



**DISTRICT OF WEST VANCOUVER**  
750 17TH STREET, WEST VANCOUVER BC V7V 3T3

**9.1.**

## **COUNCIL REPORT**

Date:	April 30, 2024
From:	Megan Roberts, Assistant Planner
Subject:	2229 Folkestone Way – Discharge Covenants Permitting Office Use
File:	1010-20-22-109

### **RECOMMENDATION**

That Council approve the discharge of the covenants with the registration numbers BE255945, BR115579, BB804560, BB1329128, CA5560178 on the property located at 2229 Folkestone Way, parcel identification number 007-649-908, and legally described as Lot D Block 17 District Lot 783 Plan 15565.

### **RECOMMENDATION**

That the Mayor and Corporate Officer be authorized to execute the discharge of the section 215 covenants.

#### **1.0 Purpose**

To discharge five Section 215 covenants that allow office use on the parcel located at 2229 Folkestone Way as the property is subject to an expiring land use contract and has been rezoned to add office use to the permitted uses and therefore, the covenant will no longer be valid/necessary.

#### **2.0 Legislation/Bylaw/Policy**

Section 122(1) of the *Community Charter* provides that a council may only exercise its authority by resolution or bylaw, and 122(4) provides that an act or proceeding of a council is not valid unless it is authorized by bylaw or resolution at a council meeting.

Section 154(1) of the *Community Charter* provides that a council may, by bylaw, delegate its powers, duties and functions, including those specifically established by an enactment, to the extent provided, to (a) a council member or council committee, (b) an officer or employee of the municipality, or (c) another body established by council.

#### **3.0 Council Strategic Objective(s)/Official Community Plan**

Council's Strategic Objectives do not apply. The Official Community Plan does not apply.

#### **4.0 Financial Implications**

Not applicable.

## 5.0 Background

The District received a redevelopment proposal for the Salmon House on the Hill Restaurant site located at 2229 Folkestone Way in July 2022. The redevelopment proposal will allow for construction of an 8-unit, 3-bedroom, 3 storey townhome development and a new smaller commercial building for a restaurant and office use.

### 5.1 Previous Decisions

Council, at its April 29, 2024, regular meeting, adopted the bylaws associated with the redevelopment proposal to construct eight townhomes and a new commercial building to the property at 2229 Folkestone Way, and approved the associated development permit.

### 5.2 History

In 1973, the Salmon House on the Hill commercial complex was constructed in the Folkestone Way area under the Panorama Land Use Contract. Under the land use contract, a portion of the ground floor of the subject property was designated to be used for a local retail convenience store. However, this area has never been established with a convenience store.

In 1991, the District registered a covenant on title (**Appendix A**) that allowed for office space on a time limited basis in lieu of the required local retail convenience use. That covenant has been extended multiple times and currently is extended to June 30, 2024.

## 6.0 Analysis

### 6.1 Discussion

With the redevelopment proposal for the site now approved, the covenants permitting office use will be redundant as office use is now permitted for the subject site within the existing CD10 zone and the existing land use contract will expire on June 30, 2024.

### 6.2 Climate Change & Sustainability

Not applicable.

### 6.3 Public Engagement and Outreach

Not applicable.

### 6.4 Other Communication, Consultation, and Research

Planning staff have consulted with District solicitors.

## 7.0 Options

### 7.1 Recommended Option

That Council approve the discharge of the covenants on title permitting office use.

### 7.2 Considered Options

- a) Request additional information (to be specified); or
- b) Deny the request to discharge the covenants on title permitting office use.

## 8.0 Conclusion

Staff recommend that Council approve discharge of the five covenants on the title of 2229 Folkestone Way permitting office use as they will no longer be valid once the existing land use contract expires on June 30, 2024 and now that the underlying zoning permits office use.

Author:



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Megan Roberts, Assistant Planner

Concurrence



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Michelle McGuire, Senior Manager of Current Planning and Urban Design

Appendices:

A – 2229 Folkestone Way – Land Use Contract and Covenant Background

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TITLE SEARCH PRINT

2024-03-20, 15:49:25

File Reference:

Requestor: Megan Roberts

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

**Land Title District**  
Land Title Office

VANCOUVER  
VANCOUVER

**Title Number**  
From Title Number

CA8782428  
GD69761

**Application Received**

2021-02-18

**Application Entered**

2021-03-01

**Registered Owner in Fee Simple**

Registered Owner/Mailing Address:

TOSEKI ENTERTAINMENT LTD., INC.NO. 383448  
302-6333 WEST BOULEVARD  
VANCOUVER, BC  
V6M 0C1

**Taxation Authority**

West Vancouver, The Corporation of the District of

**Description of Land**

Parcel Identifier:

007-649-908

Legal Description:

LOT D BLOCK 17 DISTRICT LOT 783 PLAN 15565

**Legal Notations**

HERETO IS ANNEXED EASEMENT C53518 OVER THOSE PORTIONS OF THE COMMON PROPERTY IN STRATA PLAN VR. 243 IN REFERENCE PLAN 12718

HERETO IS ANNEXED EASEMENT C53519 OVER THOSE PORTIONS OF LOT E IN REFERENCE PLAN 12718

HERETO IS ANNEXED EASEMENT C53520 OVER PART OF LOT F IN REFERENCE PLAN 12718

HERETO IS ANNEXED EASEMENT C53522 OVER THOSE PORTIONS OF LOT F IN REFERENCE PLAN 12717  
EASEMENT C53522 CANCELLED AS TO PORTIONS IN EXPLANATORY PLAN 12954 PR D30587, 21/05/1976

HERETO IS ANNEXED EASEMENT C53523 OVER THOSE PORTIONS OF LOT E IN REFERENCE PLAN 12717

**TITLE SEARCH PRINT**

2024-03-20, 15:49:25

File Reference:

Requestor: Megan Roberts

HERETO IS ANNEXED EASEMENT H23262 OVER THAT PART OF LOT C, PLAN 15565  
IN EXPLANATORY PLAN 14985

**Charges, Liens and Interests**

Nature:	LAND USE CONTRACT
Registration Number:	A71704
Registration Date and Time:	1973-10-18 14:53
Registered Owner:	THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
Remarks:	INTER ALIA MUNICIPAL ACT S. 702A

Nature:	STATUTORY RIGHT OF WAY
Registration Number:	L11637
Registration Date and Time:	1983-02-02 10:20
Registered Owner:	THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
Remarks:	PORTIONS IN EXPLANATORY PLAN 16497

Nature:	COVENANT
Registration Number:	BE255945
Registration Date and Time:	1991-10-02 13:02
Registered Owner:	THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
Remarks:	L.T.A. SECTION 215 MODIFIED BY BR115579 MODIFIED BY BB804560 MODIFIED BY BB1329128 MODIFIED BY CA5560178 MODIFIED BY CB59130

Nature:	COVENANT
Registration Number:	BR115579
Registration Date and Time:	2001-05-17 09:27
Remarks:	MODIFICATION OF BE255945

Nature:	MODIFICATION
Registration Number:	BB804560
Registration Date and Time:	2009-08-28 15:21
Remarks:	MODIFICATION OF BE255945 (SEE BR115579)

Nature:	COVENANT
Registration Number:	BB1329128
Registration Date and Time:	2011-06-10 13:56
Remarks:	MODIFICATION OF BE255945

Nature:	MODIFICATION
Registration Number:	CA5560178
Registration Date and Time:	2016-10-06 13:22
Remarks:	MODIFICATION OF BE255945

**TITLE SEARCH PRINT**

2024-03-20, 15:49:25  
Requestor: Megan Roberts

File Reference:

Nature:	MODIFICATION
Registration Number:	CB59130
Registration Date and Time:	2022-07-06 09:24
Remarks:	MODIFICATION OF BE255945

**Duplicate Indefeasible Title** NONE OUTSTANDING

**Transfers** NONE

**Pending Applications** NONE

91 OCT -2 13 02 BE255945

LAND TITLE ACT  
FORM C  
(Section 219.9)

LAND TITLE OFFICE  
NEW WESTMINSTER/  
VANCOUVER

Province of British Columbia

GENERAL DOCUMENT

(This area for Land Title Office use)

Page 1 of 6 pages

1. APPLICATION: (Name, address, phone number and signature of applicant's solicitor or agent)  
PAUL C. WILSON, Municipal Solicitor, File: 1135-13-F  
The Corporation of the District of West Vancouver  
750 - 17th Street, West Vancouver, B.C.  
V7V 3T3 922-1211 *Paul C. Wilson for T. Mitchell*

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:\*

007 649 908 LOT D BLOCK 17 DISTRICT LOT 783 PLAN 15565

3. NATURE OF INTEREST:\*

10/02/91 E5030e CHARGE 50.00m

O.K.  
AS TO  
S.215  
COVENANT

DESCRIPTION	DOCUMENT REFERENCE (page and paragraph)	PERSON ENTITLED TO INTEREST
Section 215 Covenant	Pages 3 to 6 Paragraphs 1 to 3	Transferee

4. TRANSFEROR(S):\*

TOSEKI ENTERTAINMENT LTD. (Inc. No. 383448)

5. TRANSFEREE(S): Including occupation(s), postal address(es) and postal code(s)

THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER  
750 - 17th Street  
West Vancouver, B.C. V7V 3T3

6. EXECUTION(S):\*\* By signing this document you are affecting the land in the manner described in item 3.

Officer Signature(s)	Execution Date	Party(ies) Signature						
<i>Ron Chivers</i>	<table border="1"> <tr> <td>YY</td> <td>MM</td> <td>DD</td> </tr> <tr> <td>91</td> <td>7</td> <td>10</td> </tr> </table>	YY	MM	DD	91	7	10	TOSEKI ENTERTAINMENT LTD. by its authorized signatories: <i>Takashi Kikuchi</i> TAKASHI KIKUCHI
YY	MM	DD						
91	7	10						
RON CHIVERS, Notary Public 120 - 3495 North Road Burnaby, B.C. V3J 7T8 <i>A Commissioner for taking            Affidavits for British Columbia</i>								

OFFICER CERTIFICATE:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1979, c. 116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

\* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

\*\* If space insufficient, continue executions on additional page(s) in Form D.

164/5L


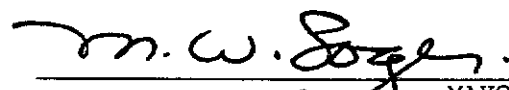

LAND TITLE ACT  
Form 1 (Section 30)  
MEMORANDUM OF REGISTRATION  
Registered on application received on  
the day and at the time written hereon  
, Registrar  
New Westminster Land Title Office  
FRASER RUDELIER TITLE  
SEARCH LTD.



LAND TITLE ACT  
FORM D

255945

EXECUTIONS CONTINUED

Officer Signature(s)	Execution Date			Transfer/Borrower/Party Signature(s)
	YY	MM	DD	
 <hr/> <p>A Commissioner for taking affidavits for British Columbia.</p> <p><b>J. D. Allan</b> Municipal Manager The Corporation of the District of West Vancouver 750 - 17th STREET WEST VANCOUVER, B.C. V7V 3T3 TEL: 922-1211</p>	91	9	23	<p>THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER by its authorized signatories:</p>  <hr/> <p>M. W. SAGER MAYOR</p>  <hr/> <p>MUNICIPAL CLERK M. K. WARWICK</p>

OFFICER CERTIFICATE:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1979, c. 116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

255945

Page 3 of 6 pages

## SECTION 215 COVENANT

THIS AGREEMENT made as of 1990

*July 10*

BETWEEN:

TOSEKI ENTERTAINMENT LTD. (Incorporation No. 383448)  
 a company under the laws of British Columbia having  
 an office at 500 - 666 Burrard Street  
 Vancouver, B.C.  
 V6C 3H3

(hereinafter called the "Grantor")

OF THE FIRST PART

AND:

THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER, a  
 municipality under the laws of British Columbia,  
 having its principal office at 750 - 17th Street,  
 West Vancouver, British Columbia, V7V 3T3

(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS:

- A. The Grantor is the registered owner of property in the Municipality of West Vancouver, in the Province of British Columbia, more particularly known and described as:

Parcel Identifier: 007 649 908  
 Lot D, Block 17, District Lot 783, Plan 15565

## Legal Notations:

Hereto is annexed Easement C53518 over those portions of the Common Property in Strata Plan VR. 243 in Reference Plan 12718  
 Hereto is annexed Easement C53519 over those portions of Lot E in Reference Plan 12718  
 Hereto is annexed Easement C53520 over part of Lot F in Reference Plan 12718  
 Hereto is annexed Easement C53522 over those portions of Lot F in Reference Plan 12717  
 Easement C53522 cancelled as to portions in Explanatory Plan 12954 PR D30587, 21/05/1976  
 Hereto is annexed Easement C53523 over those portions of Lot E in Reference Plan 12717  
 Hereto is annexed Easement H23262 over that part of Lot C, Plan 15565 in Explanatory Plan 14985

(hereinafter called the "Lands").

**255945**

## SECTION 215 COVENANT

Page 4 of 6 pages

- B. Section 215 of the Land Title Act (R.S.B.C. 1979, c. 219 as amended) provides that there may be registered as a charge against the title to any land a covenant in favour of a municipality in respect of the use of land or the use of a building on or to be erected on land or that land is or is not to be built on or is not to be subdivided except in accordance with the covenant.

WITNESSETH THAT in consideration of the premises and the sum of One Dollar (\$1.00) (the receipt and sufficiency of which the Grantor hereby acknowledges), and pursuant to the provisions of Section 215 of the Land Title Act, the Grantor covenants with the Municipality as follows:

1. For purposes of this agreement a "Retail Convenience Store" means premises where the primary trade or business carried on is that of selling tobacco and related products, newspaper, magazines, fresh fruits, fresh vegetables, frozen fruits, frozen vegetables, cut flowers, florists' products, soft drinks, dairy products and bakery products. The Grantor acknowledges that an area of the ground floor of the building on the Lands comprising 1512 square feet (more or less) as shown outlined in heavy black line on the attached plan (the "Covenant Area") is intended for use as a Retail Convenience Store.
2. The Grantor acknowledges that for a period up to 1995 June 17, the Covenant Area may be used either for offices or as a Retail Convenience Store.
3. The Grantor covenants that after 1995 June 17, the Covenant Area shall be used only as a Retail Convenience Store.
4. It is understood and agreed that this Covenant shall run with the Lands and shall bind the owner of the Lands from time to time and neither the Grantor nor any successor shall have any liability under this agreement after he has ceased to be the owner of the Lands.

255945

SECTION 215 COVENANT

Page 5 of 6 pages

5. This agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

6. Wherever the singular or the masculine is used in this Agreement, the same shall be deemed to include the plural or the feminine or the body politic or corporate where the context or the parties so require.

IN WITNESS WHEREOF the Grantor and Grantee have executed this agreement as of the day and year first above written.

THE CORPORATE SEAL OF THE GRANTOR was hereunto affixed in the presence of:

C/S

Tadon Kibul  
Authorized Signatory

\_\_\_\_\_  
Authorized Signatory

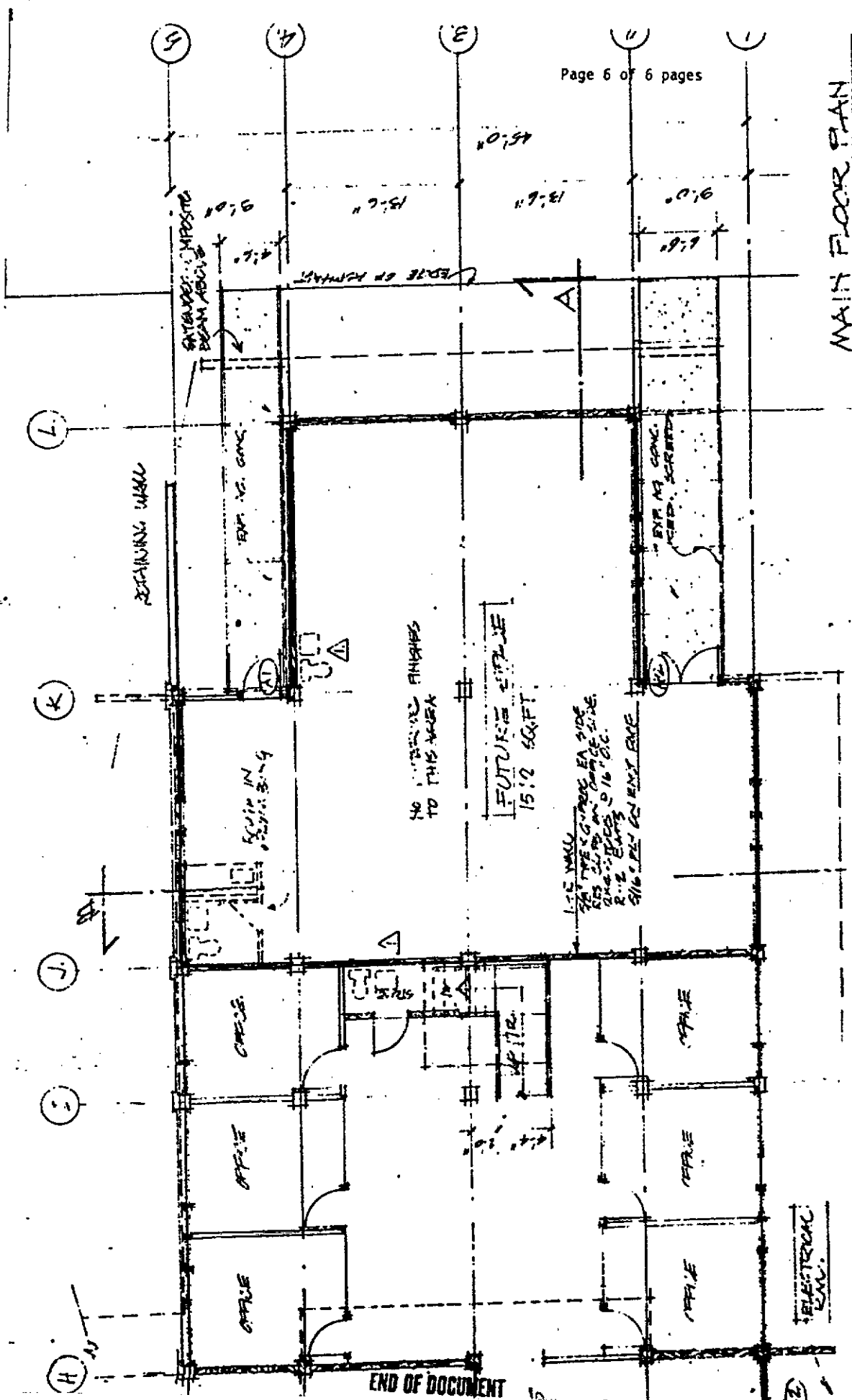
THE SEAL OF THE MUNICIPALITY was hereunto affixed in the presence of:

S

m.w. Sogez  
MAYOR

M. Kularwick  
MUNICIPAL CLERK

255945



Page 6 of 6 pages

MAIN FLOOR PLAN

KND

END OF DOCUMENT

END OF DOCUMENT

LAND TITLE ACT  
FORM C  
(Section 219.9)

01 MAY 17 09 27

BR115579

Province of  
British Columbia

LAND TITLE OFFICE  
NEW WESTMINSTER

GENERAL INSTRUMENT - PART 1

(This area for Land Title Office use)

Page 1 of 4

1. APPLICATION: (Name, address, phone number and signature of applicant's solicitor or agent)

Law Department  
THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER  
750 - 17th Street  
West Vancouver, B.C.  
V7V 3T3 925-7099

File: 1135-02-P

*DYE & DURHAM CLIENT No. 11061*

Agent for Applicant, Terry Tasa, Land Clerk

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:\*

(PID)

(LEGAL DESCRIPTION)

007-649-908

Lot D Block 17 District Lot 783 Plan 13369

01/05/17 09:27:28 01 LH 286299  
CHARGE \$55.00

3. NATURE OF INTEREST:\*

DESCRIPTION

DOCUMENT REFERENCE  
(page and paragraph)

PERSON ENTITLED  
TO INTEREST

Modification of Covenant BE255945

Entire Document

Transferee

4. TERMS: Part 2 of this instrument consists of (select one only)

- (a) Filed Standard Charge Terms
- (b) Express Charge Terms
- (c) Release

- D.F. No.
- Annexed as Part 2
- There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in item 3 is released or discharged as a charge on the land described in Item 2.

29 01/05/24 09:42:15 01 LH 287693  
DEFECT / WITHDR \$30.00

5. TRANSFEROR(S):\* TOSEKI ENTERTAINMENT LTD.  
TOSEKI ENTERTAINMENT LTD. (INC. NO 383448)


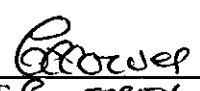
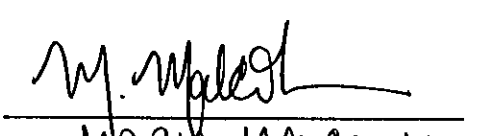
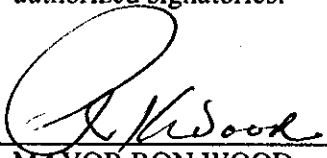

6. TRANSFEREE(S): Including postal address(es) and postal code(s)\*  
THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER  
750 - 17th Street  
West Vancouver, B.C. V7V 3T3

7. ADDITIONAL OR MODIFIED TERMS:\*

N/A

H:\modification of covenant.doc

- 8. EXECUTION(S):\*\* This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)	Execution Date			Party(ies) Signature
	Y	M	D	
 <b>LARRY FERENCE</b> Notary Public 140 - 3355 North Road, Burnaby, B.C. V3J 7T9 444-4566  (As to both signatures)	2001	05	10	TOSEKI ENTERTAINMENT LTD. (INC No 383448) (by its authorized signatory(s):   NAME: <u>Geoffrey Howes</u> TITLE: <u>Director of operations</u>
 <b>MARIA MALCOLM</b> ACTING DEPUTY MUNICIPAL CLERK THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER 700-17 <sup>TH</sup> STREET WEST VANCOUVER BC V7V 3T3 (as to both signatures)	2001	05	15	NAME: TITLE:  THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER by its authorized signatories:   MAYOR RON WOOD
	2001	05	15	 <b>SHEILA SCHOLES</b> DEPUTY MUNICIPAL CLERK ACTING

**OFFICER CERTIFICATION:**

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

- \* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.
- \*\* If space insufficient, continue executions on additional page(s) in Form D.

H:\modification of covenant.doc

**TERMS OF INSTRUMENT - PART 2**  
**MODIFICATION OF COVENANT**

**BETWEEN:**

**TOSEKI ENTERTAINMENT LTD, (INC NO 383448),** with offices at 201,  
1368 United Boulevard, Coquitlam, BC V3K 6Y2

(the "Grantor")

**AND:**

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER,**  
#750 – 17<sup>TH</sup> Street, West Vancouver, BC V7V 3T3

(the "Grantee")

**WHEREAS:**

A. The Grantor is the registered owner in fee simple of the lands located in the District of West Vancouver legally described as:

PID: 007-649-908  
Lot D Block 17 District Lot 783 Plan 15565

(herein called the "Land")

B. The Grantee is the registered owner of a Covenant against the land which was registered on October 02, 1991 in the Vancouver Land Title Office under number BE255945 (the "Covenant").

C. The Grantor and Grantee agree to modify the Covenant Agreement as set out herein.

**NOW THIS AGREEMENT WITNESSES THAT** pursuant to Section 219.9 of the Land Title Act, and in consideration of the sum of One (\$1.00) Dollar of lawful money of Canada now paid by the Grantee to the Grantor (receipt and sufficiency of which is hereby acknowledged), the Grantor and Grantee hereby agree as follows:

1. The Covenant is hereby modified by substituting the date 1995 June 17 with the date 2005 December 31, thereby permitting continued office occupancy of the convenience store space.
2. All terms and covenants contained in the Covenant Agreement as expressly modified herein will remain in full force and effect.
3. This Agreement shall from the reference date hereof and without prejudice to the state of the Covenant be read and construed along with the Covenant and be treated as part thereof.



Page 4 of 4 pages

4. This Agreement shall enure to the benefit and be binding upon the parties thereto their respective successors and assigns.
5. As evidence of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement by seal by executing Part 1 of the *Land Title Act* Form C to which this Agreement is attached and which forms part of this Agreement.

**END OF DOCUMENT**

**LAND TITLE ACT  
FORM C**  
(Section 219.9)

**28 AUG 2009 15 21**

**BB0804560**

**Province of  
British Columbia**

**GENERAL INSTRUMENT - PART 1**

(This area for Land Title Office use)

Page 1 of 3 pages

1. APPLICATION: (Name, address, phone number and signature of applicant's solicitor or agent)

THE CORPORATION OF THE DISTRICT OF WEST  
VANCOUVER

File: 1135-02P

750 - 17th Street  
West Vancouver, B.C. V7V 3T3  
(604) 925-7099

DYE & DURHAM CLIENT No. 11061

W NP

Alex Stonier - Agent for Applicant, Terry Tasa, Land Clerk

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:\*

(PID)

(LEGAL DESCRIPTION)

007-649-908

Lot D Block 17 District Lot 783 Plan 15565

3. NATURE OF INTEREST:\*

DESCRIPTION

DOCUMENT REFERENCE  
(page and paragraph)

PERSON ENTITLED  
TO INTEREST

Modification of Covenant  
BE255945 and BR115579

Entire Document

Transferee

if 8/28/2009 3:19:39 PM 2 2  
Charge 1 \$73.40

4. TERMS: Part 2 of this instrument consists of (select one only)

- (a) Filed Standard Charge Terms
- (b) Express Charge Terms
- (c) Release

- D.F. No.
- Annexed as Part 2
- There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):\*

**TOSEKI ENTERTAINMENT LTD. (INC. NO. 383448)**

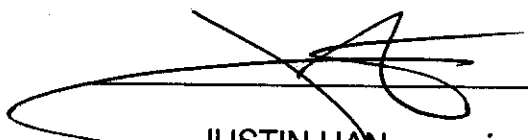

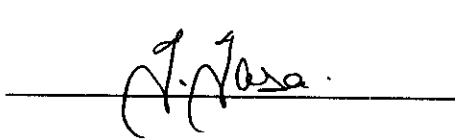
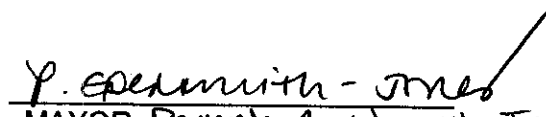

6. TRANSFEREE(S): Including postal address(es) and postal code(s)\*

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER** of 750 - 17th Street  
West Vancouver, B.C. V7V 3T3

7. ADDITIONAL OR MODIFIED TERMS:\*

N/A

- 8. EXECUTION(S):\*\* This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)	Execution Date			Party(ies) Signature
	Y	M	D	
 <b>JUSTIN HAN</b> Notary Public 140-3355 North Rd, Burnaby BC V3J 7T9 604-444-4566	09	08	19	TOSEKI ENTERTAINMENT LTD., (INC. No. 383448) (by its authorized signatory(s):   NAME: <i>Takashi Kikuchi</i> TITLE: <i>President</i>
 <b>TERRY TASA</b> Commissioner for taking affidavits for British Columbia 750 - 17th Street, West Vancouver, BC V7V 3T3	09	08	28	THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER by its authorized signatories:   MAYOR <i>Pamela Goldsmith-Jones</i>   MUNICIPAL CLERK <i>Sheila Scholes</i>

(as to both signatures)

**OFFICER CERTIFICATION:** Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

- \* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.
- \*\* If space insufficient, continue executions on additional page(s) in Form D.

**TERMS OF INSTRUMENT - PART 2 - MODIFICATION OF COVENANT****BETWEEN:**

**TOSEKI ENTERTAINMENT LTD. (INC. NO. 383448)** with its office at 201,  
1368 United Boulevard, Coquitlam, BC V3K 6Y2

(the "Grantor")

**AND:**

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER**, with its  
office at #750 – 17<sup>TH</sup> Street, West Vancouver, BC V7V 3T3

(the "Grantee")

**WHEREAS:**

- A. The Grantor is the registered owner in fee simple of the lands located in the District of West Vancouver legally described as:

PID: 007-649-908  
Lot D Block 17 District Lot 783 Plan 15565

(herein called the "Land")

- B. The Grantee is the registered owner of a Covenant against the land which was registered on October 02, 1991 in the Vancouver Land Title Office under number BE255945 and the Modification to that Covenant on May 17, 2001 under BR115579 (the "Covenant").
- C. The Grantor and Grantee agree to modify the Covenant Agreement as set out herein.

**NOW THIS AGREEMENT WITNESSES THAT** pursuant to Section 219.9 of the Land Title Act, and in consideration of the sum of One (\$1.00) Dollar of lawful money of Canada now paid by the Grantee to the Grantor (receipt and sufficiency of which is hereby acknowledged), the Grantor and Grantee hereby agree as follows:

1. The Covenant is hereby modified by substituting the dates 1995 June 17 and 2005 December 31 with the date 2011 June 30, thereby permitting continued office occupancy of the convenience store space.
2. All terms and covenants contained in the Covenant Agreement as expressly modified herein will remain in full force and effect.
3. This Agreement shall from the reference date hereof and without prejudice to the state of the Covenant be read and construed along with the Covenant and be treated as part thereof.
4. This Agreement shall enure to the benefit and be binding upon the parties thereto their respective successors and assigns.
5. As evidence of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement by seal by executing Part 1 of the *Land Title Act* Form C to which this Agreement is attached and which forms part of this Agreement.

**END OF DOCUMENT**

#365733

**LAND TITLE ACT  
FORM C**  
(Section 219.9)

10 JUN 2011 13 56

BB1329128

**Province of  
British Columbia**

**GENERAL INSTRUMENT - PART 1**

(This area for Land Title Office use)

Page 1 of 3 pages

1. APPLICATION: (Name, address, phone number and signature of applicant's solicitor or agent)

THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER  
750 - 17th Street  
West Vancouver, B.C. V7V 3T3  
(604) 925-7099

File: 1135-02P

**DYE & DURHAM CLIENT No. 11061**

NP

Modification of Covenant

Agent for Applicant, Terry Tasa, Land & Property Clerk

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:\*  
(PID) (LEGAL DESCRIPTION)

007-649-908

Lot D Block 17 District Lot 783 Plan 15565

3. NATURE OF INTEREST:\*  
DESCRIPTION

DOCUMENT REFERENCE  
(page and paragraph)

PERSON ENTITLED  
TO INTEREST

Modification of Covenant  
BE255945, BR115579 and  
BB804560

Entire Document

Transferee

4. TERMS: Part 2 of this instrument consists of (select one only)

~~bw 6/10/2011 1:58:49 PM - 3 2~~  
Charge 1 \$73.40

- (a) Filed Standard Charge Terms
- (b) Express Charge Terms
- (c) Release

- D.F. No.
- Annexed as Part 2
- There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):\*

**TOSEKI ENTERTAINMENT LTD. (INC. NO. 383448)**

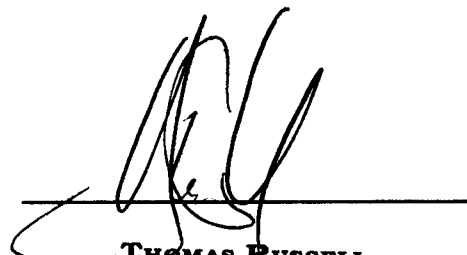
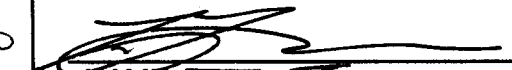
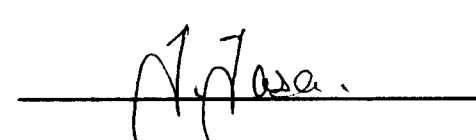
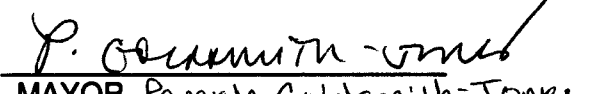

6. TRANSFEREE(S): Including postal address(es) and postal code(s)\*

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER** of 750 - 17th Street  
West Vancouver, B.C. V7V 3T3

7. ADDITIONAL OR MODIFIED TERMS:\*

N/A

8. EXECUTION(S):\*\* This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)	Execution Date			Party(ies) Signature
	Y	M	D	
 <b>THOMAS RUSSELL</b> SOLICITOR SUITE 500 NORTH TOWER 5811 COONEY ROAD RICHMOND, B.C. V6X 3M1 TELEPHONE 604-276-2765	11	05	30	<b>TOSEKI ENTERTAINMENT LTD., (INC. No. 383448) (by its authorized signatory(s):</b>   NAME: <i>Tom Takeda</i> TITLE: <i>PRESIDENT</i>
 <b>TERRY TASA</b> Commissioner for taking affidavits for British Columbia 750 - 17th Street, West Vancouver, BC V7V 3T3 Exp Dec 31/11	11	06	09	<b>THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER by its authorized signatories:</b>   MAYOR Pamela Goldsmith-Jones   MUNICIPAL CLERK Maureen Connelly

(as to both signatures)

**OFFICER CERTIFICATION:**Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

- \* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.
- \*\* If space insufficient, continue executions on additional page(s) in Form D.

**TERMS OF INSTRUMENT - PART 2 - MODIFICATION OF COVENANT**

BETWEEN:

**TOSEKI ENTERTAINMENT LTD. (INC. NO. 383448)** with its office at 201,  
1368 United Boulevard, Coquitlam, BC V3K 6Y2

(the "Grantor")

AND:

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER**, with its  
office at #750 – 17<sup>TH</sup> Street, West Vancouver, BC V7V 3T3

(the "Grantee")

WHEREAS:

- A. The Grantor is the registered owner in fee simple of the lands located in the District of West Vancouver legally described as:

PID: 007-649-908  
Lot D Block 17 District Lot 783 Plan 15565

(herein called the "Land")

- B. The Grantee is the registered owner of a Covenant against the land which was registered on October 02, 1991 in the Vancouver Land Title Office under number BE255945, with subsequent Modifications to that Covenant May 17, 2001 under BR115579 and August 28, 2009 under BB804560 (the "Covenant").
- C. The Grantor and Grantee agree to modify the Covenant Agreement as set out herein.

NOW THIS AGREEMENT WITNESSES THAT pursuant to Section 219.9 of the Land Title Act, and in consideration of the sum of One (\$1.00) Dollar of lawful money of Canada now paid by the Grantee to the Grantor (receipt and sufficiency of which is hereby acknowledged), the Grantor and Grantee hereby agree as follows:

1. The Covenant is hereby modified by substituting the dates 1995 June 17, 2005 December 31 and 2011 June 30 with 2015 June 30, the date, thereby permitting continued office occupancy of the convenience store space.
2. All terms and covenants contained in the Covenant Agreement as expressly modified herein will remain in full force and effect.
3. This Agreement shall from the reference date hereof and without prejudice to the state of the Covenant be read and construed along with the Covenant and be treated as part thereof.
4. This Agreement shall enure to the benefit and be binding upon the parties thereto their respective successors and assigns.
5. As evidence of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement by seal by executing Part 1 of the *Land Title Act* Form C to which this Agreement is attached and which forms part of this Agreement.

**END OF DOCUMENT**

#464169

Status: Registered

Doc #: CA5560178

RCVD: 2016-10-06 RQST: 2021-10-21 11.28.06

FORM\_C\_V21 (Charge)

NEW WESTMINSTER LAND TITLE OFFICE

CA5560178

LAND TITLE ACT  
FORM C (Section 233) CHARGE

Oct-06-2016 13:22:56.001

1475782980 PAGE 1 OF 4 PAGES

GENERAL INSTRUMENT - PART 1 Province of British Columbia

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

**Terry Tasa** Digitally signed by  
**ES723H** Terry Tasa ES723H  
Date: 2016.10.06  
12:58:24 -07'00'

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER

Terry Tasa, Applicant's Agent

File: 1010-20-15-043

750 - 17th Street

Phone: 604-925-7099

West Vancouver

BC V7V 3T3

Document Fees: \$71.58

Deduct LTSA Fees? Yes

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

007-649-908

LOT D BLOCK 17 DISTRICT LOT 783 PLAN 15565

STC? YES

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Modification

BE255945

4. TERMS: Part 2 of this instrument consists of (select one only)

(a)  Filed Standard Charge Terms D.F. No.

(b)  Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

TOSEKI ENTERTAINMENT LTD. (INC NO. 383448)

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER

750 - 17TH STREET

WEST VANCOUVER

BRITISH COLUMBIA

V7V 3T3

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Execution Date

Transferor(s) Signature(s)

THOMAS RUSSELL

Barrister & Solicitor

SUITE 500 NORTH TOWER

5811 COONEY ROAD

Y	M	D
16	09	29

TOSEKI ENTERTAINMENT LTD.,  
(Inc. No. 383448) by its authorized  
signatories:

Name: TOM TSUKADA

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.



**LAND TITLE ACT  
FORM D**

**EXECUTIONS CONTINUED**

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

TERRY TASA

Y	M	D
16	10	05

THE CORPORATION OF THE  
DISTRICT OF WEST VANCOUVER by  
their authorized signatories:

Commissioner for Taking Affidavits in British Columbia

750 - 17th Street, West Vancouver BC  
V7V 3T3

Expires: Dec 31/17

Acting Mayor: MARY-ANN BOOTH

(as to both signatures)

Municipal Clerk: SHEILA SCHOLES

**OFFICER CERTIFICATION:**

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT

Page 3 of 4 pages

**TERMS OF INSTRUMENT -- PART 2****TERMS OF INSTRUMENT - PART 2****MODIFICATION OF COVENANT**

This Agreement dated for reference the 27<sup>th</sup> day of September, 2016.

**BETWEEN:**

**TOSEKI ENTERTAINMENT LTD. (INC. NO. 383448)** with its office at 213  
3993 Henning Drive, Burnaby BC V5C 6P7

(the "Grantor")

**AND:**

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER**, a  
municipality under the laws of British Columbia, having its office at 750 -- 17<sup>th</sup>  
Street, West Vancouver, BC V7V 3T3

(the "Grantee")

**WHEREAS:**

- A. The Grantor is the registered owner in fee simple of the lands located in the District of West Vancouver legally described as:

PID: 007-649-908  
Lot D Block 17 District Lot 783 Plan 15565

(herein called the "Land")

- B. The Grantee is the registered owner of a Covenant against the land which was registered on October 02, 1991 in the Lower Mainland Land Title Office under number BE255945, with subsequent Modifications to that Covenant May 17, 2001 under BR115579, August 28, 2009 under BB804560 and June 10, 2011 under BB804560 (the "Covenant").
- C. The Grantor and Grantee agree to modify the Covenant Agreement as set out herein.

NOW THIS AGREEMENT WITNESSES THAT pursuant to Section 219.9 of the Land Title Act, and in consideration of the sum of One (\$1.00) Dollar of lawful money of Canada now paid by the Grantee to the Grantor (receipt and sufficiency of which is hereby acknowledged), the Grantor and Grantee hereby agree as follows:

1. The Covenant is hereby modified by substituting the dates June 1, 1995, to December 31, 2005, then to June 30, 2011, then to June 30, 2015, and now with June 30, 2022, thereby permitting continued office occupancy of the convenience store space.
2. All terms and covenants contained in the Covenant Agreement as expressly modified herein will remain in full force and effect.
3. This Agreement shall from the reference date hereof and without prejudice to the state of the Covenant be read and construed along with the Covenant and be treated as part thereof.

464165v1

LAND TITLE ACT

Page 4 of 4 pages

**TERMS OF INSTRUMENT – PART 2**

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4. This Agreement shall enure to the benefit and be binding upon the parties thereto their respective successors and assigns.
5. As evidence of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement by seal by executing Part 1 of the *Land Title Act* Form C to which this Agreement is attached and which forms part of this Agreement.

**END OF DOCUMENT**

464169v1



Land Title Act  
**Charge**  
General Instrument - Part 1

**NEW WESTMINSTER LAND TITLE OFFICE**  
JUL 06 2022 09:24:51.001  
**CB59130**

1. Application

**Document Fees: \$76.32**

**Rachel Vallance, Lawyer**  
**Lidstone & Company Law Corporation**  
**1300 - 128 Pender St W**  
**Vancouver BC V6B 1R8**  
**604-899-2269**

File No. 10006-249

2. Description of Land

PID/Plan Number	Legal Description
<b>007-649-908</b>	<b>LOT D BLOCK 17 DISTRICT LOT 783 PLAN 15565</b>

3. Nature of Interest

Type	Number	Additional Information
<b>MODIFICATION</b>	<b>BE255945</b>	

4. Terms

Part 2 of this instrument consists of:  
**(b) Express Charge Terms Annexed as Part 2**

5. Transferor(s)

**TOSEKI ENTERTAINMENT LTD., NO.383448**

6. Transferee(s)

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER**  
750 - 17TH STREET  
WEST VANCOUVER BC V7V 3T3

7. Additional or Modified Terms



Land Title Act  
**Charge**  
General Instrument – Part 1

8. Execution(s)

This instrument creates, assigns, modifies, enlarges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Witnessing Officer Signature  
  
\_\_\_\_\_  
**Thomas Russell**  
**Barrister & Solicitor**  
Suite 500 North Tower  
5811 Cooney Road  
Richmond BC V6X3M1

Execution Date  
  
YYYY-MM-DD  
  
**2022-06-10**

Transferor / Transferee / Party Signature(s)  
**TOSEKI ENTERTAINMENT LTD.**  
By their Authorized Signatory  
  
\_\_\_\_\_  
**Tom Tsukada**

**Officer Certification**

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Witnessing Officer Signature  
  
\_\_\_\_\_  
**Navneet Kaur Neetu Shokar**  
**Commissioner for Taking Affidavits**  
**for British Columbia**  
The Corporation of the District of West  
Vancouver  
750 17th Street  
West Vancouver BC V7V3T3

Execution Date  
  
YYYY-MM-DD  
  
**2022-06-23**

Transferor / Transferee / Party Signature(s)  
**THE CORPORATION OF THE**  
**DISTRICT OF WEST VANCOUVER**  
By their Authorized Signatory  
  
\_\_\_\_\_  
**Mary-Ann Booth, Mayor**

\_\_\_\_\_  
**Pascal Cuk**

**Officer Certification**

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

**Electronic Signature**

Your electronic signature is a representation that you are a designate authorized to certify this document under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this document under section 168.41(4) of the act, and that an execution copy, or a true copy of that execution copy, is in your possession.

**William Pollitt**  
**SMUGKZ**

Digitally signed by  
William Pollitt SMUGKZ  
Date: 2022-07-06  
09:24:05 -07:00

**PART 2 - TERMS OF INSTRUMENT****MODIFICATION OF COVENANT**

THIS AGREEMENT is dated for reference the 25th day of May, 2022

BETWEEN:

**TOSEKI ENTERTAINMENT LTD (INC. NO. 383448)** with its  
office at 302-6333 West Boulevard, Vancouver, BC V6M 0C1

(the “**Grantor**”)

AND:

**THE CORPORATION OF THE DISTRICT OF WEST  
VANCOUVER**, a municipality under the laws of British Columbia,  
having its office at 750 – 17<sup>th</sup> Street, West Vancouver, BC V7V 3T3

(the “**Grantee**”)

WHEREAS:

- A. The Grantor is the registered owner in fee simple of lands located in the District of West Vancouver legally described as:

PID: 007-649-908, LOT D BLOCK 17 DISTRICT LOT 783 PLAN 15565

(herein called the “**Land**”)

- B. The Grantee is the registered owner of a Covenant against the Land which was registered on October 02, 1991 in the Lower Mainland Land Title Office under number BE255945, with subsequent Modifications to that Covenant May 17, 2001 under BR115579, August 28, 2009 under BB804560, June 10, 2011 under BB1329128, and October 6, 2016 under CA5560178 (the “**Covenant**”).

- C. The Grantor and Grantee agree to modify the Covenant Agreement as set out herein.

NOW THIS AGREEMENT WITNESSES THAT pursuant to Section 219(9) of the *Land Title Act*, and in consideration of the sum of One (\$1.00) Dollar of lawful money of Canada now paid by the Grantee to the Grantor (receipt and sufficiency of which is hereby acknowledged), the Grantor and Grantee hereby agree as follows:

1. The Covenant is hereby modified by substituting the dates June 1, 1995, to December 31, 2005, then to June 30, 2011, then to June 30, 2015, then to June 30, 2022, and now with June 30, 2024 thereby permitting continued office occupancy of the convenience store space.

2. All terms and covenants contained in the Covenant Agreement as expressly modified herein will remain in full force and effect.
3. This Agreement shall from the reference date hereof and without prejudice to the state of the Covenant be read and construed along with the Covenant and be treated as part thereof.
4. This Agreement shall enure to the benefit and be binding upon the parties thereto and their respective successors and assigns.
5. As evidence of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement by seal by executing Part 1 of the *Land Title Act* Form C to which this Agreement is attached and which forms party of this Agreement.

END OF DOCUMENT

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