



1. Application

Document Fees: \$78.17

Kim Turkington, Agent for the City of Surrey
13450 104 Avenue
Surrey BC V3T 1V8
604-598-5721

LTO Client No. 12680
 File: 7915-0080-00 Modification

2. Description of Land

PID/Plan Number	Legal Description
030-904-676	LOT 1 SECTION 36 BLOCK 5 NORTH RANGE 3 WEST NEW WESTMINSTER DISTRICT PLAN EPP58440
030-904-684	LOT 2 SECTION 36 BLOCK 5 NORTH RANGE 3 WEST NEW WESTMINSTER DISTRICT PLAN EPP58440

3. Nature of Interest

Type	Number	Additional Information
MODIFICATION	CA7765768	

4. Terms

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

5. Transferor(s)

CITY OF SURREY

6. Transferee(s)

CITY OF SURREY
13450 104 AVENUE
SURREY BC V3T 1V8

7. Additional or Modified Terms



8. Execution(s)

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

Witnessing Officer Signature

Execution Date

Transferor / Transferee / Party Signature(s)

Shyal Prasad
Commissioner for Taking Affidavits
for British Columbia
 (as to the signature of the Deputy City
 Clerk)
 13450 104 Avenue
 Surrey BC V3T 1V8

YYYY-MM-DD

2023-07-31

CITY OF SURREY
 By their Authorized Signatory

Stephanie Nichols, Deputy City
Clerk

Expiry: 31/12/2025

Ron Gill, Director, Area Planning -
North Division

Officer Certification

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

Electronic Signature

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

Maureen Lynne St.
Cyr FL89QS
 Digitally signed by
Maureen Lynne St. Cyr
FL89QS
Date: 2023-08-30
11:36:46 -07:00

TERMS OF INSTRUMENT - Part 2

Modification of Covenant

BETWEEN:

CITY OF SURREY
13450 104 Avenue
Surrey, BC V3T 1V8

(the "Owner")

OF THE FIRST PART

AND:

CITY OF SURREY
13450 104 Avenue
Surrey, BC V3T 1V8

(the "City")

OF THE SECOND PART

WHEREAS:

A. The Owner is the registered owner in fee simple of those certain parcels or tracts of land and premises, situate, lying and being in the City of Surrey, in the Province of British Columbia, and being more particularly known and described as:

Parcel Identifier: 030-904-676

LOT 1 SECTION 36 BLOCK 5 NORTH RANGE 3 WEST NEW WESTMINSTER DISTRICT PLAN
EPP58440

Parcel Identifier: 030-904-684

LOT 2 SECTION 36 BLOCK 5 NORTH RANGE 3 WEST NEW WESTMINSTER DISTRICT PLAN
EPP58440

(the "Lands").

B. The City was granted a Covenant registered in the New Westminster Land Title Office on September 24, 2019, under registration number CA7765768 (the "Covenant Agreement") charging the Lands for the purpose of Tree Preservation.

C. The Owner and the City have agreed to amend the terms and conditions of the Covenant Agreement.

NOW THEREFORE in consideration of the sum of One (\$1.00) Dollar of lawful money of Canada and other good and valuable consideration now paid by the City to the Owner (the receipt and sufficiency whereof is hereby acknowledged by the Owner), the parties hereto hereby covenant, promise and agree with each other as follows:

1. Clause 1 shall be deleted and replaced with the following:

The Covenantor agrees that:

- (a) no excavation shall take place; and
- (b) no buildings or structures shall be erected or placed within those portions of the Lands containing a combined area of 43.5 square metres shown **non-hatched** on the Tree Protection Plan (the "Root Protection Area").

2. Clause 2 shall be deleted and replaced with the following:

The Covenantor agrees that excavation is permitted, but no buildings or structures, other than roof overhangs and cantilevered projections, which shall be permitted to extend a maximum of 0.6 metres into the hatched area, shall be erected or placed within those portions of the Lands containing a combined area of 30.5 square metres shown **hatched** on the Tree Protection Plan.

3. The Owner and the City hereby agree that the Covenant Agreement shall hereinafter be read and construed in conjunction with this Modification Agreement and be regarded as being amended only to the extent herein provided that all the terms, covenants, provisos, conditions and provisions of the Covenant Agreement, as amended hereby, shall continue to be in full force and effect and nothing herein contained shall operate or be construed to modify or otherwise affect the rights and obligations created by the Covenant Agreement as amended hereby.

4. This Modification Agreement shall ensure to the benefit of and be binding upon the respective successors and permitted assigns of the Owner and the City.