

***Expropriation Act***

**Form 5**

**(Section 18(2))**

**Certificate of Approval of Expropriation**

TO: David Reginald Chapman  
7971 Falcon Ridge Crescent  
Kelowna, BC V1P 1J2

AND: Penny Christine Chapman  
7971 Falcon Ridge Crescent  
Kelowna, BC V1P 1J2

AND: Interior Savings Credit Union (as to mortgage CA9201210)  
678 Bernard Ave #101  
Kelowna, BC V1Y 6P3

AND: FortisBC Inc. (as to SRWs CA9713638, CA9713639, CA9713640)  
Suite 100  
1975 Springfield Road  
Kelowna, BC V1Y 7V7

AND: The Regional District of Central Okanagan (as to Covenant CB274413 and as  
Expropriating Authority)  
1450 KLO Road  
Kelowna, BC V1W 3Z4

TAKE NOTICE that

1. The Regional District of Central Okanagan, 1450 KLO Road, Kelowna, BC, V1W 3Z4; Tel: (250) 763-4918, has approved the expropriation contemplated in the Expropriation Notice dated March 30, 2023, a copy of which is attached hereto, registered in the Kamloops Land Title Office under number CB548603, and affecting the following portions of land:

Parcel Identifier: 010-863-699

Legal Description: DISTRICT LOT 3742 OSOYOOS DIVISION YALE DISTRICT EXCEPT:  
(1) PARCEL 11 ON PLAN A237; (2) PLANS 23539 AND 27945

Civic Address: 7971 Falcon Ridge Crescent, Kelowna, BC V1P 1J2

Portions of Lands being expropriated: Those areas shown outlined in heavy black and labeled:

- "AREA 1 STATUTORY RIGHT OF WAY Area = 201.0m<sup>2</sup>" and
- "AREA 2 STATUTORY RIGHT OF WAY Area = 48.3m<sup>2</sup>"

on Reference Plan EPP127139 prepared by Robert T. Macdonald, B.C.L.S.

2. The expropriating authority is required under section 20(1) of the *Expropriation Act*, within 30 days after approval, to pay to an owner the amount the expropriating authority estimates is or will be payable to that owner as compensation, other than for business loss referred to in section 34(3).

DATED at Kelowna, British Columbia this \_\_\_\_ day of April, 2023.

Regional District of Central Okanagan  
1450 KLO Road  
Kelowna, BC, V1W 3Z4;  
Tel: (250) 763-4918

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_



## 1. Application

Deduct LTO Fees: Yes

Document Fees: \$31.27

Jordan Adam  
YOUNG ANDERSON  
201-1456 St. Paul St  
Kelowna BC V1Y 2E6  
6046897400

File No. 139-191  
Chapman-Expropriation

## 2. Description of Land

PID/Plan Number

Legal Description

010-863-699

DISTRICT LOT 3742 OSOYOOS DIVISION YALE DISTRICT EXCEPT: (1) PARCEL 11 ON PLAN A237 (2)  
PLANS 23539 AND 27945

## 3. Nature of Charge, Notation, or Filing

Type

Affected Number

Additional Information

EXPROPRIATION ACT NOTICE (PROVINCIAL)

SRW - Plan EPP127139

## 4. Person Entitled to be Registered as Charge Owner

THE REGIONAL DISTRICT OF CENTRAL OKANAGAN  
1450 KLO ROAD  
KELOWNA BC V1W 3Z4

## Electronic Signature

Your electronic signature is a representation that

(a) you are a subscriber under section 168.6 of the *Land Title Act*, RSBC 1996 c.250, and that you are authorized to electronically sign this application by an e-filing direction made under section 168.22(2) of the act, and

(b) if this application requires a supporting document, that you are a designate authorized to certify this application under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this application under section 168.43(3) of the act, and that the supporting document or a true copy of the supporting document, if a true copy is allowed under an e-filing direction, is in your possession.

Joseph Robertson  
Scafe MZGVEW

Digitally signed by  
Joseph Robertson Scafe  
MZGVEW  
Date: 2023-04-03  
10:56:57 -07:00

***Expropriation Act***

**Form 1**

(Section 6(1))

***Expropriation Notice***

Expropriation Notice No. \_\_\_\_\_  
(to be filled in by Land Title Office)

TO: David Reginald Chapman  
7971 Falcon Ridge Crescent  
Kelowna, BC V1P 1J2

AND: Penny Christine Chapman  
7971 Falcon Ridge Crescent  
Kelowna, BC V1P 1J2

AND: Interior Savings Credit Union (as to mortgage CA9201210)  
678 Bernard Ave #101  
Kelowna, BC V1Y 6P3

AND: FortisBC Inc. (as to SRWs CA9713638, CA9713639, CA9713640)  
Suite 100  
1975 Springfield Road  
Kelowna, BC V1Y 7V7

AND: The Regional District of Central Okanagan (as to Covenant CB274413 and as  
Expropriating Authority)  
1450 KLO Road  
Kelowna, BC V1W 3Z4

AND: Registrar  
Kamloops Land Title Office

TAKE NOTICE that:

1. The Regional District of Central Okanagan, 1450 KLO Road, Kelowna, BC, V1W 3Z4; Tel: (250) 763-4918 (the "**Expropriating Authority**"), intends to expropriate an interest in two portions of the land (the "**Lands**") of which David Reginald Chapman and Penny Christine Chapman are the registered owners. The Lands and the relevant portions thereof are described as follows:

Parcel Identifier: 010-863-699

Legal Description: DISTRICT LOT 3742 OSOYOOS DIVISION YALE DISTRICT EXCEPT:  
(1) PARCEL 11 ON PLAN A237; (2) PLANS 23539 AND 27945

Civic Address: 7971 Falcon Ridge Crescent, Kelowna, BC V1P 1J2

Portions of Lands being expropriated: Those areas shown outlined in heavy black and labeled:

- "AREA 1 STATUTORY RIGHT OF WAY Area = 201.0m<sup>2</sup>" and
- "AREA 2 STATUTORY RIGHT OF WAY Area = 48.3m<sup>2</sup>"


on Reference Plan EPP127139 prepared by Robert T. Macdonald, B.C.L.S. and completed and checked on the 27<sup>th</sup> day of January, 2023, a copy of which is attached hereto as Schedule A (the "SRW Areas").

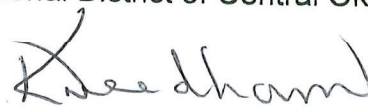
2. The nature of the interest in the portions of the lands intended to be expropriated is a statutory right of way under section 218 of the *Land Title Act*, RSBC 1996, c 250.

NOTE: Where an interest less than the fee simple is indicated, the Expropriation Notice must be accompanied by a written instrument in form and substance capable of registration as a charge under the *Land Title Act*. Accordingly, attached hereto as Schedule B is a copy of the relevant written instrument that will be registered as a charge under the *Land Title Act*.

3. The purpose of the SRW is the establishment, operation, maintenance, and use of the SRW Areas by the Expropriating Authority as an access driveway the Expropriating Authority can use to access certain waterworks operated and maintained by the Expropriating Authority on other parcels close to and adjoining the Lands.
4. The approving authority for this expropriation is Regional District of Central Okanagan, 1450 KLO Road, Kelowna, BC, V1W 3Z4; Tel: (250) 763-4918.
5. Where less than an entire parcel is affected by the expropriation and a fee simple interest is intended to be expropriated, a copy of a reference or explanatory plan must be attached to this Expropriation Notice and the application to file the notice in the Land Title Office must be accompanied by a plan package that complies with section 67(s) of the *Land Title Act*.

Dated at Kelowna, BC this 30 day of March, 2023.

Regional District of Central  
Okanagan  
by   
Name: Loyal Wooldridge  
Title: Chairperson  
Regional District of Central Okanagan



**Karen Needham**  
Corporate Officer

**SCHEDULE A**

**Plan EPP127139**

STATUTORY RIGHT OF WAY PLAN OVER PARTS OF DISTRICT LOT 3742,  
OSOYOOS DIVISION YALE DISTRICT, EXCEPT (1) PARCEL 11  
ON PLAN A237 (2) PLANS 23539 AND 27945

PLAN EPPI27139

PURSUANT TO SECTION 113 OF THE LAND TITLE ACT AND SECTION 6 OF THE EXPROPRIATION ACT

BCGS 82E.084



The intended plot size of this plan is 560mm in width by 432mm in height (C size) when plotted at a scale of 1:750  
( All distances are in metres )

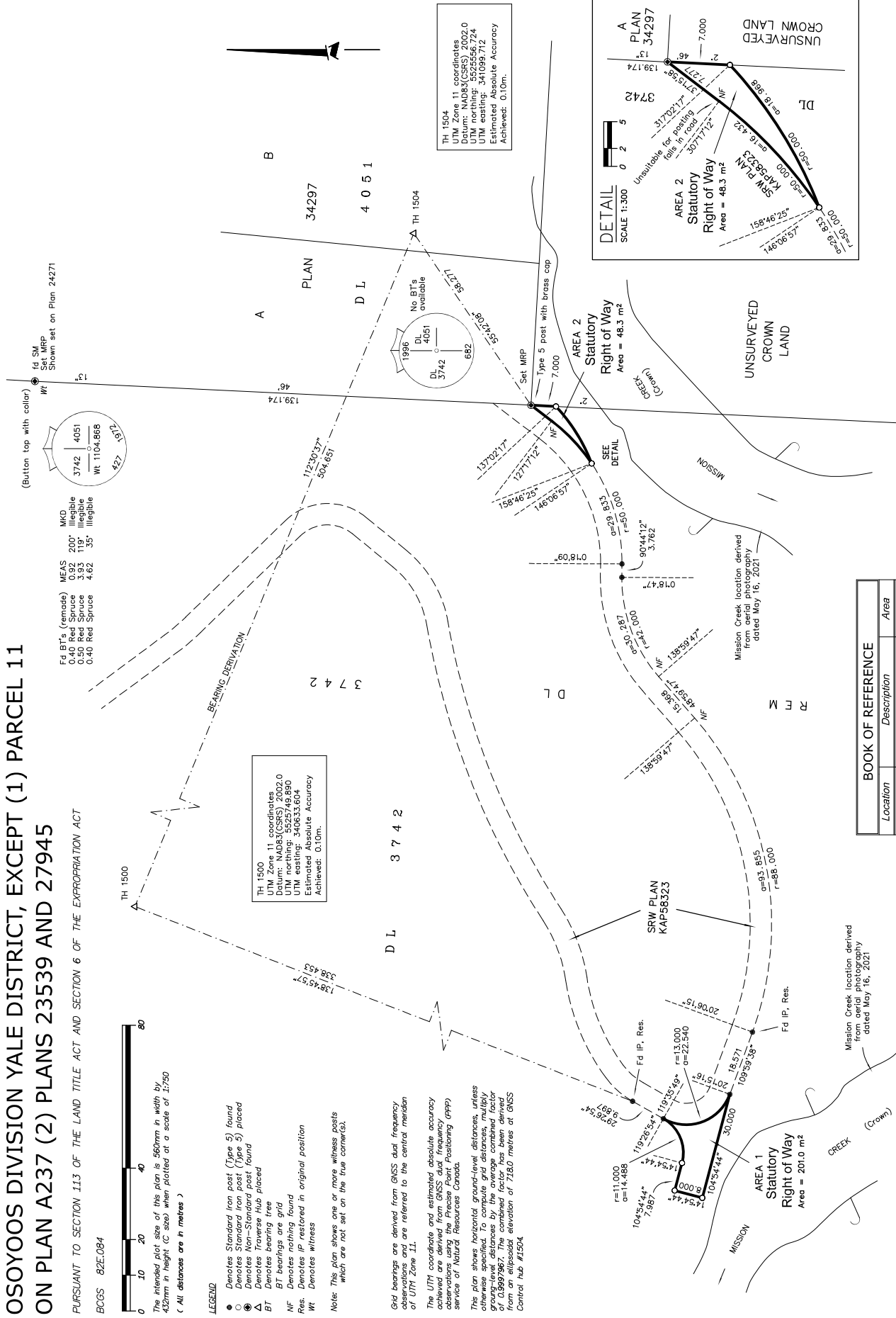
LEGEND

- Denotes Standard Iron post (Type 5) found
  - Denotes Standard Iron post (Type 5) placed
  - ▲ Denotes Non-Standard post found
  - △ Denotes Traverse hub found
  - BT Denotes bearing tree
  - BT Denotes bearing tree
  - NF Denotes nothing found
  - Res. Denotes IP restored in original position
  - WT Denotes witness
- Note: This plan shows one or more witness posts which are not set on the true corner.

Grid bearings are derived from GNSS dual frequency observations and are referred to the central meridian of UTM Zone 11.

The UTM coordinate and estimated absolute accuracy achieved are derived from GNSS dual frequency observations using the Precise Point Positioning (PPP) service of Natural Resources Canada.

This plan shows horizontal ground-level distances, unless otherwise specified. To compute grid distances, multiply ground distances by the average conversion factor of 0.999967. The computed ground-level distances are from an ellipsoidal elevation of 718.0 metres at GNSS Control hub #1504.



BOOK OF REFERENCE		
Location	Description	Area
Rem DL 3742	Statutory Right of Way (Area 1)	201.0 m <sup>2</sup>
Rem DL 3742	Statutory Right of Way (Area 2)	48.3 m <sup>2</sup>
TOTAL AREA		249.3 m <sup>2</sup>

RUNNALLS DENBY

british columbia land surveyors

259A Lawrence Avenue  
Kamloops, B.C.  
V2Y 6L2  
Phone: 250-763-7122  
Fax: 250-763-4113  
Email: russ@runnallsdenby.com

DWG. No.: 16653 SRW R1

FILE: 16653

This plan lies with the Regional District of Central Okanagan.

The field survey represented by this plan was completed on the 19th day of January, 2023.

Robert T. Macdonald, BCLS 873

**SCHEDULE B**

**Statutory Right of Way**





1. Application

**Jordan Adam  
YOUNG ANDERSON  
201-1456 St. Paul St  
Kelowna BC V1Y 2E6  
6046897400**

File No.: 139-191  
SRW - 7971 Falcon Ridge Crescent

2. Description of Land

PID/Plan Number	Legal Description
<b>010-863-699</b>	<b>DISTRICT LOT 3742 OSOYOOS DIVISION YALE DISTRICT EXCEPT: (1) PARCEL 11 ON PLAN A237 (2) PLANS 23539 AND 27945</b>

3. Nature of Interest

Type	Number	Additional Information
<b>STATUTORY RIGHT OF WAY</b>		<b>S.218</b>
<b>PRIORITY AGREEMENT</b>		<b>Granting the Statutory Right of Way granted herein priority over Mortgage CA9201210</b>

4. Terms

Part 2 of this instrument consists of:  
**(b) Express Charge Terms Annexed as Part 2**

5. Transferor(s)

**DAVID REGINALD CHAPMAN**  
**PENNY CHRISTINE CHAPMAN**  
**INTERIOR SAVINGS CREDIT UNION, AS TO PRIORITY, NO.FI 151**

6. Transferee(s)

**REGIONAL DISTRICT OF CENTRAL OKANAGAN**  
1450 KLO ROAD  
KELOWNA BC V1W 3Z4

7. Additional or Modified Terms



8. Execution(s)

This instrument creates, assigns, modifies, enlarges 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.

Witnessing Officer Signature

Execution Date

Transferor / Transferee / Party Signature(s)

\_\_\_\_\_

YYYY-MM-DD

\_\_\_\_\_  
**DAVID REGINALD CHAPMAN**

(as to both signatures)

\_\_\_\_\_  
**PENNY CHRISTINE CHAPMAN**

**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.

Witnessing Officer Signature

Execution Date

Transferor / Transferee / Party Signature(s)

\_\_\_\_\_

YYYY-MM-DD

**INTERIOR SAVINGS CREDIT UNION**  
By their Authorized Signatory

\_\_\_\_\_  
**Name:**

(as to both signatures)

\_\_\_\_\_  
**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.



Witnessing Officer Signature

CAITLYN ANDERSON  
COMMISSIONER FOR TAKING AFFIDAVITS  
REGIONAL DISTRICT OF CENTRAL OKANAGAN  
1450 KLO ROAD  
KELOWNA, BC V1W 3Z4  
Expiry Date: September 30, 2025  
(as to both signatures)

Execution Date

YYYY-MM-DD  
2023-03-30

Transferor / Transferee / Party Signature(s)

**REGIONAL DISTRICT OF CENTRAL  
OKANAGAN**

By their Authorized Signatory

Name:

Name:

**Karen Needham  
Corporate Officer**

**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.

**Electronic Signature**

Your electronic signature is a representation that you are a designate authorized to certify this document under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this document under section 168.41(4) of the act, and that an execution copy, or a true copy of that execution copy, is in your possession.

**TERMS OF INSTRUMENT - PART 2**

**S. 218 STATUTORY RIGHT OF WAY**

(Section 218 *Land Title Act*)

THIS AGREEMENT dated for reference the 17<sup>th</sup> day of March, 2023, is

BETWEEN:

**DAVID REGINALD CHAPMAN AND PENNY CHRISTINE CHAPMAN**

7971 Falcon Ridge Crescent  
Kelowna, BC V1P 1J2

(the "**Grantor**")

AND:

**REGIONAL DISTRICT OF CENTRAL OKANAGAN**

1450 KLO Road  
Kelowna, BC V1W 3Z4

(the "**Regional District**")

WHEREAS:

- A. The Grantor is the owner of certain lands and premises situated in the Regional District of Southern Okanagan and more particularly described as:

Parcel Identifier: 010-863-699

DISTRICT LOT 3742 OSOYOOS DIVISION YALE DISTRICT EXCEPT: (1) PARCEL 11 ON PLAN A237;  
(2) PLANS 23539 AND 27945

(the "**Lands**");

- B. A Statutory Right of Way under s. 218 of the *Land Title Act* in favour of the Regional District is registered as a charge in respect of the Lands under number KK115431 (the "**Existing Statutory Right of Way**");
- C. The Regional District requires a right of way over additional portions of the Lands adjacent to the Existing Statutory Right of Way in order to establish a vehicle turnaround and fully incorporate the existing access road; and
- D. This Statutory Right of Way is necessary for the operation and maintenance of the Regional District's undertaking.

NOW THEREFORE THIS AGREEMENT WITNESSES that, in consideration of the payment of One Dollar (\$1.00) by the Regional District to the Grantor, and other good and valuable consideration, (the receipt and sufficiency of the Grantor acknowledges), the Regional District and the Grantor covenant and agree as follows:

1. **Grant of Statutory Right of Way** - The Grantor does hereby grant, convey and transfer in perpetuity unto the Regional District, its' officers, servants, employees and authorized agents, the full, free and uninterrupted right, liberty, easement and right of way (the "**Perpetual Right of Way**") to enter on, pass and repass with or without motor vehicles, together with all machinery, equipment, vehicles and materials, for the purposes of access to the Regional District's works through, along and over that portion of the Lands shown outlined in heavy black and labeled:
  - (a) "AREA 1 STATUTORY RIGHT OF WAY Area = 201.0m<sup>2</sup>" and
  - (b) "AREA 2 STATUTORY RIGHT OF WAY Area = 48.3m<sup>2</sup>"

on Reference Plan EPP127139 prepared by Robert T. Macdonald, B.C.L.S. a copy of which is attached hereto as Schedule A (the "**Right of Way Areas**").
2. **Consideration** – The consideration payable by the Regional District to the Grantor for the rights granted herein shall be equal to and set off against those present or future charges that would otherwise be payable in connection with the Lands for the capital costs of any improvements to the Falconridge Water System including, without limitation, Falconridge Water System Specified Area Establishment and Loan Authorization Bylaw No. 369. This consideration shall be set off for each and every year that this statutory right of way and the Existing Right of Way remain registered against title to the Lands, it being understood and agreed that this consideration and right of set off shall immediately cease in the event that the Regional District should decide in its unfettered discretion to relinquish, release and discharge this statutory right of way and the Existing Statutory Right of Way from title to the Lands.
3. **No Obstruction** – The Grantor covenants and agrees with the Regional District that the Grantor will not construct or maintain any building, structure, fill, embankment, fence or obstruction of any nature or kind whatsoever which shall occupy any portion of the Right of Way Areas so that the same shall always be open for the exercise of the Regional District's right pursuant to this grant of right of way.
4. **Maintenance** – The Regional District agrees to be responsible for the reasonable costs of maintenance of the Right of Way Areas.
5. **Costs** – The Regional District agrees to be responsible for all costs concerning the preparation and registration of this agreement including all survey costs.

6. **Perpetual Grant** – The covenants contained herein shall be covenants running with the Lands in perpetuity.
7. **Enurement** – This agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.
8. **Entire Agreement** – This agreement is the entire agreement between the parties regarding its subject.

**PRIORITY AGREEMENT**

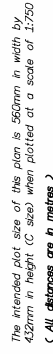
WHEREAS **INTERIOR SAVINGS CREDIT UNION** (the "Chargeholder") is the holder of a Mortgage (the "Charge") encumbering the lands (the "Lands") described in item 2 of the *Land Title Act* Form C attached hereto, which were registered in the Victoria Land Title Office under number **CA9201210**.

The Chargeholder, in consideration of the premises and the sum of One Dollar (\$1.00) now paid to the Chargeholder by the Transferee, hereby approves of, joins in and consents to the granting of the within Agreement and covenants and agrees that the same shall be binding upon its interest in or charge upon the Lands and shall be an encumbrance upon the Lands prior to the Charge in the same manner and to the same effect as if it had been dated and registered prior to the Charge.

IN WITNESS WHEREOF the Chargeholder has executed this Agreement on Form D to which this Agreement is attached and which forms part of this Agreement.

PLAN EPP127139

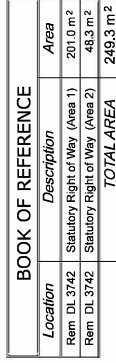
BCGS 82E.084



- Denotes Standard Iron post (Type 5) found  
 ○ Denotes Standard Iron post (Type 5) placed  
 ◐ Denotes Non-Standard post found  
 △ Denotes Traverse Hub placed  
 BT Denotes bearing tree  
 BT bearings are grid  
 NF Denotes nothing found  
 Res. Denotes IP restored in original position  
 Wt. Denotes witness

Grid bearings are derived from GNSS dual frequency observations and are referred to the central meridian of UTM Zone 11.

*This plan shows horizontal ground-level distances, unless otherwise specified. To compute grid distances, multiply ground-level distances by the average combined factor of 0.9997967. The combined factor has been derived from an ellipsoidal elevation of 718.0 metres at GNSS control hub #1504.*



DWG. No.: 16553 SRW R1

The field survey represented by this plan was completed on the 19th day of January, 2023.

Robert T. Macdonald. BCLS 873