

COURT FILE NUMBER

COURT

QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE

CALGARY

APPLICANT

THOMAS H. FERGUSON

RESPONDENT

ALI TEJPAN, ZAHRA TEJPAN, REGISTRAR OF TITLES for the
LAND TITLES OFFICE, JOHN DOE, JANE DOE and ABC
CORPORATION

DOCUMENT

AFFIDAVIT IN SUPPORT OF ORIGINATING APPLICATION

Clerk's Stamp

ADDRESS FOR
SERVICE AND
CONTACT
INFORMATION OF
PARTY FILING
THIS DOCUMENT

Curtis E. Marble
Carbert Waite LLP
2300 Encor Place
645 – 7th Avenue SW
Calgary, Alberta T2P 4G8
Phone: 403.705. 3642 Fax: 403.263.5553
File: 120632.001

AFFIDAVIT OF THOMAS H. FERGUSON

Sworn on January 25, 2021

I, Thomas H. Ferguson, of Calgary, Alberta, make oath and say that:

1. I am the Applicant in this Originating Application for injunctive relief and as such have personal knowledge of the facts and matters deposed to except where stated to be based on information and belief, in which case I believe them to be true.
2. I am a retired lawyer who practiced civil litigation in the Province of Alberta from 1970 to 2015 attaining the honour of Queen's Counsel in 1988.
3. I own the land legally described as Plan 3605FO Block 92 Lot 9 (the "**Property**") in joint tenancy with my wife Dianne Elizabeth Ferguson. We purchased the Property in 1977 and I attach a true copy of the title to the Property as **Exhibit "A"**.
4. Instrument Number 7648 FT (the "**Caveat**") is a restrictive covenant that was registered against the Property in 1948. It was still registered against the Property in 1977 when

Dianne and I purchased the Property and remains registered against the Property today. A copy of the Caveat is attached as **Exhibit "B"**.

5. The Caveat places several development restrictions on any lot encumbered with the Caveat. In particular, the Caveat reads as follows:

3. The Owner hereby agrees to insert in all Agreements for Sale entered into by the Owner for the sale of any one of the following lots or parcels or land [...] restrictive covenants similar to the covenants hereinafter contained.

IT IS HEREBY COVENANTED AND AGREED with the Owner by the above mentioned Purchasers on behalf of themselves, their executors, administrators and assigns, and successors in title as follows:

(a) That there shall not be erected or suffered or permitted to be erected or used or placed upon the said Lot Seven (7), Block Ninety (90), Plan 3605 F.O., any building whatsoever except for the purposes of a private residence and building garage in connection therewith.

(b) That there shall not be erected upon the said Lot more than one (1) such residence and garage.

6. The Caveat is also registered against the land legally described as Plan 3605FO Block 91 Lot 1 (the "**Respondent Lands**"). The registered owners of the Respondent Lands are Ali Tejpar and Zahra Tejpar (the "**Tejpars**"). A true copy of the title to the Respondent Lands is attached at **Exhibit "C"**.

7. In addition, Caveat #7648 is also registered against the following properties in the Elbow Park neighbourhood:

- (a) Block 78 Lots 1, 2, 3, 4, 5, 6, 7
- (b) Block 79 Lots 1, 2, 3, 4, 5, 6, 7, 8, 9
- (c) Block 80 Lots 2, 3, 4, 5
- (d) Block 90 Lots 2, 3, 5, 6, 7
- (e) Block 91 Lots 4, 8, 9, 10
- (f) Block 92 Lots 1, 7
- (g) Block 93 Lots 1, 2, 3, 4, 5, 6, 7, 8

(the "Neighbouring Properties")

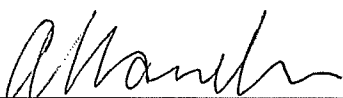
8. Copies of the Land Titles searches for the Neighbouring Properties are attached hereto as **Exhibit "D"**.
9. Through a Land Titles search for Caveat #7648FT, completed by my counsel on November 11, 2020, I learned that the Registrar of Land Titles had issued a Certificate pursuant to section 21 of the *Land Titles Act* certifying that Caveat #7648 has been lost, mislaid or destroyed and has not been micro photographed. A copy of the Land Titles Certificate obtained November 11, 2020 is attached as **Exhibit "E"**.
10. On November 26, 2020, I filed an Originating Application for relief pursuant to section 21 of the *Land Titles Act*, RSA 2000, c L-4. A copy of the Originating Application and the body of my supporting Affidavit (omitting exhibits) and the body of the supporting Affidavit of Robert Engbloom Q.C. (omitting exhibits) are attached as **Exhibit "F"**.
11. The Originating Application was heard on December 16, 2020 by the Honourable Justice Malik who granted an Order for the Registrar of Land Titles to rectify the missing document status of the Caveat and file the true copy of the Caveat I had provided as Instrument 7648FT. A copy of the Order of the Honourable Mr. Justice Malik is attached **Exhibit "G"**.
12. I am informed by my counsel, Curtis Marble of Carbert Waite LLP, and do believe that the Order has been served on the Registrar for Land Titles.
13. In breach of the Caveat the Tejpars applied for, and were granted, approval from the City of Calgary to subdivide the Respondent Lands. The approval states that the City of Calgary has not reviewed or considered all instruments registered on the title to the property and that the property owners must evaluate whether the application to subdivide is in compliance with any documents registered on the title. A copy of the conditional subdivision approval from the City of Calgary is attached as **Exhibit "H"**.
14. The subdivision was appealed to the Calgary Subdivision and Development Appeal Board (the "**SDAB**"). The hearing of this appeal was held on October 22, 2020. I personally attended at this hearing and made submissions with respect to:
 - (a) the existence of the restrictive covenant;

- (b) the fact that the Tejpars' actions were (and are) in breach of the covenant; and
 - (c) the fact that I, and many other members of the community with properties subject to the Caveat, object to the actions taken by the Tejpars in breach of the Caveat.
15. The Tejpars were represented at this hearing by their agent Rick Grol, and were also in attendance at the hearing.
 16. Notwithstanding my submissions, the SDAB denied the appeal of the subdivision, but to my knowledge also did not consider any instruments registered on the title to the Respondent Lands in rendering its decision. A copy of the SDAB decision is attached as **Exhibit "I"**.
 17. In breach of the Caveat, the Tejpars applied for a development permit for a home on the easterly portion of the Respondent Lands.
 18. A development permit has been granted with respect to the easterly portion of the Respondent Lands. This development permit is currently under appeal.
 19. In breach of the Caveat the Tejpars sold the most westerly portion of the Respondent Lands to the Respondents John Doe and Jane Doe, or ABC Corporation, for the purpose of building a second residence on the Respondent Lands.
 20. All of the above steps were taken by the Tejpars notwithstanding that the Tejpars had deemed notice of the Restrictive Covenant as a result of its registration against their title. Additionally, the Tejpars have been provided with written notice of my intention (and that of community) to enforce the terms of the Caveat. A copy of the letter sent to the Tejpars via their realtor, and to their Development Consultant, Rick Grol, dated October 27, 2020 is attached hereto at **Exhibit "J"**.
 21. As a consequence of the aforesaid breaches of the caveat, there is now a valid subdivision approval from the City of Calgary (albeit, with conditions) and a development permit for the easterly portion of the Respondent Lands (albeit, subject to a pending appeal).
 22. Condition 3(b) of the Caveat restricts development to a single residence and garage on the Respondent Lands. The Caveat has never been discharged from the Respondent Lands and remains enforceable. There has been significant re-development in the

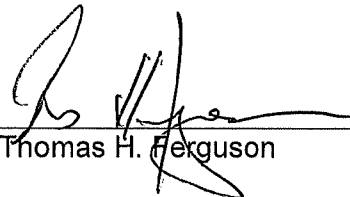
neighbourhood over the last 20 years, which has been in compliance with the one residence/one lot rule. Subdividing and developing two single family dwellings on the Respondent Lands is a breach of condition 3(b) of the Caveat.

23. I make this Affidavit in support of an Originating Application for injunctive relief to enforce the terms and conditions of the Caveat.

SWORN BEFORE ME at Calgary, Alberta,
this 25 day of January, 2021.



A Commissioner for Oaths for Alberta



Thomas H. Ferguson

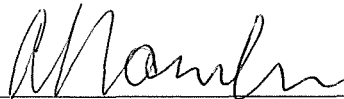
Anita V. Nowinka
Student-At-Law

THIS IS **EXHIBIT A** TO THE
AFFIDAVIT

OF THOMAS FERGUSON

AFFIRMED / SWORN BEFORE ME

this 25 day of January, 2021.



(SIGNATURE OF COMMISSIONER)

Anita V. Nowinka
Student-At-Law



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0016 726 770 3605FO;92;9 771 167 024

LEGAL DESCRIPTION
PLAN 3605FO
BLOCK 92
LOT 9
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION

771 167 024	25/11/1977		\$127,500	

OWNERS

THOMAS HENRY FERGUSON (LAWYER)

AND

DIANNE ELIZABETH FERGUSON (SALES REPRESENTATIVE)

BOTH OF:

1013-32 AVE SW

CALGARY

ALBERTA

AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION		
NUMBER	DATE (D/M/Y)	PARTICULARS

7648FT .	21/05/1948	CAVEAT RE : SEE CAVEAT CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY. 2000, 401-9 AVE SW CALGARY

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
771 167 024

REGISTRATION
NUMBER DATE (D/M/Y) PARTICULARS

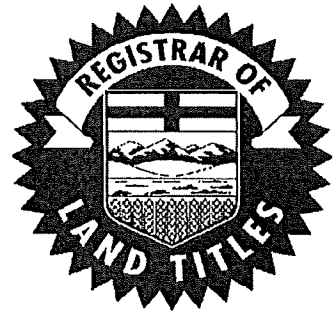
ALBERTA T2P4Z4
(DATA UPDATED BY: 091097227)

TOTAL INSTRUMENTS: 001

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 11 DAY OF
NOVEMBER, 2020 AT 03:34 P.M.

ORDER NUMBER: 40494389

CUSTOMER FILE NUMBER:



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED
FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER,
SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

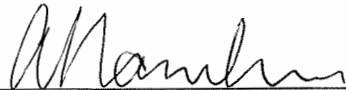
THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,
APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).

THIS IS **EXHIBIT B** TO THE
AFFIDAVIT

OF THOMAS FERGUSON

AFFIRMED / SWORN BEFORE ME

this 25 day of January, 2021.



(SIGNATURE OF COMMISSIONER)

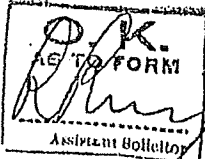
Anita V. Nowinka
Student-At-Law

CAVEAT.

7648 F.T.

THE REGISTRAR
FOR THE SOUTH ALBERTA LAND REGISTRATION DISTRICT:

TAKE NOTICE that the CANADIAN PACIFIC RAILWAY COMPANY
claims an interest in:

- 70.0 m/b
- Lots One (1) to Seven (7), Block Seventy-eight (78);
 - Lots One (1) to Nine (9), Block Seventy-nine (79);
 - Lots One (1) to Five (5) and Lot Eight in Block Eighty (80);
 - Lots Two (2), Three (3), Five (5), Six (6) and Seven (7), Block Ninety (90);
 - Lots One (1), Four (4) and Lots Eight (8) to Eleven (11) inclusive, Block Ninety-one (91);
 - Lots One (1), Seven (7), Eight (8) and Nine (9), Block Ninety-two (92); and
 - Lots One (1) to Eight (8) inclusive, Block Ninety-three (93), according to a plan of part of the City of Calgary, of record in the Land Titles Office for the South Alberta Land Registration District as Plan 3605 F.O., all standing in the register in the name of the Canadian Pacific Railway Company;
- 70.0 m/b
- 
- ok

under and by virtue of an Agreement made between the Canadian Pacific Railway Company and Joseph J. Greenan, Barrister, and Mary P. Greenan (his wife), both of the City of Calgary, dated the 29th day of April, 1948, copy of which Agreement is hereto attached.

AND the Canadian Pacific Railway Company forbids the registration of any person as transferee or owner of, or of any instrument affecting the said estate or interest unless such instrument be expressed to be subject to its claim.

IT APPOINTS the Office of its Department of Natural Resources in the City of Calgary, in the Province of Alberta,

as the place at which notices and proceedings relating
hereto may be served.

DATED this 29th day of April; A.D.1948.



Witness.

CANADIAN PACIFIC RAILWAY COMPANY

Per Leslie Munroe
Leslie Munroe, Manager,
Department of Natural Resources.

7648 F.T.

THIS AGREEMENT made in duplicate this 29th of
April, A.D. 1948.

BETWEEN:

CANADIAN PACIFIC RAILWAY COMPANY,
(hereinafter called "the Owner"),

OF THE FIRST PART,

- and -

JOSEPH J. GREENAN, Barrister,
and MARY P. GREENAN, (his wife),
both of the City of Calgary, in
the Province of Alberta, (herein-
after called "the Purchasers"),

OF THE SECOND PART.



IN CONSIDERATION of the sum of Nine Hundred Dollars (\$900.00) paid by the Purchasers to the Owner, receipt of which sum is hereby acknowledged, the Owner has sold and agreed to transfer to the Purchasers Lot Seven (7), in Block Ninety (90), according to a plan of part of the City of Calgary of record in the Land Titles Office for the South Alberta Land Registration District as Plan No. 3605 F.O., subject to the following covenants, terms and conditions:

1. That the Owner shall, as and when requested by the Purchasers, transfer to the Purchasers said Lot Seven (7), Block Ninety (90), Plan No. 3605 F.O.
2. As the amount of the 1948 taxes in respect of the said Lot is not yet known, the Purchasers agree to pay the full year's taxes for the year 1948 in respect of the said lot, and upon production by them of their Tax Receipt, the Owner hereby

agrees to refund to them the proportion of the said taxes due from the 1st day of January, 1948, to the 31st day of March, 1948.

3. The Owner hereby agrees to insert in all Agreements for Sale entered into by the Owner for the sale of any one of the following lots or parcels of land, namely:

- Lots One (1) to Seven (7), Block Seventy-eight (78).
- × Lots One (1) to Nine (9), Block Seventy-nine (79).
- Lots One (1) to Five (5) and Lot Eight (8) in Block Eighty (80).
- Lots Two (2), Three (3), Five (5) and Six (6), Block Ninety (90).
- Lots One (1), Four (4), and Lots Eight (8) to Eleven (11), Block Ninety-one (91).
- Lots One (1), Seven (7), Eight (8) and Nine (9), Block Ninety-two (92); and
- Lots One (1) to Eight (8), Block Ninety-three (93), as shown on said plan No. 3605 F.O.,

restrictive covenants similar to the covenants hereinafter contained.

IT IS HEREBY COVENANTED AND AGREED with the Owner by the above mentioned Purchasers on behalf of themselves, their executors, administrators and assigns, and successors in title, as follows:

(a) That there shall not be erected or suffered or permitted to be erected or used or placed upon the said Lot Seven (7), Block Ninety (90), Plan 3605 F.O., any building whatsoever except for the purposes of a private residence and private garage in connection therewith.

(b) That there shall not be erected upon the said Lot more than one (1) such residence and garage.

(c) That there shall not be erected on the said lot any dwelling house to cost less than Seven Thousand Dollars (\$7,000.00), and same shall be of a neat design and completed in a proper and workmanlike manner.

(d) That if the said dwelling house consists of basement and one floor, the ground area occupied by same shall not be less than Twelve Hundred (1200) square feet, exclusive of the garage, and if it consists of One and a Half ($1\frac{1}{2}$) or more storeys, said dwelling house shall occupy a ground area of not less than One Thousand (1,000) square feet, exclusive of the garage.

(e) That no house or other building shall be located or placed on the said lot within Twenty-five (25) feet of the Street or Avenue, ^{any dwelling house} and shall be not less than Twenty-five (25) feet from the rear of said lot.

(f) That the said lot shall not be used for the purpose of a sand or gravel pit or quarry, and there shall not be removed or suffered or permitted to be removed any sand, gravel, stone or other material, except such as may be necessary for improving the lot or building thereon.

(g) That no house or other building on the said lot shall be used for mercantile, business or manufacturing purposes, and no work of an offensive, dangerous or noisy character shall be carried on which may be or become an annoyance or nuisance.

(h) That all work done on the said lot shall comply in all

respects with By-laws or Building Regulations of the City of Calgary.

(i) That covenants similar to the above shall be inserted in all Agreements for Sale made by the Purchasers for a resale of the said lot.

(j) That the Purchasers and their executors, administrators and assigns, and successors in title, shall observe the aforesaid restrictions applicable to the said lot, and that same shall be enforceable against him or them or on behalf of the owner or owners from time to time of any of the said lots or parcels of land referred to in Paragraph 3 hereof.

(k) That the restrictions aforementioned as imposed on each of the said lots or parcels of land referred to in Paragraph 3 hereof shall be enforceable by or on behalf of or against the owner or owners from time to time of any one or more of the said lots or parcels of land referred to in said Paragraph 3.

(l) The Purchasers shall be entitled to register in the Land Titles Office a Caveat protecting the restrictions above set out, and the transfer by the owner to the purchasers of the said lots or parcels of land referred to in Paragraph 3

hereof shall be expressed to be subject to said Caveat to be registered as aforesaid. X

IN WITNESS WHEREOF the Owner has caused these presents to be executed by the Manager of its Department of Natural Resources, and the Purchasers have hereunto set their hands and seals, all on the day and year first above written.

CANADIAN PACIFIC RAILWAY COMPANY

Per Leslie Munroe
Leslie Munroe, Manager,
Department of Natural Resources.

Betty Gahlehouse
Witness.

Betty Gahlehouse
Witness.

Joseph J. Greenan
Joseph J. Greenan.

Mary P. Greenan
Mary P. Greenan.

CANADA)
PROVINCE OF ALBERTA)
TO WIT: v)

I, Cecil J. Leach, of the City
of Calgary, in the Province of Alberta, Secretary,
make oath and say:

1. THAT I was personally present and did see Leslie
Munroe, Manager of the Department of Natural Resources of the
Canadian Pacific Railway Company at Calgary, in the Province
of Alberta, named in the within instrument, who is personally
known to me to be the person named therein, duly sign and
execute same for the purposes named therein.

2. THAT the same was executed at the City of Calgary,
in the Province of Alberta, and that I am the subscribing
witness thereto.

3. THAT I personally know the said Leslie Munroe,
and he is in my belief of the full age of twenty-one years.

SWORN before me at the City
of Calgary, in the Province
of Alberta, this 21st day
of May, A.D. 1948.

Cecil J. Leach

E. W. Minnell

A COMMISSIONER FOR OATHS in and for the
Province of Alberta.

CANADA)

PROVINCE OF ALBERTA)

TO WIT:)

I, Betty Galbraith, of the City of
Calgary, in the Province of Alberta, Stenographer,
make oath and say:

1. THAT I was personally present and did see Joseph J.
Greenan and Mary P. Greenan named in the within instrument,
who are personally known to me to be the persons named therein,
duly sign and execute the same for the purposes named therein.

2. THAT the same was executed at the City of Calgary,
in the Province of Alberta, and I am the subscribing witness
thereto.

3. THAT I personally know the said Joseph J. Greenan
and Mary P. Greenan, and they are in my belief of the full
age of twenty-one years.

SWORN before me at the City
of Calgary, in the Province
of Alberta, this 5th day
of May, A.D. 1948.

Betty Galbraith

A. C. Bury

A COMMISSIONER FOR OATHS in and for the
Province of Alberta.

CANADA)

PROVINCE OF ALBERTA)

TO WIT:)

I, Leslie Munroe, of the City of Calgary, in the Province of Alberta, Manager, make oath and say:

1. THAT I am agent of the above-named Caveator.

2. THAT I believe I have a good and valid claim upon the said lands and I say this Caveat is not being filed for the purpose of delaying or embarrassing any person interested therein or proposing to deal therewith.

SWORN before me at the City of Calgary, in the Province of Alberta, this 21st day of May, A.D. 1948.

Leslie Munroe

J. D. Munroe

A COMMISSIONER FOR OATHS in and for the Province of Alberta.

DATED

D. 194

BETWEEN:

CANADIAN PACIFIC RAILWAY COMPANY,

OF THE FIRST PART,

- and -

JOSEPH J. GREENAN & MARY P. GREENAN,

OF THE SECOND PART.

A G R E E M E N T.

File 16129
RRM/JAF

JAMES Mc CAIG, K.C.
C.P.R. SOLICITOR
CALGARY, ALBERTA.

7648 F.T.

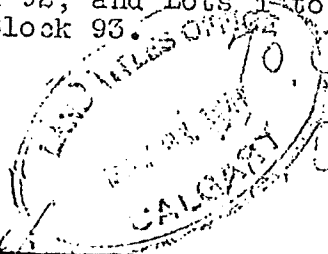
APR 1948

REG. FEE
TRA REF. CERT
EXTRA NEW TITLE
STAMP

CHRG	
VALU	
AK	
AL FEES	

Legal Affs.

Lots 1 to 7, Block 78; Lots 1 to 9, Block 79; Lots 1 to 5, and Lot 8, in Block 80; Lots 2, 3, 5, 6 and 7 in Block 90; Lots 1, 4, and Lots 8 to 11 inclusive, Block 91; Lots 1, 7, 8 and 9, Block 92; and Lots 1 to 8 inclusive, Block 93.



CAVEAT.

70.0.246
70.0.247

I certify that the within instrument is duly Entered and Registered in the Land Titles Office for the South Alberta Land Registration District at Calgary, in the Province of Alberta at _____ o'clock _____ M., on the _____ day of _____ A.D., 19____ Number _____ Book _____ Folio _____ Registered _____ S. A. L. R. O.

70.0.246

16129

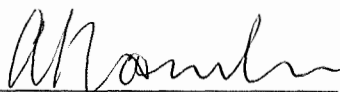
C.F.R. BELLER
CALGARY, ALBERTA.

THIS IS **EXHIBIT C** TO THE
AFFIDAVIT

OF THOMAS FERGUSON

AFFIRMED / SWORN BEFORE ME

this 25 day of January, 2021.

A handwritten signature in cursive script, appearing to read 'Anita V. Nowinka', written over a horizontal line.

(SIGNATURE OF COMMISSIONER)

Anita V. Nowinka
Student-At-Law



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0019 755 710 3605FO;91;1 201 031 534

LEGAL DESCRIPTION
PLAN 3605FO
BLOCK 91
LOT 1
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 191 238 750

REGISTERED OWNER(S)
REGISTRATION DATE (DMY) DOCUMENT TYPE VALUE CONSIDERATION

201 031 534 12/02/2020 TRANSFER OF LAND \$1,407,500 CASH & MORT

OWNERS

ALI TEJPAR

AND

ZAHRA TEJPAR

BOTH OF:

1826-37 AVENUE SW

CALGARY

ALBERTA T2T 2H4

AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION
NUMBER DATE (D/M/Y) PARTICULARS

7648FT 21/05/1948 CAVEAT
RE : SEE CAVEAT
CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY.
2000, 401-9 AVE SW

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
201 031 534

REGISTRATION
NUMBER DATE (D/M/Y) PARTICULARS

CALGARY
ALBERTA T2P4Z4

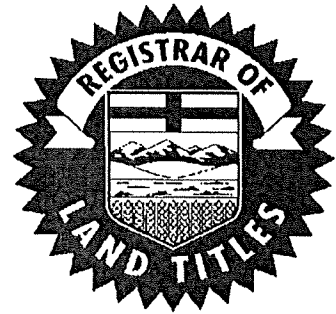
201 031 535 12/02/2020 MORTGAGE
MORTGAGEE - BANK OF MONTREAL.
MORTGAGE SERVICE CENTRE
865 HARRINGTON COURT
BURLINGTON
ONTARIO L7N3P3
ORIGINAL PRINCIPAL AMOUNT: \$1,000,000

TOTAL INSTRUMENTS: 002

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 13 DAY OF
JANUARY, 2021 AT 08:03 A.M.

ORDER NUMBER: 40812628

CUSTOMER FILE NUMBER:



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED
FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER,
SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,
APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S) .

THIS IS **EXHIBIT D** TO THE
AFFIDAVIT

OF THOMAS FERGUSON

AFFIRMED / SWORN BEFORE ME

this 25 day of January, 2021.



(SIGNATURE OF COMMISSIONER)

Anita V. Nowinka
Student-At-Law



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0019 754 811 3605FO;78;1 081 466 539

LEGAL DESCRIPTION
PLAN 3605FO
BLOCK 78
LOT 1
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 86R49

REGISTRATION	DATE (DMY)	REGISTERED OWNER(S) DOCUMENT TYPE	VALUE	CONSIDERATION
081 466 539	18/12/2008	TRANSFER OF LAND	\$2,000,000	\$2,000,000

OWNERS

CAROL A MALLABONE
OF 902 RIDGE RD SW
CALGARY
ALBERTA T2T 3E5
(DATA UPDATED BY: CHANGE OF ADDRESS 111033564)

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
7648FT	21/05/1948	CAVEAT RE : SEE CAVEAT CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY. 2000, 401-9 AVE SW CALGARY ALBERTA T2P4Z4 (DATA UPDATED BY: 091097227)

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

081 466 539

REGISTRATION
NUMBER DATE (D/M/Y) PARTICULARS

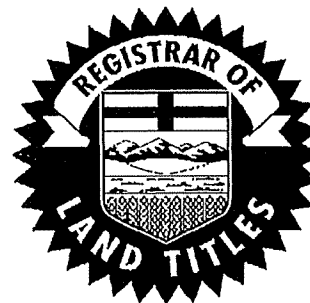
091 063 057 09/03/2009 CAVEAT
RE : RESTRICTIVE COVENANT

TOTAL INSTRUMENTS: 002

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 17 DAY OF
NOVEMBER, 2020 AT 11:30 A.M.

ORDER NUMBER: 40529522

CUSTOMER FILE NUMBER: 120632.001



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED
FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER,
SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,
APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S

LINC

0019 538 546

SHORT LEGAL

3605FO;78;2

TITLE NUMBER

141 258 180

LEGAL DESCRIPTION

PLAN 3605FO

BLOCK 78

LOT 2

EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE

ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 011 273 991

REGISTRATION	DATE (DMY)	REGISTERED OWNER(S) DOCUMENT TYPE	VALUE	CONSIDERATION
141 258 180	25/09/2014	TRANSFER OF LAND	\$1,900,000	CASH & MORTGAGE

OWNERS

TREVOR WONG-CHOR

AND

EMMA MAY

BOTH OF:

906 RIDGE ROAD SW

CALGARY

ALBERTA T2T 3E5

AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
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7648FT .	21/05/1948	CAVEAT
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RE : SEE CAVEAT

CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY.

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

141 258 180

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

2000, 401-9 AVE SW
CALGARY
ALBERTA T2P4Z4

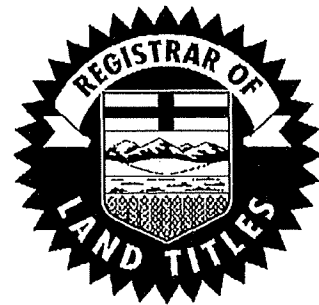
151 063 809 05/03/2015 MORTGAGE
MORTGAGEE - THE BANK OF NOVA SCOTIA.
734-7 AVE.S.W., CALGARY
ALBERTA T2P3P8
ORIGINAL PRINCIPAL AMOUNT: \$1,685,000

TOTAL INSTRUMENTS: 002

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TITLE REPRESENTED HEREIN THIS 17 DAY OF
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ORDER NUMBER: 40529522

CUSTOMER FILE NUMBER: 120632.001



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OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0013 659 073 3605FO;78;3 921 069 188

LEGAL DESCRIPTION
PLAN 3605FO
BLOCK 78
LOT 3
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 821 212 564

REGISTERED OWNER(S)
REGISTRATION DATE(DMY) DOCUMENT TYPE VALUE CONSIDERATION

921 069 188 30/03/1992 TRANSFER OF LAND \$285,000 NOMINAL

OWNERS

HUGH SIGURD KLAASSEN

AND

BARBARA E KLAASSEN

BOTH OF:

910 RIDGE RD SW

CALGARY

ALBERTA

AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION
NUMBER DATE (D/M/Y) PARTICULARS

7648FT 21/05/1948 CAVEAT
RE : SEE CAVEAT
CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY.

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

921 069 188

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

2000, 401-9 AVE SW

CALGARY

ALBERTA T2P4Z4

(DATA UPDATED BY: 091097227)

921 069 189 30/03/1992 MORTGAGE
MORTGAGEE - BANK OF MONTREAL.
727 - 17TH AVE. S.W., CALGARY
ALBERTA
ORIGINAL PRINCIPAL AMOUNT: \$150,000

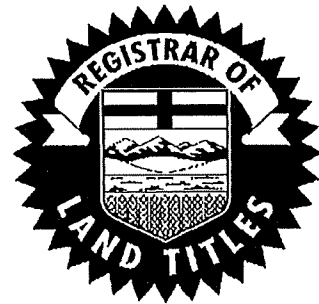
981 159 642 03/06/1998 AMENDING AGREEMENT
AMOUNT: \$300,000
AFFECTS INSTRUMENT: 921069189

TOTAL INSTRUMENTS: 003

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TITLE REPRESENTED HEREIN THIS 17 DAY OF
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CUSTOMER FILE NUMBER: 120632.001



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OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0019 754 829 3605FO;78;4 101 194 377

LEGAL DESCRIPTION
PLAN 3605FO
BLOCK 78
LOT 4
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 101 136 047

REGISTERED OWNER(S)				
REGISTRATION	DATE(DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
101 194 377	29/06/2010	TRANSFER OF LAND	\$545,000	ESTATE

OWNERS

SHIRLEY P LAWRIE
OF 914 RIDGE ROAD SW
CALGARY
ALBERTA T2T 3E5

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION	DATE (D/M/Y)	PARTICULARS
NUMBER		
7648FT	21/05/1948	CAVEAT RE : SEE CAVEAT CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY. 2000, 401-9 AVE SW CALGARY ALBERTA T2P4Z4

TOTAL INSTRUMENTS: 001

(CONTINUED)

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CUSTOMER FILE NUMBER: 120632.001



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LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0017 643 487 3605FO;78;5 031 095 827

LEGAL DESCRIPTION
PLAN 3605FO
BLOCK 78
LOT 5
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 991 161 219

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION

031 095 827	24/03/2003	TRANSFER OF LAND	\$650,000	SEE INSTRUMENT

OWNERS

PETER A JOHNSON

AND

ERIN A THRALL

BOTH OF:

918 RIDGE ROAD SW

CALGARY

ALBERTA T2T 3E5

AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION		
NUMBER	DATE (D/M/Y)	PARTICULARS

7648FT	21/05/1948	CAVEAT RE : SEE CAVEAT CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY.

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

031 095 827

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

2000, 401-9 AVE SW

CALGARY

ALBERTA T2P4Z4

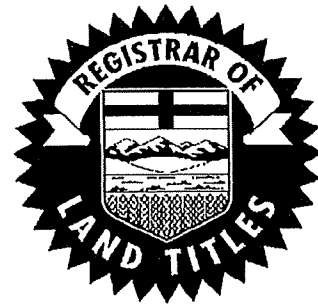
(DATA UPDATED BY: 091097227)

TOTAL INSTRUMENTS: 001

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CUSTOMER FILE NUMBER: 120632.001



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LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0019 754 837 3605FO;78;6 131 110 356

LEGAL DESCRIPTION
PLAN 3605FO
BLOCK 78
LOT 6
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 051 054 665

REGISTRATION	DATE (DMY)	REGISTERED OWNER(S) DOCUMENT TYPE	VALUE	CONSIDERATION
131 110 356	13/05/2013	TRANSFER OF LAND	\$2,500,000	\$2,500,000

OWNERS

RICHARD ENGLOT

AND

DEBBIE ENGLOT

BOTH OF:

922 RIDGE ROAD SW

CALGARY

ALBERTA T2T 3E5

AS JOINT TENANTS

(DATA UPDATED BY: CHANGE OF ADDRESS 141168792)

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
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7648FT	21/05/1948	CAVEAT RE : SEE CAVEAT CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY.
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(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

131 110 356

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

2000, 401-9 AVE SW
CALGARY
ALBERTA T2P4Z4

131 279 168 29/10/2013 MORTGAGE
MORTGAGEE - THE TORONTO DOMINION BANK.
500 EDMONTON CITY CENTRE EAST
10205-101 STREET, 5TH FL
EDMONTON
ALBERTA T5J5E8
ORIGINAL PRINCIPAL AMOUNT: \$1,625,000

TOTAL INSTRUMENTS: 002

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
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TITLE REPRESENTED HEREIN THIS 17 DAY OF
NOVEMBER, 2020 AT 11:30 A.M.

ORDER NUMBER: 40529522

CUSTOMER FILE NUMBER: 120632.001



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OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S

LINC

SHORT LEGAL

TITLE NUMBER

0019 754 845

3605FO;78;7

011 084 943

LEGAL DESCRIPTION

PLAN 3605FO

BLOCK 78

LOT 7

EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE

ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 841 118 254

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
011 084 943	30/03/2001	TRANSFER OF LAND	\$723,500	\$723,500

OWNERS

J LINDSAY HOOD
OF 926 RIDGE ROAD S.W.
CALGARY
ALBERTA T2T 3E5

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION		
NUMBER	DATE (D/M/Y)	PARTICULARS
7648FT .	21/05/1948	CAVEAT RE : SEE CAVEAT CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY. 2000, 401-9 AVE SW CALGARY ALBERTA T2P4Z4

(DATA UPDATED BY: 091097227)

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

011 084 943

REGISTRATION

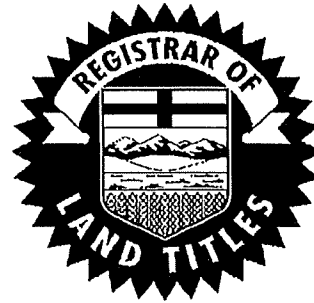
NUMBER	DATE (D/M/Y)	PARTICULARS
111 270 076	20/10/2011	RELEASE OF DOWER RIGHTS BY - MARY LYNN HOOD
121 140 037	07/06/2012	MORTGAGE MORTGAGEE - BANK OF MONTREAL. 350 - 7TH AVENUE SW, 7TH FL. CALGARY ALBERTA T2P3N9 ORIGINAL PRINCIPAL AMOUNT: \$1,080,000

TOTAL INSTRUMENTS: 003

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TITLE REPRESENTED HEREIN THIS 17 DAY OF
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OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0029 793 098 3605FO;79;1 131 183 185

LEGAL DESCRIPTION
PLAN 3605FO
BLOCK 79
LOT 1
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 051 414 532

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
131 183 185	30/07/2013	TRANSFER OF LAND	\$4,000,000	\$4,000,000

OWNERS

DAVID SAPUNJIS

AND

JODI SAPUNJIS

BOTH OF:

905 RIDGE RD SW

CALGARY

ALBERTA T2T 3E4

AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION		
NUMBER	DATE (D/M/Y)	PARTICULARS
7648FT .	21/05/1948	CAVEAT RE : SEE CAVEAT CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY.

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

131 183 185

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

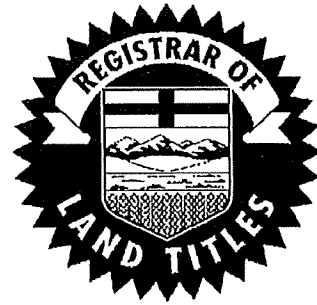
2000, 401-9 AVE SW
CALGARY
ALBERTA T2P4Z4

TOTAL INSTRUMENTS: 001

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OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S

LINC

0029 793 080

SHORT LEGAL

3605FO;79;2

TITLE NUMBER

031 157 881

LEGAL DESCRIPTION

PLAN 3605FO

BLOCK 79

LOT 2

EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE

ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 031 053 041 +1

REGISTRATION	DATE (DMY)	REGISTERED OWNER(S) DOCUMENT TYPE	VALUE	CONSIDERATION
031 157 881	15/05/2003	TRANSFER OF LAND	\$740,000	\$740,000

OWNERS

ANDRE FERLAND

AND

JACINTHE KASSAB

BOTH OF:

907 RIDGE ROAD SW

CALGARY

ALBERTA T2T 3E4

AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
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7648FT .	21/05/1948	CAVEAT
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RE : SEE CAVEAT

CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY.

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

031 157 881

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

2000, 401-9 AVE SW
CALGARY
ALBERTA T2P4Z4
(DATA UPDATED BY: 091097227)

161 078 083 31/03/2016 MORTGAGE
MORTGAGEE - ROYAL BANK OF CANADA.
10 YORK MILLS ROAD
3RD FLOOR
TORONTO
ONTARIO M2P0A2
ORIGINAL PRINCIPAL AMOUNT: \$2,000,000

TOTAL INSTRUMENTS: 002

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OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S

LINC

0017 082 488

SHORT LEGAL

3605FO;79;3,4

TITLE NUMBER

131 020 558

LEGAL DESCRIPTION

PLAN 3605 FO

BLOCK 79

LOT 3 AND THAT PORTION OF LOT 4 WHICH LIES
NORTH OF A LINE DRAWN PARALLEL WITH AND DISTANT
35 FEET PERPENDICULARLY NORTHERLY FROM THE
SOUTHERN BOUNDARY OF SAID LOT 4
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ATS REFERENCE: 5;1;24;9;SE

ESTATE: FEE SIMPLE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 121 286 999

REGISTERED OWNER(S)					
REGISTRATION	DATE (DMY)	DOCUMENT	TYPE	VALUE	CONSIDERATION
131 020 558	23/01/2013	TRANSFER OF LAND		\$3,850,000	\$3,850,000

OWNERS

TAMARA MACDONALD
OF 909 RIDGE ROAD SW
CALGARY
ALBERTA T2T 3E4

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION		
NUMBER	DATE (D/M/Y)	PARTICULARS
7648FT	21/05/1948	CAVEAT RE : SEE CAVEAT CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY. 2000, 401-9 AVE SW

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

131 020 558

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

CALGARY
ALBERTA T2P4Z4

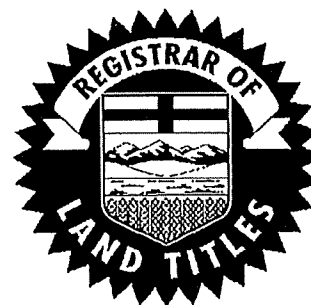
171 012 882 16/01/2017 MORTGAGE
MORTGAGEE - THE BANK OF NOVA SCOTIA.
#1600, 700 2ND ST. SW
CALGARY
ALBERTA T2P2W1
ORIGINAL PRINCIPAL AMOUNT: \$2,925,000

TOTAL INSTRUMENTS: 002

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OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0020 165 511 3605FO;79;4,5 161 120 136

LEGAL DESCRIPTION

FIRST:

PLAN 3605FO

BLOCK 79

ALL THAT PORTION OF LOT 4

WHICH LIES SOUTH OF A LINE PARALLEL WITH AND DISTANT 35 FEET
PERPENDICULARLY NORTHERLY FROM THE SOUTHERLY BOUNDARY OF

SAID LOT,

EXCEPTING THEREOUT ALL MINES AND MINERALS AND
THE RIGHT TO WORK THE SAME

SECONDLY:

PLAN 3605FO

BLOCK 79

LOT 5

EXCEPTING THEREOUT:

THAT PORTION THEREOF WHICH LIES SOUTH OF A LINE PARALLEL WITH
AND DISTANT 15 FEET PERPENDICULARLY NORTHERLY FROM THE

SOUTHERLY BOUNDARY OF SAID LOT AS SHOWN ON SAID PLAN 3605FO

EXCEPTING THEREOUT ALL MINES AND MINERALS

AND THE RIGHT TO WORK THE SAME

ATS REFERENCE: 5;1;24;9;SE

ESTATE: FEE SIMPLE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 791 100 428

REGISTERED OWNER(S)				
REGISTRATION	DATE(DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
161 120 136	24/05/2016	TRANSFER OF LAND	\$1,850,000	\$1,850,000

OWNERS

THOMAS JAMES PLUNKETT

AND

SARAH PALMER PLUNKETT

BOTH OF:

(CONTINUED)

917 RIDGE RD SW
CALGARY
ALBERTA T2T 3E4
AS JOINT TENANTS

(DATA UPDATED BY: CHANGE OF ADDRESS 181266166)

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

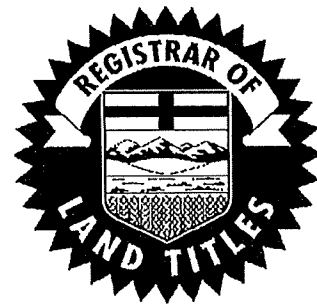
7648FT . 21/05/1948 CAVEAT
RE : SEE CAVEAT
CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY.
2000, 401-9 AVE SW
CALGARY
ALBERTA T2P4Z4

TOTAL INSTRUMENTS: 001

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 17 DAY OF
NOVEMBER, 2020 AT 11:30 A.M.

ORDER NUMBER: 40529522

CUSTOMER FILE NUMBER: 120632.001



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED
FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER,
SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,
APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S

LINC SHORT LEGAL
0017 666 249 3605FO;79;5,6

TITLE NUMBER
081 146 350

LEGAL DESCRIPTION

PLAN 3605FO
BLOCK 79
THAT PORTION OF LOT 5 WHICH LIES SOUTH OF A LINE PARALLEL
WITH AND DISTANT 15 FEET PERPENDICULARLY NORTHERLY FROM
THE SOUTHERLY BOUNDARY OF SAID LOT, AND THE WHOLE OF LOT 6
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ATS REFERENCE: 5;1;24;9;SE
ESTATE: FEE SIMPLE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 041 488 358

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
081 146 350	22/04/2008	TRANSFER OF LAND		

OWNERS

JENNIFER MARY AIKENHEAD
OF 124 WESTVIEW DRIVE SW
CALGARY
ALBERTA T3C 2R9
AS TO AN UNDIVIDED 1/3 INTEREST

ROBERT BATES AIKENHEAD
OF 921 RIDGE ROAD SW
CALGARY
ALBERTA T2T 3E4
AS TO AN UNDIVIDED 1/3 INTEREST

THOMAS ALBERT AIKENHEAD
OF 921 RIDGE ROAD SW
CALGARY
ALBERTA T2T 3E4
AS TO AN UNDIVIDED 1/3 INTEREST

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

081 146 350

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

7648FT . 21/05/1948 CAVEAT

RE : SEE CAVEAT

CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY.

2000, 401-9 AVE SW

CALGARY

ALBERTA T2P4Z4

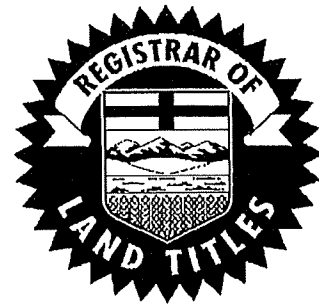
(DATA UPDATED BY: 091097227)

TOTAL INSTRUMENTS: 001

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ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 17 DAY OF
NOVEMBER, 2020 AT 11:29 A.M.

ORDER NUMBER: 40529522

CUSTOMER FILE NUMBER: 120632.001



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PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0017 204 066 3605FO;79;7 131 202 638

LEGAL DESCRIPTION
PLAN 3605FO
BLOCK 79
LOT 7
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 011 044 421

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
131 202 638	16/08/2013	TRANSFER OF LAND	\$2,800,000	\$2,800,000

OWNERS

WILL MATTHEWS

AND

MICHELE WILLIAMS

BOTH OF:

925 RIDGE ROAD SW

CALGARY

ALBERTA T2T 3E4

AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION	DATE (D/M/Y)	PARTICULARS
NUMBER		
7648FT	21/05/1948	CAVEAT RE : SEE CAVEAT CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY.

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

131 202 638

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

2000, 401-9 AVE SW
CALGARY
ALBERTA T2P4Z4

011 325 120 01/11/2001 CAVEAT
RE : RESTRICTIVE COVENANT

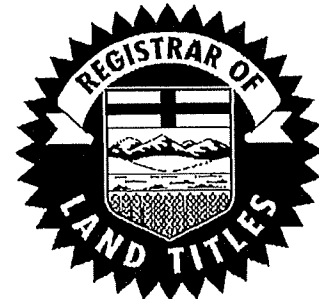
131 202 639 16/08/2013 MORTGAGE
MORTGAGEE - ROYAL BANK OF CANADA.
10 YORK MILLS ROAD, 3 FL
TORONTO
ONTARIO M2P0A2
ORIGINAL PRINCIPAL AMOUNT: \$1,350,000

TOTAL INSTRUMENTS: 003

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 17 DAY OF
NOVEMBER, 2020 AT 11:30 A.M.

ORDER NUMBER: 40529522

CUSTOMER FILE NUMBER: 120632.001



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OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S

LINC SHORT LEGAL
0019 756 551 3605FO;79;8

TITLE NUMBER
181 137 614

LEGAL DESCRIPTION

PLAN 3605FO
BLOCK 79
LOT 8
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 091 333 476

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
181 137 614	27/06/2018	TRANSFER OF LAND	\$3,500,000	CASH & MORTGAGE

OWNERS

TANYA EKLUND
OF 929 RIDGE ROAD SW
CALGARY
ALBERTA T2T 3E4

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION		
NUMBER	DATE (D/M/Y)	PARTICULARS
7648FT	21/05/1948	CAVEAT RE : SEE CAVEAT CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY. 2000, 401-9 AVE SW CALGARY ALBERTA T2P4Z4
181 137 615	27/06/2018	MORTGAGE

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

181 137 614

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

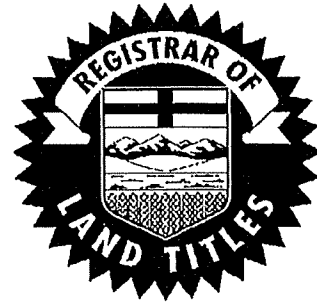
MORTGAGEE - ROYAL BANK OF CANADA.
3RD FL., 10 YORK MILLS ROAD
TORONTO
ONTARIO M2P0A2
ORIGINAL PRINCIPAL AMOUNT: \$3,500,000

TOTAL INSTRUMENTS: 002

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 17 DAY OF
NOVEMBER, 2020 AT 11:30 A.M.

ORDER NUMBER: 40529522

CUSTOMER FILE NUMBER: 120632.001



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OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0013 203 286 3605FO;79;9 901 272 386

LEGAL DESCRIPTION
PLAN 3605FO
BLOCK 79
LOT 9
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 147H99 .

REGISTRATION	DATE (DMY)	REGISTERED OWNER(S) DOCUMENT TYPE	VALUE	CONSIDERATION
901 272 386	01/11/1990	TRANSFER OF LAND	\$405,000	\$405,000

OWNERS

NORMAN D MCDONALD (BUSINESSMAN)

AND

KATHERINE ELIZABETH SMITH (STUDENT)

BOTH OF:

933 RIDGE RD SW

CALGARY

ALBERTA

AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
7648FT .	21/05/1948	CAVEAT RE : SEE CAVEAT CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY. 2000, 401-9 AVE SW

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

901 272 386

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

CALGARY

ALBERTA T2P4Z4

(DATA UPDATED BY: 091097227)

921 010 395 16/01/1992 MORTGAGE
MORTGAGEE - GLENFINNAN DEVELOPMENTS LTD.
700, 521-3 AVE SW
CALGARY
ALBERTA
ORIGINAL PRINCIPAL AMOUNT: \$300,000

941 001 642 05/01/1994 MORTGAGE
MORTGAGEE - THE TORONTO DOMINION BANK.
340-5 AVE. SW, CALGARY
ALBERTA T2P2P6
ORIGINAL PRINCIPAL AMOUNT: \$100,000

941 052 409 02/03/1994 POSTPONEMENT
OF MORT 921010395
TO MORT 941001641 MORT 941001642

981 388 226 10/12/1998 MORTGAGE
MORTGAGEE - THE TORONTO DOMINION BANK.
340 - 5TH AVE. S.W., P.O. BOX 2925, CALGARY
ALBERTA T2P2P6
ORIGINAL PRINCIPAL AMOUNT: \$150,000

981 388 227 10/12/1998 POSTPONEMENT
OF MORT 921010395
TO MORT 981388226

021 121 754 11/04/2002 AMENDING AGREEMENT
AMOUNT: \$537,500
AFFECTS INSTRUMENT: 941001642

021 121 755 11/04/2002 POSTPONEMENT
OF MORT 921010395
TO MORT 941001642 AMEA 021121754

TOTAL INSTRUMENTS: 008

(CONTINUED)

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ORDER NUMBER: 40529522

CUSTOMER FILE NUMBER: 120632.001



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OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S

LINC

SHORT LEGAL

TITLE NUMBER

0019 756 576

3605FO;80;2

201 186 738

LEGAL DESCRIPTION

PLAN 3605FO

BLOCK 80

LOT 2

EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE

ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 031 057 585

REGISTRATION	DATE (DMY)	REGISTERED OWNER(S) DOCUMENT TYPE	VALUE	CONSIDERATION
201 186 738	16/10/2020	TRANSMISSION OF LAND		

OWNERS

ROYAL TRUST CORPORATION OF CANADA.
OF 2300, 335 - 8TH AVENUE SW
CALGARY
ALBERTA T2P 1C9
EXECUTOR FOR LENORA MAY WATTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
7648FT	21/05/1948	CAVEAT RE : SEE CAVEAT CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY. 2000, 401-9 AVE SW CALGARY ALBERTA T2P4Z4

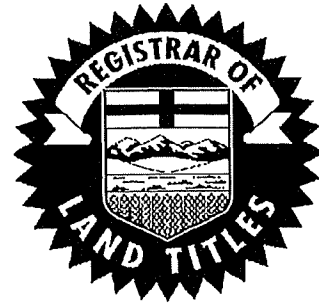
(CONTINUED)

TOTAL INSTRUMENTS: 001

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 17 DAY OF
NOVEMBER, 2020 AT 11:29 A.M.

ORDER NUMBER: 40529522

CUSTOMER FILE NUMBER: 120632.001



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OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0019 756 584 3605FO;80;3 181 207 730

LEGAL DESCRIPTION
PLAN 3605FO
BLOCK 80
LOT 3
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 181 119 034

REGISTRATION	DATE(DMY)	REGISTERED OWNER(S) DOCUMENT TYPE	VALUE	CONSIDERATION
181 207 730	26/09/2018	TRANSFER OF LAND	\$1,350,000	\$1,350,000

OWNERS

KIRBY R PODAVIN

AND
MICHELLE KRISTI PODAVIN
BOTH OF:
1020-32 AVE SW
CALGARY
ALBERTA T2T 1V3
AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
7648FT .	21/05/1948	CAVEAT RE : SEE CAVEAT CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY.

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

181 207 730

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

2000, 401-9 AVE SW
CALGARY
ALBERTA T2P4Z4

181 207 731 26/09/2018 MORTGAGE
MORTGAGEE - CANADIAN IMPERIAL BANK OF COMMERCE.
P.O. BOX 115, COMMERCE COURT POSTAL STATION,
TORONTO
ONTARIO M5L1E5
ORIGINAL PRINCIPAL AMOUNT: \$975,000

TOTAL INSTRUMENTS: 002

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 17 DAY OF
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ORDER NUMBER: 40529522

CUSTOMER FILE NUMBER: 120632.001



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OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0019 756 592 3605FO;80;4 121 184 897

LEGAL DESCRIPTION
PLAN 3605FO
BLOCK 80
LOT 4
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 061 388 601

REGISTRATION	DATE (DMY)	REGISTERED OWNER(S) DOCUMENT TYPE	VALUE	CONSIDERATION
121 184 897	23/07/2012	TRANSFER OF LAND	\$3,525,000	\$3,525,000

OWNERS

DEREK W CHRISTIE

AND

CAROLYN CHRISTIE

BOTH OF:

1016-32 AVE SW

CALGARY

ALBERTA T2T 1V3

AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
7648FT	21/05/1948	CAVEAT RE : SEE CAVEAT CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY.

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

121 184 897

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

2000, 401-9 AVE SW
CALGARY
ALBERTA T2P4Z4

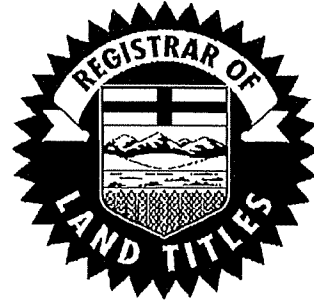
121 184 898 23/07/2012 MORTGAGE
MORTGAGEE - ROYAL BANK OF CANADA.
PERSONAL SERVICE CENTRE
10 YORK MILLS RD, 3 FLR
TORONTO
ONTARIO M2P0A2
ORIGINAL PRINCIPAL AMOUNT: \$2,820,000

TOTAL INSTRUMENTS: 002

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CUSTOMER FILE NUMBER: 120632.001



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OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S

LINC

0019 747 534

SHORT LEGAL

3605FO;80;5

TITLE NUMBER

201 090 950

LEGAL DESCRIPTION

PLAN 3605FO

BLOCK 80

LOT 5

EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 201 017 636

REGISTERED OWNER(S)				
REGISTRATION	DATE(DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
201 090 950	14/05/2020	TRANSFER OF LAND	\$1,075,000	\$1,075,000

OWNERS

PETER FINCH

AND

BEVERLY BRODIE

BOTH OF:

1014-32 AVE SW

CALGARY

ALBERTA T2T 1V3

AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
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7648FT .	21/05/1948	CAVEAT
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RE : SEE CAVEAT

CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY.

2000, 401-9 AVE SW

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

201 090 950

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

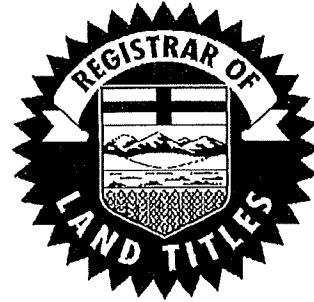
CALGARY
ALBERTA T2P4Z4

TOTAL INSTRUMENTS: 001

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OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0013 202 668 3605FO;90;2 181 195 181

LEGAL DESCRIPTION
PLAN 3605FO
BLOCK 90
LOT 2
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 101 231 512

REGISTRATION	DATE (DMY)	REGISTERED OWNER(S) DOCUMENT TYPE	VALUE	CONSIDERATION
181 195 181	13/09/2018	TRANSFER OF LAND	\$3,000,000	\$3,070,000

OWNERS

MARTIN A LAMBERT

AND

CARMEN M LAMBERT

BOTH OF:

3403 - 10 ST SW

CALGARY

ALBERTA T2T 3H7

AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
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7648FT	21/05/1948	CAVEAT RE : SEE CAVEAT CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY.
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(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

181 195 181

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

2000, 401-9 AVE SW
CALGARY
ALBERTA T2P4Z4

171 012 093 14/01/2017 CAVEAT
RE : ENCROACHMENT AGREEMENT PURSUANT TO MUNICIPAL
GOVERNMENT ACT
CAVEATOR - THE CITY OF CALGARY.
GENERAL MANAGER, CORPORATE SERVICES
12TH FLOOR, MUNICIPAL BUILDING, 800 MACLEOD TRAIL
SE
CALGARY
ALBERTA T2P2M5
AGENT - KELLY FOSTER

TOTAL INSTRUMENTS: 002

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 17 DAY OF
NOVEMBER, 2020 AT 11:29 A.M.

ORDER NUMBER: 40529522

CUSTOMER FILE NUMBER: 120632.001



END OF CERTIFICATE

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FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER,
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PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0019 747 567 3605FO;90;3 951 134 873

LEGAL DESCRIPTION
PLAN 3605FO
BLOCK 90
LOT 3
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 881 017 382

REGISTERED OWNER(S)				
REGISTRATION	DATE(DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
951 134 873	16/06/1995	TRANSFER OF LAND	\$248,500	\$248,500

OWNERS

THOMAS OYSTRICK

AND

BARBARA ANN ZACK
BOTH OF:
3405-10 STREET SW
CALGARY
ALBERTA
AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION	DATE (D/M/Y)	PARTICULARS
7648FT .	21/05/1948	CAVEAT RE : SEE CAVEAT CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY.

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

951 134 873

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

2000, 401-9 AVE SW

CALGARY

ALBERTA T2P4Z4

(DATA UPDATED BY: 091097227)

951 134 874 16/06/1995 MORTGAGE

MORTGAGEE - BANK OF MONTREAL.

1216 - 10 AVE SW

CALGARY

ALBERTA T2T5N3

ORIGINAL PRINCIPAL AMOUNT: \$149,750

TOTAL INSTRUMENTS: 002

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OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S

LINC SHORT LEGAL
0019 755 686 3605FO;90;5

TITLE NUMBER
151 265 955

LEGAL DESCRIPTION
PLAN 3605FO
BLOCK 90
LOT 5
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 021 231 289

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
151 265 955	14/10/2015	TRANSFER OF LAND	\$1,191,500	\$1,191,500

OWNERS

JEFFREY BELFORD

AND

KRISTA BELFORD

BOTH OF:

3409 10 STREET SW
CALGARY

ALBERTA T2T 3H7

AS JOINT TENANTS

(DATA UPDATED BY: CHANGE OF ADDRESS 171148505)

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION		
NUMBER	DATE (D/M/Y)	PARTICULARS

7648FT	21/05/1948	CAVEAT RE : SEE CAVEAT CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY.
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(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

151 265 955

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

2000, 401-9 AVE SW
CALGARY
ALBERTA T2P4Z4

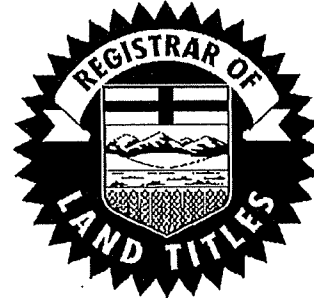
201 051 181 12/03/2020 MORTGAGE
MORTGAGEE - CANADIAN IMPERIAL BANK OF COMMERCE.
P.O. BOX 115
COMMERCE COURT POSTAL STN
TORONTO
ONTARIO M5L1E5
ORIGINAL PRINCIPAL AMOUNT: \$2,830,000

TOTAL INSTRUMENTS: 002

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OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S

LINC

0019 755 694

SHORT LEGAL

3605FO;90;6

TITLE NUMBER

091 310 868

LEGAL DESCRIPTION

PLAN 3605FO

BLOCK 90

LOT 6

EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE

ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 881 121 054

REGISTRATION	DATE (DMY)	REGISTERED OWNER(S) DOCUMENT TYPE	VALUE	CONSIDERATION
091 310 868	16/10/2009	TRANSFER OF LAND	\$980,000	CASH & MORTGAGE

OWNERS

JOHNNIE RENE SHEAFF

AND

LOIS LYNN LANGILL

BOTH OF:

3406- 11 ST SW

CALGARY

ALBERTA T2T 3M1

AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
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7648FT	21/05/1948	CAVEAT
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RE : SEE CAVEAT

CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY.

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

091 310 868

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

2000, 401-9 AVE SW
CALGARY
ALBERTA T2P4Z4

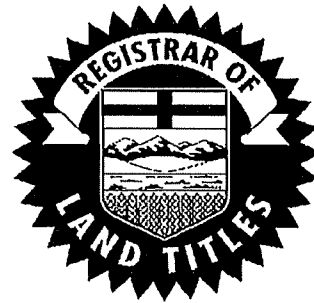
091 310 869 16/10/2009 MORTGAGE
MORTGAGEE - ROYAL BANK OF CANADA.
180 WELLINGTON ST W.1ST FLOOR
TORONTO
ONTARIO M5J1J1
ORIGINAL PRINCIPAL AMOUNT: \$980,000

TOTAL INSTRUMENTS: 002

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TITLE REPRESENTED HEREIN THIS 17 DAY OF
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ORDER NUMBER: 40529522

CUSTOMER FILE NUMBER: 120632.001



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LAND TITLE CERTIFICATE

S

LINC	SHORT LEGAL	TITLE NUMBER
0017 829 490	3605FO;90;7	131 164 925

LEGAL DESCRIPTION

PLAN 3605FO

BLOCK 90

LOT 7

EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE

ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 021 074 868

REGISTRATION	DATE (DMY)	REGISTERED OWNER(S) DOCUMENT TYPE	VALUE	CONSIDERATION
131 164 925	11/07/2013	TRANSFER OF LAND	\$1,257,500	CASH & MORTGAGE

OWNERS

ADAM ROBERTS

AND

LAURA ROBERTS

BOTH OF:

3404-11TH STREET SW

CALGARY

ALBERTA T2T 3M1

AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
7648FT .	21/05/1948	CAVEAT RE : SEE CAVEAT CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY.

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

131 164 925

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

2000, 401-9 AVE SW
CALGARY
ALBERTA T2P4Z4

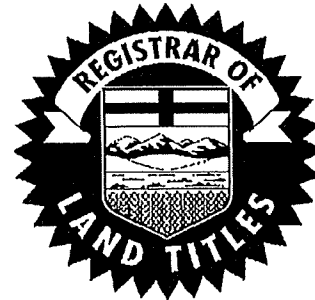
131 164 926 11/07/2013 MORTGAGE
MORTGAGEE - ROYAL BANK OF CANADA.
10 YORK MILLS ROAD
3RD FLOOR
TORONTO
ONTARIO M2P0A2
ORIGINAL PRINCIPAL AMOUNT: \$1,257,500

TOTAL INSTRUMENTS: 002

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TITLE REPRESENTED HEREIN THIS 17 DAY OF
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ORDER NUMBER: 40529522

CUSTOMER FILE NUMBER: 120632.001



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OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0019 755 710 3605FO;91;1 201 031 534

LEGAL DESCRIPTION
PLAN 3605FO
BLOCK 91
LOT 1
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 191 238 750

REGISTRATION	DATE (DMY)	REGISTERED OWNER(S) DOCUMENT TYPE	VALUE	CONSIDERATION
201 031 534	12/02/2020	TRANSFER OF LAND	\$1,407,500	CASH & MORT

OWNERS

ALI TEJPAR

AND

ZAHRA TEJPAR

BOTH OF:

1826-37 AVENUE SW

CALGARY

ALBERTA T2T 2H4

AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
7648FT	21/05/1948	CAVEAT RE : SEE CAVEAT CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY. 2000, 401-9 AVE SW

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

201 031 534

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

CALGARY
ALBERTA T2P4Z4

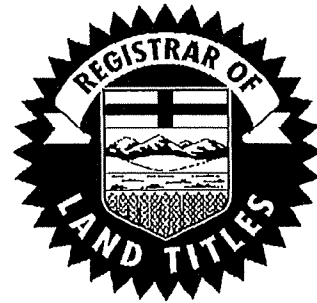
201 031 535 12/02/2020 MORTGAGE
MORTGAGEE - BANK OF MONTREAL.
MORTGAGE SERVICE CENTRE
865 HARRINGTON COURT
BURLINGTON
ONTARIO L7N3P3
ORIGINAL PRINCIPAL AMOUNT: \$1,000,000

TOTAL INSTRUMENTS: 002

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ORDER NUMBER: 40529522

CUSTOMER FILE NUMBER: 120632.001



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OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0013 023 817 3605FO;91;4 921 310 284

LEGAL DESCRIPTION
PLAN 3605FO
BLOCK 91
LOT 4
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 911 087 964

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
921 310 284	07/12/1992	TRANSFER OF LAND	\$280,000	NOMINAL

OWNERS

CHRISTINA T G LAMARSH
OF 3407-9 ST SW
CALGARY
ALBERTA

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION	DATE (D/M/Y)	PARTICULARS
7648FT	21/05/1948	CAVEAT RE : SEE CAVEAT CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY. 2000, 401-9 AVE SW CALGARY ALBERTA T2P4Z4 (DATA UPDATED BY: 091097227)

(CONTINUED)

TOTAL INSTRUMENTS: 001

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CUSTOMER FILE NUMBER: 120632.001



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LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0018 008 053 3605FO;91;8 821 195 254

LEGAL DESCRIPTION
PLAN 3605FO
BLOCK 91
LOT 8
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
821 195 254	16/11/1982		\$188,000	

OWNERS

NANCY STAFFORD ENGBLOOM (LAWYER)
OF 3410-10 ST SW
CALGARY
ALBERTA

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION		
NUMBER	DATE (D/M/Y)	PARTICULARS
7648FT	21/05/1948	CAVEAT RE : SEE CAVEAT CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY. 2000, 401-9 AVE SW CALGARY ALBERTA T2P4Z4 (DATA UPDATED BY: 091097227)

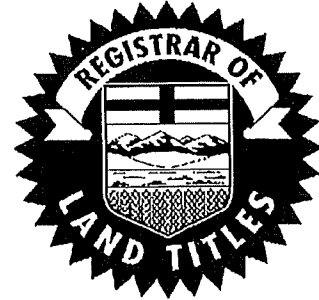
TOTAL INSTRUMENTS: 001

(CONTINUED)

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
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LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0019 749 837 3605FO;91;9 131 134 062

LEGAL DESCRIPTION
PLAN 3605FO
BLOCK 91
LOT 9
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 101 129 685

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
131 134 062	10/06/2013	TRANSFER OF LAND	\$1,798,000	CASH

OWNERS

BRADLEY JOHN O'CONNOR

AND

WENDY NICOLA O'CONNOR

BOTH OF:

3406-10 STREET SW

CALGARY

ALBERTA T2T 3H6

AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION		
NUMBER	DATE (D/M/Y)	PARTICULARS
7648FT .	21/05/1948	CAVEAT RE : SEE CAVEAT CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY.

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

131 134 062

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

2000, 401-9 AVE SW
CALGARY
ALBERTA T2P4Z4

141 065 174 14/03/2014 MORTGAGE
MORTGAGEE - HSBC BANK CANADA.
2910 VIRTUAL WAY, 3RD FLOOR
VANCOUVER
BRITISH COLUMBIA V5M0B2
ORIGINAL PRINCIPAL AMOUNT: \$1,800,000

TOTAL INSTRUMENTS: 002

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
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ORDER NUMBER: 40529522

CUSTOMER FILE NUMBER: 120632.001



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LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0013 494 588 3605FO;91;10 201 211 295

LEGAL DESCRIPTION
PLAN 3605FO
BLOCK 91
LOT 10
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 081 403 732

REGISTERED OWNER(S)					
REGISTRATION	DATE(DMY)	DOCUMENT	TYPE	VALUE	CONSIDERATION
201 211 295	16/11/2020	TRANSFER OF LAND		\$1,024,000	\$1,024,000

OWNERS

ANNE DERBY
OF 3404 10 STREET SW
CALGARY
ALBERTA T2T 3H6

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION	DATE (D/M/Y)	PARTICULARS
7648FT	21/05/1948	CAVEAT RE : SEE CAVEAT CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY. 2000, 401-9 AVE SW CALGARY ALBERTA T2P4Z4
991 266 584	14/09/1999	CAVEAT

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

201 211 295

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

RE : ENCROACHMENT AGREEMENT

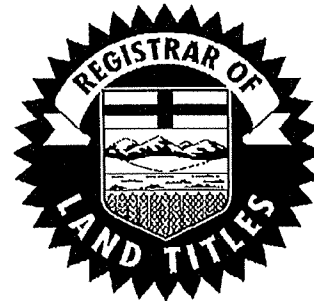
081 403 733 28/10/2008 MORTGAGE
MORTGAGEE - BANK OF MONTREAL.
340 - 7 AVENUE S.W.
CALGARY
ALBERTA T2P0X4
ORIGINAL PRINCIPAL AMOUNT: \$756,000

TOTAL INSTRUMENTS: 003

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OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S

LINC SHORT LEGAL
0016 969 099 3605FO;92;1

TITLE NUMBER
981 106 190

LEGAL DESCRIPTION

PLAN 3605FO
BLOCK 92
LOT 1
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE

ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 951 084 272

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
981 106 190	16/04/1998	TRANSFER OF LAND	\$440,000	\$440,000

OWNERS

VERN A WADEY

AND

WENDY J WADEY

BOTH OF:

3401-8A ST SW

CALGARY

ALBERTA T2T 3B3

AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION		
NUMBER	DATE (D/M/Y)	PARTICULARS
7648FT .	21/05/1948	CAVEAT RE : SEE CAVEAT CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY.

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

981 106 190

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

2000, 401-9 AVE SW

CALGARY

ALBERTA T2P4Z4

(DATA UPDATED BY: 091097227)

931 179 295 28/07/1993 CAVEAT

RE : ENCROACHMENT AGREEMENT

CAVEATOR - THE CITY OF CALGARY.

C/O DIRECTOR OF LAND & HOUSING DEPT

12 FL., MUNICIPAL BLDG

800 MACLEOD TR SE

CALGARY

ALBERTA T2P2M5

AGENT - RAY HUENE

981 106 191 16/04/1998 CAVEAT

RE : AGREEMENT CHARGING LAND

CAVEATOR - HONGKONG BANK OF CANADA.

333-5 AVE SW

CALGARY

ALBERTA T2P3B6

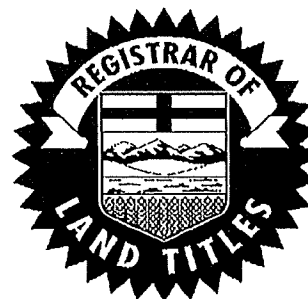
AGENT - RENELLE NAROWSKI

TOTAL INSTRUMENTS: 003

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 17 DAY OF
NOVEMBER, 2020 AT 11:30 A.M.

ORDER NUMBER: 40529522

CUSTOMER FILE NUMBER: 120632.001



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED
FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER,
SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,
APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0016 423 766 3605FO;92;7 911 112 595

LEGAL DESCRIPTION
PLAN 3605FO
BLOCK 92
LOT 7
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 175X176

REGISTRATION	DATE (DMY)	REGISTERED OWNER(S) DOCUMENT TYPE	VALUE	CONSIDERATION
911 112 595	30/05/1991	TRANSFER OF LAND	\$252,000	\$252,000

OWNERS

CATHERINE JOANNE HARRADENCE (TEACHER)
OF 3406-9 ST SW
CALGARY
ALBERTA

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
7648FT	21/05/1948	CAVEAT RE : SEE CAVEAT CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY. 2000, 401-9 AVE SW CALGARY ALBERTA T2P4Z4 (DATA UPDATED BY: 091097227)

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

911 112 595

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

051 010 267 10/01/2005 MORTGAGE
MORTGAGEE - THE TORONTO DOMINION BANK.
500,10004 JASPER AVE
EDMONTON
ALBERTA T5J1R3
ORIGINAL PRINCIPAL AMOUNT: \$200,000

111 288 921 07/11/2011 MORTGAGE
MORTGAGEE - THE TORONTO DOMINION BANK.
500 EDMONTON CITY CENTER EAST, 10205-101 STREET,
5TH FLOOR
EDMONTON
ALBERTA T5J5E8
ORIGINAL PRINCIPAL AMOUNT: \$373,000

121 039 345 15/02/2012 POSTPONEMENT
OF MORT 051010267
TO MORT 111288921

TOTAL INSTRUMENTS: 004

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 17 DAY OF
NOVEMBER, 2020 AT 11:29 A.M.

ORDER NUMBER: 40529522

CUSTOMER FILE NUMBER: 120632.001



END OF CERTIFICATE

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OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0017 973 272 3605FO;93;1 091 307 672

LEGAL DESCRIPTION
PLAN 3605FO
BLOCK 93
LOT 1
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 891 004 417

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
091 307 672	14/10/2009	TRANSFER OF LAND	\$2,470,000	\$2,470,000

OWNERS

JAY B SIMMONS

AND

JILL T ANGEVINE

BOTH OF:

3400-8A ST SW

CALGARY

ALBERTA T2T 3B2

AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION		
NUMBER	DATE (D/M/Y)	PARTICULARS
7648FT .	21/05/1948	CAVEAT RE : SEE CAVEAT CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY.

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

091 307 672

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

2000, 401-9 AVE SW
CALGARY
ALBERTA T2P4Z4

891 130 852	11/07/1989	CAVEAT RE : ENCROACHMENT AGREEMENT CAVEATOR - THE CITY OF CALGARY. C/O CITY SOLICITOR, CITY HALL, 800 MACLEOD TRAIL S.E., CALGARY ALBERTA AGENT - PAUL R WHITMAN
081 368 901	30/09/2008	UTILITY RIGHT OF WAY GRANTEE - ENMAX POWER CORPORATION. 141-50 AVE SE CALGARY ALBERTA AS TO PORTION OR PLAN:0814408
101 093 560	01/04/2010	CAVEAT RE : ENCROACHMENT AGREEMENT PURSUANT TO MUNICIPAL GOVERNMENT ACT CAVEATOR - THE CITY OF CALGARY. GENERAL MANAGER, CORPORATE PROPERTIES & BUILDINGS 12TH FLR, MUNICIPAL BLDG 800 MACLEOD TRAIL SE CALGARY ALBERTA T2P2M5 AGENT - BEV FELLMAN
141 143 398	10/06/2014	MORTGAGE MORTGAGEE - THE BANK OF NOVA SCOTIA. #1600, 700 2ND ST. SW CALGARY ALBERTA T2P2W1 ORIGINAL PRINCIPAL AMOUNT: \$2,175,000
191 210 834	16/10/2019	MORTGAGE MORTGAGEE - THE BANK OF NOVA SCOTIA. 4715 TAHOE BLVD MISSISSAUGA ONTARIO L4W0B4 ORIGINAL PRINCIPAL AMOUNT: \$3,000,000

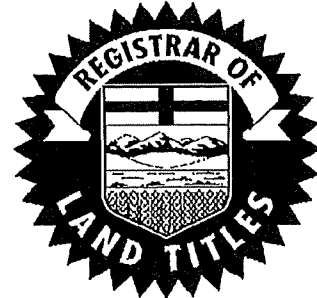
TOTAL INSTRUMENTS: 006

(CONTINUED)

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 17 DAY OF
NOVEMBER, 2020 AT 11:29 A.M.

ORDER NUMBER: 40529522

CUSTOMER FILE NUMBER: 120632.001



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OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



HISTORICAL LAND TITLE CERTIFICATE
TITLE CANCELLED ON SEPTEMBER 22, 2003

S
LINC SHORT LEGAL TITLE NUMBER
0019 751 924 3605FO;93;2,3 031 240 759

LEGAL DESCRIPTION

PLAN 3605FO
BLOCK 93
LOT 2 AND THAT PORTION OF LOT 3
THAT LIES TO THE NORTH OF SOUTH
12.50 METRES IN PERPENDICULAR
WIDTH OF SAID LOT 3 CONTAINING
0.101 HECTARES (0.251 ACRES) MORE
OR LESS
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ATS REFERENCE: 5;1;24;9;SE
ESTATE: FEE SIMPLE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 031 190 710

REGISTERED OWNER(S)				
REGISTRATION	DATE(DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
031 240 759	18/07/2003	TRANSFER OF LAND	\$935,000	CASH & MORT

OWNERS

854008 ALBERTA INC.
OF 215 1300 8 ST SW
CALGARY
ALBERTA T2R 1B2

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION		
NUMBER	DATE (D/M/Y)	PARTICULARS
7648FT	21/05/1948	CAVEAT RE : SEE CAVEAT

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

031 240 759

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY.

881 084 411 25/05/1988 UTILITY RIGHT OF WAY
GRANTEE - THE CITY OF CALGARY.
AS TO PORTION OR PLAN:8810610

031 240 760 18/07/2003 MORTGAGE
MORTGAGEE - FIRST CALGARY SAVINGS & CREDIT UNION
LTD.
P.O. BOX 908, CALGARY
ALBERTA T2P2J6
ORIGINAL PRINCIPAL AMOUNT: \$500,000

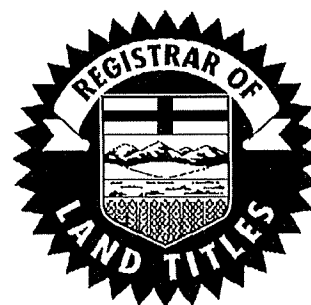
031 324 946 22/09/2003 SUBDIVISION PLAN 0312648
TITLE CANCELLED IN FULL

TOTAL INSTRUMENTS: 004

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 23 DAY OF
NOVEMBER, 2020 AT 11:06 A.M.

ORDER NUMBER: 40563102

CUSTOMER FILE NUMBER: 120632.001



END OF CERTIFICATE

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OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S

LINC

SHORT LEGAL

TITLE NUMBER

0012 413 092

3605FO;93;3

151 224 546

LEGAL DESCRIPTION

PLAN 3605FO

BLOCK 93

THE SOUTH 12.50 METRES IN PERPENDICULAR WIDTH
OF LOT 3

CONTAINING 0.050 OF A HECTARE (0.1222 OF AN
ACRE) MORE OR LESS

EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ATS REFERENCE: 5;1;24;9;SE

ESTATE: FEE SIMPLE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 081 454 758

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
151 224 546	01/09/2015	TRANSFER OF LAND	\$1,570,000	\$1,570,000

OWNERS

JAMES YU

AND

CATHERINE YU

BOTH OF:

3406 - 8A STREET SW

CALGARY

ALBERTA T2T 3B2

AS JOINT TENANTS

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

151 224 546

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
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7648FT .	21/05/1948	CAVEAT RE : SEE CAVEAT CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY. 2000, 401-9 AVE SW CALGARY ALBERTA T2P4Z4
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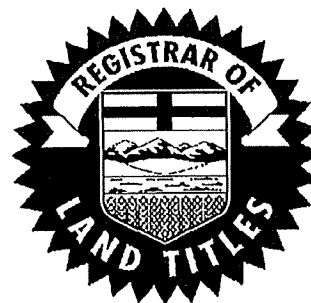
881 084 411	25/05/1988	UTILITY RIGHT OF WAY GRANTEE - THE CITY OF CALGARY. AS TO PORTION OR PLAN:8810610
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TOTAL INSTRUMENTS: 002

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 17 DAY OF
NOVEMBER, 2020 AT 11:29 A.M.

ORDER NUMBER: 40529522

CUSTOMER FILE NUMBER: 120632.001



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OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0016 289 076 3605FO;93;4 081 428 495

LEGAL DESCRIPTION
PLAN 3605FO
BLOCK 93
LOT 4
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 031 143 955

REGISTRATION	DATE (DMY)	REGISTERED OWNER(S) DOCUMENT TYPE	VALUE	CONSIDERATION
081 428 495	17/11/2008	TRANSFER OF LAND	\$3,500,000	\$3,500,000

OWNERS

GARRY TANNER

AND

CAROLYN DAWN TANNER

BOTH OF:

3408-8A STREET SW

CALGARY

ALBERTA T2T 3B2

AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
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7648FT	21/05/1948	CAVEAT RE : SEE CAVEAT CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY. 2000, 401-9 AVE SW
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(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

081 428 495

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

CALGARY

ALBERTA T2P4Z4

(DATA UPDATED BY: 091097227)

081 368 910 30/09/2008 UTILITY RIGHT OF WAY
GRANTEE - ENMAX POWER CORPORATION.
141-50 AVE SE
CALGARY
ALBERTA
AS TO PORTION OR PLAN:0814408

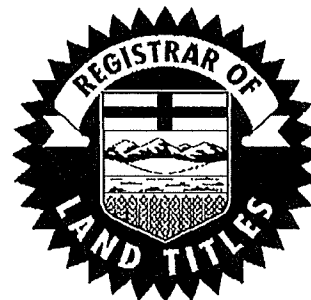
081 428 496 17/11/2008 MORTGAGE
MORTGAGEE - ROYAL BANK OF CANADA.
180 WELLINGTON STREET WEST
TORONTO
ONTARIO M5J1J1
ORIGINAL PRINCIPAL AMOUNT: \$3,500,000

TOTAL INSTRUMENTS: 003

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 17 DAY OF
NOVEMBER, 2020 AT 11:29 A.M.

ORDER NUMBER: 40529522

CUSTOMER FILE NUMBER: 120632.001



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LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0010 442 713 3605FO;93;5 091 250 630

LEGAL DESCRIPTION
PLAN 3605FO
BLOCK 93
LOT 5
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 911 255 385

REGISTRATION	DATE (DMY)	REGISTERED OWNER(S) DOCUMENT TYPE	VALUE	CONSIDERATION
091 250 630	25/08/2009	AFFIDAVIT OF SURVIVING JOINT TENANT		

OWNERS

BEVERLY GAIL ELLIOTT
OF 3410-8A ST SW
CALGARY
ALBERTA

(DATA UPDATED BY: 091265734)

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
7648FT	21/05/1948	CAVEAT RE : SEE CAVEAT CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY. 2000, 401-9 AVE SW CALGARY ALBERTA T2P4Z4

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

091 250 630

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
081 368 906	30/09/2008	UTILITY RIGHT OF WAY GRANTEE - ENMAX POWER CORPORATION. 141-50 AVE SE CALGARY ALBERTA AS TO PORTION OR PLAN:0814408

TOTAL INSTRUMENTS: 002

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NOVEMBER, 2020 AT 11:29 A.M.

ORDER NUMBER: 40529522

CUSTOMER FILE NUMBER: 120632.001



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OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S		
LINC	SHORT LEGAL	TITLE NUMBER
0016 824 492	3605FO;93;6	911 223 452

LEGAL DESCRIPTION
PLAN 3605FO
BLOCK 93
LOT 6
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 791 162 400

REGISTRATION	DATE (DMY)	REGISTERED OWNER(S) DOCUMENT TYPE	VALUE	CONSIDERATION
911 223 452	02/10/1991	TRANSFER OF LAND	\$450,000	\$450,000

OWNERS

JEANNE DOCHERTY

AND

WILLIAM DOCHERTY

BOTH OF:

3412-8A ST SW

CALGARY

ALBERTA

AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
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7648FT	21/05/1948	CAVEAT RE : SEE CAVEAT CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY.
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(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

911 223 452

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
		2000, 401-9 AVE SW CALGARY ALBERTA T2P4Z4 (DATA UPDATED BY: 091097227)
081 368 895	30/09/2008	UTILITY RIGHT OF WAY GRANTEE - ENMAX POWER CORPORATION. 141-50 AVE SE CALGARY ALBERTA AS TO PORTION OR PLAN:0814408
181 136 507	26/06/2018	CAVEAT RE : AGREEMENT CHARGING LAND CAVEATOR - HER MAJESTY THE QUEEN IN RIGHT OF ALBERTA AS REPRESENTED BY MINISTER OF SENIORS AND HOUSING OFFICE OF THE SENIORS PROPERTY TAX DEFERRAL PROGRAM BOX 1200 STN MAIN EDMONTON ALBERTA T5J2M4 AGENT - RAHEEM PREMJI
191 127 012	28/06/2019	CAVEAT RE : AGREEMENT CHARGING LAND CAVEATOR - HER MAJESTY THE QUEEN IN RIGHT OF ALBERTA AS REPRESENTED BY MINISTER OF SENIORS AND HOUSING C/O OFFICE OF THE SENIORS PROPERTY TAX DEFERRAL PROGRAM PO BOX 1200, STN MAIN EDMONTON ALBERTA T5J2M4 AGENT - BEVERLY ROWLANDS
201 117 433	03/07/2020	CAVEAT RE : AGREEMENT CHARGING LAND CAVEATOR - HER MAJESTY THE QUEEN IN RIGHT OF ALBERTA AS REPRESENTED BY MINISTER OF SENIORS AND HOUSING C/O OFFICE OF THE SENIORS PROPERTY TAX DEFERRAL PROGRAM PO BOX 1200 STN MAIN EDMONTON ALBERTA T5J2M4 AGENT - LEEANN KUCHERAWAY

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 3

911 223 452

REGISTRATION

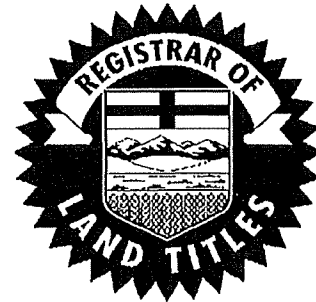
NUMBER DATE (D/M/Y) PARTICULARS

TOTAL INSTRUMENTS: 005

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
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TITLE REPRESENTED HEREIN THIS 17 DAY OF
NOVEMBER, 2020 AT 11:29 A.M.

ORDER NUMBER: 40529522

CUSTOMER FILE NUMBER: 120632.001



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OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0016 824 484 3605FO;93;7 941 317 930

LEGAL DESCRIPTION
PLAN 3605FO
BLOCK 93
LOT 7
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 921 186 713

REGISTRATION	DATE (DMY)	REGISTERED OWNER(S) DOCUMENT TYPE	VALUE	CONSIDERATION
941 317 930	12/12/1994	TRANSFER OF LAND	\$420,000	\$420,000

OWNERS

BARBARA JEAN WILLIAMS
OF 3414-8A ST SW
CALGARY
ALBERTA

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
7648FT .	21/05/1948	CAVEAT RE : SEE CAVEAT CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY. 2000, 401-9 AVE SW CALGARY ALBERTA T2P4Z4

(DATA UPDATED BY: 091097227)

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

941 317 930

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

081 022 458 16/01/2008 MORTGAGE
MORTGAGEE - BANK OF MONTREAL.
350 7 AVE SW, 39TH FLR
CALGARY
ALBERTA T2P3N9
ORIGINAL PRINCIPAL AMOUNT: \$1,287,000

TOTAL INSTRUMENTS: 002

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ACCURATE REPRODUCTION OF THE CERTIFICATE OF
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ORDER NUMBER: 40529522

CUSTOMER FILE NUMBER: 120632.001



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OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0016 818 387 3605FO;93;8 101 077 282

LEGAL DESCRIPTION
PLAN 3605FO
BLOCK 93
LOT 8
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;24;9;SE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 981 342 019

REGISTRATION	DATE (DMY)	REGISTERED OWNER(S) DOCUMENT TYPE	VALUE	CONSIDERATION
101 077 282	17/03/2010	TRANSFER OF LAND	\$5,300,000	\$5,300,000

OWNERS

GRANT FAGERHEIM

AND

PENNY FAGERHEIM

BOTH OF:

3416-8A STREET SW

CALGARY

ALBERTA T2T 3B2

AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
7648FT	21/05/1948	CAVEAT RE : SEE CAVEAT CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY.

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

101 077 282

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

2000, 401-9 AVE SW
CALGARY
ALBERTA T2P4Z4

041 358 983 21/09/2004 CAVEAT
RE : RESTRICTIVE COVENANT

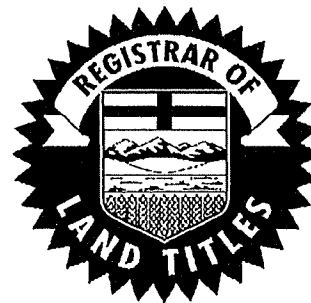
101 077 283 17/03/2010 MORTGAGE
MORTGAGEE - BANK OF MONTREAL.
350-7 AVE SW, 7 FLOOR
CALGARY
ALBERTA T2P3N9
ORIGINAL PRINCIPAL AMOUNT: \$2,700,000

TOTAL INSTRUMENTS: 003

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 17 DAY OF
NOVEMBER, 2020 AT 11:30 A.M.

ORDER NUMBER: 40529522

CUSTOMER FILE NUMBER: 120632.001



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED
FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER,
SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,
APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).

THIS IS **EXHIBIT E** TO THE
AFFIDAVIT

OF THOMAS FERGUSON

AFFIRMED / SWORN BEFORE ME

this 25 day of January, 2021.



(SIGNATURE OF COMMISSIONER)

Anita V. Nowinka
Student-At-Law

**ALBERTA GOVERNMENT SERVICES
LAND TITLES OFFICE**

IMAGE OF DOCUMENT REGISTERED AS:

7648FT .

ORDER NUMBER: 40493750

ADVISORY

This electronic image is a reproduction of the original document registered at the Land Titles Office. Please compare the registration number on this coversheet with that on the attached document to ensure that you have received the correct document. Note that Land Titles Staff are not permitted to interpret the contents of this document.

Please contact the Land Titles Office at (780) 422-7874 if the image of the document is not legible.

THE LAND TITLES ACT

(Section 21)

CERTIFICATE

Dear Sir/Madam:

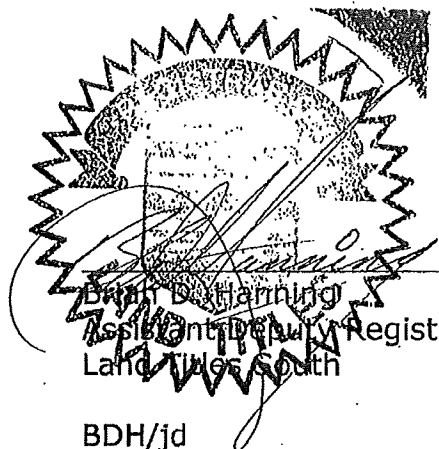
Re: Missing Instrument

Pursuant to Section 21 of the Land Titles Act, I hereby certify that
registered document:

Numbered **7648 F.T.**

has been lost, mislaid or destroyed and has not been micro
photographed.

Yours truly,



Brian D. Hanning
Assistant Deputy Registrar
Land Titles South

BDH/jd

Certified Linda Dec 21

Issued June 03, 05 70

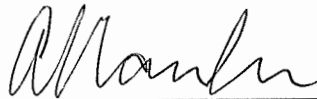
July 25th, 2006

THIS IS **EXHIBIT F** TO THE
AFFIDAVIT

OF THOMAS FERGUSON

AFFIRMED / SWORN BEFORE ME

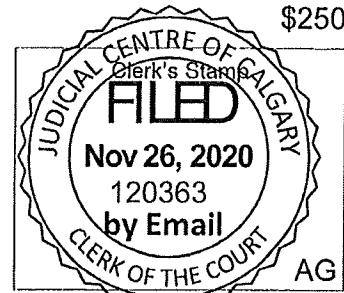
this 25 day of January, 2021.



(SIGNATURE OF COMMISSIONER)

Anita V. Nowinka
Student-At-Law

COURT FILE NUMBER 2001-14291
COURT QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE CALGARY
APPLICANT THOMAS H. FERGUSON, Q.C.
RESPONDENT REGISTRAR OF TITLES for the LAND TITLES OFFICE
DOCUMENT **ORIGINATING APPLICATION FOR AN ORDER PURSUANT
TO SECTION 21 OF THE LAND TITLES ACT**



\$250

ADDRESS FOR
SERVICE AND
CONTACT
INFORMATION OF
PARTY FILING
THIS DOCUMENT
Curtis E. Marble
Carbert Waite LLP
2300 Encor Place
645 – 7th Avenue SW
Calgary, Alberta T2P 4G8
Phone: 403.705. 3642 Fax: 403.263.5553
File: 120632.001

NOTICE TO THE RESPONDENT(S)

This application is made against you. You are a respondent.

You have the right to state your side of this matter before the Court.

To do so, you must be in Court when the application is heard as shown below:

Date: December 16, 2020

Time: 10:00am

Where: Calgary Court Centre

Before: Justice in Chambers

To appear by video:

<https://www.albertacourts.ca/qb/court-operations-schedules/scheduling>

Civil Chambers - Virtual Courtroom 58 (CCC QB)

To appear by telephone:

Dial In Number: 780-851-3573

Access code: 968 555 507

Go to the end of this document to see what you can do and when you must do it.

Basis for this claim:

1. The Applicant, Thomas H. Ferguson, Q.C. ("**Mr. Ferguson**"), is the owner of the property legally described as Plan 3605FO Block 92 Lot. (the "**Property**") and has resided at the property since 1977.
2. Instrument Number 7648 FT, a copy of which is attached hereto at **Schedule "A"** to this Application, is registered against the Property (the "**Caveat**").

3. The Caveat attaches to it a restrictive covenant. The Property is both a dominant and servient tenement. The Caveat is also registered against certain neighbouring properties legally described as:
 - (a) Block 78 Lots 1, 2, 3, 4, 5, 6, 7
 - (b) Block 79 Lots 1, 2, 3, 4, 5, 6, 7, 8, 9
 - (c) Block 80 Lots 2, 3, 4, 5
 - (d) Block 90 Lots 2, 3, 5, 6, 7
 - (e) Block 91 Lots 1, 4, 8, 9, 10
 - (f) Block 92 Lots 1, 7, 9
 - (g) Block 93 Lots 1, 2, 3, 4, 5, 6, 7, 8
 (the "Neighbouring Properties")
4. The Registrar has certified that the Registrar is unable to produce the Caveat by reason that it has been destroyed, is lost or cannot be found and another record of the Caveat has not been made.
5. The Applicant is in possession of a true copy of the Caveat, and therefore brings the present application pursuant to section 21 of the *Land Titles Act*.

Remedies sought:

6. An Order, substantially in the form appended hereto as **Schedule "B"**:
 - (a) Declaring that the Applicant's copy of the Caveat is a true copy of the Caveat (the "True Copy");
 - (b) directing the Registrar to rectify the missing document status of the Caveat and file the True Copy as Instrument 7648FT; and
 - (c) Providing such further and other relief as this Honourable Court deems just.

Affidavit or other evidence to be used in support of this application:

7. Affidavit of Thomas H. Ferguson, Q.C., sworn November 25, 2020;
8. Affidavit of Robert Engbloom, Q.C. sworn November 25, 2020; and
9. Such further and other material as counsel may advise and this Honourable Court may permit.

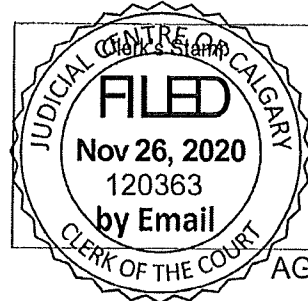
Applicable Acts and Regulations:

10. *Land Titles Act*, RSA 2000, c L-4, s. 21.

WARNING

You are named as a respondent because you have made or are expected to make an adverse claim in respect of this originating application. If you do not come to Court either in person or by your lawyer, the Court may make an order declaring you and all persons claiming under you to be barred from taking any further proceedings against the applicant(s) and against all persons claiming under the applicant(s). You will be bound by any order the Court makes, or another order might be given or other proceedings taken which the applicant(s) is/are entitled to make without any further notice to you. If you want to take part in the application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of this form. If you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the applicant(s) a reasonable time before the application is to be heard or considered.

COURT FILE NUMBER 2001-14291
COURT QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE CALGARY
APPLICANT THOMAS H. FERGUSON, Q.C.
RESPONDENT REGISTRAR OF TITLES for the LAND TITLES OFFICE
DOCUMENT AFFIDAVIT IN SUPPORT OF ORIGINATING APPLICATION



ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT
Curtis E. Marble
Carbert Waite LLP
2300 Encor Place
645 – 7th Avenue SW
Calgary, Alberta T2P 4G8
Phone: 403.705. 3642 Fax: 403.263.5553
File: 120632.001

AFFIDAVIT OF THOMAS H. FERGUSON, Q.C.

Sworn on November 25, 2020

I, Thomas H. Ferguson, Q.C., of Calgary, Alberta, make oath and say that:

1. I am the Applicant in this Originating Application for relief pursuant to section 21 of the *Land Titles Act*, RSA 2000, c L-4 and as such have personal knowledge of the facts and matters deposed to except where stated to be based on information and belief, in which case I believe them to be true.
2. I own the land legally described as Plan 3605FO Block 92 Lot 9 (the "**Property**") in joint tenancy with my wife Dianne Elizabeth Ferguson. We purchased the Property in 1977 and I attach a true copy of the title to the Property at **Exhibit "A"**.
3. I was aware of the Caveat from my review of the title to the Property at the time of our purchase, and understand that Instrument Number 7648 FT contains certain restrictions as to the use of the lands, including the number of dwellings and required set-backs for buildings on the Property.

4. Through a Land Titles search for Caveat #7648FT, completed by my counsel on November 11, 2020, I learned that the Registrar of Land Titles has issued a Certificate pursuant to section 21 of the *Land Titles Act* certifying that Caveat #7648 has been lost, mislaid or destroyed and has not been micro photographed. A copy of the Land Titles Certificate obtained November 11, 2020 is attached as **Exhibit "B"**.
5. I have obtained a true copy of Instrument Number 7648 FT from Mr. Robert Engbloom, Q.C. Mr. Engbloom is a neighbour, and his residence also has Caveat #7648FT registered against it. I am informed by Mr. Engbloom and do verily believe that he, and his wife Nancy Engbloom, were provided with a copy of Caveat #7648FT when their property was purchased in 1982, and that he has maintained a true copy of the Caveat in his personal files since that time. A true copy of the Instrument Number 7648 FT provided to me by Mr. Engbloom is attached as **Exhibit "C"**. I am informed by Mr. Engbloom and do verily believe that the same document is also attached to Mr. Engbloom's affidavit filed in this application.
6. In addition to the Property, Caveat #7648 is also registered against the following properties:
 - (a) Block 78 Lots 1, 2, 3, 4, 5, 6, 7
 - (b) Block 79 Lots 1, 2, 3, 4, 5, 6, 7, 8, 9
 - (c) Block 80 Lots 2, 3, 4, 5
 - (d) Block 90 Lots 2, 3, 5, 6, 7
 - (e) Block 91 Lots 1, 4, 8, 9, 10
 - (f) Block 92 Lots 1, 7
 - (g) Block 93 Lots 1, 2, 3, 4, 5, 6, 7, 8(the "Neighbouring Properties")

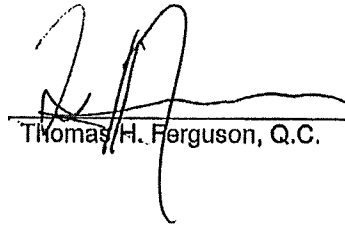
7. Copies of the Land Titles searches for the Neighbouring Properties are attached hereto as Exhibit "D".
8. I am a person interested in the land affected by Instrument Number 7648 FT because it is registered against the Property which I am the legal owner of.
9. I make this Affidavit in support of an Originating Application pursuant to section 21 of the *Land Titles Act*, RSA 2000, c L-4.

SWORN BEFORE ME at Calgary, Alberta,
this November 25, 2020.



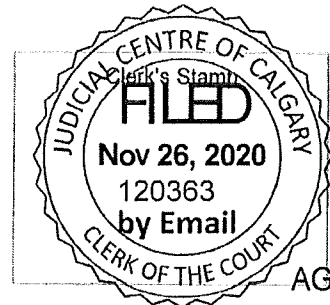
A Commissioner for Oaths for Alberta

Curtis E. Marble
Barrister & Solicitor



Thomas H. Ferguson, Q.C.

COURT FILE NUMBER 2001-14291
COURT QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE CALGARY
APPLICANT THOMAS H. FERGUSON, Q.C.
RESPONDENT REGISTRAR OF TITLES for the LAND TITLES OFFICE
DOCUMENT **AFFIDAVIT IN SUPPORT OF ORIGINATING APPLICATION**



ADDRESS FOR
SERVICE AND
CONTACT
INFORMATION OF
PARTY FILING
THIS DOCUMENT

Curtis E. Marble
Carbert Waite LLP
2300 Encor Place
645 – 7th Avenue SW
Calgary, Alberta T2P 4G8
Phone: 403.705.3642
Fax: 403.263.5553
File: 120632.001

AFFIDAVIT OF ROBERT ENGBLOOM, Q.C.

Sworn on November 25, 2020


I, Robert Engbloom, Q.C., of Calgary, Alberta, make oath and say that:

1. I am a resident of the neighbourhood known as Elbow Park in the City of Calgary, and as such have personal knowledge of the facts and matters deposed to except where stated to be based on information and belief, in which case I believe them to be true.
2. My wife Nancy Engbloom is the legal owner of the land legally described as Plan 3605FO Block 91 Lot 8 (the "Engbloom Residence"). I attach a true copy of the title to the Engbloom Residence at Exhibit "A".
3. When the Engbloom Residence was purchased in November 1982, Nancy and I were made aware of the Caveat registered against title as Instrument Number 7648 FT (the "Caveat"). We were provided with a copy of the Caveat at the time the Engbloom Residence was purchased. I have maintained the copy of this Caveat in my personal files in my home since our purchase of the Engbloom Residence, and I provided a copy of the

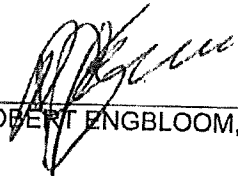
Caveat to Mr. Thomas H. Ferguson Q.C. at his request. I attach a true copy of the Caveat to my Affidavit at **Exhibit "B"**.

4. I make this Affidavit in support of the Originating Application filed by Thomas Ferguson, Q.C. in this matter pursuant to section 21 of the *Land Titles Act*, RSA 2000, c L-4 and for no other improper purpose.

SWORN BEFORE ME at Calgary, Alberta,
this November 25, 2020.


A Commissioner for Oaths for Alberta

Curtis E. Marble
Barrister & Solicitor



ROBERT ENGBLOOM, Q.C.

THIS IS **EXHIBIT G** TO THE
AFFIDAVIT

OF THOMAS FERGUSON

AFFIRMED / SWORN BEFORE ME

this 25 day of January, 2021.



(SIGNATURE OF COMMISSIONER)

Anita V. Nowinka
Student-At-Law

COURT FILE NUMBER

COURT

COURT OF QUEEN'S
BENCH OF ALBERTA

JUDICIAL CENTRE

CALGARY

APPLICANT

THOMAS H. FERGUSON, Q.C.

RESPONDENTS

REGISTRAR OF TITLES for the LAND
TITLES OFFICE
ORDER

DOCUMENT

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF PARTY
FILING THIS DOCUMENT

Curtis E. Marble
Carbert Waite LLP
2300 Encor Place,
645 - 7th Ave SW
Calgary, AB T2P 4G8

Tel: 403-705-3642
Fax: 403-263-5553
File: 120632.001

I hereby certify this to be a true copy of
the original ORDER.

Dated this 22 day of Dec 2020
[Signature]
for Clerk of the Court

DATE ON WHICH ORDER WAS PRONOUNCED: December 16, 2020

NAME OF JUSTICE WHO MADE THIS ORDER: O.P. Marble

LOCATION WHERE ORDER WAS
PRONOUNCED:

CALGARY

UPON the Application of the Applicant, Mr. Thomas H. Ferguson, Q.C. (the "Applicant"), for an Order declaring his copy of Instrument Number 7648 FT is a true copy of such Instrument, and directing the registrar to rectify the missing document status of said Instrument; AND UPON having read the Affidavit of the Applicant, sworn November 24, 2020, filed, AND UPON having read the Affidavit of Mr. Robert Engbloom, Q.C., sworn November 24, 2020, AND UPON having noted that the Registrar takes no position on this application;

IT IS HEREBY ORDERED AND DECLARED THAT:

1. The Applicant's copy of Instrument Number 7648 FT, appended hereto at Schedule "A" to this Order is declared to be a true copy of the original (the "True Copy"); and
2. The Registrar shall rectify the missing document status of the Caveat and file the True Copy as Instrument 7648FT.

Per:

OPM.
J.C.Q.B.A.

SCHEDULE "A"

CAVEAT.

7648

THE REGISTRAR
FOR THE SOUTH ALBERTA LAND REGISTRATION DISTRICT:

TAKE NOTICE that the CANADIAN PACIFIC RAILWAY COMPANY

claims an interest in:

- 70.0 mls
- Lots One (1) to Seven (7), Block Seventy-eight (78);
 - Lots One (1) to Nine (9), Block Seventy-nine (79);
 - Lots One (1) to Five (5) and Lot Eight in Block Eighty (80);
 - Lots Two (2), Three (3), Five (5), Six (6) and Seven (7), Block/Ninety (90);
 - Lots One (1), Four (4) and Lots Eight (8) to Eleven (11) inclusive, Block Ninety-one (91);
 - Lots One (1), Seven (7), Eight (8) and Nine (9), Block Ninety-two (92); and
 - Lots One (1) to Eight (8) inclusive, Block Ninety-three (93), according to a plan of part of the City of Calgary, of record in the Land Titles Office for the South Alberta Land Registration District as Plan 3605 F.O., all standing in the register in the name of the Canadian Pacific Railway Company;
- 70.0 mls
- P.R.*
Assistant Solicitor

under and by virtue of an Agreement made between the Canadian Pacific Railway Company and Joseph J. Greenan, Barrister, and Mary P. Greenan (his wife), both of the City of Calgary, dated the 29th day of April, 1948, copy of which Agreement is hereto attached.

AND the Canadian Pacific Railway Company forbids the registration of any person as transferee or owner of, or of any instrument affecting the said estate or interest unless such instrument be expressed to be subject to its claim.

IT APPOINTS the Office of its Department of Natural Resources in the City of Calgary, in the Province of Alberta,

as the place at which notices and proceedings relating
hereto may be served.

DATED this 29th day of April, A.D. 1948.



Witness.

CANADIAN PACIFIC RAILWAY COMPANY

Per Leslie Munroe
Leslie Munroe, Manager,
Department of Natural Resources.

7648 F.T.

THIS AGREEMENT made in duplicate this 29th of

April, A.D. 1948.

BETWEEN:

CANADIAN PACIFIC RAILWAY COMPANY,
(hereinafter called "the Owner"),

OF THE FIRST PART,

and -

JOSEPH J. GREENAN, Barrister,
and MARY P. GREENAN, (his wife),
both of the City of Calgary, in
the Province of Alberta, (herein-
after called "the Purchasers"),

OF THE SECOND PART.



IN CONSIDERATION of the sum of Nine Hundred Dollars (\$900.00) paid by the Purchasers to the Owner, receipt of which sum is hereby acknowledged, the Owner has sold and agreed to transfer to the Purchasers Lot Seven (7), in Block Ninety (90), according to a plan of part of the City of Calgary of record in the Land Titles Office for the South Alberta Land Registration District as Plan No. 3605 F.O., subject to the following covenants, terms and conditions:

1. That the Owner shall, as and when requested by the Purchasers, transfer to the Purchasers said Lot Seven (7), Block Ninety (90), Plan No. 3605 F.O.
2. As the amount of the 1948 taxes in respect of the said Lot is not yet known, the Purchasers agree to pay the full year's taxes for the year 1948 in respect of the said lot, and upon production by them of their Tax Receipt, the Owner hereby

agrees to refund to them the proportion of the said taxes due from the 1st day of January, 1948, to the 31st day of March, 1948.

3. The Owner hereby agrees to insert in all Agreements for Sale entered into by the Owner for the sale of any one of the following lots or parcels of land, namely:

Lots One (1) to Seven (7), Block Seventy-eight (78).
X Lots One (1) to Nine (9), Block Seventy-nine (79).
Lots One (1) to Five (5) and Lot Eight (8) in Block Eighty (80).
Lots Two (2), Three (3), Five (5) and Six (6), Block Ninety (90).
Lots One (1), Four (4), and Lots Eight (8) to Eleven (11),
Block Ninety-one (91).
Lots One (1), Seven (7), Eight (8) and Nine (9), Block
Ninety-two (92); and
Lots One (1) to Eight (8), Block Ninety-three (93), as
shown on said plan No. 3605 F.O.,

restrictive covenants similar to the covenants hereinafter contained.

IT IS HEREBY COVENANTED AND AGREED with the Owner by the above mentioned Purchasers on behalf of themselves, their executors, administrators and assigns, and successors in title, as follows:

(a) That there shall not be erected or suffered or permitted to be erected or used or placed upon the said Lot Seven (7), Block Ninety (90), Plan 3605 F.O., any building whatsoever except for the purposes of a private residence and private garage in connection therewith.

(b) That there shall not be erected upon the said Lot more than one (1) such residence and garage.

(c) That there shall not be erected on the said lot any dwelling house to cost less than Seven Thousand Dollars (\$7,000.00), and same shall be of a neat design and completed in a proper and workmanlike manner.

(d) That if the said dwelling house consists of basement and one floor, the ground area occupied by same shall not be less than Twelve Hundred (1200) square feet, exclusive of the garage, and if it consists of One and a Half ($1\frac{1}{2}$) or more storeys, said dwelling house shall occupy a ground area of not less than One Thousand (1,000) square feet, exclusive of the garage.

(e) That no house or other building shall be located or placed on the said lot within Twenty-five (25) feet of the Street or Avenue, ^{any dwelling house} and shall be not less than Twenty-five (25) feet from the rear of said lot.

(f) That the said lot shall not be used for the purpose of a sand or gravel pit or quarry, and there shall not be removed or suffered or permitted to be removed any sand, gravel, stone or other material, except such as may be necessary for improving the lot or building thereon.

(g) That no house or other building on the said lot shall be used for mercantile, business or manufacturing purposes, and no work of an offensive, dangerous or noisy character shall be carried on which may be or become an annoyance or nuisance.

(h) That all work done on the said lot shall comply in all

respects with By-laws or Building Regulations of the City of Calgary.

(i) That covenants similar to the above shall be inserted in all Agreements for Sale made by the Purchasers for a resale of the said lot.

(j) That the Purchaser and their executors, administrators and assigns, and successors in title, shall observe the aforesaid restrictions applicable to the said lot, and that same shall be enforceable against him or them or on behalf of the owner or owners from time to time of any of the said lots or parcels of land referred to in Paragraph 3 hereof.

(k) That the restrictions aforementioned as imposed on each of the said lots or parcels of land referred to in Paragraph 3 hereof shall be enforceable by or on behalf of or against the owner or owners from time to time of any one or more of the said lots or parcels of land referred to in said Paragraph 3.

(l) The Purchasers shall be entitled to register in the Land Titles Office a Caveat protecting the restrictions above set out, and the transfer by the owner to the purchasers of the said lots or parcels of land referred to in Paragraph 3

CANADA)

PROVINCE OF ALBERTA)

TO WIT:)

I, Leslie Munroe, of the City of Calgary, in the Province of Alberta, Manager, make oath and say:

1. THAT I am agent of the above-named Caveator.

2. THAT I believe I have a good and valid claim upon the said lands and I say this Caveat is not being filed for the purpose of delaying or embarrassing any person interested therein or proposing to deal therewith.

SWORN before me at the City of Calgary, in the Province of Alberta, this 21st day of May, A.D. 1948. m

Leslie Munroe

[Signature]

A COMMISSIONER FOR OATHS in and for the Province of Alberta.

DATED

D. 194

BETWEEN:

CANADIAN PACIFIC RAILWAY COMPANY,

OF THE FIRST PART,

- and -

JOSEPH J. GREENAN & MARY P. GREENAN,

OF THE SECOND PART.

A G R E E M E N T.

File 16129.
RRM/JAT

JAMES Mc GAIG, K.C.
C.P.R. SOLICITOR
CALGARY, ALBERTA.

7648 F.T.

APD, 1948

GN. THE
TRA REF. CERT.
EXTRA NEW TITLE
TRACT.

CONFIDENTIAL

~~TR-3~~ REF. CERT.

THE ACT


Lots 1 to 7, Block 78; Lots 1 to 9, Block 79; Lots 1 to 5, and Lot 8, in Block 80; Lots 2, 3, 5, 6 and 7 in Block 90; Lots 1, 4, and Lots 8 to 11 inclusive, Block 91; Lots 1, 7, 8 and 9, Block 92; and Lots 1 to 8 inclusive, Block 93.

book 93.

C A V E A T

I certify that the within instrument is duly Entered and Registered in the Land Titles Office for the South Alberta Land Registration District at Calgary, in the Province of Alberta at _____.

O'clock: 11, on 150 21 day
of 1907 A.D., 19
Number: 1000 Book: 1000


 Registrar
 S. A. L. R. O.

16129

CALGARY, ALBERTA

hereof shall be expressed to be subject to said Caveat to be registered as aforesaid.

IN WITNESS WHEREOF the Owner has caused these presents to be executed by the Manager of its Department of Natural Resources, and the Purchasers have hereunto set their hands and seals, all on the day and year first above written.

CANADIAN PACIFIC RAILWAY COMPANY

Per Leslie Munroe
Leslie Munroe, Manager,
Department of Natural Resources.

Betty Gablehouse
Witness.

Betty Gablehouse
Witness.

Joseph J. Greenan
Joseph J. Greenan.

Mary P. Greenan
Mary P. Greenan.

CANADA)
PROVINCE OF ALBERTA)
TO WIT:V)

I, Cecil J. Loeb, of the City
of Calgary, in the Province of Alberta, Secretary,
make oath and say:

1. THAT I was personally present and did see Leslie
Munroe, Manager of the Department of Natural Resources of the
Canadian Pacific Railway Company at Calgary, in the Province
of Alberta, named in the within instrument, who is personally
known to me to be the person named therein, duly sign and
execute same for the purposes named therein.

2. THAT the same was executed at the City of Calgary,
in the Province of Alberta, and that I am the subscribing
witness thereto.

3. THAT I personally know the said Leslie Munroe,
and he is in my belief of the full age of twenty-one years.

SWORN before me at the City
of Calgary, in the Province
of Alberta, this 21st day
of May, A.D. 1948.

Cecil J. Loeb

E. W. Minchell

A COMMISSIONER FOR OATHS in and for the
Province of Alberta.

CANADA)

PROVINCE OF ALBERTA)

TO WIT:)

I, Betty Galbraith, of the City of
Calgary, in the Province of Alberta, Stenographic,
make oath and say:

1. THAT I was personally present and did see Joseph J.
Greenan and Mary P. Greenan named in the within instrument,
who are personally known to me to be the persons named therein,
duly sign and execute the same for the purposes named therein.

2. THAT the same was executed at the City of Calgary,
in the Province of Alberta, and I am the subscribing witness
thereto.

3. THAT I personally know the said Joseph J. Greenan
and Mary P. Greenan, and they are in my belief of the full
age of twenty-one years.

SWORN before me at the City
of Calgary, in the Province
of Alberta, this 5th day
of May, A.D. 1948.

Betty Galbraith

A. C. Barry


A COMMISSIONER FOR OATHS in and for the
Province of Alberta.

THIS IS **EXHIBIT H** TO THE
AFFIDAVIT

OF THOMAS FERGUSON

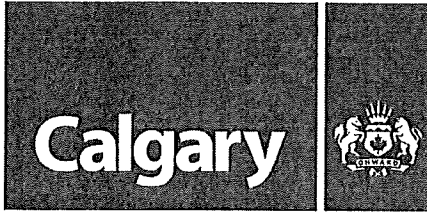
AFFIRMED / SWORN BEFORE ME

this 25 day of January, 2021.

A handwritten signature in cursive script, appearing to read 'A. Nowinka', written in black ink.

(SIGNATURE OF COMMISSIONER)

Anita V. Nowinka
Student-At-Law



Conditions of Approval – Subdivision by Plan

Application Number: SB2020-0165
Map Section Number: 9C
Application Description: Tentative Plan - Residential - Inner City
Land Use District: R-C1
Site Address: 1023 32 AV SW
Existing Use: Single Detached Dwelling
Proposed Use: Single Detached Dwelling(s)
Community: ELBOW PARK
Applicant: TERRAMATIC TECHNOLOGIES
Date of Approval: September 11, 2020

CPAG Team:

Subdivision Services

MEGHAN DUNNETTE (403) 268-5436 meghan.dunnette@calgary.ca

Development Engineering

JENNIFER DERBY WAGNER (403) 268-2693 Jennifer.DerbyWagner@calgary.ca

Transportation

FABIAN SNYDERS (403) 268-5094 Fabian.Snyders@calgary.ca

Parks

KIT MOK (403) 268-2914 kit.mok@calgary.ca

Conditions of Approval

The City of Calgary has the authority, granted by Section 656 of the Municipal Government Act to approve or refuse a subdivision application, subject to conditions outlined in Section 655 of the same Act.

The conditions listed below comprise the conditions of approval of the subdivision. These conditions will form the basis of the decision by the Subdivision Authority and can be appealed by the applicant to the Subdivision and Development Appeal Board.

The conditions that need to be addressed prior to the endorsement of the final instrument by the City and conditions that are to be addressed concurrent to the registration of the final instrument have been identified and listed first.

Prior to Endorsement Conditions

Subdivision Services:

1. The existing buildings shall be removed **prior to endorsement of the final instrument**. The Developer must call 311 once the buildings have been removed for final inspection.

Conditions of Approval

Subdivision Services:

2. Relocation of any utilities shall be at the developer's expense and to the appropriate standards.

Development Engineering:

3. Servicing arrangements shall be to the satisfaction of the Manager Infrastructure Planning, Water Resources.
4. Separate service connections to a public main shall be provided for each proposed lot.

Advisory Comments

The following advisory comments are provided by the City of Calgary as a courtesy to the applicant and property owner. These comments will not form the basis of the decision to approve or refuse the proposed subdivision application. They are simply provided for information purposes.

Subdivision Services:

5. Please see circulation comments from Enmax Power Services.
6. The developer should be aware that Caveat #7648FT may preclude the registration of this subdivision at the Land Titles Office.
7. There are many types of caveats and other agreements that can be registered on the title of the property that can restrict the ability to develop. The City has not reviewed or considered all instruments registered on the title to this property. Property owners must evaluate whether this application is in compliance with any documents registered on title.
8. The West Elbow Communities Local Growth Planning project is currently underway within the subject area. This property is part of a multi-community policy plan (Area Redevelopment Plan) that is being developed to create a future vision for how land could be used and redeveloped. The plan includes 16 communities in the SW quadrant of the city. Further project details are available in the project's website www.calgary.ca/WestElbow.

Development Engineering:

9. If during construction of the development, the developer, the owner of the titled parcel, or any of their agents or contractors becomes aware of any contamination,
 - a. the person discovering such contamination must immediately report the contamination to the appropriate regulatory agency including, but not limited to,

Alberta Environment and Sustainable Resource Development, the Alberta Health Services and The City of Calgary (311).

- b. on City of Calgary lands or utility corridors, the City's Environmental Risk & Liability group must be immediately notified (311).

- 10. The developer is responsible for ensuring that the environmental conditions of the subject property and associated utility corridors meet appropriate regulatory criteria and appropriate environmental assessment, remediation or risk management is undertaken.

The developer is responsible for ensuring that appropriate environmental assessment(s) of the property has been undertaken and, if required, a suitable remedial action plan and/or risk management plan has been prepared, reviewed and accepted by the appropriate regulatory agency(s) including but not limited to Alberta Environment and the Alberta Health Services.

The developer is responsible for ensuring that the development conforms to any reviewed and accepted remedial action plan/risk management plans.

The developer is responsible for ensuring that all reports are prepared by a qualified professional in accordance with accepted guidelines, practices and procedures that include but are not limited to those in the most recent versions of the Canadian Standards Association and City of Calgary Phase I & II Environmental Site Assessment Terms of Reference.

If the potential for methane generation or vapours from natural or contaminated soils and groundwater has been identified on the property, the developer is responsible for ensuring appropriate environmental assessment(s) of the property has been undertaken and appropriate measures are in place to protect the building(s) and utilities from the entry of methane or other vapours.

Issuance of this permit does not absolve the developer from complying and ensuring the property is developed in accordance to applicable environmental legislation.

The developer is responsible for ensuring that the development is in compliance with applicable environmental approvals (e.g. Alberta Environment and Sustainable Resources Development Approvals, Registrations, etc), Alberta Energy Regulatory approvals and related setback requirements, and landfill setback requirements as set out in the Subdivision and Development Regulation.

- 11. The developer shall not alter, redirect, block or otherwise affect the natural drainage pattern on or adjacent to the development site and shall not fill or alter the existing grades of the site, without the approval of the Manager of Infrastructure Planning prior to commencing the development.

12. No overland drainage will be permitted to leave the plan area, except in conformance with the approved Stormwater Management Report. Overland drainage is to conform to the current edition of Alberta Environment's Stormwater Management Guidelines and The City of Calgary's Design Guidelines for Subdivision Servicing and Stormwater Management and Design Manual. The developer should evaluate the impact of the 1:100 year event on all major storm routes. Storage and/or acceptable conveyance for up to and including the 1:100 year event will be required.
13. Coordinate with the utility owners for the removal and/or relocation of existing utilities located within the subject parcel or for the registration of an easement or utility right of way for the protection of the utilities.
14. No trees, shrubs, buildings, permanent structures or unauthorized grade changes are permitted within the utility rights-of-way.

Parks:

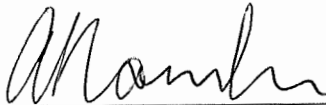
15. There are existing public trees within 6m of the development site. The Streets Bylaw (20M88) and the Tree Protection Bylaw (23M2002) contain clauses intended to protect trees growing on Public Land. No person shall remove, move, cut, or prune a Public Tree or cause a Public Tree to be removed, moved, cut or pruned without prior written authorization from the General Manager, Parks. A copy of the bylaw can be found at www.calgary.ca
16. Prior to any construction activities, a Tree Protection Plan must be obtained separately through Urban Forestry for approval. Visit www.calgary.ca, call 311 and have a 'Tree Protection Plan enquiry' Service Request dispatched to Urban Forestry directly, or email Tree.Protection@calgary.ca

THIS IS **EXHIBIT I** TO THE
AFFIDAVIT

OF THOMAS FERGUSON

AFFIRMED / SWORN BEFORE ME

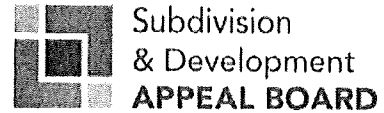
this 25 day of January, 2021.

A handwritten signature in cursive script, appearing to read 'Anita V. Nowinka', written over a horizontal line.

(SIGNATURE OF COMMISSIONER)

Anita V. Nowinka
Student-At-Law

Calgary Subdivision and Development Appeal Board
PO Box 2100, Station M, #8110
Calgary, AB T2P 2M5
Email: info@calgarysdab.ca



CALGARY SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Citation: 2020 CGYSDAB 53

Case Name: SDAB2020-0053 (Re)

File No: SB2020-0165

Appeal by: Hugoline Morton
Appeal against: The Subdivision Authority
Hearing date: October 22, 2020
Decision date: October 26, 2020
Board members: Jim Palmer, Presiding Officer
Kristi Beunder
Katherine Camarta
Sean MacLean
Bob Merchant

DECISION

Description of Application:

1 The appeal before the Subdivision and Development Appeal Board was brought by Hugoline Morton.

2 On September 11, 2020, the Subdivision Authority approved the application of Krista Lovse, Terramatic Technologies, for a subdivision at 1023 32 Avenue SW, (Legal Desc: 3605FO; 91; 1) in the community of Elbow Park. The property is owned by Ali Tejpar and Zahra Tejpar and has a land use designation of Residential - Contextual One Dwelling (R-C1).

Procedural History:

3 The hearing commenced on October 22, 2020 with consideration of jurisdictional and procedural issues. The hearing concluded on October 22, 2020.

Decision:

4 The appeal is struck and the decision of the Subdivision Authority is upheld. The Board has no jurisdiction to hear the appeal. The subdivision tentative plan remains effective as approved on September 11, 2020.

Submissions:

- 5 The Board received oral and/or written submissions from:
- a) Martin Beck for the Subdivision Authority;
 - b) Hugoline Morton, the appellant;
 - c) Tom Ferguson, a neighbour in favour of the appeal;
 - d) Joan Hudson, a neighbour in favour of the appeal;
 - e) Rick Grol, agent for the applicant-owner; and
 - f) Ali and Zahra Tejpar, the applicant-owner.

Preliminary Issue

6 The Board raised a preliminary issue regarding whether it had jurisdiction to hear the matter brought forward by the appellant.

Submission of the Subdivision Authority

7 Mr. Beck submitted that the application is for a tentative plan subdivision located at 1023 - 32 Avenue SW.

8 The appeal before the Board was filed by an adjacent landowner, Hugoline Morton. Pursuant to subsection 678 (1) of the *Municipal Government Act*, RSA 2000 c. M-26 (the MGA), the decision of a Subdivision Authority for approval of a subdivision application may only be appealed by the applicant, government department, council or a school board. As the appellant did not fall within those listed parties within the MGA, Mr. Beck stated that the Board lacks the jurisdiction to entertain the matter.

Submission of the appellant

9 Ms. Morton submitted that the criteria of the Subdivision Authority to approve the subdivision was subjective and arbitrary. She stated that it was unfair that the legislation only allows for limited parties to file a subdivision appeal, particularly when adjacent owners are the most affected by the decision. She expressed disappointment in the legislation as well as the arbitrary and subjective nature of the Subdivision Authority's decision-making process.

Other submissions in favour of the appeal

10 Mr. Ferguson submitted that there is a restrictive covenant on title of his property and the approval ought to be subject to the requirement of the restrictive covenant. He noted that he intended to enforce the restrictive covenant on the property.

11 Ms. Hudson submitted that the restrictive covenant on title should be followed as with the rest of the neighbourhood.

Submission of the applicant

12 Mr. Grol submitted that pursuant to subsection 678 (1) of the MGA, the right of appeal for a subdivision approval is limited to the persons listed in the MGA and the appellant does not qualify as any of the persons or entities listed under that subsection. Therefore, the appeal should be struck since the Board lacks jurisdiction to hear the matter.

13 He expressed disappointment that the appellant, being a lawyer, and having read the legislation, proceeded to file the appeal without considering the time and resources of other parties.

14 Ali and Zahra Tejpar were in support of Mr. Grol's submission.

RebuttalThe Subdivision Authority

15 The Subdivision Authority had no additional comment.

The appellant

16 Ms. Morton clarified that the subdivision website makes no reference to a party's standing when filing an appeal. She submitted that she was not aware she may lack standing until the hearing notice was sent to her by the Board's administration. Nevertheless, she decided to proceed with the matter in case there was a chance that the Board's position would change during the proceedings.

17 Additionally, despite being a lawyer, planning law is not within her area of practice and expertise.

Other party in favour of the appeal

18 Mr. Ferguson submitted that the proposed development design does not comply with the caveat on the restrictive covenant.

The applicant-owner

19 The applicant had no further comment.

Reasons:

20 The Board reviewed all evidence and arguments, written and oral, submitted by the parties and will focus on key evidence and arguments in outlining its reasons.

21 The Board notes that section 678 (1) of the MGA provides direction by defining the parties qualified to submit an appeal for a subdivision; the applicant, a government department, a municipal council and a school board.

22 The Subdivision Authority advised the subdivision tentative plan was approved on September 11, 2020 and that the appellant was an adjacent landowner who did not have qualified standing to appeal a subdivision based on section 678 of the MGA. The appellant expressed disappointment in the Subdivision Development's decision and in the legislation and the other parties stated a restrictive covenant regarding the matter should be enforced. The appellant provided no evidence to support her claim to make a subdivision appeal.

23 The Board finds it has insufficient evidence to demonstrate that the appellant has qualified standing to appeal the decision of the Subdivision Authority to approve the tentative plan of the subdivision in the ordinary course. The Board therefore, finds that the appellant, as prescribed by section 678 of the MGA, is not eligible to file the subject subdivision appeal

24 The Board is not required to make decisions on the matters related to the approval process, the integrity of the legislation and the restricted covenant as the appellant is not qualified to file an appeal.

25 The Board finds, in accordance with the requirements of section 678(1) of the MGA, that it has no jurisdiction to hear the appeal.

Conclusion:

26 For the reasons set out above, the appeal is struck and the decision of the Subdivision Authority is upheld on the terms and conditions originally determined.

Jim Palmer, First Vice Chair and Decision Writer
Subdivision and Development Appeal Board


Issued on this 26th day of October, 2020

THIS IS **EXHIBIT J** TO THE
AFFIDAVIT

OF THOMAS FERGUSON

AFFIRMED / SWORN BEFORE ME

this 25 day of January, 2021.



(SIGNATURE OF COMMISSIONER)

Anita V. Nowinka
Student-At-Law

CURTIS E. MARBLE
marble@carbertainwaite.com
403.705.3642

CARBERT//WAITE LLP

File No: 120632.001

October 27, 2020

DELIVERED VIA REGISTERED MAIL

Ali Tejpar and Zahra Allidina
c/o Kamil Lalji
#100, 707 – 10 Avenue SW
Calgary, AB T2R 0B3

Dear Sir/Madam:

Re: **Caveat #7648**
Lot 1, Block 91, Plan 3605FO (1023 32 Avenue SW)

We are retained by Thomas Ferguson Q.C. on behalf of a group of residents in the neighborhood of Elbow Park who are interested in upholding and enforcing Caveat #7648 (the "Restrictive Covenant"). As you are aware, the Restrictive Covenant is registered on the title to Lot 1, Block 91, Plan 3605FO (the "Lot"), also known as 1023 32 Avenue SW. Pursuant to section 48 of the *Land Titles Act*, R.S.A. 2000 c. L-4 you are deemed to have notice of the Restrictive Covenant. While you have previously been provided a copy of the Restrictive Covenant, we attach a copy for ease of reference.

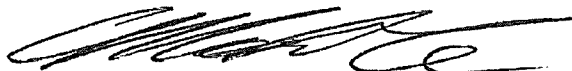
Caveat #7648 contains a restrictive covenant. A restrictive covenant is a private contractual document between property owners. Any property owner with a restrictive covenant registered against their title has the legal right to enforce that restrictive covenant against any other property owner with the same restrictive covenant. The Restrictive Covenant states in particular that:

"That there shall not be erected upon the said Lot more than 1 residence and garage."

Your proposed development would violate this and other terms of the Restrictive Covenant. Our clients demand that no development be undertaken with respect to the Lot that would violate the terms of the Restrictive Covenant. Should you proceed with any development of the Lot in violation of Caveat #7648, our clients will pursue all of the legal remedies available to them, including seeking injunctive relief and costs.

Yours truly,

CARBERT WAITE LLP



Curtis E. Marble

cc. Mr. Rick Grol, by email, rgrol@shaw.ca.

Encl.

00918438 v4

C A V E A T.

7648 FT

THE REGISTRAR
FOR THE SOUTH ALBERTA LAND REGISTRATION DISTRICT:

TAKE NOTICE that the CANADIAN PACIFIC RAILWAY COMPANY
claims an interest in:

- 70.0246 {
- Lots One (1) to Seven (7), Block Seventy-eight (78);
 - Lots One (1) to Nine (9), Block Seventy-nine (79);
 - Lots One (1) to Five (5) and Lot Eight in Block Eighty (80);
 - Lots Two (2), Three (3), Five (5), Six (6) and Seven (7),
Block Ninety (90);
- 70.0247 {
- Lots One (1), Four (4) and Lots Eight (8) to Eleven (11)
inclusive, Block Ninety-one (91);
 - Lots One (1), Seven (7), Eight (8) and Nine (9), Block
Ninety-two (92); and
 - Lots One (1) to Eight (8) inclusive, Block Ninety-three (93),
according to a plan of part of the City of Calgary, of
record in the Land Titles Office for the South Alberta Land
Registration District as Plan 3605 F.O., all standing in the
register in the name of the Canadian Pacific Railway Company;

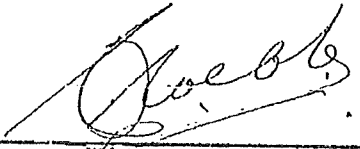
under and by virtue of an Agreement made between the Canadian Pacific Railway Company and Joseph J. Greenan, Barrister, and Mary P. Greenan (his wife), both of the City of Calgary, dated the 29th day of April, 1948, copy of which Agreement is hereto attached.

AND the Canadian Pacific Railway Company forbids the registration of any person as transferee or owner of, or of any instrument affecting the said estate or interest unless such instrument be expressed to be subject to its claim.

IT APPOINTS the Office of its Department of Natural Resources in the City of Calgary, in the Province of Alberta,

as the place at which notices and proceedings relating
hereto may be served.

DATED this 29th day of April; A.D.1948.



Witness.

CANADIAN PACIFIC RAILWAY COMPANY

Per Leslie Munroe
Leslie Munroe, Manager,
Department of Natural Resources.

7648 F.T.

THIS AGREEMENT made in duplicate this 29th of
April, A.D. 1948.

BETWEEN:

CANADIAN PACIFIC RAILWAY COMPANY,
(hereinafter called "the Owner"),

OF THE FIRST PART,

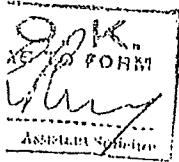
and -

JOSEPH J. GREENAN, Barrister,
and MARY P. GREENAN, (his wife),
both of the City of Calgary, in
the Province of Alberta, (herein-
after called "the Purchasers"),

OF THE SECOND PART.

IN CONSIDERATION of the sum of Nine Hundred Dollars
(\$900.00) paid by the Purchasers to the Owner, receipt of which
sum is hereby acknowledged, the Owner has sold and agreed to
transfer to the Purchasers Lot Seven (7), in Block Ninety (90),
according to a plan of part of the City of Calgary of record
in the Land Titles Office for the South Alberta Land Registra-
tion District as Plan No. 3605 F.O., subject to the following
covenants, terms and conditions:

1. That the Owner shall, as and when requested by the
Purchasers, transfer to the Purchasers said Lot Seven (7),
Block Ninety (90), Plan No. 3605 F.O.
2. As the amount of the 1948 taxes in respect of the
said Lot is not yet known, the Purchasers agree to pay the full
year's taxes for the year 1948 in respect of the said lot, and
upon production by them of their Tax Receipt, the Owner hereby



agrees to refund to them the proportion of the said taxes due from the 1st day of January, 1948, to the 31st day of March, 1948.

3. The Owner hereby agrees to insert in all Agreements for Sale entered into by the Owner for the sale of any one of the following lots or parcels of land, namely:

- Lots One (1) to Seven (7), Block Seventy-eight (78).
- x Lots One (1) to Nine (9), Block Seventy-nine (79).
- Lots One (1) to Five (5) and Lot Eight (8) in Block Eighty (80).
- Lots Two (2), Three (3), Five (5) and Six (6), Block Ninety (90).
- Lots One (1), Four (4), and Lots Eight (8) to Eleven (11), Block Ninety-one (91).
- Lots One (1), Seven (7), Eight (8) and Nine (9), Block Ninety-two (92); and
- Lots One (1) to Eight (8), Block Ninety-three (93), as shown on said plan No. 3605 F.O.,

restrictive covenants similar to the covenants hereinafter contained.


IT IS HEREBY COVENANTED AND AGREED with the Owner by the above mentioned Purchasers on behalf of themselves, their executors, administrators and assigns, and successors in title, as follows:

(a) That there shall not be erected or suffered or permitted to be erected or used or placed upon the said Lot Seven (7), Block Ninety (90), Plan 3605 F.O., any building whatsoever except for the purposes of a private residence and private garage in connection therewith.

(b) That there shall not be erected upon the said Lot more than one (1) such residence and garage.

(c) That there shall not be erected on the said lot any dwelling house to cost less than Seven Thousand Dollars (\$7,000.00), and same shall be of a neat design and completed in a proper and workmanlike manner.

(d) That if the said dwelling house consists of basement and one floor, the ground area occupied by same shall not be less than Twelve Hundred (1200) square feet, exclusive of the garage, and if it consists of One and a Half ($1\frac{1}{2}$) or more storeys, said dwelling house shall occupy a ground area of not less than One Thousand (1,000) square feet, exclusive of the garage.

 (e) That no house or other building shall be located or placed on the said lot within Twenty-five (25) feet of the Street or Avenue, ^{any dwelling house} and shall be not less than Twenty-five (25) feet from the rear of said lot.

(f) That the said lot shall not be used for the purpose of a sand or gravel pit or quarry, and there shall not be removed or suffered or permitted to be removed any sand, gravel, stone or other material, except such as may be necessary for improving the lot or building thereon.

(g) That no house or other building on the said lot shall be used for mercantile, business or manufacturing purposes, and no work of an offensive, dangerous or noisy character shall be carried on which may be or become an annoyance or nuisance.

(h) That all work done on the said lot shall comply in all

respects with By-laws or Building Regulations of the City of Calgary.

(i) That covenants similar to the above shall be inserted in all Agreements for Sale made by the Purchasers for a resale of the said lot.

(j) That the Purchasers and their executors, administrators and assigns, and successors in title, shall observe the aforesaid restrictions applicable to the said lot, and that same shall be enforceable against him or them or on behalf of the owner or owners from time to time of any of the said lots or parcels of land referred to in Paragraph 3 hereof.

(k) That the restrictions aforementioned as imposed on each of the said lots or parcels of land referred to in Paragraph 3 hereof shall be enforceable by or on behalf of or against the owner or owners from time to time of any one or more of the said lots or parcels of land referred to in said Paragraph 3.

(l) The Purchasers shall be entitled to register in the Land Titles Office a Caveat protecting the restrictions above set out, and the transfer by the owner to the purchasers of the said lots or parcels of land referred to in Paragraph 3

hereof shall be expressed to be subject to said Caveat to be registered as aforesaid. X

IN WITNESS WHEREOF the Owner has caused these presents to be executed by the Manager of its Department of Natural Resources, and the Purchasers have hereunto set their hands and seals, all on the day and year first above written.

CANADIAN PACIFIC RAILWAY COMPANY

Per Leslie Munroe
Leslie Munroe, Manager,
Department of Natural Resources.

Betty Gablehouse
Witness.

Betty Gablehouse
Witness.

Joseph J. Greenan
Joseph J. Greenan.

Mary P. Greenan
Mary P. Greenan.

CANADA)

PROVINCE OF ALBERTA)

TO WIT:)

I, Betty Lachance, of the City of
Calgary, in the Province of Alberta, Stenographer,
make oath and say:

1. THAT I was personally present and did see Joseph J.
Greenan and Mary P. Greenan named in the within instrument,
who are personally known to me to be the persons named therein,
duly sign and execute the same for the purposes named therein.

2. THAT the same was executed at the City of Calgary,
in the Province of Alberta, and I am the subscribing witness
thereto.

3. THAT I personally know the said Joseph J. Greenan
and Mary P. Greenan, and they are in my belief of the full
age of twenty-one years.

SWORN before me at the City)
of Calgary, in the Province)
of Alberta, this 5th day)
of May; A.D.1948.)

Betty Lachance

A. C. Bury
A COMMISSIONER FOR OATHS in and for the
Province of Alberta.

CANADA)
PROVINCE OF ALBERTA)
TO WIT:)

I, Leslie Munroe, of the City of Calgary, in the
Province of Alberta, Manager, make oath and say:

1. THAT I am agent of the above-named Caveator.
2. THAT I believe I have a good and valid claim upon
the said lands and I say this Caveat is not being filed for
the purpose of delaying or embarrassing any person interested
therein or proposing to deal therewith.

SWORN before me at the City
of Calgary, in the Province
of Alberta, this 21st day
of May, A.D. 1948.

Leslie Munroe

J. D. Munroe

A COMMISSIONER FOR OATHS in and for the
Province of Alberta.

CANADA)
PROVINCE OF ALBERTA)
TO WIT:)

I, Cecil L. Loeck, of the City
of Calgary, in the Province of Alberta, Secretary,
make oath and say:

1. THAT I was personally present and did see Leslie
Munroe, Manager of the Department of Natural Resources of the
Canadian Pacific Railway Company at Calgary, in the Province
of Alberta, named in the within instrument, who is personally
known to me to be the person named therein, duly sign and
execute same for the purposes named therein.

2. THAT the same was executed at the City of Calgary,
in the Province of Alberta, and that I am the subscribing
witness thereto.

3. THAT I personally know the said Leslie Munroe,
and he is in my belief of the full age of twenty-one years.

SWORN before me at the City
of Calgary, in the Province
of Alberta, this 21st day
of May, A.D. 1948.

Cecil L. Loeck

E. W. Minnema

A COMMISSIONER FOR OATHS in and for the
Province of Alberta.

DATED

D. 194

BETWEEN:

CANADIAN PACIFIC RAILWAY COMPANY,

OF THE FIRST PART,

- and -

JOSEPH J. GREENAN & MARY P. GREENAN,

OF THE SECOND PART.

A G R E E M E N T.

File 16129
RRM/JAF

JAMES Mc CAIG, K.C.
C.P.R. SOLICITOR
CALGARY, ALBERTA.

7648 F.T.

APR 1948

CON. THE
TRA. REC. CERT
DISTRICT

ACRES	10.0
VAL. PER AC.	10.0
TOTAL VAL.	100.0
AT	
AL FEES	
DATE	APR 1948
BY	Legal Officer

Lots 1 to 9, Block 78; Lots 1 to 9,
Block 80; Lots 1 to 5, and Lot 8, in
Block 80; Lots 2, 3, 5, 6 and 7 in
Block 90; Lots 1, 4, and Lots 8 to 11
inclusive, Block 91; Lots 1, 7, 8
and 9, Block 92; and Lots 1 to 8
inclusive, Block 93.

10.0, 246.
10.0, 247.
CALGARY

CAVEAT.

700246
247

I certify that the within instrument is
duly Entered and Registered in the Land
Titles Office for the South Alberta Land
Registration District at Calgary, in the
Province of Alberta at _____
o'clock _____ on the _____
of _____ A.D., 19____
Number _____ Book _____ Folio _____

S. A. L. R. D.

16129

CALGARY, ALBERTA.