



PERMIT TO REDUCE BUILDING SETBACK LESS THAN 4.5 METRES FROM THE PROPERTY LINE FRONTING A PROVINCIAL PUBLIC HIGHWAY

PURSUANT TO TRANSPORTATION ACT AND/OR THE INDUSTRIAL ROADS ACT AND/OR THE MOTOR VEHICLE ACT AND/OR AS DEFINED IN THE NISGA'A FINAL AGREEMENT AND THE NISGA'A FINAL AGREEMENT ACT.

BETWEEN:

The Minister of Transportation and Infrastructure

Kelowna Area Office
300-1358 St. Paul Street
Kelowna, BC V1Y 2E1
Canada

("The Minister")



AND:

Maloney Construction Ltd.
4816 Carmel Crescent
Kelowna, British Columbia V1W 5B9
Canada

("The Permittee")

WHEREAS:

- A. The Minister has the authority to grant permits for the auxiliary use of highway right of way...
B. The Permittee has requested the Minister to issue a permit pursuant to this authority for the following purpose:

The construction of a building, the location of which does not conform with British Columbia Regulation 513/04 made pursuant to section 90 of the Transportation Act, S.B.C. 2004, namely; to allow the construction of a single family dwelling to be located no closer than 1.99 meters within the boundary of Westside Rd. The subject property is 2223 Westside road, legally described as Lot 2, Plan KAP14249, District Lot 3745, within the Regional District of Central Okanagan (RDCO) as shown on drawing 2223 WESTSIDE ROAD (MOTI) (004).pdf submitted December 16, 2021.

- C. The Minister is prepared to issue a permit on certain terms and conditions;

ACCORDINGLY, the Minister hereby grants to the Permittee a permit for the Use (as hereinafter defined) of highway right of way on the following terms and conditions:

- 1. This permit may be terminated at any time at the discretion of the Minister of Transportation and Infrastructure...
2. This permit in no way relieves the owner or occupier of the responsibility of adhering to all other legislation...
3. The Permittee shall indemnify and save harmless the Ministry, its agents and employees, from and against all claims, liabilities, demands, losses, damages, costs and expenses, fines, penalties, assessments and levies made against or incurred, suffered or sustained by the Ministry, its agents and employees, or any of them at any time or times...




BRITISH
COLUMBIA

Ministry of
Transportation

Permit/File Number: 2020-04152
Office: Kelowna Area Office

The rights granted to the Permittee in this permit are to be exercised only for the purpose as defined in Recital B on page 1.

Dated at Kelowna, British Columbia, this 7 day of January, 2022


On Behalf of the Minister