

Form 24

Purpose: to change the registered interest, benefits or burdens

(Instrument code: 450)

(If change requested relates to one or more of the following and no other interests are being added or removed on this form: manner of tenure, description of manner of tenure, non-resident status, parcel access or NSFLB occupant. Note: This form cannot be used to correct an error in a parcel register).

(Instrument code: 451)

(Change to existing servient or dominant tenement PID number in a parcel register as a result of subdivision or consolidation. Note: This form cannot be used to correct an error in a parcel register).

Registration District:	Halifax County
Submitter's User Number:	2444
Submitter's Name:	Ian A. Sutherland / Stewart McKelvey
In the matter of Parcel Identification Number (PID)	
PID: 41292822	

For Office Use	
HALIFAX COUNTY LAND REGISTRATION OFFICE	
I certify that this document was registered or recorded as shown here.	
Kim MacKay, Registrar	
12/15/23/19 Document #	LR <input checked="" type="checkbox"/> ROD <input type="checkbox"/>
08 18 2022 M.M DD YYYY	12:27 PM Time

The following additional forms are being submitted simultaneously with this form and relate to the attached document:

- ☐ Form 24(s)
☐ Form 8A(s)

Additional information:

- ☐ This Form 24 creates or is part of a subdivision or consolidation.
☐ This Form 24 is a municipal or provincial street or road transfer.
☐ This Form 24 is adding a corresponding benefit or burden as a result of an AFR of another parcel.
☐ This Form 24 is adding a benefit or burden where the corresponding benefit/burden in the "flip-side" parcel is already identified in the LR parcel register and no further forms are required.

Power of Attorney:

- ☐ The attached document is signed by attorney for a person under a power of attorney, and the power of attorney is:
☐ Recorded in the attorney roll
☐ Recorded in the parcel register
☐ Incorporated in the document

OR

- ☒ No power of attorney applies to this document

This form is submitted to make the changes to the registered interests, or benefits or burdens, and other related information, in the above-noted parcel register, as set out below.

The registered interests and related information are to be changed as follows: **N/A**

The following tenant in common interests that appear in the section of the parcel register(s) labelled "Tenants in Common not registered pursuant to the *Land Registration Act*" are to be removed because the interests are being registered (*insert names to be removed*): **N/A**

I have searched the judgment roll with respect to this revision of the registered interest and have determined that it is appropriate to add the following judgment(s) or judgment-related documents to the parcel register, in accordance with the *Land Registration Act* and *Land Registration Administration Regulations*: **N/A**

The following benefits are to be added and/or removed in the parcel register(s): **N/A**

The following burdens are to be added and/or removed in the parcel register:

Instrument type	Amendment (Not Condominium)
Interest holder and type to be removed	N/A
Interest holder and type to be added	Halifax Regional Municipality – Party to Agreement (Burden)
Mailing address of interest holder to be added	PO Box 1749 Halifax, NS B3J 3A5
Reference to related instrument in names-based roll/parcel register	Agreement Re Use of Land / 2008 / Doc. 91735762
Reason for removal of interest: <i>Instrument code: 443</i>	N/A

The following recorded interests are to be added and/or removed in the parcel register(s): **N/A**

The textual qualifications are to be changed as follows: **N/A**

The following information about the occupier of the parcel, which is owned by the Nova Scotia Farm Loan Board, is to be changed: **N/A**

Certificate of Legal Effect:

I certify that, in my professional opinion, it is appropriate to make the changes to the parcel register as instructed on this form.

Dated at Halifax, in the County of Halifax and Province of Nova Scotia, on this 26th day of July, 2022.



Name:	Ian A. Sutherland / Stewart McKelvey
Address:	P.O. Box 997, Halifax, NS B3J 2X2
Phone:	902.420.3200
E-mail:	isutherland@stewartmckelvey.com
Fax:	902.420.1417

- ☐ This document also affects non-land registration parcels. The original will be registered under the *Registry Act* and a certified true copy for recording under the *Land Registration Act* is attached.

THIS SECOND AMENDING DEVELOPMENT AGREEMENT made this 4 day of August, 2022.

BETWEEN:

SUNSET PLAZA INC.

a body corporate, in the Province of Nova Scotia,
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY

a municipal body corporate, in the Province of Nova Scotia,
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at the intersection of Swindon Drive and Hanwell Drive, Middle Sackville (PID# 41292822), and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS on July 10, 2008, North West Community Council approved an application to enter into a Development Agreement for the development and subdivision of lands known as Sunset Ridge subdivision between Highway 101 and Sackville Drive, Middle Sackville, said development agreement being registered at the Land Registry in Halifax as Document 91735762 (Case 01027) on September 29, 2008 (hereinafter called the "Original Agreement"), and which applies to the Lands;

AND WHEREAS on March 7, 2011, North West Community Council approved an application to amend the Original Agreement to permit side yard setbacks of 8 feet for semi-detached dwellings, the said amending agreement was registered at the Land Registry in Halifax as Document Number 98168983 (Case 016722) on April 19, 2011 (hereinafter called the "First Amending Agreement"), and which applies to the Lands;

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

AND WHEREAS the Developer has requested amendments to the Existing Agreement to allow the commercial site to be developed with a multiple unit dwelling with ground floor commercial space, pursuant to the provisions of the Halifax Regional Municipal Charter and pursuant to Policies RR-3 and UR-10 of the Sackville Municipal Planning Strategy and Section 3.6(b) of the Sackville Land Use Bylaw;

AND WHEREAS the North West Community Council approved this request at a meeting held on June 20, 2022 referenced as Municipal Case 22820;

THEREFORE, in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree as follows:

1. Except where specifically varied by this Second Amending Development Agreement, all other conditions and provisions of the Existing Agreement, as amended, shall remain in effect.
2. The Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this Second Amending Agreement, and the Existing Agreement.
3. Section 3.2 of the Existing Agreement shall be amended by inserting the text shown below in bold immediately following "Schedule I: Architectural Design Criteria for Townhouses and Apartment Buildings":

Schedule J	Commercial/ Residential Site Plan
Schedule K	Commercial/ Residential Landscape Plan
Schedule L	Commercial/ Residential Front Elevation
Schedule M	Commercial/ Residential Rear Elevation
Schedule N	Commercial/ Residential Side Elevations

4. The Existing Agreement shall be amended by inserting the following Schedules after Schedule I

Schedule J	Commercial/ Residential Site Plan
Schedule K	Commercial/ Residential Landscape Plan
Schedule L	Commercial/ Residential Front Elevation
Schedule M	Commercial/ Residential Rear Elevation
Schedule N	Commercial/ Residential Side Elevations

5. Section 3.4 (e) of the Existing Agreement shall be amended by inserting the following text shown in bold, immediately before the period at the end of the sentence:

(e) a commercial development as prescribed by this Agreement, or, notwithstanding Schedules B through H, a multiple unit dwelling with ground floor commercial space, pursuant to Section 3.5.5.1.

6. The Existing Agreement shall be amended by adding new Section 3.5.5.1 immediately following Section 3.5.5, as shown in bold, as follows:

3.5.5.1 Notwithstanding Sections 3.4 (d), 3.5.4, 3.5.5 the commercial site shown on Schedules B through H may be replaced with a multiple unit dwelling with ground floor commercial space which conforms with Schedules J, K, L, M and N, and the following:

- (a) The building location and parking shall be in conformance with Schedule J and the exterior design of the multiple unit dwelling with ground floor commercial space shall be in conformance with Schedules L, M and N;
- (b) Architectural design criteria shall be in conformance with the architectural design criteria for apartment buildings found in Schedule I, except for subsection a);
- (c) Landscaping and amenity areas shall conform with Schedule K and Section 3.8;
- (d) The maximum building height shall be four (4) habitable stories above grade exclusive from any underground parking area;
- (e) The numbers of each dwelling unit type may vary by up to 20 percent of the amounts shown on Schedule J, provided the total number of dwelling units does not exceed 52;
- (f) The amount of amenity space may vary by up to 10 percent of the amount shown on Schedule J;
- (g) A minimum of 2,500 square feet of ground floor commercial space shall be provided. Any commercial uses shall conform with the provisions and requirements of the C-2 (Community Commercial) Zone of the Land Use By-law except that uses shall be restricted to the following: retail stores, food stores, service and personal service uses, offices, commercial schools, banks and financial institutions, restaurants and take-out restaurants but shall not include drive-in restaurants or recycling depots; and
- (h) Facial signs and projecting signs shall be permitted and shall comply with Section 2.70 and Part 5 of the Land Use By-law.

- 7 The first sentence of section 3.8 of the Existing Agreement shall be amended by deleting the text shown in ~~strikeout~~ and inserting the text shown in **bold** as follows

Any municipal development permit submitted for a multi-unit development or commercial development pursuant to the provisions of Sections 3.5.4, ~~or~~ 3.5.5, or 3.5.5.1 of this Agreement shall include a landscaping plan, prepared by a Professional Landscape Architect in good standing, which illustrates the landscaping measures to be undertaken to all areas disturbed by construction

- 8 The Existing Agreement shall be amended by inserting the following sections 8.3.3 and 8.3.4 immediately following 8.3.2 as follows:

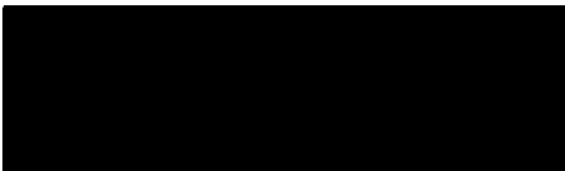
8.3.3 In the event that the development of the multiple unit dwelling with ground floor commercial space has not commenced within three (3) years of the date of registration of this Second Amending Agreement at the Land Registry Office the Agreement shall have no further force or effect and henceforth the development of the Lands shall comply with the provisions of the Land-Use By-law. For the purposes of this section, commencement shall mean the installation of the footings and foundation of the building.

8.3.4 In the event that the development of the multiple unit dwelling with ground floor commercial space has not been completed within five (5) years of the date of registration of this Second Amending Agreement at the Land Registry Office the Lands shall conform with the provisions of the Land-Use By-law. For the purposes of this section, completion shall mean the issuance of an occupancy permit.

IN WITNESS WHEREAS the said parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

SIGNED, SEALED AND DELIVERED in the presence of

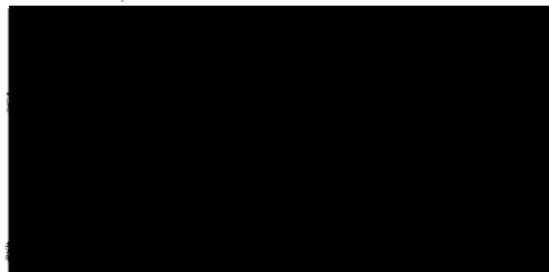
SUNSET PLAZA INC.



Name: *Marzieh Ansari Shorinji*
Position: *President*

SIGNED, DELIVERED AND ATTESTED to by the proper signing officers of Halifax Regional Municipality, duly authorized in that behalf, in the presence of

HALIFAX REGIONAL MUNICIPALITY



MUNICIPAL CLERK



PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this 22nd day of July, A.D. 2022, before me, the subscriber personally came and appeared Damod Arzi a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that Sunset Plaza Inc. of the parties thereto, signed, sealed and delivered the same in his/her presence.


Notary Public
Barister and Commissioner
of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this 4 day of Aug, A.D. 2022, before me, the subscriber personally came and appeared Brenda Murphy-Johnson & Lesley Steele the subscribing witness to the foregoing indenture who being by me sworn, made oath, and said that Mike Savage, Mayor and Iain MacLean, Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in his/her presence.


KRISTA VINING
A Commissioner of the
Supreme Court of Nova Scotia

Schedule A -- Legal Description of the Lands

PID Number 41292822, Block CL-1, Swindon Drive and Hanwell Drive, Middle Sackville

Registration County: HALIFAX COUNTY

Street/Place Name: HANWELL DRIVE /MIDDLE SACKVILLE

Title of Plan: PLAN OF SURVEY OF BLOCK APT-1 AND BLOCK CL-1 BEING A SUBDIVISION AND CONSOLIDATION OF BLOCK APT AND BLOCK CL, LANDS OF ARMCO CAPITAL INC.

Designation of Parcel on Plan: BLOCK CL-1

Registration Number of Plan: 100979781

Registration Date of Plan: 2012-06-26 13:17:00

Subject to an agreement regarding use of land with Halifax Regional Municipality recorded on September 29, 2008 as document number 91735762 and amended on April 19, 2011 by an Agreement recorded as document number 98168983.

Subject to an agreement regarding use of land with Halifax Regional Municipality recorded on May 7, 2010 as document number 95865565.

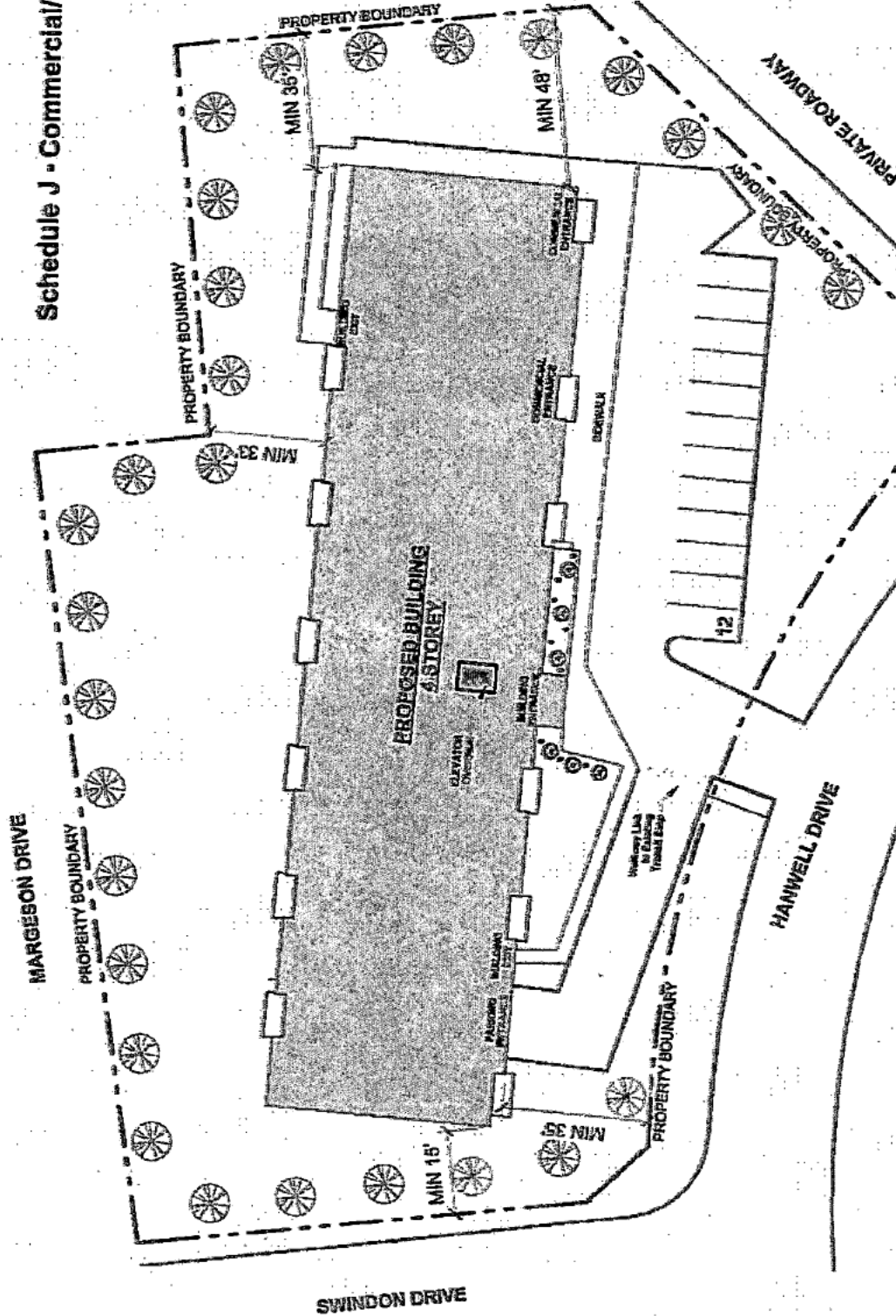
Subject to an agreement regarding use of land with Halifax Regional Municipality recorded on May 7, 2010 as document number 95865581.

Subject to an easement in favour of Nova Scotia Power Inc. more particularly described in an easement agreement recorded on June 17, 2011 as document number 98537542.

Subject to an easement in favour of Halifax Regional Water Commission more particularly described in an easement agreement recorded on June 17, 2011 as document number 98534929.

Subject to an easement/right of way as described in document number 98534358 recorded on June 17, 2011.

Schedule J - Commercial/ Residential Site Plan



PROJECT DATA			
NUMBER OF UNITS PROVIDED	2 BDR OR MORE	TOTAL	
1 BDR OR MORE	39 (79%)	162	

SITE DATA			
PROPERTY AREA	60,603 SF		
BUILDING AREA	17,124 SF		
LOT COVERAGE	28%		

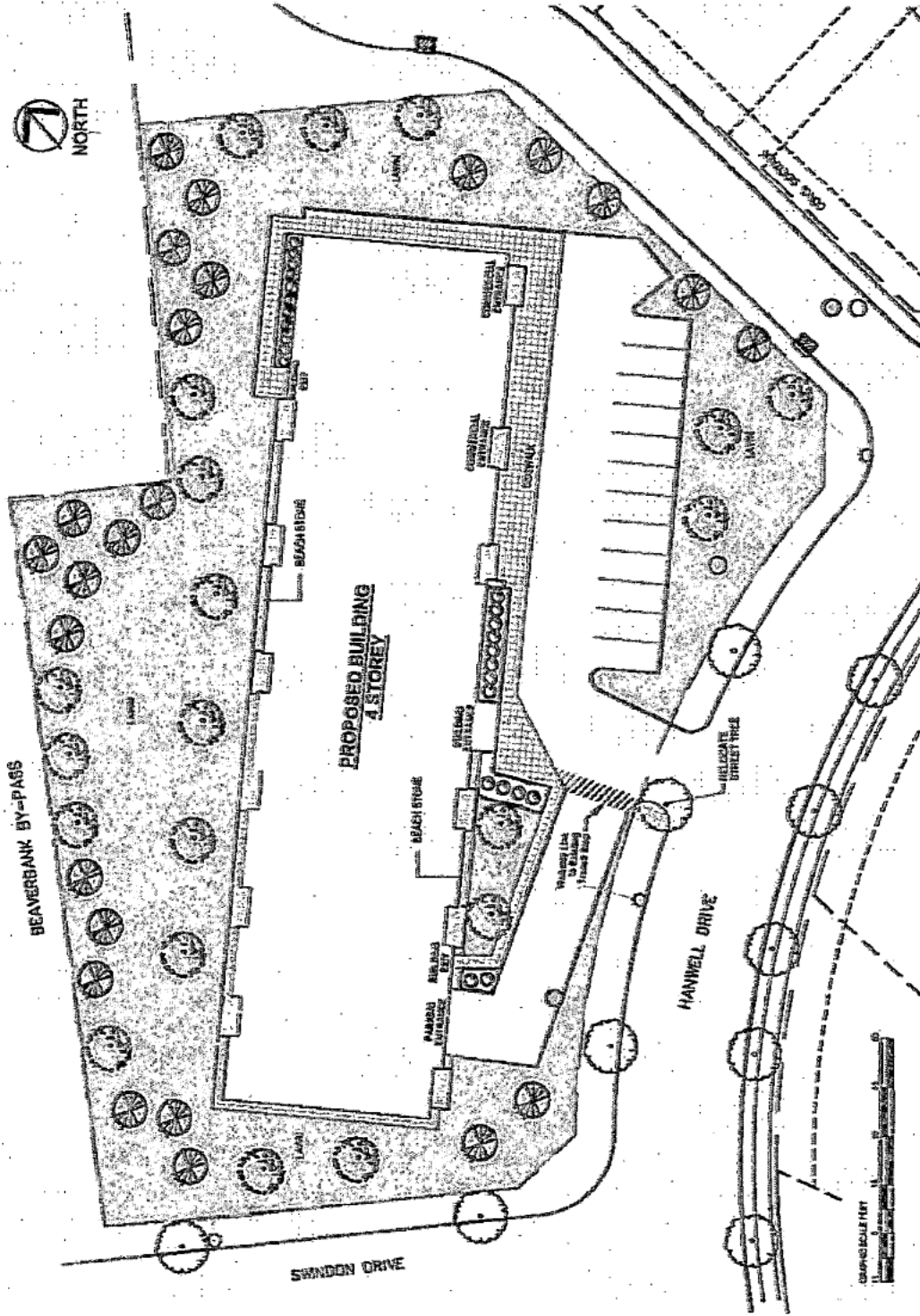
AMENITY SPACE PROVIDED			
OUTDOOR	12,600 SF		
AMENITY ROOMS	1,108 SF		
TOTAL	13,708 SF		

PARKING SPACES PROVIDED			
EXTERIOR	12		
INTERIOR	50		
TOTAL	62		

SITE DEVELOPMENT PLAN

HANWELL DRIVE
HANWELL DRIVE, MIDDLE SACKVILLE NS

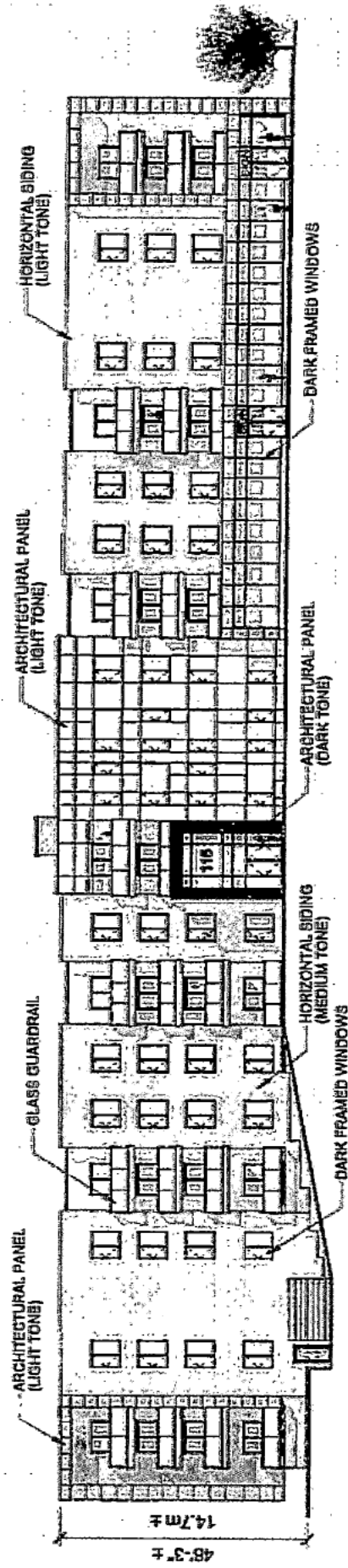
Schedule K - Commercial/ Residential Landscape Plan



HANWELL DRIVE HANWELL DRIVE, MIDDLE SACKVILLE NS	Drawing Title: LANDSCAPE PLAN	L-101
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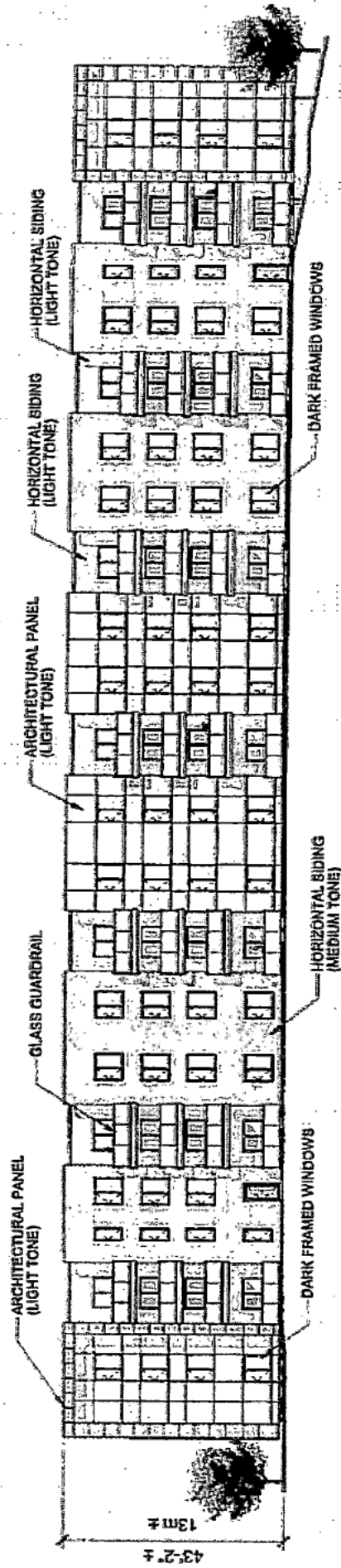
Schedule L - Commercial/ Residential Front Elevation



ELEVATION - FRONT

HANWELL DRIVE
HANWELL DRIVE, MIDDLE SACKVILLE NS

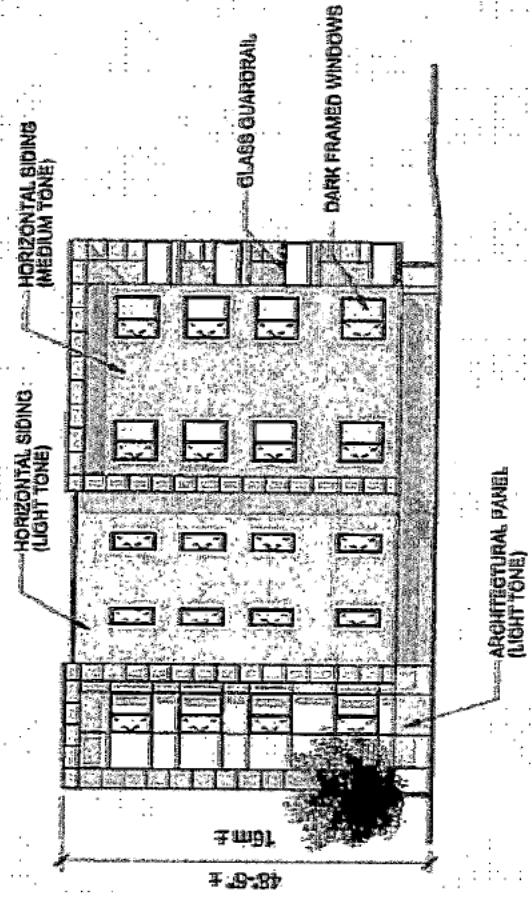
Schedule M - Commercial/ Residential Rear Elevation



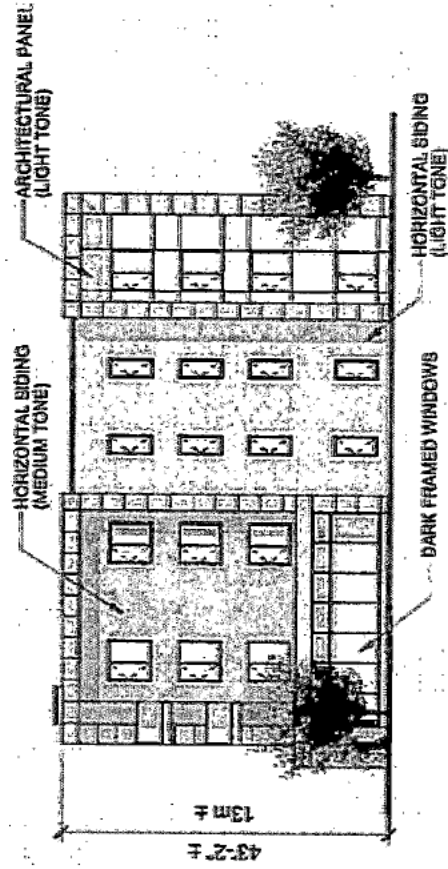
ELEVATION • REAR

HANWELL DRIVE
HANWELL DRIVE, MIDDLE SACKVILLE NS

Schedule N - Commercial/ Residential Side Elevations



2 SOUTH
1/16" = 1'-0"



1 NORTH
1/16" = 1'-0"

HANWELL DRIVE

HANWELL DRIVE, MIDDLE SACKVILLE NS

ELEVATION - SIDES