



PROPERTY OPPORTUNITY NOTICE



Municipality: Kelowna

Street Address of Site: 1428 St Paul St

Posted: April 29 2024

Submission Deadline: July 29 2024

Overview

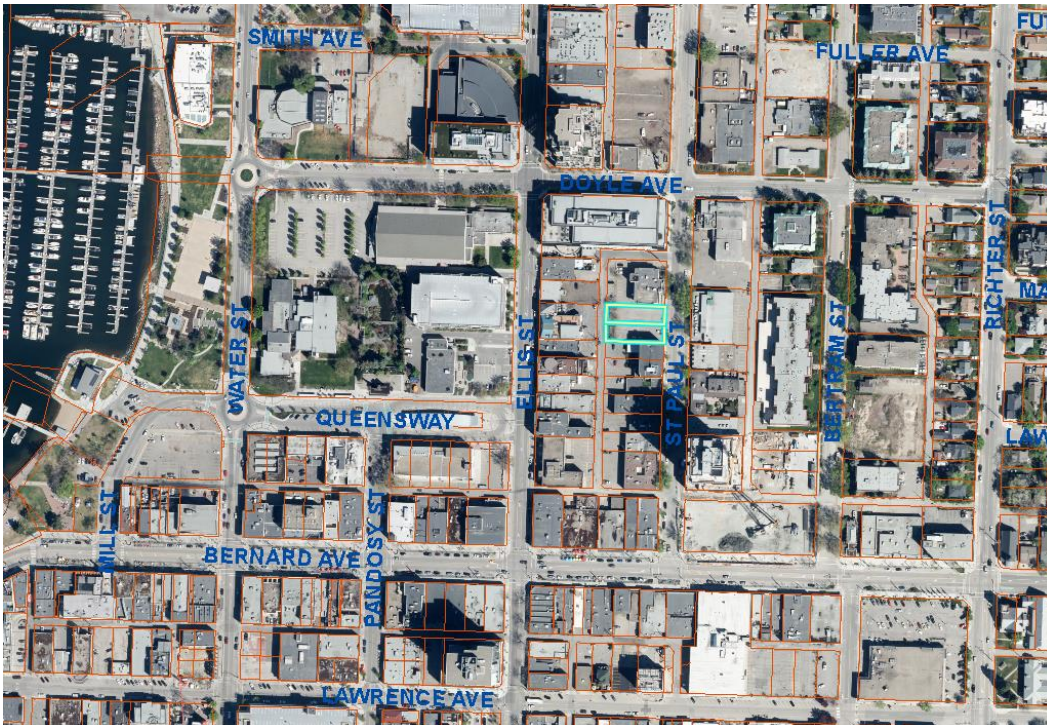
BC Builds is a rental housing program for middle income households. These are households earning a range of \$84,780 and \$131,950 per year for couples with no children for a studio or one-bedroom apartment and \$134,410 to \$191,910 per year for couples with children, needing a 2 or larger bedroom home. The aim of the program is to provide housing for households within these ranges. To help achieve this goal BC Builds can provide:

- Low-cost construction financing for buildings that are owned and operated by for-profit and non-profit developer and First Nations development corporations
- Direct access to CMHC construction financing with up to a 50-year amortization for buildings owned and operated by non-profit and private developers, as approved by CMHC
- Access to low-cost take-out financing with a 35-year amortization for buildings not approved for 50-year amortization.
- Grants of up to \$225,000 per unit for buildings owned and operated by co-operative or non-profit developers and First Nations controlled development corporations, with the goal of having at least 20% of the units at 20% below market rents. Where grants are provided, below market rents will be secured in a range of ways including a forgivable mortgage, housing agreement, section 219 covenant, or operating agreement.

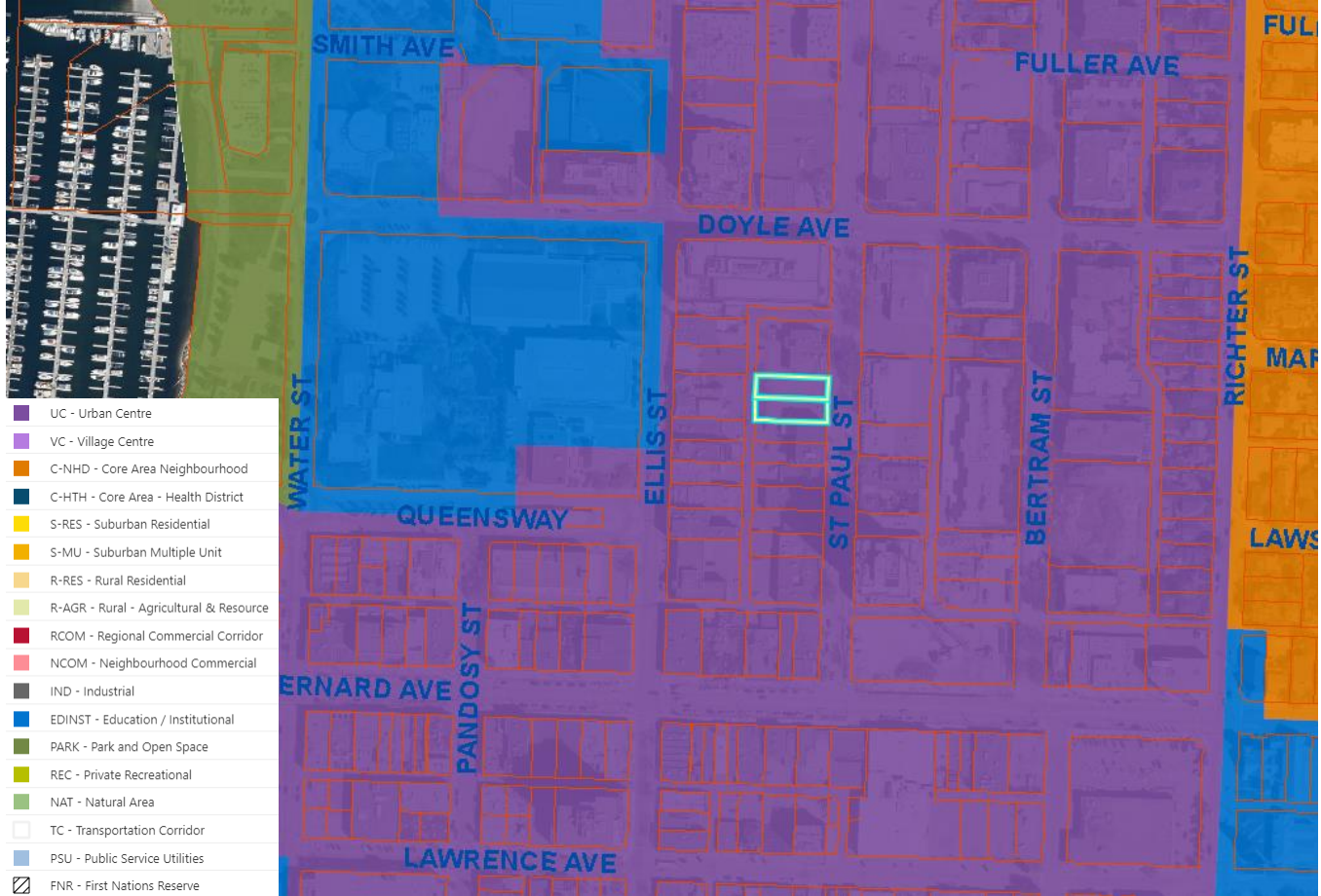
Please refer to the [BC Builds Rental Supply Program Framework](#) for full program details before submitting your proposal.

Site Context

Satellite Map



Plan Map



Parcel Identification (PID)	012-101-648;012-101-664
Registered Owner	City of Kelowna
Civic Address	1428 St. Paul Street
Lot Area (Size)	0.31 acre
Lot Frontage	28.82m
Site Servicing	Water; Sanitary not currently serviced
Links to relevant planning policies (OCP, Local Area Plan, other relevant documents)	Kelowna OCP (2040 Official Community Plan City of Kelowna) Kelowna Zoning Bylaw (Index- Table of Contents (kelowna.ca))

Property Details

Please enter N/A for fields that don't apply to your site.

Zoning	Urban Centre (UC)
Permitted Use Within Zoning	Reference zoning bylaw (Index - Table of Contents (kelowna.ca)). Zone requires commercial at grade.
Permitted Height and Density	26 stories, 95m and base FAR of 7.2 (Index - Table of Contents (kelowna.ca)). Site will not facilitate the allowable height. City is seeking 6 storey build and is open to additional height if development is feasible (and achieves BC Build objectives)
Applicable Development Permit Controls	Land is appropriately zoned therefore development only requires Development Permit and Building Permit
Current Use	Vacant (surface parking)
Surrounding Use	Urban Centre (Blend or residential, commercial and institutional)
Environmental features (stream, creek, grades, soils etc)	None
Any easements or restrictive covenants on title	Fortis SRW for 2 transformers along west PL. Title and Charges noted in Appendix C
Community engagement requirements or expectations	Proponent is expected to follow standard best practice. As land is zoned – public engagement is not anticipated.
Amenity/Bonusing Requirements	Refer to zoning bylaw to seek out available bonus requirements (Index - Table of Contents (kelowna.ca))
Sustainability/Energy Requirements (for anything beyond BC Building Code)	None

Accessibility Requirements (for anything beyond BC Building Code)	None
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Applicant Type

Please indicate which of these apply to your site. **Please check all that apply:**

- Seeking a developer **and also** a housing owner/operator and willing to enter into a long-term lease (60 – 99 years) with successful proponent with a land cost of \$0.
- Seeking a developer **and also** a housing owner/operator and willing to dispose of land to successful proponent at \$0.
- Seeking **only** a developer/builder to provide a turn-key building to an operator you’ve preselected.
- Owner/operator **must be** a non-profit society, co-op or First Nations development corporation.
- Owner/operator **must be** a private developer.
- Owner/operator can be either a non-profit society, co-op or First Nations development corporation or a private developer.

Additional Property Information

See Appendix A+B+C

Eligibility and Evaluation Criteria

General information

- Successful projects must break ground within 12 -18 months (depending on the complexity of the project) of the successful proponent receiving a Conditional Land Contribution Letter following the completion of the evaluation period.
- The land must be used to create new housing for middle income families as defined in the [BC Builds Rental Supply Program Framework](#).
- Eligible projects must be primarily residential but can include ground floor commercial and/or community uses and/or childcare with the non-residential components not to exceed 30% of floor area or cost.
- Land will be leased at nominal value by the landowner to the successful applicant on 60- to 99-year basis or disposed of at nominal value. Please see individual Property Opportunity Notices for details.

Equity requirements

“Equity” for the purposes of this application is defined as the financial contribution that an applicant is making to the project.

Proposals from private market developers that provide more below market units at a greater percentage below market will be given priority. To achieve this, an equity contribution will likely be required from private developers. Sites seeking a developer/builder only to provide development management services for a turnkey building to a non-profit, co-op or municipal/regional housing corporation are exempt from this equity requirement.

For non-profit and co-operative developers and First Nations controlled development corporations intending to own and operate buildings, there is no equity contribution required during the proposal submission process. However, these proponents are eligible to access capital grants of up to \$225,000 per unit. Applicants may bring additional equity or equity partners to the proposal to increase affordability. Proposals from non-profits, co-operatives and First Nations development corporation that require a lower grant per unit amount while still achieving at least 20% of the units at at least 20% below market will be given priority.

Eligibility Criteria

All proposals will be assessed first to determine qualification based on these eligibility criteria. Proposals that qualify will then be assessed according to the evaluation criteria below.

Eligible Applicant

Applicant must:

- Be registered and in good standing with the BC Corporate Registry or partner with a business or organization that is.
- Have previous property development and property management experience or engage professional third-party consultants or property management company.
- Have a plan for construction and operations that's financially viable.
- Meet equity requirements. See below.

Target Household Incomes

Project targets households in BC Builds income ranges with rents that don't require households in this range to spend more than 30% of their income on rent: \$84,780 and \$131,950 per year for couples with no children for a studio or one-bedroom apartment and \$134,410 to \$191,910 per year for couples with children, needing a 2 or larger bedroom home. *See evaluation criteria and evaluation matrix below for information about how this will be scored for applicants that are deemed eligible.*

Property Management (Applies only to properties where a housing owner/operator is being sought):

Applicants must have a minimum of five (5) years' property management experience. In lieu of property management experience, applicants may hire or partner with a professional third-party property management firm or organization to help build their organization's capacity over the first five years of operation.

Real Estate Development Experience: Applicants must have successfully completed a similar project on time and within budget. Alternatively, applicants may hire or partner with a third-party developer who has experience building similar projects and/or assemble a design and construction consultant team to carry out the project.

Evaluation Criteria

Proposals received during the submission period will be ranked in comparison to other proposals. More specifically, the following criteria will be used to evaluate, rank, and determine a proposals' overall strength and level of project suitability. Please see scoring matrix below.

Financial Viability and Sustainability: The project is feasible and viable, both through capital financial assembly and ongoing operating pro-forma, as well as the project environment (geotechnical, environmental, site constraints etc.) Projects must demonstrate a means to be financially sustainable without an ongoing operating subsidy from BC Builds (BC Housing). All potential funding sources must be disclosed, including the potential to apply for financing and grant funding through BC Builds, together with details of the intended funding strategy and any supporting documentation. If the building will require an ongoing operating subsidy, the applicant must provide information about how they would provide that subsidy to the project and demonstrate how that will be in place over the life of the building.

Household incomes and rents: BC Builds targets middle-income households, with income thresholds for eligibility set at the middle-income Limits which are defined as follows:

Units with less than two bedrooms: Middle-income households are those whose gross household income does not exceed the 75th income percentile for families without children, as determined by BC Housing from time to time. The current range of middle-income households that are the target of the BC Builds program is \$84,780 and \$131,950.

Units with two or more bedrooms: Middle-income households are those whose gross household income does not exceed the 75th income percentile for families with children, as determined by BC Housing from time to time. The current range of middle-income households that are the target of the BC Builds program is \$134,410 to \$191,910.

For projects involving a mix of unit sizes, the corresponding income threshold will be applied to each unit type.

Priority will be given to projects that target household incomes as low as possible in these income ranges while still maintaining project viability without the need for ongoing operating subsidy from BC Builds.

Rents must be suitable for middle income households, as defined above.

Projects with non-profit partners, public housing corporations or First Nations-controlled development corporations receiving capital grants of up to \$225K/unit:

- Units must target eligible households for a minimum of thirty-five (35) years
- Include minimum of 20% of units rented at 20% below market for a minimum of thirty-five (35) years.

Projects with private developers:

- Units must target eligible households for a minimum of ten (10) years

The rent structure will vary depending on the characteristics of the project and whether or not funding from other partners is layered into the project. All units in the development must be rented at or below market as determined by an appraisal of current market rents in the community, and at rents suitable for eligible

households considering the location and average household income for the area but must not exceed 30% of the Middle-Income Limits in effect at time of occupancy and at unit turnover.

Speed to Market: How rapidly does the proposed timeline bring new homes to market? How realistic is the proposed timeline? Processes to speed up the development and construction timelines and innovative construction methods will be given priority.

Environmental Sustainability Considerations: Projects must be built to the BC Building Code. Priority will be given to projects that can provide additional environmental sustainability benefits while maintaining project viability.

Accessibility Considerations: Projects must be built to the BC Building Code. Priority will be given to projects that can provide additional accessibility benefits while maintaining project viability.

Unit Mix Considerations: No requirement for a particular unit mix, but priority will be given to projects that provide two- three- and four-bedroom units while maintaining project viability and staying below the per unit maximum grant amount of \$225,000 for co-operative and non-profit developers and First Nations controlled development corporations.

Equity Contribution: For private developers, does the proposed equity contribution help deliver more below market units at a greater percentage below market? For non-profit and co-operative developers and First Nations controlled development corporations, what is the lowest grant amount per unit required (up to a maximum of \$225,000) to achieve at least 20% of the units at at least 20% below market?

Scoring Matrix

Mandatory Requirements
Eligible Applicant
Meets Target Household Incomes
Demonstrated Property Management Experience (if seeking operator)
Demonstrated Development Experience
Ranked Criteria (Overall Weighting)
Financial Viability & Sustainability (20%)
Amount of per-unit subsidy required (15%)
Percentage of units at 20% below market (15%)
Target Household Incomes (15%)
Speed to Market (15%)
Financial Equity Contribution (5%)
Unit Mix (5%)
Additional Accessibility Benefits (5%)
Additional Sustainability Benefits (5%)

How to Apply and Proposal Submission Requirements

1. Review detailed property information, criteria and deadlines in this Property Opportunity Notice.
2. Attend an optional Property Information for this opportunity. Please see the property listings page for times and dates.
3. Contact BC Builds info@bcbuildshomes.ca if you have any questions about a Property Opportunity Notice. Please do not contact landowners directly. Doing so will result in immediate disqualification from the application process.
4. Review the [BC Builds Rental Supply Framework](#).
5. Applicants can present their submission in the form and format of their choice, with the option of using [this capital and operating budget template](#). A development schedule and typical schematic design that includes drawings and site concept plan including massing, renderings, basic floor plans, and an indication of how the building(s) is located on the property is expected as part of the proposal submission. Total submission should include no more than 20 type-written pages.
6. Letters of reference can be submitted to demonstrate experience in delivery of similar projects.
7. Proposals must be sent to info@bcbuildshomes.ca on or before the due date listed in the Property Opportunity Notice.

How long it takes

It should take several weeks (goal of 4 to 6 weeks) for BC Builds to review your project proposal and let you know if your proposal is approved. The successful proponent will be required to sign a Conditional Land Contribution agreement between the proponent, BC Builds and the landowner which lays out a 12-to-18-month timeline to securing funding, financing, Development Permit, Building permit and begin construction and a shared and collaborative approach to meeting or exceeding this timeline.

Cost

There is no cost to apply.

Additional Information

This PON is available to projects that meet and/or exceed the minimum requirements as outlined in the above criteria. Verification of project details and evaluation will determine whether a project is selected. Simply meeting the minimum requirements will not guarantee that a proposal will be selected. Applicants are responsible to provide sufficient documentation that will verify compliance with the eligibility requirements.

Note that BC Builds will consider all proposals but is under no obligation to approve any application and move forward with the PON if, in BC Builds' opinion, no suitable submissions are received.

Disclaimer

The PON is a non-binding document. BC Builds does not make any representation or provide any undertaking to prospective respondents other than to invite them to submit a proposal. This PON does not oblige BC Builds to negotiate or execute an agreement with any prospective respondents, not to grant rights of any sort to any prospective respondents and, BC Builds shall incur no liability to any prospective respondent as a result of responding this PON.

BC Builds will not be liable for, nor will it reimburse any prospective respondent for costs incurred in the preparation, submission or presentation of any proposal, for interview or any other activity that may be requested as part of the PON process.

Appendix A – Additional Property Information

1. *Land is currently two zoned parcels. City has engaged the legal surveyor and will be moving forward with lot consolidation.*
2. *City has procured consultant to provide preliminary Geotech on site and will provide when available.*
3. *City has prepared Development Engineering Memo (Appendix B)*
4. *Title and associated charges noted below (Appendix C)*

CITY OF KELOWNA
MEMORANDUM

Date: March 15, 2024
File No.: Real Estate Services – Circulation Request
To: Real Estate Services (BW)
From: Development Engineering Manager (NC)
Subject: 1428 St Paul St

The Development Engineering Department has the following comments associated with this request. The following Works and Services would be required of a development at time of Building Permit.

The Development Engineering Technologist for this file is Sarah Kelly (skelly@kelowna.ca).

1. GENERAL

- a. The following comments and requirements are valid for a period of one (1) year from the reference date of this memo, or until the application has been closed, whichever occurs first. The City of Kelowna reserves the rights to modify some or all items in this memo if an application for Building Permit is not made within this time.
- b. This proposed development may require the installation or modification of centralized mail delivery equipment. Please contact Arif Bhatia, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC, V1Y 2K0, (250) 859-0198, arif.bhatia@canadapost.ca to obtain further information and determine requirements.
- c. All City Trees must be protected as per Bylaw 8042 Schedule C – Tree Barrier and Installation Policy requirements. Removal of City Trees will require prior approval of the City’s Urban Forestry Supervisor and may be subject to replacement, at a minimum two for one ratio, and compensation payment as per the City of Kelowna Equitable Compensation as defined in Section 8.2 of Bylaw 8042.
- d. There is a possibility of a high groundwater table or surcharging of storm drains during major storm events. Non-basement buildings may be required. This should be considered in the design of the onsite system, lot grading, and minimum basement elevations.
- e. Comments and requirements contained herein assume the subject properties will be consolidated into a single lot.

2. DEVELOPMENT PERMIT COMMENTS AND SITE-SPECIFIC REQUIREMENTS

- a. All vehicle access to the subject property must be from the lane.
 - i. Existing driveway on St Paul St must be removed.

- b. A Transportation Assessment is required of this development to assess connectivity with and impacts to the surrounding transportation network including. The results of this assessment may inform additional requirements including equitable contribution towards signalization of the intersections between Doyle Ave & St Paul St, Doyle Ave & Bertram St, and Doyle Ave & Richter St. Please contact the development technologist for this file to obtain terms of reference for completing the analysis.
- c. Approximately 0.8 m road dedication along the entire frontage of the Lane is required to achieve a ROW width of 7.6 m in accordance with OCP Functional Road Classification objectives.

3. DOMESTIC WATER AND FIRE PROTECTION

- a. The subject property is located within the City of Kelowna Water Supply Area. Our records indicate that this property is not currently serviced. Only one service connection will be permitted.
- b. The Developer's Consulting Engineer will determine the domestic water servicing and fire protection requirements for this development. If upgrades are necessary to achieve adequate servicing or fire protection, the Developer must complete any such upgrades at their cost and any obsolete services must be fully decommissioned at the main.
- c. The Developer must demonstrate that both the calculated FUS fire flow demand and the internal building sprinkler demand of the proposed development does not exceed the lesser of the available fire flow from the City's network and the Bylaw 7900 requirement of 150 L/s for High-Density Residential.
- d. The City estimates that the minimum fire flow of 150 L/s for High-Density Residential, in accordance with Bylaw 7900 standards, is available from the watermain fronting the subject property, given our modelling assumptions. The Developer's Consulting Engineer should contact the development technologist for this file to confirm the City's modeling assumptions are suitable for this proposed development.
- e. A water meter is mandatory for this development and must be installed inside a building on the water service inlet as required by the City Plumbing Regulation Bylaw 5968-87.

4. SANITARY SEWER SYSTEM

- a. Our records indicate that this property is not currently serviced. Only one service connection will be permitted.
- b. The Developer's Consulting Engineer will determine the sanitary sewer servicing requirements for this development. If upgrades are determined to be necessary to achieve adequate servicing, the Developer must complete any such upgrades at their cost.
- c. Service connections are to be completed as per SS-S7 with an inspection chamber and Brooks Box, with consideration given to SS-S50 for connections to mains. Any obsolete services must be fully decommissioned at the main.

5. STORM DRAINAGE

- a. The subject property is located within the City of Kelowna drainage service area. Only one service connection will be permitted per lot.
- b. The Applicant must engage a Consulting Engineer to provide the following drawings for the site, in accordance with Bylaw 7900 requirements:
 - i. A detailed Lot Grading Plan;
 - a. Indicate on the Lot Grading Plan the building slab elevations, finished grade elevations throughout the site, any slopes that are steeper than 30%, areas that have greater than 1.0 m of fill, finished grade slopes, and perimeter grades to match existing grades;
 - b. Grading directly to a natural drainage path must include adequate erosion control and water quality improvement measures;
 - ii. A detailed Stormwater Management Plan;
 - a. Surface runoff during a storm event of 1:100 year return period from this development must not discharge from the site in excess of the 1:5 year pre-development rate;
 - b. On-site detention systems are to be compliant with Bylaw 7900, Schedule 4, Section 3.11.1 *Detention Storage*;
 - c. As per Bylaw 7900, Schedule 4, Section 3.1.3 *Climate Change*, the capacity of storm works will include an additional 15 percent (15%) upward adjustment, applied to post-development rainfall intensity curve stage (IDF) in Section 3.7.2;
 - iii. An Erosion and Sediment Control (ESC) Plan;
 - a. Prepare as per section 3.14 of Schedule 4 of Bylaw 7900 and best practices;
 - b. If a line item for ESC is not included in the Engineer's cost estimate for off-site work, then an additional 3% will be added to the performance security based on the total off-site construction estimate.
- c. Register statutory right of ways on site for all storm water infrastructure or flow paths carrying, conveying, detaining and/or retaining storm water that is generated from the public properties or public road right of ways. Show details of dedications, rights-of-way, setbacks and non-disturbance areas.
- d. Where structures are designed or constructed below the proven high groundwater table, permanent groundwater pumping will not be permitted to discharge to the storm system. Intermittent pumping of groundwater for structures within seasonal range of the groundwater table may be permitted with some conditions. The City will approve designs that include provisions for eliminating groundwater penetration into the structure, while addressing buoyancy concerns. These design aspects must be reviewed and approved by the City Engineer.

6. ROADWAY AND STREETScape

- a. St Paul St is classified in the 2040 OCP as an Urban Centre Collector with a Retail Street Urban Centre Street Character. As such, St Paul St must be upgraded to an urban XS-R53

standard along the full frontage of the subject property to facilitate additional corridor density associated with this development and to provide enhanced urban center street character. Required upgrades to include removal of existing driveway and replacement with sidewalk, curb and gutter, and landscaped and irrigated boulevard. Pavement removal and replacement and re-location or adjustment of utility appurtenances will be required if required to accommodate the upgrading construction.

- b. Laneway must be upgraded to an SS-R02 standard along the full frontage of this proposed development. Required upgrades to include road widening to post dedication property line, pavement removal and replacement, and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- c. All Landscape and Irrigation plans require design and inspection by a Qualified Professional registered with the BCSLA and the IIABC, are to be included as a line item in the estimate for the Servicing Agreement performance security. Landscape and irrigation plans require approval by the Development Engineering Branch at the same time as other “issued for construction” drawings.

7. POWER AND TELECOMMUNICATION SERVICES

- a. In accordance with Council Policy 101, burial of existing overhead wires will be required on all frontages. Developer must make arrangements with the applicable electric power, telephone, and cable transmission companies to arrange for this work. Designs must be submitted to the Development Engineering Branch at the same time as other “issued for construction” drawings.
- b. All proposed service connections are to be installed underground. It is the Developer’s responsibility to make a servicing application with the respective electric power, telephone, and cable transmission companies to arrange for these services. Utility companies are required to obtain the City’s approval before commencing construction.
- c. Provide all necessary Statutory Rights-of-Ways for any utility corridors as may be required.

8. GEOTECHNICAL STUDY

- a. Provide a Geotechnical Report prepared by a Professional Engineer competent in the field of geotechnical or hydrogeological engineering as applicable. The Geotechnical Report must be submitted to the Development Services Department as part of the Building Permit submission and prior to the City’s review of Engineering drawings. Geotechnical Report to address, at a minimum, any of the applicable items below:
 - i. Site suitability for development;
 - ii. Area ground water characteristics, including any springs and overland surface drainage courses traversing the property, as well as any monitoring required;
 - iii. Site soil characteristics (i.e., soil types and depths, fill areas, infiltration rate, unsuitable soils such as organic material, etc);
 - iv. Any special requirements for construction of roads, utilities, and building structures;
 - v. Recommendations for items that should be included in a Restrictive Covenant;

- vi. Recommendations for erosion and sedimentation controls for water and wind;
- vii. Any items required in other sections of this memo;
- viii. Recommendations for roof drains, perimeter drains, and septic tank effluent on the site;

9. DESIGN AND CONSTRUCTION OF OFFSITE WORKS

- a. Offsite Works and Services are required of this development as outlined above. The Developer must Design and enter into a Servicing Agreement and provide security for the Construction of the Works prior to issuance of Building Permit.
- b. Design of all offsite works and site servicing must be completed in accordance with Subdivision, Development, and Servicing Bylaw No. 7900 and is subject to the approval of the City Engineer prior to construction or execution of a Servicing Agreement.
 - i. See Bylaw 7900 Sections 6.0, 7.0, and 9.0, as well as Schedule 4 for procedural guidance, approval requirements, and design standards.
 - ii. Design must be completed by a suitably qualified and experience Consulting Engineer.
 - iii. Engineering drawing submissions are to be in accordance with *Council Policy 265 – Engineering Drawing Submission Requirements*. Drawings must be submitted digitally in PDF format and sealed in accordance with EGBC Guidelines.
- c. A Servicing Agreement is required for all Works and Services on City lands (Offsite Works).
 - i. The Servicing Agreement must be in the form of Schedule 2 of Bylaw 7900.
 - ii. The Developer’s Consulting Engineer, prior to preparation of a Servicing Agreement, must provide adequate drawings and estimates for the Works to the City Engineer.
 - iii. Bylaw 7900, Part 3 – Security for Works and Services, Sections 7.1 - 7.2, describes the Security requirements of an Owner for entering into Servicing Agreements. Security must be in the form of an irrevocable letter-of-credit, bank draft, or certified cheque.
- d. Construction of the required Works and Services must be completed in accordance with Bylaw 7900 requirements and is subject to several approvals prior to work commencing. These include, but are not necessarily limited to, the following:
 - i. Before any construction of the Works commences, design drawings must be reviewed and approved for construction by the City Engineer.
 - ii. A “Consulting Engineering Confirmation Letter” (City template provided upon request) must be executed by the Owner and Consulting Engineer and provided to the City.
 - iii. The Developer’s Consulting Engineer must undertake adequate inspections during construction of the Work, as outlined in EGBC’s *Guide to the Standard for Documented Field Reviews During Implementation or Construction*. A Quality Control and Assurance Plan acceptable to the City Engineer must be submitted prior to construction approval. Refer to Bylaw 7900, Schedule 3.
 - iv. Insurance requirements are outlined in Bylaw 7900, Section 7.3. A compliant Certificate of Insurance must be provided prior to construction approval.
 - v. Contractor must provide a current WorkSafe BC Clearance Letter.

- e. Construction completion, maintenance period, and return of Performance Security requirements are outlined in Bylaw 7900, Sections 9.5 - 9.7 and Sections 10.0 - 10.4.

10. CHARGES, FEES, AND SECURITIES

- a. Fees per the “Development Application Fees Bylaw” include:
 - i. Engineering and Inspection Fee: 3.5% of offsite works and services (plus GST).
 - ii. Survey Monument Fee: \$60.00 per newly created lot (GST exempt).
 - iii. Survey Monument, Replacement Fee: \$1,380.00 (GST exempt) – only if disturbed.

Sarah Kelly for _____
Nelson Chapman, P.Eng.
Development Engineering Manager
SK

Appendix C – Title and Charges

TITLE SEARCH PRINT

2024-03-20, 08:17:18

File Reference:

Requestor: Ben Walker

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

Title Issued Under	SECTION 192 LAND TITLE ACT
Land Title District Land Title Office	KAMLOOPS KAMLOOPS
Title Number From Title Number	KR23346 N604
Application Received	2001-03-16
Application Entered	2001-03-20
Registered Owner in Fee Simple Registered Owner/Mailing Address:	CITY OF KELOWNA 1435 WATER ST KELOWNA, BC
Taxation Authority	Kelowna, City of
Description of Land Parcel Identifier: Legal Description:	012-101-664 LOT 19 DISTRICT LOT 139 OSOYOOS DIVISION YALE DISTRICT PLAN 800
Legal Notations	NONE
Charges, Liens and Interests Nature: Registration Number: Registration Date and Time: Registered Owner: Remarks:	STATUTORY RIGHT OF WAY CA4167165 2015-01-06 14:05 FORTISBC INC. INCORPORATION NO. PA-0000087 PART IN PLAN EPP46609
Duplicate Indefeasible Title	NONE OUTSTANDING
Transfers	NONE
Pending Applications	NONE

TITLE SEARCH PRINT

2024-03-20, 08:19:59

File Reference:

Requestor: Ben Walker

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

Title Issued Under	SECTION 192 LAND TITLE ACT
Land Title District Land Title Office	KAMLOOPS KAMLOOPS
Title Number From Title Number	KR23345 N604
Application Received	2001-03-16
Application Entered	2001-03-20
Registered Owner in Fee Simple Registered Owner/Mailing Address:	CITY OF KELOWNA 1435 WATER ST KELOWNA, BC
Taxation Authority	Kelowna, City of
Description of Land Parcel Identifier: Legal Description:	012-101-648 LOT 18 DISTRICT LOT 139 OSOYOOS DIVISION YALE DISTRICT PLAN 800
Legal Notations	NONE
Charges, Liens and Interests Nature: Registration Number: Registration Date and Time: Registered Owner: Remarks:	STATUTORY RIGHT OF WAY CA4167171 2015-01-06 14:06 FORTISBC INC. INCORPORATION NO. PA-0000087 PART IN PLAN EPP46610
Duplicate Indefeasible Title	NONE OUTSTANDING
Transfers	NONE
Pending Applications	NONE

Status: Registered
FORM_C_V19 (Charge)

Doc #: CA4167171

RCVD: 2015-01-06 RQST: 2024-03-20 08.20.51

KAMLOOPS LAND TITLE OFFICE

LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

Jan-06-2015 14:06:37.001

CA4167171

PAGE 1 OF 6 PAGES

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.

Nicholas Mirsky
ULCP25

Digitally signed by Nicholas Mirsky
ULCP25
DN: cn=CA, c=Nicholas Mirsky
ULCP25, o=Authorized Subscriber,
ou=Verify ID at www.juricert.com/
ULCP, dn?d=ULCP25
Date: 2015.01.06 13:57:55 -0800

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

Nicholas Mirsky, Land Agent for

FORTISBC INC.

2850 Benvoulin Road

Kelowna

BC V1W 2E3

Land File: KEL-3091

OI#: 2546739 Order: 65164737

Client.11140

Document Fees: \$77.72

Deduct LTSA Fees? Yes

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

012-101-648 LOT 18 DL 139 ODYD PLAN 800

STC? YES

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Statutory Right of Way

PART ON PLAN EPP46610

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):

CITY OF KELOWNA

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

FORTISBC INC.

A PUBLIC UTILITY, HAVING ITS HEAD OFFICE AT

#100 - 1975 SPRINGFIELD ROAD

KELOWNA

BRITISH COLUMBIA

Incorporation No

PA-0000087

V1Y 7V7

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

none

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)

CAROL-ANN MARY MARQUARDT

A COMMISSIONER FOR TAKING AFFIDAVITS FOR BRITISH COLUMBIA

1435 WATER STREET, KELOWNA,
BC V1Y 1J4

Order No. 2014-0917

Expiry Date: 2017-08-31

Execution Date		
Y	M	D
14	12	19

Transferor(s) Signature(s)

CITY OF KELOWNA BY ITS
AUTHORIZED SIGNATORY(IES):

Print Name: Colin Basran, MAYOR

Print Name: Karen Needham,
Deputy City Clerk

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.

PART 2 - TERMS OF INSTRUMENT

STATUTORY RIGHT OF WAY

THIS INDENTURE made this 19 day of DECEMBER, 2014.

BETWEEN:

CITY OF KELOWNA
1435 WATER ST
KELOWNA, BC

(hereinafter called "the Transferor")

OF THE FIRST PART

AND:

FORTISBC INC., a public utility incorporated by Special Act
of the Legislature of the Province of British Columbia, having its
head office at #100 – 1975 Springfield Road, Kelowna, BC V1Y 7V7

(hereinafter called the "Company")

OF THE SECOND PART

WHEREAS:

- A. The Transferor is the registered owner in fee simple of the lands and premises (hereinafter called the "Lands") described in Part 1 of Schedule "A" attached hereto;
- B. The Transferor has agreed to grant to the Company a statutory right of way over a portion of the Lands;
- C. All those portions of the Lands described in part 2 of Schedule "A" attached hereto are hereinafter collectively called the "Right of Way Area";
- D. The statutory right of way herein granted is necessary for the operation and maintenance of the Company's undertaking;

Page 3 of 6 pages

NOW THEREFORE in consideration of the sum of ONE (\$1.00) DOLLAR and other good and valuable consideration, now paid by the Company, (the receipt of which is hereby acknowledged by the Transferor), the Transferor hereby grants and conveys unto the Company a Statutory Right of Way on and under those parts of the Lands contained within the Right of Way Area to install, construct and maintain thereon facilities and such equipment as the Company considers necessary or beneficial (hereinafter called "the Facilities") for the operation and maintenance of an electrical distribution system and all related equipment including communication facilities together with the right to dig up the soil and rock thereof for the installation of the Facilities, and from time to time to inspect, repair, remove, alter, renew and replace the same or any part or parts thereof, and to clear the Right of Way Area of such growth and material that in the Company's reasonable opinion might interfere with or damage the Facilities.

Notwithstanding any rule of law or equity, the Facilities shall at all times remain the property of the Company notwithstanding that the same may be annexed or fixed to the freehold, and shall at any time and from time to time be removable in whole or in part by the Company, its successors and assigns.

RESERVING HOWEVER to the Transferor the right to cultivate or otherwise use the Right of Way Area so long as it does not interfere with the operation and maintenance of the Facilities, and the right to compensation for any damage done by the Company to crops thereon.

The Transferor covenants that he will not at any time plant any trees or climbing vines on the Right of Way Area or do any act either on the Right of Way Area or on that part of the Lands adjacent to it that will jeopardize or interfere with the operation or maintenance of the Facilities or the rights granted herein; that he will not erect thereon any buildings or structures on the Right of Way Area; and that he will cause no damage to nor interfere with the Facilities.

The Transferor may plant the Right of Way Area to lawn or may pave it with asphalt or concrete. PROVIDED THAT, the Transferor will not, without the written consent of the Company, diminish or substantially add to the ground cover over such of the Facilities as may be from time to time installed, operated or maintained below the surface of the Right of Way Area and in particular, and without in any way limiting the generality of the foregoing, will not construct open drains or ditches across any of the Facilities which may at any time be installed on the Right of Way Area.

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Status: Registered

Doc #: CA4167171

RCVD: 2015-01-06 RQST: 2024-03-20 08:20:51

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The Transferor may install a fence within the Right of Way Area provided it does not interfere with the operation or maintenance of the Facilities and, if a fence is installed by the Transferor, the Company may at its expense install gates for its purposes. The Company will not be liable for any costs of repair to the fence if it is damaged during the installation or maintenance of the Facilities. Subject to the foregoing, the Company will be liable for any damage caused by its agents, servants, licensees or workmen to the Lands and will, each time it disturbs the Lands, restore the same as near as is reasonably practicable to the same conditions as before the disturbance.

If any provision of this Indenture is declared invalid or unenforceable by a competent authority, such provision shall be deemed severed and shall not affect the validity or enforceability of the remaining provisions of this Indenture, unless such invalidity or unenforceability renders the operation of this indenture impossible.

The rights, privileges and easement hereby granted are and shall be of the same force and effect as a covenant running with the land, and this Statutory Right of Way shall enure to the benefit of and be binding upon the parties hereto, their heirs, administrators, successors and assigns, and wherever the singular or masculine is used herein, it shall be construed as if the feminine, plural or neuter, as the case may be, had been used wherever the context or the parties hereto so require.

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Status: Registered

Doc #: CA4167171

RCVD: 2015-01-06 RQST: 2024-03-20 08:20:51

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SCHEDULE "A"

PART 1 - DESCRIPTION OF THE LANDS

LOT 18 DL 139 ODYD PLAN 800

In the City of Kelowna

PART 2 - DESCRIPTION OF THE RIGHT OF WAY AREA

The Right of Way Area consists of the following: Those parts of **LOT 18 DL 139 ODYD PLAN 800** shown on a Statutory Right of Way Plan completed and checked by Neil Raymond Denby, B.C.L.S., on the 11th day of November, 2014 and deposited in the Kamloops Land Title Office under EPP46610.

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Status: Registered
FORM_C_V19 (Charge)

Doc #: CA4167165

RCVD: 2015-01-06 RQST: 2024-03-20 08.19.10

KAMLOOPS LAND TITLE OFFICE

LAND TITLE ACT Jan-06-2015 14:05:06.001
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

CA4167165

PAGE 1 OF 6 PAGES

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.

Nicholas Mirsky
ULCP25

Digitally signed by Nicholas Mirsky
ULCP25
DN: cn=CA, c=Nicholas Mirsky
ULCP25, o=Authorized Subscriber,
ou=Verify ID at www.juricert.com/
LULP.dn?d=ULCP25
Date: 2015.07.08 11:49:49 -0800

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

Nicholas Mirsky, Land Agent for

FORTISBC INC.

2850 Benvoulin Road

Kelowna

BC V1W 2E3

Land File: KEL-3092

OI#: 2546739 Order: 65164737

Client.11140

Document Fees: \$77.72

Deduct LTSA Fees? Yes

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

012-101-664 LOT 19 DL 139 ODYD PLAN 800

STC? YES

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Statutory Right of Way

PART ON PLAN EPP46609

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.

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CITY OF KELOWNA

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

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CANADA

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none

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Officer Signature(s)

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A COMMISSIONER FOR TAKING AFFIDAVITS FOR BRITISH COLUMBIA

1435 WATER STREET, KELOWNA,
BC V1Y 1J4

Order No. 2014-0917

Expiry Date: 2017-08-31

Execution Date

Y	M	D
14	12	19

Transferor(s) Signature(s)

CITY OF KELOWNA BY ITS
AUTHORIZED SIGNATORY(IES):

Print Name: Colin Basran, MAYOR

Print Name: Karen Needham,
Deputy City Clerk

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.

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