

ATTACHMENT A

Page 1

Revitalization Tax Exemption Agreement

THIS AGREEMENT dated for reference the _____22nd day of January, 2024 is

BETWEEN:

KESAR INVESTMENTS CORP.
10783 188 Avenue
Surry, BC V3Z 1A2

(the "Owner")

AND:

CITY OF NANAIMO
455 Wallace Street
Nanaimo, BC V9R 5J6

(the "City")

GIVEN THAT:

- A. The Owner is the registered owner in fee simple of lands in the City of Nanaimo at *220 Haliburton Street* legally described as *Lot 14, Block 9, Section 1, Nanaimo District, Plan 584 except part in plans VIP52118 and VIP55909, PID 008-830-002* (the "Parcel");
- B. Council has established a revitalization tax exemption program and has included within the City of Nanaimo "REVITALIZATION TAX EXEMPTION BYLAW 2018 NO. 7261";
- C. The Parcel is situated within the Revitalization Area, as defined in the Bylaw; and
- D. The Owner proposes to construct new improvements or alter or renovate existing improvements on the Parcel as described in Appendix "A" attached to and forming part of this agreement (the "Project") and has applied to the City to take part in the revitalization tax exemption program in respect of the Project and the City has agreed to accept the Project under the program;

THIS AGREEMENT is evidence that in consideration of the promises exchanged below, the Owner and the City covenant and agree each with the other as follows:

1. In this Agreement, the following words have the following meanings:
 - (a) "Assessed Value" means the BC Assessment Authority land and improvements assessed value of the parcel subject to this Agreement for the purposes of calculating property taxes;
 - (b) "Baseline Assessment" means the BC Assessment Authority's last published land and improvements assessed value immediately before the commencement of the Project;
 - (c) "Bylaw" means City of Nanaimo "REVITALIZATION TAX EXEMPTION BYLAW 2018 NO. 7261" as amended from time to time including any amendments thereto;

- (d) "Renovation" means capital improvements of an existing building;
 - (e) "Tax Exemption" means a revitalization tax exemption determined in accordance with the Bylaw; and
 - (f) "Tax Exemption Certificate" means a revitalization tax exemption certificate issued by the City of Nanaimo pursuant to the Bylaw and the *Community Charter*.
2. The Project – the Owner will use its best efforts to ensure that the Project is constructed, maintained, operated and used in a fashion that will be consistent with and will foster the objectives of the revitalization tax exemption program, as outlined in the Bylaw. Without limiting the generality of the foregoing, the Owner covenants to use its best efforts to ensure that the Project will:
- (a) be built in accordance with the submitted plans as approved by Development Permit (DP001265) for 220 Haliburton Street authorized by City Council of the City of Nanaimo on January 5, 2023.
3. Operation and Maintenance of the Project – throughout the term of this Agreement, the Owner shall operate, repair and maintain the Project and will keep the Project in a state of good repair as a prudent owner would do.
4. Revitalization Tax Exemption – subject to fulfillment of the conditions set out in this Agreement and the Bylaw, the City shall issue a Tax Exemption Certificate to the British Columbia Assessment Authority entitling the Owner to a Tax Exemption in respect of the property taxes due (not including local service taxes) in relation to the Parcel and the improvements thereon for the calendar year(s) set out in this Agreement. The Tax Exemption Certificate shall be substantially in the form of Appendix "B", which is attached to and forms part of this Agreement.
5. Conditions – the Owner must fulfill the following conditions before the City will issue a Tax Exemption Certificate to the Owner in respect of the Project:
- (a) the Owner must obtain a building permit from the City for the Project on or before June 30, 2024;
 - (b) the Owner must complete or cause to be completed construction of the Project in a good and workmanlike fashion and in strict compliance with the building permit and the plans and specifications attached hereto as Appendix "C";
 - (c) the Project must be officially opened and available for use as a *four-unit multi-family residential building* (the "Exempt Use") and for no other use, by no later than June 30, 2026; and
6. Calculation of Revitalization Tax Exemption – the amount of the Tax Exemption in each year shall be calculated in accordance with the Bylaw.
7. Term of Tax Exemption – provided the requirements of this Agreement, and of the City of Nanaimo Revitalization Tax Exemption Bylaw 2018 No. 7261, are met the Tax Exemption shall be for the taxation years 2026 to 2035, inclusive. [10 year maximum]

8. Compliance with Laws – the Owner shall construct the Project and, at all times during the term of the Tax Exemption or any renewal term, use and occupy the Parcel forming part of the Project in compliance with all statutes, laws, regulations, bylaws and orders of any authority having jurisdiction and, without limiting the generality of the foregoing, all federal, provincial, or municipal laws or statutes or bylaws, including all the rules regulations policies guidelines criteria or the like made under or pursuant to any such laws.
9. Subdivision under Strata Property Act – if the Owner deposits a strata plan in the Land Title Office under the *Strata Property Act* that includes an improvement on the Parcel included in the Project, then the Tax Exemption shall be prorated among the strata lots in accordance with the unit entitlement of each strata lot for:
 - (a) the current and each subsequent tax year during the currency of this agreement if the strata plan is accepted for registration at the Land Title Office before June 30, 2026.

provided that any strata subdivision must comply with the terms of any Housing Agreement in relation to the Parcel or the Project which limits ability to subdivide the Parcel or a building on the Parcel under the *Strata Property Act*.

10. Representations and Warranties – The Owner represents and warrants to the City that the Owner is the Owner of the Parcel for the purpose of property assessment and taxation.
11. Cancellation – the City may in its sole discretion cancel the Tax Exemption Certificate at any time:
 - (a) on the written request of the Owner; or
 - (b) effective immediately upon delivery of a notice of cancellation to the Owner if at any time any of the conditions in the Tax Exemption Certificate are not met.
12. If such cancellation occurs, the Owner of the Parcel for which the Tax Exemption Certificate was issued will pay to the City a recapture amount in accordance with the Bylaw, which amount will bear interest in accordance with the Bylaw.
13. No Refund – for greater certainty, under no circumstances will the Owner be entitled under the City's revitalization tax exemption program to any cash credit, any carry forward tax exemption credit or any refund for any property taxes paid.
14. Notices – any notice or other writing required or permitted to be given hereunder or for the purposes hereof to any party shall be sufficiently given if delivered by hand or posted on the Parcel, or if sent by prepaid registered mail (Express Post) or if transmitted by facsimile to such party:

- (a) in the case of a notice to the City, at:

THE CITY OF NANAIMO
455 Wallace Street,
Nanaimo, B.C.
V9R 5J6

- (b) in the case of a notice to the Owner, at:

KESAR INVESTMENTS CORP.
16783 188 Avenue
Surrey, BC V3Z 1A2

or at such other address as the party to whom such notice or other writing is to be given shall have last notified the party giving the same.

15. No Assignment – the Owner shall not assign its interest in this Agreement except to a subsequent owner in fee simple of the Parcel.
16. Severance – if any portion of this Agreement is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Agreement.
17. Interpretation – wherever the singular or masculine is used in this agreement, the same shall be construed as meaning the plural, the feminine or body corporate where the context or the parties thereto so require.
18. Further Assurances – the parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this Agreement.
19. Waiver – waiver by the City of a default by the Owner shall be in writing and shall not be deemed to be a waiver of any subsequent or other default.
20. Powers Preserved – this Agreement does not:
 - (a) affect or limit the discretion, rights or powers of the City under any enactment or at common law, including in relation to the use or subdivision of the Parcel;
 - (b) affect or limit any enactment relating to the use or subdivision of the Parcel; or
 - (c) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Parcel, and without limitation shall not confer directly or indirectly any exemption or right of set-off from development cost charges, connection charges, application fees, user fees or other rates, levies or charges payable under any bylaw of the City.
21. Reference – every reference to each party is deemed to include the heirs, executors, administrators, personal representatives, successors, assigns, servants, employees, agents, contractors, officers, licensees and invitees of such party, wherever the context so requires or allows.

22. Enurement – this agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and permitted assigns.


IN WITNESS WHEREOF the parties hereto have executed this agreement as of the day and year first above written.

Executed by the CITY OF NANAIMO by
its authorized signatories:

Mayor

Corporate Officer

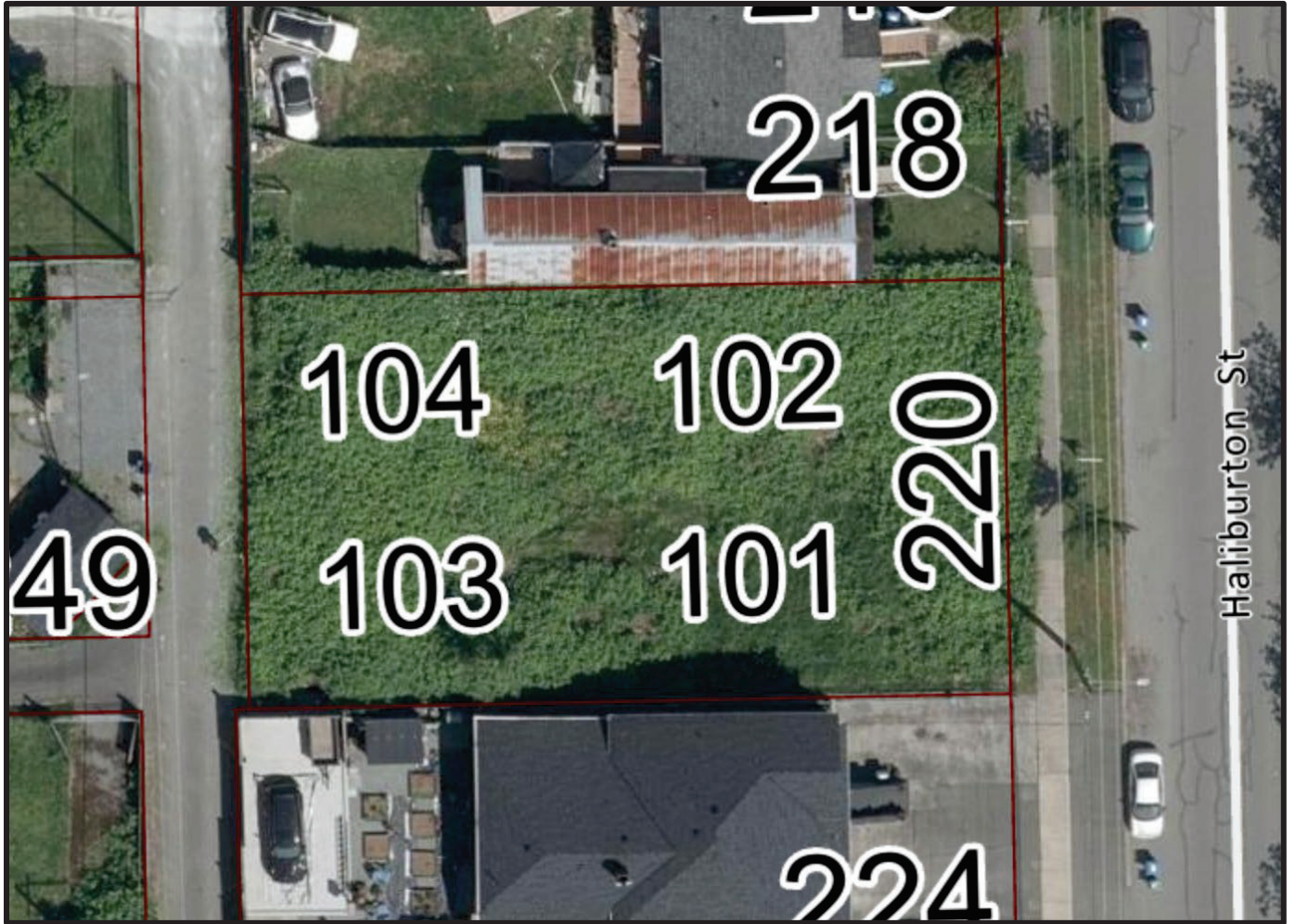
Executed by KESAR INVESTMENTS CORP. by its
authorized signatories:

Mandeep Dhaliwal
Name: _____ 

Name:

APPENDIX "A" to Revitalization Tax Exemption Agreement

Map of Affected Parcel



APPENDIX "B" to Revitalization Tax Exemption Agreement

Revitalization Tax Exemption Certificate

In accordance with the City of Nanaimo "REVITALIZATION TAX EXEMPTION BYLAW 2018 NO. 7261" (the "Bylaw"), and in accordance with a Revitalization Tax Exemption Agreement dated for reference the 22nd day of January, 2024 (the "Agreement") entered into between the City of Nanaimo (the "City") and Kesar Investments Corp. (the "Owner"), the registered owner of 220 Haliburton Street legally described as Lot 14, Block 9, Section 1, Nanaimo District, Plan 584 except part in plans VIP52118 and VIP55909, PID 008-830-002 (the "Parcel"):

This certificate certifies that the Parcel is subject to a revitalization tax exemption equal to the following assessment value of the Parcel: Class 01 Residential: \$447,000.00 multiplied by the municipal rate of tax in effect for Class 01 - Residential for each of the taxation years 2024 to 2035 inclusive.

The Tax Exemption is provided under the following conditions:

1. The Owner does not breach any term, condition or provision of, and performs all obligations set out in, the Agreement and the Bylaw;
2. The Owner has not sold all or any portion of his or her equitable or legal fee simple interest in the Parcel without the transferee taking an assignment of the Agreement, and agreeing to be bound by it;
3. The Owner, or a successor in title to the Owner, has not allowed the property taxes for the Parcel to go into arrears or to become delinquent;
4. The Exempt Use (as defined in the Agreement) of the Project is not discontinued;
5. The Agreement is not otherwise terminated.

If any of these conditions are not met then the Council of the City of Nanaimo may cancel this Revitalization Tax Exemption Certificate. If such cancellation occurs, the Owner of the Parcel, or a successor in title to the Owner as the case may be, shall remit to the City the recapture amount calculated in accordance with the Bylaw.

**APPENDIX "C" to Revitalization Tax Exemption Agreement
Plans and Specifications for the Project DP001265**



DEVELOPMENT PERMIT NO. DP001265

KESAR INVESTMENTS CORP.
Name of Owner(s) of Land (Permittee)

220 HALIBURTON STREET
Civic Address

1. This development permit is issued subject to compliance with all of the bylaws of the municipality applicable thereto, except as specifically varied or supplemented by this permit.
2. This development permit applies to and only to those lands within the municipality described below, and any and all buildings, structures and other developments thereon:

Legal Description:

**LOT 14, BLOCK 9, SECTION 1, NANAIMO DISTRICT, PLAN 584
EXCEPT PART IN PLANS VIP52118 AND VIP55909**

PID NO. 008-830-002

3. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this permit and any plans and specifications hereto which shall form a part thereof.

Schedule A Subject Property Map
Schedule B Site and Parking Plan
Schedule C Building Elevations and Details
Schedule D Landscape Plan and Details

4. If the landowner does not substantially start any construction with respect to which this permit was issued within two years after the date it was issued, the permit lapses.
5. This permit is not a building permit nor does it constitute approval of any signage. Separate applications must be made for a building permit and sign permit.

TERMS OF PERMIT

The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is varied as follows:

1. *Section 7.5.1 Siting of Buildings* – to reduce the minimum allowable front yard setback from 4.5m to 3.0m.
2. *Section 17.2.1. Landscaping, General Regulations* – to reduce the minimum allowable landscape buffer width from 1.8m to 1.0m.

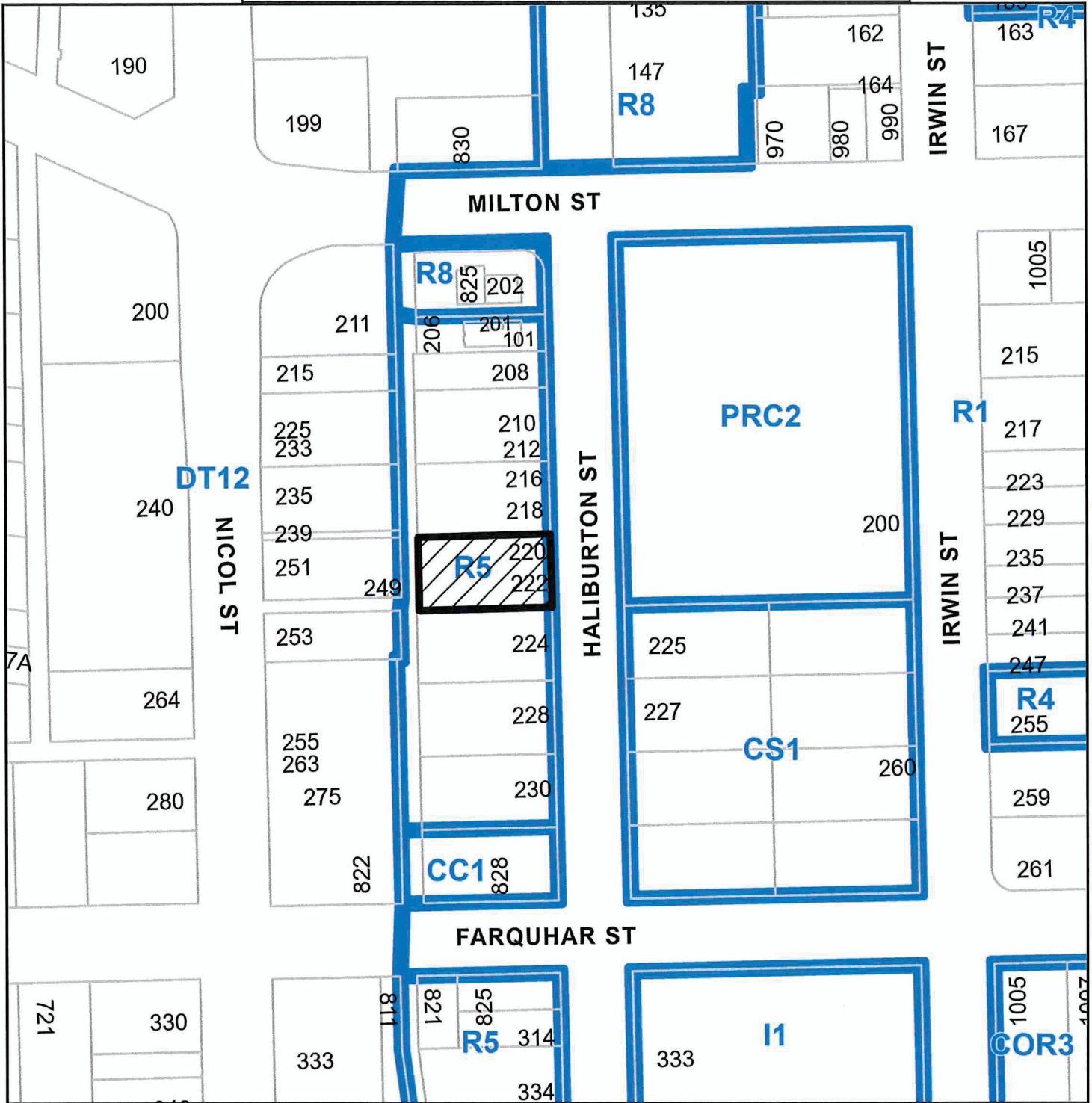
CONDITIONS OF PERMIT

1. The subject property is developed generally in accordance with the Site and Parking Plan prepared by Raymond de Beeld Architect Inc., dated 2022-DEC-13, as shown on Schedule B.
2. The development is in substantial compliance with the Building Elevations and Details prepared by Raymond de Beeld Architect Inc., dated 2022-DEC-13, as shown on Schedule C.
3. The development is in substantial compliance with the Landscape Plan and Details prepared by Architecture Panel Inc., dated 2022-NOV-16, as shown on Schedule D.
4. Registration of a Section 219 covenant, to replace existing charge FB51423, to secure the Geotechnical Assessment prepared by Lewkowich Engineering Associates Ltd., and to require any development of the site to follow the Geotechnical Assessment's recommendations, prior to building permit issuance.

REVIEWED AND APPROVED ON

2023-04-15
Date

D. Lindsay
D. Lindsay, General Manager of Development Services
Community Development
Pursuant to Section 154 (1)(b) of the Community Charter

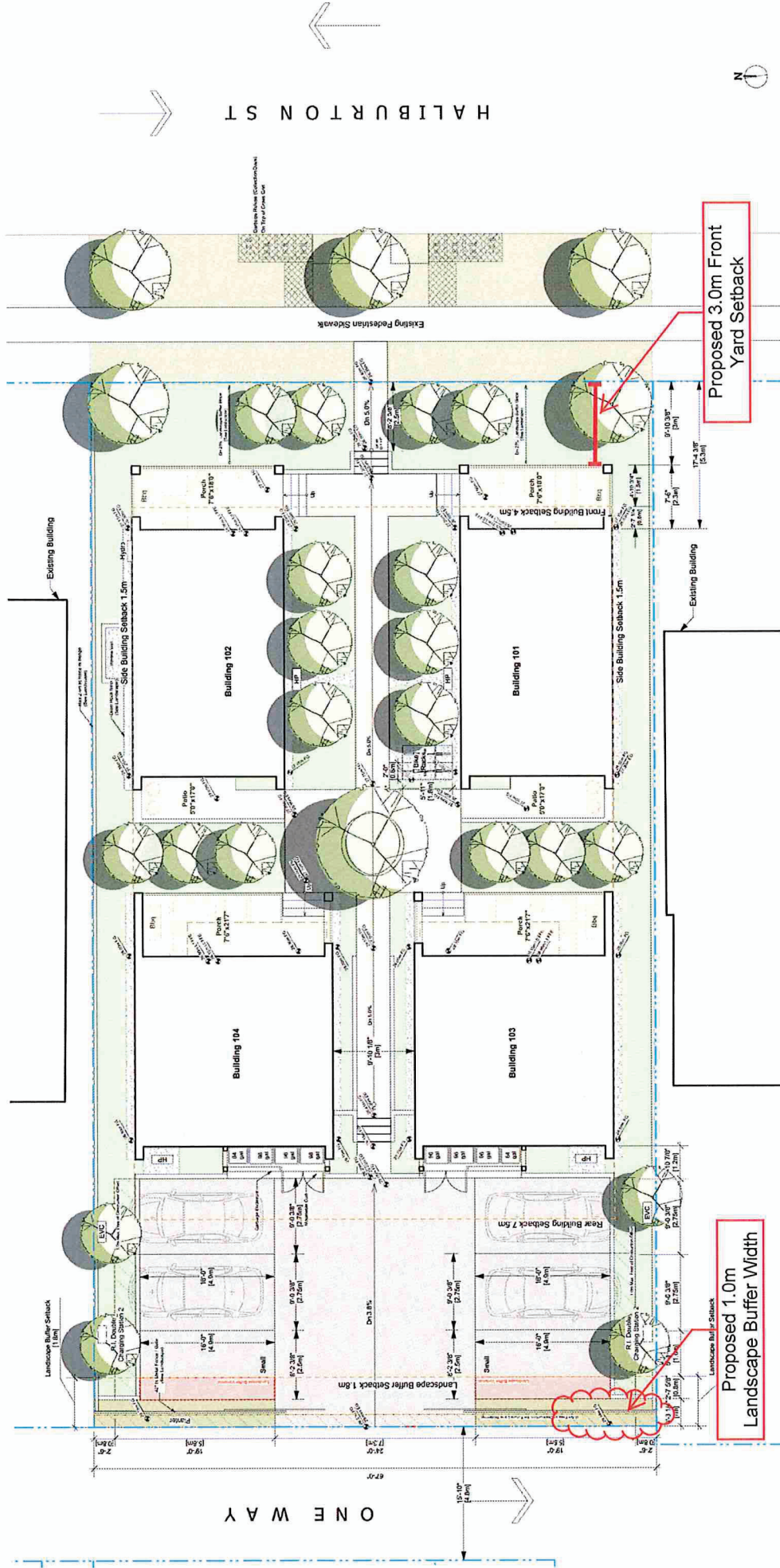


DEVELOPMENT PERMIT APPLICATION NO. DP001265



 220/222 Haliburton Street

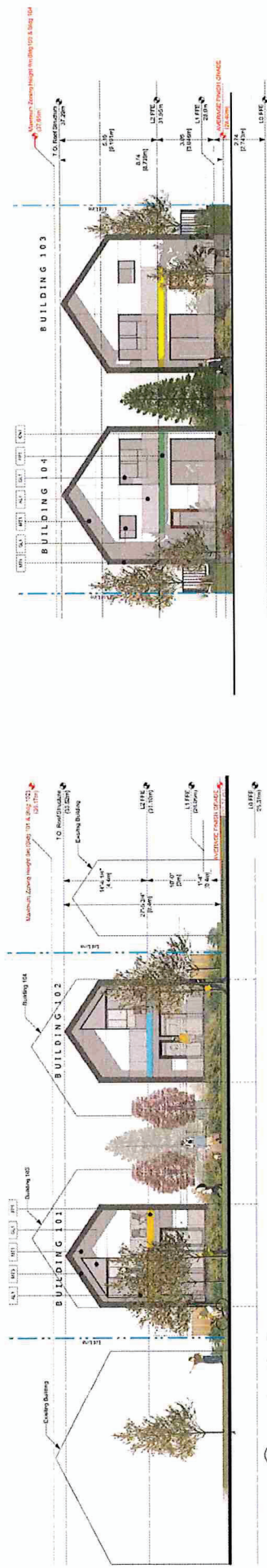
Development Permit No. DP001265 Schedule B
 220 Haliburton Street
SITE AND PARKING PLAN



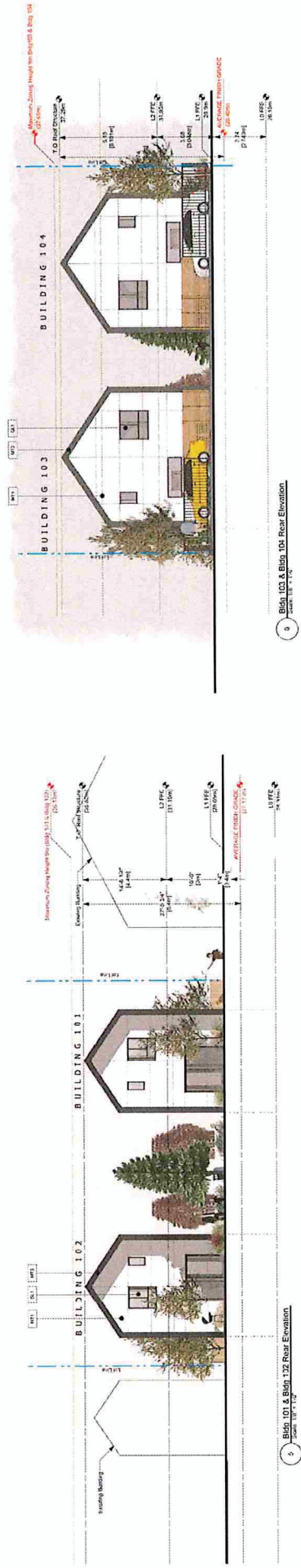
1 Site Plan
 Scale: 3/16" = 1'-0"



Development Permit No. DP001265 Schedule C
 220 Haliburton Street
BUILDING ELEVATIONS AND DETAILS



RECEIVED
 DP001265
 2022-DEC-16
 C.A. PART PLANNING



RECEIVED
DP001265
2022-DEC-16
CERTIFIED DESIGN

HALIBURTON STREET MULTI FAMILY
220 Haliburton Street, Nanaimo

Raymond de Beeld ARCHITECT INC.

Elevations 02

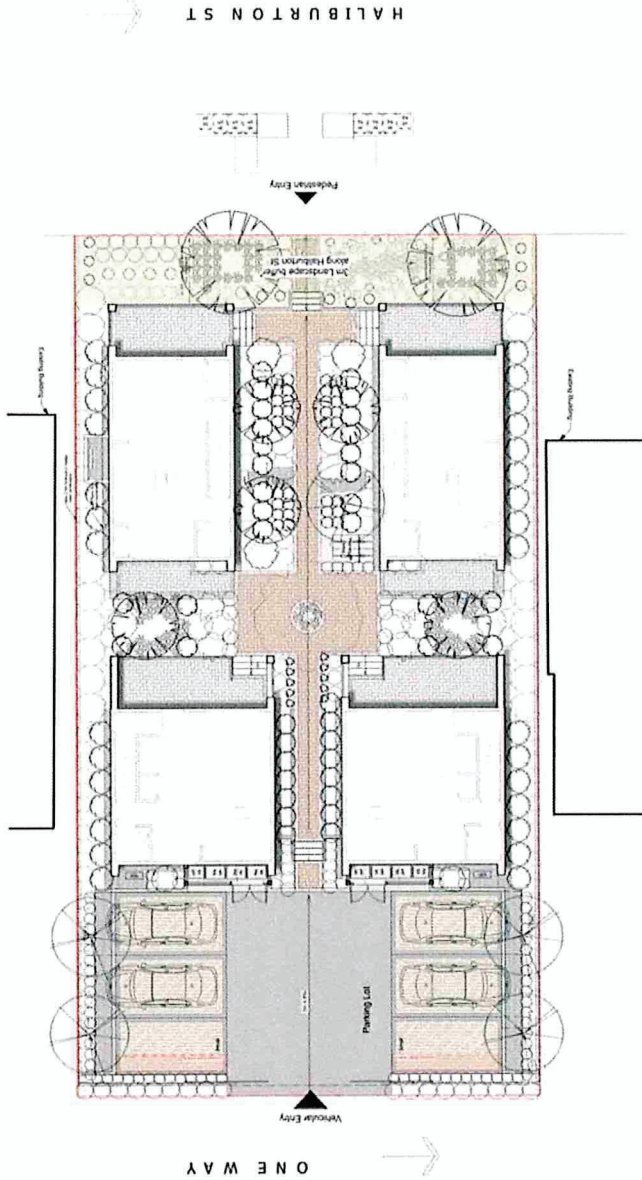
A6.2

Key plan

MATERIAL LEGEND:

- AL1 Aluminum Glass Sliding Door/Panoramic Glass
- AL2 Aluminum Sliding Door
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Development Permit No. DP001265 Schedule D
220 Haliburton Street
LANDSCAPE PLAN AND DETAILS



DESIGN RATIONALE AND SUMMARY

This site located on Haliburton St has two parallel entry points connected with a pathway that also leads to units private patios and entrances. The level differences between the two entry points allows for visually appealing landscape through the site.

A plant buffer consisting of a selection of plants are proposed on the edges of the property including evergreen hedges to ensure year-long privacy. Other plants such as Mahonia Aquifolium to provide a visual interest for the residents.

The central courtyard space located between buildings is proposed to be filled with different flowering and native plants on both sides of the pathway such as Hydrangea Quercifolia and Vaccinium Ovatum. Hedges through the pathway an Acer Rubrum tree and is proposed to be placed as a focal point for pedestrians entering from both sides of the site.

A different paving color scheme is proposed for the private patios which are lined with thick shrubbery layer and a tree near each patio providing a view to be enjoyed by residents inside the apartments and in the patios.



2 EXAMPLES OF TREES AND SHRUBS PROPOSED
Scale: NTS

GENERAL NOTES

All materials and workmanship to CLS Standards, latest edition. Soil depths and substrate preparation, soil quality and plant sizes to meet or exceed that standard.

Plant sizes in this set are specified according to the CLS Standard's latest edition. Contractor shall refer to Appendix A of the CLS Standard available to the Landscape Architect for additional information. The contractor is advised to visit and view, make plant material 'Substitutions' must obtain written approval from the Landscape Architect prior to making any substitutions to specified material. Unapproved substitutions will be rejected. A minimum of four working days prior to delivery for material to substrate substitutions are subject to the Landscape Standard.

All plants shall be provided from the supplier. Contractor shall ensure all plant material meets, conform to the latest edition of the C.S.L. standards.

Min. growing medium depths over proposed substrate shall be:

- Lawn areas 300mm
- Flowering Shrubs 400mm
- Shrub Areas 300mm
- Tree Pits 400mm (over root balls)

Growing medium shall have physical and chemical properties as described in the standards for Specifications, except for the areas over the substrate. The contractor shall ensure that the growing medium is tested for nutrients, pH and salinity. The contractor shall provide a copy of the test results to the Landscape Architect. The contractor shall ensure that the soil is tested for nutrients, pH and salinity. The contractor shall ensure that the soil is tested for nutrients, pH and salinity. The contractor shall ensure that the soil is tested for nutrients, pH and salinity.

On-Site or imported soils shall satisfy the requirements of the standards for growing medium. Soils shall be virtually free from silt, wood including woody plant parts, weed or reproductive parts of the weeds, plant pathogenic organisms, toxic material, stones over 30mm, and foreign insects.

All planting levels shall receive min. 50mm bark mulch.

The contractor shall maintain clean working conditions, remove all refuse and debris and present the site in a safe and clean condition upon completion of all works.

Plant species and varieties may not be substituted without the approval of the Landscape Architect.

All wood fences to be cedar, with one coat of clear penetrating preservative.

All engineering, drawings, Mechanical and Electrical to subordinate the Landscape drawings where applicable. These Landscape drawings are to be considered overriding only in case of such subordination.

All left landscape areas to be serviced by High Efficiency Irrigation System.

ARCHITECTURE PANEL INC.
ARCHITECTURE LANDSCAPE ARCHITECTURE - URBAN DESIGN
1111 121, 15005 Marine Drive, WhiteRock, BC V4B 1Z3 (604) 783-6501
info@architecturepanel.com

These Drawings and the Design are and all of them remain the exclusive property of Architecture Panel Inc. and cannot be used without the Landscape Architect's written consent. Any reproduction in any form without the Landscape Architect's written consent shall be the contractor's sole responsibility. The contractor shall indemnify and hold the Landscape Architect harmless from and against all claims, damages, costs and expenses, including reasonable attorneys' fees, arising out of or from the use of these drawings.

Project: **220 Haliburton Street, Nanaimo**
Owner: **City of Nanaimo**

Total Sheets: **6** Sheet No: **L1**

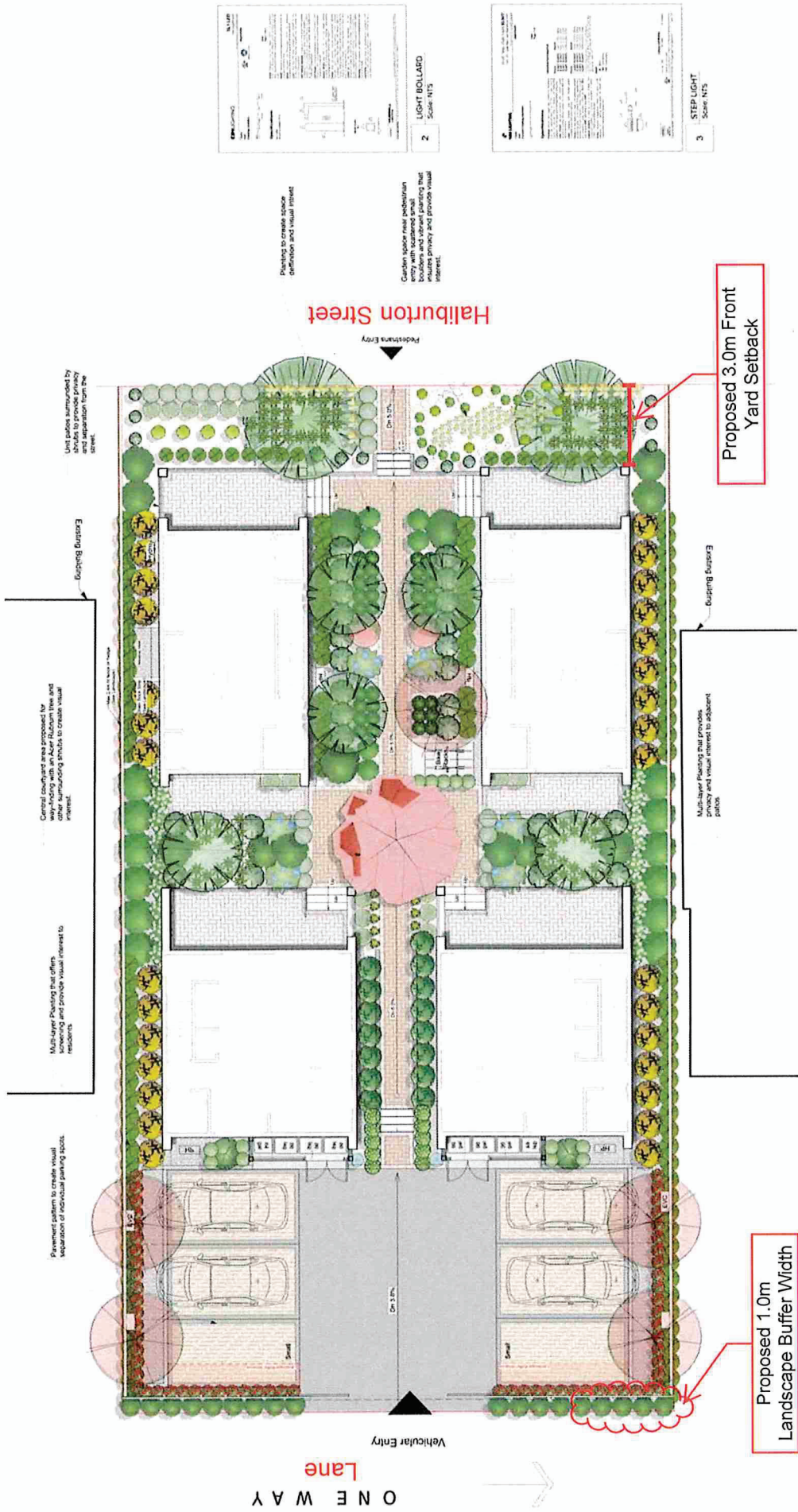
Drawn By: **SS** Checked By: **RD**

Reviewed By: **RD** Status: **DP Application**

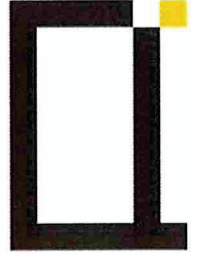
Scale: **Key Plan**

No	Date	Issue Notes
A	2022-02-10	DP Application
B	2022-10-30	DP Application
C	2022-11-16	DP Re-submission

RECEIVED
DP 1265
2022-NOV-18



1 CONCEPT PLAN
Scale: 3/8" = 1'-0"



ARCHITECTURE PANEL INC.
ARCHITECTURE LANDSCAPE ARCHITECTURE URBAN DESIGN
1111 121, 15505 Marine Drive, White Rock, BC V4B 4S1
rachel@architecturepanel.com

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Project: **220 Haliburton Street, Nanaimo**
Owner:

Total Sheets: 6
Sheet No: L3
Checked By: RD
Drawn By: SS
Reviewed By: RD

Contractors: ANJ City of Nanaimo
Consultants: Architecture Panel Inc. Documents: DP Application

No	Date	Issue Notes
A	2022-02-10	DP Application
B	2022-10-20	DP Application
C	2022-11-16	DP Re-submission

RECEIVED
DP 1265
2022-NOV-18
6:00 PM



Paving to create space definition and visual interest

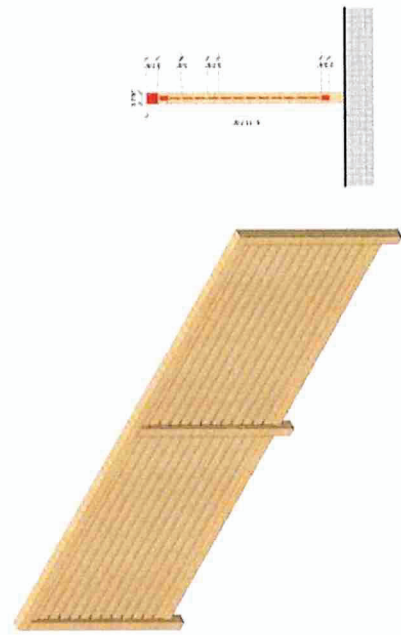
Garden space near pedestrian loading and arrival planting that creates privacy and provides visual interest

Proposed 3.0m Front Yard Setback

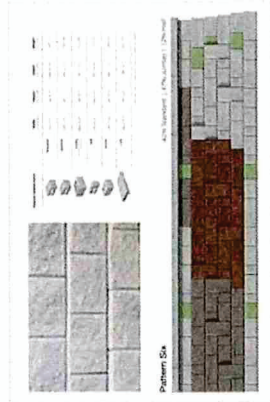
Proposed 1.0m Landscape Buffer Width

ONE WAY





Profile	System/Unit	Width (mm)	Height (mm)	Depth (mm)	Weight (kg)
Standard		200 (7 7/8")	120 (4 1/2")	300 (11 3/4")	14.0 (3.1)
Typical		200 (7 7/8")	120 (4 1/2")	300 (11 3/4")	15.2 (3.4)
Jumbo		200 (7 7/8")	180 (7 1/8")	300 (11 3/4")	20.0 (4.4)
Half		100 (3 9/16")	120 (4 1/2")	300 (11 3/4")	6.8 (1.5)
Corner		200 (7 7/8")	120 (4 1/2")	300 (11 3/4")	15.2 (3.4)
Cap		60 (2 3/8")	80 (3 1/8")	100 (3 9/16")	3.1 (0.7)

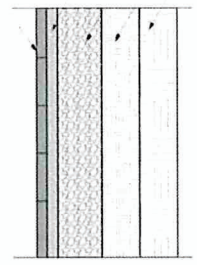


1 The Pleasure® Wall System in Color Natural (PN)
Scale: NTS

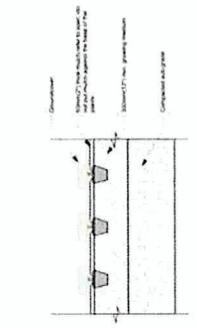
2 Isometric Fence (P1)
Scale: 1/32"

3 Section Fence (P1)
Scale: 1/32"

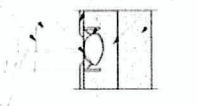
4 Bicycle Rack (P4)
Scale: NTS



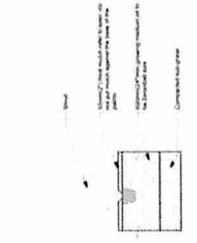
5 Details: Concrete Unit Piers on Grade
Scale: NTS



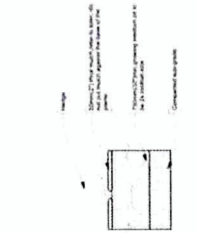
6 Details: Groundcover at Grade
Scale: NTS



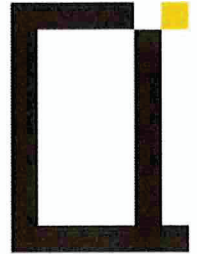
7 Details: Tree at Grade
Scale: NTS



8 Details: Shed at Grade
Scale: NTS



9 Details: Hoop at Grade
Scale: NTS



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Project: 220 Haliburton Street,
Nanaimo
Owner: City of Nanaimo

Total Sheets: 6
Sheet No: L5
Checked By: RD
Drawn By: SS
Reviewed By: RD

Consumers: Architecture Panel Inc.
Documents: DP Application

No. Date Issue Notes
A 2022-02-10 DP Application
B 2022-10-30 DP Application
C 2022-11-16 DP Re-submission

RECEIVED
DP 1265
2022-NOV-18
CITY OF NANAIMO

APPENDIX "D"
Revitalization Area

