Welcome!



The Home Book



Sutton Group – West Coast Realty
MIKE EDDY
250-701-1215
www.MikeEddyForYou.com

Mike Eddy
Cell: 250-701-1215
mikeeddy@live.ca



REALTOR®



1443 Donnav Dr
Du East Duncan ~ V9L 5R4

Rooms

RoomType	Level	Dim/Pcs
Bathroom	Main	2-Piece
Den	Main	10'6"x15'4"
Dining Room	Main	10'3"x13'10"
Entrance	Main	11'0"x12'8"
Kitchen	Main	9'8"x24'1"
Laundry	Main	6'1"x10'6"
Living Room	Main	17'7"x21'1"
Media Room	Main	15'0"x21'0"
Mud Room	Main	6'10"x14'5"
Pantry (Finished)	Main	5'0"x5'10"
Entrance	Other	5'4"x5'5"
Kitchen	Other	10'0"x10'3"
Bathroom	Second	4-Piece
Bedroom	Second	10'9"x15'3"
Bedroom	Second	11'1"x12'6"
Bedroom - Primary	Second	14'0"x14'1"
Ensuite	Second	5-Piece
Walk-in Closet	Second	9'5"x10'1"
Deck (Unfin)	Main	6'0"x20'4"

Listing Summary

MLS®:	1053540	**List Price:**	$1,595,000
Status:	Active	**Orig Price:**	$1,595,000
Sub Type:	SF Det	**Sold Price:**	
DOM:	0	**Pend Date:**	
Taxes:	$8,359	**Strata Fee:**	
2026 Asmt:	$1,330,000	**Title:**	Freehold

Interior Details

Layout:	Main Level Entry with Lower/Upper		
Bedrms:	4	**Kitchens:**	2
Baths Tot:	4	**Fireplaces:**	1
Bth 2Pce:	1	**Storeys:**	
Bth 3Pce:	0	**Fin SqFt:**	3,978
Bth 4Pce:	2	**Unfin SqFt:**	801
Bth 5Pce:	0	**Bed & Brk:**	Potential
Ens 2Pce:	0	**Addnl Acc:**	Exists
Ens 3Pce:	0	**Basement:**	Crawl Space
Ens 4+Pce	1	**FP Feat:**	Electric, Living Room

App Incl: Dishwasher, Dryer, Oven/Range Electric, Refrigerator, Washer
Intr Ftrs Ceiling Fan(s), Closet Organizer, Dining Room, French Doors, Vaulted Ceiling(s), Workshop

Rooms Summary

	Lower	Main	Second	Third	Other
Fin SqFt	0	2,065	1,239	0	674
Beds	0	0	3	0	1
Baths	0	1	2	0	1
Kitchens	0	1	0	0	1

Remarks

Experience the ultimate West Coast lifestyle in this stunning custom-built 4/5 bed, 4 bath one-owner estate on a private, partially treed 1.01-acre lot in beautiful Maple Bay. This home is designed for seamless entertaining, featuring a main floor with a beautifully finished kitchen, butler's and walk-in pantries, generous dining area and a dramatic living room with 18' ceilings. Indoor entertainment peaks with a huge theater room hosting a massive screen. Transition effortlessly to the huge patio, complete with an outdoor kitchen overlooking tranquil natural surroundings. Upstairs are 3 spacious bedrooms, including a primary retreat with a walk-in closet and spa-like 5pc ensuite. A completely separate, fully equipped 1-bed legal suite sits above the semi-detached double garage, which features a dog-wash station, storage, workbench, and a bay set up aa a gym. Outside, enjoy a firepit, garden shed, raised beds, water features, mature trees, and irrigation. A rare, versatile package!

Building Information

		Frnt Faces:	E	**Bldg Style:**	
Built (est):	2018	**Lgl NC Use:**		**Bldg Warr:**	
Oth Equ:	Electric Garage Door Opener, S			**EnerGuide Rtg/Dt:**	
Const Mt:	Cement Fibre, Frame Wood, Insulation: Ceiling, Insulation: Partial, Shingle-Wood				
Ext Feat:	Balcony/Deck, Balcony/Patio, Fencing: Partial, Garden, Lighting, Outdoor Kitchen, Wa				

Cool:	Air Conditioning
Heat:	Baseboard, Electric, Forced Air, He
Roof:	Fibreglass Shingle
Fndn:	Poured Concrete
Accss:	Ground Level Main Floor

Lot/Strata Information

Lot Size 43,995sqft / 1.01ac **Dims (w/d):** **Waterfront:**

Prk Type:	Attached, Driveway, Garage Double, Open, RV Access/Park			**View:**	Mountain(s)
Water:	Municipal	**Waste:**	Septic System	**Services:**	
Lot Feat:	Acreage, Family-Oriented Neighbourhood, Irrigation Sprinkler(s), Landscaped, Marina Nearby, Private, Quiet Area, Recreation Ne				
Complex:			**Prk Tota** 6	**Rent Alld?:**	
SqFt Balc:		**StrLots/Cplx**	**Prk Cm Prp:**	**Yng Ag Alld?**	
SqFt Prk:		**Bldgs/Cplx:**	**Prk LCP:**	**Pets Alld?:**	
SqFt Pat:		**Suites/Bldg:**	**Prk Str Lot:**	**BBQs Alld?:**	
SqFt Strg:		**Floors/Bldg:**	**Str Lot Incl:**		
Gnd/Top?:		**Lvls/Suite:**			
Shrd Am:				**Unit Incl:**	







Information given is from sources believed reliable but should not be relied upon without verification. Where shown, all measurements are approximate and subject to confirmation.
Buyers must satisfy themselves as to the applicability of GST. All data is copyright either the Vancouver Island Real Estate Board or the Victoria Real Estate Board .

SUTTON WEST COAST CANADA'S #1 REAL ESTATE BROKER
* Real Trends Top 250 Report, May 2013

Property Notes for 1443 Donnay Drive, Duncan

Please email any offers to mikeeddy@live.ca

Included items: 2 fridges, wine fridge, 2 stoves, 2 dishwashers, 2 washers, 2 dryers, window coverings

Excluded items:

Preferred closing date: Negotiable

Building file review: These documents are within the information package. Building permit issued November 14, 2017. Occupancy permit issued October 23, 2024.

Island Health File: Septic information within home book.

The following information has been provided by the Seller as a courtesy only and should not be relied upon without independent verification.

- Semi-detached garage with self contained 1 bedroom suite above is an excellent mortgage helper. There is not a second electrical meter, however the usage from the suite can be itemized on the bill. Tenant pays $1750, including hydro and would like to stay if possible. Suite can be viewed only on second showings.
- The landscape design really accents the natural beauty of the location.
- Butler's pantry and a huge walk-in pantry are features of an outstanding kitchen.
- Property goes through the creek on the right and the boundary is the fence on the other side.
- Beautiful towering Douglas for trees create a park-like, relaxing back yard
- Outdoor kitchen and several deck and patio areas are perfect for large gatherings and entertainment year round
- 200-amp electrical panel.
- Several water features both in the front and back yard.
- Lots of parking spaces and you can fit an RV beside the house.
- Lots of raised garden beds for growing your own food.
- There is a dog washing station in the garage along with work bench and lots of cabinets.
- The gym space wall could easily be removed to create a larger second bay if desired.
- Friendly neighbourhood and neighbours, close to school, trails, and just minutes to the beach and pub at Maple Bay
- Municipal services provided by North Cowichan, other than sewer.

Measurements and room sizes done by third party, Go4 Virtual, buyers to verify if important.

FLOOR PLAN PREPARED FOR EXCLUSIVE USE OF MIKE EDDY

Main Floor

Finished = 2065
(Celling Height
9' 0" to 18' 4")

Porch = 56
Garage = 434
Workshop = 195
Storage = 172
Porch = 183
Deck = 122
Patio = 642
Outside Kitchen = 169
Garden = 203
Shed = 85

Total = 4326

Sutton WestCoast Realty

All measurements are approximate and should be verified by the Buyer if important



1443 Donnay Dr

Main Floor Finished Area : 2065 Sq Ft

GO VIRTUAL.COM REAL ESTATE PHOTOGRAPHY

FLOOR PLAN PREPARED FOR EXCLUSIVE USE OF MIKE EDDY

Upper Floor

Finished = 1913
(Celling Height 7' 11")

Porch = 17

Total = 1930

Sutton WestCoast Realty

All measurements are approximate and should be verified by the Buyer if important





1443 Donnay Dr

Upper Floor Finished Area : 1913 Sq Ft

GO VIRTUAL.COM REAL ESTATE PHOTOGRAPHY

TITLE SEARCH PRINT
File Reference:
Declared Value $283000

2026-11-04, 11:22:42
Requestor: Mike Eddy

CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN

Land Title District	VICTORIA
Land Title Office	VICTORIA
Title Number	CA6168269
From Title Number	FA92163
Application Received	2017-07-25
Application Entered	2017-07-27

Registered Owner in Fee Simple
Registered Owner/Mailing Address:
DARRYL CHRISTOPHER POETS, CONTRACTOR
KATHERINE HOPE BURGESS, INSURANCE BROKER
1864 FRANCES ST
DUNCAN, BC
V9L 5A2
AS JOINT TENANTS

Taxation Authority North Cowichan, The Corporation of the District of

Description of Land
Parcel Identifier: 026-674-335
Legal Description:
LOT C SECTION 3 RANGE 3 COMIAKEN DISTRICT PLAN VIP80913

Legal Notations NONE

Charges, Liens and Interests

Nature:	COVENANT
Registration Number:	FA53477
Registration Date and Time:	2006-05-04 09:29
Registered Owner:	THE CORPORATION OF THE DISTRICT OF NORTH COWICHAN
Remarks:	INTER ALIA PART IN PLAN VIP80912

Nature:	STATUTORY BUILDING SCHEME
Registration Number:	FA53485
Registration Date and Time:	2006-05-04 09:31
Remarks:	INTER ALIA

Nature:	EASEMENT
Registration Number:	FA84826
Registration Date and Time:	2006-07-12 11:28
Remarks:	INTER ALIA PART IN PLAN VIP81341, APPURTENANT TO LOT A, PLAN VIP81340

Nature:	MORTGAGE
Registration Number:	CA6168270
Registration Date and Time:	2017-07-25 10:11
Registered Owner:	LADYSMITH & DISTRICT CREDIT UNION INCORPORATION NO. FI 103

Nature:	LAND TAX DEFERMENT ACT AGREEMENT
Registration Number:	CB2204866
Registration Date and Time:	2025-07-28 15:23
Registered Owner:	THE CROWN IN RIGHT OF BRITISH COLUMBIA
Remarks:	RESTRICTS DEALINGS

Duplicate Indefeasible Title	NONE OUTSTANDING
Transfers	NONE
Pending Applications	NONE

PARCEL INFORMATION & MISCELLANEOUS NOTES PRINT

2026-11-04, 11:26:49

File Reference:

Requestor: Mike Eddy

PARCEL IDENTIFIER (PID): 026-674-335

SHORT LEGAL DESCRIPTION:S/VIP80913/////C
MARG:

TAXATION AUTHORITY:
1 North Cowichan, The Corporation of the District of

FULL LEGAL DESCRIPTION: CURRENT
LOT C SECTION 3 RANGE 3 COMIAKEN DISTRICT PLAN VIP80913

MISCELLANEOUS NOTES:
VIP80912 COV
VIP80914 COV
VIP81341 COV/EASE

ASSOCIATED PLAN NUMBERS:
SUBDIVISION PLAN VIP36525
PLAN VIP80912
SUBDIVISION PLAN VIP80913
PLAN VIP80914
SUBDIVISION PLAN VIP81340
PLAN VIP81341

AFB/IFB: MN: Y PE: 0 SL: 1 TI: 1

INFORMATION ABOUT THE PROPERTY DISCLOSURE STATEMENT
RESIDENTIAL

THIS INFORMATION IS INCLUDED FOR THE ASSISTANCE OF THE PARTIES ONLY. IT DOES NOT FORM PART OF THE PROPERTY DISCLOSURE STATEMENT.

EFFECT OF THE PROPERTY DISCLOSURE STATEMENT

The Property Disclosure Statement will not form part of the Contract of Purchase and Sale unless so agreed by the Buyer and the Seller. This can be accomplished by inserting the following wording in the Contract of Purchase and Sale:

"The attached Property Disclosure Statement dated (date)
is incorporated into and forms part of this contract."

ANSWERS MUST BE COMPLETE AND ACCURATE

The Property Disclosure Statement is designed, in part, to protect the Seller by establishing that certain information concerning the Premises has been provided to the Buyer. It is important that the Seller not answer "do not know" or "does not apply" if, in fact, the Seller knows the answer. **Disclosure is the preferred approach to support transparency and reduce the risk of post-closing disputes. Sellers are advised that partial, incomplete, or non-responses on this form may still give rise to legal liability.** If you are unsure about what to disclose or whether you have to make a disclosure, have a conversation with your REALTOR®. If you intend not to make any disclosures about the Property, do not complete this form. Instead, speak with your REALTOR® about using the Property No-Disclosure Statement Form. If the additional information is provided, it must provide all relevant information known to the Seller.

BUYER MUST STILL MAKE THE BUYER'S OWN INQUIRIES

The Buyer must still make their own inquiries after receiving the Property Disclosure Statement. Each question and answer must be considered, keeping in mind that the Seller's knowledge of the Premises may be incomplete. Additional information can be requested from the Seller or from an independent source such as the municipality or regional district. The Buyer can hire an independent, licensed inspector or other professional to examine the Premises and / or improvements to determine whether defects exist and to provide an estimate of the cost of repairing problems that have been identified on the Property Disclosure Statement or an inspection report.

FOUR IMPORTANT CONSIDERATIONS

1. The Seller is legally responsible for the accuracy of the information which appears in the Property Disclosure Statement. Not only must the answers be correct, but they must be complete. The Buyer will rely on this information when the Buyer contracts to purchase the Premises. Even if the Property Disclosure Statement is not incorporated into the Contract of Purchase and Sale, the Seller will still be responsible for the accuracy of the information in the Property Disclosure Statement if it caused the Buyer to agree to buy the Property.
2. The Buyer must still make their own inquiries concerning the Premises in addition to reviewing a Property Disclosure Statement, recognizing that, in some cases, it may not be possible to claim against the Seller if the Seller cannot be found or is insolvent.
3. Anyone who is assisting the Seller to complete a Property Disclosure Statement should take care to see that the Seller understands each question and that the Seller's answer is complete. It is recommended that the Seller complete the Property Disclosure Statement in their own writing to avoid any misunderstanding.
4. If any party to the transaction does not understand the English language, consider obtaining competent translation assistance to avoid any misunderstanding.

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PROPERTY DISCLOSURE STATEMENT
RESIDENTIAL

Date of disclosure: November 04 2026

The following is a statement made by the Seller concerning the Premises located at:

ADDRESS: 1443 Donnay Drive Duncan BC V9L 5R4 **(the "Premises")**

THE SELLER IS RESPONSIBLE for the accuracy of the answers in this Property Disclosure Statement and, where uncertain should reply "Do Not Know." This Property Disclosure Statement constitutes a representation under any Contract of Purchase and Sale if so agreed, in writing, by the Seller and the Buyer.	THE SELLER SHOULD INITIAL THE APPROPRIATE REPLIES.			
	YES	**NO**	**DO NOT KNOW**	**DOES NOT APPLY**
1. LAND				
A. Are you aware of any encroachments, unregistered easements, or unregistered rights-of-way?		NP.		
B. Are you aware of any existing tenancies, written or oral?	NP.			
C. Are you aware of any past or present underground oil storage tank(s) on the Premises?		NP.		
D. Is there a survey certificate available?	NP.			
E. Are you aware of any current or pending local improvement levies / charges?		NP.		
F. Have you received any other notice or claim affecting the Premises from any person or public body?		NP.		
2. SERVICES				
A. Please indicate the water system(s) the Premises uses: ☒ A water provider supplies my water (e.g., local government or private utility). ☐ I have a private groundwater system (e.g., a well). ☐ Water is diverted from a surface water source (e.g., creek or lake). ☐ Not connected. Other _____				
B. If you indicated in 2.A. that the Premises have a private groundwater or private surface water system, you may require a water licence issued by the provincial government.				
(i) Do you have a water licence for the Premises already?				
(ii) Have you applied for a water licence and are awaiting a response?				
C. Are you aware of any problems with the water system?		NP.		

BUYER'S INITIALS

KD NP. SELLER'S INITIALS

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ADDRESS: 1443 Donnay Drive Duncan BC V9L 5R4

2. SERVICES (continued)	YES	NO	DO NOT KNOW	DOES NOT APPLY
D. Are records available regarding the quality of the water available (such as geochemistry and bacteriological quality, or water treatment installation / maintenance records)?				
E. Are records available regarding the quantity of water available (such as pumping tests or flow tests)?				
F. Indicate the sanitary sewer system the Premises are connected to: ☐ Municipal ☐ Community ☒ Septic ☐ Lagoon ☐ Not Connected Other_____				
G. Are you aware of any problems with the sanitary sewer system?				
H. Are there any current service contracts (e.g., septic removal or maintenance)?				
I. If the system is septic or lagoon and installed after May 31, 2005, are maintenance records available?				

3. BUILDING

A. To the best of your knowledge, are the exterior walls insulated?				
B. To the best of your knowledge, is the ceiling insulated?				
C. To the best of your knowledge, have the Premises ever contained any asbestos products?				
D. Has a final building inspection been approved, or has a final occupancy permit been obtained?				
E. Has the fireplace, fireplace insert, or wood stove installation been approved: (i) ☐ by local authorities? (ii) ☐ by a WETT-certified inspector?				
F. Are you aware of any infestation or unrepaired damage by insects, rodents, or bats?				
G. Are you aware of any structural problems with any of the buildings?				
H. Are you aware of any additions or alterations made in the last 60 days?				
I. Are you aware of any additions or alterations made without a required permit and final inspection (e.g., building, electrical, gas, etc.)?				
J. Are you aware of any problems with the heating and / or central air conditioning system?				

BUYER'S INITIALS

SELLER'S INITIALS

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ADDRESS: 1443 Donnay Drive Duncan BC V9L 5R4

3. BUILDING (continued)	YES	NO	DO NOT KNOW	DOES NOT APPLY
K. Are you aware of any moisture and/or water problems in the walls, basement, or crawl space?		NO		
L. Are you aware of any damage due to wind, fire or water?		NO		
M. Are you aware of any roof leakage or unrepaired roof damage? (Age of roof if known: 9 years)		NO		
N. Are you aware of any problems with the electrical or gas system?		NO		
O. Are you aware of any problems with the plumbing system?		NO		
P. Are you aware of any problems with the swimming pool and / or hot tub?				NO
Q. Do the Premises contain unauthorized accommodation?		NO		
R. Are there any equipment leases or service contracts (e.g., security systems, water purification, etc)?		NO		
S. Were these Premises constructed by an "owner builder," as defined in the *Homeowner Protection Act*, within the last ten years? (If Yes, attach the required Owner Builder Disclosure Notice.)		NO		
T. Are these Premises covered by home warranty insurance under the *Homeowner Protection Act*?	NO			
U. Is there a current "EnerGuide for Houses" rating number available for these Premises? (i) If Yes, what is the rating number? _____ (ii) When was the energy assessment report prepared? _____ (DD/MM/YYYY)		NO		
V. To the best of your knowledge, have the Premises been tested for radon? (i) If Yes, was the most recent test: ☐short term or ☐long term (more than 90 days) Level: _____ ☐bq/m3 ☐pCi/L on _____(date of test (DD/MM/YYYY))		NO		
W. Is there a radon mitigation system on the Premises?		NO		
(i) If Yes, are you aware of any problems or deficiencies with the radon mitigation system?		--		

4. GENERAL

A. Are you aware if the Premises have been used to grow cannabis (other than as permitted by law) or to manufacture illegal substances?		NO		

BUYER'S INITIALS

KDN
SELLER'S INITIALS

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ADDRESS: 1443 Donnay Drive Duncan BC V9L 5R4

4. GENERAL (continued)	**YES**	**NO**	**DO NOT KNOW**	**DOES NOT APPLY**
B. Are you aware of any latent defect with respect to the Premises? *For the purposes of this question, "latent defect" means a defect that cannot be discerned through a reasonable inspection of the Premises that renders the Premises:* *(a) dangerous or potentially dangerous to occupants; or* *(b) unfit for habitation.*				
C. Are you aware of any existing or proposed heritage restrictions affecting the Premises (including the Premises being designated as a "heritage site" or as having "heritage value" under the *Heritage Conservation Act* or municipal legislation)?				
D. Are you aware of any existing or proposed archaeological restrictions affecting the Premises (including the Premises being designated as an archaeological site or as having archaeological value under applicable law)?				

5. ADDITIONAL COMMENTS AND / OR EXPLANATIONS (Use additional pages if necessary)

The Seller states that the information provided is true, based on the Seller's current actual knowledge as of the date on page 1. If, prior to the completion of a sale of the Property, the Seller becomes aware of any material changes to such information, the Seller will ensure that such material changes are made known to the Buyer. The Seller acknowledges and agrees that a copy of this Property Disclosure Statement may be given to a prospective Buyer.

BUYER'S INITIALS

SELLER'S INITIALS

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ADDRESS: 1443 Donnay Drive Duncan BC V9L 5R4

PLEASE READ THE INFORMATION PAGE BEFORE SIGNING.

[redacted] [redacted]

SELLER(S) DARRYL CHRISTOPHER POETS SELLER(S) KATHERINE HOPE BURGESS SELLER(S)

The Buyer acknowledges that the Buyer has received, read, and understood a signed copy of this Property Disclosure Statement from the Seller or the Seller's brokerage on the _____ day of _____ yr _____.

The Buyer acknowledges and understands that the information contained in this Property Disclosure Statement is based on the Seller's actual knowledge as of the date on page 1.

The prudent Buyer will use this Property Disclosure Statement as the starting point for the Buyer's own inquiries.

The Buyer is urged to carefully inspect the Premises and, if desired, to have the Premises inspected by a licensed inspection service of the Buyer's choice.

The Buyer acknowledges that all measurements are approximate.

BUYER(S) BUYER(S) BUYER(S)

The Seller and the Buyer understand that neither the Listing nor Selling Brokerages nor their Managing Brokers, Associate Brokers, or Representatives warrant or guarantee the information provided about the Premises.

*PREC represents Personal Real Estate Corporation
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1453
6310
1411
1449
1865
1861
1859
1857
1862
1440

B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION FOR

LOT C, SECTION 3, RANGE 3, COMIAKEN DISTRICT, PLAN VIP80913.

SCALE 1 : 500

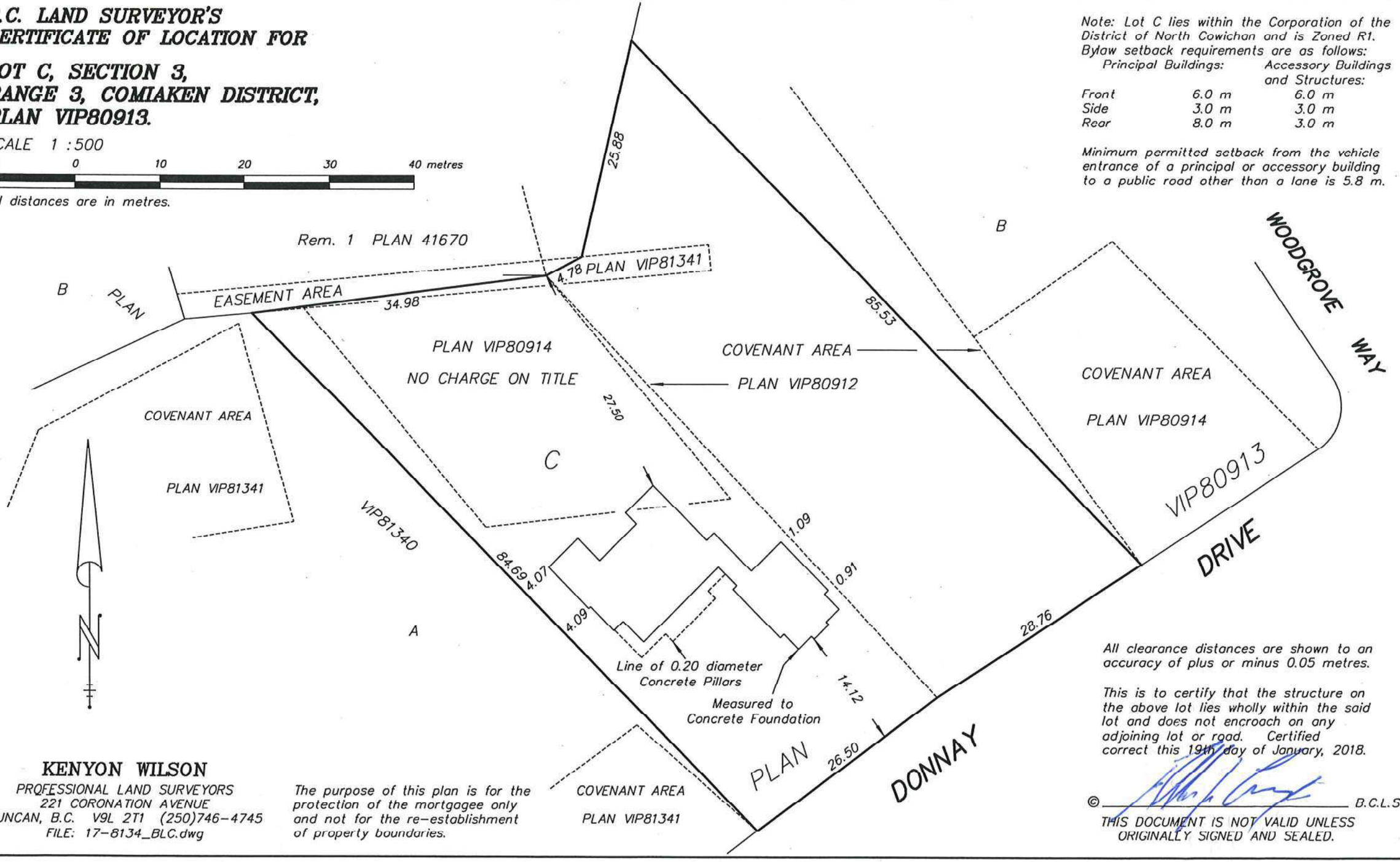
10 0 10 20 30 40 metres

All distances are in metres.

Note: Lot C lies within the Corporation of the District of North Cowichan and is Zoned R1. Bylaw setback requirements are as follows:

	Principal Buildings:	Accessory Buildings and Structures:
Front	6.0 m	6.0 m
Side	3.0 m	3.0 m
Rear	8.0 m	3.0 m

Minimum permitted setback from the vehicle entrance of a principal or accessory building to a public road other than a lane is 5.8 m.



All clearance distances are shown to an accuracy of plus or minus 0.05 metres.

This is to certify that the structure on the above lot lies wholly within the said lot and does not encroach on any adjoining lot or road. Certified correct this 19th day of January, 2018.

© _____ B.C.L.S.

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED.

KENYON WILSON
PROFESSIONAL LAND SURVEYORS
221 CORONATION AVENUE
DUNCAN, B.C. V9L 2T1 (250)746-4745
FILE: 17-8134_BLC.dwg

The purpose of this plan is for the protection of the mortgagee only and not for the re-establishment of property boundaries.

Property Information

General Property Information

Civic Address:	1443 DONNAY DR
Folio:	09781-013
LTO Number:	CA6168269
PID:	026-674-335
MHR Number:	
Status:	Active
Property No:	112571
Legal:	LOT C SECTION 3 RANGE 3 COMIAKEN PLAN VIP80913

Property Attributes

Title	Value	Description
BCAA		
MANUAL CLASS	8000	NON-MANUALIZED STRUCTURES
ACTUAL USE	032	Residential Dwelling with Suite
FIRE AREA	MAPLE BAY	
CURBSIDE PICKUP		
GARBAGE SCHEDULE	RED B	RED B SCHEDULE
ZONING	R1	RESIDENTIAL RURAL ZONE

Property Tax Levies and Assessments Summary

Notice Year	Date	Type	Total Levy	Class	Gross Land	Gross Improvements	Gross Assessment	Net Assessment
2026	May 11, 2026	Reg	8,359.46	1	404,000	926,000	1,330,000	1,330,000
2025	May 02, 2025	Reg	7,773.91	1	410,000	930,000	1,340,000	1,340,000
2024	May 15, 2024	Reg	7,954.94	1	442,000	1,013,000	1,455,000	1,455,000

Licensing Account 12849

Category:	BUSINESS LICENCES	**Licencee Name(s):**	VALIDUS CUSTOM HOMES LTD

Trade - VALIDUS CUSTOM HOMES LTD

Trade Status: OPEN **Home Based:** No

Inter Municipal:	No	**Non Resident:**	No
Trade Location(s):	1443 DONNAY DR NORTH COWICHAN BC		

Licence	Type(s)	Covers From	Covers To	Status
00106035 GENERAL CONTRACTING	CONTRACTORS - GENERAL CONTRACTOR	Jan 01, 2026	Dec 31, 2026	APPROVED

Community Development Folder BP007949

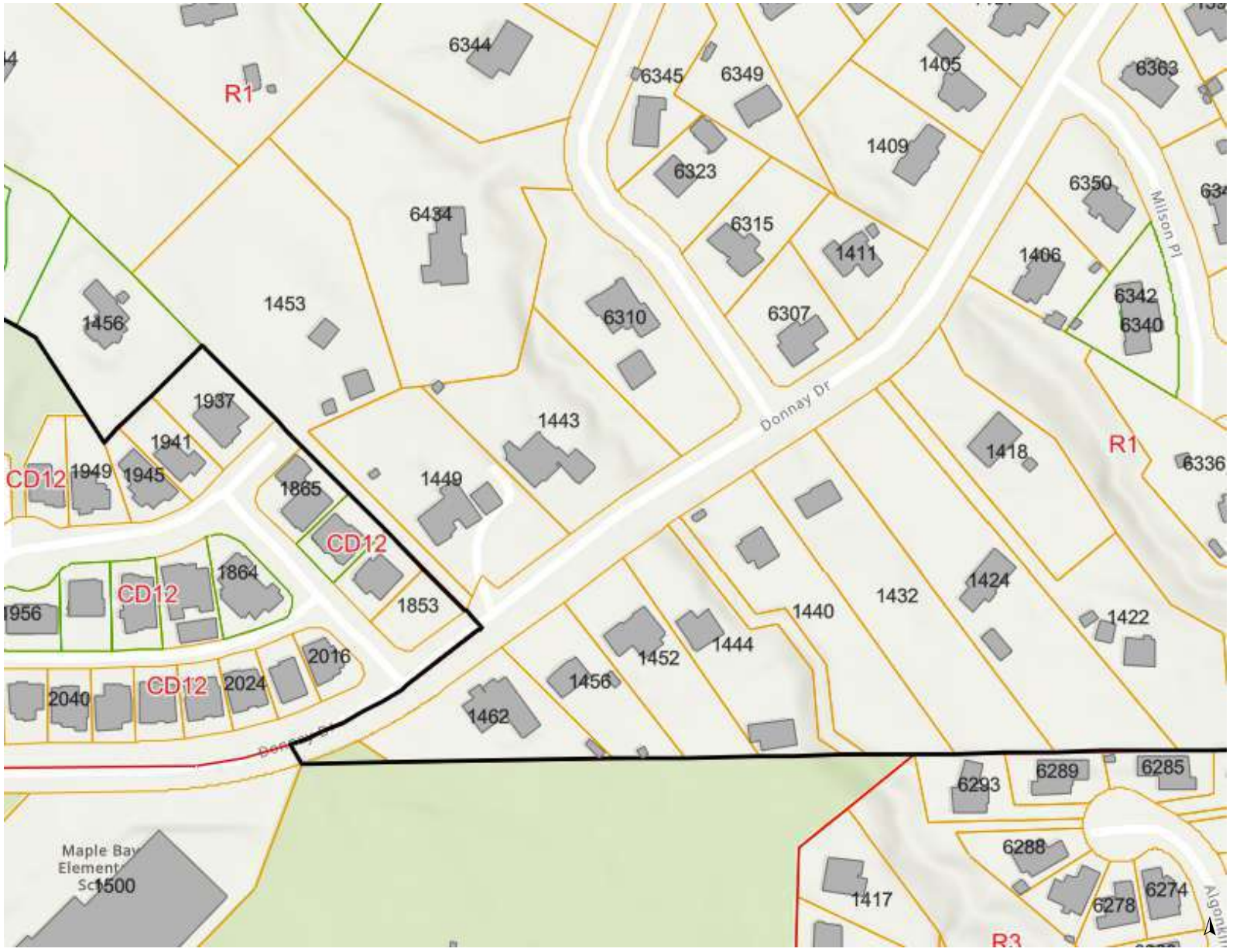
Project No.:		**Folder Manager:**	TIM BYRON		
Status:	EXPIRED	**Applied Date:**	Oct 12, 2017	**Completed Date:**	Jan 28, 2026
Type:	SINGLE FAMILY DWELLING - NEW				
Purpose:	THIS PERMIT HAS BEEN ISSUED FOR CONSTRUCTION OF A SINGLE FAMILY DWELLING WITH A SECONDARY SUITE OVER THE GARAGE.				

Please Note: This statement is issued in accordance with Community Charter Section 249 - Certificate of Outstanding Taxes. Under 249(3), an error in a statement or certificate given under this section does not subject the municipality to damages. This property may be subject to other charges or fees.

Contact | Privacy Statement | Legal Disclaimer

MUNICIPALITY OF NORTH Cowichan

Map Title





Legend

Boundaries and Place Names

North Cowichan Boundary

Land Use and Planning

Managing Growth

Buildings

Urban Containment Boundary

Zoning

Zoning Labels

Zoning Boundaries

Property Information

Foreshore Lots

Civic Address Labels

Strata Parcels

Notes

0 100 200 m

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Residential Rural Zone (R1)

[BL3083, BL3302, BL3367, BL3383, BL3642, BL3666, BL3731, BL3732, BL3754, BL3758, BL3760, BL3766, BL3809, BL3815, BL3847, BL3150, BL3852, BL3891, BL3911, BL3919, BL3944, BL3974, BL4002, BL4016, BL4031]

Permitted Uses

56 (1) The permitted uses for the R1 zone are as follows:

Agriculture
Assisted Living
Bed and Breakfast
Community Care Facility
Home-based Business
Modular Home
Single-Family Dwelling
Supportive Housing
[Repealed. BL4016] Two-Family Dwelling [BL3302, BL3367, BL3754]

Minimum Lot Size

(2) The minimum permitted lot size for the R1 zone is 1,675 m^2 (18,029 sq. ft.).

Minimum Frontage

(3) The minimum permitted frontage for the R1 zone is 30.0 m (98.43').

Density

(4) The maximum permitted density for the R1 zone is as follows:

(a) The number of residential buildings shall not exceed one and the number of dwelling units shall not exceed two.

(b) [Repealed. BL4016]

(c) The maximum permitted floor space ratio for the R1 zone is 0.5:1. [BL3383]

(d) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 9272 Cottonwood Road (PID:006-038-000). [BL3642]

(e) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 1217 Barnes Road (PID: 003-134-814). [BL3666]

(f) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 6343 Wicks Road (PID: 003-145-603). [BL3731]

(g) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 10097 Chemainus Road (PID: 018-858-651). [BL3732]

(h) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 2372 Regina Drive (PID 000-368-393). [BL3760]

(i) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 1038 Herd Road (PID: 023-168-501). [BL3766]

(j) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on Lot 7 Wellburn Place (PID: 031-028-314). [BL3809]

(k) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 9376 Cottonwood Road (PID: 004-156-676). [BL3815]

(l) Despite section 56 (4)(a), a maximum of 2 residential buildings, with a total combined

maximum of 2 dwelling units, is permitted on 6353 Genoa Bay Road (PID: 001-165-283) [BL3847]

(m) Despite section 56 (4)(a) a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 8921 Chemainus Road (PID: 029-612-829) [BL3852]

(n) Despite section 56(4)(a) above, a total combined maximum of two dwelling units within a maximum of two residential buildings is permitted on 1211 Barnes Road (PID: 000-006-793) [BL3911]

(o) Despite section 56(4)(a) above, a total combined maximum of two dwelling units within a maximum of two residential buildings is permitted on 1935 Maple Bay Road (PID: 001-526-031) [BL3944]

(p) Despite section 56(4)(a), a total combined maximum of two dwelling units within a maximum of two residential buildings is permitted on 6344 Woodgrove Way (PID 026-674-301). [BL3919]

(q) Despite section 56(4)(a) above, a total combined maximum of two dwelling units within a maximum of two residential buildings is permitted on 6495 Wicks Road (PID: 003-405-966). [BL3974]

(r) Despite section 56(4)(a) above, a total combined maximum of two dwelling units within a maximum of two residential buildings, the smaller of which must not exceed 107m^2 is permitted on 2901 Fuller Lake Road (PID: 004-019-814). [BL4010]

(s) Despite section 56(4)(a), a total combined maximum of two dwelling units within a maximum of two residential buildings is permitted on 3118 Drinkwater Road (PID: 001-526-031). [BL3988]

(t) Despite section 56(4)(a), a total combined maximum of two dwelling units within a maximum of two residential buildings is permitted on 6560 Nevilane Road (PID: 023-201-002) [BL4017]

(u) Despite clause 56(4)(a) above, a total combined maximum of two dwelling units within a maximum of two residential buildings is permitted, where the smaller residential building shall be accessory to the principal dwelling and contain a dwelling unit not exceeding 90m^2 of gross floor area, on the following properties:

(i) 3260 Cowichan Valley Highway (PID: 007-107-188)

(ii) 7395 Bell McKinnon Road (PID: 000-112-127)

(iii) 7221 Bell McKinnon Road (PID: 011-879-661) [BL4031]

(iv) 5004 Oceanview Terrace (PID: 031-373-372) [BL4061]

Maximum Lot Coverage

(5) The maximum permitted lot coverage of the R1 zone is 30% of the lot area.

Minimum Setbacks

(6) The minimum permitted setbacks for the R1 zone are as follows:

(a) Principal Buildings
Yard, Front, 6.0 m (19.68')
Yard, Side, 3.0 m (9.84')
Yard, Rear, 8.0 m (26.25')

(b) Accessory Buildings and Structures (Excluding Fences)
Yard, Front, 6.0 m (19.68')
Yard, Side, 3.0 m (9.84')
Yard, Rear, 3.0 m (9.84')

(6.1) The minimum permitted setback from the vehicle entrance of a principal or accessory building to

a public road other than a lane is 5.8 m (19.03'). [BL3150]

Maximum Building Height

(7) The maximum permitted building heights for the R1 zone are as follows:

(a) Principal Buildings, 9.0 m (29.53')

(b) Accessory Buildings, 5.0 m (16.40')

Conditions of Use

(8) The conditions of use for the R1 zone are as follows:

(a) [Repealed. BL3891]

(b) [Repealed. BL3891]

(c) [Repealed. BL3891]

(d) Bed and breakfast uses may have no more than six sleeping units.

(e) [Repealed. BL3758]

(f) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that the number of residents does not exceed ten, including resident staff,

(ii) the use is within a single-family dwelling unit only,

(iii) valid health permits for septic systems or on-site wastewater treatment systems are obtained, where no municipal sewer is available. [BL3302]

(g) Limited farm sale of agricultural products may be sold directly to the public provided that:

(i) a minimum of 50% of the agricultural products offered for sale are produced on the land;

(ii) the covered retail sales area does not exceed 100 m^2 (1076.4 sq. ft.); and

(iii) the retail sales are clearly ancillary to the farm use. [BL3083]

(i) [Repealed. BL3367]

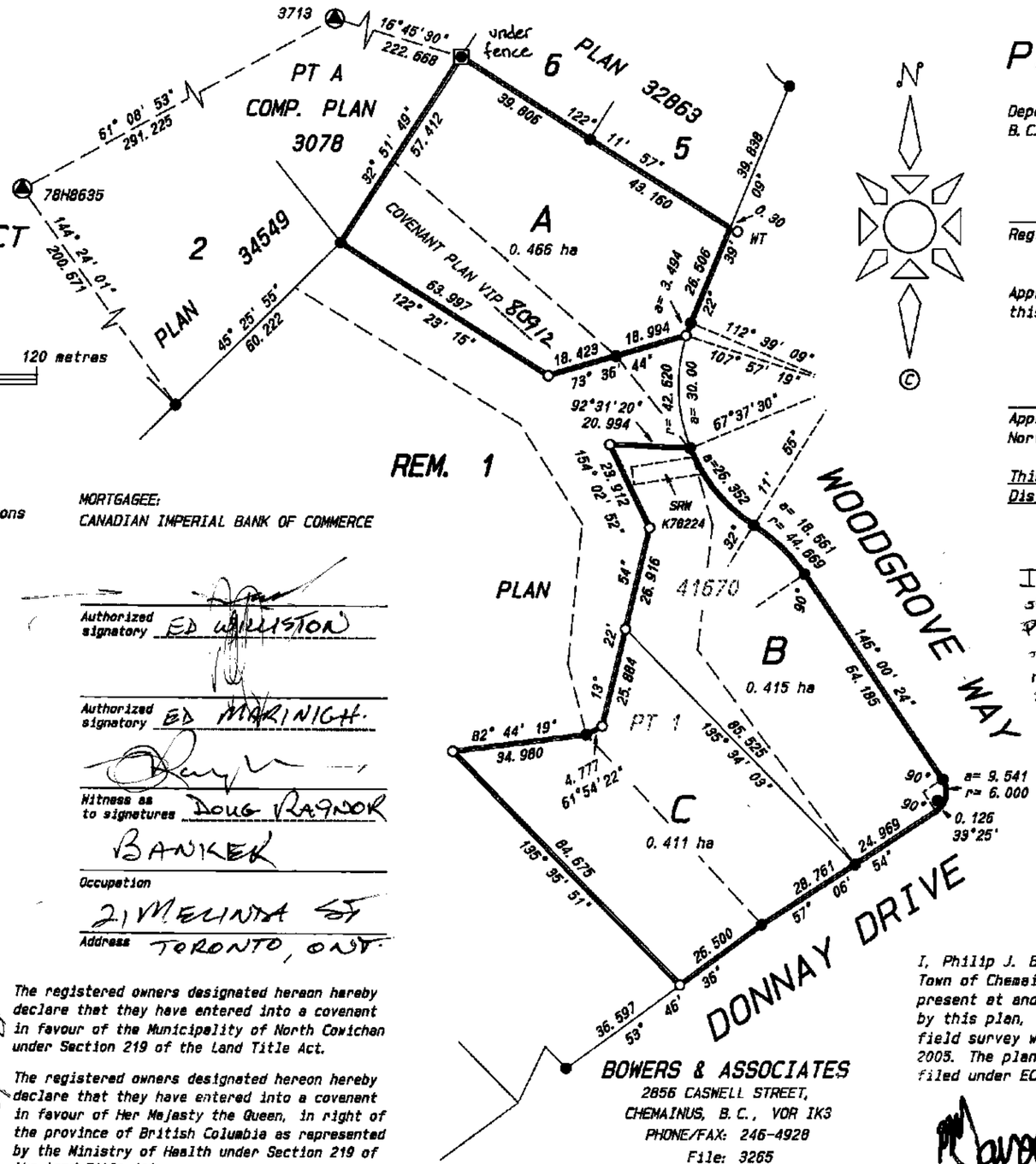
(j) Despite 56(1), 56(4), 56(5) and 56(7), "apartment" is a permitted use at 8272 Crofton Road (PID: 001-024-817), with a maximum density of floor space ratio 1:1, maximum lot coverage of 40%, and maximum principal building height of 11m. [BL4002]

PLAN OF SUBDIVISION OF PART OF LOT 1, SECTION 3 RANGE 3, COMIAKEN DISTRICT PLAN 41670.

Scale = 1: 1250

0 10 20 30 40 50 120 metres

B. C. G. S. 92B. 082



LEGEND

Bearings are Grid bearings derived from observations between control monuments 78H8635 and 3713.

- control monument found.
- standard iron post found.
- O standard iron post placed.
- non-standard round iron post.

WT witness.

Integrated Survey Area No. 10, The Corporation of the District of North Cowichan, NAD83 (CSRS). This plan shows ground level measured distances. Prior to computation of U. T. M. co-ordinates multiply by combined factor 0. 9996220. All distances are in metres and decimals thereof.

REGISTERED OWNER:

Patricia Eileen Goertzen

Patricia Eileen Goertzen

Witness as to signature Brock Emberton

LAWYER.

Occupation

317 877 GOLDSTREAM AVE VICTORIA BC

Address

MORTGAGEE:
CANADIAN IMPERIAL BANK OF COMMERCE

Authorized signatory ED WALLISTON

Authorized signatory ED MARINICH.

Witness as to signatures DOUG RAYNOR

BANKER

Occupation

21 MELINDA ST TORONTO, ONT.

Address

The registered owners designated hereon hereby declare that they have entered into a covenant in favour of the Municipality of North Cowichan under Section 219 of the Land Title Act.

The registered owners designated hereon hereby declare that they have entered into a covenant in favour of Her Majesty the Queen, in right of the province of British Columbia as represented by the Ministry of Health under Section 219 of the Land Title Act.

PLAN VIP 80913

Deposited in the Land Title Office at Victoria, B.C. this 4 day May, 2006

C Johnston per mj

Registrar FA 58477

Approved under the Land Title Act this 1st day of FEBRUARY, 2006

Approving Officer for the Municipality of North Cowichan

This plan lies within the Cowichan Valley Regional District.

I, Patricia Eileen Goertzen, the registered of Lot A, Section 3, Range 5, Comiaken District Plan 41670, the dominant tenement in respect of Easements, J92543, M57899, J92544 & M57401, hereby state that the benefit of said easements shall not attach A, B, & C of this plan

BOWERS & ASSOCIATES
2856 CASWELL STREET,
CHEMAINUS, B. C., V0R 1K3
PHONE/FAX: 246-4928
File: 3265
File: 9320-20-05. 27 Folio: 9781. 010

I, Philip J. Bowers, a British Columbia Land Surveyor of the Town of Chemainus, in British Columbia certify that I was present at and personally superintended the survey represented by this plan, and that the survey and plan are correct. The field survey was completed on the 13th day of September 2005. The plan was completed and checked, and the checklist filed under ECP 37139, on the 13th day of Sept , 2005.

Philip J. Bowers B.C.L.S.

DNC 3320-20-05.27

MUNICIPALITY OF
NORTH
Cowichan

7030 Trans-Canada Highway
Duncan, BC V9L 6A1 | Canada
www.northcowichan.ca
building@northcowichan.ca
T 250-746-3105
F 250-746-3154

MUNICIPALITY OF NORTH COWICHAN

Building Inspections

"Certificate of Occupancy"

Pursuant to the requirements of "BUILDING BYLAW 2003 NO. 3172", permission is hereby granted to occupy the described building or dwelling unit subject to any conditions as noted.

Issued: October 23, 2024

Address of Building: 1443 DONNAY DR

Legal Description: LT C SEC 3 RGE 3 COM PL VIP80913

Approved Occupancy: Single Family Dwelling w/Secondary Suite

Building Permit Number: BP007949

BUILDING INSPECTOR

Per: Chris Derouin Digitally signed by Chris Derouin DN: CN=Chris Derouin, OU=User Accounts, OU=Municipal Hall, OU=North Cowichan, DC=northcowichan, DC=local Date: 2024.10.23 07:40:25-07'00'

Date: 10/23/2024

IMPORTANT NOTICE

The occupancy approved under this Certificate refers only to the construction authorized by the above building permit(s), and such approved occupancy is applicable as of the date shown. This certificate is not a warranty that the subject building complies with all Municipal and Provincial regulations covering zoning and building construction nor that it is without defect.

BC Housing - New Home Registry

BC HOUSING

Home type:

Single

Address

Street:

City:

Legal Description

PID:

026-674-335

Search Clear

Search results:

Duncan, 1443 Donnay Drive

Click on the address for more details

1 new homes found where home type is 'Single' AND PID contains '026674335'

Registered with home warranty insurance.

Builder:

Validus Custom Homes Ltd.

Visit the Builder Registry for more builder information.

Builder's Warranty Number:

ISLA101

Warranty Commencement Date:

2018/Jun/28

Warranty Provider:

Pacific Home Warranty Insurance Services Inc. for Echelon General Insurance Company
Phone: 604-574-4776
Website: www.pacificwarranty.com

Address:

1443 Donnay Drive, Duncan BC V9L 5R4

Legal Description:

Lot C, Section 3, Range 3, Comiaken District, Plan VIP80913

PID:

026-674-335

Understanding your Search Results

Registered with home warranty insurance

Home was or is in the process of being built by a Licensed Residential Builder and is covered by home warranty insurance as required by legislation in B.C. The New Homes Registry provides the name of the builder or developer of record and the contact information of the warranty provider should you wish to confirm details.

Owner-built

Home was or is in the process of being built by an individual under an Owner Builder Authorization issued by BC Housing. This Authorization allows the individual to build a home for their own personal use without being licensed or arranging for home warranty insurance. Owner builders and prospective purchasers should fully understand their rights and obligations when buying or selling an owner-built home. The New Homes Registry indicates whether conditions have been met that would allow an owner builder to sell the home.

Rental only exemption - no home warranty insurance

Multi-unit building or complex built for rental purposes for at least a 10-year period. A covenant on the land title restricts any individual units from being sold for 10 years after first occupancy of the first unit in the building, although the building may be sold as a whole.

Withdrawn from warranty

Construction of the home was commenced with home warranty insurance arranged by the Licensed Residential Builder, but the warranty insurance has been withdrawn, which can happen for a variety of reasons. The Licensed Residential Builder may be in the process of re-enrolling the building in home warranty insurance. In this case construction may not re-commence, or the building offered for sale or sold without being re-enrolled first.

Can’t find the address you are looking for?

Check the Search hints for tips on how to get best results.

If you cannot find the home you are looking for or if you are seeking information on a home registered after July 1999 and before November 19, 2007, please call the BC Housing Management Commission toll-free at 1-800-407-7757 for assistance.

IMPORTANT: New homes not found on this registry or by calling the Licensing & Consumer Services Branch will be treated as potentially non-compliant and may not be sold until approved by BC Housing.

build version 1.55.3.0

The Corporation of the District of North Cowichan

7030 Trans Canada Highway
P.O. Box 278, Duncan, BC
Building Department
Phone: 250-746-3100 Fax: 250-746-3154

BUILDING PERMIT

Permit #: **BP007949**
Folio: 09781-013

Issued Date: Nov 14, 2017

Permit Type: **SINGLE FAMILY DWELLING - NEW**
Description: THIS PERMIT HAS BEEN ISSUED FOR CONSTRUCTION OF A SINGLE FAMILY DWELLING WITH A SECONDARY SUITE OVER THE GARAGE.

Address: **1443 DONNAY DR** Zone: R1 RESIDENTIAL RURAL ZO
Legal: LT C SEC 3 RGE 3 COM PL VIP80913 P.I.D. 026-674-335

Applicant: POETS, DARRYL C Phone:
BURGESS, KATHERINE H Phone:
Address: 1864 FRANCES ST DUNCAN BC V9L 5A2

Owner: POETS, DARRYL C Phone:
BURGESS, KATHERINE H Phone:
Address: 1864 FRANCES ST DUNCAN BC V9L 5A2

Builder: VALIDUS CUSTOM HOMES LTD. Phone:
Address: 2986 BOYS ROAD DUNCAN BC V9L 6W4

Description	Quantity	Amount	Description	Quantity	Amount
Bp Eng Driveway	1.00	25.00	Bp Eng Sweep	1.00	50.00
Bp Fees	514,461.50	3,951.23	Bp Fixtures	17.00	214.20
Bp Plumb Water	1.00	31.50	P Eng Reduction	514,461.50	-395.12
D.c.c.	1.00	3,900.00			

Total: $7,776.81

Building Information:

TYPE OF IMPROVEMENT: NEW CONSTRUCTION VALUE: 514,461.50

Special Conditions:

* The Municipality of North Cowichan is relying on the registered professional engineer or architect of record provided to ensure compliance to the current B.C. Building Code for design, plan certification and field reviews as provided for in section 290 of the Local Government Act and section 12 & 13 of the Municipality of North Cowichan's Building Bylaw No. 3172, 2003.
* The Municipality of North Cowichan will not be responsible for any errors, deficiencies and omissions in this plan information.
* Neither the granting of a permit nor the approval of the relevant drawings and specifications nor the inspections made by the Municipality of North Cowichan shall in any way relieve the owner of such a building from full responsibility for the carrying out of work or having work carried out in full accordance with the requirements of the B.C.B.C. 2012
* Plans have been reviewed for general conformance. It is the designers responsibility for accuracy, adequacy and all code requirements.
* This permit expires and the right of an owner shall terminate, if the work is not commenced within 6 months, or if the work is not completed within 24 months of the date of issue of the permit.
* Contractor shall be prime contractor while working within road right of way

The Corporation of the District of North Cowichan
7030 Trans Canada Highway
P.O. Box 278, Duncan, BC
Building Department
Phone: 250-746-3100 Fax: 250-746-3154

BUILDING PERMIT

Permit #: **BP007949**
Folio: 09781-013

Issued Date: Nov 14, 2017

All Construction shall conform to the current edition of the B.C. Building Code and approved drawings issued with the Application For Permit For Erection, Alteration, or Repair of a Building. No deviation from these drawings, including site plans, shall be made without authorization being given subject to the same procedures established for the examination of the original plans.

The department reserves the right to reject any work which has been concealed or completed without first having been inspected and approved by the department in accordance with the requirements of the various codes.

Applicant: _____ **Building Inspector:** _____

FOLIO No.	9781-03				
LEGAL DESCRIPTION					
LOT	BLK	RGE	SEC	PLAN	DIST.
C	.	3	3	80913	Komiakin

THE CORPORATION OF THE DISTRICT OF NORTH COWICHAN

ADDRESS

1443 Donnay Drive

MUNICIPAL SERVICES RECORD

METER SERIAL No.	WATER	SEWER	DRAIN	CULVERT	GAS	HYDRO/TEL
INSTALLATION DATE	Fall 2005	Septic	Roofing			
SIZE OF SERVICE	20mm ø					
TYPE OF PIPE	Poly.					
CONNECTION LENGTH	6.5					
METER SIZE AND TYPE	Rockwell					
DEPTH AT P.L.	1.0					
DEPTH OF MAIN	1.0					
LOCATION AT P.L.	12.6m From South Corner					
LOCATION AT MAIN						
REVISION / DATE						
COMMENTS						

18 JUL 06

SEE REVERSE FOR SKETCH

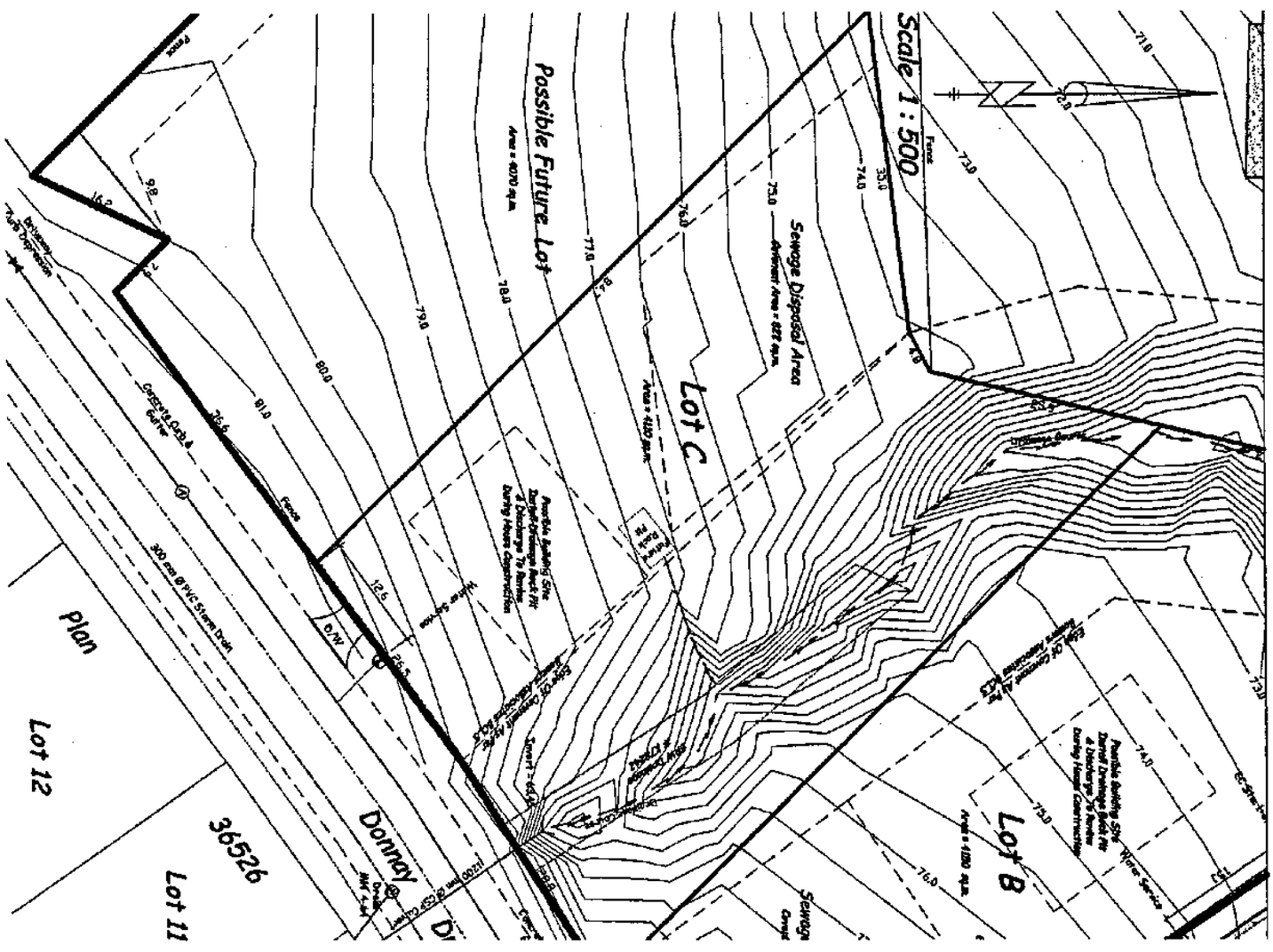
COLOR CODE — W-BLUE, S-RED, D-GREEN

G.05.1

PRIOR TO EXCAVATING CONTACT GAS, HYDRO, TELEPHONE AND CABLE TO CONFIRM LOCATIONS.

THE MUNICIPALITY ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION CONTAINED ON THIS SERVICE RECORD.

PRINCIOTT 746-6191



7832

island health

SEWERAGE SYSTEM LETTER OF CERTIFICATION

Filing#: DC 17/166 **Folio or PID#:** 026-674-335 **Date:** AUGUST, 16, 2018

Civic Address: 1443 LOTC DONNATY. DR

Legal Description: LOTC, SEC 3, RG.3, COMIAKEN DIST, PLAN VIP 80913

The construction of the proposed sewerage system on the above property was completed on: AUGUST, 10, 2018

This system was installed:

☐ By or under the supervision* of a professional — Name: _____ Registration #: _____

☒ By a Registered Onsite Wastewater Practitioner Installer — Name: SEAN CREALLY Registration #: OW0518

☐ By the property Owner under the supervision* of — Name: _____ Registration#: _____

I am an "Authorized Person" as defined in the Sewerage System Regulation "BC Reg. 326/2004." **The signature and seal of the undersigned on this document certifies that:**

1. The Owner has been provided with:
   - A copy of the sewerage system plans and specifications as filed with the Health Authority;
   - A maintenance plan for the sewerage system that is consistent with standard practice;
   - A copy of this Letter of Certification as filed with the Health Authority;

FINAL

2. The sewerage system has been constructed in accordance with standard practice as indicated in the Sewerage System Filing Form filed on (date) AUG 21 2017;
3. The sewerage system has been constructed substantially in accordance with the plans and specifications filed with the Health Authority;
4. The estimated daily domestic sewage flow through the sewerage system will be less than 22,700 liters;
5. If operated and maintained as set out in the maintenance plan, the sewerage system will not cause or contribute to a health hazard.

* Where the authorized person is a professional, "supervision" means conducting field reviews of the construction of the above system that the professional in his or her professional discretion considers necessary to ascertain whether the construction substantially complies with the plans and specifications filed with the Health Authority.

Appended to this document is a plan of the sewerage system as it was built and a copy of the maintenance plan.

Name (please print): SEAN CREALLY	**Health Authority Use Only**
Signature:	
Authorized Person's Seal	VANCOUVER ISLAND HEALTH AUTHORITY RECEIVED AUG 10 2018 DUNCAN, BC

REGISTERED ONSITE WASTEWATER PRACTITIONER ASTTBC SEAN CREALLY PL IN OW0518

POSTED AUG 14 2018 D.S.

Faxed MNC Aug 10/18

Revised April 2015

island health

RECORD OF SEWERAGE SYSTEM

Filing # (OFFICE USE ONLY) DC17/166

1. Property Information

☑ New Construction ☐ Alteration ☐ Repair ☐ Amendment – Original Filing #

Tax Assessment Roll #

PID # 026-674-335

Legal Description (Plan, Lot, District Lot, Block Numbers)
LOTC, SEC 3, RG.3, COMIAKEN DIST, PLAN VIP 80913

Street (Civic) Address or General Location: LOTC DONNAY DR

City: DUNCAN

2. Owner Information

Name of Legal Owner: [redacted]

Mailing Address: [redacted]

Phone: [redacted]

City: DUNCAN

Prov: BC

Postal Code: V9L 5A2

3. Authorized Person Information

N[redacted]: SEAN CREALLY

Mailing Address: 3472 VERNER

Phone: [redacted]

City: COBBLE HILL

Prov: BC

Postal Code: V0R-1L2

[redacted]: OW0518

Email:

4. Structure Information

Sewerage System Will Serve:
☑ Single Family Dwelling ☐ Other Structure *(specify)* _____ ☐ Other Dwelling *(specify)* _____

The sewerage system is designed for an estimated minimum daily domestic sewage flow of *(check one)*
☑ Less than or equal to 9,100 litres ☐ More than 9,100 litres but less than 22,700 litres

REGISTERED ONSITE WASTEWATER PRACTITIONER
ASTTBC
SEAN CREALLY
PI IN
OW0518

5. Site Information

Depth of native soil to seasonal high water table or restrictive layer *(cm)* 100cm

Information respecting the type, depth and porosity of the soil is attached ☑ Yes ☐ No

GPS Location of System *(decimal degrees)* Latitude 48.8003623 Longitude -123.6354422

Horizontal Accuracy *(m)* _____ ☑ Recreational GPS ☐ Differential GPS

6. Drinking Water Protection

Will the sewerage system be located less than 30 m from a well? ☐ Yes ☑ No

If yes, attach a professional's report and specify the intended distance _____ *(m)*

Distance of proposed sewerage system to the closest body of surface water 30mt *(m)*

7. System Information

Sewerage treatment method ☑ Type 1 ☐ Type 2 ☐ Type 3

8. Legal or Regulatory Considerations

☑ Construction of the proposed sewerage system will not conflict with legal instruments registered on the property.

Is this filing submitted as the result of an order from the Health Authority? ☐ Yes *(attach a copy of the order)* ☑ No

9. Plot Plan and Specifications

Plot Plan (to scale) and specifications are attached ☑ Yes ☐ No

☑ The plans and specifications are consistent with Standard Practice

Source of Standard Practice: ☑ Ministry of Health Standard Practice Manual ☐ Other

10. Authorized Person's Signature

Signature: [signature]

Date: AUGUST, 17, 2017

OFFICE USE ONLY

Filing Accepted Date: aug 21/17

Receipt Number: 223639

FAXED
AUG 21 2017
Page ____ of ____ CVRD
MNC

Revised August 2015

General Summary of the Sewage System

Filing #: DC 17/ 1166 Date: AUGUST, 16 2018

Civic Address: LOT C DONNAY .OR

Legal Description: LOT C, SEC 3, RG.3, COMIAKEN DIST, PLAN VIP 80913

Property Size: 0.40 HA Total Flow Rate: 2000 L.P.D. # of Bedrooms: 3+1

Total Floor Area max: 278 m^2 sq m System Type: 1 - PRESSURE

Soil Evaluation Results

Slope of Site (at Dispersal Area): 2 % Restrictive Layer Depth: 100 cm

Restrictive Layer: FRACTURED ROCK / SHALE
(SEASONAL, HIGH WATER TABLE, LOW PERMEABILITY SOIL, HARDPAN, OR BEDROCK)

Perk Rate Average: 2:40 min/inch

Type of Soil: GRAVELLY SANDY LOAM

FINAL

REGISTERED ONSITE WASTEWATER PRACTITIONER • ASTTBC • SEAN O'REALLY PL IN OW0518

Completed Design Components

DDF: 2000 / HLR: 37 / Trench Width: / = Total Length: /

AIS = Flow rate: 2000 LPD/ HLR: 37 = sq m: 54 m^2

Septic tank to be: 7735 L Litres, Manufacturer: DANS

Type: CONCRETE

Pump Chamber to be: 2046 Litres, Manufacturer: DANS

Type: CONCRETE

Pump Manufacturer: MYERS Size: 1/2 HP Voltage: 115

Installed: AUG 10 2018 Pump Line: 5cm PVC Reg Float: SJE RHOMBUS

High Water Alarm Float: SJE RHOMBUS High Water Alarm: 120 V OUTDOOR

Electrical Panel: N/A

Lateral: 30m PVC Hole Size: 5 mm

Hole Spacing: 60 cm Trench Size: / m Trench Type: BED

Trench Spacing: / m

Bed Size L: 19m W: 3m Depth: 25cm m Material: C-33 MOD +20 mm WASHED ROCK

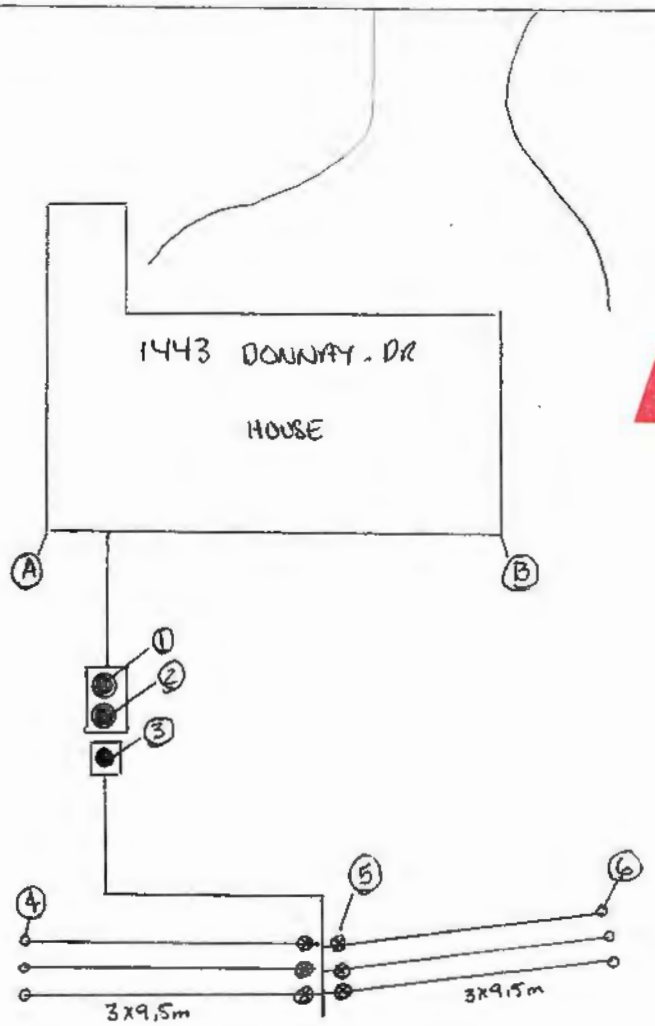
Treatment Plant to be (name): N/A

Treatment Capacity: N/A L.D.P. Type: N/A

SITE PLAN

Scale
N.T.S

DONNAY DR.



FINAL

O - CLEAN OUT
⊠ - VALVE

A-1 = 7.18m	B-1 = 9.4m
2 = 8m	2 = 10.1m
3 = 8.8m	3 = 11m
4 = 14.2m	4 = 16.3m
5 = 13.9m	5 = 18m
6 = 19.16m	6 = 17.8m

AP Seal

REGISTERED ONSITE WASTEWATER PRACTITIONER
ASTTBC
SEAN O'REILLY
PLN
OW0518

Sewerage System
Operation and Maintenance Plan

Part 1: Operation Plan for Owners and Operators

FINAL

Introduction

Civic Address: 1443 LOTC DONALTY DR

Legal Description: LOTC, SEC 3, R6, 3, COMIAKEN DIST, PLAN VIP 80913

System completed on (date): AUGUST, 10, 2018

Onsite wastewater systems require proper operation and maintenance to ensure adequate performance, service life expectancy, and protection of public health and the environment. Pursuant to section 10 of the *BC Sewerage Regulation 326/2004* the owner/user of an onsite wastewater system must ensure it is operated and maintained in accordance with the operation/maintenance plan provided by the designer/planner. In addition, the owner/user is required to keep records of the system inspections and maintenance performed on the system.

The operations and maintenance plan: system inspection and maintenance schedule, contact lists, and system dos and don'ts.

IMPORTANT: This system has been designed to service a residence as listed on the general specifications of sewerage system. Therefore, addition of a bedroom or any additional square footage added to house, a suite or use as a bed and breakfast will require alterations to the onsite wastewater system that must be designed by an Authorized Person and filed with the Health Authority.

System Operation

Under the laws of BC, the sewage system that has been installed on the above listed property must be maintained by a Registered Maintenance Provider in accordance with the specifications outlined in this Operations and Maintenance Plan.

REGISTERED ONSITE WASTEWATER PRACTITIONER
AST BC
SEAN O'REALLY
PLAN
ON0518

Cautions and Warnings

- Garbage disposal unit is NOT to be used with septic systems. A garborator will overload the septic tank, degrade wastewater treatment and decrease drain field life.
- No water softeners, floor drains, roof drains or perimeter drains to drain into wastewater system.
- Irrigation over mound or drain field should be closely monitored. Excessive irrigation infiltrates into and hydraulically overloads system. Hydraulic overload will cause failure in system.
- Structures, roads, paths, parking, swimming pools, and any impervious materials are prohibited from being placed on drain fields. Any of these will cause failure of system.
- Gases within septic tank and pump chamber can be explosive and/or cause asphyxiation. DO NOT enter tank risers or tanks at any time. Lids are to be secured at all times.

Dos and Don'ts for Successful Operation

- DO NOT introduce or put any non-biodegradable substances into the system such as:
  - Chemicals, including paint (do not wash paint brushes inside house)
  - Solvents, antifreeze, gas, herbicides, pesticides
  - Coffee grounds
  - Cigarette butts
  - Disposable diapers
  - Feminine hygiene products
  - Condoms
  - Paper towel, facial tissue, sanitary wipes
  - Cat litter
  - Hair

FINAL

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- DO NOT discharge from water treatment devices including water softeners into system.
- DO NOT use powdered laundry detergent or dish washer soap, liquid soap is acceptable.
- DO NOT flush anything (e.g., Condoms, Q-tips) into system that does not pass through the human body with the only exception being toilet paper.
- DO NOT introduce excessive amounts of fats, oils or grease into system.
- DO NOT drive on disposal system, piping, distribution box or tanks at any time.
- MINIMIZE the use of bleach and cleaning solvents.
- DO NOT use commercial septic tank additives: they are unnecessary, expensive and can impair system performance.
- DO NOT stress system with multiple laundry loads on one day — spread laundry throughout the week.
- DO practice water conservation and ensure that fixtures do not leak.
- DO check toilets for leaks annually by placing dye in tank (food coloring) and leaving it for several hours. The dye should not appear in the toilet bowl.
- DO have a maintenance provider in place to maintain and monitor system.
- DO keep maintenance/ service records at all times. These records are to stay with system (and passed to new owners if property changes ownership).

Please note that a full updated list of registered Maintenance Providers can be obtained from your local Health Authority.

FINAL



Part 2: Maintenance Plan for Maintenance Providers

Introduction

Design Flow Rate: 2000 GPD

Type of System (description): TYPE-1 PRESSURE 3+1 1350 FLOW

The Maintenance Provider is to perform the maintenance outlined below as required:

YES TANKS:

☒ Measure sludge and scum levels in septic tanks and pump chamber. Pump-out and clean as required.

☐ Clean floats and pump as needed.

CONTROL SYSTEM, AND HOUSING:

☐ Test pump on/off float, the high level alarm float and the audible/ visual alarm to ensure they are operating properly. The pump on/off float is set to provide a pump draw down of 4 inches. The alarm float is set 8 inches above the pump "on" float position. Adjust floats if and when necessary.

FILTERS:

☒ Check effluent filters and clean when required.

☒ Replace filters as needed.

FINAL

DISPERSAL FIELD: PRESSURIZED

☐ Check operation, cycle, test residual head.

☒ Lateral lines to be opened at clean out ends and flushed as required. Initial frequency is once every 12 months.

☒ Inspect observation ports.

☒ Check pipelines for signs of leakage.

DISPERSAL FIELD: GRAVITY

☒ Inspect observation ports.

☐ Inspect distribution box (Adjust flow/speed levelers as needed)

☒ Ensure that surface of dispersal field area is not collecting surface water

☐ Inspect diversion valve

☒ Inspect observation ports bi-annually (Observation Port is to observe biomat formation and effluent ponding at the zone of infiltration within the dispersal trench or bed.)

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SEAN [illegible]
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YES VALVES:

☐ Check Hydrotek valve operation.

DISCHARGE MONITORING:

☐ Record flow data, accumulated run time.

Septic (Trash) Tanks (All Systems)

Septic tank pump out intervals projected to be 3-5 years, with effluent filter inspection and cleaning intervals expected to be TWICE year(s) (6 months for the first two years), depending on use and influent quality. Tank sludge/ scum depth should be assessed annually at time of effluent filter cleaning.

Pump, Floats and Alarms

PRESSURE SYSTEMS ONLY

Annual pump check to include visual inspection, measurement of running amperage, record of run time per standard dose. Visual inspection of floats and manual test of alarm/float operation. Visual Inspection of pump chamber and cleaning as required.

Commissioning run time ~20 SEC mins, amperage 11 amps. Pump chamber "V" value 7.78 inches of depth per U.S. gallon.

Annual flow check to include record of pump starts (from counter) and run time (from pump hour meter) and manual check of counter operation.

Package Treatment Plants

FINAL

Treatment plants, operations as per manufacture manual specifications.

R.O.W.P. Disclaimer:

I hereby certify that the information provided in this report is accurate and true to the best of my knowledge. I waive any and all responsibility and/or liability for the system problems malfunctions or health hazards that arise from any faulty system components, improper installation, damage resulting from misuse and/or failure to operate and maintain the system in accordance with the operation/maintenance plan.

Respectfully Submitted,

_____, R.O.W.P.

SEAN CREALLY

PRINT NAME

REGISTERED ONSITE WASTEWATER PRACTITIONER
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General Summary of the Sewage System

Filing #: _____ Date: AUGUST 17, 2017

Civic Address: LOT C DONNAY DR

Legal Description: LOT C, SEC 3, RG.3, COMIAKEN DIST, PLAN VIP 80913

Property Size: 0.40 HA Total Flow Rate: 2000 L.P.D. # of Bedrooms: 3+1

Total Floor Area max: 278 m^2 sq m System Type: 1 - PRESSURE

Soil Evaluation Results

Slope of Site (at Dispersal Area): 2 % Restrictive Layer Depth: 100 cm

Restrictive Layer: FRACTURED ROCK / SHALE
(SEASONAL, HIGH WATER TABLE, LOW PERMEABILITY SOIL, HARDPAN, OR BEDROCK)

Perk Rate Average: 2:40 min/inch

Type of Soil: GRAVELLY SANDY LOAM

REGISTERED ONSITE WASTEWATER PRACTITIONER • ASTTBC • SEAN CREALLY PL IN OW0518

Completed Design Components

DDF: 2000 / HLR: 37 / Trench Width: — = Total Length: —

AIS = Flow rate: 2000 LPD/ HLR: 37 = sq m: 54 m^2

Septic tank to be: 7735 L Litres, Manufacturer: DANS

Type: CONCRETE

Pump Chamber to be: 2046 Litres, Manufacturer: DANS

Type: CONCRETE

Pump Manufacturer: MYERS Size: 1/2 HP Voltage: 115

Installed: _____ Pump Line: 5cm PVC Reg Float: STE RHOMBUS

High Water Alarm Float: STE RHOMBUS High Water Alarm: 120 V OUTDOOR

Electrical Panel: N/A

Lateral: 3cm PVC Hole Size: 5 mm

Hole Spacing: 60 cm Trench Size: — m Trench Type: BED

Trench Spacing: — m

Bed Size L: 19m W: 3m Depth: 25cm m Material: C-33 MOD +20 mm WASHED ROCK

Treatment Plant to be (name): N/A

Treatment Capacity: N/A L.D.P. Type: N/A

Observed Soil Conditions

Test Pit Logs

Date*: AUGUST, 17, 2017 Site: LOT C DONNATY . DR Logged by: PR

TP# 1 Pit Location: REAR N OF LOT Slope: 2%

Soil Horizons (depths measured in cm / m / in / ft)

Depth from	Depth cm to	Colour	Texture	Structure	Rupture resistance (or density)	Coarse gravel (%)	Roots depth & quantity	Mottles depth & quantity	Moisture seepage
0	12	DRK BRN	LOAM	SG	LOOSE	4%	F-12-LOTS	NONE	DRY
12	90	DRK BRN	CGS	"	"	15%	F-90-SOME	"	"
90	105	ORANGE BRN	FRSL	"	"	10%	F-105 NOT MANY	"	"
105		FRACTURED	ROCK						

Notes FRSL = FRACTURED ROCK SANDY LOAM

Depth from	Depth cm to	Colour	Texture	Structure	Rupture resistance (or density)	Coarse gravel (%)	Roots depth & quantity	Mottles depth & quantity	Moisture seepage
0	18	DRK BRN	LOAM	SG	LOOSE	8%	F-18 LOTS	NONE	DRY
18	100	REDDISH BRN	GSL	"	"	18%	F-90 NOT MANY	"	"
100		FRACTURED	ROCK		"	15%		"	"

Notes

Based on USDA *Field Book for Describing and Sampling Soils* (2002).

* Date water table measured

REGISTERED ONSITE WASTEWATER PRACTITIONER
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Percolation Tests

Civic Address: LOT C DONNAY . DR Date: AUGUST 17 2017

Legal Address: LOT C, SEC 3, R6.3, COMIAKEN DIST

Holes pre-soaked for _____ hrs.

Perc. hole #
Location:
2:35 min. / inch
2:35 min. / inch
2:40 min. / inch
min. / inch
Depth: 18 inches, ___ cm

Perc. hole #
Location:
2:45 min. / inch
2:50 min. / inch
2:40 min. / inch
min. / inch
Depth: 22 inches, ___ cm

Perc. hole #
Location:
min. / inch
min. / inch
min. / inch
min. / inch
Depth: ___ inches, ___ cm

Perc. hole #
Location:
min. / inch
min. / inch
min. / inch
min. / inch
Depth: ___ inches, ___ cm

Average Perc. Rate: 2:40 min/inch or 2.5 cm

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PROPERTY OWNER'S DECLARATION

PROPERTY INFORMATION

Legal Description Lot C Section 3 Range 3 Comiaken District Plan VIP80913

Common Address Donnay Dr. Duncan B.C.
STREET NUMBER/STREET

Duncan B.C. V9L 5R4 Lot Size: 1 hectares/acres
CITY/PROVINCE/POSTAL CODE

Property Tax Information:

P.I.D.# 026-674-335 Folio# _____

OWNER INFORMATION

Legal Owner's Name: [redacted]

Owner's Mailing Address: [redacted]

Owner's Telephone: Work: [redacted] Fax: (___)_____

Residence: (___)_____ Fax: (___)_____

Cell: [redacted]

BUILDING INFORMATION

Type of Facility (check one): ✓ Residence ___ Other (describe)_____

Size of Building	Residence Living Area	
	FEET²	M²
Basement		
Main Floor	2000	
2nd Floor	1000	
3rd Floor		
Total area	3000	

Other Facility	(Total Area)
FEET²	M²

SUITE 1-BED

# of bedrooms	3+1 = 4

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PLANNED USES

1. If the basement is unfinished, what is its intended use? _____
2. Does the basement have plumbing or electrical provisions to add a separate living suite? Yes ____ No ✓
3. Do you plan on having a Bed and Breakfast or suite? Yes ✓ No ____
   If yes, please provide details: one bedroom
4. Do you plan on having an in-sink garbage disposal unit? No

OTHER INFORMATION

Do or will you have a well? Yes ____ No ✓

If No, source of domestic drinking water is Municipal

If Yes, what is its location: _____

Location of neighboring wells: _____

Are there any covenants or easements on property: Yes ✓ No ____

ITEMS TO BE PROVIDED BY THE OWNER

The following items are to be provided by the Owner prior to the start of a site assessment and the Owner agrees herein to supply them at their expense:

1. Plans and specification of building, site access and landscaping plans.
2. Plot plan or lot survey.
3. Signed engagement contract to authorize planner to begin work (*sample provided*).
4. Land Title's Search results.
5. Reference plans and terms of any covenants or easements.
6. Location of all existing services

200' circle to V.I.H.A

REGISTERED ONSITE WASTEWATER PRACTITIONER ASTTBC SEAN GREALLY PL IN OW0518

DECLARATION STATEMENT

I/We, the undersigned declare that I/we are legal owners of the above-described property and the information given above is true and accurate for the purpose of planning, designing, constructing, and maintaining a Sewerage System for said property, and that any changes, alterations, or amendment to this above information will be provided to the "authorized person," as defined in the BC *Health Act, Sewerage System Regulation 324/2004*, in writing immediately prior to any installation of a sewerage system.

Signature of Owner(s)

[redacted]

[redacted]

Date of Declaration: Aug 14/17

[redacted]

Signature

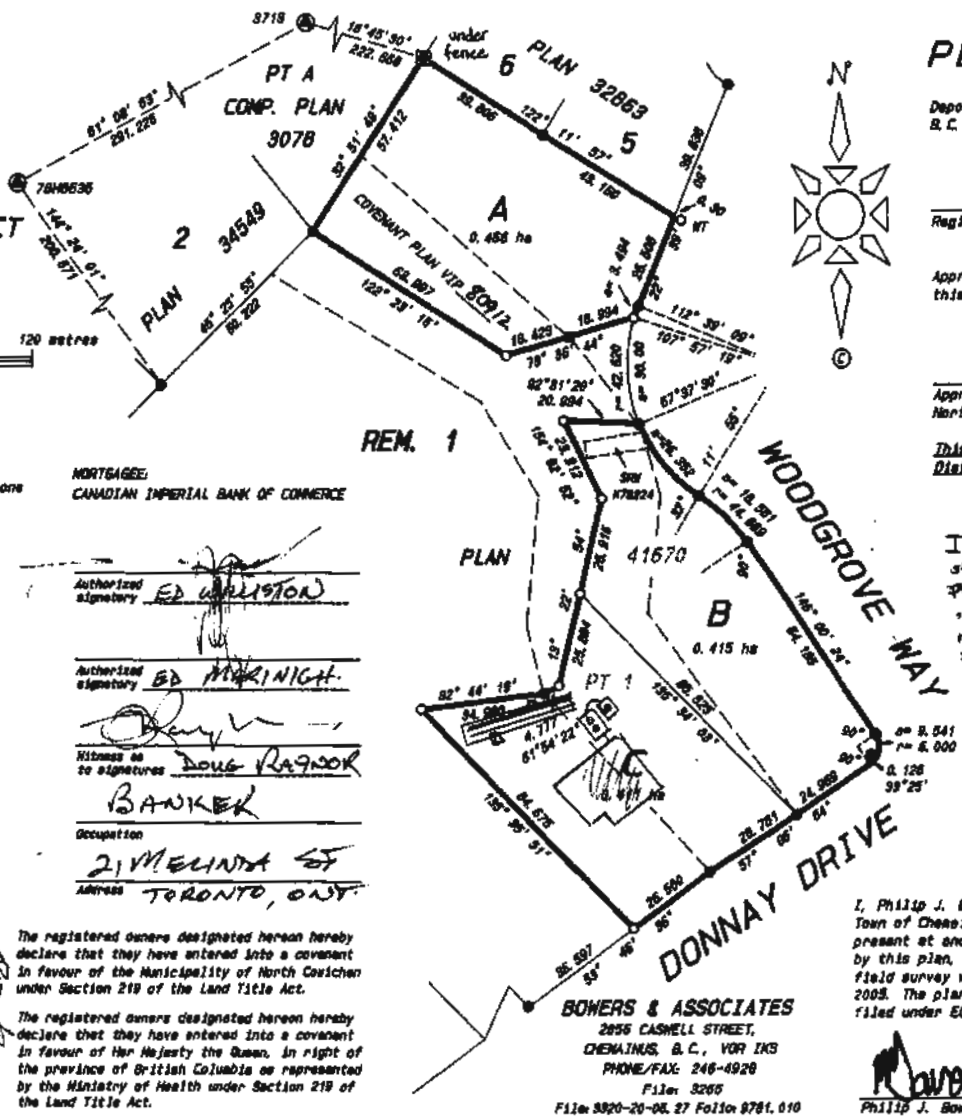
Signature

PLAN OF SUBDIVISION OF PART OF LOT 1, SECTION 3 RANGE 3, COMIAKEN DISTRICT PLAN 41670.

Scale = 1: 1250

0 10 20 30 40 50 120 metres

B. C. G. S. 92B. 082



LEGEND

Bearings are Grid bearings derived from observations between control monuments 78H6636 and 3713.

- control monument found.
- standard iron post found.
- standard iron post placed.
- non-standard round iron post.
- WT witness.

Integrated Survey Area No. 10, The Corporation of the District of North Cowichan, NAD83 (CSRS).
This plan shows ground level measured distances.
Prior to computation of U. T. M. co-ordinates multiply by combined factor 0.9996220.
All distances are in metres and decimals thereof.

REGISTERED OWNER:

[redacted]

Patricia Eileen Goertzen

Witness as to signature Brock Emberton

Occupation LAWYER

Address 317 877 GOLDSTREAM AVE VICTORIA BC

MORTGAGEE:
CANADIAN IMPERIAL BANK OF COMMERCE

Authorized signatory ED WALLISTON

Authorized signatory ED MARINIGH

Witness as to signatures DOUG RAYNOR

Occupation BANKER

Address 21 MELINDA ST TORONTO, ONT.

The registered owners designated hereon hereby declare that they have entered into a covenant in favour of the Municipality of North Cowichan under Section 219 of the Land Title Act.

The registered owners designated hereon hereby declare that they have entered into a covenant in favour of Her Majesty the Queen, in right of the province of British Columbia as represented by the Ministry of Health under Section 219 of the Land Title Act.

BOWERS & ASSOCIATES
2855 CASWELL STREET,
CHEMAINUS, B. C., V0R 1K3
PHONE/FAX: 246-4928
File: 3265
File: 3320-20-05.27 Folio: 9781.010

PLAN VIP 80913

Deposited in the Land Title Office at Victoria, B.C. this 4 day May, 2006

C Johnston per mj
Registrar FA 58477

Approved under the Land Title Act this 1st day of February, 2006

Approving Officer for the Municipality of North Cowichan

This plan lies within the Cowichan Valley Regional District.

I, Patricia Eileen Goertzen, the registered of Lot A, Section 3, Range 3, Comiaken District Plan 41670, the dominant tenement in respect of Easements, J92543, M57399, J92544 & M57401, hereby state that the benefit of said easements shall not attach A, B, & C of this plan

I, Philip J. Bowers, a British Columbia Land Surveyor of the Town of Chemainus, in British Columbia certify that I was present at and personally superintended the survey represented by this plan, and that the survey and plan are correct. The field survey was completed on the 13th day of September 2005. The plan was completed and checked, and the checklist filed under ECP 37139, on the 13th day of Sept, 2005.

Philip J. Bowers B.C.L.S.

DNC 3320-20-05.27

REGISTERED ONSITE WASTEWATER PRACTITIONER
SEAN CREALLY
PL IN
OW0518

LAND TITLE OFFICE

STATE OF TITLE CERTIFICATE

Certificate Number: STSR2342459

[redacted]

A copy of this State of Title Certificate held by the land title office can be viewed for a period of one year at https://apps.ltsa.ca/cert (access code 210002).

I certify this to be an accurate reproduction of title number **CA6168269** at 13:13 this 11th day of August, 2017.

REGISTRAR OF LAND TITLES

Land Title District	VICTORIA
Land Title Office	VICTORIA
Title Number	CA6168269
From Title Number	FA92163
Application Received	2017-07-25
Application Entered	2017-07-27
Registered Owner in Fee Simple	
Registered Owner/Mailing Address:	[redacted]
Taxation Authority	North Cowichan, The Corporation of the District of

LAND TITLE OFFICE

STATE OF TITLE CERTIFICATE

Certificate Number: STSR2342459

Description of Land

Parcel Identifier: 026-674-335

Legal Description:

LOT C SECTION 3 RANGE 3 COMIAKEN DISTRICT PLAN VIP80913

Legal Notations NONE

Charges, Liens and Interests

Nature:	COVENANT
Registration Number:	FA53477
Registration Date and Time:	2006-05-04 09:29
Registered Owner:	THE CORPORATION OF THE DISTRICT OF NORTH COWICHAN
Remarks:	INTER ALIA PART IN PLAN VIP80912

Nature:	COVENANT
Registration Number:	FA53483
Registration Date and Time:	2006-05-04 09:30
Registered Owner:	VANCOUVER ISLAND HEALTH AUTHORITY
Remarks:	INTER ALIA PART IN PLAN VIP80914

Nature:	STATUTORY BUILDING SCHEME
Registration Number:	FA53485
Registration Date and Time:	2006-05-04 09:31
Remarks:	INTER ALIA

Nature:	EASEMENT
Registration Number:	FA84826
Registration Date and Time:	2006-07-12 11:28
Remarks:	INTER ALIA PART IN PLAN VIP81341, APPURTENANT TO LOT A, PLAN VIP81340

Nature:	[redacted]
Registration Number:	
Registration Date and Time:	
Registered Owner:	

Duplicate Indefeasible Title NONE OUTSTANDING

Transfers NONE

Pending Applications NONE

REGISTERED ONSITE WASTEWATER PRACTITIONER • ASTTBC SEAN GREALLY PL IN OW0518

LAND TITLE OFFICE

STATE OF TITLE CERTIFICATE

Certificate Number: STSR2342459

This certificate is to be read subject to the provisions of section 23(2) of the Land Title Act(R.S.B.C. 1996 Chapter 250) and may be affected by sections 50 and 55-58 of the Land Act (R.S.B.C. 1996 Chapter 245).



LAND TITLE ACT
FORM C
(Section 219.81)
Province of
British Columbia

12 JUL 2006 11:28 FA84826

GENERAL INSTRUMENT - PART 1 (This area for Land Title Office use) PAGE 1 of 8 pages

1. APPLICATION: (*Name, address, phone number and signature of applicant, applicant's solicitor or agent*)

Emberton & Company, Barrister & Solicitor, 317-877 Goldstream Avenue, Victoria, B.C. V9B 2X8 391-7777
34613/Goertzen/rh
Sewer & Drainage Easement

signature of applicant, applicant's solicitor or agent

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*

(PID)	(LEGAL DESCRIPTION)
026-674-335	Lot C, Section 3, Range 3, ~~Cowichan~~ COMIAKEN District, ~~Plan~~ VIP 80913
000 766 143	LOT 1 SECTION 3 RANGE 3 COMIAKEN DISTRICT PLAN 41670 EXCEPT ~~PARTS IN PLAN VIP 80913 & PLAN 81340~~

3. NATURE OF INTEREST:*

DESCRIPTION	DOCUMENT REFERENCE (page and paragraph)	PERSON ENTITLED TO INTEREST
Sewer & Drainage Easement over ~~Parts~~ of Lot 1, Plan VIP41670 and Lot C, VIP80913	Entire Document	Registered Owner of Lot A, Plan VIP 81340 SEC 3 R3 COMINAKEN DIST

* 01 04/07/12 11:28:08 01 01 709010 Charge $65.20

4. TERMS: Part 2 of this instrument consists of (select one only)
   (a) Filed Standard Charge Terms ☐ D.F. No.
   (b) Express Charge Terms XX Annexed as Part 2
   (c) Release ☐ There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):*
PATRICIA EILEEN GOERTZEN ~~and GANADIAN IMPERIAL BANK OF COMMERCE (as to priority)~~

6. TRANSFEREE(S): *(including postal address(es) and postal code(s))**
PATRICIA EILEEN GOERTZEN, 6434 Woodgrove Way, Duncan, B.C. V9L 4T6

7. ADDITIONAL OR MODIFIED TERMS:* N/A

8. EXECUTION(S): **This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)	Execution Date Y	M	D	Party(ies) Signature(s) (Transferor & Transferee)
BROCK T. EMBERTON Barrister & Solicitor 317-877 Goldstream Avenue Victoria, B.C. V9B 2X8	06	05	12	PATRICIA EILEEN GOERTZEN

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM D
EXECUTIONS CONTINUED

Execution Date:

Officer Signatures(s)	Y	M	D	Party(s) Signature(s)
				~~Canadian Imperial Bank of Commerce~~ by its authorized signatory(ies):
				Name:
				~~Name:~~

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C, 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land title Act as they pertain to the execution of this instrument.

LAND TITLE ACT
PART 2
EXPRESS CHARGE TERMS

THIS AGREEMENT made the 12TH day of May, 2006.

BETWEEN:

PATRICIA EILEEN GOERTZEN
of 6434 Woodgrove Way, Duncan, B.C.
V9L 4T6

(the "Owner")

AND:

PATRICIA EILEEN GOERTZEN
of 6434 Woodgrove Way
Duncan, B.C.
V9L 4T6

(the "Transferee")

WHEREAS:

A. The Transferee is the registered owner of those lands and premises situate in the District of North Cowichan, Province of British Columbia, described as Lot A, Plan VIP81340 ("Lot A") ("the Dominant Tenement") and the Owner is the registered owner of Lot 1, Section 3, Range 3, Comiaken District, Plan 41670 and Lot C, Section 3, Range 3, Comiaken District, Plan VIP80913 ("Lot 1" and "Lot C" respectively) ("the Servient Tenements");

B. The Transferee requires an Easement over those parts of the Servient Tenements, shown outlined in heavy black line on Explanatory Plan VIP81341, and designated Areas 2 and 3, a copy of which is annexed hereto ("the Easement Areas") to accommodate the sewage disposal requirements of the Transferee;

C. The Owner wishes to grant an Easement over parts of the Servient Tenements for the benefit of the Dominant Tenement;

NOW THEREFORE THIS AGREEMENT WITNESSES THAT in consideration of the sum of ONE ($1.00) DOLLAR now paid by the Transferee to the Owner, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1.00 Grants of Easement

1.01 The Owner hereby grants, transfers and conveys unto the Transferee for the benefit of Lot A, the non-exclusive full, free and uninterrupted easement for the Transferee, and its contractors, subcontractors, licensees, permittees, invitees, agents, servants and workmen, at all times hereafter, by night and by day, and at their will and pleasure to:

(a) enter over, on, in and under the Easement Areas and:

(i) conduct surveys and examinations;

(ii) dig up, remove and replace soil; and

(iii) construct, install, operate, maintain, clean, cover with soil, alter, relocate, renew, expand, inspect and replace sewer pipes, culverts, manholes, meters, pumps, valves and similar equipment, or any of them, together with all ancillary attachments and fittings (all of which are collectively called the "Sewage Disposal System") for the purpose of conveying, draining, containing or disposing of water, sewage or liquid waste.

(b) bring onto the Easement Areas all materials and equipment it requires or desires for any of the foregoing purposes;

(c) clear the Easement Areas and keep them clear of anything which in the opinion of the Transferee constitutes or may constitute an obstruction to the use of the Easement Areas or the Sewage Disposal System;

(d) do all acts which in the opinion of the Transferee are incidental to the foregoing.

1.02 The Transferee agrees to pay all costs during the continuance of this Agreement associated with or attributable to the use and operation of the Sewage Disposal System, including without limiting the generality of the foregoing, to pay all maintenance, cleaning, replacement, repairs, alteration, inspection, modification, insurance, hydro, water, and other like costs associated with and arising as a result of the operation and use of the Sewage Disposal System.

2.00 Covenants of the Owner

2.01 The Owner will:

(a) not do or permit to be done any act or thing which in the opinion of the Transferee may interfere with, injure or impair the operating efficiency of, or obstruct access to or the use of the Easement Areas;

(b) allow the Transferee to trim or, if necessary, cut down any tree or other growth on the Easement Areas which in the opinion of the Transferee constitutes or may constitute a danger or obstruction to those using the Easement Areas;

(c) permit the Transferee to bring on to the Easement Areas all material and equipment, including motor vehicles, they require for the use by them for construction and maintenance of the Easement Areas;

(d) permit the Transferee for the period during which the Transferee accepts this grant but not beyond the day, if ever, on which the Transferee releases its grant, to peaceably hold and enjoy the rights hereby granted.

3.00 Covenants of the Transferee

3.01 The Transferee will:

(a) exercise the utmost care not to damage the Easement Areas or any improvements on the Easement Areas and if the Transferee should cause any such damage (except for anything done in contravention of paragraph 2.01(a),) restore such damage to the Easement Areas or improvements thereon to as close to their pre-damaged condition as is reasonably practical with reasonable dispatch or, where the Transferee deems restoration to be impractical, reimburse the Owner for all damage the Transferee has caused but not restored. Without limiting the generality of the foregoing, the Transferee agrees each time it disturbs the surface of any of the Easement Areas it will restore the same as near as is reasonably possible to the condition thereof before such disturbance;

(b) indemnify and save harmless the Owner in respect of any action, cause of action, suit, damage, loss, cost, claim and demand of any nature whatsoever arising out

of the exercise by the Transferee or any other person permitted hereunder of any of the rights granted hereunder by reason of or with respect to any injury to person or persons including death resulting at any time hereafter and any damage to or loss of property suffered by the Owner or others, unless the loss, claim or damage arises out of the Owner's violation of any term of this Agreement or the negligence of the Owner or persons for whose conduct the Owner is responsible;

(c) not bury debris or rubbish in excavations or backfills in the Easement Areas;

(d) remove shoring and like temporary structures as backfilling proceeds;

(e) rake up all rubbish and construction debris it creates in order to leave the Easement Areas in a reasonably neat and clean condition;

4.00 Miscellaneous

4.01 This Agreement will be construed as running with and being a burden upon the Easement Areas, but no part of the fee of the soil of the Lands will pass to or be vested in the Transferee under or by these presents and if the Easement Areas are subdivided then the Easement herein granted will continue to run with and bind each subdivided parcel thereof of which the Easement Areas form a part and will be forthwith released and discharged from each other subdivided parcel.

4.02 The covenants of the Owner and Transferee contained herein will be personal and binding upon the Owner and Transferee only during that parties' ownership of their respective properties but the Easement Areas will nevertheless be and remain at all times charged herewith, to the intent that upon the transfer of all interest of either parties' interest in their respective properties that party will be freed and discharged from the observance and performance thereafter of the covenants on their part in respect of the Easement Areas and on their part to be observed and performed, except for any obligations on that party arising before that party ceases to own his, her or their property.

4.03 Waiver of any default by either party will not be deemed to be a waiver of any subsequent default by that party.

4.04 Whenever it is required or desired that either party serve a notice on the other, service will be deemed to be satisfactory if and deemed to have occurred when:

(a) on the date of service, if that party has been served personally; or

(b) on the date received or on the sixth day after mailing in any Canadian post office, whichever is the earlier, if mailed by pre-paid registered mail, so long as the notice is mailed to the party at the most recent address shown on title to the Easement Areas in the records of the Victoria Land Title Office for that party or to whatever address the parties from time to time in writing agree to.

4.05 Whenever the singular or masculine is used in this Agreement, the same is deemed to include the plural or the feminine or the body politic or corporate as the context so requires.

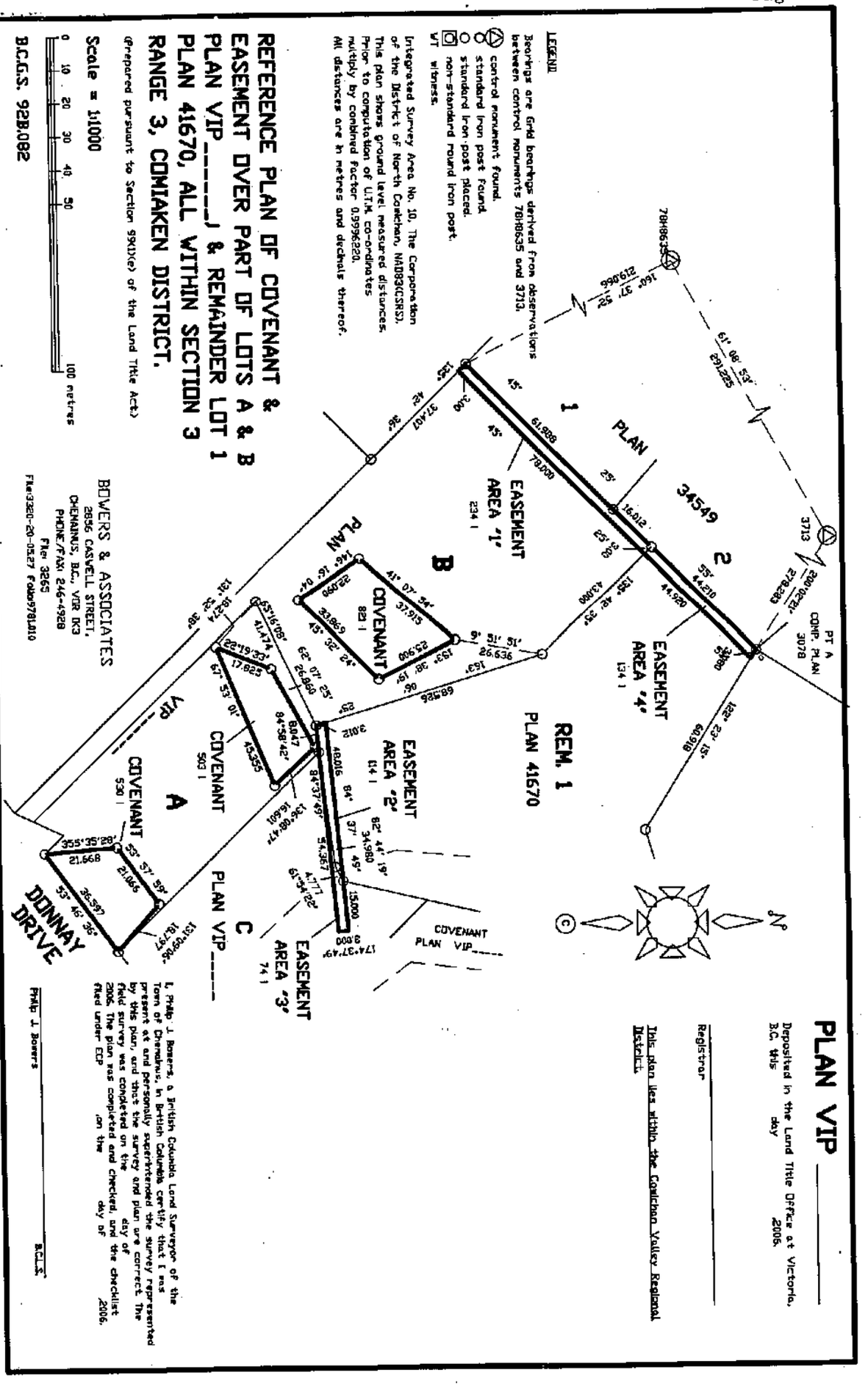
4.06 Every reference to each party is deemed to include the heirs, executors, administrators, successors, assigns, employees, agents, officers and invitees of such party wherever the context so requires or allows.

4.07 If any section, subsection, sentence, clause or phrase in this Agreement is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion will be severed and the decision that is invalid will not affect the validity of the remainder of this Agreement.

4.08 This Agreement will enure to the benefit of and be binding upon the parties hereto any rule of law or equity to the contrary, and this Agreement will be governed and construed in accordance with the laws of the Province of British Columbia.

4.09 Nothing in this Agreement will be interpreted so as to restrict or prevent the Owner from using the Easement Areas in any manner which does not unreasonably interfere with the exercise by the Transferee of the Easement hereby granted.

4.10 As evidence of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement by executing Part 1 of the *Land Title Act* Form C to which this Agreement is attached and which forms part of this Agreement.


REFERENCE PLAN OF COVENANT & EASEMENT OVER PART OF LOTS A & B PLAN VIP_____ & REMAINDER LOT 1 PLAN 41670, ALL WITHIN SECTION 3 RANGE 3, COMIAKEN DISTRICT.
(Prepared pursuant to Section 99(1)(e) of the Land Title Act)
Scale = 1:1000
0 10 20 30 40 50 100 metres
B.C.G.S. 92B.082
BOWERS & ASSOCIATES
2856 CASWELL STREET,
CHEMAINUS, B.C., V0R 1K3
PHONE/FAX: 246-4928
File: 3265
File:3265-20-0527 Folio:978L010
LEGEND
Bearings are Grid bearings derived from observations between control monuments 78H8635 and 3713.
control monument found.
standard iron post found.
standard iron post placed.
non-standard round iron post.
WT witness.
Integrated Survey Area No. 10, The Corporation of the District of North Cowichan, NAD83(CSRS).
This plan shows ground level measured distances. Prior to computation of U.T.M. co-ordinates multiply by combined factor 0.9996220.
All distances are in metres and decimals thereof.
78H8635
3713
PT A CONP. PLAN 3078
PLAN 34549
1
2
EASEMENT AREA '1' 234 |
EASEMENT AREA '2' 114 |
EASEMENT AREA '3' 74 |
EASEMENT AREA '4' 134 |
COVENANT 821 |
COVENANT 503 |
COVENANT 530 |
REM. 1 PLAN 41670
PLAN VIP_____
A
B
C
DONNAY DRIVE
COVENANT PLAN VIP_____
PLAN VIP _____
Deposited in the Land Title Office at Victoria, B.C. this day of 2006.
Registrar
This plan lies within the Cowichan Valley Regional District.
I, Philip J. Bowers, a British Columbia Land Surveyor of the Town of Chemainus, in British Columbia certify that I was present at and personally superintended the survey represented by this plan, and that the survey and plan are correct. The field survey was completed on the day of 2006. The plan was completed and checked, and the checklist filed under ECP on the day of 2006.
Philip J. Bowers
B.C.L.S.

FA053478 (priority) and FA053477 (Cov)

LAND TITLE ACT
FORM C
(Section 219.81)
Province of
British Columbia

-4 MAY 2006 09 29

GENERAL INSTRUMENT - PART 1 (This area for Land Title Office use) Page 1 of 18 pages

1. APPLICATION: *(Name, address, phone number and signature of applicant, applicant's solicitor or agent)*
Emberton & Company, Barrister & Solicitor
317 – 877 Goldstream Avenue
Victoria, B.C. V9B 2X8 391-7777
***34613/Goertzen**Geotech Covenant /dm*

Submitted by
KLA Registry Services

signature of applicant, applicant's solicitor or agent

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*

(PID)	*(LEGAL DESCRIPTION)*
000-766-143	Lot 1, Section 3, Range 3, Comiaken District, Plan 41670

3. NATURE OF INTEREST:*

DESCRIPTION	*DOCUMENT REFERENCE (page and paragraph)*	*PERSON ENTITLED TO INTEREST*
Section 219 Covenant and Priority Agreement over EW166720	Entire Document	District

01 06/05/04 09:30:29 01 VI 697049
CHARGE $130.40

4. TERMS: Part 2 of this instrument consists of (select one only)
(a) Filed Standard Charge Terms ☐ D.F. No.
(b) Express Charge Terms X Annexed as Part 2
(c) Release ☐ There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. OWNER(S):*
PATRICIA EILEEN GOERTZEN, Retired, 6434 Woodgrove Way, RR #5, Station Main, Duncan, BC, V9L 4T6, and **CANADIAN IMPERIAL BANK OF COMMERCE** (as to priority)

6. DISTRICT(S): *(including postal address(es) and postal code(s))**
THE CORPORATION OF THE DISTRICT OF NORTH COWICHAN, PO Box 278, Trans Canada Highway, Duncan, British Columbia, V9L 3X4

7. ADDITIONAL OR MODIFIED TERMS:* N/A

8. EXECUTION(S): **This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Owner(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)	Execution Date			Party(ies) Signature(s)
	Y	M	D	
WITNESSED ONLY JOANNE ZIPSER Notary Public 47 Station Street Duncan BC V9L 1M2 (250) 748-7155	06	03	20	Patricia Eileen Goertzen

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM D
EXECUTIONS CONTINUED

Officer Signature(s)

LAIMA M. PAKSTAS
Barrister and Solicitor
122 Station Street
Duncan BC V9L 1M7
250-748-3783

Execution Date		
Y	M	D
06	03	10

Transferors/Borrower/Party Signature(s)

Canadian Imperial Bank of Commerce by its authorized signatory:

Print Name: B. PETERS.

Print Name: N BUTLER

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

COVENANT

(Section 219 of the Land Title Act)
R.S.B.C., 1996, Chapter 250)

THIS INDENTURE made the __ day of August, 2006.

BETWEEN:

PATRICIA EILEEN GOERTZEN
6434 Woodgrove Way
RR #5, Station Main
Duncan, BC, V9L 4T6

(the "Owner")

OF THE FIRST PART

AND:

THE CORPORATION OF THE DISTRICT OF NORTH COWICHAN
PO Box 278
Trans Canada Highway
Duncan, BC, V9L 3X4

(the "Municipality")

OF THE SECOND PART

WHEREAS:

A. The Owner is the registered owner in fee simple of those lands and premises situate, lying and being in North Cowichan, British Columbia, and being more particularly known and described as:

PID 000-766-143 Lot 1, Section 3, Range 3, Comiaken District, Plan 41670

("Lot 1")

B. The Owner has agreed to enter into this Agreement and to register it against the title to the Lands as a covenant and indemnity under S. 219 of the **Land Title Act**.

C. The Municipality has informed the Owner that part of the Land may be subject to erosion and/or landslide but nevertheless the Owner desires to place, construct and use buildings upon the Land;

D. The Owner has provided a RiparianAssessment of the Land prepared by Helen Reid, B.Sc., R.P. Bio. of the firm of Madrone Environmental Services Ltd. dated July 28, 2005, a copy of which is attached hereto as Schedule "A" and forms part of this Agreement; and

E. The Owner is willing to restrict and limit the use of the Land to the terms and conditions for the purposes as specified in Schedule "A" and hereinafter set forth and in accordance with the reference plan of proposed Covenant as prepared by Philip J. Bowers, B.C.L.S., a copy of which is attached hereto as Schedule "B" and forms part of this Agreement.

NOW THEREFORE in consideration of the premises and of the mutual covenants contained in this Agreement and the sum of ONE ($1.00) DOLLAR now paid by the District to the Owner, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Owner, the parties covenant and agree, pursuant to Section 219 of the Land Title Act of British Columbia as follows:

1. That part of the Land identified and outlined by a heavy dark solid line on Schedule "B" and marked Covenant shall hereinafter be referred to as the "Restricted lands";

2. Neither the Owner nor her successors in title shall, upon the Restricted Lands:

   (a) erect any building or other structure, except as permitted by the Municipality;

   (b) carry out any mining, drilling, filling, excavating, or removal of topsoil, sand, gravel, rocks, or minerals within the covenant area, or otherwise change the topography of the surface of the Land in any manner excluding landscaping, planting of shrubs, herbs or grasses;

   (c) establish any septic field area;

   (d) carry out any activity which results in erosion or which will have a detrimental effect upon the natural slope of the land;

   (e) remove any tree or bush or natural growth, except as may be involved in landscaping, planting of shrubs, herbs or grasses; and

   (f) permit any discharge of concentrated drainage water on the slope save and except by way of flume or pipe to convey water to the base of the slope.

3. The Owner will pay all of the costs and expense of performing the obligations herein created.

4. The Owner and the District agree that the enforcement of this Agreement will be entirely within the discretion of the District and that the execution and registration of this Covenant against the title to Lot 1 will not be interpreted as creating any duty on the part of the District and the Owner or to any other person to enforce any provision of this Agreement.

4. The Owner covenants and agrees to indemnify and save harmless the District from any and all claims, causes of action, suits demands, expenses, costs and legal fees that anyone might have as owner, occupier or user of Lot 1, or by a person who has an interest in or comes on to Lot 1, or by anyone who suffers loss of life or injury to his person or property, that arises out of the issuance of a building permit under this Agreement or the use of Lot as a result of the issuance of a building permit to construct or place a building or structure on Lot 1.

6. The Owner releases, and must indemnify and save harmless, the Municipality, its elected and appointed officials and employees, from and against all liability, actions, causes of action, claims, damages, expenses, costs, debts, demands or losses suffered or incurred by the Owner, or anyone else, arising from the granting or existence of this Agreement, from the performance by the Owner of this Agreement, or any default of the Owner under or in respect of this Agreement.

7. The parties agree that this Agreement creates only contractual obligations and obligations arising out of the nature of this document as a covenant under seal. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of, or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract and under the law pertaining to covenants under seal.

8. The rights given to the Municipality by this Agreement are permissive only and nothing in this Agreement imposes any legal duty of any kind on the Municipality to anyone, or obliges the Municipality to enforce this Agreement, to perform any act or to incur any expense in respect of this Agreement.

9. Where the Municipality is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the Owner agrees that the Municipality is under no public law duty of fairness or natural justice in that regard and agrees that the Municipality may do any of those things in the same manner as if it were a private party and not a public body.

10. This Agreement does not:

    (a) affect or limit the discretion, rights or powers of the Municipality under any enactment (as defined in the **Interpretation Act, R.S.B.C.** on the reference date of this Agreement), or at common law, including in relation to the use or subdivision of Lot 1;

    (b) affect or limit any enactment relating to the use or subdivision of Lot 1; or

(c) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of Lot 1.

11. Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under Section 219 of the **Land Title Act** in respect of Lots 1 and this Agreement burdens Lot 1 and runs with it and binds the successors in title to Lot 1. This Agreement burdens and charges all of Lot 1 and any parcel into which it is subdivided by any means and any parcel into which Lot 1 is consolidated. The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of Lot 1.

12. The Owner agrees to do everything reasonably necessary, at the Owner's expense, to ensure that this Agreement is registered against title to Lot 1 with priority over all financial charges, liens and encumbrances registered, or the registration of which is pending, at the time of application for registration of this Agreement.

13. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach in respect of which the waiver is asserted. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.

14. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

15. This Agreement is the entire agreement between the parties regarding its subject.

16. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.

17. The Owner must do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.

18. By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

19. As evidence of their agreement to be bound by the terms of this instrument, the parties hereto have executed the Land Title Office Form C which is attached hereto and forms part of this Agreement.

CONSENT AND PRIORITY AGREEMENT

Canadian Imperial Bank of Commerce, the registered holder of a charge by way of a mortgage against the within describe property which charge is registered in the Land Title Office at Victoria, British Columbia, under number EW166720, for and in consideration of the sum of One Dollar ($1.00) paid by the Grantee to the said Chargeholder (the receipt whereof s hereby acknowledged), agrees with the Grantee, its successors and assigns; that the within Section 219 Covenant shall be encumbrance upon the within described property in priority to the said charge in the same manner and to the same effect as if it had been dated and registered prior to the said charge

This is the instrument creating the condition or covenant entered into under Section 219 of the Land Title Act by the registered owners referred herein and shown on a print of the Plan annexed hereto and initialled by me.

APPROVING OFFICER

SCHEDULE "A"

MADRONE
environmental services ltd.

RIPARIAN ASSESSMENT
6434 Woodgrove Road
Duncan, BC

Mrs. Patty Goertzen

Helen Reid, *B.Sc., R.P.Bio.*

MADRONE ENVIRONMENTAL SERVICES LTD.
1081 Canada Avenue, Duncan, BC V9L 1V2

July 28, 2005

Dossier 05.0179

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2.0 INTRODUCTION AND BACKGROUND 1
3.0 METHODOLOGY 2
4.0 OBSERVATIONS 2
5.0 LEGISLATION 5
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6.0 CONCLUSIONS AND RECOMMENDATIONS 6
7.0 REFERENCES 8
FIGURE 1. Property Site Plan 11

RIPARIAN ASSESSMENT
6434 Woodgrove Road, Duncan BC

MADRONE
environmental services ltd.

1.0 SUMMARY

- The drainage ditch is "Non Fish Bearing," with a Permanent flow regime (flow is greater than six months) and supports "Existing or Potential Vegetation" that is 5 to 15 m wide on each side of bank.
- I recommend that the WPA width for this drainage be 15 m from the creek edge at peak flow in the wintertime.
- The drainage ditch riparian vegetation is mostly continuous on both sides and provides valuable wildlife habitat and a source of food and water for mammals, birds and amphibians.

2.0 INTRODUCTION AND BACKGROUND

At the request of Mrs. Patty Goertzen, Madrone Environmental Services Ltd. (Madrone) carried out a riparian assessment of a section of the "drainage ditch" that flows through her property located at 6434 Woodgrove Road, Duncan, BC (Lot 1, Section 3, Range 3, Coniaken District, Plan 4160)). The Goertzens would like to subdivide their 8.3-acre property into four parcels.

This Municipality of North Cowichan has a right of way for drainage of the "drainage ditch," which has been in place for twenty-five years.

The objective of this study is to determine the width of the Watershed Protection Area (WPA) that that will be required to meet the design guidelines as outlined by the District of North Cowichan. This determination requires an assessment of fish presence of absence, flow characteristics (permanent or non-permanent) and the width and connectivity of the existing streamside or potential vegetation.

3.0 METHODOLOGY

I conducted an inspection of the Goertzen property on July 7, 2005. The assessment methods set out in the *Streamside Protection Regulation* (Fish Protection Act, 2001) were followed.

During this assessment I:

- researched the Cowichan Valley Environmental Planning Atlas, and the Fish Wizard Stream Report (BC Fisheries and Fisheries and Oceans Canada http://pisces.env.gov.bc.ca/);
- assessed the Riparian Area. This is defined as the area adjacent to a stream that may be subject to temporary, frequent or seasonal inundation, and supports plant species typical of an area of inundated or saturated soil conditions;
- assessed existing and potential vegetation including herbs, trees and shrubs; and
- measured width and length of the area of riparian vegetation.

During my assessment, Mr. Goertzen accompanied me and offered valuable information about this riparian area. This included history, wildlife, flow times and general comments.

4.0 OBSERVATIONS

The drainage ditch begins on the western midslopes of Mount Tzouhalem. It flows in a generally westerly direction before draining into Quamichan Lake. Initially the drainage flows through forested land, then through the Goertzen property and continues to flow through private properties until reaching the lake.

No fish were observed on the site, nor had the Goertzens, ever-observed fish within the creek. No record of fish presence is recorded in the Fish Wizard Stream Report (BC Fisheries and Oceans Canada).

The average width of the drainage is was approximately 1.2 m at the time of the site visit. Surface flow if the creek generally subsides in the dry summer months, into the fall and is therefore is "intermittent." It flows for at least six months of the year and is therefore by definition is "permanent" (Fish Protection Act, 2001).

The width of the riparian vegetation area on both sides of the drainage varies from 2 m to 15 m. The vegetation is primarily forested, with a sparse understory some scattered herbs and shrubs (Photo 1) and interspersed areas vegetated by introduced grasses (Photo 2). The tree layer consists of Douglas-fir (*Pseudotsuga menziesii*), western redcedar (*Thuja plicata*), and big-leaf maple (*Acer macrophyllum*). The average age of these trees is 40 to 60 years and the average height is 20 to 25 m. Introduced grasses from adjacent fields that were previously used for sheep grazing dominate the outer edges of the riparian area (Photo 3). Other sparsely scattered herbs and shrubs present in the understory include sword fern (*Polystichum munitum*), stinging nettle (*Urtrica dioica*), wall lettuce (*Lactuca muralis*).



Photo 1. Photo taken on the northeastern portion of the property and shows the forested riparian area, with very little understory.



Photo 2. Photo taken on northeaster side of property showing a portion of the riparian area dominated by grass in the understory.



Photo 3. Photo taken on southeastern portion of property, showing grassing fields adjacent to and entering riparian area.

A bridge spans the drainage along the Goertzens' driveway. Under the bridge, a culvert is in place. An old irrigation pipe runs from the culvert to some of the fields on the property. This pipe is no longer being used and Mr. Goertzen is planning to remove it (Photo 3).

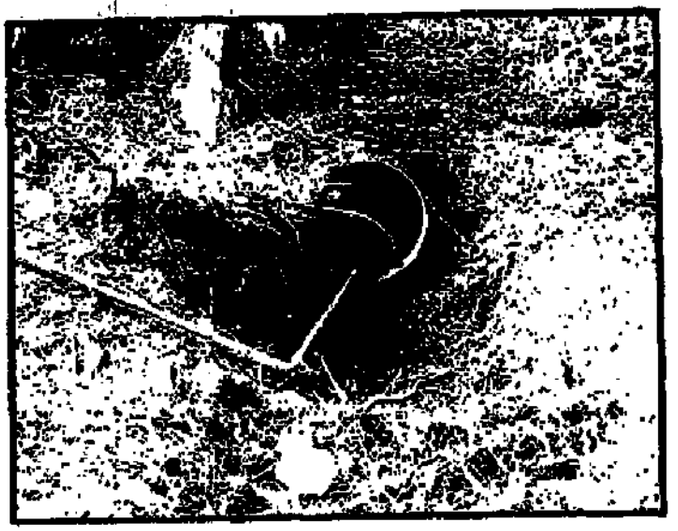


Photo 3. Culvert under driveway. The old irrigation pipe can be seen coming out of the culvert. This pipe is no longer in use.

Wildlife observations

During the field assessment I observed a great horned owl in a maple tree over the creek. Several black-tailed deer have taken residence on the Goertzen property and frequently cross the creek bed.

5.0 LEGISLATION

This drainage ditch has been identified in the Cowichan Valley Environmental Planning Atlas as a "Stream Planning Area." The Municipality of North Cowichan Official Community Plan (OCP) states that "areas on the Cowichan Valley Environmental Planning Atlas shown as Stream Planning Area, Shoreline Sensitive Area, Sensitive Ecosystem Polygon, Eagle or Heron Nests shall be designated as Development Permit Areas in accordance with (Section 919.1(1) (a) of the Local Government Act." The OCP further states that: "Projects located within areas denoted sensitive will be evaluated on the basis of the Development Permit Guidelines in Appendix D, Section 8." In the case of the subdivision of the Goertzen property the applicable guidelines are the Watercourse Protection Area (WPA) guidelines.

The criteria for determining the WPA width are described in the Streamside Protection Regulation (Section 6(1)–(4) (Fish Protection Act, 2001), and summarized in Table 1 in the District of North Cowichan design guidelines for Natural Environment DPA 8 (Jones *et al.* 2002). The purpose of these guidelines is to provide protection for the features, functions and conditions that are vital in the natural maintenance of stream health and productivity.

5.1 Determining width of the WPA

Table 1, excerpted from the District of North Cowichan design guidelines for Natural Environment DPA 8 (Jones *et al.*, 2002) identifies the WPA widths required for various types of existing streamside vegetation. The drainage on the Goertzen property falls under the Category of "Non Fish Bearing," Permanent and "Existing or Potential Vegetation" 5 to 15 m. Consequently, the WPA required is 5 to 15 m.

Table 1. Required SPEA Widths

Existing Condition of Streamside Vegetation *or Potential Vegetation*	WPA Width		
	Fish Bearing	Non Fish Bearing and Permanent	Non Fish Bearing and Non-Permanent
Greater than 30 m	At Least 30 m	At Least 30 m	15 m
15 m to 30 m	15 m or greater	15 m	
5 m to 15 m	Greater of: existing width or potential width or 15 m	At Least 5 m and up to 15 m	

6.0 CONCLUSIONS AND RECOMMENDATIONS

I recommend that the WPA width for this drainage be 15 m from the creek edge at peak flow in the wintertime. In the section marked on the map where a steep 4 m bank exists (near the eastern portion of the property), I recommend at least a 12 m WPA from the top of the bank.

The drainage ditch riparian vegetation is mostly continuous on both sides as it flows to Quamichan Lake. This creates valuable wildlife habitat and a source of food and water for mammals, birds and amphibians

The presence of riparian vegetation is essential for the general health of a stream ecosystem, as it provides summer shade, which keeps water temperatures cool. The presence of overhanging vegetation in the riparian zone can also be advantageous to stream productivity, as it provides a source of organic material that can be incorporated into the stream's ecosystem and then into the ecosystem where it enters (in this case, Quamichan Lake).

Riparian vegetation is important for the reduction of the delivery of sediment into the stream by: reducing rainsplash, runoff, and channel erosion; by filtering sediment that becomes detached; and by reinforcing the soils along the bank to prevent slumping.

The riparian zone also acts as a long-term source of large woody debris (LWD), which enhances habitat diversity. LWD can help alleviate bank erosion problems by deflecting and slowing the velocity of the water at critical points such as on the outside of bends. The reduction in erosion may lead to a decrease in the amount of fine sediment being incorporated into the stream.

Prepared by:

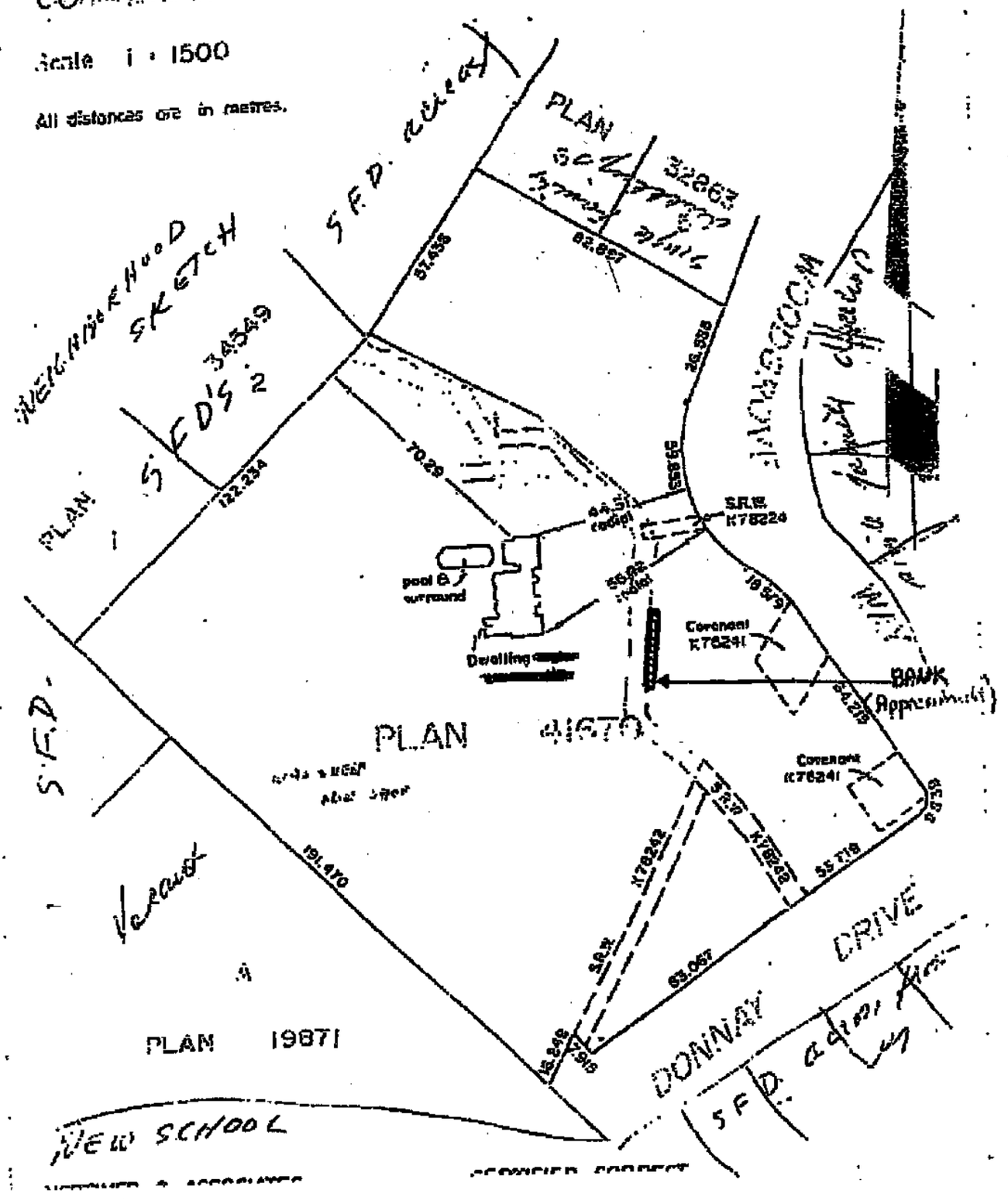
Helen Reid, *B.Sc., R.P. Bio.*

07/03/2006 11:59 BROCK EMBERTON LAW CORP. → 12507467265

LOT 1, SECTION 3, COMIAKEN DISTRICT, PLAN 41670.

Scale 1 : 1500

All distances are in metres.



SCHEDULE B

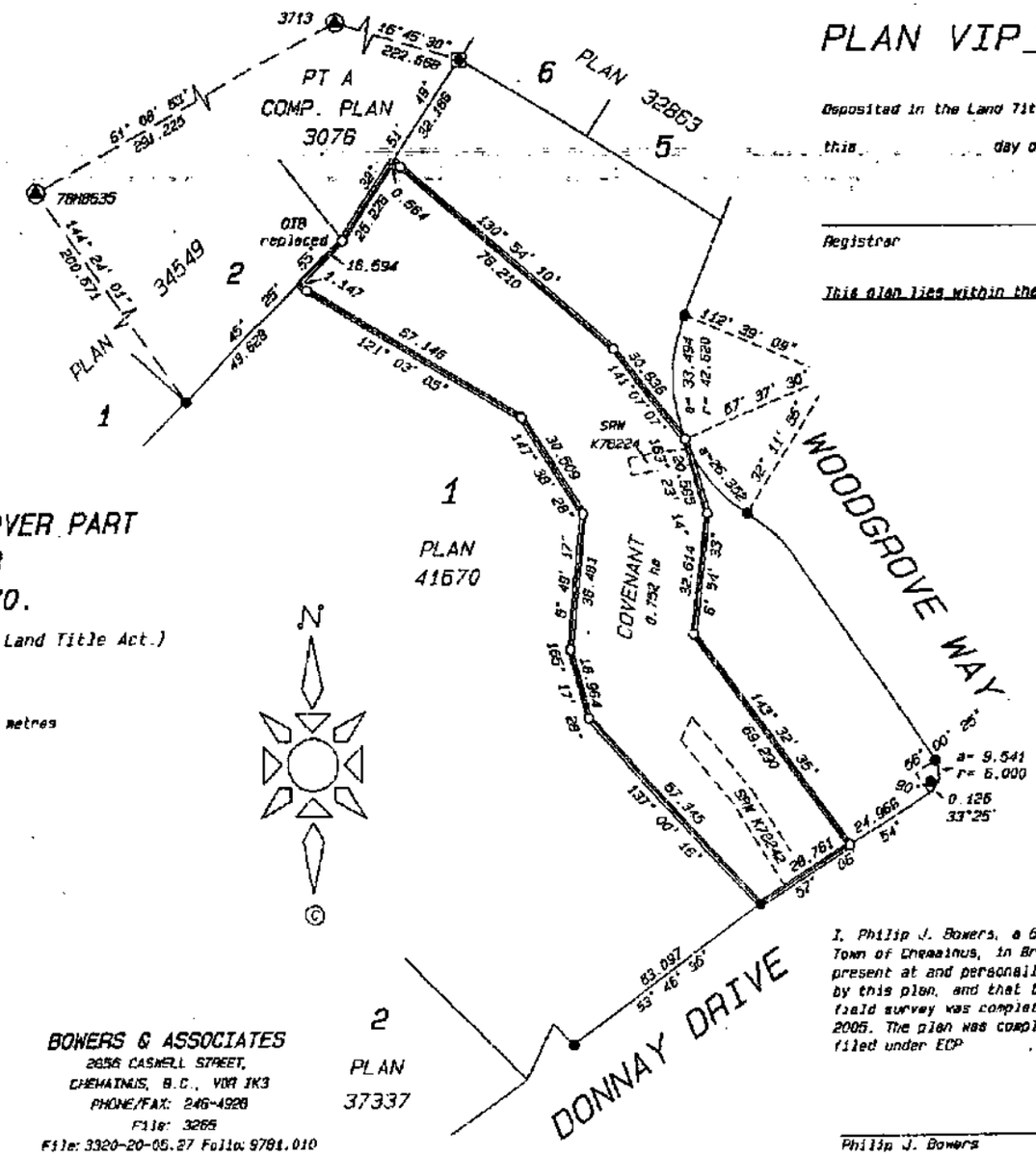
PLAN VIP 80912

Deposited in the Land Title Office at Victoria, B.C.,

this day of 2005.

Registrar

This plan lies within the Cowichan Valley Regional D



REFERENCE PLAN OF COVENANT OVER PART OF LOT 1, SECTION 3, RANGE 3 COMIAKEN DISTRICT, PLAN 41670.

(Prepared pursuant to Section 99(1)(e) of the Land Title Act.)

Scale = 1:1250

0 10 20 30 40 50 120 metres

B.C.G.S. 928.082

LEGEND

Bearings are Grid bearings derived from observations between control monuments 78H8635 and 3713.

- control monument found.
- standard iron post found.
- standard iron post placed.
- non-standard round iron post.
- WT witness.

Integrated Survey Area No. 10, The Corporation of the District of North Cowichan, NAD83 (CSRS).
This plan shows ground level measured distances.
Prior to computation of U.T.M. co-ordinates multiply by combined factor 0.9996220.
All distances are in metres and decimals thereof.

BOWERS & ASSOCIATES
2656 CASWELL STREET,
CHEMAINUS, B.C., V0R 1K3
PHONE/FAX: 246-4928
File: 3265
File: 3320-20-05.27 Folio: 9781.010

I, Philip J. Bowers, a British Columbia Land Surveyor Town of Chemainus, in British Columbia certify that present at and personally superintended the survey re by this plan, and that the survey and plan are corre field survey was completed on the day of 2005. The plan was completed and checked, and the che filed under ECP , on the day of

Philip J. Bowers B.C.L.S

-4 MAY 2006 09 29 FA053477

PLAN

Land Title Act
FORM 11(a)

VIP80912

(Section 99(1)(e), (j) and (k))

APPLICATION FOR DEPOSIT OF REFERENCE OR EXPLANATORY PLAN (CHARGE)

I, BROCK TREVOR EMBERTON, Barrister & Solicitor, of 317-877 Goldstream Avenue, Victoria, B.C. V9B 2X8, agent of PATRICIA EILEEN GOERTZEN, of 6434 Woodgrove Way, Duncan, B.C. V9L 4T6 apply to deposit Explanatory Plan of Covenant over part of Lot 1, Section 3, Range 3, ~~Comiken~~ Comiaken District, Plan 41670 000 766 143

LA 41

I enclose:

1. The reference/explanatory plan.
2. The reproductions of the plan required by section 67(s) (see below). 01 PLANS 06/05/04 09:30:13 01 VI 697049 $54.00
3. Fees of $

DATED this 23rd day of February, 2006.

SIGNATURE

Submitted by
KLA Registry Services

NOTE: (i) Under section 67(s) the following reproductions of the plan must accompany this application:
(a) one blue linen original (alternatively white linen or original transparencies).
(b) one duplicate transparency.
(c) one whiteprint is required as a worksheet for the land title office.

(ii) The following further requirements may be necessary:
(a) If the parent property is in an Agricultural Land Reserve, a release is required unless the parent property is less than 2.0 acres (app. .8094 hectares) or where, for permitted uses, an approving officer has signed the plan under section 1(1)(a) and (b) of the Subdivision and Land Use Regulation (B.C. Reg. 7/81) under the *Agricultural Land Commission Act*.
(b) Where a notice respecting a grant under the *Home Purchase Assistance Act* is endorsed on title, an extra white print must accompany the application, unless the *Ministry of Lands, Parks and Housing* agrees otherwise in writing. This extra print must contain the following endorsement:

"The eligible residence as defined by the *Home Purchase Assistance Act* is located on lot *[number]* created by this plan.

B.C.L.S. or solicitor for the owner"

(c) Controlled access approval must be evident on the plan where parent property adjoins a highway that is designated as a controlled access highway.
(d) Where the plan refers to a restrictive covenant to be made under section 219, the instrument containing the covenant must be tendered with the plan.

-4 MAY 2006 09 31 FA053485

LAND TITLE ACT

FORM 35
(section 220(1))

DECLARATION OF BUILDING SCHEME

NATURE OF INTEREST CHARGE: Building Scheme

01 06/05/04 09:31:51 01 VI 697049
CHARGE $65.20

HEREWITH FEES OF: $65.20

Address of person entitled to apply to register this building scheme:
6434 Woodgrove Way, RR #5, Station Main, Duncan, BC, V9L 4T6

Full name, address, and telephone number of person presenting application:
EMBERTON & COMPANY
Barristers & Solicitors
#317-877 Goldstream Avenue
Victoria, B.C. V9B 2X8
Phone: 391-7777
34613/Goertzen/rh

01 06/05/24 09:25:02 01 VI 700130
DEFECT / WITHDR $30.00

Submitted by
KLA Registry Services

Signature of Applicant or
Solicitor or Authorized Agent

I, **PATRICIA EILEEN GOERTZEN**, Retired (the "Developer"), 6434 Woodgrove Way, RR #5, Station Main, Duncan, BC, V9L 4T6, declare that:

1. I am registered owner in fee simple of the following land (the "Lots"):

   Lots A, B and C, Section 3, Range 3, Comiaken District, Plan VIP 80913

2. I hereby create a building scheme relating to the Lots.

3. A sale of any of the Lots is subject to the restrictions enumerated in the schedule attached or annexed hereto.

4. The restrictions shall be for the benefit of all the Lots, provided, however, that we reserve the right to exempt any of the Lots remaining undisposed of by us from all or any of the restrictions and benefits.

EXECUTION(S)

Officer Signature(s)

Execution Date		
Y	M	D
06	02	16

Chargeholder Signature(s)

Patricia Eileen Goertzen

JOANNE ZIPSER
Notary Public
47 Station Street
Duncan BC V9L 1M2
(250) 748-7155

BROCK T. EMBERTON
317-877 Goldstream Avenue
Victoria, B.C. V9B 2X8

OFFICER CERTIFICATION

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM D
EXECUTIONS CONTINUED

Officer Signature(s)

Execution Date

Y	M	D
06	05 02	19

Transferors/Borrower/Party Signature(s)

Canadian Imperial Bank of Commerce by its authorized signatory:

Print Name: Joe Oudaimy

Print Name: PATRICIA CADDELL

LAIMA M. PAKSTAS
Barrister and Solicitor
122 Station Street
Duncan BC V9L 1M7
250-748-3783

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

CONSENT AND PRIORITY AGREEMENT OF CHARGE HOLDERS

I/We, Joe Oudaimy & Patricia Caddell, of Canadian Imperial Bank of Commerce the holders of the following registered charges, consent to the registration of the above Declaration of Building Scheme and agree that it shall have priority over our respective charges

SCHEDULE OF RESTRICTIONS

1. No buildings or outbuildings, constructed, placed, or manufactured on any lot will have no exterior colors, except: browns, cream, hunter green, celery green, white, gray, burgundy. Window and door trims may be the owner's color of choice. Exterior materials of any building may be stone, wood, hardy plank, brick, or plaster.

2. Roof materials must be cedar shakes, duroid, asphalt, shingles, fiberglass shingles, metal shakes, tile. Roof colors must be black, browns, cream, green, or gray, or rust.

3. No mobile home, modular, trailer, or similar structure may be located on any lot in the subdivision as a residence, or for any residential or other purposes

4 No business trucks, industrial or commercial vehicles, or commercial equipment, unlicensed vehicles, overnight commercial vehicles, RVs, boats or portable car/boat covers on any lot under 1 1/2 acres may be kept in any location, on any lot, unless they are in a garage or otherwise screened from view from the road or any other lot.

4. No outbuildings may be constructed on any subdivision lot unless the exterior finish, materials and colors are matched to that of the dwelling.

5. The exterior of any residence, building or outbuilding must be fully completed within 14 months of construction.

7. Following completion of residence and outbuildings, no building supplies may be placed or stored on any lot unless it is screened from view, from the road, or any other lot.

8. No dwelling unit built on any lot shall contain a ground floor area less than 1,800 square feet. The term ground floor area will exclude the area of all basements, garages, carports, covered passageways, and other construction of a similar nature, being outside the normal interior area of a dwelling unit.

9. No poultry, swine, sheep, horses, cows, chickens, cattle, or other livestock shall be kept on any lot in the subdivision, nor will anyone operate or maintain a kennel, of any type, on any lot.

10. No owner or occupier of any dwelling house, within the subdivision, shall use any type of clothes line save and except, an umbrella type clothes line which shall be located at the rear of the dwelling house only.

11. Trees shall not be cut down unless for the purpose of construction of the house or outbuildings.

12. Patricia Eileen Goertzen has the right and power and absolute discretion, from time to time, by any deed or deeds in writing, to waive vary or release any of the foregoing restrictions as regard to any lot or lots which has not or have not been sold by them, or to sell or convey any of the lots affected by the restrictions free from all or any of the restrictions and either subject or not to any different restrictions. In any event that all the restrictions are so waived as a regards to any lot, then no benefit of these restrictions will accrue to such a lot in relation to any other lot or lots in the Building Scheme hereby created.