

CITY OF BURNABY

BYLAW NO. 10739

A BYLAW to authorize a heritage revitalization  
agreement for the Charles R. Shaw House

WHEREAS Council has identified the Charles R. Shaw House (hereinafter referred to as "the heritage house") located at 7979 12th Avenue, having the legal description

Parcel Identifier: 003-253-848  
Lot D, Block 6, District Lot 28, Group 1,  
New Westminster District, Plan 24032

(hereinafter referred to as "the lands"),

as a heritage property and has directed that the heritage house be entered on the community heritage register;

AND WHEREAS Norwegian Old People's Home Association is the registered owner of the lands and has agreed to undertake measures to conserve the heritage house in return for variation of the Zoning Bylaw requirements respecting lot coverage and off-street loading spaces for the development of a multi level care facility on the lands;

NOW THEREFORE the Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as BURNABY HERITAGE REVITALIZATION AGREEMENT BYLAW 1998.
2. The City Clerk is authorized to execute on behalf of the City a heritage



revitalization agreement in substantially the same form as that which is attached to and forms part of this Bylaw.

Read a first time this 9th day of MARCH 1998

Read a second time this 9th day of MARCH 1998

Read a third time this 9th day of MARCH 1998

Reconsidered and adopted this 6th day of APRIL 1998

  
MAYOR  
  
CLERK

THIS AGREEMENT made the                      day of                      1998

BETWEEN:

NORWEGIAN OLD PEOPLE'S HOME ASSOCIATION  
7979 - 12th Avenue  
Burnaby, B.C. V3N 2K8

(hereinafter the "Owner")

OF THE FIRST PART

AND:

CITY OF BURNABY  
4949 Canada Way  
Burnaby, B.C. V5G 1M2

(hereinafter the "City")

OF THE SECOND PART

WHEREAS:

A.                      The Owner is the registered owner of all and singular those certain parcels or tracts of land and premises situate in the City of Burnaby in the Province of British Columbia, legally described as:

Parcel Identifier: 003-253-848  
Lot D, Block 6, District Lot 28, Group 1,  
New Westminster District, Plan 24032

(hereinafter referred to as "the lands"),

B.                      The residential building known as the Charles R. Shaw House (hereinafter "the heritage house") situate on the lands has, in the opinion of City Council, sufficient heritage value

to justify its conservation and the heritage house has been entered on the City of Burnaby Heritage Register;

C. The Owner wishes to develop a new multi level care facility on the lands that will, if the heritage house is retained, require variation of certain provisions of Burnaby Zoning Bylaw 1965;

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of Ten Dollars (\$10.00) now paid by the City to the Owner and for other good and valuable consideration (the receipt and sufficiency of which the Owner hereby acknowledges) the Owner and the City each covenant with the other pursuant to section 966 of the *Municipal Act* as follows:

1. The Owner agrees to preserve and protect the heritage house, keeping it in good repair and in good appearance.
2. The Owner agrees that no works will be done or permitted that would alter the appearance of the exterior of the heritage house unless such works have been approved in writing by the City.
3. The City agrees to vary the provisions of Burnaby Zoning Bylaw to the following extent:
  - (a) lot coverage on the lands shall be increased from 40 percent to 41.18 percent; and
  - (b) the number of off-street loading spaces required shall be limited to one (1) only.
4. The parties agree that the Owner shall pay the legal costs incurred by the City in any action to enforce this Agreement.

5. This Agreement shall enure to the benefit of and be binding upon the Owner and their executors and trustees and this Agreement shall enure to the benefit of and be binding upon the City and its successors and assigns and this Agreement shall charge and run with the lands and enure to the benefit of and be binding upon the owners from time to time of the lands and all parties claiming through such owners and their respective heirs, executors, administrators, trustees and successors.

5. Wherever the singular or masculine are used in this Agreement, they shall be construed as meaning the plural or feminine or body corporate where the context or the parties hereto so require.

IN WITNESS WHEREOF the parties hereto have caused these presents to be executed as of the day and year first above written.

NORWEGIAN OLD PEOPLE'S HOME  
ASSOCIATION by its authorized signatory/ies

\_\_\_\_\_  
Authorized Signatory

\_\_\_\_\_  
THE CORPORATE SEAL OF THE CITY  
OF BURNABY WAS HEREUNTO AFFIXED  
IN THE PRESENCE OF:

\_\_\_\_\_  
City Clerk-Authorized Signatory