




PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Marine Drive, Valley and Canal Community Council  
November 26, 2008

**TO:** Chairman and Members of Marine Drive, Valley and Canal Community Council

**SUBMITTED BY:**

  
Sean Audas - Development Officer

**DATE:** November 18, 2008

**SUBJECT:** Appeal of the Development Officer's decision to refuse an application for a Variance at 2197 Myra Road, Porters Lake

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**STAFF REPORT**

**ORIGIN**

This report deals with an appeal of the Development Officer's decision to refuse a variance of the side yard setback of a proposed single unit dwelling at 2197 Myra Road, Porters Lake.

**RECOMMENDATION**

It is recommended that Council uphold the Development Officer's decision to refuse the variance.

## **BACKGROUND**

### **Zoning:**

The property is zoned RE (Rural Enterprise) Zone under the Land Use By-Law for Planning District 8 & 9.

### **Existing Use:**

The property was issued a permit for a boat house on October 20, 2006 . The property size is 2, 830 sqft. The lot is located on Porter's Lake and would be considered undersized from current zoning requirements. The current zoning RE, provides for a variety of uses including boat houses and single unit dwellings. A variance request was submitted to reduced the required four (4) foot side yard setback for a boat house to a new setback of zero (0) feet. The existing boat house is under construction and was located closer to the side yard than what was approved, four (4) feet. The By-law requires that single unit dwellings in a RE Zone be setback eight (8) feet from the side property line.

## **DISCUSSION**

The *Municipal Government Act* sets out criteria in part 235(3) under which the Development Officer may consider variances to Land Use Bylaw requirements. The criteria are as follows:

*"A variance may not be granted where the:*

- (a) variance violates the intent of the land use bylaw;*
- (b) difficulty experienced is general to the properties in the area;*
- (c) difficulty experienced results from an intentional disregard for the requirements of the land use bylaw."*

In order to be approved, the proposed variance must not conflict with any of the above statutory criteria. An assessment of the proposal relative to these stipulations is set out below.

### **Does the proposed variance violate the intent of the land use bylaw ?**

- The Land Use Bylaw sets out standards relative to required yards, street frontage, lot area and lot coverage for residential, commercial and industrial uses.
- The intent of this requirement is to provide separation distance, buffering and general maintenance of residential, commercial and industrial properties.
- The side yard setback for a single unit dwelling to the side property line is eight (8) feet. A permit was issued to construct a boat house at four (4) feet, which is the minimum setback. The building was located at zero (0) feet from the side line, not meeting either standard.
- Most zones in suburban areas have an eight (8) foot setback for single unit dwellings.
- Many unserviced lots require a greater lot size because of septic approvals.
- To reduce the setback to zero (0) feet from the required eight (8) feet is a substantial

request. This reduction does not provide any setback . This is not common in either a urban or suburban setting for single unit dwellings.

- The applicant did not meet the approved setback for the boat house of four (4) feet and now wishes to further reduce this setback for a more intensive use of the property. This is not supported by the Development Officer and is felt to *violate the intent of the Land Use By-Law*.

**Is the difficulty experienced general to the properties in the area ?**

- This lot is undersized for today's requirements.
- Properties in the immediate area are much larger and do not have the same constraints as this property.
- The Development Officer feels that *the difficulty experienced is not general to the properties in the area*.

**Is the difficulty experienced the result of intentional disregard for the requirements of the land use bylaw?**

- While that this criteria was not identified in the original refusal letter upon further review it is felt that this criteria was not met.
- The original permit was granted for a boat house. The approved setback was four (4) feet from the side yard. The boat house is being constructed at zero (0) feet, not meeting the required and approved setback. The applicant now wishes to convert the boat house to a dwelling and maintain a zero (0) side yard setback.
- The builder did not meet the terms and conditions of approved permit #79597
- To now apply to reduce the entire setback and change the use (single unit dwelling) with a larger setback requirement after the building has been largely constructed *results in intentional disregard for the requirements of the land use by-law*.

An appeal was filed by the property owner. This letter is included in attachment 4. The appellant outlines that they are compliant in every regard except for one requirement, the side yard setback. The appeal letter also outlines that the Development Officer is not restricted under the Municipal Government Act in a reduced setback request and that there proposal meets the intent of the Municipal Planning Strategy. While the appellant is correct in it's analysis that there is not a fraction of the requirement that must be observed. This analysis does not change the Development Officer's opinion on the application. The Development Officer remains that the intent of the by-law has not been satisfied with this application.

In summary, staff reviewed all the relevant information in this case. As a result of that review, the variance was refused as it was determined to be contrary to the provisions of the Municipal Government Act.

## **BUDGET IMPLICATIONS**

There are no implications on the Capital Budget associated with this report.

## **FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN**

*This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.*

## **ALTERNATIVES**

1. Council could uphold the decision of the Development Officer to refuse the variance. This is the recommended alternative.
2. Council could overturn the decision of the Development Officer and allow the variance request.


## **ATTACHMENTS**

1. Location Map
2. Location Certificate
3. Refusal letter
4. Appeal letter
5. Application letter

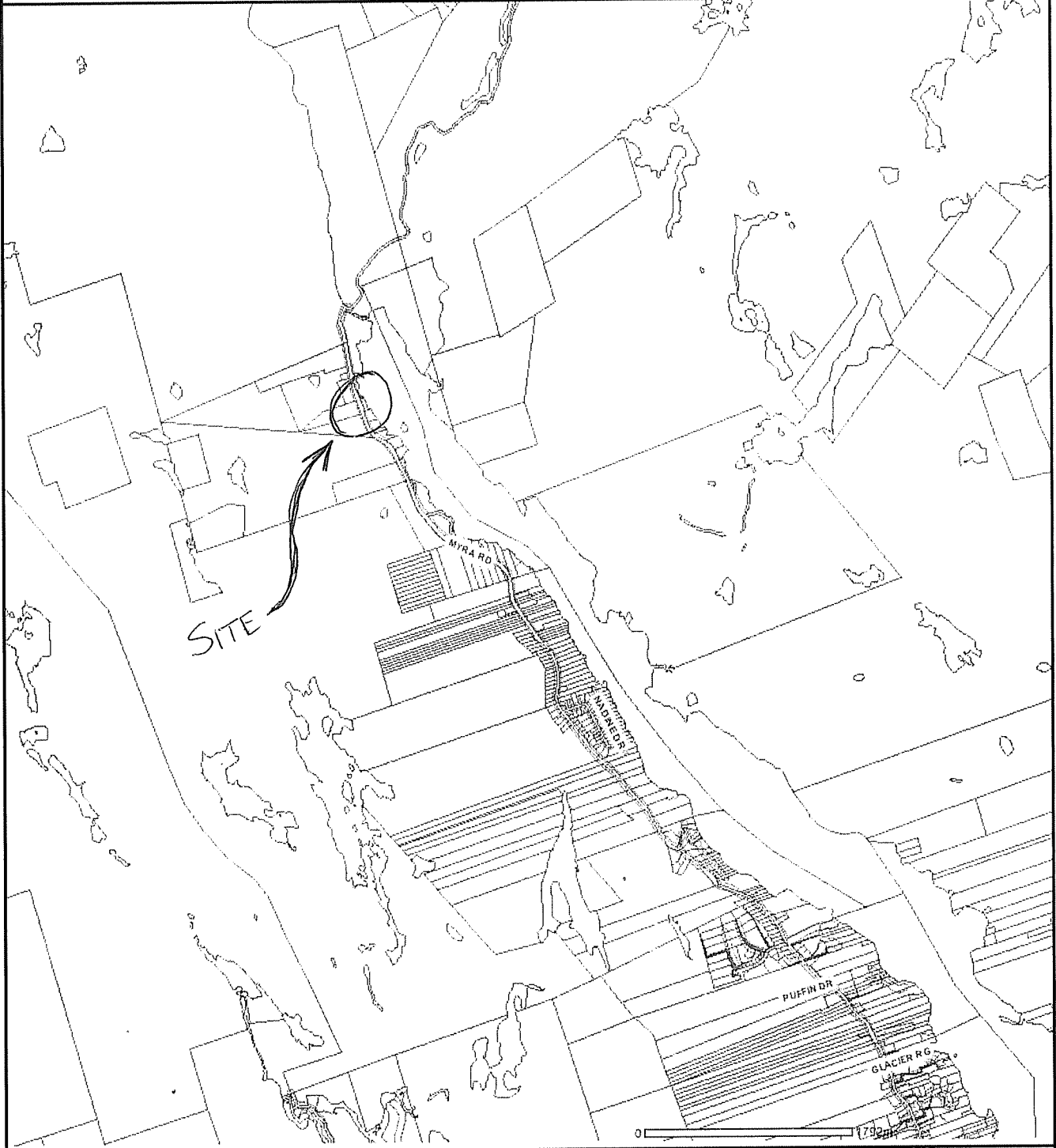
## **INFORMATION BLOCK**

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Sean Audas, Development Officer, 490-4341

Report Approved by:   
Sean Audas, Development Officer, 490-4341

ATTACHMENT 1



This map was prepared for the internal use of Halifax Regional Municipality (HRM). HRM takes no responsibility for errors or omissions. For further information on Street Name or Community (GSA) data please contact HRM Civic Addressing at 490-5347 or email [civicadd@halifax.ca](mailto:civicadd@halifax.ca). Date of map is not indicative of the date of data creation.

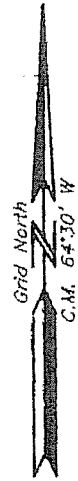
ATTACHMENT 2

Department of Transportation  
& Public Works  
49.21' wide Right-of-Way  
for Public Access to Porters' Lake  
143.37'

*Kenneth Richard King  
& Sonja Beverly King*

P.I.d. No. 40771107

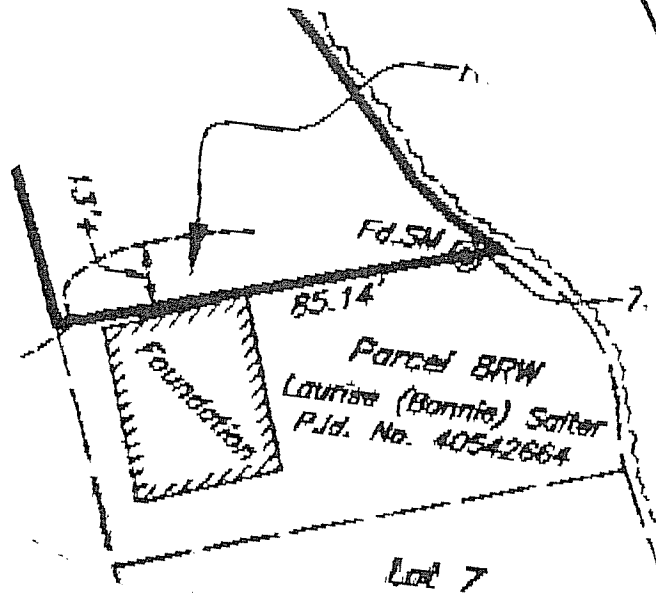
Lot 9A-EY-1



Porters' Lake

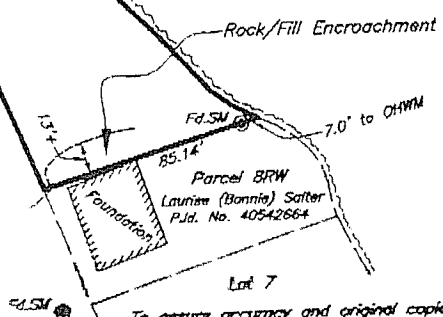
Albino Road

64.0' OHWM  
311.92' N 312.71' E  
Road Boundary



Parcel BRW  
Laurise (Bonnie) Satter  
P.I.d. No. 40542664

Lot 7



To assure accuracy and original copies  
this plan must bear the embossed survey  
stamp of Frank Longstaff, N.S.L.S.

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PLANNING & DEVELOPMENT SERVICES, EASTERN REGION

October 22, 2008

Laurise Salter  
19 Davidson Road  
Porter's Lake, NS  
B3E 1E7

Dear Ms Salter

**RE: Application for Variance -14966 - 2197 Myra Road, Porter's Lake, Nova Scotia**

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This will advise that the Development Officer for the Halifax Regional Municipality has refused your request for a variance from the requirements of the Land Use Bylaw for *Planning District 8 & 9 (Porter's Lake/Lake Echo)* as follows:

**Location:** 2197 Myra Road, Porter's Lake  
**Project Proposal:** Reduced side yard  
**Variance Requested:** Zero (0') feet from property line to proposed Single Unit Dwelling

Section 235(3) of the **Municipal Government Act** states that:

**No variance shall be granted where:**

(a) **the variance violates the intent of the Land Use Bylaw; and**  
Section 14.2 of the Planning District 8 & 9 Land Use By Law states the minimum side yard setback is 8' for a single unit dwelling, to reduce the setback to 0 feet is quite substantial and this violates the intent of the land use by law

(b) **the difficulty experienced is general to properties in the area**

(c) **the difficulty experienced results from the intentional disregard for the requirements of the Land Use Bylaw.**

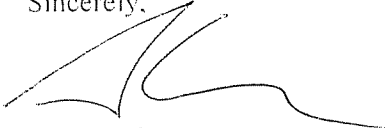
Pursuant to Section 236(4) of the **Municipal Government Act** you have the right to appeal the decision of the Development Officer to the Municipal Council. The appeal must be in writing, stating the grounds of the appeal, and be directed to:

**Municipal Clerk**  
**c/o Sean Audas, Development Officer**  
**Halifax Regional Municipality**  
**Development Services - Eastern Region**  
**P.O. Box 1749**  
**Halifax, NS B3J 3A5**

**Your appeal must be filed on or before *November 3, 2008*.**

If you have any questions or require additional information, please contact this office at *490-4341*

Sincerely,



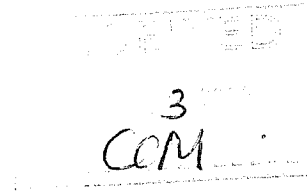
Sean Audas  
Development Officer

cc.

Julia Horncastle, Municipal Clerk  
Councillor David Hendsbee, District 3



19 Davidson Road  
Porter's Lake, N.S.  
B3E 1E7  
30 October, 2008



Municipal Clerk  
c/o Sean Audas, Development Officer  
Halifax Regional Municipality  
Development Services--Eastern Region  
P.O. Box 1749  
Halifax, N.S. B3J 3A5

Dear Mr. Audas,

**Re: Notice of Appeal of Development Officer's Decision to Refuse  
Variance 14966-2197 Myra Road, Porter's Lake, Nova Scotia**

Take notice that I am appealing the decision of the Development Officer to refuse to grant a variance in the subject case from the requirements of the Land Use Bylaw for Planning Districts 8 & 9. I had applied to have a variance in only one regard, the side yard on one side of an existing, permitted structure which I want to use as a single dwelling. In every other regard, I believe my application meets the requirements of the Land Use Bylaw.

Documentation describing the background to the requested variance, including the reasons for it, was submitted and is on your file. I request that it be brought forward to the body hearing my appeal.

In his decision to refuse my application to grant the variance, the Development Officer recites the criteria in the Municipal Government Act which limit his power to grant a variance. The Act says that a variance shall not be granted where it violates the intent of the Land Use Bylaw, where the difficulty experienced is general to the properties in the area, or where the

difficulty experienced results from the intentional disregard for the requirements of the Land Use Bylaw. As he indicates that his decision is based on only the first of these three criteria, the latter two must have been found to be not applicable in my case. He contends that the variance requested would violate the intent of the Land Use Bylaw. I disagree with his finding in that regard, and appeal it on the following grounds.

First, he states that the minimum side yard setback requirement is 8 feet for a single unit dwelling, and reducing it to zero is quite substantial and this violates the intent of the land use bylaw. I contend that whether it is "quite substantial" [his phrase] or not is not relevant. The Municipal Government Act section 235 indicates that the Development Officer may grant a variance. It says nothing about the permissible proportion or fraction of a requirement that must be observed. A variance can just as well be a quarter or a half or all of a required yard setback—the Act does not suggest that a variance must be minor or only a small fraction of the ordinary requirement, and to suggest that this point in itself represents a violation of the land use bylaw is not defensible. One must look to the purpose and contents of the bylaw to determine what its intent is.

One can read the Bylaw from end to end and not discover any guidance on the fraction of a required yard setback which represents the point at which the Bylaw would be violated. The reason is simple: the Act provides the Development Officer with the limits of his authority, and the Bylaw cannot override the limits even if it purported to. The Development Officer can not legally claim that a "quite substantial" reduction is not permitted, as neither the Act nor the Bylaw say anything about it. Presumably, he has discovered some intent of the Land Use Bylaw which is violated, but has not expressed his contention very well.

What is the intent of any Land Use Bylaw? The Act says that its purpose is to carry out the objectives of the Municipal Planning Strategy. The policies of the Strategy are to be reflected in the requirements applicable to various zones and areas, and the background and the rationale for the policies are explained. If the Bylaw requires a setback from a lot line, there must be some reference to standards of that type found in the Strategy. So, one must

look to the Strategy to find the intent of the Bylaw. It is instructive to read the part of the Regional Municipal Planning Strategy (section 3.5) which provides the objective to be achieved in the Porter's Lake area. A copy of the section is attached.

The clear message in this section of the Strategy is that large scale developments of a conventional design are not encouraged, as the general objective is continue to see these areas as pleasant, attractive, rural, low density settled areas. However, infill is allowed to take advantage of established infrastructure. My simple request to be allowed to use a substantial, existing structure as a house on a small, narrow lot can not be said to violate the point about large scale developments, and it is an infill which makes good use of existing roads and services. I do not think the Development Officer should disagree on these points.

The Strategy refers to the rural character which should be protected in this area, and similar areas in HRM. The objective is achieved by requiring buildings to be spaced far enough apart to avoid a crowded appearance. The Land Use Bylaw requires yard setbacks to achieve that. The ordinary requirement in this Zone is 8 feet for dwellings and 4 feet for accessory buildings. The Bylaw thus permits dwellings on adjacent lots to be built 16 feet apart, and accessory buildings on adjacent lots located 8 feet apart. Dwellings can be built up to 35 feet high and accessory buildings 25 feet high. My house in a converted accessory building would be less than 25 feet high,

In what way would permitting my house to be located virtually at the lot line be found to be crowding existing or potential future structures on my neighbour's lot? The fact is that my structure already exists, and the unhappy fact of its location on the lot line is due to a simple construction error. The damage, if there is any, is already done, because the structure is there. All I want is to occupy it for another use permitted in the zone.

The potential to crowd an existing or future structure located on the other side of the offended lot line is non-existent. If you would refer to the survey plan submitted with my application, you will see that the first 13 feet onto my

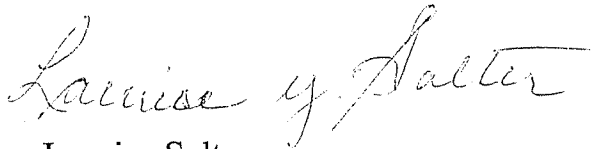
neighbour's lot is covered with the loose rock fill placed there during my construction with my neighbour's consent. No structure could be built there, in any practical way, as the geotechnical conditions are so adverse to placing foundations on the fill.

Also, the shoreline on the neighbouring lot immediately pinches in abruptly to a line very close to the front lot line, about 40 feet in fact. No significant structure could be built there on such a shallow depth of land from shoreline to front lot line, as the sum of the required front yard and rear yard is 28 feet, leaving 12 feet for a building. The adjacent lot widens out at a point about 300 feet away from my lot line, and thus any neighbour's house or outbuildings will be a very long way away from my house. There is no real potential for crowded appearances, and thus the intent of the Bylaw is not violated. The facts do not support the Development Officer's contention that there is a violation.

If my structure had not already been built, I would have applied for a variance of only about 4 feet or so, about half the ordinary requirement. However, the fact is that my structure is already built and I can not do anything about that. Permitting me to use it as a house does not worsen any aesthetic or safety concern which may exist, and the intent of the Land Use Bylaw is not offended.

I therefore respectfully request that the variance be granted.

Yours,



Laurise Salter

Attached: copy of section 3.5, Regional Municipal Planning Strategy.

## REGIONAL MUNICIPAL DEVELOPMENT PLAN SECTION 3.5

### MANAGEMENT OF RESIDENTIAL DEVELOPMENT WITHIN RURAL DESIGNATIONS

Citizens have indicated that maintaining the character of rural lands and rural communities, as well as preserving and supporting the sustainable economic growth of the natural resource sector, are important objectives of this Plan. The widespread residential development of land throughout the Rural Commuter, Rural Resource, and Agriculture Designations would be inconsistent with the Plan's goals and objectives of creating compact mixed-use communities and protecting rural character, natural environment and natural resources.

Large scale residential development can impact features that define rural character, including large expanses of forest, pastoral landscapes, scenic views and other important cultural features. Such development may take natural resource lands out of production and may conflict with existing resource activities such as farming, forestry and mining. Extensive road development to service these developments may fragment open space, affecting important environmental features and leaving islands of natural habitat that may not be large enough to sustain biodiversity. Further, extensive residential development strains existing community services and adds pressure for the development of costly infrastructure in unplanned areas.

To minimize these impacts, large scale as-of-right residential development will be discouraged in the Rural Commuter, Rural Resource and Agricultural Designations. Provisions will be established to allow small scale infill development on existing roads and to allow limited development on new roads in the Rural Commuter and Rural Resource designations. Further, with the adoption of this Plan, the Residential Growth Management Controls within the Hammonds Plains, Beaver Bank and Upper Sackville Secondary Planning Strategy and the Interim Growth Management Controls as approved in 2004 will no longer be in effect. Notwithstanding, provisions will be made within the Hammonds Plains, Beaver Bank and Upper Sackville Secondary Planning Strategy to allow for the future development of large scale subdivisions on lands zoned or under application for rezoning to a Comprehensive Development District prior to Council's first notice of its intention to adopt this Plan.

19 Davidson Road  
Porters Lake  
HRM  
B3E 1E7

25 September 08

Ms. Laura Walsh  
Development Technician  
Planning and Development Services—Eastern Region  
Halifax Regional Municipality  
Halifax, N.S.

Dear Ms. Walsh,

I am writing to apply for a variance from a side yard requirement which I require in order to have a development permit approved to add a single family dwelling use to an already approved boat shed structure, on a lot I own on Myra Road, on Porter's Lake.

The lot is PID 40542664 (Lot 8RW). The boat shed was permitted by development permit 79597 issued on 20 October, 2006. The building is the only structure on the lot now, and I have no plans to build another structure or enlarge the building as it was permitted for the boat shed. The proposed addition of the single dwelling use would be within the existing structure.

My circumstances have changed since becoming involved in putting up the building. At the time the permit was taken out a couple of years ago, my plan was to allow my son to build a boatshed on it for family use. At that time, he was working in Alberta and planned to occasionally be home and would use it to store his boat gear, and other family members would enjoy it as well. It is a nice, well built building about 30 by 36 feet in size, with a loft over the main floor and a full basement. The construction of the building is essentially completed.

However, my son's plans have changed unexpectedly. He now wants to return to the province and work in his trade here, and needs to have a house for his residence. This is all quite a surprise but his unforeseen situation now puts me on the spot. He is going to have difficulty building or buying a house elsewhere when he moves home, having just put his money into the boatshed.

I understand from him that the floor plan of the boatshed can be altered to make it useable as a single dwelling. There may be some structural changes, and maybe addition of some windows, and plumbing of course, but he has figured out how to make it not only useable, but nicely done. He would have to install an on-site sewage disposal system, and in that regard he has had a favourable meeting with a QP1 engineer qualified to deal with that.

I am willing to have the single dwelling use added to the boatshed use in this way, and I understand that I need to have a development permit to do so. I also understand that if the development permit is issued, that I still need to present acceptable plans for construction and the Department of the Environment Approval for the on-site sewage disposal system to have a building permit.

This really brings me to the point of this letter. He has looked into the Land Use Bylaw for the requirements for the development permit, and spoken to a consulting planner. It appears that the layout of the building on the lot, its height, etc., as it shows on the attached drawing, can comply with all the requirements for a single family dwelling, other than for one side yard.

The building on one side was intended to be built four feet from that side lot line and ten feet on the other. It was located that way because the lot is unusually narrow compared to most lots on the lake, and the ten foot yard on one side would permit access to the water by boat trailers. The four foot side yard was acceptable for the boatshed purpose, but it appears that for a dwelling it must be eight feet. I am therefore applying for a variance to reduce the side yard requirement on that side to less than eight feet.

If the building had been built exactly where it was intended to be located, it would be situated four feet from the side lot line on that side. However, errors were made during construction such that two things happened: fill that was imported for the foundation was placed partly on the neighbour's property, and the building wall was located practically on the lot line. As you can imagine, this caused some concern when it was noticed, and a surveyor was retained to make a survey; his location survey showing the encroachment and the building location is attached. I am pleased that my neighbouring owners have agreed that this is acceptable, and I attach documents showing that an agreement between us to that effect is now being executed.

The effect of this unfortunate circumstance is that to achieve my goal of adding the single dwelling use to the boat shed is that the variance being requested is effectively to reduce the side yard to practically zero, essentially to recognize the fact that the building stands as it does due to construction error.

I do not think the variance would violate the intention of the land use bylaw, which clearly permits single family residences on the shores of Porter's Lake in that area. Most of the lots around the lake seem to be wider and larger than my lot, so my case is not typical. The lot is very narrow, but yet is deep enough to accommodate the boatshed and its use as a residence. On the side of the lot where the variance would apply, the shoreline comes in very close to the highway, as you can see on the attached drawing. There is no possibility of anyone being able to build on the nearby part of the neighbouring lot on that side, as the shoreline comes in practically to the edge of the highway right of way. There is therefore not going to be any new building put up nearby on the next lot, which might otherwise look crowded by my building.

I mentioned that the boatshed construction is almost completed. Only the interior needs work at this point, and my son has stopped construction until I find out whether my application for the variance and the development permit is going to be approved

I have filled out the HRM form and I enclose a ~~cheque~~<sup>money order</sup> for the \$100.00 application fee. Other items as noted are also attached.

Thank you for your consideration.

Yours truly,

*Laurise Salter*

Laurise Salter

Attached: site plan, agreement with neighbour, surveyor's location certificate, application form and fee



## WOLFSON SCHELEW ZATZMAN

BARRISTERS, SOLICITORS & NOTARIES  
ASSOCIATES IN THE PRACTICE OF LAW

ANDREW S WOLFSON INC

JEFFREY L SCHELEW B.A., LL.B.  
(Princeton Law Inc.)

STEVEN G. ZATZMAN INC

LOUISA WOLFSON LL.B.

REF FILE NO.:

VIA EMAIL: [gsfire@mailvault.com](mailto:gsfire@mailvault.com)  
and Mail

September 9, 2008

GS Fire Protection Services Limited  
c/o Mr. Gregory Salter  
Apt. 316  
2137 33<sup>rd</sup> Avenue South West  
Calgary, Alberta  
T2T 1Z7

Dear Mr. Salter:

RE: SONJA B. KING AND LAURISE BONNIE SALTER AND GREGORY  
SALTER

I act on behalf of Sonja King and have been instructed to prepare an Agreement between her, Laurise (Bonnie) Salter and yourself with respect to the rock/fill encroachment on her property resulting from the construction of the building on the property of Laurise (Bonnie) Salter.

I am attaching hereto a copy of the Agreement prepared between the parties with a copy of the attached Location Certificate (sent in the mail).

I would appreciate your advising whether the same is acceptable, in which case, I will arrange to forward original copies to your attention to be signed by you and your mother and returned to my attention for Mrs. King's signature.

I thank you for your prompt attention to this request.

Yours sincerely,

WOLFSON SCHELEW ZATZMAN

  
Steven G. Zatzman

SZ:jd

Enclosure

THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_  
A.D. 2008.

**BETWEEN:**

**SONJA B. KING**, of Dartmouth, in the Halifax Regional  
Municipality, Province of Nova Scotia;

**OF THE FIRST PART**

- and -

**LAURISE (BONNIE) SALTER** and **GREGORY SALTER**  
of Dartmouth, in the Halifax Regional Municipality, Province of  
Nova Scotia;

**OF THE OTHER PART**

**PROPERTY LINE AGREEMENT**

**WHEREAS** Sonja King owns the land known as Lot 9A-KY-1  
(hereinafter referred to as the "King Lot"), as shown on the attached Surveyor's  
Location Certificate, dated October 15, 2007;

**AND WHEREAS** Laurise (Bonnie) Salter owns Parcel 8RW  
(hereinafter referred to as the "Salter Lot"), as shown on the aforesaid Surveyor's  
Location Certificate attached hereto as Schedule "A" to this Agreement;

**AND WHEREAS** it is acknowledged that the foundation of the  
building located at Parcel 8RW is on the boundary line between the King lot and  
the Salter lot;

**AND WHEREAS** Greg Salter has placed rocks/fill thirteen (13) feet  
on to the King property, as shown on Schedule "A", with the consent of Sonja  
King;

**NOW THIS AGREEMENT WITNESSETH:**

1. **THAT** the parties consent and agree to the boundary line as shown  
on the Surveyor's Plan between the King Lot and the Salter Lot.

- 2 -

2. THAT Sonja King consents to the rock/fill encroachment as shown on Schedule "A" on her property and agrees not to require the removal of same by the Salters;

3. THAT Laurise Salter and Greg Salter acknowledge that they claim no property interest on the land on which the aforesaid encroachment is located.

4. THAT this Agreement is binding on the parties, their successors, heirs, executors, administrators and assigns.

IN WITNESS WHEREOF the parties have signed this Boundary Agreement, at Dartmouth, in the Halifax Regional Municipality, Province of Nova Scotia, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2008.

Witness

SONJA B. KING

Witness

LAURISE (BONNIE) SALTER

Witness

GREGORY SALTER

PROVINCE OF NOVA SCOTIA

HALIFAX REGIONAL MUNICIPALITY

I CERTIFY that on the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2008

Sonja B. King, one of the parties mentioned in the foregoing and annexed Indenture signed and executed the said Indenture in my presence and I have signed as a witness to such execution.

\_\_\_\_\_  
A BARRISTER OF THE SUPREME  
COURT OF NOVA SCOTIA  
STEVEN G. ZATZMAN

PROVINCE OF NOVA SCOTIA

HALIFAX REGIONAL MUNICIPALITY

I CERTIFY that on the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2008 Laurise

(Bonnie) Salter and Gregory Salter, two of the parties mentioned in the foregoing and annexed Indenture signed and executed the said Indenture in my presence and I have signed as a witness to such execution.

\_\_\_\_\_  
A BARRISTER OF THE SUPREME  
COURT OF NOVA SCOTIA