

## **CSF PORTION OF 1765 LANSDOWNE ROAD, VICTORIA, BC SITE ENCUMBRANCE BYLAW 2024**

WHEREAS Conseil scolaire francophone de la Colombie-Britannique (the “**CSF**”) is a francophone education authority continued under the *School Act* (British Columbia) and, under the authority of Sections 166.29(1) and 96(3) of the *School Act* (British Columbia), may acquire and dispose of land or improvements it owns or administers, subject to the Orders of the British Columbia Minister of Education and Child Care (the “**Minister**”);

AND WHEREAS the *Interpretation Act* (British Columbia) defines the word “dispose” to mean to transfer by any method and includes, among other things, grant and charge;

AND WHEREAS the Minister issued Order M193/08 (Disposal of Land or Improvements Order) effective September 3, 2008, requiring fee simple sales and leases of land or improvements for a term of ten years or more to be specifically approved by the Minister, unless the transferee is an independent school or another school board;

AND WHEREAS a disposal of land or improvements by way of a grant of an easement or statutory right of way does not require approval from the Minister pursuant to Order M193/08 (Disposal of Land or Improvements Order);

AND WHEREAS Section 166.21(4) of the *School Act* (British Columbia) requires a francophone education authority to exercise a power with respect to the acquisition or disposal of property owned or administered by a francophone education authority only by bylaw;

AND WHEREAS:

- (i) The Board of Education of School District No. 61 (Greater Victoria) (the “**Victoria School Board**”) owns certain lands and improvements having a civic address of 1765 Lansdowne Road, Victoria, British Columbia and legally described as Parcel Identifier: 005-852-862, Lot A, Section 27, Victoria District, Plan 6679 (the “**Parent Parcel**”);
- (ii) the CSF has entered in an amended and restated purchase and sale agreement dated for reference March 15, 2024 (the “**Purchase Agreement**”) with the Victoria School Board pursuant to which the CSF will, subject to certain conditions set out in the Purchase Agreement, will purchase from the Victoria School Board a 2.93 hectare portion of the Parent Parcel shown as Lot 2 in Subdivision Plan EPP135794 (the “**Property**”), a reduced copy of which is attached hereto as Schedule A, in accordance with the terms and conditions of the Purchase Agreement, as the same may be amended from time to time;
- (iii) pursuant to a conditional approval letter dated December 21, 2023, from the District of Saanich (the “**District**”), the CSF is required to grant the following charges for subdivision approval of the Parent Parcel to create the Property:
  - (a) a statutory right of way for drain, access and working strip in favour of the district to be registered against the Property (the “**Statutory Right of Way**”) and located on the Property approximately as shown as “Area 1” on Explanatory Plan EPP135795, a reduced copy of which is attached hereto as Schedule B;
  - (b) a drainage easement in favour of the Victoria School Board to be registered against the Property (the “**Easement**”) and located on the Property approximately as shown as “Area 2” on Explanatory Plan EPP135795, a reduced copy of which is attached hereto as Schedule B; and

- (c) a bus covenant in favour of the District to be registered against the Property (the “**Covenant**”, and together with the Statutory Right of Way and Easement, the “**Charges**”) whereby the CSF agrees to offer or cause to be offered a school bus service for use of the Property as an educational institution upon issuance of an occupancy permit by the District to the CSF for a school to be constructed on the Property by the CSF; and
- (iv) the CSF is satisfied that it would be in the best interests of the CSF to grant the Charges and that the granting of the Charges will not interfere with the CSF’s use of the Property for educational purposes.

NOW THEREFORE BE IT RESOLVED as a Bylaw of the CSF that the CSF enter into the Charges and grant the Charges to the District and the Victoria School Board, as applicable, in the Land Title Office registrable forms to be settled by the District, the Victoria School Board and the CSF, subject to such amendments as the Secrétaire-trésorier par intérim may, in his or her discretion, consider advisable, and register the Charges against title to the Property in the Land Title Office concurrently with the completion of the transactions contemplated by the Purchase Agreement.

BE IT FURTHER RESOLVED as a Bylaw of the CSF that the Secrétaire-trésorier par intérim be and is hereby authorized, on behalf of the CSF, to execute and deliver the Charges in such forms and with such amendments thereto as the Secrétaire-trésorier par intérim may, in his or her discretion, consider advisable, and the Secrétaire-trésorier par intérim be and is hereby authorized, on behalf of the CSF, to execute and deliver all related and ancillary documents required to complete the granting of the Charges to the District and the Victoria School Board, as applicable, on such terms and conditions as the Secrétaire-trésorier par intérim may, in his or her discretion, consider advisable as witnessed by the signature of the Secrétaire-trésorier par intérim.

This Bylaw may be cited as “Conseil Scolaire Francophone de la Colombie-Britannique Portion of 1765 Lansdowne Road, Victoria, BC Site Encumbrance Bylaw 2024”.

Read a first time on the \_\_\_\_\_ day of September 2024.

Read a second time on the \_\_\_\_\_ day of September 2024.

Read a third time on this \_\_\_\_\_ day of September 2024, and finally passed and adopted this \_\_\_\_\_ day of September 2024.

\_\_\_\_\_  
Présidente

Corporate Seal

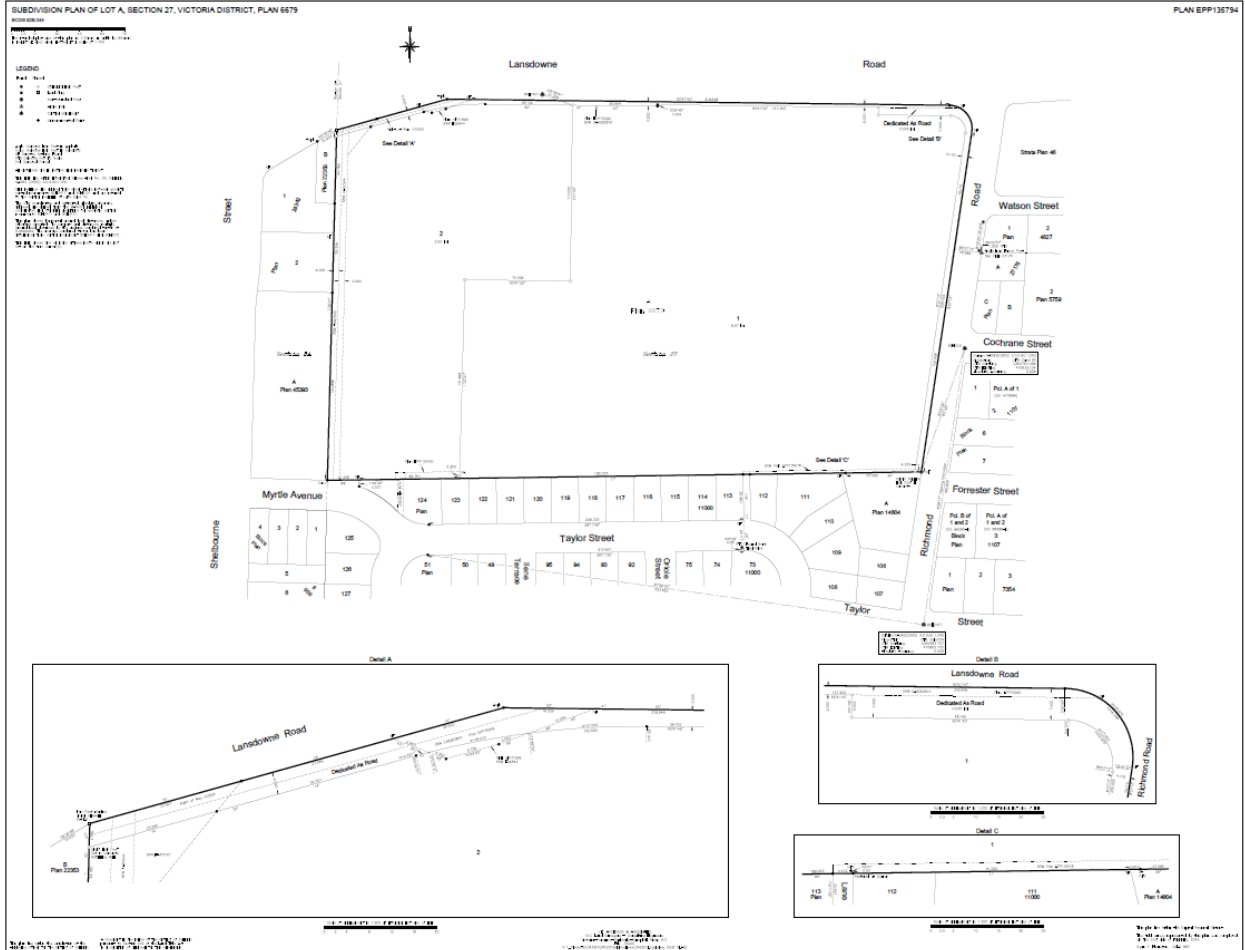
\_\_\_\_\_  
Secrétaire-trésorier par intérim

I HEREBY CERTIFY this to be a true original of Conseil Scolaire Francophone de la Colombie-Britannique Portion of 1765 Lansdowne Road, Victoria, BC Site Encumbrance Bylaw 2024, adopted by the CSF the \_\_\_\_\_ day of September 2024.

\_\_\_\_\_  
Secrétaire-trésorier par intérim

[to be printed on CSF letterhead]

# SCHEDULE A SUBDIVISION PLAN EPP135794



**SCHEDULE B  
EXPLANATORY PLAN EPP135795**

**EXPLANATORY PLAN OF PART OF LOT 2,  
SECTION 27, VICTORIA DISTRICT, PLAN EPP135794**

**PLAN EPP135795**

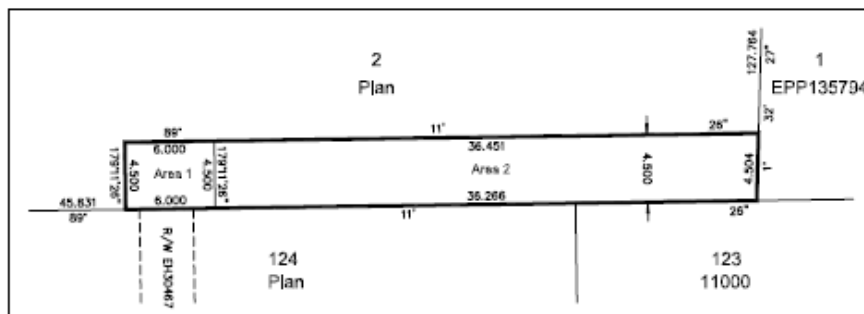
FOR STATUTORY RIGHT OF WAY AND EASEMENT PURPOSES  
PURSUANT TO SECTION 99(1)(E), LAND TITLE ACT

BCGS 92B.044

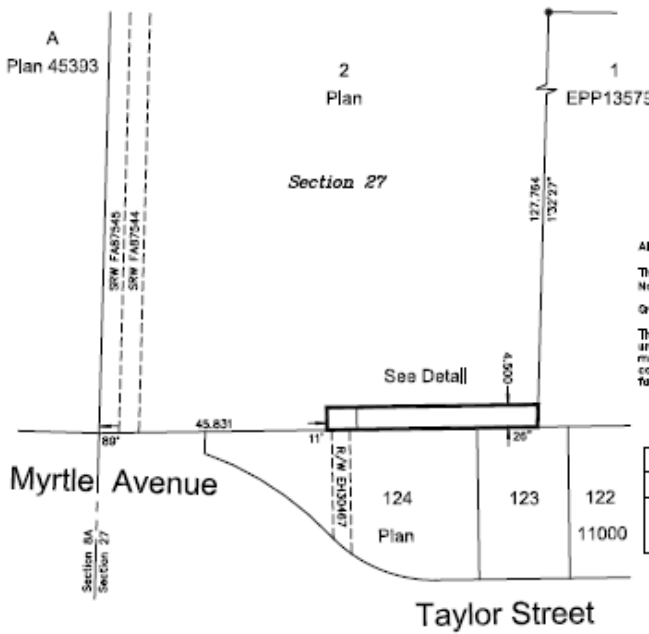
The intended plot size of this plan is 280mm in width by 432mm in height (B size) when plotted at a scale of 1:750.



Detail



Scale of enlargement is 1:250 at intended plot size of plan



All distances are in metres and decimals thereof  
 This plan lies within Integrated Survey Area No. 30, Saanich, NAD83 (CSRS) 3.0.0.BC.1.030  
 Grid bearings are derived from Plan EPP135794  
 This plan shows horizontal ground level distances, unless otherwise specified. To compute grid distances, multiply ground level distances by the average combined factor of 0.9996082. The average combined factor has been determined from Plan EPP135794

| BOOK OF REFERENCE |         |          |                      |
|-------------------|---------|----------|----------------------|
| AREA No.          | LOT No. | CHARGE   | SIZE                 |
| Area 1            | Lot 2   | SRW      | 27.0 m <sup>2</sup>  |
| Area 2            | Lot 2   | Easement | 163.6 m <sup>2</sup> |

This plan lies within the Capital Regional District  
 This plan is based on the following Land Title and Survey Authority of BC records:  
 Plan EPP135794  
 Ryan P. Hourston, BCLS 887  
 21st day of February, 2024.

J.E. ANDERSON & ASSOCIATES  
 B.C. Land Surveyors - Consulting Engineers  
 Victoria-Nanaimo-Parksville-Campbell River, B.C.  
 File: 34220  
 V:\\_Projects\34220\08\02\Microsurvey\34220 Legal.dwg (Exp. Plan)