

CORPORATION OF THE DISTRICT OF BURNABY.

BY-LAW NO. 384

A By-law to authorise the Corporation of the District of Burnaby to enter into an agreement in respect of a certain encroachment on Ledger Avenue.

THE MUNICIPAL COUNCIL of the Corporation of the District of Burnaby ENACTS AS FOLLOWS:-

1. It shall be lawful for the Corporation of the District of Burnaby to enter into an agreement with Gordon Bonalle, George Sleath, William Sleath and Charles Weller, which said agreement shall be in the form and to the effect set forth in Schedule "A" to this by-law and shall form part hereof.

2. The agreement shall be executed and bear date on a day subsequent to the passing of this by-law and the Reeve and Clerk of the Municipal Council of the Corporation of the District of Burnaby are hereby authorised and directed after the passing of this by-law that after the execution of such agreement by the other parties thereto to execute the same on behalf of the Corporation of the District of Burnaby and to affix thereto the Corporate Seal of the said Corporation.

3. This By-law may be cited as "LEDGER AVENUE AGREEMENT BY-LAW 1923 , No. ".

DONE AND PASSED in Open Council the Second day of January, 1923.

RECONSIDERED and finally passed the Eighteenth
day of January, 1923.



A. H. P. Reeve
Reeve.

Arthur G. Moore
Clerk.

I, ARTHUR G. MOORE, Clerk to the Municipal Council
of the Corporation of the District of Burnaby hereby certify
that the foregoing is a true copy of a by-law passed by a
three-quarter majority of all the members of the Municipal
Council on the 18th day of January, 1923.

Arthur G. Moore
Clerk.

Schedule "A".

THIS AGREEMENT made in triplicate this *Eighteenth*

day of January in the year of our Lord one thousand nine hundred and twenty-three.

BETWEEN:

THE CORPORATION OF THE DISTRICT OF
BURNABY a municipal corporation
in the Province of British Columbia
Hereinafter called "The Corporation"

OF THE FIRST PART:

A N D

GORDON DONALDO of Burnaby Lake, in the
Municipality of Burnaby and Province
of British Columbia, Hereinafter
called "The Vendor"

OF THE SECOND PART:

A N D

GEORGE SLEATH, Florist, and WILLIAM SLEATH,
Florist both of Burnaby Lake aforesaid and
CHARLES WELLS of 2027 - 6th Avenue West in
the City of Vancouver and Province aforesaid
Florist, Hereinafter called "The Purchasers"

OF THE THIRD PART:

WHEREAS the vendor is the registered owner of Lots
One (1) and Four (4) of the South five acres of Lot Thirteen (13)
of Lot Seventy-nine (79) Group One (1) New Westminster District
Map 2814 in the Municipality of Burnaby and Province of British
Columbia.

AND WHEREAS the purchasers are the registered holders
of an agreement for sale and purchase of said lands dated December
1st 1919 and registered in the Land Registry Office at the City of
New Westminster as No. 42998C.

AND WHEREAS a portion of the greenhouse buildings
heretofore constructed on said lands encroach upon Ledger Avenue
to a distance of approximately sixteen and one-half feet.

AND WHEREAS the vendor and purchasers have represented
to the Corporation that the removal by them of such buildings from

Ledger Avenue would at the present time be impracticable by the reason of the cost thereof and certain matters now in dispute between the vendor and purchasers and have requested the Corporation to permit said buildings as now constructed to remain on Ledger Avenue.

AND WHEREAS the said buildings as now constructed do not encroach upon the existing travelled portion of Ledger Avenue.

NOW THIS INDENTURE WITNESSETH that the Corporation so far only as it is thereunto enabled doth hereby give and grant to the vendor and purchasers the right subject to determination as hereinafter provided to use that portion of Ledger Avenue upon which said buildings are now constructed.

2. In consideration aforesaid the purchasers covenant to pay to the Corporation the sum of One (\$1.00) Dollar on the first day of January in each year during the existence of this agreement.

3. The vendor and purchasers hereby acknowledge that they have no right title or interest in the portion of Ledger Avenue upon which said buildings are erected by reason of their occupation of same and make no claim whatsoever thereto.

4. The owner for himself and the purchasers for themselves covenant with the Corporation that they will not build or construct or permit or cause to be built or constructed any addition or alteration of any kind to the portion of said buildings now encroaching upon Ledger Avenue.

5. The purchasers covenant with the Corporation that the buildings now encroaching upon Ledger Avenue shall be used only as a greenhouse and for no other purpose whatsoever.

6. Upon breach of any of the provisions of the foregoing covenants or if the said buildings shall be destroyed by fire or otherwise or cease to be used solely as a greenhouse or be removed from Ledger Avenue all rights and privileges hereby granted shall upon the happening of any such event immediately cease and determine.

7. The purchasers covenant with the Corporation that they will indemnify and save harmless the Corporation of and from all claims and damages including costs and expenses arising out of or incidental to or in any way connected with the existence of said buildings on Ledger Avenue.

8. It is expressly understood and agreed that the Corporation may at any time on one (1) years notice in writing to the vendor and purchasers revoke the rights and privileges hereby granted and upon such revocation may enter upon and at the expense of the purchasers remove the said buildings from Ledger Avenue and restore the highway as it shall see fit but such revocation shall not absolve or relieve the purchasers from indemnifying the Corporation from any claim which may have arisen prior to such revocation.

Such notice shall be well and sufficiently given if delivered to the Vendor and purchaser or posted under prepaid registered cover addressed to them as follows:-

Gordon Bonalle, - Burnaby Lake, B.C.

George Sleeth - Burnaby Lake, B.C.

William Sleeth - Burnaby Lake, B.C.

Charles Weller - 2027-6th Avenue West, Vancouver B.C.

9. Upon revocation of this agreement the purchasers covenant with the Corporation that they will at the request of the Corporation and at their own expense remove the said buildings from Ledger Avenue and restore the highway in manner required by the Corporation.

10. The purchasers covenant with the Corporation to pay all solicitors and other costs incidental to the preparation execution and registration of this agreement.

11. This agreement and the covenants herein contained shall run with the lands described in the first recital hereto and be charged thereon for the faithful performance by the vendor and purchasers of the covenants therein contained.

12. This agreement shall not take effect or be of any force until it has been registered in the Land Registry Office at the

City of New Westminster as a charge against the lands described in the first recital hereto.

13. It is hereby agreed and declared that these presents and everything therein contained shall respectively enure to the benefit of and be binding upon the parties hereto their heirs executors administrators and assigns respectively.

IN WITNESS WHEREOF the vendor and purchasers have hereunto affixed their hands and seals and the seal of the Corporation has been hereto affixed in the presence of its proper officers.

SIGNED, SEALED and DELIVERED

in the presence of

Frank Jamieson as to Gordon Buallo
Parriete Vancouver B.C.

Gordon Buallo

Robert M. Edgar as to Geo. Sleath
Broker

Geo Sleath

Burnaby B.C.

Robert M. Edgar as to Wm. Sleath
Robert M. Edgar as to Chas. Keller

Wm. Sleath
Chas. Keller



A. H. Moore Reeve

Arthur C. Moore Clerk

Approved *J. Wochesck*
Mortgage

Witness A. Anderson
address 410-4 ave Seattle W.
occupation Hotel Keeper

LAND REGISTRY ACT.

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Feb

I HEREBY CERTIFY that on the _____ day
of *February* 1923 at Vancouver in the Province of British Columbia

Gordon Benalle personally known to me appeared before me and acknowledged to me that he is the person mentioned in the annexed instrument as the maker thereof and whose name is subscribed thereto as party that he knows the contents thereof, and that he executed the same voluntarily, and is of the full age of twenty-one years.

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IN TESTIMONY whereof I have hereto set my hand at Vancouver this *1st* day of *February* in the year of our Lord one thousand nine hundred and twenty-three.

Robert M. Edgar

A Commissioner for taking affidavits within
British Columbia.

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12th

I HEREBY CERTIFY that on the _____ day
of January 1923 at Vancouver in the Province of British Columbia,

George Sleath personally known to me appeared before me and acknowledged to me that he is the person mentioned in the annexed instrument as the maker thereof, and whose name is subscribed thereto as party, that he knows the contents thereof, and that he executed the same voluntarily, and is of the full age of twenty-one years.

March 1923

IN TESTIMONY whereof I have hereto set my hand at
Vancouver this *12th* day of January in the year of our Lord
one thousand nine hundred and twenty-three.

Robert M. Edgar

A Commissioner for taking affidavits
within British Columbia.

*a notary public in and for
the Province of British
Columbia*

LAND REGISTRY ACT.

R.M.P. March I HEREBY CERTIFY that on the 12th day
of ~~January~~ 1923 at Vancouver in the Province of British
Columbia William Sleath personally known to me, appeared before
me and acknowledged to me that he is the person mentioned in
the annexed instrument as the maker thereof and whose name
is subscribed thereto as party, that he known the contents
thereof, and that he executed the same voluntarily, and is of
the full age of twenty-one years.

IN TESTIMONY whereof I have hereto set my hand at
Vancouver this 12th day of ~~January~~ *March R.M.P.* in the year of our
Lord one thousand nine hundred and twenty-three.

Robert M. Edgar

A Commissioner for taking affidavits
within British Columbia.

*a Notary Public in and for the
Province of British Columbia*

R.M.P. March I HEREBY CERTIFY that on the 12th day
of ~~January~~ 1923 at Vancouver in the Province of British Columbia
Charles Weller personally known to me appeared before me and
acknowledged to me that he is the person mentioned in the annexed
instrument as the maker thereof and whose name is subscribed there
as party, that he ~~is~~ knows the contents thereof, and that he
executed the same voluntarily, and is of the full age of twenty-~~o~~
years.

R.M.P. IN TESTIMONY whereof I have hereto set my hand at
Vancouver this 12th day of ~~January~~ *March* in the year of our Lo
one thousand nine hundred and twenty-three.

Robert M. Edgar

A Commissioner for taking affidavits
within British Columbia.

*a Notary Public in and for
the Province of British Columbia*