



## **CORPORATION OF THE CITY OF VERNON**

### **ADVISORY PLANNING COMMITTEE**

**MAY 24, 2023, AT 4:00 PM**

**OKANAGAN LAKE ROOM (COUNCIL CHAMBER) CITY HALL**

## **A G E N D A**

1) **CALL TO ORDER**

2) **LAND ACKNOWLEDGEMENT**

*As chair of the City of Vernon's Advisory Planning Committee (APC), and in the spirit of this gathering, I recognize the City of Vernon is located in the traditional territory of the Syilx people of the Okanagan Nation.*

3) **ADOPTION OF AGENDA**

4) **ADOPTION OF MINUTES**

a) May 9, 2023 (Attached)

5) **NEW BUSINESS**

- a) **APC Resolutions – Update**
- b) **DVP00613 (2803 27<sup>th</sup> Street)**

6) **INFORMATION ITEMS**

a) Staff Liaison to provide verbal update of APC related items discussed at the last Council meeting.

7) **NEXT MEETING**

The next meeting is tentatively scheduled for **June 13, 2023**.

8) **ADJOURNMENT**



THE CORPORATION OF THE CITY OF VERNON

**MINUTES OF THE  
ADVISORY PLANNING COMMITTEE MEETING  
HELD TUESDAY, MAY 9, 2023  
OKANAGAN LAKE ROOM (COUNCIL CHAMBER) CITY HALL**

**PRESENT:** Kyla Gaudreau  
Monique Hubbs-Michiel  
Craig Neville  
Scott Chatterton  
Mayor Cumming  
Jordan Hart  
Margo Lupien  
Jessica Kirkham  
Harpreet Nahal  
Claire Ishoy

**ABSENT:** Margo Jarman  
Kennedy Mund

**STAFF:** Jennifer Pounder, Committee Clerk  
Roy Nuriel, Acting Manager, Planning  
Michelle Austin, Current Planner  
Michael Olubiyi, Current Planner  
Danielle DeVries, Transportation Planner

**ORDER** The meeting was called to order at 4:00 p.m.

**LAND ACKNOWLEDGEMENT** *As Chair of the City of Vernon's Advisory Planning Committee, and in the spirit of this gathering, I recognize the City of Vernon is located in the traditional territory of the Syilx people of the Okanagan Nation.*

**ADOPTION OF THE AGENDA** Moved by **S. Chatterton**, seconded by **C. Neville**:

THAT the agenda of the May 9, 2023 meeting for Advisory Planning Committee be adopted:

**CARRIED**

*H. Nahal joined the meeting at 4:03 p.m.*

**ADOPTION OF THE MINUTES**

Moved by **S. Chatterton**, seconded by **M. Lupien**:

THAT the minutes for the April 25, 2023 meeting of Advisory Planning Committee be adopted.

**CARRIED**

**NEW BUSINESS:****ZON00377 (7616 OKANAGAN LANDING ROAD)**

**Michael Olubiyi, Current Planner**, provided an overview of the application as follows:

- The application before the Committee is to rezone the property from R5: Four-plex Housing Residential to RH1: Low-Rise Apartment Residential in order to construct a 56-unit building.
- The subject site is part of a broader four lot, 1.56ha (3.8ac) land assembly. The lots have been consolidated and subsequently subdivided into two separate lots.
- Construction of a 29-unit townhome development is underway for Lot 2 towards the south property boundary.
- The land is designated as Residential Medium Density (RMD) within the Official Community Plan. The proposed rezoning to RH1 complies with the RMD designation.
- The proposed multi-family development would contribute to the city's supply of dwelling units and maximize the use of existing infrastructure within neighbourhood districts and promote infill development as a sustainable land use strategy.

The following questions / comments were posed by the Committee:

- Staff confirmed that any retaining wall or parking recommendations will be addressed during the development phase.
- The Committee inquired as to the future plans for this area. Staff confirmed this property is near the waterfront neighbourhood center and this area is designated to be a city center. Additionally, there are a number of lots along

Okanagan Landing Road that are zoned for commercial use for future development.

- Staff confirmed the requirement for stories has recently been removed from all Bylaws in residential zones.
- The Committee commented that because this property is located between two low density lots, a public hearing is recommended.
- Staff confirmed that the Official Community Plan (OCP) is being updated. Current land-use designations will be reviewed, keeping in mind the current affordable housing challenges and sustainable land use.
- Staff confirmed the easement on the east side of the lot is being required to use as a pedestrian path to connect Okanagan Landing Road and Klinger Road.

Moved by **S. Chatterton**, seconded by **C. Neville**:

THAT the Advisory Planning Committee recommends that Council support rezoning application 00377 (ZON00377) to rezone Lot 1, Block Plan EPP123530, Sec 19, Twp 9, ODYD from R5: Four-plex Housing Residential to RH1: Low-Rise Apartment Residential as outlined in the report titled "Rezoning Application for 7616 Okanagan Landing Road" dated May 4, 2023 and respectfully submitted by the Current Planner;

AND FURTHER, that the Advisory Planning Committee recommends that Council's support of ZON00377 be subject to the following:

That prior to final adoption of the zoning amendment bylaw, the Development Permit be ready for issuance and that any required variance for the proposed development be evaluated by Council and approved if appropriate;

AND FURTHER, that the Advisory Planning Committee recommends that Council hold a public hearing, pursuant to 464(2) of *the Local Government Act*, on a proposed bylaw to rezone Lot 1, Block Plan EPP123530, Sec 19, Twp 9, ODYD (7616 Okanagan Landing Road) from R5: Four-plex Housing Residential to RH1: Low-Rise Apartment Residential.

**CARRIED**



**INFORMATION ITEMS:**

M. Austin provided an update of recent Council decisions on bylaws and applications previously considered by the Advisory Planning Committee.

**NEXT MEETING**

The next meeting for the Advisory Planning Committee is set for May 24, 2023 at 4:00 p.m.

**ADJOURNMENT**

The meeting of the Advisory Planning Committee adjourned at 4:38 p.m. by call of the Chair.

**CERTIFIED CORRECT:**

\_\_\_\_\_ Chair



# THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

**SUBMITTED BY:** Roy Nuriel, Planning

**COUNCIL MEETING:** REG  COW  I/C

**COUNCIL MEETING DATE:** June 26, 2023

**REPORT DATE:** May 16, 2023

**FILE:** 3090-20 (DVP00613)

**SUBJECT:** DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 2803 27<sup>TH</sup> STREET

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## **PURPOSE:**

To review Development Variance Permit application 00613 (DVP00613) to vary parking and loading requirements of Zoning Bylaw 5000 to allow the operation of a family medicine practice located at 2803 27<sup>th</sup> Street.

## **RECOMMENDATION:**

THAT Council support Development Variance Permit application 00613 (DVP00613) to vary Zoning Bylaw 5000 to allow for a family medicine practice to be operated on BLK 20, PL 327, SEC 34, TWP 9, ODYD, PARCEL C, SEE KW167609 (LOTS 37 & 38) (2803 27<sup>th</sup> Street) as outlined in the report titled "Development Variance Permit Application for 2803 27<sup>th</sup> Street" dated May 16, 2023 and respectfully submitted by the Acting General Manager, Planning, as follows:

- a) to vary the minimum number of required off-street parking spaces from 7 spaces to 5 spaces (Section 7, Table 7.1); and
- b) to vary the minimum number of required on-site loading spaces from 1 to 0 (Section 7, Table 7.2).

AND FURTHER, that Council's support of DVP00613 is subject to the following:

- a) that the owner discharge Restrictive Covenant KW177176 (2803 – 27<sup>th</sup> Street); and
- b) that the owner registers a Section 219 Restrictive Covenant on the title of 2803 – 27<sup>th</sup> Street to prohibit food primary establishments, liquor primary establishments, licensee retail stores, food preparation and beverage, food and liquor sales uses on the subject property.

## **ALTERNATIVES & IMPLICATIONS:**

1. THAT Council not support Development Variance Permit application 00613 (DVP00613) to vary Zoning Bylaw 5000 to allow for a family medicine practice to be operated on BLK 20, PL 327, SEC 34, TWP 9, ODYD, PARCEL C, SEE KW167609 (LOTS 37 & 38) (2803 27<sup>th</sup> Street) as outlined in the report titled "Development Variance Permit Application for 2803 27<sup>th</sup> Street" dated May 16, 2023 and respectfully submitted by the Acting General Manager, Planning.

*Note: This alternative does not support the development variance permit application and would require the applicant/owner to develop the site in compliance with Zoning Bylaw 5000.*

**ANALYSIS:**

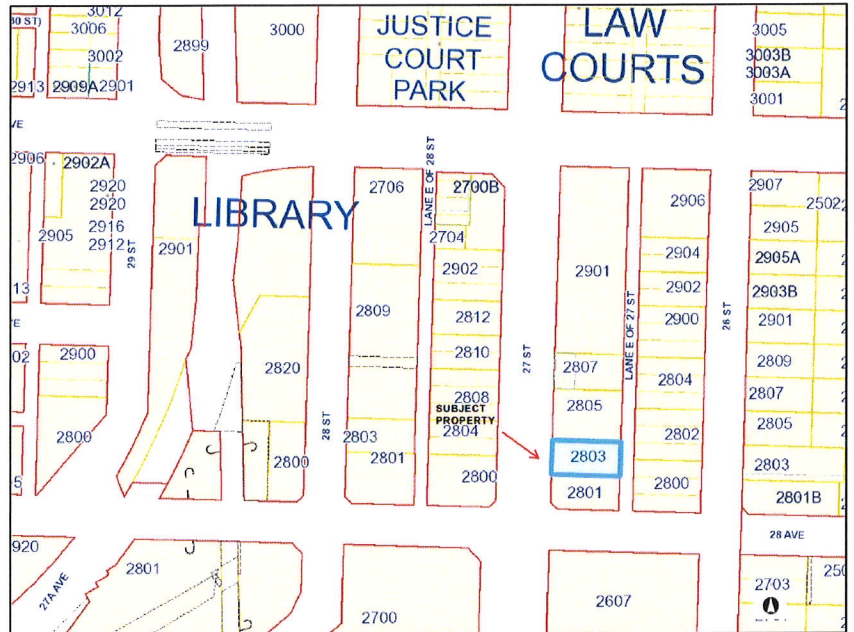
**A. Committee Recommendations:**

At its meeting of May 24, 2023, the Advisory Planning Committee passed the following resolution:

*“THAT the Advisory Planning Committee recommends that Council...”*

**B. Rationale:**

1. The subject property at 2803 – 27<sup>th</sup> Street, as shown in Figures 1 and 2, is located in the East Hill neighbourhood and is 0.044 hectare (0.11 ac) in area. The subject property has an existing two stories mixed use building with commercial space on the main floor and a residential suite on the upper floor (Figure 3). The vehicular access to the subject property and the on-site parking spaces is at the rear of the property via the existing laneway.
2. The property is designated ‘Mixed Use – Medium Density Commercial and Residential’ in the Official Community Plan (OCP) and is zoned ‘C4 – Street-Oriented Commercial’ in Zoning Bylaw 5000. The City Centre Neighbourhood Plan (CCNP) designates the site within the 27<sup>th</sup> Street Corridor Character Area (Attachment 1).
3. The applicant is seeking to vary the following sections of Zoning Bylaw 5000 in order to change the use of the existing building into a family medicine practice:
  - a) to vary the minimum number of required off-street parking spaces from 7 spaces to 5 spaces (Section 7, Table 7.1); and
  - b) to vary the minimum number of required on-site loading spaces from 1 to 0 (Section 7, Table 7.1).



**Figure 1 - Property Location Map**



**Figure 2 – Aerial Photo of the Property**



4. The proposed parking variance is to reduce the required parking from 7 to 5 (Attachment 2). The size of the lot and the building sitting limit the ability to provide parking on-site to meet bylaw requirements. The proposed application is to convert the existing 140m<sup>2</sup> (1,500ft<sup>2</sup>), two stories commercial and residential building into a family medicine practice, with the main floor approximately 93m<sup>2</sup> (1,000ft<sup>2</sup>) in area and the upper floor approximately 47m<sup>2</sup> (500ft<sup>2</sup>) in area. The parking requirement in Zoning Bylaw 5000 for the “health services” use is five parking spaces per 100m<sup>2</sup>. As such, the required parking is a total of 7 spaces for the clinic (about five spaces for the first floor and two spaces for the upper floor). As in the applicant’s letter (Attachment 3), the upper floor of the building would only be used by the clinic staff. This floor would include a staff kitchen and lunch area, a washroom with a shower, and a storage area. Leaving the upper floor area out of the parking calculation would result in the actively used main floor area requiring five parking spaces.



**Figure 3 – Photo of the Property at 2803 – 27<sup>th</sup> Street**

The site is centrally located, near transit service (several bus stops within 500 metres), and on-site bicycle parking, as well, end-of-trip facilities for staff (i.e. change facilities and showers) are being provided. The patient used space is the main floor only, as the upper floor is dedicated to staff. Also, as described in their letter (Attachment 3), the demand for parking is expected to be lower due to more medical services being accessed through virtual care. Based on these considerations, the parking reduction is supportable by Administration.

5. Zoning Bylaw 5000 requires one loading space for “health services”. The applicant seeks to vary this requirement since the site does not have sufficient space to add a loading space. The intent of loading spaces in the Zoning Bylaw is to allow for deliveries by large truck and trailer style vehicles that are over 6.0m (20ft). Given the scale of this medical office (single practitioner, primarily online services), it is unlikely that large deliveries will be required. Further, with online purchasing, the frequency and scale of deliveries are changing. It is becoming more common to receive single boxes at a time from a smaller vehicle like a box van that would fit in a standard sized parking space (2.5m by 6.0m). Administration supports this request due location of the property and the scale of the proposed operations.
6. In 2004, the subject property at 2803 – 27<sup>th</sup> Street was rezoned from ‘R1 – Estate Lot Residential’ to ‘C4 - Street-Oriented Commercial’ to convert the single family home for a professional office with a residential unit above. At that time, the property had a large garage building at the rear, which limited the number of available parking spaces on the site. As a condition of the rezoning, the owner was required to register a Section 219 Restrictive Covenant (KW177176) (Attachment 4) to restrict the use of the building to an office with one residential dwelling, and to prohibit other uses in the C4 zone that require more than four parking spaces. In 2017 the enclosed garage was demolished to allow for additional parking space. As such, this covenant is irrelevant and should be discharged to allow for a family medicine practice on the subject property.
7. The subject property is located along the east side of 27<sup>th</sup> Street and is adjacent to the lower East Hill residential area. In the past, as a condition of approval development along the east side of 27<sup>th</sup> Street, between 28<sup>th</sup> Avenue and 42<sup>nd</sup> Avenue, a covenant has been required to be registered on the property title to prohibit uses that may conflict with the quality of life for the adjacent and nearby residences. It is recommended that as a condition of rezoning approval, a covenant be registered to prohibit the



development of food primary establishments, liquor primary establishments, licensee retail stores, food preparation and beverage, and food and liquor sales uses on the subject property.

8. Administration supports the requested variance for the following reasons:

- a) The variance requested is for a property with an existing building that is being retrofitted. The rear of the property has been maximized for parking off the laneway, but it cannot fit more than five parking spaces. The site is in close proximity to alternative transportation options (active transportation, transit).
- b) Given the scale of this medical office (single practitioner, primarily online services), it is unlikely that large deliveries will be required.
- c) Support of the proposed variance facilitates the redevelopment of commercial land to facilitate a medical office, a service currently lacking in the community.
- d) As a condition of Council's approval, Administration is recommending that issuance of the Development Variance Permit be withheld until the discharge of Restrictive Covenant KW177176 on the title of 2803 – 27<sup>th</sup> Street, which restricts the use of the building to an office with one residential dwelling and prohibits other uses in C4 zone that require more than four parking spaces. Also, as the property is adjacent to the lower East Hill residential area, it is recommended that the owner registers a Restrictive Covenant to prohibit food, liquor and retail establishments on the subject property.

**C. Attachments:**

Attachment 1 – City Centre Neighbourhood Plan – 27<sup>th</sup> Street Corridor Character Area  
Attachment 2 – Proposed On-Site Parking  
Attachment 3 – Applicant's Rationale Letter  
Attachment 4 – Restrictive Covenant KW177176

**D. Council's Strategic Plan 2019 – 2022 Goals/Action Items:**

The subject application involves the following goals/action items in Council's Strategic Plan 2019 – 2022:

- Work towards a sustainable Vernon – environmentally, economically and socially

**E. Relevant Policy/Bylaws/Resolutions:**

1. The subject property is designated Mixed Use – Medium Density Commercial and Residential in the Official Community Plan and located within the 27<sup>th</sup> Street Corridor Character Area in the City Centre Neighbourhood Plan.
2. The property is zoned C4 – Street-Oriented Commercial in Zoning Bylaw 5000.
3. The Local Government Act provides Council with the authority to vary local bylaws based on site specific considerations. The granting of such variances does not set a precedent within the community for future variances to be based upon, as each variance application must be evaluated on its own merit and potential implications to the whole community and the specific neighbourhood.

**BUDGET/RESOURCE IMPLICATIONS:**

N/A

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Prepared by:

Approved for submission to Council:

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Roy Nuriel  
Acting General Manager, Planning

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Patti Bridal, CAO

Date: \_\_\_\_\_

**REVIEWED WITH**

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Corporate Services                    | <input type="checkbox"/> Operations           | <input type="checkbox"/> Current Planning                     |
| <input type="checkbox"/> Bylaw Compliance                      | <input type="checkbox"/> Public Works/Airport | <input type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate                           | <input type="checkbox"/> Facilities           | <input type="checkbox"/> Building & Licensing                 |
| <input type="checkbox"/> RCMP                                  | <input type="checkbox"/> Utilities            | <input type="checkbox"/> Engineering Development Services     |
| <input type="checkbox"/> Fire & Rescue Services                | <input type="checkbox"/> Recreation Services  | <input type="checkbox"/> Infrastructure Management            |
| <input type="checkbox"/> Human Resources                       | <input type="checkbox"/> Parks                | <input checked="" type="checkbox"/> Transportation            |
| <input type="checkbox"/> Financial Services                    |   | <input type="checkbox"/> Economic Development & Tourism       |
| <input checked="" type="checkbox"/> COMMITTEE: APC (May 24/23) |   |   |
| <input type="checkbox"/> OTHER:                                |   |   |

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27th St Corridor



64. Continue phased construction of the Polson Greenway, including the connection between 30 and 29 Street, to establish the street as a signature movement corridor.

**27<sup>th</sup> Street Corridor**

**Development Intent**

This area is located along the edge of the City Centre neighbourhood and includes a portion of the Historic East Hill Neighbourhood south of 35<sup>th</sup> Avenue and east of 27<sup>th</sup> Street.

The 27<sup>th</sup> Street Corridor is a linear gateway into the City Centre. This corridor links the east Vernon neighbourhoods to the City Centre and provides the main gateway link from Highway 6 to the east side of the city. Commercial development will include a mixture of



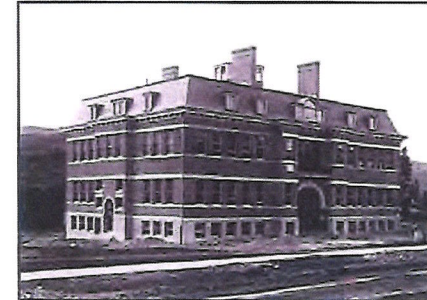
Former homes converted into commercial uses.

professional offices, retail and commercial establishments, but will be compatible with adjacent residential areas and improve the relationship between vehicles and pedestrians. Streetscape enhancement will occur as buildings will be closer to the street and surface parking is located behind buildings.

The street has a few remaining residential pockets and the commercial conversions have conserved or complemented the low rise heritage character of the corridor.

**Redevelopment Policies**

- 68. All development in this area will be low to mid rise and retain the pitched roof character already established in the area on the east side on 27<sup>th</sup> Street.
- 69. Support conversions and infill developments that respect the



Historical photo of Beairsto Elementary School. architectural and historic character of the area.

- 70. Encourage development and redevelopment of underused commercial sites to create a pedestrian focused commercial and service oriented environment.
- 71. Improve and strengthen connectivity across 27<sup>th</sup> Street to ensure linkages within the City Centre as well as to adjacent neighbourhoods.
- 72. Signage design should respect the residential context of the adjacent lower East Hill residential neighbourhood.
- 73. Trees should be planted along 27<sup>th</sup> to separate travel lanes from pedestrian facilities and enhance the attractiveness of the area.

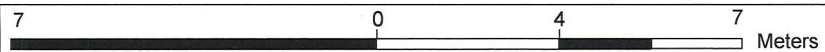


## General Policies

The following policies affect all areas within the Plan.

74. Explore Density Bonusing and Phased Development Agreements, when appropriate, to offer development incentives to gain community amenities.
75. New development should contribute to the construction or provision of public amenities.
76. Explore incentives for brownfield redevelopment.
77. Explore a revitalization tax exemption bylaw to encourage façade improvements, redevelopment and new development.
78. Support the creation of a central Tourist Information Centre and Public Market.
79. Review parking standards and minimum parking requirements in the downtown area.
80. Explore options for reducing off site development costs in the City Centre to encourage development and redevelopment.
81. Limit frontage to 30 metres for retail development to discourage the impact of big box development.
82. Prohibit drive through uses, except for Lots 1-4, Block 32, at 3600 – 3606 27<sup>th</sup> Street. *(Bylaw 5589, July 11, 2016)*
83. Chainlink fencing is not permitted in the City Centre.
84. Encourage onsite stormwater treatment and rainwater capture for landscape and garden irrigation in new construction and wherever possible.
85. Encourage green building standards to promote sustainable and efficient operation of buildings and living spaces.
86. Incorporate passive heating, cooling and lighting in new construction wherever feasible.
87. Bike parking and transit bus pullouts shall be provided in developments where appropriate.
88. Development should evaluate and provide space for transit facilities such as bus stops if necessary.
89. Support efforts that promote active living for all residents.
90. Encourage the development of garden space on rooftops for residents or employees.
91. Encourage a mixture of housing sizes, forms and tenures in the design of new multi-family and mixed-use development to accommodate households of all sizes, ages and income levels.
92. 20% of all housing units in multi-family developments are encouraged to be attainable units as defined in Vernon's Attainable Housing Strategy.
93. Encourage the use of Universal Design in new construction and public spaces to increase accessibility.
94. Units designed for seniors and supportive housing should be designed to permit future flexibility in floor plans.
95. Continue to support the Affordable Housing Committee and implementation of the Attainable Housing Strategy.
96. Explore opportunities to strengthen and promote youth engagement in the City Centre.
97. Conduct a business retention and expansion study specific to the City Centre area.







Development Proposal

The planned development for 2803 27<sup>th</sup> St. is to convert the building into a Family Medicine Practice. The main floor would function as the medical clinic and the upper level will be used as a staff lunch room and storage. The main floor is approximately 1000sqft and the upper level is 500sqft. Currently the bylaw specifies that a building for medical purposes should have 7 parking stalls for 1500sqft. The parking variance being proposed is requesting that the building be able to operate with the current parking available on site which is only 5 stalls. The reasoning for such a proposal is listed below:

1. The medical practice is located in a central area of Vernon with access to ample city parking.
2. The medical practice has access to several bus stops nearby.
3. Public parking is available on adjacent streets.
4. The functional space of the clinic will be no more than 1000sqft.
5. The upper level will not be used to see patients, rather it will be restricted to the enjoyment of the staff.
6. Bike parking will be provided for patients and staff. Staff will have access to facilities on the upper level through a private entrance with showers available on site.
7. Due to the changing landscape of health care, more and more services are being accessed through virtual care. Virtual care now encompasses between 25-75% of all general practice visits. Meaning, on avg, 50% of patients will not need access to parking.

Thank you for your consideration of this Development Variance Permit.

Sincerely,

Chris Kuusselka

TERMS OF INSTRUMENT - Part 2

THIS INDENTURE MADE the \_\_\_\_ day of \_\_\_\_\_, 2004.

BETWEEN:

**PAUL WESTWELL**, Chartered Accountant, and  
**GLORY CECILIA WESTWELL**, Office Manager,  
Both of 2803 – 27<sup>th</sup> Street, Vernon, B. C. V1T 4W3

(hereinafter called the "Covenantor")

OF THE FIRST PART

AND:

**THE CORPORATION OF THE CITY OF VERNON**  
3400 - 30<sup>th</sup> Street, Vernon, British Columbia, V1T 5E6

(hereinafter called the "Covenantee")

OF THE SECOND PART

WHEREAS:

- A. The Covenantor is the Transferor described in Section 5 of the Land Title Act Form C – General Document attached hereto and forming page 1 of this document (herein called “Form C”). The Covenantee is the Transferee described in Section 6 of the Form C.
- B. The Covenantor is the registered owner of the land described in Section 2 of the Form C (herein called the “Lands”).
- C. The Covenantee has requested that the Covenantor, enter into this Covenant with the Covenantee with respect to the request of the Covenantor to rezone the Lands from R1 – Estate Lot Residential to C4 Street – Oriented Commercial to allow for a residential unit above the ground floor of the building and a professional office within the building in accordance with Zoning Bylaw #500.

k\real\k\m\25511-001 Westwell\Covenant

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the sum of ONE (\$1.00) DOLLAR now paid by the Covenantee to the Covenantor, receipt whereof is hereby acknowledged, and other good and valuable consideration, the Covenantor covenants and agrees with the Covenantee pursuant to Section 219 of the Land Title Act as follows:

1. Notwithstanding that the Lands are zoned C4 – Street-Oriented Commercial no uses will be permitted in said Zone except:

- (a) a professional office within the building; or
- (b) a residential dwelling unit above the ground floor; or
- (c) any other use permitted in C4 Zone, provided such use requires four (4) or less off-street parking spaces as provided for in the Zoning Bylaw of the Covenantee.

2. The restrictions and covenants herein contained shall be covenants running with the Lands and shall be registered in the Land Title Office in Kamloops pursuant to Section 219 of the Land Title Act as covenants in favour of the Covenantee, in perpetuity, or until such time as the covenants herein contained shall be ordered released and discharged by a court of competent jurisdiction, or until the Covenantee shall execute in writing and in registerable form a release and discharge of the covenants herein contained.

3. Wherever the masculine singular pronoun is used in this Agreement, the same shall be deemed to include the plural, feminine or body corporate as the context may require, and where the Covenantor is more than one person or corporation, all such persons and corporations shall be jointly and severally liable in respect of the Covenantors covenants and obligations herein contained. Provided however that no person or corporation shall be liable for a breach of the covenants and obligations herein contained occurring after he has ceased to be an owner of the Lands.

4. The Covenantor acknowledges and agrees that damages are not an adequate remedy for breach of the covenants herein contained and further that the Covenantee, in the event of any such breach, shall be entitled at its option to apply to a court of competent jurisdiction for an order restraining and prohibiting the continuance of any such breach and shall be entitled to receive the order sought.

5. This Agreement shall enure to the benefit of the Covenantee and be binding upon the Covenantor, its heirs, executors, successors and assigns.

This is the instrument creating the condition of covenant entered into under Section 219 of the Land Title Act by the Registered owner referred to herein and shown on the print of the plan annexed hereto and initialed by me.



\_\_\_\_\_  
Approving Officer for the City of Vernon

END OF DOCUMENT