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July 8, 2010

Via Email: alison.higginson@vancouver.ca

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Matter No.: 1116182

Ms. Alison Higginson
Rezoning Planner
Current Planning
City of Vancouver
Vancouver, BC, V5Z 1K9

Dear Sirs/Mesdames:

Re: **Charge Summary**

Children's & Women's Health Centre of British Columbia Branch ("C&W")

Redevelopment of 4500 Oak Street, Vancouver, B.C. (Parcel Identifier: 009-471-278, Block 1009, Except those portions in Plans 12393, 12719 and Reference Plan 14318, District Lot 526, Group 1, New Westminster District, Plan 10359 (the "Property"))

We are solicitors for C&W in connection with the above matter and, as such, provide the following summary with respect to the legal notations and charges currently registered in the New Westminster/Vancouver Land Title Office (the "LTO") in respect of the Property:

1. Legal Notations: The following legal notations are currently registered in the LTO in respect of the Property:
 - (a) Notice of Interest, *Builders Lien Act* (S. 3(2)), See BP9648. The effect of this Notice of Interest is to protect the then registered owner of the Property (being Her Majesty the Queen in Right of the Province of British Columbia) from liability pursuant to any claim of builders lien which may be registered in

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ALEXANDER, HOLBURN, BEAUDIN & LANG

Page 2

respect of the Property for work not undertaken at the express request of the registered owner.

- (b) Notice of Interest, *Builders Lien Act* (S. 3(2)), See BP9649. The effect of this Notice of Interest is to protect Children's & Women's Health Centre of British Columbia, the then registered owner of a leasehold interest in the Property, from liability pursuant to any claim of builders lien which may be registered in respect of the Property for work not undertaken at the express request of the registered owner of such interest.
 - (c) Subject to Provisos, See Crown Grant BW206784. The effect of this notation is to reserve to Her Majesty the Queen in Right of the Province of British Columbia the "interests, rights, privileges and titles referred to in section 50 of the *Land Act*". Briefly stated, these encompass rights to certain surface and undersurface mineral and other resources, certain water rights and the right to retake a portion of the crown-granted land for purposes of roadways or other public works. The Crown grant referenced in this notation is also expressed to be subject to any existing licenses issued under the *Water Act* and to any existing rights granted under the *Mineral Tenure Act*, *Coal Act* or *Petroleum and Natural Gas Act*.
 - (d) For Restrictions on Dealings, See *Hospital Act*, See BW230944. This provides that the Property is subject to Section 48 and/or Section 50 of the *Hospital Act*. Section 48(1)(a) is the operative provision and requires the consent of the Minister of Health to (i) any structural alteration of a hospital building, (ii) any increase or decrease in the space available to house patients, (iii) any increase or decrease in the number of patient beds, and (iv) the use for any other purpose of space designed to house patients. Section 48(1)(c) requires the consent of the Minister of Health to any transfer of hospital land, buildings or equipment (or any portion thereof) and provides for a portion determined by the Minister of Health of any consideration paid by the transferee to be set aside for repayment of any financial assistance provided to the hospital. Section 48(1)(d) requires that if hospital land, buildings or equipment cease to be used for hospital purposes, a sum determined by the Minister of Health must be set aside for repayment of any financial assistance provided to the hospital.
 - (e) *Personal Property Security Act* Notice, See BG337453, Expires September 17, 1998. This is notice of the granting of a security interest by Granada Hospital Services Limited in favour of Barclays Canada Leasing Corporation with respect to television receivers and wall-attachment arms affixed to the Property. By its terms, this notation has expired and its registration may be cancelled on application to the LTO.
2. Charges, Liens and Encumbrances: The following charges are currently registered in the LTO against title to the Property:

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- (a) Easement and Indemnity Agreement 88141M in favour of City of Vancouver. This gives the owner of the Property the right to construct two commercial crossings across an adjacent sidewalk and boulevard.
- (b) Right of Way 129308M in favour of City of Vancouver. This gives the City a right of way to install works for the distribution of "water, sewage, gas, heat, electricity and telephone communications" over what is referenced on title as the south 66 feet of the Property.
- (c) Right of Way E21791 in favour of City of Vancouver. This gives the City the right to install, maintain and operate on the portion of the Property shown on Plan 13283 water mains, sewers, pipes, cables and other equipment and apparatus for purposes of the supply of water, sewer, electricity, gas and telephone services or any other utility. Sections 1 and 4 of this encumbrance require that no structure be constructed on the right of way area other than boundary fences, roadways and landscaping features. Section 5 says that the "said lands shall be used for the purposes hereinbefore mentioned and for no other purpose". Technically, the "said lands" means in this context the Property generally and not just the right of way area. As the only purposes specifically mentioned in this encumbrance are the anticipated uses of the right of way area for utility, fencing, landscaping and road purposes, any other use of the Property could theoretically be construed as being in breach of this restriction although clearly this would not have been the intent.
- (d) Statutory Right of Way J69165 in favour of City of Vancouver. This gives the City the right to install, maintain and operate on the portion of the Property shown on Plan 15748 water mains, sewers, pipes, cables and other equipment and apparatus for purposes of the supply of water, sewer, electricity, gas and telephone services or any other utility. This encumbrance is similar in form to Right of Way E21791 and the comments made in paragraph 2(c) above with respect to that encumbrance apply to this encumbrance as well.
- (e) Undersurface and other Exc & Res BW206785. This is the registration by way of an encumbrance of the exceptions and reservations contained in the Crown Grant referred to in paragraph 1(c) above.
- (f) Statutory Right of Way BB617900 in favour of the GVWD. This gives the GVWD the right to install, maintain and operate on the portion of the Property shown on Plan BCP34093 a variety of works for the provision of water services. Section 3 prohibits construction within the right of way area without the consent of the GVWD.

The foregoing summarizes the effect of the documents in question but is not an exhaustive or comprehensive restatement of all of the relevant provisions thereof. We enclose for your further reference in this regard a copy of the title search print on which our comments above are based.

If you have any questions regarding the above or would like to discuss the implications of any of the registered legal notations or encumbrances, please do not hesitate to contact us.

Yours truly,

ALEXANDER HOLBURN BEAUDIN & LANG LLP

Per: 

F. Stuart Lang

FSL/bl
Enclosures

cc. Ron Yuen - ron.yuen@dysarchitecture.com

cc. Leon Bresler - leon.bresler@phsa.ca

Date: 24-Jun-2010 TITLE SEARCH PRINT Time: 14:12:26
Requestor: (PB85361) ALEXANDER HOLBURN BEAUDIN AND LANG L Page 001 of 002
Folio: 1047428-FSL TITLE - BW206784

VANCOUVER LAND TITLE OFFICE TITLE NO: BW206784
FROM TITLE NO: C40099
CROWN GRANT 8202/1353

APPLICATION FOR REGISTRATION RECEIVED ON: 14 MAY, 2004
ENTERED: 21 MAY, 2004

REGISTERED OWNER IN FEE SIMPLE:
CHILDREN'S & WOMEN'S HEALTH CENTRE OF BRITISH COLUMBIA BRANCH, INC.NO. 44078S
4500 OAK STREET
VANCOUVER, BC
V6H 3N1

TAXATION AUTHORITY:
CITY OF VANCOUVER

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 009-471-278
BLOCK 1009, EXCEPT THOSE PORTIONS IN PLANS 12393, 12719 AND
REFERENCE PLAN 14318, DISTRICT LOT 526 GROUP 1 NEW WESTMINSTER DISTRICT
PLAN 10359

LEGAL NOTATIONS:

NOTICE OF INTEREST, BUILDERS LIEN ACT (S.3(2)), SEE BP9648
FILED 2000-01-17

NOTICE OF INTEREST, BUILDERS LIEN ACT (S.3(2)), SEE BP9649
FILED 2000-01-17

SUBJECT TO PROVISOS, SEE CROWN GRANT BW206784

FOR RESTRICTIONS ON DEALINGS, SEE HOSPITAL ACT, SEE BW230944

PERSONAL PROPERTY SECURITY ACT NOTICE, SEE DF BG337453
EXPIRES: SEPTEMBER 17, 1998

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE
CHARGE NUMBER DATE TIME

EASEMENT AND INDEMNITY AGREEMENT
88141M 1948-01-27 10:00
REGISTERED OWNER OF CHARGE:
CITY OF VANCOUVER
88141M

RIGHT OF WAY
129308M 1950-09-18 14:44
REGISTERED OWNER OF CHARGE:
CITY OF VANCOUVER
129308M
REMARKS: OVER THE SOUTH 66 FEET

RIGHT OF WAY

Date: 24-Jun-2010 TITLE SEARCH PRINT Time: 14:12:26
Requestor: (PB85361) ALEXANDER HOLBURN BEAUDIN AND LANG L Page 002 of 002
Folio: 1047428-FSL TITLE - BW206784

E21791 1977-04-01 14:14
REGISTERED OWNER OF CHARGE:
CITY OF VANCOUVER
E21791
REMARKS: PART IN EXPLANATORY PLAN 13283

STATUTORY RIGHT OF WAY
J69165 1981-09-04 14:46
REGISTERED OWNER OF CHARGE:
CITY OF VANCOUVER
J69165
REMARKS: PART IN EXPLANATORY PLAN 15748

UNDERSURFACE AND OTHER EXC & RES
BW206785 2004-05-14 13:36
REGISTERED OWNER OF CHARGE:
THE CROWN IN RIGHT OF BRITISH COLUMBIA
BW206785
REMARKS: SEE BW206784

STATUTORY RIGHT OF WAY
BB617900 2007-12-21 13:27
REGISTERED OWNER OF CHARGE:
GREATER VANCOUVER WATER DISTRICT
BB617900
REMARKS: PART IN PLAN BCP34093

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS: NONE

PENDING APPLICATIONS: NONE

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