLOCK 900, PLAN 11764 AND BLOCK 902 PLAN 13961, SEE 618900/ <i>W.R. Ridgway</i> REGISTRAR
			HERE TO IS ANNEXED RESTRICTIVE COVENANT S22052M OVER PART OF DISTRICT LOT 526 SHOWN COLOURED RED ON REFERENCE PLAN 1306 AND THE CLOSED ROADS DEDICATED BY THE DEPOSIT OF PLAN 11764 <i>W.R. Ridgway</i> REGISTRAR
			HERE TO IS ANNEXED EASEMENT F43600 OVER PART OF LOT 1 PLAN 16502 INCLUDED IN EXPLANATORY PLAN 13937 <i>W.R. Ridgway</i> Assistant Deputy REGISTRAR
			HERE TO IS ANNEXED EASEMENT F43601 OVER PORTIONS OF LOT 1 PLAN 16502 INCLUDED IN EXPLANATORY PLANS 13938 AND 13939 <i>W.R. Ridgway</i> Assistant Deputy REGISTRAR
			HERE TO IS ANNEXED EASEMENT F43602 OVER PART OF LOT 1 PLAN 16502 INCLUDED IN EXPLANATORY PLAN 13940 <i>W.R. Ridgway</i> Assistant Deputy REGISTRAR
F43604	15/6/78	28/6/78	EASEMENT OVER PART INCLUDED IN EXPLANATORY PLAN 13941 APPURTENANT TO LOT 1 PLAN 16502. <i>W.R. Ridgway</i> Assistant Deputy REGISTRAR
F43605	15/6/78	20/6/78	EASEMENT OVER PART INCLUDED IN EXPLANATORY PLAN 13942 APPURTENANT TO LOT 1 PLAN 16502 <i>W.R. Ridgway</i> Assistant Deputy REGISTRAR
F43606	27/6/78	28/6/78	RIGHT OF WAY IN FAVOUR OF THE CORPORATION OF THE CITY OF VANCOUVER OVER PART INCLUDED IN EXPLANATORY PLAN 13943 <i>W.R. Ridgway</i> Assistant Deputy REGISTRAR

J.P. Parnell B.C.L.S.
August 26, 1976

SEP 25 2 00 P 81

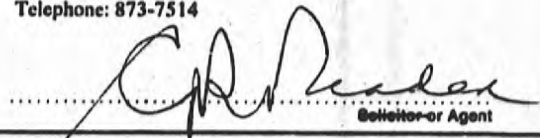
LAND TITLE OFFICE
VANCOUVER B.C.

1/2

J 73404
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3245-619528-L

Space above for Land Title Office Use

NATURE OF CHARGE		Form 17 Section 152(1) Land Title Act	
Statutory Right-of-Way		Full name, postal address and telephone of person presenting instrument for registration:	
Address of person entitled to be registered as owner if different than shown on instrument:		LAW DEPARTMENT, CITY OF VANCOUVER 453 West 12th Avenue, Vancouver, B.C. V5Y 1V4 Telephone: 873-7514	
True Value:	Herewith Fees	 Solicitor or Agent	
100 ⁰⁰	\$ 11 ⁰⁰		

For Land Title Office Use

THIS AGREEMENT made this 23rd day of September in the year of Our Lord one thousand nine hundred and eighty-one.

BETWEEN: CITY OF VANCOUVER
453 West 12th Avenue
Vancouver, B.C.
V5Y 1V4

(hereinafter called "the Grantor")

OF THE FIRST PART

AND: CITY OF VANCOUVER
453 West 12th Avenue
Vancouver, B.C.
V5Y 1V4

(hereinafter called "the Grantee")

OF THE SECOND PART

WHEREAS the Grantor is the owner of lands in the City of Vancouver, Province of British Columbia, and more particularly described as follows:

Block 903
District Lot 526
Group 1, NEW WESTMINSTER DISTRICT
Plan 13962
(hereinafter called "the said lands");

4780 TRN 10 REG 1 CLK 25/09/81
PAID - "BCG" VANCOUVER "LTD" \$ 11.00 CHRG

AND WHEREAS the Grantor has agreed to grant unto the Grantee a Statutory Right-of-Way for public utility purposes over a portion of the said lands described in Schedule "A" (hereinafter called "the said easement area")

Part in EXPLANATORY PLAN AN 15712

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- 1A -

AND WHEREAS the parties hereto have mutually agreed, each with the other, according to the terms, covenants and conditions hereinafter set forth;

AND WHEREAS the Statutory Right-of-Way is necessary for the operation and maintenance of the Grantee's undertaking.

NOW THIS INDENTURE WITNESSETH

1. THAT, in consideration of the premises and of the terms, covenants and conditions on the part of the Grantee to be performed and observed herein, the Grantor doth hereby grant and convey unto the Grantee the full, free and uninterrupted right, liberty and easement for the Grantee, its licencees, agents, servants, officials and workmen, at all times hereafter, by night and by day, and at their will and pleasure, for the benefit of the Grantee, to enter, labour, go, return, pass and repass upon and along the said easement area, of the said lands, and to dig up the soil thereof, and to lay down, construct, install and maintain water-mains, sewers, drains, ditches, manholes, pipes, or any of them, or any other utility including conduits, wires, pipes, poles, cables, equipment and apparatus for gas, electric light and heat, and power and telephone services for the purpose of conveying, draining or disposing of water, sewage, liquid waste, or any of them or supplying electric, gas and telephone services, over, through or under the said easement area, and to place therein and thereon conduits, pipes, wires, poles, cables, equipment and apparatus for telephone, electric light, electric heat and power and for other electric services or purposes as the Grantee may require or may be deemed expedient, and the same to cover with soil, alter, enlarge, remove, repair, renew, maintain, inspect and replace as may be necessary and expedient by the Grantee or its licencees, agents, servants, officials and workmen, together with the right, liberty and easement of unobstructed access to the said easement area, and to have the said easement area, including the subsoil thereof, remain at all times unoccupied by any embankment or fill, or by any building or structure likely to obstruct such access, other than a boundary fence. For the purposes of these presents, the said water-mains, sewers, drains, manholes, conduits, wires, poles, cables, pipes, and other utilities, and each and every of them, and all works forming part thereof, are hereinafter called "the said works".

2. TO HAVE AND TO HOLD unto the Grantee from and after the date hereof as aforesaid to the heirs, assigns and assigns forever of the Grantee.