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## NO INCURSIONS INTO THE SUBDIVISION AND NO EXCEPTIONS!

THEREFORE, KINDLY ACCEPT THIS FORM AS MY RESPONSE TO THE PLANNING PROPOSAL.

Name	Address	Signature	
viacque l'nc Partins	onx 8931 Failell	Place X Richmond	
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Name	Address	Signature
- Alex Crampton	x 8211 Fairdell crescent	AC.
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x Nick Crampton		NN Comp

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Name	Address	Signature
· Patrick Kwong	x 8140 Dalemore Rd. x	1 Cin Confe
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Name	Address	Signature
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Name	Address	Signature
- Sichham McThuenna	· 8911 Fairman Rd	x Skillnennou
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Name	Address	Signature
x Gavin Sunners x x Fam Simmur	8640 FAIRFAX CRES. X	Jan June
Pam Simmus	8040 For Fay Cres	Hill
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Name	Address	Signature
LORRIE PELIE	UN 322 dNAX 2 mare PL	x filtregum
- WILLIAM MAND	1 F/ 322 WARGRORE LAKE	X/ Olling
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Name Address Signa	ture
x Elizabeth Frantier x 3211 Wardmore Place x Elizable	Sasta
V. Ole Franker. x 3211 Wardmare Placex	,
xKristian Frantzer x3211 Wordmore Place x Starte	
x Kari Frantier x321 Wardmore Place x Lasi Stan	ty.

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Name	Address	Signature
Rob Houston	X 8440 SEAFAIR TR.	Tol loutet
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When any property is listed for sale at the Greater Vancouver Real Estate Board, the Board orders a title search, every time, from the NW Land Titles office. So do the lawyers or notary publics.

These title searches contain notations about rights-of-ways and restrictive covenants.

It is my understanding that this application is the third try by the owner of the five derelict properties on Youngmore, to change the current zoning. The last two applications were unsuccessful because of the "wrap-around" restrictive covenant covering all 19 properties on Youngmore and the south block of Kelmore. The owner has evidently purchased 14 of the 19 restrictive covenants (5 remain intact as 5 owners oppose rezoning), in an effort to overcome the obstacle of the restrictive covenants.

So what has changed?

Real estate agents and lawyers and notary publics are expected to provide their clients with accurate information on these items. If the restrictive covenants are truly of no importance as Ms. Cynthia Lockrey, city hall spokesperson, states in the January 29, 2008 edition of the Richmond News, then please let her advise the British Columbia Real Estate Association so all 17,500 real estate agents can be assured that they are and have been wasting their time and money securing such items for all real estate transactions!

#### What is a Restrictive Covenant?

Covenant: A written document in which signatories either commit themselves to do a certain thing, to not do a certain thing or in which they agree on a certain set of facts.

Originally, and still today, the term refers to a limitation imposed on real property <a href="http://www.duhaime.org/LegalDictionary/R/Realproperty.aspx">http://www.duhaime.org/LegalDictionary/R/Realproperty.aspx</a>.

In real property law, a restrictive covenant runs with the land and would be registered against title such that a new owner would have to take the land with the restrictive covenants, subject to a Court striking the restrictive covenant upon application of the landowner.

It is said that the common law does not recognize or enforce restrictive covenants. This is one reason why condominium law was introduced in Canada, to allow land owners some means of privately controlling land use and promoting a "life style."

But restrictive or negative covenants can be enforced under equity. Thus, an 1888 case called Tulk v. Moxhay set down a series of rules that must be met if the restrictive covenant is to be enforced.

- The covenant must be known by the purchaser before purchase.
- The covenant must have been made for the protection of the land at the time the covenant was \*
- The land must be ascertained or ascertainable from the document.
- It must be intended that the burden was to run with the covenantor's land.
- The covenant must be negative in substance.
- The covenant is subject to the general limitations of equity the most important being that it shall not be imposed on a bone fide purchaser without notice.

The means or ending covenants differs from province to province. In British Columbia, the Property Law Act provides a concise list of reasons:

- a. if the covenant has become obsolete by reasons of change in the character of the land;
- b. the reasonable use of the land will be impeded, without practical benefit to others, if the covenant is not canceled;
- c. the covenantee(s) have agreed, expressly or impliedly, to terminate the covenant;
- d. cancellation will not injure the covenantee; or
- e. the covenant is invalid, expired or unenforceable and should be cancelled.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

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Name	Address	Signature
Do B Booth Finley	8491 Sea Parr Drive x	Julian
x Pr. B. Brett Finley X- X. P. T. June C. Finley X	8491 Scafair Prive X	Jane Julay
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X JAMES K. HOGUES	X SSYC FARWAY ROKIND X	Than Buyles		
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Name	Address	Signature
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Name	Address	Signature
_	X 8 100 FAIRBROOK CRX	mous
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Name	Address	Signature
WE I wome!	Wellow 8731 Fairdell Place	Jaky vane Wellman
Ruger F. Will	Vellam 8731 Fairdel Place Iman x 8731 Fairdel Place x	R. F. Willman
X	XXX	
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Name	Address	Signature
Cai Mentersh	SS91 TEAMER KEAD	X M. M. J. Ash
- MOTOTOCH	2501 FRANCIS KOAP	v Din Silve
x Killi Metalosh	x259 Famus Rd	-x /huTWF
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Name	Address	Signature
x Jonet M. Chandler	x 3860 <u>Pacemore Ave. RMD</u> x 3860 Pacemore Ave. RMD	x Milariles
x- Mortin H. Chandles Scences & Chandles	-x-3860 Pacemore Ave RMD -x-3860 Pacemore Ave RMD	X Jung Can
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Name	Address	Signature
JANET L. MEER	X 8400 MIRBRIOK CRES	v and L'Mack
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Name	Address	Signature
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Name	Address	Signature	
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