



P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 10.2.1**  
**Halifax and West Community Council**  
**June 11, 2019**

**TO:** Chair and Members of Halifax and West Community Council

**-Original Signed-**

**SUBMITTED BY:** \_\_\_\_\_  
Steve Higgins, Manager, Current Planning

**DATE:** April 25, 2019

**SUBJECT:** Case 21866: Appeal of Variance Approval – 1101 South Park Street, Halifax

**ORIGIN**

Appeal of the Development Officer's decision to approve a variance.

**LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality (HRM) Charter; Part VIII, Planning and Development*

- s. 250, a development officer may grant variances in specified land use by-law or development agreement requirements but under 250(3) a variance may not be granted if:
  - (a) the variance violates the intent of the development agreement or land use by-law;
  - (b) the difficulty experienced is general to properties in the area;
  - (c) the difficulty experienced results from an intentional disregard for the requirements of the development agreement or land use by-law.
- s. 251, regarding variance requirements for notice, appeals and associated timeframes
- s. 252, regarding requirements for appeal decisions and provisions for variance notice cost recovery.

**RECOMMENDATION**

In accordance with Administrative Order One, the following motion shall be placed on the floor:

**That the appeal be allowed.**

Community Council approval of the appeal will result in refusal of the variance.

Community Council denial of the appeal will result in approval of the variance.

Staff recommend that Halifax and West Community Council deny the appeal.

## **BACKGROUND**

A variance has been requested to allow construction of an accessory building (shed) in the rear yard of 1101 South Park Street (Map 2). The variance is proposed to relax the maximum permitted lot coverage.

The Halifax Peninsula Land Use By-law's limits lot coverage to a maximum of 40% of the lot's total area. This calculation is based on all roofed structures on the property. Typical uncovered residential structures such as decks or pergolas are not included in lot coverage calculations.

A variance was approved on the subject property in 2014 to allow an addition to the rear of the existing dwelling resulting in an approved lot coverage of 43%. The total proposed lot coverage based on the proposed new shed plus a portion of an existing shed owned by an abutting neighbour that encroaches on the subject property is 46%.

### **Civil Property Agreement:**

Council should note the property in question is subject to a civil agreement with respect to a four-foot strip of land at the southern boundary of 1101 South Park Street. This agreement limits the use of this area and includes provisions for the retention and replacement of an existing fence within the boundaries of the subject lot.

HRM is not a party to this agreement and the municipality has no authority to apply the terms and conditions in the agreement. The proposed variance has been assessed by the Development Officer in accordance with the HRM Charter and the Peninsula Land Use Bylaw. Notwithstanding this assessment process, staff note the proposed shed appears to comply with the conditions of that civil agreement. This information is provided for Council's clarification noting the appellant has submitted a copy of this agreement as an attachment to the appeal documents.

### **Site Details:**

#### **Zoning**

The property is located in the R-2A (General Residential Conversion) Zone of the Halifax Peninsula Land Use By-Law (LUB) and is within the South End Secondary Plan Area. The relevant requirements of the LUB and the related variance request is as identified below:

	<b>Zone Requirement</b>	<b>Variance Requested</b>
<b>Maximum Lot Coverage</b>	40% (existing permitted lot coverage – 43%)	46%

For the reasons detailed in the Discussion section of this report, the Development Officer has approved the requested variance (Attachment B). One property owner within the notification area has appealed the approval (Attachment C) and matter is now before Halifax and West Community Council for decision.

#### **Process for Hearing an Appeal**

Administrative Order Number One, the *Procedures of the Council Administrative Order* requires that Council, in hearing any appeal, must place a motion to "allow the appeal" on the floor, even if the motion is in opposition to the staff recommendation. The recommendation section of this report contains the required wording of the appeal motion as well as a staff recommendation.

For the reasons outlined in this report, staff recommend that Community Council deny the appeal and uphold the decision of the Development Officer to approve the variance.

## **DISCUSSION**

### **Development Officer's Assessment of Variance Request:**

In hearing a variance appeal, Council may make any decision that the Development Officer could have made, meaning their decision is limited to the criteria provided in the *Halifax Regional Municipality Charter*.

The *Charter* sets out the following criteria by which the Development Officer may not grant variances to requirements of the Land Use By-law:

*"250(3) A variance may not be granted if:*

- (a) the variance violates the intent of the development agreement or land use by-law;*
- (b) the difficulty experienced is general to properties in the area;*
- (c) the difficulty experienced results from an intentional disregard for the requirements of the development agreement or land use by-law."*

To be approved, any proposed variance must not conflict with any of the criteria. The Development Officer's assessment of the proposal relative to each criterion is as follows:

#### **1. Does the proposed variance violate the intent of the land use by-law?**

The bylaw's general intent with respect to lot coverage is to limit construction in low-density residential areas based on a sliding scale relative to property size. In the case of this application, the maximum ratio permitted is 40%. Notwithstanding this general intent, application of this formula on small lots can limit the capacity to locate structures such as accessory buildings which are expressly permitted in the zone and would otherwise be considered routine in low-density residential neighbourhoods.

At 2,955 square feet, the subject property is relatively small in comparison to the lot fabric within the variance notification area and it is also considerably smaller than the bylaw minimum of 4000 square feet. It should also be noted that the buildable area on the property is further reduced by an additional 290 square feet due to easement limitations. As a result, the area of the property available to the owner for structures allowed in the bylaw is limited.

The proposed shed is 13 feet 8 inches long by 4 feet 2 inches wide, for a total of 56.83 square feet with a height of 11 feet 3 inches. The design of the structure attempts to provide usable storage while accommodating the limited space available. The structure complies with all municipal requirements except for lot coverage.

The requested increase in the lot coverage is an incremental additional 3% which results in a total increase in site coverage beyond the bylaw requirement of 6%. This percentage equates to a total of 177 square feet of building area. Of that 177 square feet, approximately 30 square feet encroaches on the subject property in the form of a portion of an accessory structure owned and occupied by an adjacent property owner. The net lot coverage attributable to only structures owned and occupied by the applicant is approximately 4.9% or 147 square feet.

Given the modest scope of the proposed increase, the size of the lot and acknowledging the proposed structure is typical in low density areas, it is the Development Officer's opinion that this variance does not violate the intent of the Land Use By-Law.

#### **2. Is the difficulty experienced general to properties in the area?**

In evaluating variance requests, staff must determine if general application of the by-law creates a specific difficulty or hardship that is not broadly present in the area. If these circumstances exist, then consideration

can be given to the requested variance. If the difficulty is general to properties in the area, then the variance should be refused.

There are 56 properties within the notification area, averaging approximately 7000 square feet in area. At 2955 square feet in area, the subject properties is one of the smallest properties (Map 1). This represents a constraint that is not broadly present in the area. In addition, the property is subject to additional limitations on buildable area related to easement restrictions that are entirely unique to this lot.

It is the Development Officer's opinion that the difficulty experienced in this case is not general to the area.

**3. Is the difficulty experience the result of an intentional disregard for the requirements of the land use by-law?**

In reviewing a proposal for intentional disregard for the requirements of the Land Use By-law, there must be evidence that the applicant had knowledge of the requirements of the By-law relative to their proposal and then took deliberate action which was contrary to those requirements.

That is not the case in this request. The applicant has applied for a development permit in good faith and requested the variance prior to commencing any work on the property. Intentional disregard of the LUB requirements was not a concern in this variance request.

**Appellant's Submission:**

While the criteria of the *HRM Charter* limits Council to making any decision that the Development Officer could have made, the appellant has raised certain points in their letter of appeal (Attachment C) for Council's consideration. These points are summarized and staff's comments on each are provided in the following table:

<b>Appellant's Appeal Comments</b>	<b>Staff Response</b>
<i>The fence between the two properties does not appear to allow enough room to building the proposed shed.</i>	The accessory building is proposed to abut the location of the existing fence and is compliant with the siting requirements set out in the Zoning regulations. Calculation of site coverage is unrelated to the location of the shed or the fence. The site plan provided by the applicant indicates the shed can be accommodated between the fence and the pergola. Protection, retention and replacement of the fence are all provided for in the civil property agreement in place on the property.
<i>The neighbours have an agreement that states the fence shall be maintained in its current location as indicated on the Robb plan.</i>	The referenced agreement is described in the background section of this report and included in the appeal letter (Attachment C). HRM has no legal authority relative to the agreement, nor any ability to enforce its terms and conditions.
<i>The map submitted for the application is inaccurate and the existing fence is located right up against the proposed shed.</i>	There is no minimum separation distance required between accessory buildings and fences. The existing fence is located within the boundaries of the subject property and the proposed shed is compliant with the siting requirements set out in the Zoning regulations.
<i>Please provide the dimensions of the propose shed, as well as how far back it must be built from the existing fence?</i>	At the time of the receipt of the appeal letter, the Development Officer responded to this question of clarification from the appellant, 'The dimensions of the shed are 13'8" long by 4'2" wide. An accessory building

	does not require any rear or side yard setbacks. There is no setback required from the fence.
<i>How can I be given assurance that the fence will be undisturbed?</i>	HRM cannot provide any assurances that the fence will remain undisturbed. Protection, retention and replacement of the fence are all provided for in the civil property agreement in place on the property.
<i>Why was notice not required for the pergola structure?</i>	Notice is required for the variance procedure but is not required for construction the meets bylaw requirements. No variance was required for the pergola construction therefore, no notice was provided.

**Conclusion:**

Staff have reviewed all the relevant information in this variance proposal. As a result of that review, the variance request was approved as it was determined that the proposal does not conflict with the statutory criteria provided by the *Charter*. The matter is now before Council to hear the appeal and render a decision.

**FINANCIAL IMPLICATIONS**

The HRM costs associated with this variance proposal can be accommodated within the approved 2019-2020 operating budget.

**RISK CONSIDERATION**

There are no significant risks associated with the recommendation contained within this report.

**COMMUNITY ENGAGEMENT**

Community Engagement, as described by the Community Engagement Strategy, is not applicable to this process. The procedure for public notification is mandated by the *HRM Charter*. Where a variance approval is appealed, a hearing is held by Council to provide the opportunity for the applicant, appellants and anyone who can demonstrate that they are specifically affected by the matter, to speak.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications.

**ALTERNATIVES**

As noted throughout this report, Administrative Order One requires that Community Council consideration of this item must be in context of a motion to allow the appeal. Council's options are limited to denial or approval of that motion.

1. Denial of the appeal motion would result in the approval of the variance. This would uphold the Development Officer's decision, and this is staff's recommended alternative;
2. Approval of the appeal motion would result in the refusal of the variance. This would overturn the decision of the Development Officer.

**ATTACHMENTS**

Map 1: Notification Area  
Map 2: Site Plan  
  
Attachment A: Building Elevations  
Attachment B: Variance Approval Notice  
Attachment C: Letter of Appeal from Abutter

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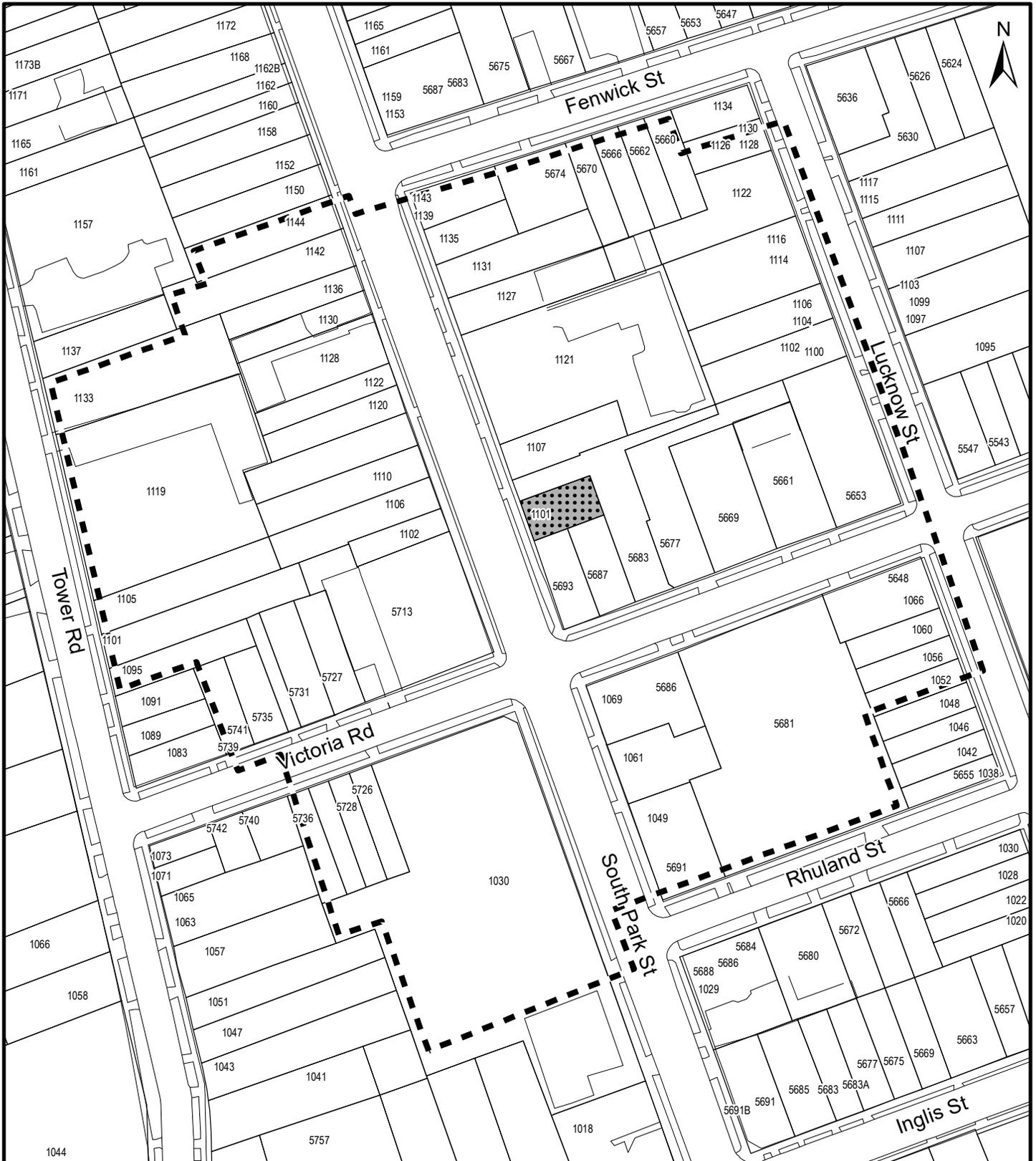
A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Laura Walsh, Planner, 902-490-4462,  
Janice MacEwen, Principal Planner/Development Officer, 902-490-3993

***-Original Signed-***

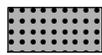
Report Approved by: Erin MacIntyre, Manager, Land Development & Subdivision, 902-490-1210

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### Map 1 - Notification Area

1101 South Park Street  
Halifax

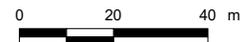


Subject Property



Notification Area

**HALIFAX**



Halifax Plan Area

The accuracy of any representation on this plan is not guaranteed.

1107



South Park St

Existing Dwelling  
Civic# 1101

Variance Request:  
Lot Coverage  
Required 40%  
Proposed 46%

Existing Pergola

Proposed Shed

5693

5687

### Map 2 - Site Plan

1101 South Park Street  
Halifax



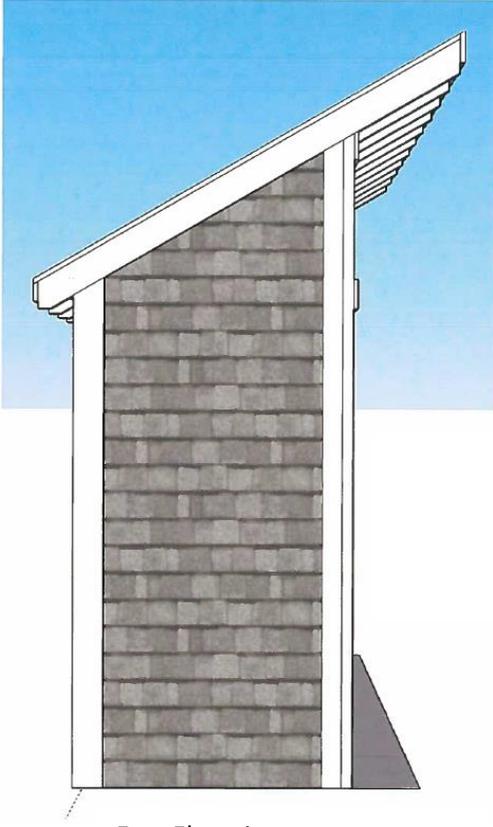
Subject Property

**HALIFAX**

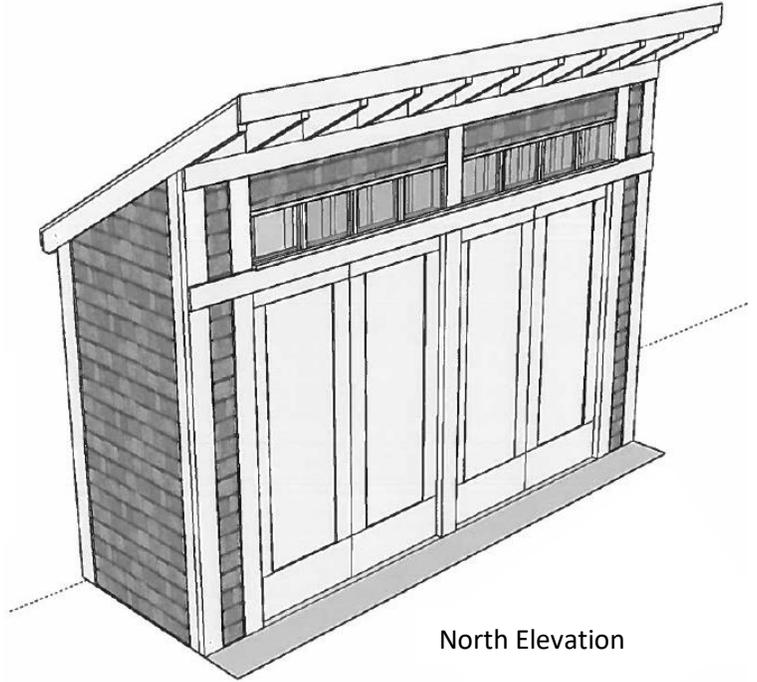
Halifax Plan Area

The accuracy of any representation on this plan is not guaranteed.

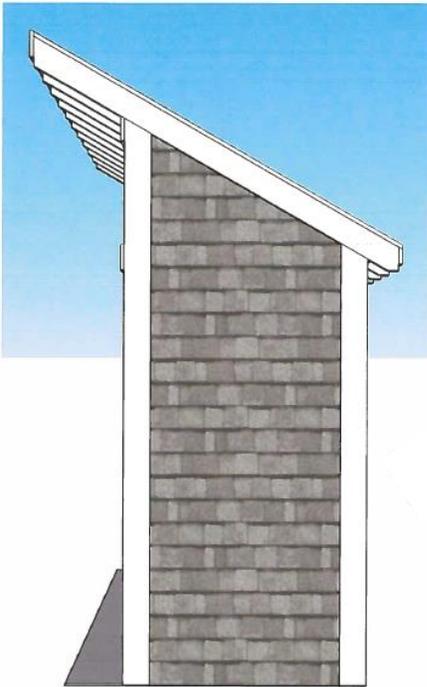
Attachment A- Building Elevations



East Elevation



North Elevation



West Elevation



South Elevation

November 15, 2018

COPY

Dear Sir or Madam:

**RE: Variance Application #21866, 1101 South Park Street, Halifax, PID #00065961**

As you have been identified as a property owner within 100 metres of the above noted address you are being notified of the following variance as per requirements of the Halifax Regional Municipal Charter, Section 251.

This will advise you that as the Development Officer for the Halifax Regional Municipality I have approved a request for a variance from the requirements of the Halifax Peninsula Land Use Bylaw as follows:

**Location:** 1101 South Park Street, Halifax, PID #00065961

**Project Proposal:** Construct an accessory building causing an increase in lot coverage

LUB Regulation	Requirements	Proposal
Lot Coverage	40% Lot Coverage	46% Lot Coverage

Pursuant to Section 251 of the Halifax Regional Municipal Charter, assessed property owners within 100 metres of the above noted address are notified of this variance. If you wish to appeal, please do so in writing, on or before December 2, 2018 and address your appeal to:

**Municipal Clerk  
Halifax Regional Municipality  
P.O. Box 1749, Halifax, N.S. B3J 3A5  
clerks@halifax.ca**

Please note, this does not preclude further construction on this property provided the proposed construction does not require a variance. If you have any questions or require clarification of any of the above, please call Laura Walsh, Planner 1 at (902) 490-4462.

Yours truly,

**ORIGINAL SIGNED BY**

**Janice MacEwen**, Principal Planner / Development Officer  
Halifax Regional Municipality

cc. Kevin Arjoon, Municipal Clerk  
Councillor Waye Mason

**HALIFAX**

Halifax Regional Municipality  
PO Box 1749, Halifax, Nova Scotia  
Canada B3J 3A5

halifax.ca

Stewart, April

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**From:** [REDACTED]  
**Sent:** November-21-18 10:28 AM  
**To:** Office, Clerks  
**Subject:** Variance Application #21866, 1101 South Park Street, Halifax, PID #00065961  
**Attachments:** Variance - proposed shed.PDF; Preexisting agreement.PDF

To whom it may concern:

**Re: Variance Application #21866, 1101 South Park Street, Halifax, PID #00065961**

I wish to appeal the attached variance on the basis that the fence line between our two properties does not appear to allow enough room for the build of the proposed shed.

When [REDACTED] moved into their property in 2013, they disputed the fence line with us and our neighbours. They began to take down the shared fence without our permission and demanded that we move our long-standing shed and rock wall back by four feet.

We, along with our neighbours, sought legal advice, and came to the attached agreement with the [REDACTED] (dated January, 2014), which states that the fence shall be maintained in its current location as indicated on the Robb plan (also attached).

Unfortunately, the map that the [REDACTED] submitted with their latest variance request and which you've attached to your letter of November 15, 2018 is inaccurate. The existing fence line is actually right up against where they propose to build a shed (as indicated by our red marker on their map). As such, I can't understand how there would be room for a shed if it is to be set back from the existing fence and also given the location of their new "pergola" structure.

Can you please provide me with the dimensions of the proposed shed, as well as how far back it must be built from the existing fence? Also, can I be given assurances the existing fence will remain undisturbed?

Lastly, I'm curious about why I was given notice about the variance request for the proposed shed, but not for the large structure that the [REDACTED] built this past summer to house two cars, which is now labeled on the [REDACTED] map as a "pergola"?

Please be in touch with me and advise as to next steps. According to your letter, I must send you an appeal by December 2, 2018. Although I have now done so electronically, I will also hand deliver this appeal (due to the ongoing mail strike).

Sincerely,

[REDACTED]  
[REDACTED] Victoria Road  
Halifax, Nova Scotia  
B3H 1M9

HALIFAX REGIONAL  
MUNICIPALITY  
NOV 21 2018  
RS  
MUNICIPAL CLERK

November 15, 2018

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This will advise you that as the Development Officer for the Halifax Regional Municipality I have approved a request for a variance from the requirements of the Halifax Peninsula Land Use Bylaw as follows:

**Location:** 1101 South Park Street, Halifax, PID #00065961  
**Project Proposal:** Construct an accessory building causing an increase in lot coverage

LUB Regulation	Requirements	Proposal
Lot Coverage	40% Lot Coverage	46% Lot Coverage

Pursuant to Section 251 of the Halifax Regional Municipal Charter, assessed property owners within 100 metres of the above noted address are notified of this variance. If you wish to appeal, please do so in writing, on or before December 2, 2018 and address your appeal to:

**Municipal Clerk**  
Halifax Regional Municipality  
P.O. Box 1749, Halifax, N.S. B3J 3A5  
clerks@halifax.ca

Please note, this does not preclude further construction on this property provided the proposed construction does not require a variance. If you have any questions or require clarification of any of the above, please call Laura Walsh, Planner 1 at (902) 490-4462.

Yours truly,

**Original Signed,**

Janice MacEwen, Principal Planner / Development Officer  
Halifax Regional Municipality

cc. Kevin Arjoon, Municipal Clerk  
Councillor Wayne Mason

**HALIFAX**

Halifax Regional Municipality  
PO Box 1749, Halifax, Nova Scotia  
Canada B3J 3A5

halifax.ca

South Park St

1107



Existing Dwelling  
Civic# 1101

Existing Pergola

Variance Request:  
Lot Coverage  
Required 40%  
Proposed 46%

Proposed Shed

EXISTING  
FENCE

5693

5687

**Map 2 - Site Plan**

1101 South Park Street  
Halifax



Subject Property

**HALIFAX**

Halifax Plan Area

The accuracy of any representation on this plan is not guaranteed

8 November 2018

Case 21866

T:\work\planning\SER\_Group\SER\_Cases\Variances\21866\Maps\_Plans\ (JC)

THIS GRANT OF EASEMENT/RIGHT OF WAY made this 27 day of November, 2014

BETWEEN:

RICHARD J. GIBSON and JULIE ANNE GIBSON both of Halifax, in the Province of Nova Scotia  
Being the Owners of the lands described in Schedule "A" herein (the "Gibsons' Property")  
(herein called the "GIBSONS")

AND:

JESSICA KERRIN, of Halifax, in the Province of Nova Scotia  
Being the Owner of the lands described in Schedule "B" herein (the "Kerrin Property")  
(herein called "KERRIN")

AND:

DANIEL BELLIVEAU, of Halifax, in the Province of Nova Scotia  
Being the Owner of the lands described in Schedule "C" herein (the "Belliveau Property")  
(herein called "BELLIVEAU")

AND:

PETER KERRIN and REGAN CHAPMAN, both of Halifax, in the Province of Nova Scotia  
Being the Spouses of KERRIN and BELLIVEAU respectively, Releasors

WHEREAS:

1. The Parties to this Agreement are adjoining land owners as shown on Plan 103541984 filed at the Land Registration Office and attached to this Agreement as Schedule "D" (the "Robb Plan");
2. The respective properties of the Parties are shown in the Land Registration system as PIDs 65961, 65946 and 65953. PID 65961, 1101 South Park Street, is owned by the Gibsons, PID 65946, 5687 Victoria Road is owned by Kerrin, and PID 65953, 5693 Victoria Road is owned by Belliveau;
3. There is an area of land, approximately four (4) feet in width that runs along the whole of the southern boundary of the Gibsons property that has been used by the owners from time to time of the Kerrin and Belliveau properties. This four (4) foot area, and the proportionate use by Kerrin and Belliveau, is shown on a location certificate dated March 16, 2001 a copy of which is attached as Schedule E to this Agreement and this 4 foot area is referred to in this Agreement as the "Easement Area";
4. That portion of the Easement Area that adjoins the Kerrin Property will be referred to in this Agreement as the Kerrin Easement Area, and that portion of the Easement Area that adjoins

Catherine S. Walker, Q.C.

Notary Public in and for  
the Province of Nova Scotia

I certify this to be a true copy of the original document. Dated at Halifax, Nova Scotia this 27 day of November, 2014.

the Belliveau Property will be referred to as the Belliveau Easement Area and for purposes of general terms that apply to both, the term "Easement Area" shall be used;

5. Gibsons have agreed to confirm a grant of easement over the Easement Area for the benefit of the Kerrin and Belliveau properties respectively on the terms and conditions set out in this Agreement;

**NOW THIS AGREEMENT WITNESSES THAT** in consideration of the premises Gibsons hereby grant and confirm to Kerrin her heirs successors and assigns an easement over the Kerrin Easement Area and also grants to Belliveau his heirs successors and assigns an easement over the Belliveau Easement Area and the Parties agree to the following conditions and restrictions applying to the use of the Easement Area:

1. The purpose of the Easements hereby granted and confirmed over the Easement Area is for the benefit and enjoyment of the owners from time to time of the Kerrin Property and Belliveau Property respectively;
2. The Easement Area is to be used for residential purposes only;
3. The Parties agree that the fence shown on the Robb plan is owned by the Gibsons;
4. The Gibsons agree that the fence shall be maintained in its current location as shown on the Robb plan;
5. Kerrin and Belliveau agree that the Gibsons may enter the Easement Area for the purpose of making any repairs or carrying out maintenance to either the fence or the house on the Gibsons' property that may be required from time to time upon reasonable advance notice to Kerrin and Belliveau of the need to do so and a copy of the key to any gate will be provided as required for any such access pursuant to this agreement;
6. Kerrin and Belliveau agree that they will not construct any additional structure in the Easement Area without the prior consent of Gibsons, which consent will not unreasonably be withheld, but Kerrin and Belliveau may maintain or repair or replace any existing structure with one of similar size and general character;
7. All parties agree to refrain from doing anything which may hinder the enjoyment of, or cause harm to the property of any other Party;
8. Any damage caused to the fence by any person shall be the responsibility of the Party who causes the damage;
9. In the event that the Gibsons remove the fence and do not replace it, Gibsons hereby authorize Kerrin and Belliveau to erect a replacement fence of approximately the same quality as the fence in the same location with permission to enter on the Gibsons Property to do so and to maintain or repair the fence upon reasonable advance notice to Gibsons of the need to do so;

10. Belliveau acknowledges that the natural gas line is already installed underground in the Belliveau easement area and agrees that should any repairs or maintenance be required to the gas line that the Gibsons, their executors, heirs, assigns or agent may access the Belliveau easement area to effect such repairs and or maintenance upon reasonable notice to Belliveau of the need to do so;

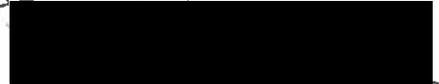
**THIS AGREEMENT** shall enure to and be binding on the parties hereto, their heirs successors and assigns.

**IN THIS GRANT OF EASEMENT** the singular includes the plural and the masculine includes the feminine, with the intent that this **GRANT OF EASEMENT** shall be read with all appropriate changes of number and gender.

IN WITNESS WHEREOF: the Parties hereto have hereunto set their hands and seals on the day and year herein written.

SIGNED, SEALED AND DELIVERED  
In the presence of:

  
\_\_\_\_\_  
W. Richey Clarke  
A Barrister of the Supreme Court  
of Nova Scotia

)   
) RICHARD J. GIBSON  
)   
) JULIE ANNE GIBSON  
)

PROVINCE OF NOVA SCOTIA  
COUNTY OF HALIFAX

I CERTIFY that on the 26<sup>th</sup> day of September 2014, RICHARD J. GIBSON and JULIE ANNE GIBSON signed, sealed and delivered this Indenture in my presence. I have signed as a witness to such execution.

  
\_\_\_\_\_  
W. Richey Clarke  
A Barrister of the Supreme Court  
of Nova Scotia

IN WITNESS WHEREOF: the Parties hereto have hereunto set their hands and seals on the day and year herein written.

SIGNED, SEALED AND DELIVERED

In the presence of:

[Redacted signature]

Catherine S. Walker, Q.C.  
A Barrister of the Supreme Court  
of Nova Scotia

)  
)  
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)  
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)  
)  
)  
)  
)

[Redacted signature]   
JESSICA KERRIN

[Redacted signature]   
PETER KERRIN, Releasor

PROVINCE OF NOVA SCOTIA  
COUNTY OF HALIFAX

I CERTIFY that on the 27 day of November, 2014, JESSICA KERRIN and PETER KERRIN signed, sealed and delivered this Indenture in my presence. I have signed as a witness to such execution.

[Redacted signature]  
Catherine S. Walker, Q.C.  
A Barrister of the Supreme Court  
of Nova Scotia

IN WITNESS WHEREOF: the Parties hereto have hereunto set their hands and seals on the day and year herein written.

SIGNED, SEALED AND DELIVERED  
In the presence of:

[Redacted Signature]

Catherine S. Walker, Q.C.  
A Barrister of the Supreme Court  
of Nova Scotia

[Redacted Signature] )  
DANIEL BELLIVEAU )

[Redacted Signature] )  
REGAN CHAPMAN, Releasor )

PROVINCE OF NOVA SCOTIA  
COUNTY OF HALIFAX

I CERTIFY that on the 27<sup>th</sup> day of November, 2014, DANIEL BELLIVEAU and REGAN CHAPMAN signed, sealed and delivered this indenture in my presence. I have signed as a witness to such execution.

[Redacted Signature]

Catherine S. Walker, Q.C.  
A Barrister of the Supreme Court  
of Nova Scotia

# Schedule "A"

## PARCEL DESCRIPTION REPORT

2014-08-08 14:55:07

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**PID:** 65961  
**CURRENT STATUS:** ACTIVE  
**EFFECTIVE DATE/TIME:** 2013-08-08 12:14:52

Registration County: HALIFAX COUNTY  
Street/Place Name: SOUTH PARK STREET /HALIFAX  
Title of Plan: PLAN OF SURVEY OF LOT M CONSOL. OF LANDS CONVEYED TO RICHARD J. GIBSON & JULIE ANNE GIBSON  
Designation of Parcel on Plan: LOT M  
Registration Number of Plan: 103541984  
Registration Date of Plan: 2013-08-06 11:17:38

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

### Compliance:

The parcel is created by a subdivision (details below) that has been filed under the Registry Act or registered under the Land Registration Act  
Registration District: HALIFAX COUNTY  
Registration Year: 2013  
Plan or Document Number: 103541984

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### External Comments:

#### Description Change Details:

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

#### Registered Instruments:

#### Comments:

# SCHEDULE B

## PARCEL DESCRIPTION REPORT

2014-08-08 14:55:18

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**PID:** 65946  
**CURRENT STATUS:** ACTIVE  
**EFFECTIVE DATE/TIME:** 2008-11-10 08:40:00

ALL that certain lot, piece and parcel of land situate lying and being on the northern sideline of Victoria Road, in the City of Halifax, Province of Nova Scotia, and more particularly described as follows, that is to say:

BEGINNING at a point where the eastern boundary of property formerly owned by one Beatrice Martin intersects the northern sideline of Victoria Road and distant 36 feet easterly from the corner formed by the intersection of the said northern sideline of Victoria Road with the eastern sideline of South Park Street;

THENCE northerly along the said eastern side boundary line of the property of Beatrice S. Martin 90 feet more or less to the southern boundary line of property formerly owned by one Stewart L. Curry;

THENCE easterly along the said southern boundary line of the property formerly of Stewart L. Curry 36 feet more or less to the western boundary line of property formerly owned by one Manuel I. Zive;

THENCE southerly along the said western boundary line of the property formerly owned by Manuel I. Zive 90 feet more or less to the said northern sideline of Victoria Road;

THENCE westerly along the said northern sideline of Victoria Road 36 feet more or less to the place of beginning.

The parcel complies with the subdivision provisions of Part IX of the Municipal Government Act.

---

### External Comments:

### Description Change Details:

**Reason:**

**Author of New or**

**Changed Description:**

**Name:**

### Registered Instruments:

### Comments:

---

# Schedule "C"

## PARCEL DESCRIPTION REPORT

2014-08-08 14:55:31

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**PID:** 65953  
**CURRENT STATUS:** ACTIVE  
**EFFECTIVE DATE/TIME:** 2005-06-20 15:44:51

PID #65953)  
Civic: 5693 Victoria Road, Halifax, NS

ALL that certain lot, piece or parcel of land situate, lying and being on the east side of South Park Street in the south suburbs of the City of Halifax commencing at the corner formed by the intersection of the said South Park Street and Victoria Road;

THENCE running easterly by the north side of Victoria Road thirty-six (36) feet;

THENCE northerly in a line parallel to the said South Park Street ninety (90) feet more or less to the south line of bungalow property;

THENCE westerly by the south side of said bungalow property line thirty-six (36) feet more or less to the South Park Street aforesaid;

THENCE southerly by the east side line of South Park Street ninety (90) feet to the point of beginning.

The parcel was created by a subdivision that predates subdivision control or planning legislation or by-laws in the municipality and therefore no subdivision approval was required for creation of this parcel.

---

### External Comments:

### Description Change Details:

Reason:

Author of New or

Changed Description:

Name:

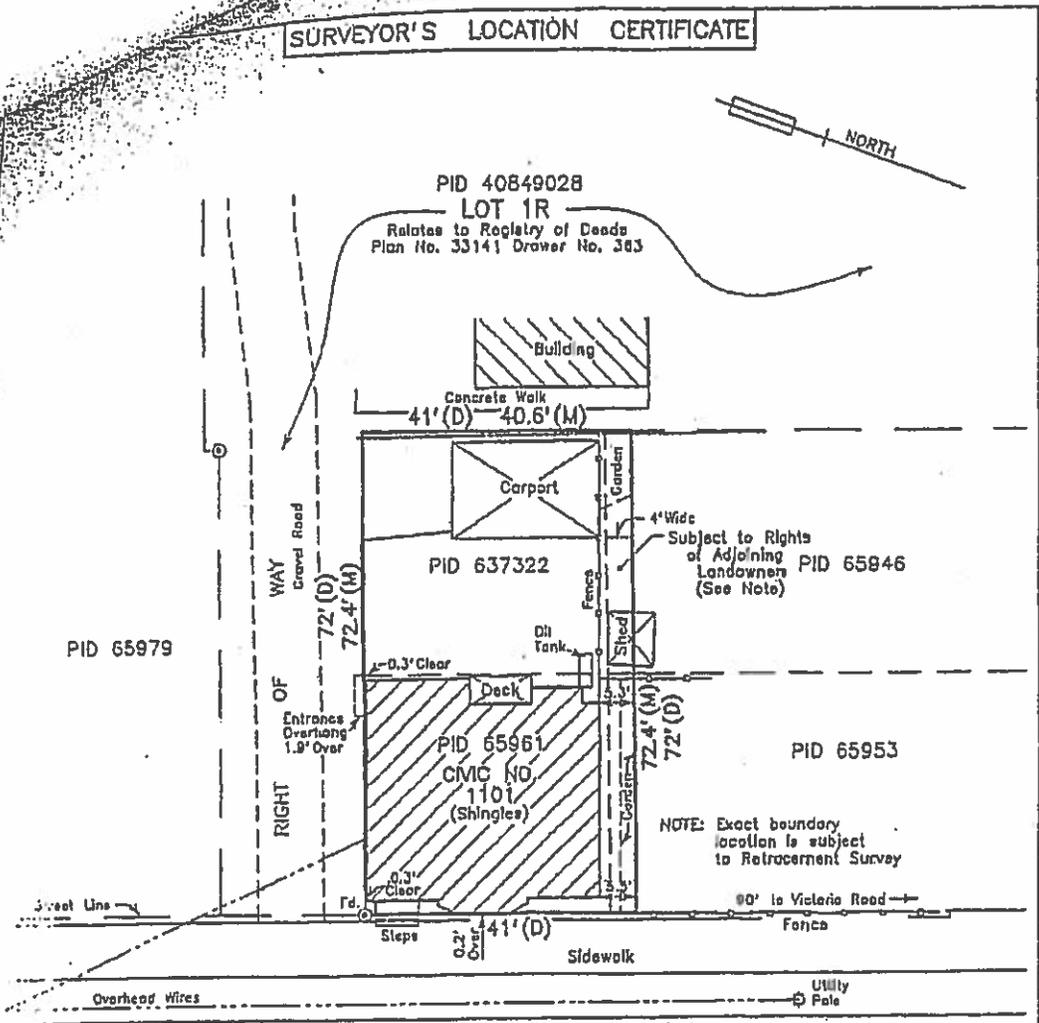
Registered Instruments:

Comments:



# Schedule E

## SURVEYOR'S LOCATION CERTIFICATE



# SOUTH PARK STREET

(65' Wide)

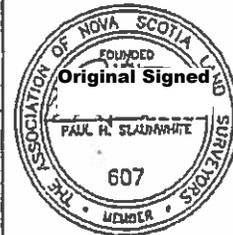
**LEGEND**

- Survey Marker
- Found
- Deed
- Measured

**NOTES :**

1. PID 637322 & PID 65961 are together with a Right of Way as described in Book 6591 Page 231
2. PID 637322 & PID 65961 are subject to Right of Adjoining Landowners as described in Book 6591 Page 231 over an approximately 4' wide portion along the southern boundary.

Certified to: GORDON AND JANE MacLEAN  
Re: CMC NO. 1101, SOUTH PARK STREET  
HALIFAX, HALIFAX COUNTY, NOVA SCOTIA



March 16, 2001  
Date of Field Survey

I, PAUL H. SLAUNWHITE, Nova Scotia Land Surveyor, hereby certify that :

- (1) This Surveyor's Location Certificate was prepared under my supervision and in accordance with Part VII of the Nova Scotia Land Surveyors Regulations made pursuant to Section B of the Land Surveyors Act.
- (2) The dwelling shown hereon is located as shown with respect to the subject lands as sold boundaries are defined by indenture filed at the Halifax Registry of Deeds in Book 6591 Page 231.

Dated March 22, 2001 [REDACTED] N.S.L.S.

- NOTES**
1. CLEARANCES SHOWN ARE TO A TOLERANCE OF 0.5' AND ARE PERPENDICULAR TO THE BOUNDARY.
  2. THIS SURVEYOR'S LOCATION CERTIFICATE SHALL NOT BE USED FOR BOUNDARY DEFINITION OR AS A DOCUMENT FOR THE PREPARATION OF LEGAL DESCRIPTIONS.
  3. ALL BOUNDARY DIMENSIONS ARE DERIVED FROM THE SUBJECT PLAN UNLESS OTHERWISE NOTED.

777E 309, STARLITE GALLERY  
VICTORIA ROAD SHOPPING CENTRE  
HALIFAX, NOVA SCOTIA  
Tel: (902) 435-1237  
Tel: (902) 435-6478  
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Servant, Dunbrack, McKenzie & MacDonald Ltd.  
NOVA SCOTIA LAND SURVEYORS & CONSULTING ENGINEERS  
HALIFAX, NOVA SCOTIA

SCALE 1" = 20'  
FILE NO. 1-1-79 (21192)  
SLC 28635