

Kam

1



GOVERNMENT OF PUNJAB
FILE CHARGE SLIP
MINISTRY OF LANDS, PRAIRIES AND HOUSING

0	3	3	3	0	1	4		
FILE NUMBER								
DATE				NAME OR NUMBER				

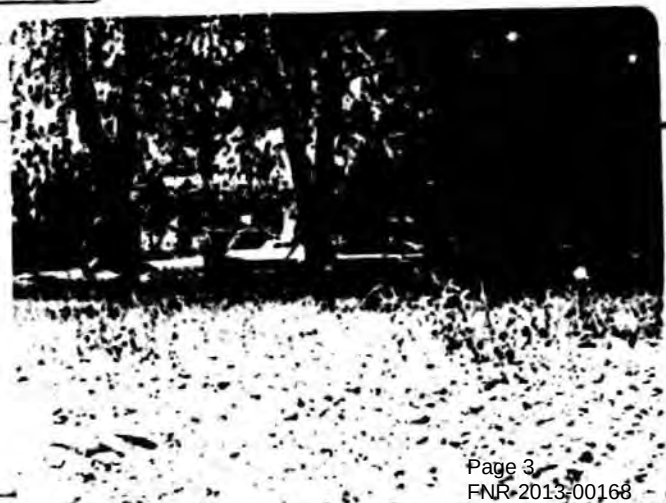
ORIGINAL COPY TO VAULT CARBON COPY ATTACH TO FILE

DUPLICATE





3
2



4

Page 4

Lot 673 CDYD
Vic. 0223679
0333014
Req. /70885



ALLEGED ACCRETION



Page 3

Lot 673 OYU
Vic. 0223699
0333014
Reg. 890385

DESCRIPTION OF THE ALLEGED ACCRETION progressing from the edge of the water inland (see attached sketch and air photo)

Lake level is 1122.77' and 1 foot below the controlled high water mark of Okanagan Lake.

3' of beach to the surveyor's post indicating the edge of the alleged accretion.

10' of sand and gravel beach.

The remainder of the area to the H&M Plan 5265 is a planted lawn. When the lake level reaches the controlled High Water Mark or when a storm occurs, the majority of the alleged accretion is covered or affected by the lake water.

In my opinion, the alleged accretion is not an accretion but rather the bed of Okanagan Lake with a portion covered by a lawn planted over top soil that was hauled in.

ATTACHMENTS

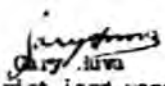
Attached please find surveyor's photos identified on the sketch map as 1-4 and my photos 5-7.

RECOMMENDATION

It is recommended that:

1. The application for accretion be disallowed.
2. The course of action recommended in my report of June 27, 1975 be implemented immediately.

G:me
Atch.


District Land Manager

cc: Regional Land Manager

Page 2

Lot 673 (OTD)
Vic. 0223099
0333014
Reg. #90385

PHOTOGRAPHS

Six different sets of air photos, identified above, were studied. The photos cover a span of time from 1950 to 1974. It is noted that there was more build-up of sand etc. in front of Lot 17 in 1950 than there was in 1974.

Around the 1950's, several years before or after, some Municipal Aldermen, officials, etc. who did not want to be specifically quoted, remember dirt, top soil, rocks, etc. being hauled in by Agur and deposited in front of his houses. Since then numerous docks, floats, wharves and walls have been constructed on the Crown foreshore in an attempt to prevent erosion of the Crescent beach point and including the illegal fill, walls, etc.

Some of the walls that were built were not designed properly to withstand the lake currents, storms and ice conditions and thus collapsed, broke up and some were removed.

The walls etc. that were placed to prevent erosion appear to have had the opposite effect and actually hastened the erosion of the illegal fill. This prompted Agur to construct the rather substantial walls as described in my report.

SOIL

Several holes were dug through this lawn in front of Lot 17. There was top soil for about 2' then coarse rock, gravel and sand. The top soil as mentioned above, was probably hauled in. The coarse rock and gravel is similar to the fronting beach and could have been hauled in, pushed up from the beach or could be native in place gravel. There is no evidence of native vegetation as it is covered by planted lawn or ornamental shrubs.

GOVERNMENT OF BRITISH COLUMBIA

MEMORANDUM

TO: Director of Land Management
 Front Buildings
 Victoria, B. C.

FROM:

1909 Kent Road, Kelowna, B. C.

January 28th 1976

SUBJECT: Lot 17 of Lot 673 OUD Pl. 5265, 366
 Donald Agur - Alleged Accretion
 Okanagan Lake - Crescent Beach, Summerland

OUR FILE Lot 673 OUD

YOUR FILE 8333512

Req. #90835

AIR PHOTOS: 1112:50 1247:87 G29:69
 4193:131 7142:95 7033:221

INSPECTION ON: September 5, 1975 accompanied by
 Summerland Municipal Building Inspector,
 B. Blagborne

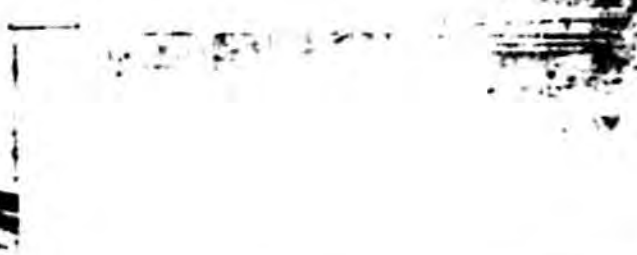
My report dated June 27, 1975, file 0223699 detailed
 the improvements constructed in trespass on Crown foreshore.

PURPOSE

This application for an alleged accretion was submitted
 by MCLP P. Notchman on behalf of D. Agur, the owner of
 Lot 17 Plan 5265.

Mr. Agur claims there is an error in Plan 5265 which was
 imposed over Plan 366. A check of the attached sketch
 shows two areas where the Plans differ; a north portion
 and a south portion. If Agur wanted to exchange the south
 portion, which is part of Plan 5265 for the north portion,
 which is part of Plan 366, then the Department might
 possibly consider such an exchange.

However, there is no exchange mentioned as the north portion
 is the alleged accretion. Apparently, the owner wishes to
 retain the portion where the two plans differ and where the
 difference is to his benefit and apply for the Crown portion
 as an accretion.



THURBER CONSULTANTS LTD.

1620 McKenzie Ave. VICTORIA B.C. V8N 1A5 Phone (604) 477-8581 Telex 044 8041

December 11, 1975

75-1282

The Corporation of the District of Summerland,
P.O. Box 159,
Summerland, B.C.
V0H 1Z0

Attention: Mr. J.C. Gilliard, Administrator

DON AGUR BREAKWATER

Dear Sir:

This letter confirms our telephone conversation with Mr. Lloyd Metevier on November 26, 1975 and presents our proposal for a study of the potential effects of the Agur Breakwater on the shoreline at Crescent Beach, Summerland. This proposal was requested in your letter of August 14, 1975.

As we explained to Mr. Metevier, we do not believe that any study of a reasonable scope, and thus cost, can be expected to conclude that "the breakwater will NOT cause any damage to other foreshore properties and will substantially prevent erosion of foreshore property along Crescent Beach", as required by the Council resolution. However, we do believe that it is possible to determine at reasonable cost the nature of any future changes in the foreshore area, (resulting from construction of the breakwater) and if they are likely to occur slowly or rapidly.

Such a study would also provide a base record of the ground profile around the breakwater to allow monitoring of future changes in the area. We assume that the

.....Continued

Consultants in Geotechnical Engineering and Environmental Assessment

VICTORIA

VICTORIA

THURBER CONSULTANTS LTD.

District of Summerland

-2-

December 11, 1975

Municipality would carry out this monitoring, which would require only a few hours work per year.

The proposed study would be carried out in the following manner:

1. A site inspection of the area would be made during a low lake level period. At the same time, available maps, drawings, and photos would be examined in the Municipal offices, and local residents interviewed, in order to establish the history of the breakwater structure. In addition, a simple survey of the structure, including an underwater ground profile, would be carried out. The help of one or two persons (Municipal employees, or perhaps Mr. Agur) would be requested for the survey, which might also require the use of a small boat.

Estimated cost = \$700.00
2. Available air photographs of the area would be examined to determine the nature and extent of past changes in the shoreline in the breakwater area.

Estimated cost = \$50.00
3. Available wind data, obtained by Environment Canada for the Penticton/Summerland area, would be reviewed, to determine the frequency and duration of the on-shore winds which would be effective in producing littoral drift in the breakwater area.

Estimated cost = \$150.00
4. The results of the above work would be evaluated and presented in a bound report. It is expected that the report would contain one or two drawings and several black-and-white photographs.

Estimated cost = \$750.00

TOTAL ESTIMATED COST= \$1650.00

....Continued

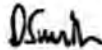
Actual costs for engineering and technical services would be billed at the rates recommended by the Association of Professional Engineers of British Columbia. Disbursements would be charged at cost plus 5%.

The study would be carried out by Mr. David Smith, a Project Engineer with this firm. Mr. Graham Morgan who has had experience with evaluation of littoral drift along the shoreline of inland lakes, will also provide advice.

We hope the above proposal is acceptable to you and Mr. Agur. Should you require any clarification or further breakdown please do not hesitate to contact us. We are prepared to commence work on the assignment as soon as we receive your authorization.

Yours very truly,

THURBER CONSULTANTS LTD.



D. Smith, P.Eng.

DS:dj

Encl. Thurber Consultants Brochure

RECEIVED

DEC 15 1975

CORPORATION OF
SUMMERLAND

July 23, 1975.

Mr. Donald E. Agur,
R. R. #1,
Summerland, B. C.
VOH 120

Dear Mr. Agur:

RE: Illegal Structure - Okanagan Lake

I have been instructed by Council to advise you that because of the fact it has been established that the Municipality has jurisdiction over the area covered by the Recreational Lease from the Provincial Government, they would like to request that an Engineer's Report be obtained on the effects of your structures.

If you are prepared to proceed with having an engineer's study made we will engage a qualified engineer at your expense. The hiring of an engineer would be as per the Council resolution of June 18, 1975.

Please contact this office if you are prepared to proceed.

Yours truly,

L. Metivier,
Municipal Clerk

LM:ml

January 29, 1978.

Mr. Don Agur,
R. R. #1,
Summerland, B. C.

Dear Mr. Agur:

RE: Breakwater - Crescent Beach

The matter of the illegal breakwater located on Crown foreshore was brought forward by Council for discussion at their meeting of January 26, 1978. The following resolution was adopted -

"That Mr. Agur be provided with the information concerning a study on the structure fronting on Lot 17, District Lot 673, Plan 5265, as submitted by Thurber Consultants; that he be requested to provide hard facts to the Municipality relative to the merits of the structure remaining; and failing to provide this information that a recommendation be brought to Council in two weeks for removal of the structure." CARRIED.

I would refer you to paragraph two which explains the feelings of Thurber Consultants on what a study of reasonable cost would provide.

Yours truly,

L. Metivier,
Municipal Clerk

LM:ml

Encl.



THE CORPORATION OF THE DISTRICT OF SUMMERLAND

P.O. BOX 159

SUMMERLAND, BRITISH COLUMBIA V0H 1Z0

TELEPHONE 494-6451

February 12, 1976

Director of Lands
Department of Lands,
Forests and Water Resources
Parliament Buildings
Victoria, B. C.

Dear Sir:

Re: Illegal Structures foreshore fronting Lot 17,
District Lot 455, Osoyoos Division Yale District.
Plan 5265 - Donald Agur property

*TA
Mun. Lease*

The matter of the illegal structures located on foreshore and into Okanagan Lake constructed by Mr. Donald Agur has been discussed by Council and they have instructed me to ask your department to initiate action to have Mr. Agur remove the structures.

The structures were constructed without permission and do not allow free access along the crown foreshore.

Enclosed for your information are photos of the structures as they now exist. Also enclosed are copies of correspondence in this regard.

Your attention to this matter will be appreciated.

Yours truly,

Lloyd Metivier
Municipal Clerk

LM/mh

Enclosures

cc: Mr. Gary Huva
Land Inspector
1909 Kent Road
Kelowna, B. C.

To: [unclear]

*1) [unclear]
2) [unclear]
3) [unclear]
4) [unclear]
5) [unclear]*

A.P. 2/12/76

H. INCHALL
0333014
0223699

March 1, 1976

Mr. John Beltr
Departmental Solicitor
Department of Public Works
Buildings

Dear Sir:

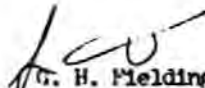
On May 19, 1967, the Department issued a lease to the Corporation of the District of Summerland comprising several miles of foreshore in Okanagan Lake for the purpose of "public recreation."

Within this foreshore area, a Mr. Agur has illegally constructed a retaining wall and other improvements that deny public access along the beach. The Corporation has attempted, unsuccessfully, to have Mr. Agur remove his improvements from the area and have now called upon the Land Management Branch for assistance. Enclosed herewith for your information, is a copy of the lease.

Although the foreshore is owned by the Crown, same is under lease to the Corporation for a specific purpose, and it would appear that if they use or condone usage for any other purpose, they are contravening the terms of the lease. In this regard, I would refer you to the provision in the enclosed copy of the lease underlined in red.

While the Department may attempt to assist the Corporation in removing this trespasser's improvements, your opinion would be appreciated as to whether or not there is any obligation in this regard on the Crown's part.

Yours truly,


G. H. Fielding
for Director of Land Management

HDI/cm

15/4

MEMORANDUM

DEPT. OF LANDS
AND WATER RESOURCES
LANDS SERVICE

TO: Mr. G. H. Fielding

L. Management Branch

MAR 17 1976

FROM

Departmental Counsel, Dept. Public Works

Dept. of Environment, Victoria, B.C.

March 15, 1976

Attn: Mr. H. D. Ingall

SUBJECT: Summerland Foreshore Lease

OUR FILE

YOUR FILE 0333014

0223699

Yours of March 1, 1976 to hand. As I have discussed with you on the telephone, so long as the District of Summerland has a valid lease to this property, they have full power to remove any illegal encroachments constructed on it. It would clearly seem that the retaining wall is in trespass.

In any removal though, they should take normal precautions to avoid negligence which could result in damage to property or injury to person. It would be well if they give the person who constructed the retaining wall a written notice of their intention to proceed with the removal, and to serve this on him personally.


John E. Beltz

JEB/gt

AL
We are having enough problems
of our own re. regulations of Crown foreshore
and in view of Mr. Beltz's ruling, I feel that
we should refer the matter back to Summerland
for their review. We advised Mayor Poole that
we would endeavor to assist in the removal of
these temporary improvements, however, more concrete
action should be taken by them (as the removal of
a concrete foundation) before they come to us for help
your comments, please.
JEB
3/23/76

March 30th, 1976.

Our files: 0333014
0223699

Mr. Philip Notchman,
B.C. Land Surveyor,
275 Main Street,
Penticton, B.C.

Dear Sir:

Reference is made to the application of your client, Mr. Donald Agur to acquire pursuant to Section 102(2) of the "Land Registry Act", a purported accretion fronting on Lot 17 of Lot 673, Osoyoos Division of Yale District, Plan 5265.

In this connection I would advise that a thorough investigation has been carried out, following a careful examination of the site by our District Land Manager in Kelowna, and it has been determined that this is not an accretion but rather part of the bed of Okanagan Lake that has been covered with top soil fill and planted in lawn. Furthermore, the breakwater and other improvements illegally placed on the foreshore, comprise part of an area held under lease for public recreational purposes in the name of the Corporation of the District of Summerland.

Under the circumstances, the Department is not prepared to deal with your client's application.

Yours truly,



A. PAULSEN
Assistant Director of Land Management
i/c Southern Interior Division

HDI:jh
cc: Mr. L. Metivier, Municipal Clerk, Corporation of the District of Summerland
Mr. Gary Huva, District Land Manager, Kelowna (Request #90885)
Mr. Doug Snider, Regional Land Manager, Kamloops

March 30th, 1976.

Our files: 0333014
0223699

The Corporation of the District of Summerland,
P.O. Box 159,
Summerland, B.C.
V0H 1Z0

Attention: Mr. L. Pettivier, Municipal Clerk

Dear Sirs:

I have for acknowledgement your letter of February 12, relative to certain illegal structures constructed on foreshore fronting on Lot 17 of Lot 455, Osoyoos Division of Yale District, Plan 5265, by Mr. Donald Agur.

As you are aware, the subject trespass is located within the District's lease from this Department for public recreational purposes, and as such, the matter is within the jurisdiction of the District, in a like manner of any trespass occurring upon titled land held by the Corporation.

It is suggested that written notice of your intention to remove these improvements be served on Mr. Agur personally, and when the actual removal procedure is effected, all possible precautions should be taken to avoid negligence which could result in damage to property or injury to person.

It would appear that the conducting of engineering studies is not really necessary, as this has been clearly defined as a trespass and the conducting of any such studies would lend doubt to this illegal use and would provide encouragement to Mr. Agur, particularly if such studies are to be undertaken at his expense.

We have received a legal opinion that these illegal improvements are located within a valid lease held by the District, and you are well within your rights in ordering the removal of same. The lease was issued to the Corporation of the District of Summerland for "public recreation", one of the terms of the lease requires that the Lessee "enter forthwith upon the Crown lands and make reasonable and diligent use of the same during the term hereof for the purpose aforesaid only, and Mr. Agur's denial of public access along the foreshore is a direct contravention of the purpose of the lease.

. . . . 2

- 2 -

For your information, I am enclosing a copy of the Department's letter of disallowance to Mr. Agur's surveyor, regarding his application to acquire this fill, pursuant to Section 102(2) of the "Land Registry Act".

Yours truly,



A. PAULSEN
Assistant Director of Land Management
Southern Interior Division

 HDI:jh

cc: Gary Huva, District Land Manager, Kelowna (Req #90885)
Doug Snider, Regional Land Manager, Kamloops

21
RECEIVED
MAY 1 1976
MAY 1 1976
MAY 1 1976

REGISTERED MAIL

March 25, 1976.

Land Management File No. 0222639

Mr. Robin Agur,
R. R. #1,
Summerland, B. C.
VOH 1Z0

Dear Sir:

RE: Illegal Structures
Adjacent to Lot 17, District
Lot 673, Plan 5265

The matter of the illegal structures located adjacent to your property at Crescent Beach has been discussed by Council and the following was their decision:

"That you be advised that the illegal structures constructed or rebuilt in 1975, abutting Lot 17, District Lot 455, Plan 5265, be removed by May 1, 1976."

Failure to comply with this request could result in legal action being taken by the Municipality to have the structures removed.

Yours truly,

L. Metivier,
Municipal Clerk

LM:ml

c. c. Mr. Paulsen
Mr. Huva

Charles Agur
Rec'd 3-31/76



LAND REGISTRY ACT
(FORM F, SECTION 143)

Title No. K57601F

Register Vol. _____

From Title No. 145397F

CERTIFICATE OF INDEFEASIBLE TITLE

Land Registry Office, Kamloops, British Columbia.

This is to certify that the undermentioned registered owner in fee-simple is absolutely and indefeasibly entitled in fee-simple, subject to such charges, liens, and interests as are notified by endorsement hereon, and subject to the conditions, exceptions, and reservations set out hereon, to the land situated in the Province of British Columbia, and more particularly described below.

Registered owner in fee-simple: Application for registration received 29th October, 1975

ROBERT EDMUND AGUR, "Realtor"

R.R. #1,

Summerland, British Columbia

Description of land: (See back hereof for transfers (if any) of the land or a part thereof).

Lot 17, District Lot 673, Osoyoos Division Yale District,

Plan 5265.

Municipality of Summerland.

CHARGES, LIENS, AND INTERESTS*

Nature of Charge, Number, Date and Time of Application	Registered Owner of Charge	Remarks
R.W. 45743E 21/11/50 10:35	The Corporation of the District of Summerland	D.D. 45725E
M. K16295 14/4/75 14:53	Bank of British Columbia	CANCELLED <u>1754497</u> 26/9/78 JC GROVES REGISD
M L37101 6-7-76 11:08	Bank of British Columbia	CANCELLED <u>1754498</u> 26/9/78 JC GROVES REGISD

In witness whereof I have hereunto set my hand and the seal of my office aforesaid, this 6th day of November, 1975

[Signature]
Registrar

PHILIP MOTCHMAN
LAND SURVEYOR

TELEPHONE 402 0889
275 MAIN STREET
PENTICTON, B.C.
V2A 5B1

FILE NO 1302

October 23 198

The Director of Lands
Lands Branch
Ministry of the Environment
Parliament Buildings
Victoria, B.C.

Dear Sir:

Re: Accreted Land Adjacent to Lot 17
Plan 5265 DL 573 ODYD Okanagan Lake-
Crescent Beach, Summerland

Mr. Robin Agur, the owner of the above mentioned Parcel of land, has asked me to apply to you on his behalf for some Accreted Land adjacent to his property under Section 102 (2) Land Registry Act.

In support of this application please find enclosed:

a) Two prints of a plan showing this lot in question, the location of the original High Water mark, the Accreted Land being sought and the position and direction from which ground photographs were taken.

b) Six ground photographs depicting as best as possible the area in question.

c) A copy of the Certificate of Encumbrance showing Mr. Agur to be the present owner in clear title.

The accreted Land has been caused by a build up of Sand and gravel over a period of time (note the size of the trees), it has been landscaped and developed over a period of years.

I have been given to understand that the present Summerland Municipal Council are in favour of the Accretion, Road Closure and development of a Walkway for public use along the edge of the proposed Accreted Land.

Your agent in Kamloops advised me that applications for Accretion were to be made direct to you and not through his office.

I trust that this information will be both sufficient and satisfactory.

Yours truly,

P. Motchman
Philip Motchman

PM/dmf

enc: 9

cc: Mr. R. Agur
7301 North Lakeshore Drive
RR #1 Summerland

24

Control File 0349 325
To File 0333014

1. ~~Murder~~ _____
2. Mail Room - - - CB
3. File Vault charge cancelled _____
4. ~~Bank Accounts~~ _____
5. Land Clearances - - - _____
6. Legal Surveys - - - ✓
7. Return file to - - - RM-8

25
LAND MANAGEMENT BRANCH

MEMORANDUM

FILE

TO

SUBJECT

Accretion

A. T. Lorge

What can I say that is not already
on file. In June of 1975, P. Sherr reported
the area as full, and again in 1976 he
recommended strict accretion being retained.

Decision as to validity of claim must come from
the field in this case, & whatever the
decision, we must be able to defend it.

CDP

PHILIP MOTCHMAN
LAND SURVEYOR

TELEPHONE 492-0889
275 MAIN STREET
PENTICTON, B.C.
V2A 9B1

MINISTRY OF LANDS,
PARKS AND HOUSING

MAR 15 1979

MAIL ROOM

FILE NO. **I302** **VICTORIA, B.C.**

March 8, 1979

The Director of Lands
Land Management Branch
Ministry of Lands, Parks & Housing
Parliament Buildings
VICTORIA, B.C.

Dear Sir:

Re: Accreted Land Adjacent to
Lot 17 Plan 5265 D.L. 573
O.D.Y.D.
Okanagan Lake - Summerland

Could you please advise me as to the present status
of this application for Accreted Land submitted to you
on the 23rd October, 1978.

Yours very truly,

P. Motchman
Philip Motchman,
B.C.L.S.

PM:je
cc. Mr. R. Agur
7301 North Lakeshore Drive
R.R. #1
Summerland, B.C.

27
District Land Manager

R. E. Luck

ALLOWNA, B. C.

March 19, 79

Purported accretion fronting Lot 17,
Plan 5265, District Lot 573, Onoycos
Division of Yale District; previous
request #90885

0333014

REQUEST #103691

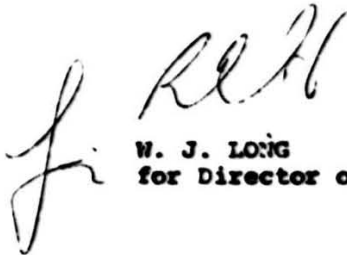
This Branch has received an application for a purported accretion from Philip Metchman, B.C.L.S. agent for Mr. Robin Agur owner of the above described land.

Although there have been 2 previous occasions when you have examined the property and recommended against an accretion over the area, the Legal Surveys Branch have advised that another examination should take place for this application.

It is therefore requested that you examine the area to determine the validity of the claim and if it is found that the area is accreted, please advise as to the extent of same.

When submitting your report, please return the enclosed photographs to us for our records.

REH:np


W. J. LONG
for Director of Land Management

cc: Regional Land Manager, Kamloops

28

Acting Director, Land Records
XXXXXXXXXXXXXXXXXXXX

Attention: R. D. Huck
Phone 387-3699
File No. : 0333014

June 18, 1979

Philip Hotchman, B.C.L.S.
275 Main Street
Penticton, B.C. V2A 5B1

Your File: 1302

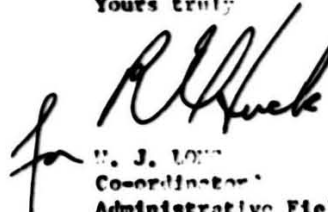
Dear Sir:

Re: Suspected accretion fronting Lot 17,
Plan 5263, D.L. 573, O.B.Y.

This is to inform you that on March 19, 1979 this application under Section 102(2) Land Registry Act, was referred to Mr. G. Huva, District Land Manager at Kelowna, for completion of a field examination of the area.

When we are in receipt of Mr. Huva's report we will advise you further.

Yours truly



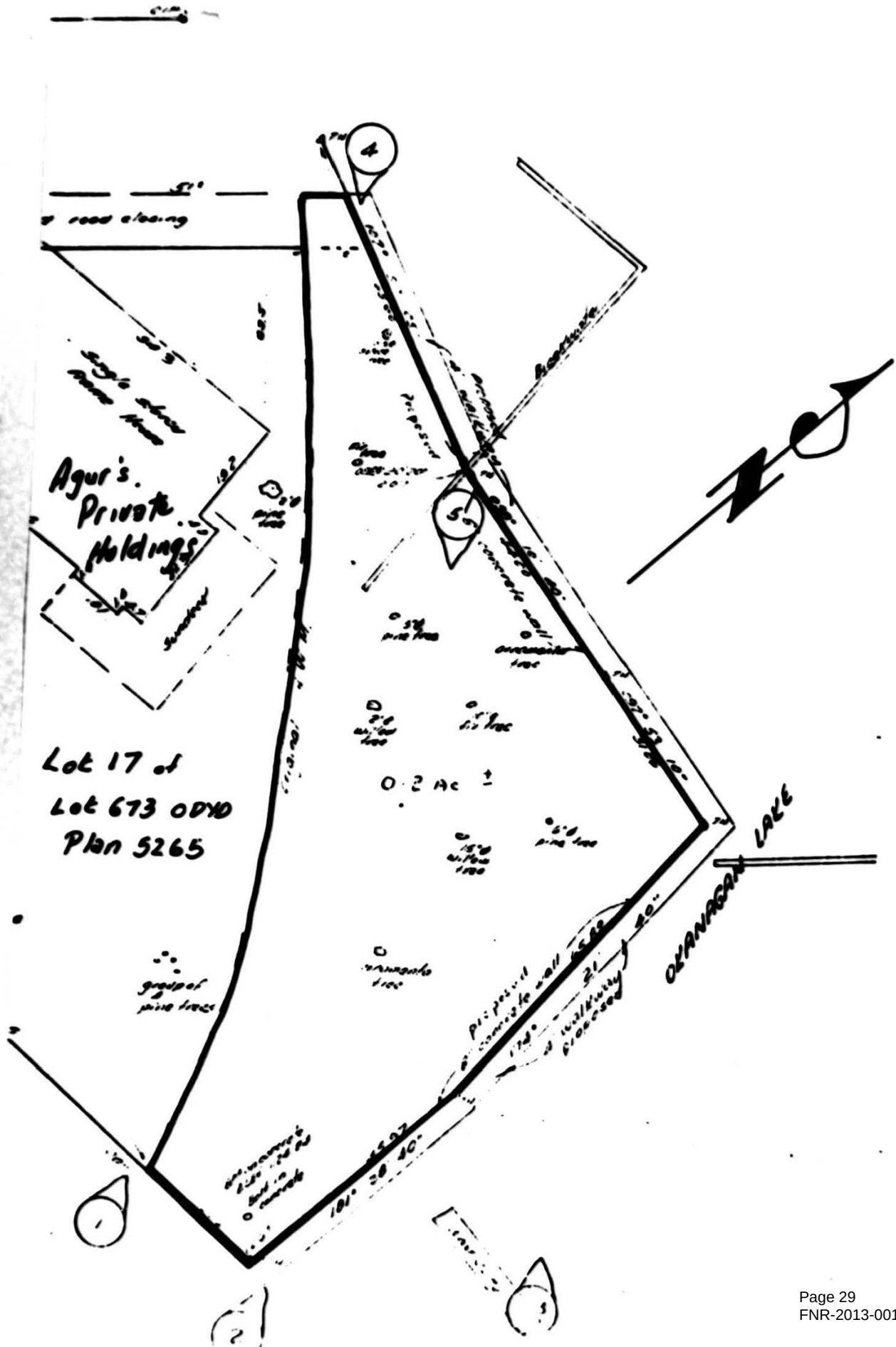
W. J. LOTT
Coordinator
Administrative Field Support

REN/cg

29



LOCATION AND DIRECTION
OF GROUND PHOTOGRAPH



Our File: 0333014
Attention: H.K. Kidd

March 13, 1980

Mayor Ken Blagborne
Municipality of Summerland
Box 159
Summerland, B.C.
V0N 1Z0

Dear Mayor Blagborne:

This Ministry is in receipt of an application by Mr. Robin E. Agur to acquire unsurveyed Crown land which lies between his private holdings and Okanagan Lake. Mr. Agur's private holdings are described as Lot 17, of Lot 673, Osoyoos Division of Yale District Plan 5265. A portion of the private holdings and the Crown land for which he has applied are shown on the attached sketch, the Crown land being outlined in red.

Mr. Agur, through his agent, originally applied for this land on the assumption that it was accreted. Numerous inspections have indicated that the land is not accreted but is in fact man made fill which is actually in trespass on Crown land.

As the land was not accreted we rejected Mr. Agur's application as an accretion but we did make an offer to him which would allow him to purchase the property. The land would appear to be utilized by Mr. Agur as a front lawn. According to our Land Manager, it is improved by means of a lawn, shrubs, and trees as well as a footpath, walkway or sidewalk varying in width from four to six feet which apparently fronts the entire area. This walkway is composed of pavement, concrete and gravel in various sections.

Mr. Agur has responded to our offer to sell the property and a copy of his letter was forwarded to you on March 10th. You will note that in his letter Mr. Agur infers that he had arranged with you and that you as Mayor had apparently had the arrangement ratified by your Council to the effect that if Mr. Agur built the wall and sidewalks, that you would allow him the use of the Crown land at no cost.

As indicated the land in question is considered to be Crown land and therefore we would question your authority to make such an arrangement with Mr. Agur. It would be appreciated if you would advise us if in fact such arrangement was made and if so under what conditions and under what authority you were acting.

Yours truly,

D.G. Pedmore
Regional Director

by: 
H.K. Kidd
Administrative Officer

NKK/n
enc.

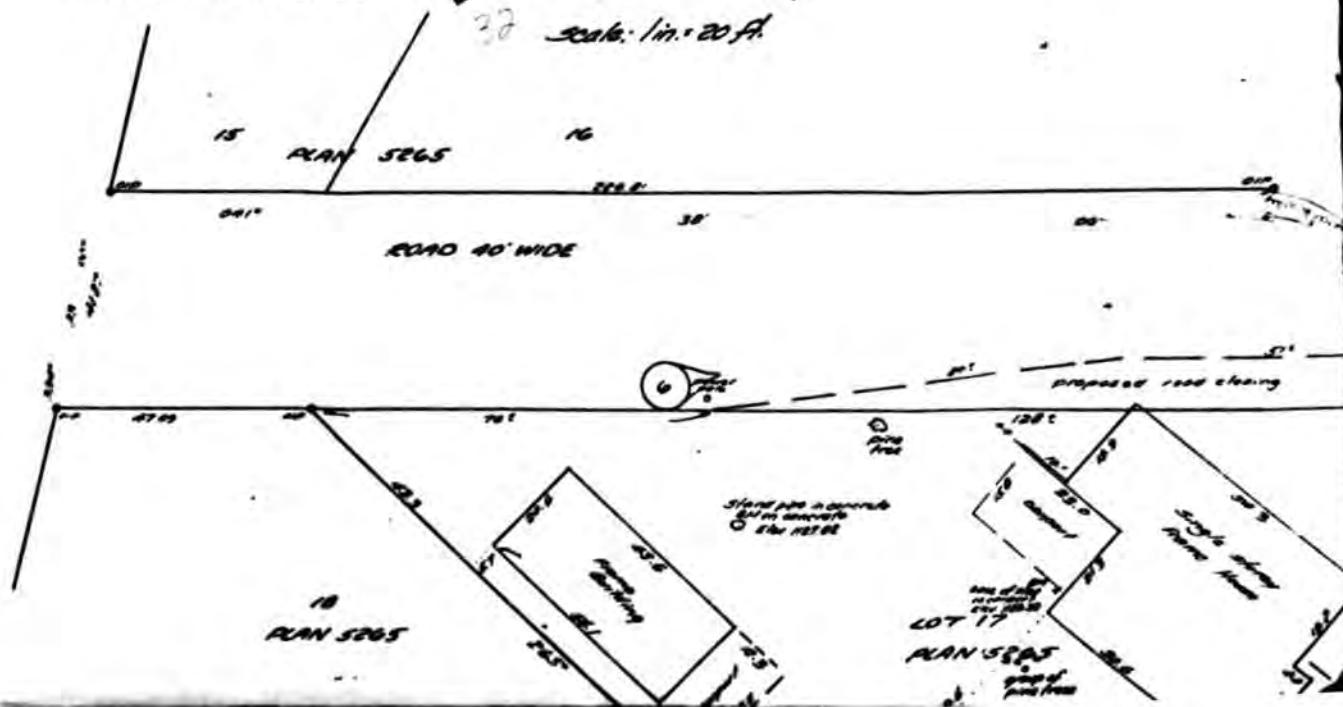
cc: Gary Muva, District Land Manager, Kelowna

Purported
Accretion
Fronting Lot 17 Plan 5265
D.L. 673 ODYD - on Okanagan Lake
near Summerland

Regional File: 0334014
Request: 103691

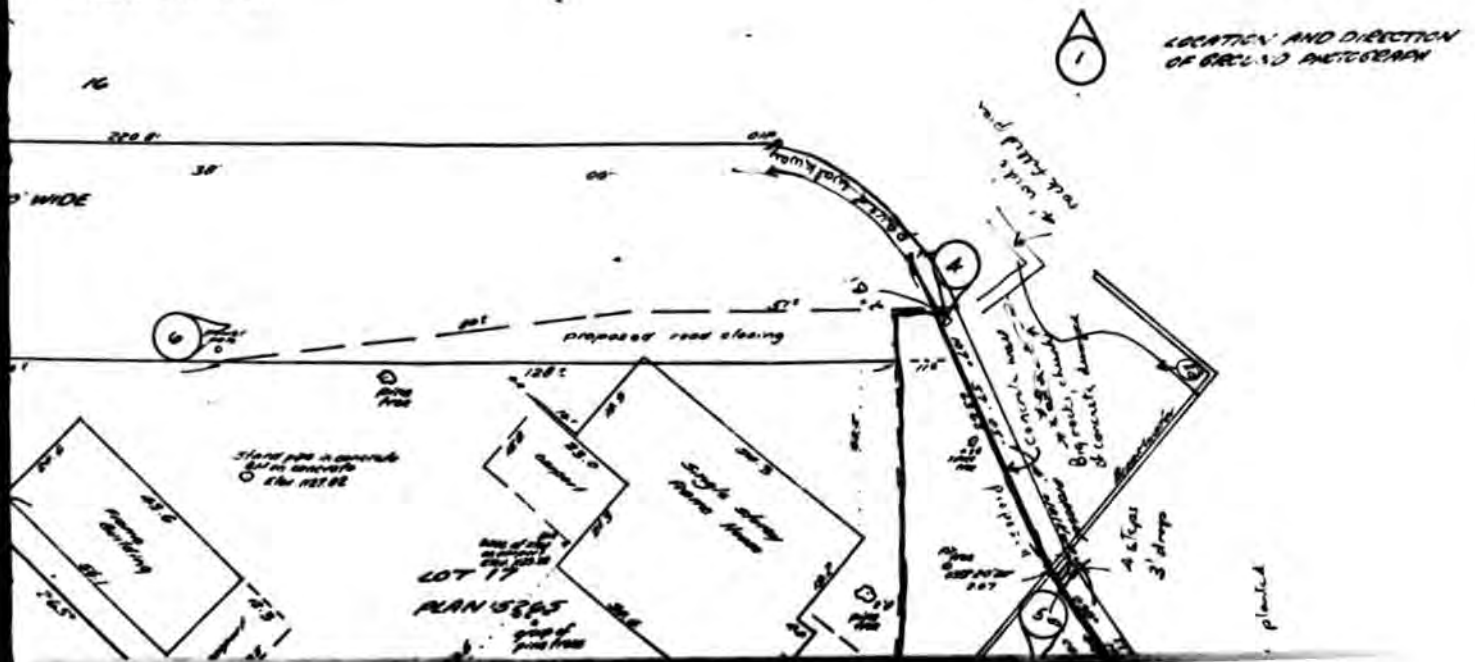


SKETCH PLAN SHOWING PROPOSED ROAD CLOSING
AND ACCRETED LAND ADJACENT TO
LOT 17 PLAN 5265 D.L. 673 O.D.Y.D.



PROPOSED ROAD CLOSING
ADJACENT TO
73 C.D.Y.D.

scale: 1 in. = 20 ft.







MEMORANDUM

Regional Land Manager
Kamloops, B.C.

PARKS AND HOUSING

REGIONAL MANAGER
KAMLOOPS, B.C.

Date: December 21, 1979

Our File: Lot 673 OYD
Regional File: 0333014
Request: 103691

SUBJECT: AGUR, Robert E.

Purported Accretion fronting Lot 17 Plan 5265 of
District Lot 673 OYD - on Okanagan Lake near Summerland

MAP: 628/12 - 24 N4

AIR PHOTO: B.C. C155:4219

DATE INSPECTED: August 17, 1979 and numerous visits.

PAST HISTORY AND FILE REVIEW:

June 27, 1975, File 0223699, my five page report detailed the situation of the trespass on the foreshore of the subject application.

July 17, 1975, File 0333014 and 0223699, letter from Director to Surveyor Mutchman regarding the trespass situation and acknowledging upland owner Mr. Agur's application for an accretion.

January 28, 1976, above files my 3 page report explained the trespass, the hauling in by Mr. Agur of top soil, dirt and rocks and recommended disallowance of the alleged accretion as being man made.

March 9 and 30, 1976, letters from Director to Municipality of Summerland confirming that the Municipality has the right under lease #14376 File 0223699 to remove trespasses on Crown Lands within the leasehold.

March 30, 1976, letter from Director to Surveyor Mutchman disallowing the purported accretion as being the bed of Okanagan Lake covered with fill and planted to lawn.

March 19, 1979, File 0333014, Request 103691 letter from Director requesting an examination once more for a purported accretion over the same trespass and filled area as previously reported and recommended against. Attached was a memo from Mr. R.T. Thorpe stating "What can I say that is not already on file". This statement succinctly sums up the situation. It is difficult to rationalize why the Ministry would once again accept an application for an accretion from the same surveyor for the same area previously rejected. The application should summarily have been disallowed based on evidence on file.

Notwithstanding the above, another examination of the area was once more conducted on the area.

Attached is a sketch map showing topographic features, details, location of my photos and also my photos.

The surveyors photos are also herewith attached.

. . . 2

Our File: Lot 673 OMD
Regional File: 0333014
Request: 103691

DESCRIPTION:

Since my last report a foot path, walkway or sidewalk, varying in width from 4' to 6' composed of sections of pavement, concrete and gravel has been constructed on the site. Sketch map shows the location. Numerous trees have also been planted.

This walkway apparently has the sanction of the Municipality of Summerland.

The lawn, fill, shrubs and trees have not changed from the last report. The upland owner continues to make full use of the purported accretion area as if it was his own deeded land.

VALUATION:

Valuation of the area purportedly accreted

To determine the value of the Crown Land the 4, 3, 2, 1 rule seems reasonable to apply as follows:

The upland area contains 20,200 square feet.

The Crown Land contains 10,100 square feet.

The upland value is 170 FF at \$500 - \$85,000

1st $\frac{1}{4}$ of 30,300 square feet has 40% of \$85,000
2nd $\frac{1}{4}$ of 30,300 square feet has 30% of \$85,000
3rd $\frac{1}{4}$ of 30,300 square feet has 20% of \$85,000 or \$17,000
4th $\frac{1}{4}$ of 30,300 square feet has 10% of \$85,000 or \$8,500

4th $\frac{1}{4}$ or 7,575 square feet has 10% of \$85,000	-	\$ 8,500
3rd $\frac{1}{4}$ or 7,575 x 17,000 at 20%	-	\$ 12,600
		\$21,100
	minus	\$ 4,100
	NET VALUE	\$10,000

A deduction of \$4,100 should be allowed for surveying, consolidation and improving the area.

RECOMMENDATIONS:

- 1) Disallow accretion, as area is a man made fill in trespass on Crown Land.
- 2) Sell the area outlined in red to upland owner at \$10,000 subject to survey and consolidation of title at applicants expense.
- 3) If applicant does not wish to purchase the area then advise him to remove all his improvements and restore the area to its original beach condition within 90 days or failing this then institute trespass action under the Land Act.

I concur with the above recommendation to no interference with public access along beach.

Lyons
Gary Lyons
District Land Manager
GL/bw

AD 80.125

40

乙

Description *Common yellow finches (young ones)*
within Orange Lake Ranger District of the
District.

Visit No. of Ref. Map 825/129
L.R.O. - MRM

Composite map_____

Description and sketch in order . . . Yes ☒ No ☐

Conforms to system of survey . . . Yes ☒ No ☐

Subject to survey Yes ☒ No ☐

Date granted or confirmed _____

FRONTS ON:

L.17 of 673, Rev.

And part of road.

Gen. Lake file 0229/670

Reserve 0223699 /

Crossed by } Railway _____

Crossed by } Other B/W /

Grown by: Highway

Page: 1

Highway 1 } Gazetted 1 / Surveyed 1

Highway-controlled access.....

Access dedicated YES travelled _____

Des. place area.....

E. & N. Land Grant _____

T.S.X.	M.C.	
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11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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TRI	TI	PL
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C.T.P. 7 **ST.L.** **P.M.L.**

0332614
Othello ch. on map.

Initial when computer entry made.

Page 40
FNR-2013-00168

40A

APPLICATION - Accretion

0333014

Branch File 034955

L.C. File

Date NOV 1 / 78

O.K. Co.'s Office

Agency

Applicant PHILIP MOTEHMAN (S.C.L.S.)

Address 875 MAIN STREET
PORTILTON B.C. V2A 5B1

Purpose

Description (as applied for)

Reported accretion adjacent to
lot 17, Plan S265, D.L. 573 O.D.V.D.

Return

Acct. Check

Index Card

Previous applications

Is application in order?

VAULT REGISTERS

☐ Surveyed☐ Reverted: Tax sale

Acct. Dist.

Description of reversion

Conflicts noted in Register

Devenport maps

Cleared by

Date

Status maps

File No. noted in Register

Date

General Lake File

WATER

Cleared by

Date

FOREST

Grazing

INSPECTION REQUEST

Examination required: Yes ☒ No ☐ Date June 19 / 79

Requested by

For previous examination see Report dated

on Req.

Special instructions or comments for Land Manager

40A APPLIC

40B

PROTESTS

Letter dated _____ From _____

Letter dated _____ From _____

Letter dated _____ From _____

_____ on file. Checked in Ministry of Mines and Petroleum Resources _____

REMARKS—STATUS OF CONFLICTS:

0223699 - Lease to the District of Sumnerland
for recreational purposes. Refer to D.L.M.

Regional District Okanagan - Similkameen

L.R.O. clearance _____ Date Dec 31/79 Statuted by RRR

ADJUDICATION

Allow in purchase

\$10,000

subj. to survey.

see letter

cc Notation BCLHS

C.C.—L.C. _____ File No. _____

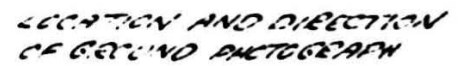
L.M. Kelowna - 60673 0010 Request No. _____

B.C.A.A. _____ R.L.M. _____

Passed by _____ Date _____ Approved by _____ Date _____

cc Land Records -

Survey instructions requested by _____
DO NOT FILE AWAY—Please pass file to Legal Surveys when adjudicated.



Hand-drawn map of Lot 17 of Lot 673 ODYD, Plan 5265. The map shows a large, irregularly shaped lot with a boundary line. To the left of the lot is a 'road closing' and a 'single storey frame house'. To the right is 'OLANAGAN LAKE'. The lot contains several trees, including 'group of pine trees', 'proposed concrete wall', and 'walkway proposed'. A north arrow is located in the upper right corner. The map is labeled 'Lot 17 of Lot 673 ODYD Plan 5265' in the lower left corner. Various measurements and annotations are present throughout the map, including 'road closing', 'single storey frame house', 'group of pine trees', 'proposed concrete wall', 'walkway proposed', and 'OLANAGAN LAKE'.

554-3144

Our File: 0333014
Attention: H.K. Kidd

January 29, 1980

Mr. Robert E. Agur
R.R. #1
Summerland, B.C.

ENTR JAN 31 1980

Dear Sir:

Reference is made to your application to acquire unsurveyed Crown land fronting Lot 17 of District Lot 673, Osoyoos Division of Yale District, Plan 5265 located on Okanagan Lake near Summerland.

Your application was filed by Mr. Phillip Hetchman, B.C. Land Surveyor and it was indicated in the application that the land in question was purported to be accreted.

I would advise that this land has been inspected at least five times since 1975 and that in our opinion, it does not qualify as accreted land but is in fact fill on Crown land which is actually in trespass.

As a result thereof, your application to acquire the land as an accretion is disallowed, however we are prepared to allow you to purchase the property. The purchase price for the property will be \$10,000.00, plus \$80.00 in legal fees.

It will be your responsibility to have the property surveyed by a British Columbia Land Surveyor who must receive his instructions from the Surveyor-General in Victoria.

The application will be made subject to the rules and regulations of the Okanagan Similkameen Regional District and will also be subject to being consolidated with your upland property which is held under Certificate of Title K576017.

If you are prepared to proceed with the purchase, would you please have your Surveyor write to the Surveyor-General for instructions and also indicate to us that this action has been taken.

If no reply is received from you within thirty days of today's date or if you decline to proceed with the purchase then it will be necessary for you to remove all the improvements located within the area outlined in red on the sketch attached and restore the area to its natural beach condition.

If the area is not restored we will be obliged to take action under the trespass section of the Land Act, a copy of which is attached hereto for

. . . 2

554-3144

Our File: 0333014
Attention: H.K. Kidd

January 29, 1980

Mr. Robert E. Agur
R.R. #1
Summerland, B.C.

ENCL 20 JAN 31 1980

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It will be your responsibility to have the property surveyed by a British Columbia Land Surveyor who must receive his instructions from the Surveyor-General in Victoria.

The application will be made subject to the rules and regulations of the Okanagan Similkameen Regional District and will also be subject to being consolidated with your upland property which is held under Certificate of Title K57601P.

If you are prepared to proceed with the purchase, would you please have your Surveyor write to the Surveyor-General for instructions and also indicate to us that this action has been taken.

If no reply is received from you within thirty days of today's date or if you decline to proceed with the purchase then it will be necessary for you to remove all the improvements located within the area outlined in red on the sketch attached and restore the area to its natural beach condition.

If the area is not restored we will be obliged to take action under the trespass section of the Land Act, a copy of which is attached hereto for

. . . 2

-2-

your convenience.

Please advise me of your intentions within the thirty day period.

Yours truly,



G.H. Kidd
Administrative Officer
for D.I. Snider
Acting Regional Director

HEK/a

enc.

cc: Gary Howe, District Land Manager, Kelowna (L673007D)
Director Land Records, Victoria
Phillip Metchman, B.C.L.S., 275 Main Street, Penticton, V2A 5B1

PHILIP MOTCHMAN
— LAND SURVEYOR —

TELEPHONE 492-0889

275 MAIN STREET
PENTICTON, B.C.
V2A 9B1

our file # 1302
your FILE NO. 0333014

February 7 1980

The Regional Land Manager,
Ministry of Lands, Parks & Housing,
348 Tranquille Road,
KAMLOOPS, B.C.
V2B 3C6

ATTENTION: H. K. Kidd

Dear Sir:

re: unsurveyed Crown Land adjacent
to Lot 17 DL 673 ODYD Plan 5265

With reference to your letter dated 29th
January 1980 addressed to Mr. Robin E. Agur

In an overseas telephone conversation with
Mr. Agur today, he asked me to advise you that he
will be out of the country until March this year and
would you please await until he returns for a reply
to your query as to whether he wishes to purchase
the land in question.

Yours truly,

Philip Motchman
Philip Motchman,
Land Surveyor.

PM/nz

cc Mr. R.E. Agur

MINISTRY OF LANDS,
PARKS AND HOUSING

FILE NO.

Our File: 0333014
Your File: 1302
Attention: H.K. Kidd

February 12, 1980

Mr. Philip Motchman
B.C. Land Surveyor
275 Main Street
Penticton, B.C.
V2A 5B1

Dear Sir:

In reply to your letter of February 7, 1980 regarding an application by R.E. Agur to acquire unsurveyed Crown land adjacent to Lot 17 of Lot 673, Osoyoos Division of Yale District, Plan 5265, I would advise that we are prepared to hold this matter in abeyance until Mr. Agur returns to Canada in March.

It would be appreciated if you would give this matter your earliest consideration when Mr. Agur returns as we do not wish it to remain in abeyance indefinitely.

Yours truly,


H.K. Kidd
Administrative Officer
for D.I. Snider
Acting Regional Director

HKK/m
cc: Gary Huva, District Land Manager, Kelowna (DL6730DYD)
Director, Land Records, Victoria



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March 10, 1980

Mr. H.K. Kidd,
Administrative Officer
for D.I. Snider
Acting Regional Director,
Ministry of Lands, Parks and Housing,
348 Tranquille Road,
KAMLOOPS, B. C.
V2B 3G6

MINISTRY OF LANDS,
PARKS AND HOUSING
MAR 12 1980
REGIONAL MANAGER
KAMLOOPS, B.C.

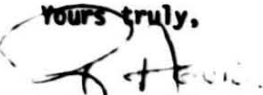
Dear Mr. Kidd:

With reference to your letter of January 29, 1980 please be advised that I have been away from my office until just yesterday and was very surprised to read the contents of your recent letter to myself. I wish to advise you that an arrangement was made with Mr. Ken Blagborne, the mayor of Summerland, whereby I would build a concrete wall to certain specifications around the perimeter of the subject property as shown on the map schedule. It was also further agreed and I believe ratified by Summerland Council, that a further exchange of properties and road closing would occur when I had complied with this requirement of the concrete wall.

There was to be no charge for the subject property at the front of my house and as the concrete wall and related asphalt sidewalk, etc. etc. has cost many thousands of dollars already, I feel that any cost of this property must be borne by someone other than myself.

I would ask that you discuss the situation with Mayor Blagborne of Summerland and get back to me at your earliest possible convenience.

Yours truly,


ROBIN AGUR

RA/1f

cc: Mayor Ken Blagborne
Philip Motchman
Gary Huva, District Land Manager, Kelowna

INTERNATIONAL PARK-WEST
financial corporation ltd.

Our File: 0333014
Attention: H.K. Kidd

March 13, 1980

Mr. Robin Agar
483 Ellis Street
Penticton, B.C.
V2A 4M1

Dear Sir:

Receipt is acknowledged of your letter of March 10, 1980 with respect to your application to acquire Crown land adjacent to your private holdings on Okanagan Lake.

In reply I would advise that as soon as we have investigated this matter further and have received additional information we will be pleased to correspond with you further.

Yours truly,

D.G. Podmore
Regional Director

By:

H.K. Kidd
Administrative Officer

HKK/n
enc.

OFFICE OF THE MAYOR



48

THE CORPORATION OF THE DISTRICT OF SUMMERLAND

P.O. BOX 188
SUMMERLAND, BRITISH COLUMBIA V0H 1Z0
TELEPHONE 486-8481

MINISTRY OF LANDS,
PARKS AND HOUSING
MAR 21 1980
REGIONAL MANAGER
KAMLOOPS, B.C.

1980-03-18

Regional Land Manager,
Ministry of Lands, Parks and Housing,
348 Tranquille Road,
Kamloops, B. C. V2B 3G6

Attention: H. K. Kidd,
Administrative Officer.

Dear Sirs:

Re: Your File No. 0333014

In response to your letter of March 13, 1980, I wish to inform you that at no time did I infer to Mr. Robin Agur that the Council would or could deal with Mr. Agur in the acquisition of the Crown land. I am sure that Mr. Agur was aware that the area would have to be acquired from the Government.

Because of the trouble of the trespass, Council agreed to support his application, if he would install a permanent border around the proposed new lot line. Mr. Agur has completed the outline of the new property to Council's satisfaction. This is the length of our involvement.

Hoping that this will clear up the matter, I remain,

Yours very truly,

K. M. Blagborne
Kenneth M. Blagborne,
MAYOR.

KMB/bk

c.c. Mr. Gary Huva
Mr. R. E. Agur
Wilson, Bauman

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p. 3300-2 A

ROBIN E. AGUR

March 21, 1980

Mr. H.K. Kidd,
Administrative Officer,
Ministry of Lands, Parks and Housing,
348 Tranquille Road,,
Kamloops, B. C.
V2B 3G6

Dear Mr. Kidd:

Further to our recent correspondence regarding my application to acquire Crown Land adjacent to my private residence on Okanagan Lake, I would appreciate the opportunity to meet with you in the not too distant future as I believe we have further evidence through a number of old photographs that have been taken throughout the past 50 years, that will prove conclusively that the subject property in question was in fact accreted naturally.

I thank you in advance for your consideration in this matter and look forward to hearing from you in the not too distant future.

Yours truly,

REAGUR
ROBIN E. AGUR

REA/1f

cc. Mayor Ken Blagburn
cc. George Redlake



Our File: 0333014
Attention: H.K. Kidd

March 25, 1980

Robin E. Agur
498 Ellis Street
Penticton, B.C.
V2A 5C5

Dear Sir:

Thank you for your letter of March 21, 1980 regarding your application to acquire unsurveyed Crown land adjacent to your private holdings at Okanagan Lake.

Please be advised that the matter of determining whether or not the land in question is or is not accreted land does not fall within my jurisdiction. Such a decision must be made by our District Land Manager in Kelowna. The District Land Manager is Mr. Gary Trva who may be contacted in Room 206, 260 Harvey Avenue. His phone number is 860-2414.

Mr. Trva is eminently qualified to determine cases such as this and therefore I would suggest that the further evidence to which you refer be discussed with him.

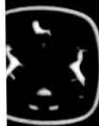
Yours truly,

D.G. Podmore
Regional Director

by: 
H.K. Kidd
Administrative Officer

HKK/dt

cc: Mr. G. Trva, District Land Manager, Kelowna



Province of
British Columbia

MEMORANDUM

To: Regional Land Manager,
Kamloops, B.C.

Date: April 25, 1980. ^K

Our File: Lot 673, O.D.Y.D.
Regional File: 0333014

SUBJECT: Application for Accretion and Trespass

At Agur's request I attended a meeting at his place on April 24/80 at 11:30 a.m. In attendance were Mr. Agur; his legal counsel; Mr. L. Fox, Agur's friend; Mr. P. Motchman, B.C.L.S. and his helper; Mr. H., the southerly adjoining property owner; Mayor K. Blagborne, Municipality of Summerland and myself.

Mr. Agur presented a pictorial review of the area in a large 12" x 14" (approximately) glossy bound book. He showed different survey notes, purported errors in the survey plans and then led a verbal discussion in support of a large part of the area in question.

The adjoining neighbor said that no fill had been brought in that he was aware of. He was questioned as to how the top soil arrived and the lawn planted.

The surveyor briefly discussed survey plans and that today more care is taken than was the case in the past.

I informed the group that my involvement occurred as a result of an inspection requested for an accretion. The examination was made and a report submitted as a service to the Surveyor General who then makes the decision. The District Land Manager is not involved in that decision. An appeal to the decision is through the Surveyor General or the Quieting Titles Act and not through the Land Act. The appeal would be made by Mr. Agur.

The meeting then terminated.

In view of our letter of January 29, 1980 offering a purchase option or removal, it is suggested that Mr. Agur be contacted and advised to give us a decision to our letter by May 29, 1980.


Gary Huva
District Land Manager

GH/jk

LAND AND HOUSING
APR 28 1980



Province of
British Columbia

Ministry of Lands,
Parks and Housing

Regional Land Manager
348 Tranquille Road
Kamloops
British Columbia
V2S 3G8
554-3144

Our File: 0333014
Attention: H.K. Kidd

April 29, 1980

Robin E. Agur
498 Ellis Street
Penticton, B.C.
V2A 5C5

Dear Sir:

Reference is made to previous correspondence with respect to your application to acquire unsurveyed Crown land fronting your private holdings being Lot 17 of Lot 673, Osoyoos Division of Yale District, Plan 5265 located on Okanagan Lake near Summerland.

Specific reference is made to our letter of January 29th, 1980 wherein you were offered the opportunity to purchase the property for a price of \$10,000.00 plus \$80.00 in legal fees. You were advised that it would also have been your responsibility to have the area surveyed by a qualified B.C. Land Surveyor.

As a result of your meeting on April 24th, it would appear that you are now in a position where you could reply to that letter.

Your reply in fifteen days would be appreciated.

Yours truly,

D.G. Podmore
Regional Director

by: 
H.K. Kidd
(Acting) Supervisor
Finance and Administration

HKK/dt

cc: G. Huva, District Land Manager, Kelowna (L673, ODYD)



Province of
British Columbia

Ministry of Lands,
Parks and Housing

Regional Land Manager
348 Tranquille Road
Kamloops
British Columbia
V2B 3G8
554-3144

Our File: 0333014
Attention: H.K. Kidd

April 29, 1980

Robin F. Agur
498 Ellis Street
Penticton, B.C.
V2A 5C5

Dear Sir:

Reference is made to previous correspondence with respect to your application to acquire unsurveyed Crown land fronting your private holdings being Lot 17 of Lot 673, Osoyoos Division of Yale District, Plan 5265 located on Okanagan Lake near Summerland.

Specific reference is made to our letter of January 29th, 1980 wherein you were offered the opportunity to purchase the property for a price of \$10,000.00 plus \$80.00 in legal fees. You were advised that it would also have been your responsibility to have the area surveyed by a qualified B.C. Land Surveyor.

As a result of your meeting on April 24th, it would appear that you are now in a position where you could reply to that letter.

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Yours truly,

D.G. Podmore
Regional Director

by: 
H.K. Kidd
(Acting) Supervisor
Finance and Administration

HKK/dt

cc: G. Huva, District Land Manager, Kelowna (L673, ODYD)

ROBIN E. AGUR

2, 1980

MINISTRY OF LANDS,
PARKS AND HOUSING
MAY 5 1980

REGIONAL MANAGER
KAMLOOPS, B.C.

Mr. H.K. Kidd,
(Acting) Supervisor
Finance and Administration,
Ministry of Lands, Parks and Housing,
348 Tranquille Road,
KAMLOOPS, B. C.
V2B 3G6

Dear Mr. Kidd:

Thank you for your letter of April 29th, 1980. As you know we had a meeting on April 24th at my residence in Summerland with Mr. Gary Huva, District Land Manager from Kelowna; Mr. Phil Motchman, BCLS; Mayor Ken Blagbourne of Summerland; our attorney, Mr. John Keene from Penticton; Mr. Len Fox, a professional engineer from Penticton; Mr. Roy Heuckendorff, my adjoining next door neighbour to the south and long-time resident of Crescent Beach; Mr. Ron Jones, another neighbour at Crescent Beach and myself.

At that meeting we presented evidence which we feel verifies that the land in question was in fact natural accretion to our property and as such, should not have to be purchased but should be adjoined to our already existing title at no other than survey and legal costs to ourselves. We also believe that we have concrete evidence that a missurvey was undertaken in 1950 to amend the original 1905 survey and in fact a third survey pin at the point should have been located, that would at that time have included a good deal of the land presently in question and under application for accretion.

At the meeting Mr. Huva stated that even if we were to prove that this land was in fact ours and always had been, that the costs of so proving might be greater than the \$10,000.00 and it might be simpler for us to pay this amount of money and be done with the situation.

I do appreciate your Ministries offer to sell me this property, however, I do strongly believe that this is my property anyway and it seems rather unjust that I should have to re-purchase it if it has been rightfully mine for many many years. I appreciate the fact that this is not a simple case and that the property is located on the lakeshore on a very predominant point of lakeshore and has been the subject of many meetings in the past. However, as our family has owned this property for many generations and this experience, combined with the very ample technical expertise that we have engaged, leads us to very strongly believe that we are in the best position to judge who this property rightfully belongs to.

. 2

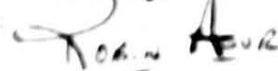
We have had the property surveyed by a very qualified B. C. land surveyor and we are presently obtaining an opinion from a qualified professional engineer. Further to this we will obtain statutory declarations stating that no great amount of fill was ever hauled on to this particular site other than top soil to cover property that was naturally accreted to the point and with that information we wish to appeal the decision to charge us for this property.

As Mr. Muva may have mentioned, Mayor Blagbourne spoke very strongly in our favour of resolving this situation and our gaining this piece of land and we would hope that the Ministry of Lands, etc. would honour his opinion as the man responsible for the Municipality of Summerland.

In the next few weeks we will be attempting to accumulate as much information as is possible so as not to unduly drag this situation on as I'm sure everyone is tired of hearing about it. However, as I have told you before, this is my principal residence, the home where I was born and the home that has been in our family for three generations to date. It is also the home where I plan to spend the rest of my life, and although this may be one of numerous applications to your department, it is one that is most important to me.

I thank you for your patience and consideration in this entire regard and look forward to resolving this situation in the not too distant future.

Yours truly,



ROBIN E. AGUR

REA/19

cc: Gary Muva, Kelowna ✓

: John Keene

: Len Fox

: Mayor Ken Blagbourne

: Roy Heuckendorff

: Don Agur

cc: Jim Hewitt *mark Agur*

: Surveyor General *Victoria*

554-3144

Our File: 0333014
Attention: H.K. Kidd

May 26, 1980

Robin E. Agur
484 Main Street
Penticton, B.C.
V2A 3C5

Dear Sir:

Thank you for your letter of May 2, 1980 dealing with your application to acquire Crown land fronting your private property at Summerland.

I regret the delay in replying to your letter, however, pressure of business has caused this situation.

I note that you are attempting to accumulate as much information as possible to resolve the situation in the not too distant future.

I would advise that this is agreeable to this office. However, I would suggest that every effort be made to complete your studies before the end of June.

Yours truly,

D.G. Podmore
Regional Director

by: 
H.K. Kidd, Acting Supervisor
Finance and Administration

HKK/dt

cc: Alec Smith, Field Coordinator, Southern Interior Regions, Victoria
Gary Buva, District Land Manager, Kelowna
Honourable Jim Hewitt, Minister of Agriculture
Surveyor-General, Victoria

Robin Agor
40 484 MAIN ST.
PENTICTON B.C.

Dear ~~Mr~~ Kidd & Mr Cutton

Further to our conversation of today's date please be advised that we feel it would be in the best interests of everyone for us to make you the offer of \$5000⁰⁰ for the subject property adjoining my property at Crescent Beach.

Besides the \$5000⁰⁰ to be paid to the department I have also spent more than an additional \$5000 on walls & sidewalks, engines & mowers.

I would add that the concrete wall & the asphalt sidewalk were installed at the request of the Municipality of Summerland.

I look forward to having this matter cleared up. James Taylor
Robin Agor

File: 0333014

81.01.28

Mr. Robin E. Agur
484 Main Street
Penticton, B.C.
V2A 5C5

Dear Sir:

Thank you for your letter of recent date proposing a counter offer of \$5,000 for the unsurveyed land fronting your property described as Lot 17 of Lot 673, Osoyoos Division of Yale District, Plan 5265.

I have completed a review of this situation and I am fully satisfied that Mr. Huva's appraisal and method for determination are both fair and equitable for the following reasons:

- 1) Part of the expenses you have claimed are in furtherance of proving a natural accretion, which was not the case.
- 2) The balance of the expenses deal with the cost of constructing improvements on the land which has no bearing, whatsoever, on the value of said land.
- 3) The appraisal was conducted in 1979 and is not representative of the value we might charge today, were a new appraisal requested.

While I am not prepared to consider any reduction to the \$10,000 purchase price stated in Mr. Kidd's letter of January 29, 1980, I will adhere to this price for a period not exceeding 30 days from today. If a reply is not received within this period I will have no alternative but to commence formal trespass proceedings under the Land Act.

Mr Agur called today from a pay phone, said he was on holidays & wanted to know whether we had made a decision on his offer of \$5,000. I read him this & he knew he only had 2 weeks left in which to advise us of his decision. He will mail us a cheque for \$10,000 & tell his surveyor to apply for the survey instructions.

Yours truly,

D.G. Podmore
D.G. Podmore
Regional Director

10/2/80

JO/mn

cc: District Land Manager, Kelowna (L.673 ODYD)

[Handwritten mark]

333982

484 Main Street
Penticton, B.C.
V2A 5C5
February 10, 1981

MINISTRY OF LANDS,
PARKS AND HOUSING

FEB 13 1981

REGIONAL DIRECTOR
KAMLOOPS, B.C.

Mr. Podmore
Ministry of Lands, Parks and
Housing
348 Tranquille Road
Kamloops, B.C.
V2B 2G6

Dear Sir:

Further to Mr. Kidd's letter of January 29, 1980 and Mr. Podmore's letter of January 28, 1981, please find enclosed my cheque for the amount of \$10,080.00 for the purchase of unsurveyed land in front of Lot 17, DL 673, ODYD, Plan 5265 as being my personal residence at Crescent Beach, Summerland. I am also with this letter instructing Mr. Phil Motchman, B.C. Land Surveyor to ask for instructions from the Surveyor General to acquire this particular property.

I trust this meets with your approval and look forward to having this matter completed in the very near future.

Yours very truly, *Robin E. Agur*
By his attorney
[Signature]

ROBIN E. AGUR

REA/kl

Enc.

c.c. Mr. Kidd
Mr. Oulton
Mr. Gary Huva
Mr. Phil Motchman
Mayor Ken Blagborne
Mr. George Redlich
Mr. Galt Wilson
Mr. John Keene
Mr. Len Fox

RECEIVED

FEB 13 1981

\$ 10,080.00
BY *DR*

0333014

MONEY RECEIVED FOR PURCHASE

- ☐ TIME SALE - Certificate of Purchase to be issued
- ☒ CASH SALE - Crown Grant to be issued - fees rec'd
- ☐ TIME SALE - final installment & C.G. fee rec'd
- Crown Grant to be issued

HR.

file

1302

0333014

81-03-23

**Philip Metzman
B. C. Land Surveyor
275 Main Street
Pentteton, B. C.
V2A 5B1**

Dear Sir:

**Re: Application of Robin E. Agur to purchase
unsurveyed Crown land fronting Lot 17 of
District Lot 673, Osoyoos Division of Yale
District, Plan 5265 82 E/12 g**

With reference to your letter of February 26, 1981, the survey of the application should conform to the Surveyor General's Instructions, Part 4 - Surveys under the Land Act.

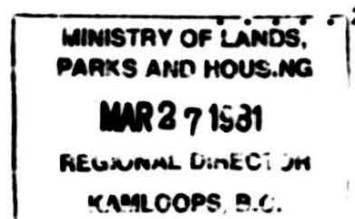
The boundaries to be surveyed are indicated in red on the enclosed print and should be designated Lot 1348, Osoyoos Division of Yale District.

This lot should cover the required filled area but not the proposed 4 foot walkway.

Posting shall be in compliance with Sec. 73(6), Type 4 posts to be used at the ends of the longest boundary.

The landward boundary of this survey should be the natural boundary presently governing the upland title.

Please note that this area is subject to consolidation with the upland lot. In this regard, you should include a print of your explanatory plan, showing this consolidation, with your returns.



- 2 -

Philip Metchman
C. Land Surveyor
renticton, B. C.

81-03-23

In addition to the print of the explanatory plan, the returns to this office should consist of a survey plan prepared according to Sections 83 - 89.

Please note that the returns must be submitted to this office within one year of the date of these instructions.

Yours truly,



for R. W. Thorpe,
Surveyor General.

DGA/md

Encl.

began

cc. ✓ Land Manager, Kamloops

12
MINISTRY OF LANDS, PARKS AND HOUSING

LEGAL SURVEYS REQUISITION

TO: Director
Surveys and Land Records
Branch

REQUESTED BY:

NAME

REGION/DISTRICT

FILE

DATE

Please supply this office with the data pertaining to the request as noted below:

☐ Clearance

The following documentation is enclosed:

1. L.109 Form (Yellow Sheet).
2. Legible sketch of area showing latest adjoining land survey data.
3. Copy of L.184 Form (completed).
4. Other (specify).

☒ Survey Instructions

The following documentation is enclosed:

1. L.109 Form (Yellow Sheet).
2. Copies of Letter of Approval and sketch outlining the area approved.
3. Copies of responses to all referrals and conditions noted in Letter of Approval.
4. Copies of District Land Manager's report and supporting material.
5. Copy of Agricultural Land Commission Approval, when required.
6. Copies of State of Title Certificates and Letters of Consent.
7. Copy of Tentative Approval from Approving Officer for subdivision purposes. (As application forms part of Land Title Act Plan).

For other comments (if any) - Use separate page

☐ Separate page attached.

SURVEY PLAN OF LOT 1348, O.D.Y.D. N.T.S. 82 E / 12 g

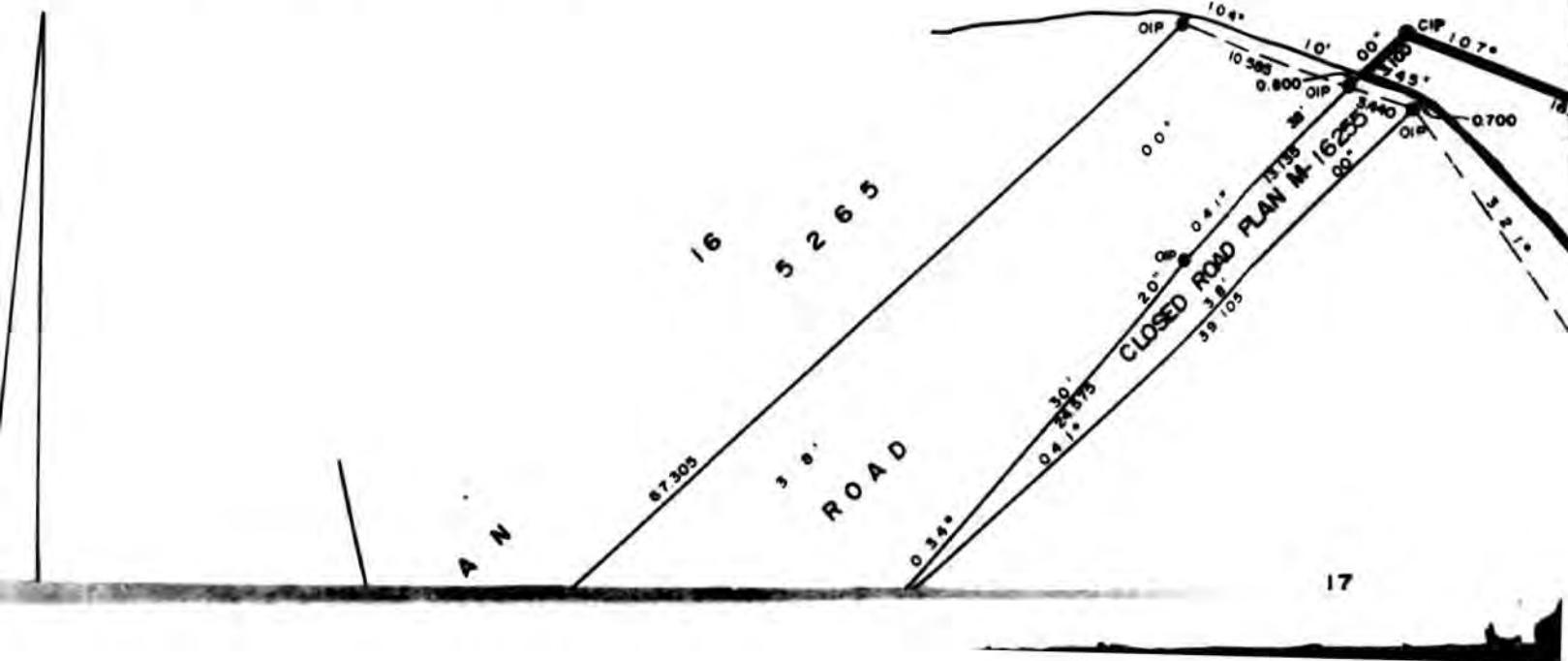
0333014

Scale: 1 : 250

LEGEND:

- OIP - DENOTES IRON POST FOUND
- CIP - DENOTES CAPPED IRON POST SET.
- IP - DENOTES IRON POST SET.

BEARINGS ARE ASTRONOMIC AND DERIVED FROM PLAN 5885.
DISTANCES ARE SHOWN IN METRES UNLESS OTHERWISE NOTED



FB 16/82

D.Y.D.

65-

OFFICIAL PLAN

CONFIRMED
UNDER SECTION 67 - LAND ACT

VICTORIA, B.C. OCT 18, 1962



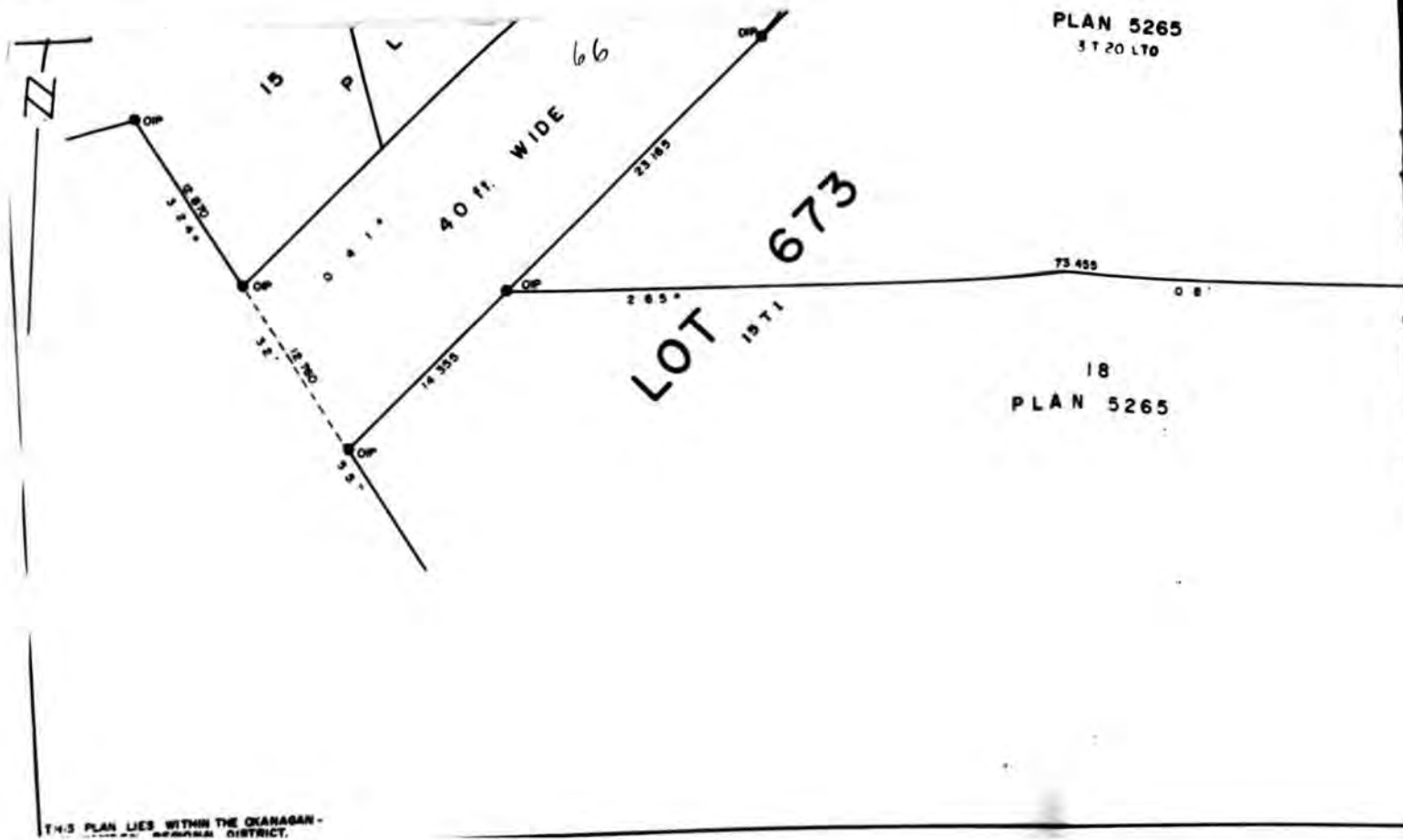
O K A N A G A N

LAKE



D.L. 1348

796.2 m²



EX-118 1437
D-118 1250
1912

THIS INSTRUMENT MADE the Thirteenth day of October, 1912
the year of Our Lord one thousand, nine hundred and fifty
BETWEEN:

MARIAN EDITH COLLAS, Housewife, GEORGINA MAISONVILLE, Housewife, MARTA MAUD BRISTON, Secretary-Treasurer, GEORGE MELNOSE FORSTER, Mechanic, MABEL LEE MILLER, Housewife, ALFRED WHARTON, Housewife, MARGARET JOREN FREDERICKSON, Physician, PHILIP GEORGE DOGUELL, Fruitgrocer, CHARLES BOHL, Fruitgrocer, DONALD EDWARD ADUR, Retired, GEORGINA MAISONVILLE, Housewife, JAMES GORDON, Housewife, WILLIAM ROBERTS BOYD, Bookbinder, WILLIAM GORDON BUCHAN, Fruitgrocer, JOHN EDWARD BUCHAN, C. P. R. Agent, JONAHNA FRANKLIN, Housewife, THOMAS MITCHELL CHILL, Fruitgrocer, FRANK BUCHAN, Housewife, DOROTHY FLORENCE ACH, Retired, DAVID LALAN, Retired, EVELINE BUCHAN, Barber, RUTH ADAM BUCHAN, Housewife, C. P. R. Agent, JAMES GORDON, Widow, all of the Municipality of Summerland in the Province of British Columbia, and GEORGE M. ROSS, C.P.R. Agent, of the City of Trail, in the said Province.

(hereinafter called "the Grantors")

OF THE ONE PART,

AND:

THE CORPORATION OF THE DISTRICT OF SUMMERLAND,

(hereinafter called "the Corporation")

OF THE OTHER PART.

WHEREAS each of the Grantors is the owner of, or is otherwise entitled to the parcel or parcels of land, the description of which is set opposite his or her name in this Grant, all of which parcels of land are situate in the District Municipality of Summerland, in the Division of Yale District, in the Province of British Columbia, that is to say:-

MARIAN EDITH COLLAS	Lot 27
GEORGE M. ROSS	Lot 28
GEORGINA MAISONVILLE	Lot 29
MARTA MAUD BRISTON	Lot 30
GEORGE MELNOSE FORSTER	Lot 31
MABEL LEE MILLER	Lot 32
ALFRED WHARTON	Lot 33
MARGARET JOREN FREDERICKSON	Lot 34
PHILIP GEORGE DOGUELL	Lot 35
CHARLES BOHL	Lot 36
DONALD EDWARD ADUR	Lot 37

ORACE WHITAKER	Lot 1
JAMES JENNINGS GREEN	Lot 2
WILLIAM ROBERTS BOYD	Lot 3
WILLIAM GORDON RITCHIE	Lot 4
JOHN WILFRED MITCHELL	Lot 5
JOHANNA FRESHMAN SMITH	Lot 6
CHRISTIAN C. GHOIL	Lot 7
THOMAS MITCHELL GHOIL	Lot 8
MARY FRASER WOOD	Lot 9
THOMAS BURTON YOUNG	Lot 10
DOROTHY FLORENCE ANN	Lot 11
WILLIAM DAVID LAIDLAW	Lot 12
CLARENCE EDWARD McCUTCHEON	Lot 13
SUELEN MARGARET HOOKHAM	Lot 14
RUTH ADAM DALE	Lot 15
REID A. JOHNSTON	Lot 16

All as shown on a plan of subdivision of Lots 1 to 16, inclusive, Map 286, amended, prepared by M. A. Barton, B.C.L.S., from a survey completed by him on the 8th day of June, A.D. 1960. *PLAN NO 5463*
2/11/60

AND WHEREAS as a result of the said survey and the Order of the Registrar of the Kamloops Registry District made pursuant to the Plans Cancellation Act, R. S. B. C. 1948, Chapter 253, the Right-of-way or Easement for the pole line of the Corporation is now situate on the lots above described, instead of being on the old roadway which is now incorporated in the said lots.

AND WHEREAS it was understood and agreed between the parties hereto that as a condition to the Corporation consenting to the said Order being made under the said Plans Cancellation Act, that this Grant of Right-of-Way should be given to the Corporation by the Grantors.

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises and of the sum of One Dollar (\$1.00) now paid by the Corporation to the Grantors, receipt whereof is hereby acknowledged, each of the Grantors DO GIVE AND GRANT unto the Corporation a Right-of-way over the parcel of land owned by him or her as above set out, that is to say, the parcel hereinbefore set opposite his name for the purpose of maintaining thereon a pole line and electric wires, with the privilege of entering upon the said land for purpose of repair or replacement of the poles and wires.

IN WITNESS WHEREOF the said Grantors have here-
unto affixed their hands and seals on the date first above
mentioned.

SIGNED, SEALED AND DELIVERED

in the presence of:

Withers on 5th Signature of

✓ Johnnie C. Carl ✓
✓ William David Landon. ✓
✓ William J. Miller

Handwritten signature: [illegible]

Witness as to the signature of
 [Signature]

Anna John
 George Harrisonville ✓
 George and Sister ✓
 Anna Nelson Foster ✓
 George Ly Miller ✓
 Math What Vardabugh ✓
 Alfred & Mary Frederickson

Alfred
 George
 Phillip
 Charles
 Donald
 Eric

James Young
William Robert Ogilvie
William John Fisher
Johnnie Mackay Smith
Thomas Mitchell Gird
Mary Susan Wood
Mary Ann Young

Mary
 Thomas Benton Young
 Dorothy Belmont Allen
 Blanche Bond McEntel
 Evelyn Margaret Hooker
 Agnes Beck Dale
 A. Robinson

Reid & Jones
Smith & Jones
GPR & Jones

27) George L. ...
26) ...
25) George L. ...
24) ...
23) ...
22) ...
21) ...
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1) ...

AFFIDAVIT OF WITNESS

PROVINCE OF BRITISH COLUMBIA

TO WIT:

I, JOHN WILFRED MITCHELL, of the Municipality of
Sumnerland, in the Province of British Columbia, MAKE OATH
AND SAY:

1. I was personally present and did see the within
instrument duly signed and executed by MARIAN EDITH COLLAS,
GEORGE A. MOSS, GEORGINA HAISONVILLE, BERTHA MAUD BRISTOW,
GEORGE WARREN FURBER, HAZEL LEE MILLER, ALFRED WHARTON VANDER-
BEEK, MARGARET BOWEN FREDERICKSON, PHILIP GEORGE DODWELL,
CHARLES ROSE HEDDEN, DONALD EDWARD ADAM, GRACE WHITAKER, JAMES
JENNINGS GIBBS, WILLIAM ROBERTS BOYD, WILLIAM GORDON RITCHIE,
JOSEPH JENNINGS GIBBS, THOMAS MITCHELL CROIL, MARY FRASER WOOD,
THOMAS STEVEN TOWN, BERTHA FLORANCE ANN, CLARENCE EDWARD
BOWENSON, STEVEN MARGARET BOWENSON, ADAM EUTH DALE and REID
A. JOHNSON, some of the parties thereto, for the purposes
named therein.

2. That the said instrument was executed at the
Municipality of Sumnerland, British Columbia.

3. That I know the said parties and they are all of
the full age of 21 years.

4. I am the subscribing witness to the said instrument
and am of the full age of 16 years.

SUBSCRIBED AND sworn to at Port Huron,

in the Province of British
Columbia, this 19th day
of October, A. D. 1900.

.....
A Commissioner for taking
Affidavits within the Province
of British Columbia.



AFFIDAVIT OF WITNESS

PROVINCE OF BRITISH COLUMBIA)

TO WIT:)

I, CHARLES NOEL HIGGIN, of the Municipality of
Summerland in the Province of British Columbia, MAKE OATH
AND SAY:

1. I was personally present and did see the within
instrument duly signed and executed by JOHN WILFRED MITCHELL,
CHRISTIAN CHIVAS GREIL and WILLIAM DAVID LAIDLAW, some of
the parties thereto, for the purposes named therein.

2. That the said instrument was executed by the said
John Wilfred Mitchell at the municipality of Summerland
in the Province of British Columbia.

3. That the said instrument was executed by Christian
Chivas Greil and William David Laidlaw at the City of
Vancouver, in the Province of British Columbia.

4. I know the said parties and they are all of the
full age of 21 years.

5. I am the subscribing witness to the said instrument
and am of the full age of 16 years.

SUBSCRIBED AND SIGNED at Penticton,
in the Province of British
Columbia, this 15th day of
October, 1930.

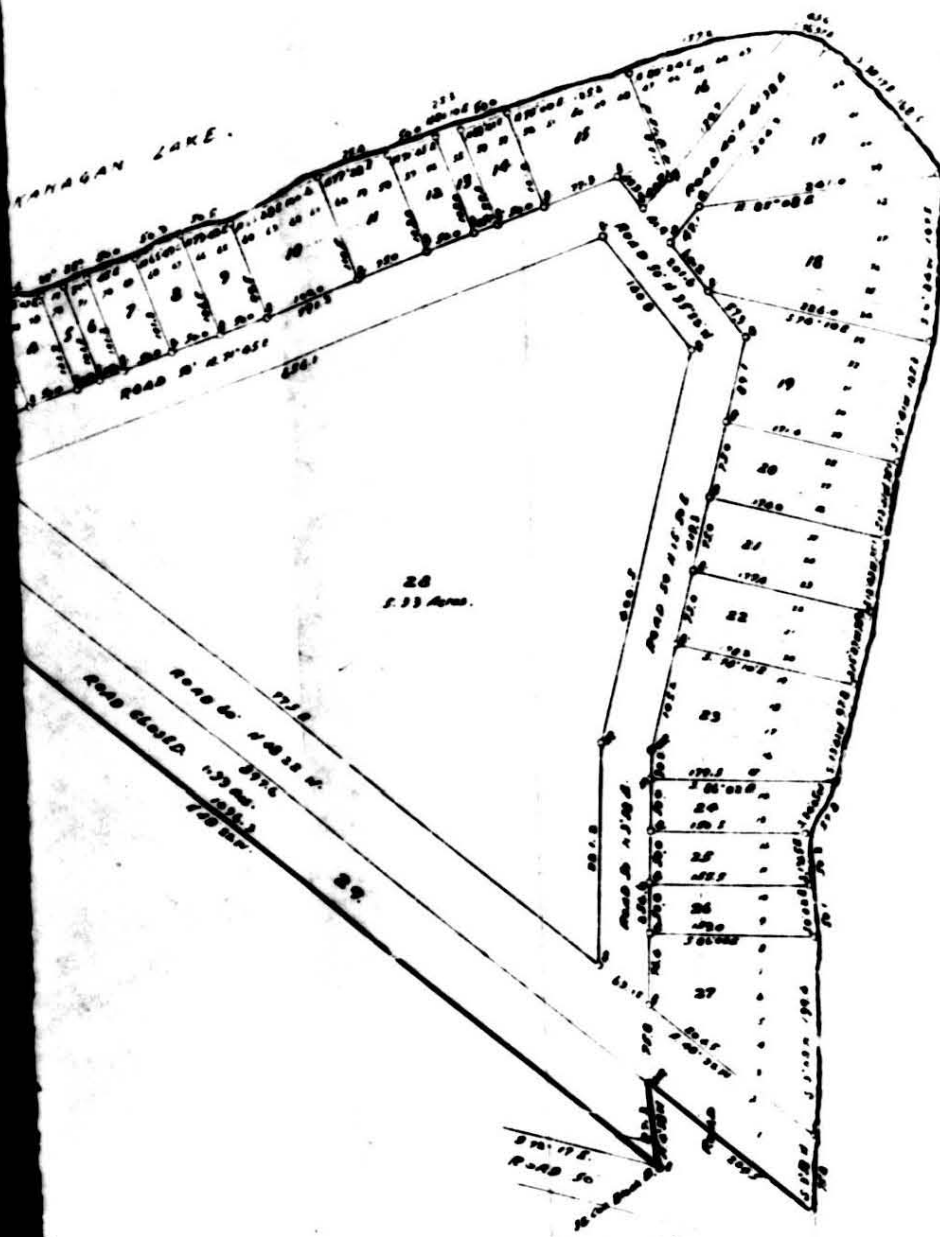
.....
A Commissioner for taking
Affidavits within the Province
of British Columbia.

Charles Noel Higgin

PLAN N° 5265
 DEPOSITED MAY 21ST 1950

RECORD

PROVISIONAL PLAN NO. 4035



Title No. **R43371F**From Title No. **R526Q1F****LAND TITLE ACT**
(FORM 21, Section 173(1))**CERTIFICATE OF INDEFEASIBLE TITLE**Land Title Office, **Kamloops**, British Columbia

The undermentioned owner in fee-simple is indefeasibly entitled to an estate in fee-simple, subject to such charges, liens, and interests as are notified by endorsement on this certificate and subject to the conditions, exceptions, and reservations set out on the back hereof, to the land in British Columbia described below.

Registered owner in fee-simple: (Application for registration received on **1st AUGUST, 1980**)

JANICE LORRAINE AGUR, "Housewife"
R. R. #1
Sumnerland, British Columbia

CORRECTED

17/11/82
[Signature]
REGISTRAR

Description of land:

**Lot 17, District Lot 673, Osoyoos Division Yale District, Plan 5265
Municipality of Sumnerland**

CHARGES, LIENS, AND INTERESTS*

Number of Charge, Number, Date and Year of Application	Registered Owner of Charge	Remarks
R.W. 45743E 21/11/50 10:35	The Corporation of the District of Sumnerland	D.D. 45725E
M. P38454 10/7/79	Canada Permanent Trust Company	CANCELLED T47516 23/4/82 JC GROVES REG
M. T43462 21/1/72 9:30	CIBC MORTGAGE CORPORATION	

Signed and sealed by me, this **26th** day of **August** 19 **80** **shd**

[Signature]
DEPUTY Registrar

DUPLICATE CERTIFICATE OF TITLE

Serial	Name and Address of Person to Whom Delivered	Filing Reference of Request for Duplicate Certificate of Title	Date of Cancellation of Duplicate Certificate of Title
Title Cancelled and Interest Expired as follows		Date	Signature of Registrar

*Each endorsement refers to the land described, unless otherwise indicated in "Remarks" column. See back hereof for abbreviations, etc.

MINISTRY OF LANDS, PARKS AND HOUSING

Option and
Variation

APPLICATION FOR CROWN GRANT

1	Title	No.		
2	Name of Grantor <u>ROBIN E AGUR</u>	Date		
3	Occupation	Incorp. No.		
4	Consideration			
5	Land Description <u>ASAPAS DIVISIONAL OF VOLE</u>	Area <u>796.2 m²</u>		
6	Legal description <u>LOT 134B</u>			
7	Location <u>SUMMERLAND</u>	Assessment Area <u>PENTAGON</u>		
8	Land Title Office <u>KANLOOPS</u>	R.M. <u>020/129</u>		
9	Plan <u>7 T 1132</u>	M.T.S. <u>020/127</u>		
10	Official Register (C.R.)	Noted		
11	Reverted Register	Noted		
12	O/S charges			
13	REMARKS	CONFLICTS		
14		KELOWNA L.M.D.		
15		OKANAGAN-SIMIKANGEN R.D.		
16		NOT IN A.L.R.		
17		WITHIN SUMMERLAND		
18		MUNICIPALITY.		
19		FRONTS ON LOT 17 & 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000		

Documents

Passed by
10-10-100

Approved by

Date

SENT TO REGION

78
Lands and Housing Regional Operations Division, 348 Tranquille Rd., Kamloops

G. Hove, District Land Manager
Kamloops, B.C.

83-02-11

Our Files: 0333014

0223699

Your File: L.673, OUYD

The attached map shows a portion of the area held under Lease #14376 held by the Corporation of the District of Summerland for public recreational purposes.

The area shown in green is Lot 1348, Osoyoos Division of Yale District, recently surveyed for the application to purchase by Robin Agar.

I believe that Lot 1348 is presently in the area held under lease and will therefore require a directive from you in order to remove it from the leased area.

We will proceed with the amendment to the lease and the subsequent sale of Lot 1348 immediately upon receipt of your advice to this effect. As you can see from the attached correspondence, we will require your reply within 60 days so that we do not further delay the purchase.

D. Carlson,
Assistant Senior Examiner

by: 
B. Wing,
Examiner

BU/tb
enc.



File: 0333014

83-02-11

Mr. Robin E. Agur
498 Ellis Street
Penticton, B.C.
V2A 5C5

Dear Sir:

Reference is made to your application to purchase unsurveyed Crown land fronting Lot 17 of District Lot 673, Osoyoos Division of Yale District, Plan 5265.

I wish to advise that this area has now been surveyed as Lot 1348, Osoyoos Division of Yale District, containing 796.2 square metres.

Accordingly, it will now be in order for you to purchase this lot at the price of \$10,000 plus \$80 in legal fees. All terms and conditions as stated in the Ministry's letter of approval, dated January 29, 1980 are still in effect.

The Crown Grant will be subject to the following provisos:

Provided that it is expressly understood and agreed by the Grantee that this Certificate and all the terms and conditions herein may be inspected by the public at such times and at such place as the Grantor may determine.

Provided also that this Certificate is issued and accepted subject to all Conditional or Final Water Licences issued or given under the Water Act, R.S.B.C. 1979, c. 429 as amended or any prior or subsequent enactment to like effect or any substituted water licence issued under the said statute or enactment and it shall be lawful for the licensee under such licence to enter upon the Crown lands and to maintain, repair and operate thereon and therein the works authorized at the date of this Certificate under any such licence.

This Certificate of Purchase is issued on the condition that the Grantee consolidates the land with the land of the Grantee described as Lot 17 of District Lot 673, Osoyoos Division of Yale District, Plan 5265 into a single parcel within 4 months from the date of the Crown Grant.

may 9

80
- 2 -

The document will be issued in the name of Janice Lorraine Agur, the holder of the private land that is to be consolidated with this parcel. Would you kindly have her advise as to her names in full, her occupation, and whether or not she is a Canadian citizen. This information must be supplied on the enclosed Form 165 as required by the Land Title Act.

Also required is permission from the two charge holders of the private land, being The Corporation of the District of Summerland, Charge No. R.W. 45/43E, and the C.I.B.C. Mortgage Corporation, Charge No. M. T43462, to consolidate the two parcels of land.

Upon receipt of the consent and the citizenship document, we will be in a position to proceed with the issuance of the Crown Grant.

In the event a reply is not received within sixty (60) days from the date of this letter, the Ministry will have no other alternative but to reconsider and disallow this application for failure on your part to comply with our requirements.

Yours truly,

D. Carlson,
Assistant Senior Examiner


by:
B. Wing,
Examiner

BW/kb

cc: District Land Manager, Kelowna (L.673, ODYD)

17. PLAN 5265 AND CLOSED AND VESTED
AD PLAN M-16255, DL. 673, Q.D.Y.D.
SUANT TO SECTION 100(1)(b), LAND TITLE ACT

18. 1:250

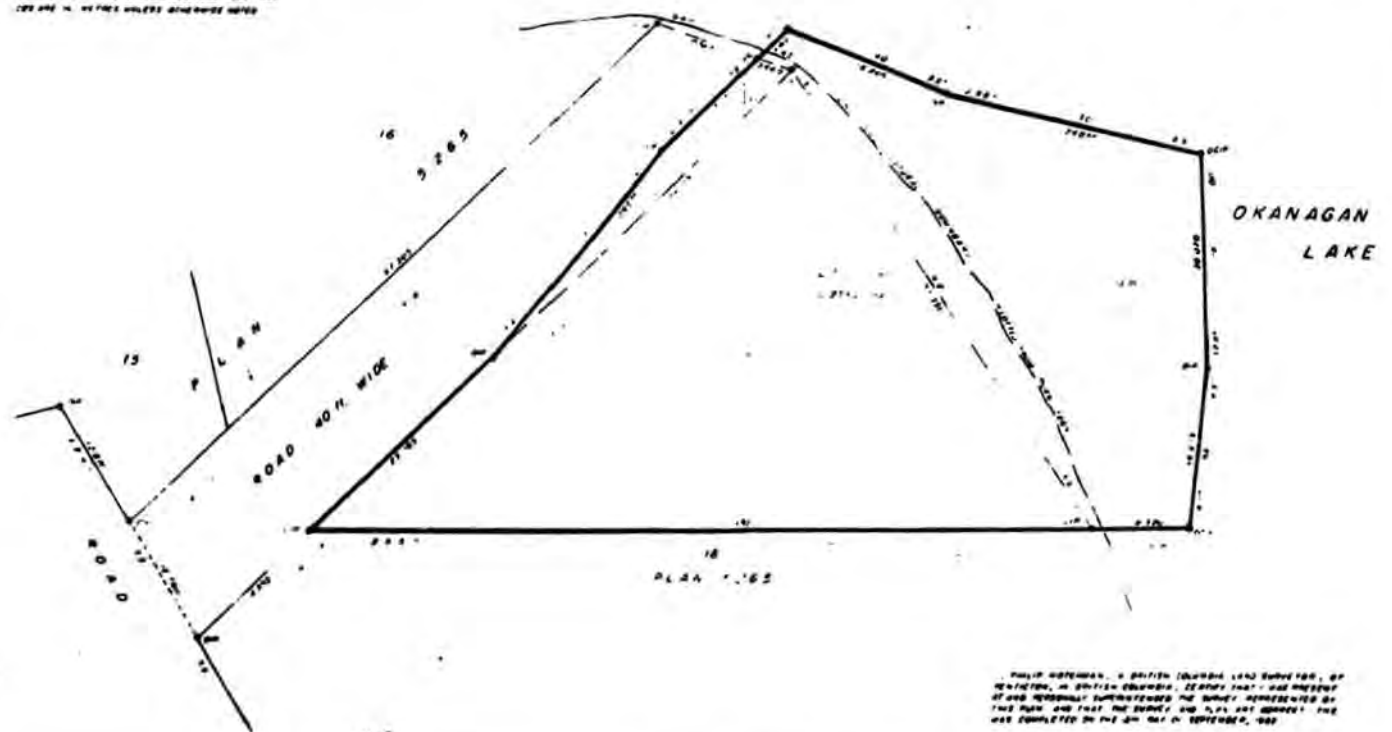
NO
M - MEASURED EXISTING HIGH POINT FORMER
P - MEASURED HIGH POINT FORMER

ALL ARE APPROXIMATE AND DERIVED FROM PLAN 1981
100 AND 11. METRE WILDS OTHERWISE NOTED

PLAN NO

DEPOSITED IN THE LAND TITLE OFFICE, IN THE
COLUMBIA TRAIL DAY OF

REGISTER



THOMAS WATKINS, a British Columbia Land Surveyor, of
VICTORIA, in British Columbia, hereby certifies that he was present
at and personally supervised the survey represented on
this plan and that the survey was done by him or under his
direction and control on the 2nd day of SEPTEMBER, 1981

82

LAND TITLES ACT
FORM 6
(SECTION 46)
PROOF OF EXECUTION BY CORPORATION

I certify that on the 11th day of January, A. D., 19 83
at Toronto, in Ontario, KENNETH FJOR EBBESEN, who is
personally known to me, appeared before me and acknowledged to me that
he is the authorized signatory of CIBC MORTGAGE CORPORATION and that he
is the person who subscribed his name and affixed the seal of the
corporation to the instrument, that he was authorized to subscribe his
name and affix the seal to it, (and that the corporation existed at the
date instrument was executed by the corporation).

In testimony of which I set my hand and seal of office at Toronto,
in Ontario this 11th day of January, A. D., 19 83


P.A.K. Giles
A Notary Public in and for the Judicial
District of York, Province of Ontario.

23

THIS INDENTURE dated for reference the 11th day of January
A.D. 1983.

IN PURSUANCE OF THE LAND TRANSFER FORM ACT;

BETWEEN:

JANICE LORRAINE AGUR, Realtor, of R.R.#1,
Lakeshore Drive North, Summerland, British
Columbia;

(Hereinafter called the "Mortgagor")

OF THE FIRST PART

AND: *u* CIBC

~~CIBC~~ MORTGAGE CORPORATION, a Company incorporated
under the laws of Canada, having its Head Office in
the City of Toronto, in the Province of Ontario, and
having an office within British Columbia at 1745 West
8th Avenue, P.O. Box 34231 Station "D", Vancouver,
V6J 4V5 (registered under the Trust Company Act of
British Columbia under Certificate No. T-75) having a
branch office at 295 Main Street, Penticton, B.C.

(Hereinafter called the "Mortgagee")

OF THE SECOND PART

AND:

ROBIN EDMUND AGUR, Realtor, of R.R.#1, Lakeshore
Drive North, Summerland, British Columbia;

(Hereinafter called the "Guarantor")

OF THE THIRD PART

W H E R E A S :

A. THE MORTGAGOR is the registered owner in fee simple of
that certain parcel or tract of land and premises located in the
Municipality of Summerland, in the Province of British Columbia,
legally described as Lot 17, D.L. 673, O.D.Y.D., Plan 5265 *u*
(hereinafter called the "Original Lands");

B. BY AN INDENTURE of Mortgage dated August 23, 1982 and
made between the Mortgagor and the Mortgagee and filed in the
Kamloops Land Title Office on August 31, 1982 under filing number
T43462, (hereinafter called the "Mortgage"); the Mortgagor did
grant and mortgage unto the Mortgagee the Original Lands;

C. THE MORTGAGOR is also the owner of lands and premises
located within the Municipality of Summerland in the Province of
British Columbia and legally described as that portion of Closed
Road in D. L. 673, O.D.Y.D., which lies adjacent to Lot 17, Plan
5265, shown on Plan M16255 (hereinafter called the "Closed
Road");

D. THE MORTGAGOR is also acquiring title in fee simple from her Majesty the Queen in the right of the Province of British Columbia to a certain parcel or tract of land located on the foreshore of Okanagan Lake and adjacent to the Original lands, which additional parcel of land is situated in the Municipality of Summerland in the Province of British Columbia and is more particularly described as:

That part of D.L. 1348 included within the boundaries of Lot A, on a reference Plan of D.L. 1348, O.D.Y.D., Lot 17, Plan 5265 and Closed and Vested Road in D.L. 673, O.D.Y.D. on Plan M16255 which plan was prepared by Philip Motchman, British Columbia Land Surveyor and certified on the 15th day of September, 1982, a copy of which is attached to this Agreement. (hereinafter called the "Foreshore Lands");

E. IN ORDER TO facilitate the consolidation by way of reference plan of the Original Lands, the Closed Road and the Foreshore Lands, the Mortgagor has agreed with the Mortgagee to extend the Mortgage to bring within the security of the said Mortgage the Closed Road and Foreshore Lands.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of TWO DOLLARS (\$2.00) ONE DOLLAR (\$1.00) of which is now paid by the Mortgagee to each of the Mortgagor and Guarantor (the receipt and sufficiency of which is hereby acknowledged by each of the Mortgagor and Guarantor) and other good and valuable consideration, the parties hereto covenant and agree as follows:

1. The Mortgagor doth hereby grant and mortgage unto the Mortgagee and its successors and assigns forever all and singular the the Closed Road and Foreshore Lands.

2. The Mortgage hereinbefore referred to and all its covenants, provisos, powers, matters and things whatsoever therein contained shall continue in full force and effect and the said Mortgage shall not be, nor shall it be deemed to be, further amended or varied, save as is expressly provided by these presents or further agreements in writing.

3. This Agreement shall enure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, successors, administrators and assigns.

IN WITNESS WHEREOF the Mortgagor and the Guarantor have
hereunto set their hands and seals and the Mortgagee has caused
its duly authorized officers to execute the herein Agreement as at
the day and year first above written.

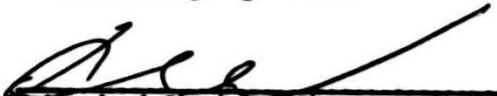
SIGNED, SEALED AND DELIVERED by
the MORTGAGOR and the GUARANTOR in
the presence of:

Name: _____
498 Ellis Street
Penticton, B.C.
Solicitor.

)
)
)
) JANICE LORRAINE AGUR
)
)
)
) ROBIN EDMUND AGUR
)

CIBC MORTGAGE CORPORATION


Authorized Signing Officer


Authorized Signing Officer



IN WITNESS WHEREOF the Mortgagor and the Guarantor have hereunto set their hands and seals and the Mortgagee has caused its duly authorized officers to execute the herein Agreement as at the day and year first above written.

SIGNED, SEALED AND DELIVERED by
the MORTGAGOR and the GUARANTOR in
the presence of:

Name: _____
498 Ellis Street
Penticton, B.C.
Solicitor.

)
)
)
) JANICE LORRAINE AGUR
)
)

)
)
)
) ROBIN EDMUND AGUR
)
)

CIBC MORTGAGE CORPORATION


Authorized Signing Officer


Authorized Signing Officer



**Halbauer
Albas
Kenne &
Adams**

Surveys • Estates • Notaries Public

L. D. HOLBURN, B.A., LL.B.
C. L. ALBAS, B.A., LL.B.
J. A. KENNEDY, B. Comm., LL.B.
B.P. ADAMS, B.A., LL.B.

On 02/63/JAR

File No 0333014

RECEIVED

March 7, 1983

LR-3
By *lw*

*Retained
C/L 02/936
CM*

350460

Ministry of Lands, Parks and Housing
348 Tronquille Road
KANLOOPS, B.C.
V2B 3G6

ATTENTION: B. Wing

Dear Sirs:

RE: Lot 1348, O.D.Y.D.: Janice Lorraine Agur

Further to your letter of February 11, 1983, we wish to advise that we have been contacted by Mr. Agur to assist him in completing the consolidation of the properties. Accordingly, we take the opportunity of enclosing at this time, the following:

1. Our general cheque made payable to the Minister of Finance in the amount of \$80.00 for your legal fees. We understand that the \$10,000.00 has already been paid.
2. Statement of Citizenship for Janice Lorraine Agur;
3. Photocopy of a Mortgage Extension Agreement signed by C.I.B.C. Corporation to facilitate the consolidation of the lands which we trust will satisfy your request for their consent;
4. A copy of our letter to the Municipality of Summerland requesting their consent to the consolidation.

When we have received the letter of consent from the Municipality of Summerland, we will forward the same to you, at which time, we understand, you will grant the property to Janice Lorraine Agur so that we may consolidate all parcels.

cont'd

2nd Floor, 498 Ellis Street, Portlinton, B.C. V2A 4M2 • (604) 492-7225

Ministry of Lands, Parks and Housing
March 7, 1983
Page 1

Should you require anything further on this matter in the meantime, please contact the writer and in the alternative, we will be forwarding you the consent from the Municipality as soon as possible.

Yours very truly,

HALBAUER, ALBAS, KEENE & ADAMS

~~PER: JOHN A. KEENE~~

JAK:pd

Enc.

cc: Robin Agur

TO
Debbie Caines (B Wing)
Kamloops

FROM
89 Hurn
Kelowna

SUBJECT
L 6-0043

DATE
83-03-06

- | | | | | |
|---|---|---|---|---|
| ☐ For Your Information | ☐ Please O.K. and Return | ☐ Please Discuss With Me | ☐ For Your Request | ☐ For Your Signature |
| ☐ Please Process | ☐ Return With More Details | ☐ Investigate and Report | ☐ Please Answer | ☐ For Your File |

As per your memo (copy attached) please
remove Lot 1346 0043 from lease # 10376
held by Corp of Dir of Summerland by amendment
This will enable you to proceed with
purchase option to R Ave
Jorgensen

DATE OF REPLY

SIGNATURE

RETAIN THIS COPY FOR YOUR RECORD OF THE INQUIRY AND REPLY

INVESTIGATIVE RECORD LABOUR — CANADIAN REPLY 1975
MADE OFFICE OF REPLY STREET — VANCOUVER B.C. V6B 6K6 712

MEMOGRAM

MEMORANDUM

TO: *Mr. of L.P.H.*
Kelso on District Office
0223699

FROM: *Mr. of L.P.H.*
Kempco Regional Office

SUBJECT: *0333014 (L.673 ODYD)*

DATE: *Mar 21/86*

☐ For Your Information ☐ Please G.I. and Return ☐ Please Discuss With Me ☐ For Your Request ☐ For Your Signature
☐ Please Prepare ☐ Return With More Details ☐ Investigate and Report ☐ Please Answer ☐ For Your File

Attn: *Gary Huva*

Jeff Cullton advises that the area being sold to *Janice Agur* is noted on our records as being excluded from the lease of *Summerland (0223699)* but the area is negligible as compared to the total area of the lease & an amendment will therefore not be carried out.

James Wang

REMOVE THIS SHEET AND FORWARD BALANCE OF SET

Province of
British Columbia

Ministry of Lands,
Parks and Housing

Lands and Housing
Regional Operations Division
Regional Director
348 Tranquille Road
Kamloops, B.C.
V2B 3G8
Phone: 554-3144

91
File: 0333014

83-03-15

Halbauer Albas
Keene & Adams
2nd Floor, 498 Ellis Street
Penticton, B.C.
V2A 4K2

Attention: Mr. John A. Keene

Dear Mr. Keene:

Reference is made to a purchase application covering
unsurveyed Crown land fronting Lot 17 of District Lot 673,
Osoyoos Division of Yale District, Plan 5265, made by Janice
Lorraine Agur.

We have received your cheque in the amount of \$80.00
which represents fees payable in addition to the purchase price
of \$10,000.00.

However, these fees were paid on February 13, 1981
when Mr. Agur initiated a previous application.

We are therefore requesting that a refund in the amount
of \$80.00 be issued and you will receive this under separate cover
from the Minister of Finance.

Yours truly,

H.F. Bauer, Manager
Finance and Administration

by: 
M. Lussier, A/Senior Clerk
Accounting Services

ML/sjk

CVK 057936



THE CORPORATION OF THE DISTRICT OF SUMMERLAND

P.O. BOX 199

SUMMERLAND BRITISH COLUMBIA V0M 1Z0

TELEPHONE 494-8491

March 22nd, 1983

**Halbauer, Albas, Keene & Adams,
2nd Floor,
498 Ellis Street,
PENTICTON, B.C. V2A 4M2**

Attention: John A. Keene

**COPY
FOR YOUR INFORMATION**
HALBAUER & COMPANY
Barristers & Solicitors
2nd Floor
498 Ellis Street
Penticton, B.C.

Dear Sir:

**Re: Janice Lorraine Agur - Consolidation of Properties
Your File 02/63/JAK**

With reference to the above noted and your letter dated March 7th, 1983, the following resolution was passed at the March 21st Regular Meeting of Council:

" that the Municipal Clerk be and is hereby instructed to inform Mr. John A. Keene of the firm of Halbauer, Albas, Keene and Adams Co. that The Corporation of the District of Summerland has no objection to the consolidation of Lot 17, D.L. 673, O.D.Y.D., Plan 5265, and the three adjoining parcels which are owned by the same owner".

We trust this meets with your approval.

Yours very truly,

**George Redlich,
Municipal Clerk**

GR/ap

**Halbauer
Albas
Keene &
Adams**

Barristers • Solicitors • Notaries Public

L. D. Halbauer, B.A., LL.B.
C. L. Albas, B.A., LL.B.
J. A. Keene, B. Comm., LL.B.
B.P. Adams, B.Sc., LL.B.

93
MINISTRY OF LANDS
PARKS AND HOUSING

MAR 26 1983

REGIONAL DIRECTOR
KAMLOOPS, B.C.

Our file 02/63/JAK

Your file 0333014

March 24, 1983

Ministry of Lands, Parks and Housing
348 Tronquille Road
KAMLOOPS, B.C.
V2B 3G6

ATTENTION: B. Wing

Dear Sirs:

RE: Lot 1348, O.D.Y.D.: Janice Lorraine Agur

Further to our letter of March 7, 1983, we now enclose the letter of consent from the Municipality of Summerland.

We would ask that when the Crown Grant has been given Cabinet approval, that a copy of the notice of the same be forwarded to the writer so that we will then be in a position to proceed with the consolidation of the properties.

Yours very truly,

HALBAUER, ALBAS, KEENE & ADAMS

~~PER: JOHN A. KEENE~~

JAK:pd

Enc.

cc: Robin Agur

2nd Floor, 498 Ellis Street, Penticton, B.C. V2A 4M2 • (604) 492-7225

FILE NOTE

John Keene, Mr Agur's attorney, phoned saying he had the required items for consolidation. Ple send him a cc of the letter saying the Crown Grant has been sent to the LTO (Keene's address - 498 Eeles St, Port Huron, V2A 4M2) *BTWing*

PURCHASE IN THE NAME OF JANICE LORRAINE AGUR, as per Cert. of Title for adjacent land to be consolidated with this land. PAID IN FULL

C.P. date to be "TODAY" as per conversation with Debbie. No apparent reason for it to be dated earlier

Require the following:

- rec'd - Citizenship declaration for Janice Agur
- rec'd - Permission from CIDC to consolidate
- rec'd - Permission from Summerland to consolidate (*re R/W change*)
- rec'd - Require verbal advice from Kelowna District re excluding this area from Summerland's lease. As per Jeff, we shouldn't amend ~~their~~ ^{#14376} lease (file 0223699) as this exclusion is ~~just~~ negligible.

Dec 29/82

FILE NOTE

John Keene, Nir Agur's attorney, phoned saying he had the required items for consolidation. Pls send him a cc of the letter saying the Crown Grant has been sent to the LTO (Keene's address - 498 Ellis St, Port Huron, V2A 4M2) BWing

PURCHASE IN THE NAME OF JANICE LORRAINE AGUR, as per Cert. of Title for adjacent land to be consolidated with this land. PAID IN FULL

C.P. date to be "TODAY" as per conversation with Debbie. No apparent reason for it to be dated earlier

Require the following:

- rec'd - Citizenship declaration for Janice Agur
- rec'd - Permission from CIDC to consolidate
- rec'd - Permission from Summerland to consolidate (re R/W change)
- rec'd - Require verbal advice from Kelowna District re excluding this area from Summerland's lease. As per Jeff, we shouldn't amend their lease (file 0223699) as this exclusion is ~~just~~ negligible.

M. J.

Ref. Map 82 E / 12 g
N.T.S. Ref. 82 E / 12 g

District KELOWNA
Assessor PENTICTON
File No. 0333014

Name JANICE LORRAINE AGUR
Address RR#1
Summerland, B.C.
V0H 1Z0
Description LOT 1348, ODYD

Area 796.2 m² Location SUMMERLAND
Purchase Price \$10,000.00 Deposit 10,080
Documentation Fee \$30.00 Balance Payable — Interest —
Crown Grant Fee \$50.00
TOTAL \$10,080.00

Provisions

4A Water
Inspection
227 Consolidation - L17 of DL 673,
ODYD, Plan 5265-

*Mitchell - please to
the covering memo -
v. p. forward a copy of
the original of covering
of the Crown Grant, also,
Hollander, Adams,
Pent. & 2nd 2nd 5x
Pent. & 2nd 2nd 5x
Pent. & 2nd 2nd 5x
Pent. & 2nd 2nd 5x*

The date of this Certificate for instalment payment and interest purposes is the 13
day of Feb 1981

Date _____ day of _____, 19

TRIPPLICATE

Reference Map 82E/12g
N.T.S. Ref. 82E/12g



Province of
British Columbia
Ministry of Lands, Parks
and Housing

District Kelowna
Assessor Penticton
File No. 0333014

CERTIFICATE OF PURCHASE LAND ACT

Name of purchaser Janice Lorraine Agur

R.R. #1

Sumasland, B.C.

VGN 120

Legal description of land Lot 1348, Guyana Division of Yale District

containing 796.2 m² sq. more or less. Location Sumasland

Purchase price - - \$ 10,000.00

Documentation fee - 30.00

Crown-grant fee - 50.00

Total - - \$ 10,080.00

TERMS OF PAYMENT

Deposit of the sum of \$10,080.00 (receipt of which is hereby acknowledged).

Balance payable in equal annual instalments on the anniversary date of this certificate, with interest at per cent per annum on the balance of principal outstanding from payment to payment.

Provided that this certificate is issued on the understanding that the Grantor reserves the right to grant rights-of-way across, through, under, or over any portions of the above-described lands on the condition, however, that the rights-of-way so granted shall not unreasonably interfere with the rights granted by this certificate or with the purchaser's improvements on the Crown lands. In the event the purchaser's improvements are interfered with, compensations shall be set at the sole discretion of the Minister and his decision as to compensation shall be final.

This certificate is issued subject to the provisions of the *Land Act*, being chapter 214, Revised Statutes of British Columbia, 1979, and other governing statutes.

See reverse side.

The date of this certificate for instalment payment and interest purposes is the 13th day of February, 1981

This document should be carefully preserved and submitted with application for Crown grant.

Dated at Kamloops, British Columbia, this 30th day of March, 1983

Regional Director

THIS AGREEMENT PAID IN FULL AND
APPROVED FOR CROWN GRANT PURPOSES.

DATE Apr 6/83 BY Beving

Nº 01177

Provided that it is expressly understood and agreed by the Grantee that this Certificate and all the terms and conditions herein may be inspected by the public at such times and at such place as the Grantor may determine.

Provided also that this Certificate is issued and accepted subject to all Conditional or Final Water Licences issued or given under the Water Act, R.S.N.C. 1979, c. 429 as amended or any prior or subsequent enactment to like effect or any substituted water licence issued under the said statute or enactment and it shall be lawful for the licensee under such licence to enter upon the Crown lands and to maintain, repair and operate thereon and therein the works authorized at the date of this Certificate under any such licence.

This Certificate of Purchase is issued on the condition that the Grantee consolidates the land with the land of the Grantee described as Lot 17 of District Lot 673, Osoyoos Division of Yale District, Plan 5265 into a single parcel within 4 months from the date of the Crown Grant.

97

Lands and Housing Regional Operations Division, 348 Tranquille Rd., Kamloops

Crown Grants Section
Program and Management Services Division
345 Quebec Street
Victoria, B.C. V8V 1X5

83-03-31

File: 0333014

Attention: Louise Childs

Attached please find one copy of Certificate of Purchase Number 01177 which has been paid in full.

The pink and yellow copies have been retained in our office for accounting and record purposes.

Would you now please process the required Crown Grant?

Please forward a copy of the advice of issuance of the Crown Grant to: Halbauer, Albas, Keene and Adams, Barristers and Solicitors, 2nd Floor, 498 Ellis Street, Penticton, B.C., V2A 4M2.

D. Carlson,
Assistant Senior Examiner

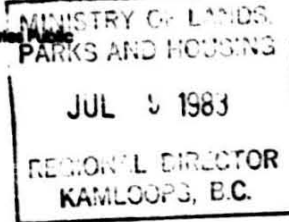
[Signature]
by
B. Wing,
Examiner

ENTERED APR 14 1983

BW/km
enc.

Halbauer
Albas
Keene &
Adams

Barristers • Solicitors • Notaries Public



L. D. Halbauer, B.A., LL.B.
C. L. Albas, B.A., LL.B.
J. A. Keene, B. Comm., LL.B.
B.P. Adams, B.Sc., LL.B.

Our file 02/63JAK

Your file 1333014

July 5, 1983.

Ministry of Lands, Parks & Housing,
348 Tronquille Road,
KAMLOOPS, B.C.
V2B 3G6.

Attention: B. Wing

Dear Sirs:

Re: Lot 1348, O.D.Y.D. - Janice Lorraine Agur.

Further to our letter of March 24, 1983, wherein we enclosed a letter of Consent from the Municipality of Summerland, we would ask that you advise the Writer whether the Crown Grant has been given Cabinet approval, so that we may then file the consolidation plan in the Kamloops Land Title Office.

We look forward to your earliest response to this matter, and remain,

Yours very truly,

HALBAUER, ALBAS, KEENE & ADAMS,


Per:
John A. Keene,
JAK/sc

c.c. - Mr. Robin Agur.



100

Our File: 0333014
Your File: 02/63JAK

83-07-13

Halbauer, Albas, Keene and Adams
Barristers and Solicitors
2nd Floor, 498 Ellis Street
Penticton, B.C.
V2A 4N2

Attention: John A. Keene

Dear Sir:

Thank you for your letter dated July 5, 1983 regarding the purchase of Lot 1348, Osoyoos Division of Yale District in favour of Janice Lorraine Agur.

Please be advised that the required Order-in-Council has not yet received Cabinet approval.

We assure you that as soon as we receive a copy of the signed order we will notify your office.

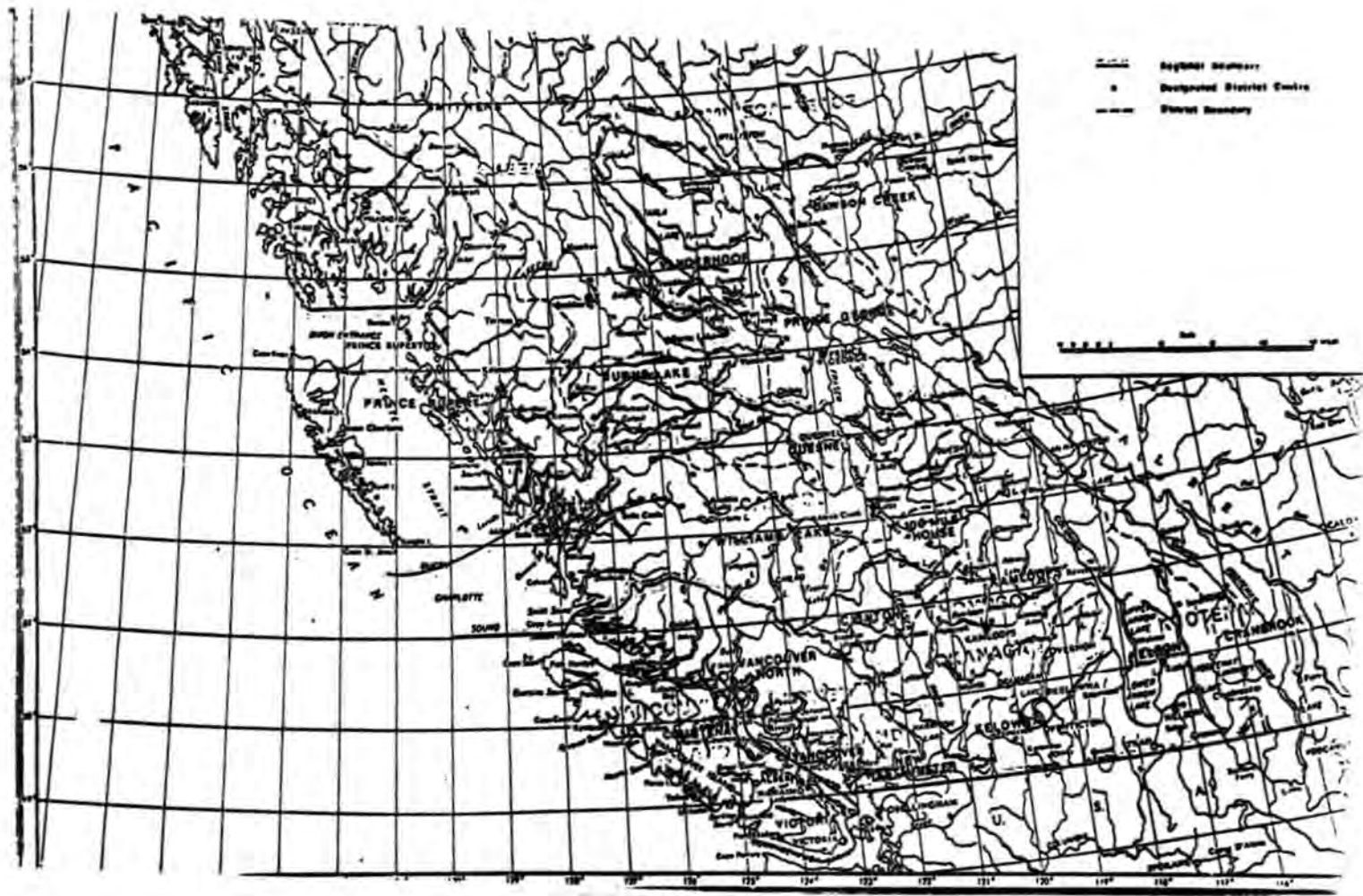
Yours truly,

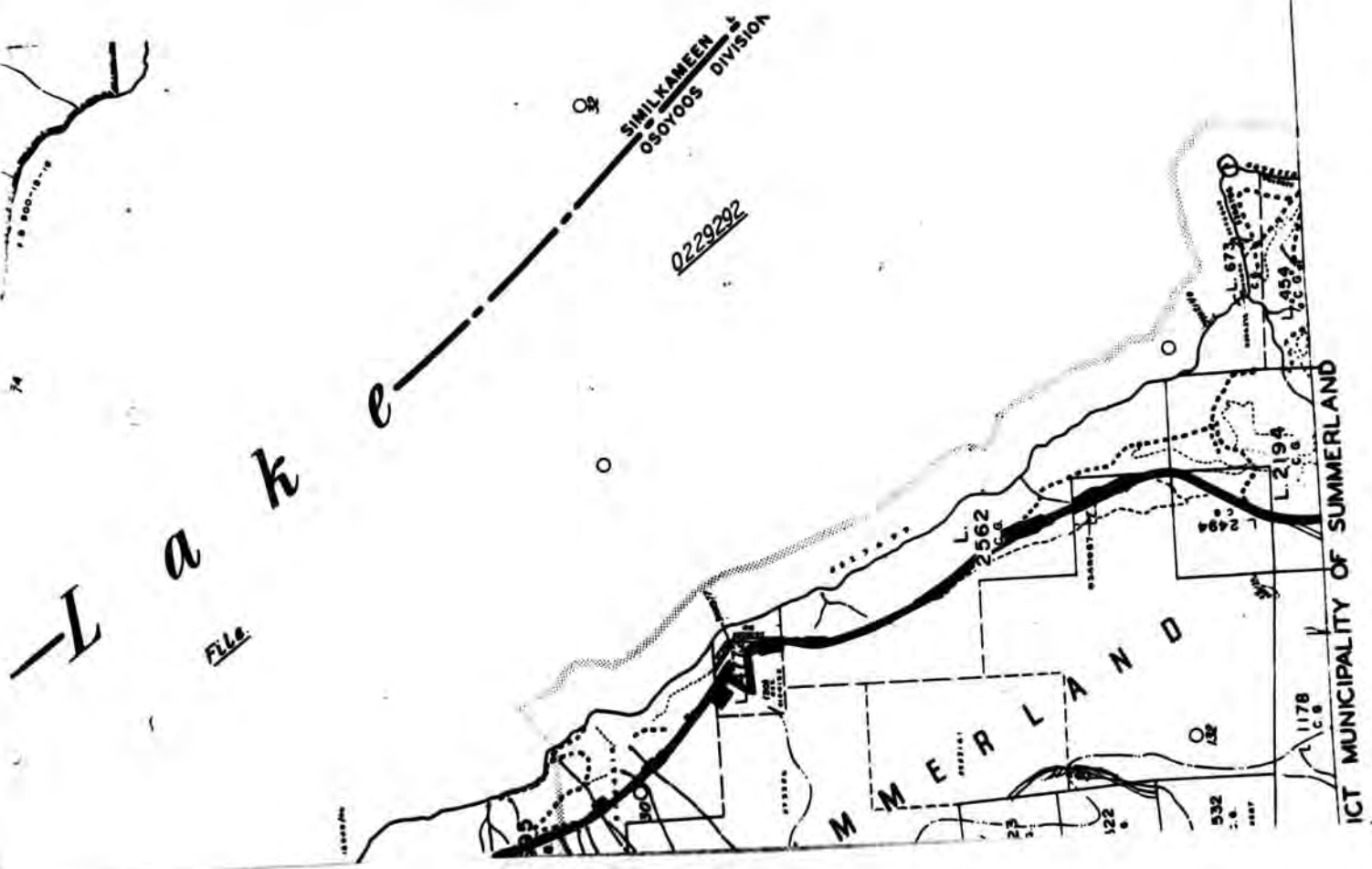
D. Carlson
Assistant Senior Examiner

B. L. Duncan

by:
B. Duncan
Examiner

BD/sjk





MEMO

File: 0333014

83-07-28

Around the 1950's, some area officials remember dirt, top soil, rocks etc. being hauled in by Agur and deposited in front of his houses. Since then numerous docks, floats, wharves and wall have been constructed on the Crown foreshore in an attempt to prevent erosion.

In cases of long standing foreshore fills it is more damaging to remove the fill than to leave it in place.

We therefore recommend to legalize the trespass by selling the filled area to the upland owner. The Crown grant will force the owner to consolidate the filled area with the upland parcel. The site is valued at \$10,000.00.

Section 14 of the Land Act precludes the issuance of a Crown grant of filled foreshore except by Order-in-Council.

MINISTRY OF LANDS, PARKS & HOUSING

INFORMATION SHEET FOR ORDERS IN COUNCIL

Minister's letter attached	No ☒ Yes ☐	File No:	0333014
Press Release attached	No ☒ Yes ☐	Originator's Name	D. Carlson
ACT (Title and R.S.B.C. Ref.)		and Office	Kamloops
Land Act, RSBC 1979		Originator's Tel.	554-3144
TREASURY BOARD APPROVAL REQUIRED: NO ☒ YES ☐		CHECKED:	
If YES, do they agree?		Legal Description	<i>Julian</i>
GERB: NO ☒ YES ☐ If YES, do they agree?		APPROVED:	
		Dir. P.R.	
		A.D.M.	
		Deputy Minister	

1. BACKGROUND SUMMARY

This area was originally applied for as an accretion, but the application was disallowed on the basis that the site is comprised of man made fill - not accreted material. Removal of the fill at this point would cause more environmental damage than leaving the site "as is". We therefore propose to legalize the trespass by sale to the upland owner.

2. REASON(S) FOR PROPOSED ORDER

The sale of any filled foreshore can only occur pursuant to Section 14 of the Land Act. The sale price has been set of \$10,000.00.

3. URGENT, if YES, explain

No.

4. Consistent with government policy. NO ☐ YES ☒ Explain

LAPP Manual policy 4.421 (2)(e) permits the sale of filled foreshore.

5. Affects other programs, if YES, explain.

No - the fill has been in place for many years now.

6. Affects public, if YES, explain.

No - any affects would already be known.

7. If applicable, name of Region(s) or Municipality(ies) affected. Summerland

M.L.A: J. Hewitt

Who has been consulted on this Order? No one.

8. Have Legislative Counsel authorized the Order or attached a caution tag? Explain if necessary.

9. Government Information Program Office

Is a press release required?

NO ☐ YES ☐

If YES, then is a draft attached?

NO ☐ YES ☐

Has the Government Information Program Office been consulted?

NO ☐ YES ☐

Who has prepared the press release?

CONFIDENTIAL DOCUMENT

ORDER IN COUNCIL DISTRIBUTION FORM

STATUTE AND SUMMARY OF SUBJECT-MATTER

Issuance of a Crown grant pursuant to Section 14 of the Land Act,
RSBC 1979, being Chapter 214.

FILING WITH REGISTRAR OF REGULATIONS AND GAZETTING IN PART II

Place mark in box if Order need not be filed with Registrar of Regulations ☐

(If in doubt about whether or not an Order must be filed, contact the Registrar of Regulations at 387-6792 or 387-6391. Note that an unfiled Order has no effect if the Regulations Act requires it to be filed.)

Order in Council No.

Dated Mrs. Hilary Hamilton
Ministry of Lands, Parks and Housing
1019 Wharf Street
Victoria, B.C.
(Telephone: 387-5458)
(Name, address, and telephone number of originator)

◆ Type originator information in both places. ◆

Dated Mrs. Hilary Hamilton
Ministry of Lands, Parks and Housing
1019 Wharf Street
Victoria, B.C.
(Telephone: 387-5458)
(Name, address, and telephone number of originator)

CERTIFIED COPIES

(Complete address to be given i.e. name, street address, city, postal code)

Copy to

Copy to

Copy to

GAZETTING IN PART I

To be published in Part I of the Gazette by
(Ministry or Branch)

(The following is for the use of the Deputy Provincial Secretary's Office only)

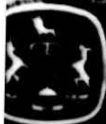
Copies to Registrar of Regulations

Ordinary copy(ies) sent Certified copy(ies) sent

Notified Ottawa notified

Part I	Date	Page
Order in Council gazetted		
Appointment gazetted		
Rescission gazetted		

Order in Council No.



Province of
British Columbia

MEMORANDUM

106
To: Mr. T.E. Lee
Assistant Senior Examiner
Ministry of Lands, Parks and Housing
1019 Wharf Street, 6th Floor
Victoria, B.C.
V8W 2Y9

Date: 83-07-28

File: 0333014

Attention: Nadine Derick

Attached please find a draft Order-in-Council recommending
the issuance of a Crown Grant to Janice Lorraine Agur.

Please proceed in the usual manner.

J. Oulton
Senior Examiner

by:
D. Carlson
Assistant Senior Examiner

DC/sjk
attach.

BRITISH



COLUMBIA

1748

APPROVED AND ORDERED NW-21983


Lieutenant-Governor

EXECUTIVE COUNCIL CHAMBERS, VICTORIA NW-21983

On the recommendation of the undersigned, the Lieutenant-Governor, by and with the advice and consent of the Executive Council, orders that a Crown grant be made to Janice Lorraine Agur of

Lot 1348, Osoyoos Division of Yale District, being filled foreshore in Lake Okanagan;

subject to the land being consolidated with Lot 17 of District Lot 673 Osoyoos Division of Yale District, Plan 5265.

copies to:

B. Neal
B.C. Asses. Auth.
D. Rogers
B. Buckingham
L. Childs
G.S. Wilson


J. Thompson


Minister of Lands, Parks and Housing

NOV 18 1983


Presiding Member of the Executive Council

(This part is for administrative purposes and is not part of the Order.)

Authority under which Order is made:

File: 0333014

Act and section: Land Act, section 14

Other (specify):

Statutory authority checked by: Gareth J. Davies

(Signature and typed or printed name of Legal Officer)



10-142

1000 103 0000



Province of
British Columbia

Ministry of Lands,
Parks and Housing

Parliament Buildings
Victoria
British Columbia
V8V 1X4

Land Records Section
220 - 345 Quebec Street
Victoria, B. C. V8V 1X5

Phone: 387-4461

NOT IN AGRICULTURAL LAND RESERVE

Janice L. Agur
R. R. #1
Summerland, B. C.
V0H 1Z0

MINISTRY OF LANDS
PARKS AND HOUSING

DEC 01 1983

REGIONAL DIRECTOR
KAMLOOPS, B.C.

OUR FILE 0333014

Occupation: Realtor

NOV 25 1983

Dear Sir or Madam:

The undermentioned Crown Grant has today been forwarded to the Kamloops Land Title Office for registration. Application may now be made by you to the Registrar for a State of Title Certificate which will be supplied to you free of charge on production by you of this letter.

For right to obtain a duplicate Certificate of Title, please see back hereof.

Crown Grant No. 3126/1202

Date: November 23, 1983

Grantee: JANICE LORRAINE AGUR

Description: Lot 1348, Osoyoos Division of Yale District

Location: Within Summerland Municipality -
Summerland

, containing 796.2 m² ~~maximum~~
approx.

Assessment District: Penticton

R.H.: 82E/12g
N.T.S. 82E/12g

M. White
for Director of Surveys and Land Records

Copy to:

B.C. Assessment Authority, ~~xHastingsxHastings~~ Penticton

District Land Manager, Kelowna

Regional Director, Kamloops

Land Title Office, Kamloops

Timber Management Branch, Ministry of Forests, 1450 Government St.,

Victoria, B. C. V8W 3E7 Attention: Joanne Anderton

/np C.L.I.S. Audit, Attention: Linda Norman

bcgu Halbauer, Alban, Keene & Adams, Barristers & Solicitors, 2nd Floor,

L 131 (R5/8698) Ellis Street, Penticton, B. C. V2A 4N2

INTE

33

Section 173(1) of the Land Title Act also contains provision for issuance of a duplicate Certificate of Title (which is an original document) by the Registrar on the request of the owner in certain cases. Section 173(1) reads as follows:

"On every registration of title in fee-simple, the registrar shall issue a certificate of title in the prescribed form, which he shall keep in the register and may at any time on application in writing of the owner in fee-simple named in the certificate of title, issue a true copy of the certificate of title to be known as the "duplicate certificate of title" where the title to the land is not subject to a registered mortgage or agreement for sale."

100-100000-100000

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FILE NO. 100-100000

EXHIBIT 100-100000-1

NAME: [illegible]

DATE: [illegible]

BY: [illegible]

REMARKS: [illegible]

FILE NO. 100-100000

EXHIBIT 100-100000-2

NAME: [illegible]

DATE: [illegible]

BY: [illegible]

REMARKS: [illegible]

FILE NO. 100-100000

EXHIBIT 100-100000-3

NAME: [illegible]

DATE: [illegible]

BY: [illegible]

REMARKS: [illegible]

FILE NO. 100-100000

EXHIBIT 100-100000-4

NAME: [illegible]

DATE: [illegible]

BY: [illegible]

REMARKS: [illegible]

FILE NO. 100-100000

EXHIBIT 100-100000-5

NAME: [illegible]

DATE: [illegible]

BY: [illegible]

REMARKS: [illegible]

FILE NO. 100-100000

EXHIBIT 100-100000-6

NAME: [illegible]

DATE: [illegible]

BY: [illegible]

REMARKS: [illegible]

FILE NO. 100-100000

EXHIBIT 100-100000-7

NAME: [illegible]

DATE: [illegible]

BY: [illegible]

REMARKS: [illegible]

FILE NO. 100-100000

EXHIBIT 100-100000-8

NAME: [illegible]

DATE: [illegible]

BY: [illegible]

REMARKS: [illegible]

FILE NO. 100-100000

EXHIBIT 100-100000-9

NAME: [illegible]

DATE: [illegible]

BY: [illegible]

REMARKS: [illegible]

CLS ENTD DEC 15 1983

[Signature]

1983

REPORT 301 REPORT 32

EWM

APPLICATION SET

FILE NO 30114 LAND DIST 40 DOCKERS DIV WALE

NAME & ADDRESS OF APPLICANT

JANICE LORRAINE ROUS

P.O. #1

SUMMERLAND B.C.

YON 170

THAT NAME AND ADDRESS

LAND DESCRIPTION LOT DIST

LAND DISTRICT 40 DOCKERS DIV WALE

FILE NO

LAND MAN. DISTRICT 71 MELBORA

REGIONAL DISTRICT 21 OKANAGAN COMMERCE

RECEIVED DISTRICT

1981-02

ELECTORAL DIST. 21 OKANAGAN SOUTH

MUNICIPALITY 025 SUMMERLAND

RECEIVED REGION

1981-02

PURPOSE 16 ACRES ONE NEW NAME

STATUS COMPLETE

1981-02

LAND NO FORESHORE YES

IN REPLY RECEIVED

1981-02

HECTARES 1.0

COMPLETION DATE

1981-02

LOCATION SUMMERLAND

RECEIVED

1981-02

NTS MAP REF 325 120

COMPLETION DATE

1981-02

PLANNED AREA YES

RECEIVED REGION

INDIAN RES. OUT OF NO

AGRIC. LAND RESERVE NO

COLLATERAL AGREEMENT NO

CONFLICT FILES

DEAD DUE TO

NOTES.

FILE:

THIS FILE IS CLOSED.

PLEASE FILE

IN STORAGE ROOM.



Province of
British Columbia

MINISTRY OF
ENVIRONMENT,
LANDS AND PARKS

BC
Lands

Thompson-Okanagan Region
478 St. Paul Street
Kamloops
British Columbia
V2C 2J6
Telephone: (604) 828-4800
Fax: (604) 828-4809

File: 3404347

November 28th, 1994

Janice and Robin Agur
RR 1
Summerland BC V0H 1Z0

Dear Janice and Robin Agur:

Re: Opportunity to purchase the land described as filled
foreshore being District Lot 5239, Osoyoos Division of
Yale District.

The time specified in our offer to purchase has now elapsed.
Therefore, our offer to purchase dated July 14th, 1992 has
been withdrawn and declared null and void.

Yours truly,


Sydney Grant,
Examiner

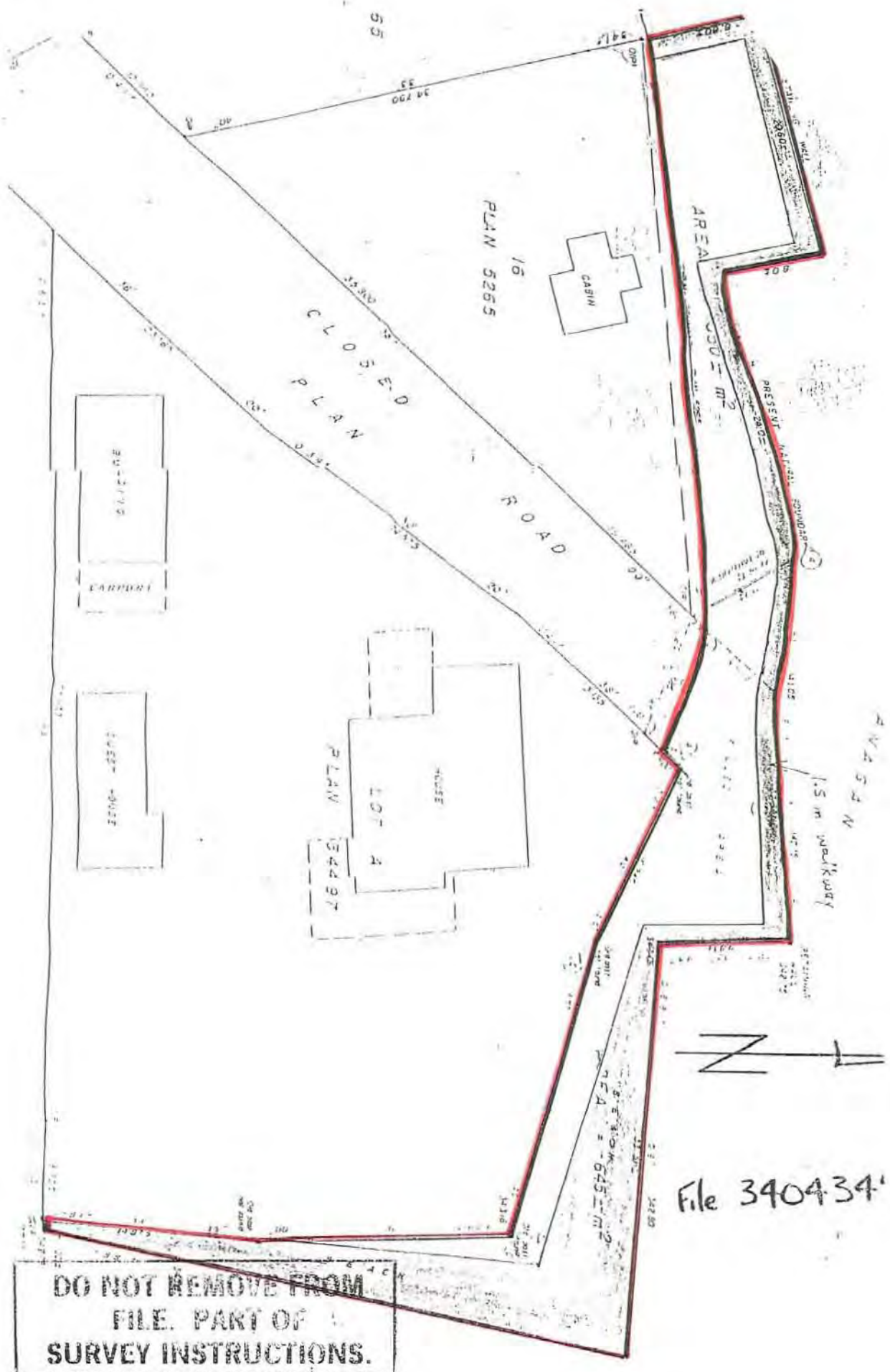
cc: Surveyor General Branch, Victoria

EX3D (93/03)

TAS ENT'D NOV 28 1994


VERIFIED BY 
DATE VERIFIED DEC 12 1994

Pass to Mail for
looking up Done
send copy of this
letter Dist of Summerland





Province of
British Columbia

MINISTRY OF
ENVIRONMENT,
LANDS AND PARKS

BC
Lands

Thompson-Okanagan Region
478 St. Paul Street
Kamloops
British Columbia
V2C 2J6
Telephone: (604) 828-4800
Fax: (604) 828-4809

File: 3404347

September 28, 1994

Janice Agur and
Robin Agur
RR 1
Summerland BC V0H 1Z0

Dear Janice and Robin Agur:

I refer to our letter dated June 21, 1994 regarding your application to acquire newly surveyed District Lot 5239, Osoyoos Division of Yale District.

It is noted that as of this date we have not received your purchase money, citizenship Statutory Declarations and Property Purchase Tax forms.

Please submit the above requested within 30 days from this date, failure to comply may result in abandonment of your application.

Yours truly,

Barb Duncan,
Examiner
Telephone 828-4837

BD/

Oct 28/94



Our File: 3404347

June 21, 1994

Janice L. Agur
Robin E. Agur
RR 1
Summerland BC V0H 10

Dear Janice and Robin Agur:

With reference to our letter of offer dated July 14, 1992 covering your purchase of unsurveyed Crown land, I wish to advise that this area has now been surveyed as District Lot 5239, Osoyoos Division of Yale District containing 546 square metres.

Accordingly, a Crown grant will be issued subject to the provisions of the above letter, in your favour, upon receipt of the following:

\$109,200.00	Purchase Price
1,092.00	Property Purchase Tax
150.00	Documentation Fee
7,654.50	G.S.T.
\$118,096.50	TOTAL

Please submit the above requested within 60 days from this date along with the statement of citizenship.

Payment of 1% of the fair market value of the Land is required under the Property Purchase Tax Act. BC Lands will collect this now on behalf of the Minister of Finance and Corporate Relations. An information bulletin and form for your completion are attached for your convenience. If you have any questions regarding the pricing, please contact Neil MacLennan, Land Officer 828-4829.

Yours truly,

Lynne Totten,
Examiner
Telephone: 828-4834
enc.

FILE NO. 3404347
DATE June 10 / 94
TIME _____

TELEPHONE/OFFICE INQUIRY

CALLING PARTY _____ PHONE NO. _____

SUBJECT

And I spoke to mail on this file
as Kathy called from Steven
Bunickovich's office to see if it
had completed.

I guess that Robin Agur called
Neil last fall to discuss ^{the} price.
Neil told him he would get some
sales data together & for Robin
to call him back & they could
discuss it further. Robin Agur has
not called back.

ACTION TAKEN

Send out letter "and now
surveyed as & request fees"

have

SIGNED _____

This information is obtained from various sources and is determined as of specific dates set out in the Assessment Act. As a result, the BC Assessment Authority cannot warrant that it is current or accurate, and provides it for your convenience only. Use of this information without verification from original sources is at your own risk.

Area: 17 Jur: 325 Roll No: 00218.000
Owner: AGUR ROBIN E
AGUR JANICE L

Neigh: 149 Sch Dist: 77

No of Owners: 1

Owner Address: 484 MAIN ST
PENTICTON B C
V2A 5C5

PID: 003-522-555

Document No: KE81958

Property Address: 19225 N LAKESHORE DR

Legal Description: LOT 16, PLAN 5265, DISTRICT LOT 673, OSOYOOS DIV OF YALE
LAND DISTRICT.

Current Actual Values

Property Class	Land	Improvements	Total
RESIDENTIAL	271,000	10,200	Actual Value 281,200

Previous Actual Values

Property Class	Land	Improvements	Previous
RESIDENTIAL	172,000	7,700	Actual Value 179,700

Manual Class: 1 STY SFD - ALL AGES - POOR

Actual Use: SINGLE FAMILY DWELLING

Land Use: 63

Tenure: CROWN-GRANTED

ALR: ALL ALR - NOT SUBJECT TO RESTRI

830 m²

Dimensions - IMPERIAL

.205

ACRES

Sales:

#1 A SINGLE, IMPROVED SALE occurred on 15 OCT 91. This was a CASH sale and the price was 300,000. The document # was KE81958.

#2 A NON-SALE occurred on 10 MAR 86. The price was 79,300. The document # was X90831.

#3 A NON-SALE occurred on 23 JUL 84. The price was 81,650. The document # was W40661F.

End of Report

TOTAL VALUE (A.L.V.)

2 LOTS = \$654,000

\$326 / m²

$\frac{109,200}{654,000} = 17\%$

TOTAL AREA

2 LOTS = 3390 m²

AREA CROWN
LAND

= 546 m²

16%

This information is obtained from various sources and is determined as of specific dates set out in the Assessment Act. As a result, the BC Assessment Authority cannot warrant that it is current or accurate, and provides it for your convenience only. Use of this information without verification from original sources is at your own risk.

Area: 17 Jur: 325 Roll No: 00219.010 Neigh: 149 Sch Dist: 77
Owner: AGUR JANICE L No of Owners: 1

Owner Address: R R 1 PID: 002-948-605
SUMMERLAND B C Document No: W1498F
VOH 1Z0

Property Address: 19223 N LAKESHORE DR

Legal Description: LOT A, PLAN 34497, DISTRICT LOT 673, OSOYOOS DIV OF YALE
LAND DISTRICT, PLUS D L 1348 .

Current Actual Values

Property Class	Land	Improvements	Total
RESIDENTIAL	383,000	157,000	Actual Value
			540,000

Previous Actual Values

Property Class	Land	Improvements	Previous
RESIDENTIAL	242,000	155,000	Actual Value
			397,000

Manual Class: 1 STY SFD - AFTER 1930 - SEMICUSTOM
Actual Use: SINGLE FAMILY DWELLING
Land Use: DETACHED HOUSING S.F.D
Tenure: CROWN-GRANTED
ALR:

2562 m²

Dimensions - IMPERIAL 0.633 ACRES

Sales:

#1 A NON-SALE occurred on 10 JAN 84. The document # was W1498F.

#2 A NON-SALE occurred on 29 NOV 83. The document # was V78242F.

End of Report

\$149 / m²



Province of
British Columbia

Ministry of
Environment,
Lands and Parks

Mailing address:
Surveyor General Branch
Parliament Buildings
Victoria, B.C. V8V 1X4
Office location:
3400 Davidson Avenue
Victoria, B.C.
Telephone: (604) 387-4461
Fax: (604) 387-1830

OUR FILE 3404347

Your File: 91-277

Job No.: 1922279

Reply to: D. F. Coates

August 26, 1993

S. J. Buzikievich
British Columbia Land Surveyor
54 Nanaimo Avenue East
Penticton, British Columbia
V2A 1L9



Dear S. J. Buzikievich:

**Re: Survey Plan of District Lot 5239, Osoyoos Division of
Yale District
(15 Tube 1622)**

Your survey returns have been examined and accepted by this
office.

The survey has been confirmed and dated August 24, 1993.

Yours sincerely,

for C.H.N. Salmon
Manager
Survey Control Section

EEP:pm
bcgeu

cc: J. Thompson, Regional Director, Thompson-Okanagan Region
J. L. Agur and R. E. Agur, Summerland

District Lot 5239, Osoyoos Division of Yale District - PIN 014664240

CROWN LAND STATUS

MINISTRY OF CROWN LANDS

File No.: 3404347

Date: Apr 12/90

Region No.: 3

Applicant: Janice L. Agur

Purpose: residential - filled foreshore

Application entered by:

Date: ENT'D APR 20 1990

PIN: 14664240

PIN:

PIN:

PIN:

PIN:

PIN:

Plotted on Map Sheet/Plan

by: n Date: Apr 12/90

N.T.S./B.C.G.S./PLAN No.

82 E-062

(12g)

Amended by:

Date:

Reverted: Yes ☐ No ☒ Description of Reversion:

PID No.:

MAP CLEARANCE

Description: ~~All that foreshore or land covered by water being part of the bed of Okanagan Lake, Osoyoos Division of Yale District, more particularly shown outlined in red on plan attached and containing 0.0636 ha more or less.~~

District lot 5239, Osoyoos Division of Yale District

Area: 0.0636 ha. Plan:

Tube/Tray: 15 T 1622

Location: Summerland

Confirmed: August 24, 1993

	Name	Code
Assessment Area	PENTICTON	17
Land Title Office	KAMLOOPS	1
Regional District	OK. SIMILK.	21
Municipality	SUMMERLAND	325
Electoral District	Boundary Similk. 03	
Provincial Forest	N/A	000

REFERENCE MAP MATERIAL
FORWARDED TO
SURVEYOR GENERAL BRANCH
FOR:

☐ PLOTTING

BY: DATE:

☐ DOCUMENT PRINT

BY: DATE:

Forest Service Clearance Requested: Yes ☐ No ☒ Date:

Forest District

Within Agricultural Land Reserve: Yes ☐ No ☒ Partial:

Within Indian Reserve Cut-Off: Yes ☐ No ☒

Upland parcel fronts on (body of water)

Foreshore parcel adjoins L.A., DC67300YD, (34497) (upland)

Crossed by (river or creek)

Crossed by/Adjoins - Railway

Crossed by/Adjoins - Other R/W

Crossed by/Adjoins - Highway/Road

DISPOSITION BY OTHER AGENCIES

Mineralized Area
Mineral Claim Staking
Mineral Claim Surveyed
Designated Placer Area
Placer Mining Lease
Coal Licence
Timber Sale
Tree Farm Licence
Christmas Tree Permit
Timber Berth
Timber Licence
Special Timber Licence
Pulp Lease
Petroleum and Natural Gas Act
Range Act
E & N Land Grant
Other (specify)

OTHER CONFLICTS AND REMARKS

3404347 - This file NK

* Total Area = 989 m²
Less Walkway = 443 m²
Remainder = 546 m²



OUR FILE **3404347**



Job No. 1922279

Your file: 91-277

October 27, 1992

S. J. Buzikievich
British Columbia Land Surveyor
54 Nanaimo Avenue East
Penticton, British Columbia
V2A 1L9

Dear S. J. Buzikievich:

**Re: Application of J. L. Agur and R. E. Agur to acquire
unsurveyed Crown land (bed of Okanagan Lake -
fronting Lot A, Plan 34497 and Lot 16, Plan 5265),
Osoyoos Division of Yale District
B.C.G.S. 82E.062**

This survey shall conform to the General Survey Instructions (Part 4) for surveys under the *Land Act*. The area to be included in your survey is shown on the enclosed sketch(es) and shall be designated District Lot 5239, Osoyoos Division of Yale District. Any significant deviation from the sketch(es) will require approval from the regional office.

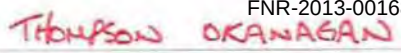
The boundary of the walkway shall consist of a series of straight lines established at a minimum distance of 1.5 metres from the present natural boundary. Intermediate points of deflection on this boundary may be posted with Type 5 monuments.

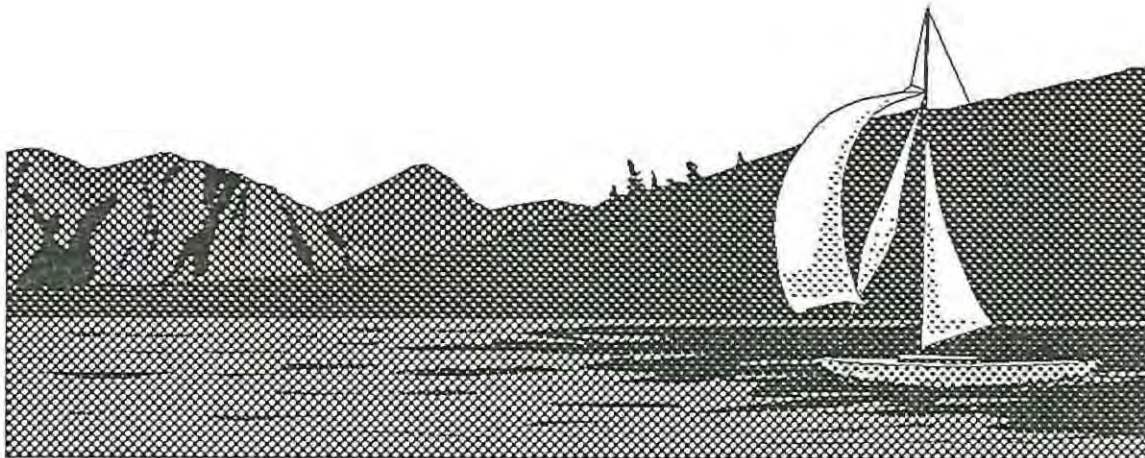
The boundaries of your survey shall contain existing improvements.

Returns must be submitted to this office within one year of the date of these instructions.

Enclosed please find survey plan of Lot 1348.

.../2





BC LANDS

MINISTRY OF ENVIRONMENT, LANDS AND PARKS
478 ST. PAUL STREET KAMLOOPS, B. C. V2C 2J6
PHONE: 828-4800 FAX: 828-4809

FROM: NEIL MACLENNAN

DATE: OCT 20, 1992 TIME: _____

NUMBER OF PAGES FOLLOWING: _____

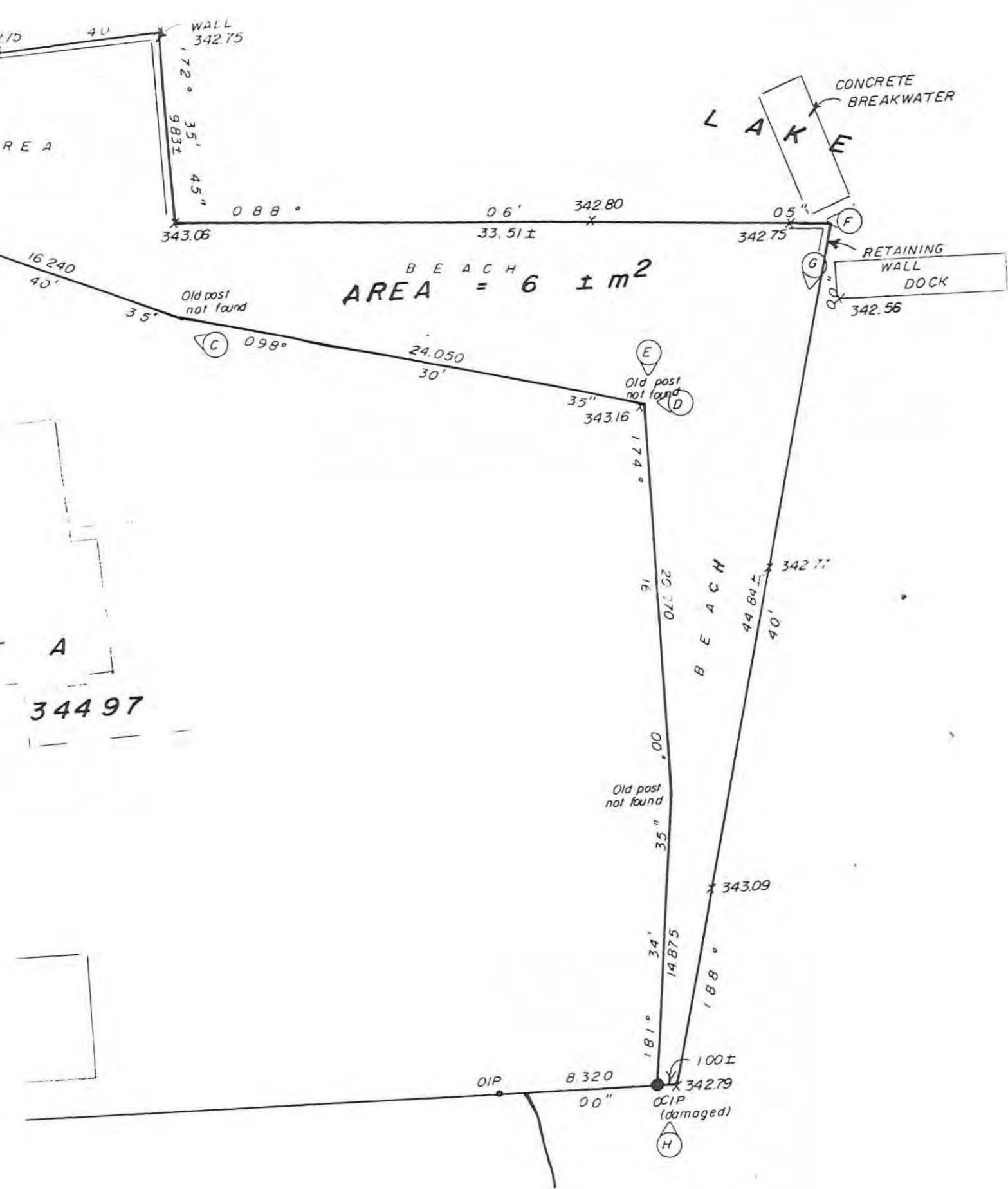
TO: TOM MAXWELL

FAX: 387-1830 PHONE: _____

RE: FILE 3404347

MESSAGE: PLAN SUBMITTED BY SURVEYOR

KAMLOOPS, HOME OF THE 1993 CANADA SUMMER GAMES



SURVEYOR GENERAL BRANCH REQUISITION

KAMLOOPS
REGIONAL OFFICE

PLEASE PRINT ALL INFORMATION

Applicant: JANICE & ROBIN AGUR

File No.: 3404347

PIN: 14664240

Address: _____

Date: Aug 24, 1992

BCGS/NTS: 82E 062 / 129

Application Date: _____

Requested By: S. GRANT

----- ENCLOSURES -----

TYPE OF REQUEST

- ☐ For Plotting Only
- ☐ Legal Description
- ☐ Document Prints
- ☐ Calculate Area
- ☐ Plan Amendment
- ☐ Accretion/Natural Boundary Adjustment

TYPE OF DISPOSITION

- ☒ Direct Sale/
Crown Grant
- ☐ Lease to Purchase
- ☐ Lease Only
- ☐ Licence
- ☐ Right of Way/Easement
- ☐ Reserve (specify type) _____

SURVEY INSTRUCTIONS/
DOCUMENT PRINTS

- ☒ L. 21 Clearance
- ☒ Land Officer's Report
- ☒ Sketch (outlined in red)
- ☒ Copy of State of Title
- ☒ Letter of Offer *
- ☒ Surveyors Request for Instructions *
- ☐ Other Documents
- ☒ Land Officer's Name

ACCRETIONS/
BDY AMEND

- ☐ L. 21 Clearance
- ☐ Land Officer's Report
- ☐ Sketch
- ☐ Letter from L.T.O.
- ☐ Surveyor's Covering Letter
- ☐ Photographs
- ☐ Land Officer's Name

REQUEST FOR
SURVEY INSTRUCTIONS

- ☐ Survey by Contract
- ☒ Survey by Client

☐ T.A.C.

NEIL MACLENNAN

Application Fee Paid

Instruction Fee Paid

Yes ☐ No ☐

Yes ☐ No ☒

* Not required for Contracts

Additional Instructions:

Requisition returned for following reasons.

- ☐ Incomplete _____
- ☐ Other _____

Remarks:

Returned by: _____ Signature _____



S. J. BUZIKIEVICH, B.C.L.S.

Steven J. Buzikievich
BRITISH COLUMBIA LAND SURVEYOR

54 Nanaimo Ave. E.
Penticton, B.C.
V2A 1L9
Phone (604) 492-0559
Fax (604) 492-9851

OUR FILE NO. 91-277

YOUR FILE NO. _____

August 24th, 1992



Ms. Sydney Grant
B.C. Lands
478 St. Paul Street
Kamloops, B.C.
V2C 2J6

Dear Sydney:

Re: Your File: 3404347

Please be advised that we have been hired by Robin and Janice Agur to do the survey work on their private property in Summerland.

We await your instructions.

Yours Truly,

Steven J. Buzikievich
B.C.L.S.



REALTY WORLD™ - Locations West Realty Inc.

484 Main Street, Penticton, B.C. V2A 5C5
Telephone: (604) 493-2244 Fax (604) 492-6640

August 18, 1992

Province of British Columbia
Thompson-Okanagan Region
Lands Operations Division
478 St. Paul Street
Kamloops, B.C.
V2C 2J6



Attention: Mr. Sydney Grant
Examiner

Dear Mr. Grant,

Re: Your file 3404347 - Offer of Crown Grant

Please be advised that we accept your offer of July 14, 1992 to purchase Crown lands fronting our residence property at Crescent Beach, Summerland. There was no acceptance page attached to the offer for signing.

Please find enclosed letter of instruction to the surveyors.

Yours sincerely,
REALTY WORLD-Locations West Realty Inc.

for *L. Stayko*
Robin Agur
Owner/Manager

Encl.

c.c. Cathy & Steve Buzikievich
c.c. George Redlich



REALTY WORLD™ - Locations West Realty Inc.

484 Main Street, Penticton, B.C. V2A 5C5
Telephone: (604) 493-2244 Fax (604) 492-6640

August 18, 1992

Cathy & Steve Buzikievich
54 E. Nanaimo
Penticton, B.C.
V2A 1N1

Dear Cathy & Steve,

Re: Crown Grant
Foreshore of Okanagan Lake fronting Lot A, Plan 34497 and
Lot 16, Plan 5265, all of District Lot 673, ODYD

Wow! We finally got it?? (or some of it).

Please find enclosed herewith copy of offer to purchase with regards to the above.

Can you please please be sure to proceed with due diligence to have this completed as soon as possible.

Thank you.

Yours truly,
REALTY WORLD-Locations West Realty Inc.

Robin Agur
Owner/Manager

Encl.

c.c. Mr. George Redlich



Province of
British Columbia

Ministry of
Environment,
Lands and Parks

Thompson-Okanagan Region

Lands Operations Division
478 St. Paul Street
Kamloops, B.C.
V2C 2J6
Telephone: (604) 828-4800

GST Registration No. R107864738

Your contact is: **Sydney Grant**
Examiner
828-4800

July 14th, 1992
Our File: 3404347

OFFER OF CROWN GRANT

JANICE LORRAINE AGUR and ROBIN EDMUND AGUR
Rural Route 1,
Summerland, British Columbia
VOH 1Z0

Dear Janice and Robin Agur:

We are pleased to offer you a **Crown Grant** over all that foreshore or land covered by water being part of the bed of Okanagan Lake, fronting Lot A, Plan 34497 and Lot 16, Plan 5265, all of District Lot 673, Osoyoos Division of Yale District; (the "Land") on the terms and conditions contained in this offer.

You can accept this offer by signing the attached acceptance page and returning it to our office **by September 12th, 1992**. A Crown Grant, the instrument transferring the Land in fee simple to you, will be issued to the Registrar of the appropriate Land Title office, once the following conditions have been met. Once the Registrar of the Land Title Office has been issued the Crown Grant for the Land, he/she will register a title to the Land in your name.

Unless otherwise specified, you are required to provide us with the following within the time permitted for acceptance:

TAS ENT'D JUL 20 1992

Purchase Price will be \$200/sq metre, determined upon completion of the survey.

Documentation Fee \$150.00

GST (7% X Purchase Price and Documentation Fee)

When the survey is completed, we will request final payment and you will have 60 days to return the money and documentation.

SURVEY

A letter from a registered B.C. Lands Surveyor confirming that he has been hired by you to prepare a boundary survey of the Land, at your expense. The survey is to be completed in accordance with the instructions of the Surveyor General.

PROPERTY PURCHASE TAX RETURN

A completed and signed Property Purchase Tax Return, on the enclosed form, together with payment of the declared taxes.

STATEMENT OF CITIZENSHIP

A completed, signed and duly witnessed Statement of Citizenship in the form attached, as required under Section 148 of the Land Title Act.

We require that you provide us with proof of ownership of the area shown on the attached map, as closed road.

If you accept this offer, you agree that:

1. This offer cannot be transferred to another person;
2. This offer and the Crown Grant do not guarantee that:
 - (a) the Land can be built on,
 - (b) there is access to it,
 - (c) it is not susceptible to flooding or erosion;
3. This offer shall survive the signing and issuance of the Crown Grant but that if there is any contradiction between the terms of the offer and the Crown Grant, the Crown Grant shall prevail; and
4. In accordance with the provisions of the Land Act, this offer is not binding upon the Crown until the Crown Grant is signed by the Crown.

If you accept this offer, you confirm that:

- A. You (or your authorized representative) have inspected the Land and are fully aware of its condition;
- B. You have knowledge of all municipal and regional district bylaws regulating the use and development of the Land;
- C. Time is of the essence of this offer;
- D. You are a Canadian citizen or permanent resident of Canada and are 19 years of age or older.

LIMITATION OF ESTATE

- (a) The Land will be transferred in fee simple on the condition that you consolidate the Land with your land described as **Lot A, Plan 34497 and Lot 16, Plan 5265 of District Lot 673, Osoyoos Division of Yale District** into a single parcel within **6 months** months from the date of the Crown Grant.

As the cost of completing the required consolidation may be substantial, you are encouraged to obtain an estimate from your surveyor prior to accepting this offer. Your surveyor will need to contact the Land Title Office to determine what their requirements will be. You will be required to pay all costs of the consolidation.

2. PRIOR INTERESTS

The transfer of the Land will be subject to:

- (a) Any conditional or final water license or substituted water license issued or given under the Water Act or any prior or subsequent enactment of the Province of British Columbia of like effect, and to the rights of the holder of it to enter on the Land and to maintain, repair and operate any works permitted on the Land under the license at the date of the Crown Grant.
- (b) All subsisting grants to, or subsisting rights of any person made or acquired under the Mineral Tenure Act, Coal Act or Petroleum and Natural Gas Act or under any prior or subsequent enactment of the Province of British Columbia of like effect.

3. EXCEPTIONS AND RESERVATIONS

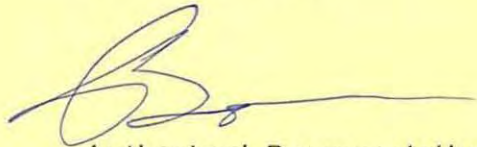
The Crown Grant transferring the Land to you will:

- (a) Except and reserve to the Province, its successors and assigns, the interests, rights, privileges and titles referred to in Section 47 of the Land Act.

This offer expires if you do not accept it within the time period stated.

you have any questions, please contact **Sydney Grant** at **828-4800**

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'Sydney Grant', with a long horizontal line extending to the right.

Authorized Representative

A small, handwritten mark or signature in blue ink, possibly a stylized 'B' or 'R'.

FILE NO. 340 4347

DATE July 10/92

TIME _____

TELEPHONE/OFFICE INQUIRY

CALLING PARTY George Govier PHONE NO. 769-3938

SUBJECT Agur foreshore sale.

He was phoning on behalf of Mr. Agur
to enquire about the OIC process.

ACTION TAKEN No further action required at
this time.

SIGNED Neil

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No **1039**, Approved and Ordered 25 JUN 1992

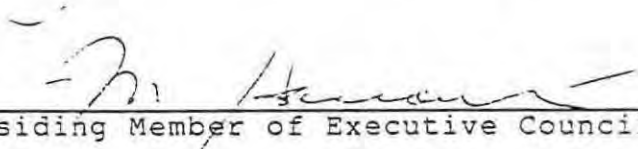

Lieutenant Governor

Executive Council Chambers, Victoria 24 JUN 1992

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that a Crown Grant of filled foreshore lying below the natural boundary of Okanagan Lake and described as:

"all that foreshore or land covered by water fronting Lot A, Plan 34497 and Lot 16, Plan 5265, all of District Lot 673, Osoyoos Division of Yale District, shown outlined in bold black on sketch attached and containing 0.080 hectares, more or less"

be issued to Robin Edmund Agur and Janice Lorraine Agur for \$200.00 per square metre subject to consolidation at their expense, with adjoining upland property described as Lot 16, Plan 5265 and Lot A, Plan 34497, all of District Lot 673, Osoyoos Division of Yale District.


Minister of Environment, Lands and Parks
Presiding Member of Executive Council

File: 3404347 (This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

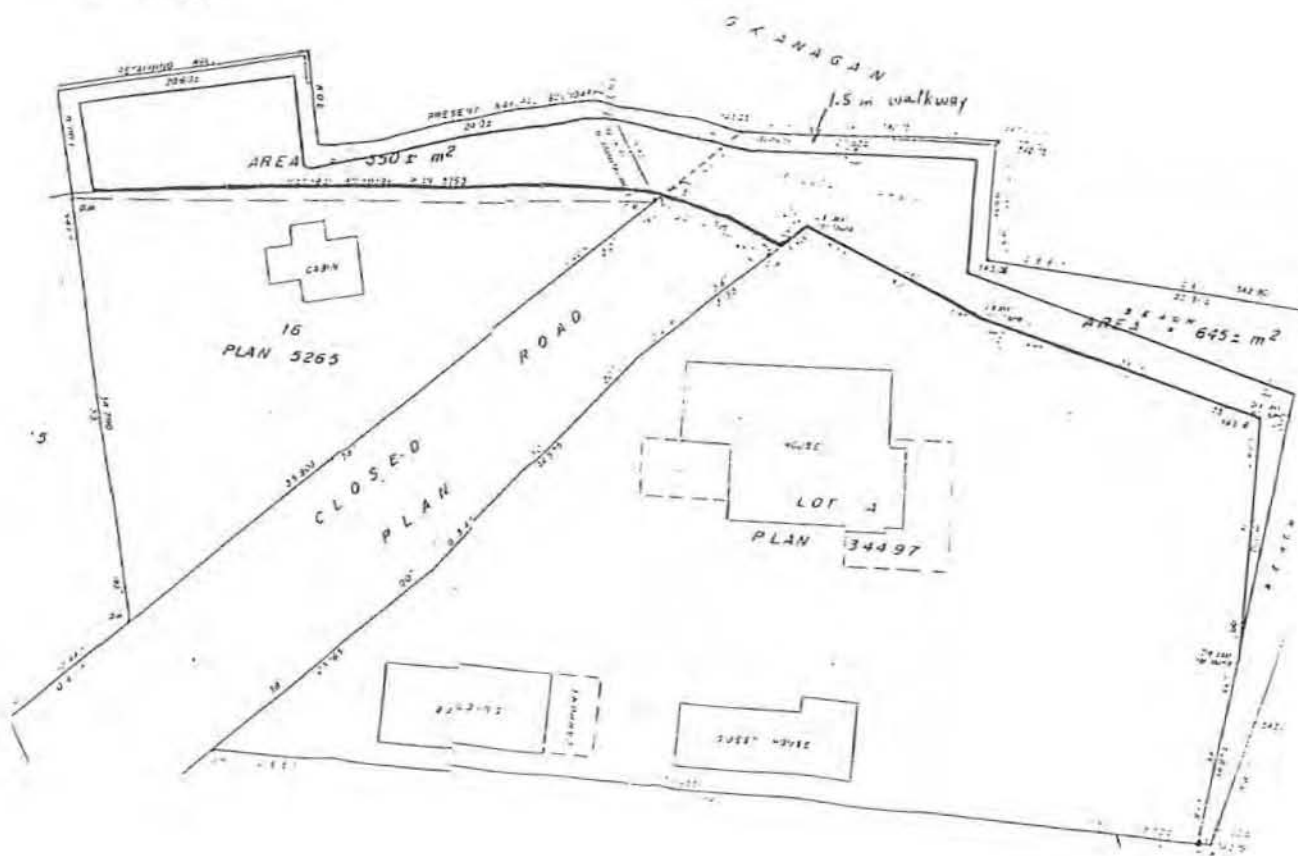
Act and section: Land Act - Section 14

Other (specify):

(QP 4011)

1128/92/13

50





MEMORANDUM

Thompson-Okanagan Region, 478 St. Paul Street, Kamloops, B.C. V2C 2J6

To: Ms. Nadine Derick
Operations Assistant
Ministry of Environment
Lands and Parks
B.C. Lands
7th Floor, 1802 Douglas Street
Victoria, B. C.
V8V 1X4

Date:

File: 3404347

Attached is a draft Order in Council for approval.

ORIGINAL SIGNED
BY
J. THOMPSON

John Thompson,
Regional Director

JT/SG/si
attach

1992 JUN 2

EX36

MINISTRY OF ENVIRONMENT, LANDS AND PARKS

SUPPLEMENTAL INFORMATION SHEET

FOR ORDERS IN COUNCIL

NAME OF REGION(S) OR MUNICIPALITY(IES) AFFECTED.

Local Government: District of Summerland

M.L.A.: Jim Beattie

Who has been consulted? Ministry of Environment, Lands and Parks,
BC Environment, Gov't Agent, Penticton and Canadian Coast Guard

ADDITIONAL BACKGROUND INFORMATION (IF REQUIRED)

Minister's letter attached

NO X

YES

File No. 3404347

Legal Description Checked

Regional/Branch Director's Signature

APPROVED

Director, Communications

Assistant Deputy Minister/
Executive Director

Deputy Minister



ORDER IN COUNCIL INFORMATION SHEET

THIS FORM MUST REMAIN ATTACHED TO THE ORDER UNTIL AFTER APPROVAL.

MINISTRY/BRANCH Environment, Lands and Parks Lands Operation	CONTACT Sydney Grant	PHONE NUMBER 828-4800
TITLE Examiner File: 3404347	DATE APPROVAL REQUIRED BY	DATE BY WHICH MUST BE FILED WITH REGISTRAR OF REGULATIONS

BACKGROUND SUMMARY AND REASON FOR PROPOSED ORDER (BE SPECIFIC)

This order approves the sale of approximately 800 square metres of filled foreshore on Okanagan Lake to Robin Edmund Agur and Janice Lorraine Agur. The area recommended for approval has been reduced by deleting a public waterfront walkway from the application area. The approval is subject to survey and consolidation with their deeded property described as Lot A, Plan 34497 and Lot 16, Plan 5265 all of District Lot 673, Osoyoos Division of Yale District at the applicant's expense.

The purchase price will be \$200.00 per square metre and will be determined upon completion of the survey.

AUTHORITY FOR ORDER (ACT AND SECTION IF APPLICABLE)

Land Act RSBC 1979, Chapter 214, Section 14

HAS TREASURY BOARD APPROVED? ☐ YES ☐ NO ☒ N/A	HAS GPSD APPROVED? ☐ YES ☐ NO ☒ N/A	HAS LEGISLATIVE COUNSEL AUTHORIZED? ☐ YES ☐ NO
--	--	---

LEGISLATIVE COUNSEL CONCERNS (IF ANY)

N/A

SIGNIFICANT IMPACTS (i.e., PUBLIC, MUNICIPAL OR FEDERAL-PROVINCIAL)

IS PRESS RELEASE REQUIRED? ☐ YES ☒ NO	IS DRAFT RELEASE ATTACHED? ☐ YES ☒ NO	CONTACT RE: RELEASE	PHONE NUMBER
---	---	---------------------	--------------

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No.

, Approved and Ordered

Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that a Crown Grant of filled foreshore lying below the natural boundary of Okanagan Lake and described as:

"all that foreshore or land covered by water fronting Lot A, Plan 34497 and Lot 16, Plan 5265, all of District Lot 673, Osoyoos Division of Yale District, shown outlined in bold black on sketch attached and containing 0.080 hectares, more or less"

be issued to Robin Edmund Agur and Janice Lorraine Agur for \$200.00 per square metre subject to consolidation at their expense, with adjoining upland property described as Lot 16, Plan 5265 and Lot A, Plan 34497, all of District Lot 673, Osoyoos Division of Yale District.

Minister of Environment, Lands and Parks

Presiding Member of Executive Council

File: 3404347

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: Land Act - Section 14

Other (specify):

(QP 4033)

ORDER IN COUNCIL DISTRIBUTION FORM

Order in Council No.

STATUTE AND SUMMARY OF SUBJECT-MATTER

Approval to sell filled foreshore pursuant to Section 14 of the Land Act, being Chapter 214, RSBC 1979.

DEPOSITING WITH REGISTRAR OF REGULATIONS AND GAZETTING IN PART II

Place mark in box if Order need not be deposited with Registrar of Regulations ☒

(If in doubt about whether or not an Order must be deposited, contact the Registrar of Regulations, Ministry of Attorney General. Note that an undeposited Order has no effect if the *Regulations Act* requires it to be deposited.)

Dated

Ms. Nadine Derick
* Ministry of Environment, Lands & Parks
7th Floor, 1802 Douglas Street
Victoria, British Columbia V8V 1X4

(Name, address, and telephone number of originator)

(Telephone: 387-1284)

🏠 Type originator information in both places 🏠

Dated.....

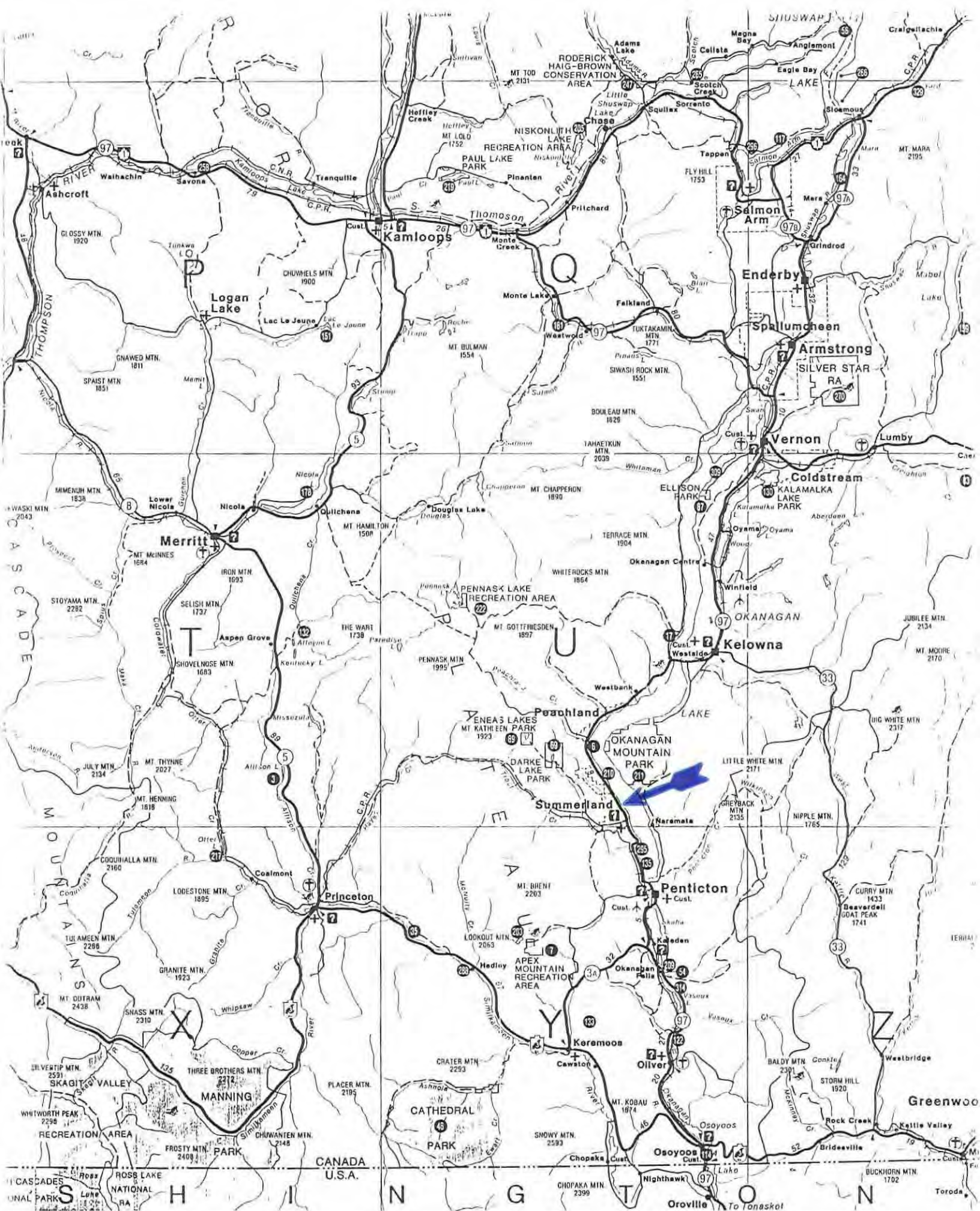
Ms. Nadine Derick
Ministry of Environment, Lands & Parks
* 7th Floor, 1802 Douglas Street
Victoria, British Columbia V8V 1X4
(Telephone: 387-1284)

(Name, address, and telephone number of originator)

CERTIFIED COPIES ☐

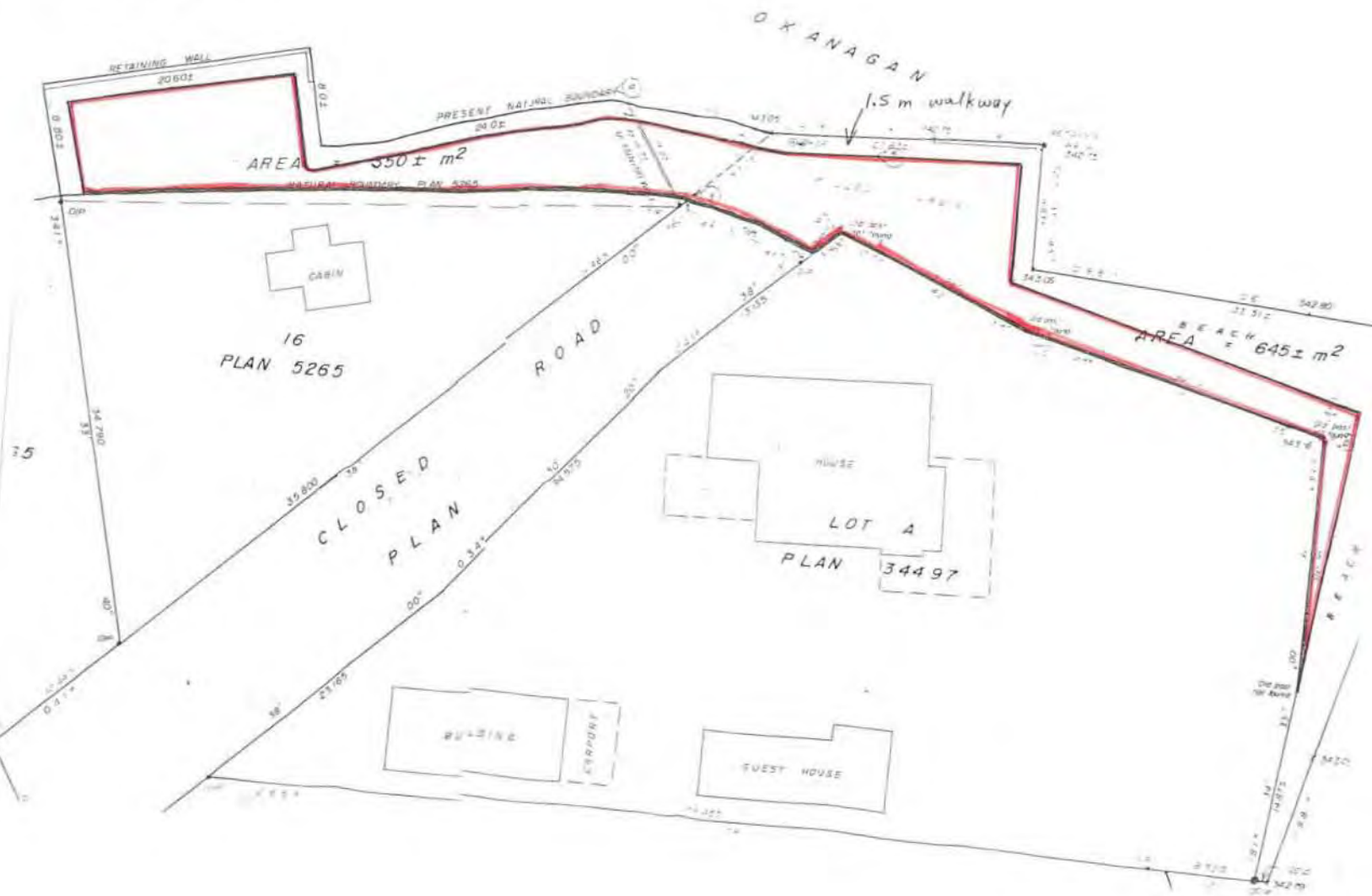
(For legal or evidenciary purposes only)

(Complete address to be given, i.e., name, street address, city, postal code)



50

OF ENVIRONMENT AGREEMENT



TAX OF ENVIRONMENT RECEIVES





Province of
British Columbia

Ministry of
Crown Lands

Miscellaneous Report



TO THE REGIONAL DIRECTOR

FROM SENIOR LAND OFFICER

PURPOSE

☐ New Application
☐ Amendment
☐ Renewal
☐ Premature Renewal
☐ Purchase
☐ Clean-up
☐ Trespass
☐ Other _____

Thompson Okanagan Region

Kamloops

SUMMARY RECOMMENDATION OF THIS REPORT

☐ ALLOWANCE ☐ Conditional ☐ Amended
☐ DISALLOWANCE

FILE No.

3404347

FIELD EXAM MADE ☒ YES ☐ NO	DATE MADE April 17/91	REPORT DATE March 25/91	AIR PHOTO No.	STATUS ☐ COMPLETED ☐ NOT COMPLETED
---	--------------------------	----------------------------	---------------	---

1. LEGAL DESCRIPTION

▶ Unserved foreshore fronting Lot A Plan 34497 and Lot 16 Plan 5265 DL 673, ODYD

AREA *lesser area to be approved*
995 m²
REF. MAP 82E.062

2. APPLICANT NAME

▶ J.L. Agur and R.E. Agur

3. PURPOSE AND TENURE

▶ Application to purchase filled foreshore

4. LOCATION

(Give distance and direction to some well known topographic feature, city or town. Indicate distance to a major service centre).

▶ Lakeshore Drive - Summerland

5. GENERAL DESCRIPTION

Cover the following topics in sequence.
- Indicate forest cover, topography, soils, hazards of area (if any) and climate (if applicable).
- Describe roads, easements, specific land use within area.
- Discuss competing and alternate land uses.
- Where conflicts exist, explain conflicts fully and provide proposals to eliminate or mitigate the conflicts.

Background:

This application was initially submitted to our office in March 1990. In October, 1991 they requested an amendment to the application as they had purchased Lot 16 Plan 5265. They have been dealing with the District of Summerland about the closed road.

The land in question is within a headlease held by the District of Summerland. However, only the Ministry can sell land, hence the application was submitted to our office.

Site Description:

The photographs on file show the shoreline. There are a series of retaining walls which protect much of the application area. Accretions have been approved fronting other lots in this area. However, the retaining walls and other human activity has eliminated evidence of the natural boundary at this site. Therefore, the whole application is being considered as filled foreshore.

Referral Responses

Coast Guard

- approval recommended

The 1991 A.L.V. varies considerably with a value of \$207/m² for Lot 16 and \$94/m² for Lot A. This variation appears to be due to the difference in size between Lot 16 and Lot A.

A review of 1991 sales of lakeshore lots in Summerland suggests that market values are in the order of 30-40% higher than the assessed values. This indicates a unit value of \$122 to \$290/m². A value of \$200/m² is slightly below the average (\$206) of the upper and lower values.

Recommendation:

I recommend that we offer to sell the applicants' part of the area applied for, subject to:

- 1) A price of \$200/m² with the total price to be determined following completion of the legal survey.
- 2) Survey at the applicants' expense with a 1.5 meter wide public walkway to be shown on the survey plan along the retaining walls and above the present natural boundary.
- 3) Consolidation of the Crown land with the upland.
- 4) Submission of proof of ownership of the area shown on the plan as closed road.

P.S. The recommended area is substantially smaller than what was applied for. The precise area has not been calculated.

Date: March 30, 1992

Land Officer: Neil MacLennan

NM/wj

Neil MacLennan

R. B. B.

On the information sheet we should advise that we have substantially reduced the area and that specific provision has been made for public access along the shoreline.

That might make approval more likely.

300

Neil

3404347



3404347



3404347



3404347



Area
fronting
Lot 16
Plan 5265



3404347
April 17/91



3404347
April 17/91



3404347
April 17/91



Date: 92/03/28 TITLE SEARCH POINT - KANLOOPS Time: 11:48:39
Requestor: (5064122) MINISTRY OF ENVIRONMENT, LANDS, PARKS & Page: 001
Title: M1498

SECTION 172 (3)
SECTION 98

KANLOOPS LAND TITLE OFFICE TITLE NO: 61498
FROM TITLE NO: R43371
1987
V72242

APPLICATION FOR REGISTRATION RECEIVED ON: 19 JANUARY, 1989
ENTERED: 22 JANUARY, 1986

REGISTERED OWNER IN FEE SIMPLE:

JANICE LORRAINE AGUR, REALTOR
RRT1
SUMMERLAND, B.C.
V8H 1Z0

DESCRIPTION OF LAND:
MUNICIPALITY OF SUMMERLAND

PARCEL IDENTIFIER: 002-945-405
LOT A DISTRICT LOT 673 USUYOOS DIVISION YALE DISTRICT PLAN 34497

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE	CHARGE NUMBER	DATE AND TIME OF APPLICATION
------------------	---------------	------------------------------

RIGHT OF WAY	557416	21/11/1950 19:39
--------------	--------	------------------

REGISTERED OWNER OF CHARGE:
THE CORPORATION OF THE DISTRICT OF SUMMERLAND
REMARKS: RD 45725E PART FORMER LOT 17, PLAN 3245

MORTGAGE	KEP1955	15/10/1991 13:51
----------	---------	------------------

REGISTERED OWNER OF CHARGE:
CIBC MORTGAGE CORPORATION (REG NO 632162)

CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 27, L.T.A.

DUPLICATE IMPRESCRIPTIBLE TITLE: NONE

TRANSFERS: NONE

PENDING APPLICATIONS: NONE

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

ASSESSMENT AREA - 17 - Penticton

JURISDICTION - 325 - District of Summerland
NEIGHBOURHOOD - 149 - SUMMERLAND - WATERFRONT

PROPERTY ADDRESS LEGAL DESCRIPTION	ROLL NUMBER	SALE DATE	SALE PRICE	SALE TYPE	L.T.O. NUMBER	USE	LOT DIMENSIONS	
5819 DALE AVE LOT: 2 PL: 3926 DL: 488 LD: 41	01596.000	APR 91 \$ DEC 72	231,700	NSALE NSALE	KE21867 D15951F	RESIDENTIAL	.466	ACRE
LAKESHORE DR LOT: A PL: 38921 DL: 674 & 775 LD: 41	01855.200	OCT 91 \$ JUL 91 MAR 89 \$ NOV 87	357,500 93,000	IMPR NSALE VACANT NSALE	KE77850 KE50624 KC18944 X224935	RESIDENTIAL	0.712 1991 L 148,000 B 195,000	ACRE
N LAKESHORE DR LOT: 6 PL: 33284 DL: 673 LD: 41	00179.030	FEB 91 \$ OCT 85 \$ OCT 85 \$ JUN 83 JUN 83 \$ JUN 82	200,000 38,000 38,000 30,000	NSALE NSALE NSALE IMPR NSALE	KE11967 X64141 X64142 V41452AF V41452F T30174F	RESIDENTIAL		
N LAKESHORE DR LOT: 12-15 PL: 33284 DL: 673 LD: 41 15/180TH INT FOR OWNERS 1 TO 8/	00179.060	MAR 91 \$ MAR 91 \$ MAR 91 \$ MAR 91 \$ JUN 82 JUN 82	40,250 40,250 40,250 40,250	NSALE NSALE NSALE NSALE NSALE NSALE	KE15536 KE15537 KE15538 KE15539 T30174F T30183F	RESIDENTIAL	.253	ACRE
15403 N LAKESHORE DR LOT: B PL: 39475 DL: 455 1486 LD: 41	00251.050	APR 91 \$ APR 88	147,000	IMPR NSALE	KE23363 X251397	RESIDENTIAL	.289 1991 LAND 123,000 BLDGS 23,900	ACRE
15407 N LAKESHORE DR LOT: A PL: 39475 DL: 455 1485 1486 LD: 41	00251.010	APR 91 \$ APR 88	138,000	IMPR NSALE	KE23362 X251396	RESIDENTIAL	.186 1991 LAND 115,000 BLDGs 23,200	ACRE
15413 N LAKESHORE DR LOT: 1 PL: 28428 DL: 455 LD: 41 TOGETHER WITH ACCRETED LAND AND/OR	00254.001	JUN 91 \$ MAY 90 \$ MAR 83 \$ DEC 80 \$ NOV 77	235,000 160,000 125,000 55,000	IMPR IMPR IMPR NSALE NSALE	KE45625 KD41927 V24188 R79587F M65618F	RESIDENTIAL	0.18 1991 LAND \$111,000 BLDGs \$74,400	ACRE
16019 N LAKESHORE DR LOT: 6 PL: 28174 DL: 775 LD: 41	01855.125	MAY 91 NOV 82 \$ MAY 82 \$ DEC 78 \$ AUG 77	104,000 153,000 71,000	NSALE VACANT NSALE IMPR NSALE	KE28136 T58215F T24820F P1140 M45930F	RESIDENTIAL	1.39	ACRE
19221 N LAKESHORE DR LOT: 18 PL: 5265 DL: 673 LD: 41 TOGETHER WITH ACCRETED LAND	00220.000	MAR 91 \$ DEC 72	393,000	NSALE NSALE	KE18276 267367F	RESIDENTIAL	0.692	ACRE
19225 N LAKESHORE DR LOT: 16 PL: 5265 DL: 673 LD: 41	00218.000	OCT 91 \$ MAR 86 \$ JUL 84 \$ DEC 72	300,000 79,300 81,650	IMPR NSALE NSALE NSALE	KE81958 X90831 W40661F 145398F	RESIDENTIAL	.205 1991 LAND \$172,000 BLDGs \$7,700	ACRE

SALE TYPES: IMPR-IMPROVED; VACANT; MULT-MULTIPLE PROPERTY SALE; MOBILE-MOBILE HOME (NO LAND); NSALE-NO SALE; UNCLAS-UNCLASSIFIED

SALE TYPES: IMPR-IMPROVED; VACANT; MULT-MULTIPLE PROPERTY SALE; MOBILE-MOBILE HOME (NO LAND); NSALE-NO SALE; UNCLAS-UNCLASSIFIED

15 FEB 92 PAGE 1,951

ASSESSMENT AREA - 17 - Penticton

JURISDICTION - 325 - District of Summerland
NEIGHBOURHOOD - 149 - SUMMERLAND - WATERFRONT

PROPERTY ADDRESS LEGAL DESCRIPTION	ROLL NUMBER	SALE DATE	SALE PRICE	SALE TYPE	L.T.O. NUMBER	USE	LOT DIMENSIONS	ACRE
19231 N LAKESHORE DR LOT: 13 PL: 5265 DL: 673 LD: 41 TOGETHER WITH ACCRETED LAND OWNER	00215.000	SEP 91 \$ DEC 72	83,700	NSALE NSALE	KE76048 145401F	RESIDENTIAL	.058	
19233 N LAKESHORE DR LOT: 12 PL: 5265 DL: 673 LD: 41 TOGETHER WITH ACCRETED LAND	00214.000	AUG 91 \$ DEC 72	175,000	IMPR NSALE	KE60510 183117F	RESIDENTIAL	.118	138%
19251 N LAKESHORE DR LOT: C PL: 36601 DL: 673 LD: 41	00203.030	SEP 91 \$ APR 86	141,000	NSALE NSALE	KE74208 X98992	RESIDENTIAL	.157	135%
12007 S LAKESHORE DR LOT: 2 PL: 2477 DL: 675 LD: 41 PLUS DL 4949 TOGETHER ACCRETED LAND	01926.000	FEB 91 \$ FEB 91 \$ DEC 84 \$ NOV 84 \$ OCT 83 \$ SEP 79 \$	40,000 100,000 1,000 80,000 83,000 65,000	NSALE NSALE NSALE IMPR NSALE IMPR	KE8081 KE8082 W65750F W63870F V71373F P58905	RESIDENTIAL	.11	
12619 S LAKESHORE DR LOT: A PL: 20907 DL: 455 & 570 LD: 41	00596.010	OCT 91 \$ APR 85 \$ DEC 83 \$ DEC 83 \$ DEC 72	193,500 79,000 28,050 84,150	IMPR IMPR NSALE NSALE NSALE	KE78139 X100201 V84310F V80981F F23605F	RESIDENTIAL	.209	170%
								141%

1991 Land \$117,000
Bldgs 13,000

1991 Land \$79,800
Bldgs \$57,500

[illegible]

BRITISH COLUMBIA ASSESSMENT AUTHORITY
1991 AUTHENTICATED ROLL COPY

Lot 18, Plan 5265, District Lot 673, Osoyoos Div of Yale Land District, TOGETHER WITH ACCRETED LAND . PID # 010-361-537										AREA SCH JURS 17 77 325		ASSESSMENT ROLL NUMBER 00220.000		EOP# 01	LAND 1 1 V P R I S	228,000	LAND	228,000	228,000
CATHERINE M HEUKENDORFF R R 1 SUMMERLAND B C										BULK MAIL		VOH 120	165,000	BUILDINGS		165,000	165,000		
										393,000	TOTAL	393,000	393,000						
REG 21	EA	LUB IB	DEFINED AREA	MFR DIST	NC	SERVICE AREA		PREVIOUS ROLL VALUE \$241,250		IT	BCI	SUPP	ALR	UPC	MAN CLASS 0151	LD ACT USE 63.000			
LOC COM	LOC	SPECIFIED MUNICIPAL		SPECIFIED REGIONAL															
DIMENSIONS 30.692				LANDS FILE 267367F		DOCUMENT NUMBER 01 149		PROPERTY LOCATION 19221 IN LAKESHORE DR											



Province of
British Columbia

Ministry of Environment,
Lands and Parks

B.C. LANDS
THOMPSON-OKANAGAN REGION

478 St. Paul Street
Kamloops
British Columbia
V2C 2J6
Telephone: (604) 828-4800
Fax: (604) 828-4809

File: 3404347

December 3, 1991

District of Summerland
Box 159
Summerland, B. C. V0H 1Z0

Dear Sir:

Re: Foreshore area fronting Lot 16, Plan 5265,
District Lot 673 Osoyoos Division of Yale District

In April 1990 our office requested and received your comments regarding a possible sale of filled foreshore fronting the adjoining property also owned by Mr, and Mrs. Agur. A copy of our referral and your response is attached.

In October 1991 the owners advised that they had purchased Lot 16, Plan 5265 and they wished to obtain the area fronting Lot 16 as shown on the attached plan.

If you have any concerns or comments regarding this additional area, please contact our office within thirty (30) days.

Yours truly

Neil MacLennan
Land Officer

NM/len

Enclosure



Province of
British Columbia

Ministry of Environment,
Lands and Parks

B.C. LANDS
THOMPSON-OKANAGAN REGION

478 St. Paul Street
Kamloops
British Columbia
V2C 2J6
Telephone: (604) 828-4800
Fax: (604) 828-4809

File: 3404347

December 3, 1991

Realty World - Locations West
484 Main St.
Penticton, B. C.
V2A 5C5

Attention: Michael Baragon

Dear Sir:

Reference is made to your enquiries to our office on behalf of Mr. Robin Agur concerning property on Lakeshore Road.

The original proposal in 1990 concerned land fronting Lot A Plan 34497. At that time we obtained comments from other agencies, including the District of Summerland. The District had some concerns about public access along the shoreline and they requested that a five foot public walkway be retained along the retaining walls.

I have recently asked the District of Summerland to review their comments of 1990 and advise us if those comments also apply to the area fronting Lot 16, Plan 5265. Once we receive their response we will make our decision and advise Mr. and Mrs. Agur accordingly. At this point I have not calculated a price for any filled area that might be sold.

Please call if you have any questions.

Yours truly,

Neil MacLennan,
Land Officer

NM/len



S. J. BUZIKIEVICH, B.C.L.S.

Steven J. Buzikievich
BRITISH COLUMBIA LAND SURVEYOR

54 Nanaimo Ave. E.
Penticton, B.C.
V2A 1L9
Phone (604) 492-0559
Fax (604) 492-9851

OUR FILE NO. 91-277

YOUR FILE NO. _____

October 9th, 1991



Ministry of Crown Lands
Thompson Okanagan Region
478 St. Paul Street
Kamloops, B.C.
V2C 2J6

Attention: Mr. N. McLellan

Dear Sir:

Re: Crown Land Application of Lands Fronting Lot A,
Plan 34497, Closed Road & Lot 16, Plan 5265
D.L. 673, O.D.Y.D. - Your File: 3404347

Please find enclosed an updated sketch and two sets of
additional ground photographs of the new requested area.

I trust these shall be of assistance to you. If you have
any questions, please call.

Yours truly,

L. Gray
for Steven J. Buzikievich
B.C.L.S.

Enclosures

PHILIP MOTCHMAN

— ND SURVEYOR —

TELEPHONE 492-0559

FAX 492-9851

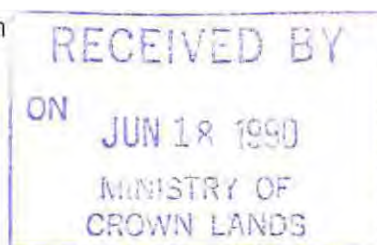
54 NANAIMO AVE. E.
PENTICTON, B.C.
V2A 1L9

FILE NO. 6741

June 14th 19 90

Your File: 3404347

The Thompson Okanagan Region
Ministry of Crown Lands
478 St. Paul Street
Kamloops, B.C.
V2C 2J6



Attention: Mr. N. McLellan

Dear Sir:

RE: APPLICATION FOR CROWN Land (Foresshore Okanagan Lake - Summerland)
ADJACENT TO LOT A, PLAN 34497, D.L.^S 673 AND 1348 O.D.Y.D. AND
CLOSED ROAD.
JANICE LORRAINE AGUR

With reference to an application I submitted to you on behalf of Mrs. Agur in March this year and further to our telephone discussions on the 11th June 1990.

Please find enclosed two prints of the above mentioned application, which have been amended to include an extra triangle branching off from the N.W. corner of the closed road and being approximately perpendicular to the shore line and bounded by a concrete breakwater.

I have also enclosed a couple of photos showing the breakwater.

Could these prints please be substituted for the earlier ones?

Your assistance and advice much appreciated.

Yours truly,

PHILIP MOTCHMAN
B.C.L.S.

Encl. 4

Applicant Name <i>Janice L. Agur</i>			RR.#1 Summerland B.C. VOH 120		
Applicant Date <i>March 1990</i>	Ref. Map No. <i>82E.062</i>	File No. <i>3404347</i>			

Location of Land <i>Summerland</i>	Parcel Size <i>.0636</i> ha.
Legal Desc. <i>Uns. foreshore fronting Lot A Plan 34497 D.L. 673 ODYD</i>	
Proposed Use <i>Consolidation of filled foreshore with Lot A Plan 34497.</i>	

SUMMARY OF RESPONSES Agency/Organization	Send To	Date Sent	Date Received	Response (and order)				Agency Permit Req'd
				Pos.	Cond.	Neg.	No Int.	
Agriculture: (1) Kamloops (2) Oliver								
Environment: (1) Kamloops (2) Williams Lake (3) Penticton	✓	4/24/90	8/22/90					
Fed. Fisheries (1) Kaml (2) Clwrtr (3) Sal Arm (4) Lillooet								
Forests: (1) Lillooet (2) Kamloops (3) Merritt (4) Penticton (5) Vernon (6) Salmon Arm (7) 100 Mile (8) Clearwater								
Forest Clearance Required ☐								
Forests, Property Services Section, Victoria								
Gold Commissioner: (1) Merritt (2) Princeton (3) Kamloops (4) Penticton (5) Vernon (6) Lillooet (7) Clinton	✓	4/24/90	90 05 01					
Health: (1) Kamloops (2) Kelowna (3) Vernon (4) 100 Mile								
Heritage Conservation, Victoria								
Highways: (1) Kamloops (2) Merritt (3) 100 Mile (4) Penticton (5) Vernon								
Land Commission, Burnaby								
Livestock Association: (specify assoc.)								
Mines: Kamloops								
Municipality: (specify office) <i>Dist. of Summerland</i>	✓	4/24/90	90 05 18					
NWPA, Vancouver (applicant's address required)	✓	4/24/90	8/17/90					
Parks (Regional Office), Kamloops								
Regional District: (1) Squamish-Lillooet (2) Thompson-Nicola (3) Columbia-Shuswap (4) Central Okanagan (5) Kootenay-Boundary (6) Okanagan-Similkameen (7) North Okanagan (8) Cariboo (9) Fraser								
Other								

SUMMARY OF ANALYSIS AND CONFLICT RESOLUTION (use reverse if necessary)

RECOMMENDATION:

☐ ALLOWANCE☐ DISALLOWANCE☐ CONDITIONAL ALLOWANCE☐ UNRESOLVED - Refer to Regional Director

COMMENTS:

Land Officer/Inspector
FS59 (90/01/08)*Neil*

Date

L. Agur
R. R. #1, Summerland, B. C. VOH 120

March 1990 82E.062

478 St. Paul Street
Kamloops, B. C.
V2C 2J6
828-4800

3404347

Summerland .0636

Unsurveyed foreshore fronting Lot A, Plan 34497, D. L. 673, ODYD

Consolidation of filled foreshore with Lot A, Plan 34497

Neil MacLennan
Neil MacLennan, Land Officer

April 23, 1990

/mo



Province of
British Columbia

Ministry of
Crown Lands

Land Referral and Notice of Outcome

RECEIVED BY
ON AUG 17 1990

MINISTRY OF
CROWN LANDS

APPLICANT PROPONENT NAME L. Agur R. R. #1, Summerland, B. C. VOH 120		FIELD OFFICE ADDRESS AND PHONE No. 478 St. Paul Street Kamloops, B. C. V2C 2J6 828-4800	OUR FILE No. 3404347
APPLICATION PROPOSAL DATE March 1990	REF. MAP No. 82E.062		

Canadian Coast Guard
Box 220-800 Burrard St.
Vancouver, B.C.
V6Z 2J8

You are requested to comment on the following application. Your response should be received within 30 days by the undersigned. Where the time limit for response cannot be met, a verbal response should be made. Details of the application are provided. Lack of response will be considered as a positive reaction to the application.

LOCATION OF LAND Summerland	PARCEL SIZE .0636	ha
LEGAL DESCRIPTION Unserved foreshore fronting Lot A, Plan 34497, D. L. 673, ODYD		
INTENDED LAND USE AND PERIOD REQUIRED Consolidation of filled foreshore with Lot A, Plan 34497		
ADDITIONAL INFORMATION RELATED TO THE FOLLOWING IS AVAILABLE ON REQUEST		

AUTHORIZED
SIGNATORY

Neil MacLennan
SIGNATURE

April 23, 1990
DATE

Neil MacLennan, Land Officer

RESPONSE SUMMARY

**NWPA APPLICATION
WILL BE REQUIRED**

DATE Aug 13/90

☒ APPROVAL RECOMMENDED

☐ INTERESTS UNAFFECTED BY PROPOSED USE

☐ APPROVAL RECOMMENDED SUBJECT TO
CONDITIONS OUTLINED ON REVERSE

☐ APPROVAL NOT RECOMMENDED DUE TO
REASONS OUTLINED ON REVERSE

☐ PERMIT REQUIRED

☒ WISH TO BE NOTIFIED OF OUTCOME
N.W.P.A. OFFICER

SIGNED BY *John Anderson*

TITLE

CDN. COAST GUARD

L230 R (04/88)

(To be completed by Lands office)

APPLICANT _____ OUR FILE No. _____

LAND LOCATION _____

APPLICATION IDENTIFIED HEREIN HAS RESULTED IN —

- ☐ LEASE ☐ LICENSE OF OCCUPATION ☐ INTERIM LICENSE OF OCCUPATION ☐ STATUTORY RIGHT OF WAY
☐ INVESTIGATIVE PERMIT (SECTION 10 LICENSE) ☐ DISALLOWANCE OF APPLICATION

THE TERM OF TENURE IS _____, COMMENCING _____

SENIOR EXAMINER

Page 170



August 17, 1990

File : 77.0407

Your File: 3404347

Referral : SIP900510-06

Ministry of Crown Lands
478 St. Paul Street
Kamloops, B.C.
V2B 2J6

Attention: Neil McLennen, Land Officer

Dear Sirs:

Re: Foreshore Lease - Unsurveyed Foreshore fronting
Lot A of Lot 673 ODYD Plan 34497 Okanagan Lake

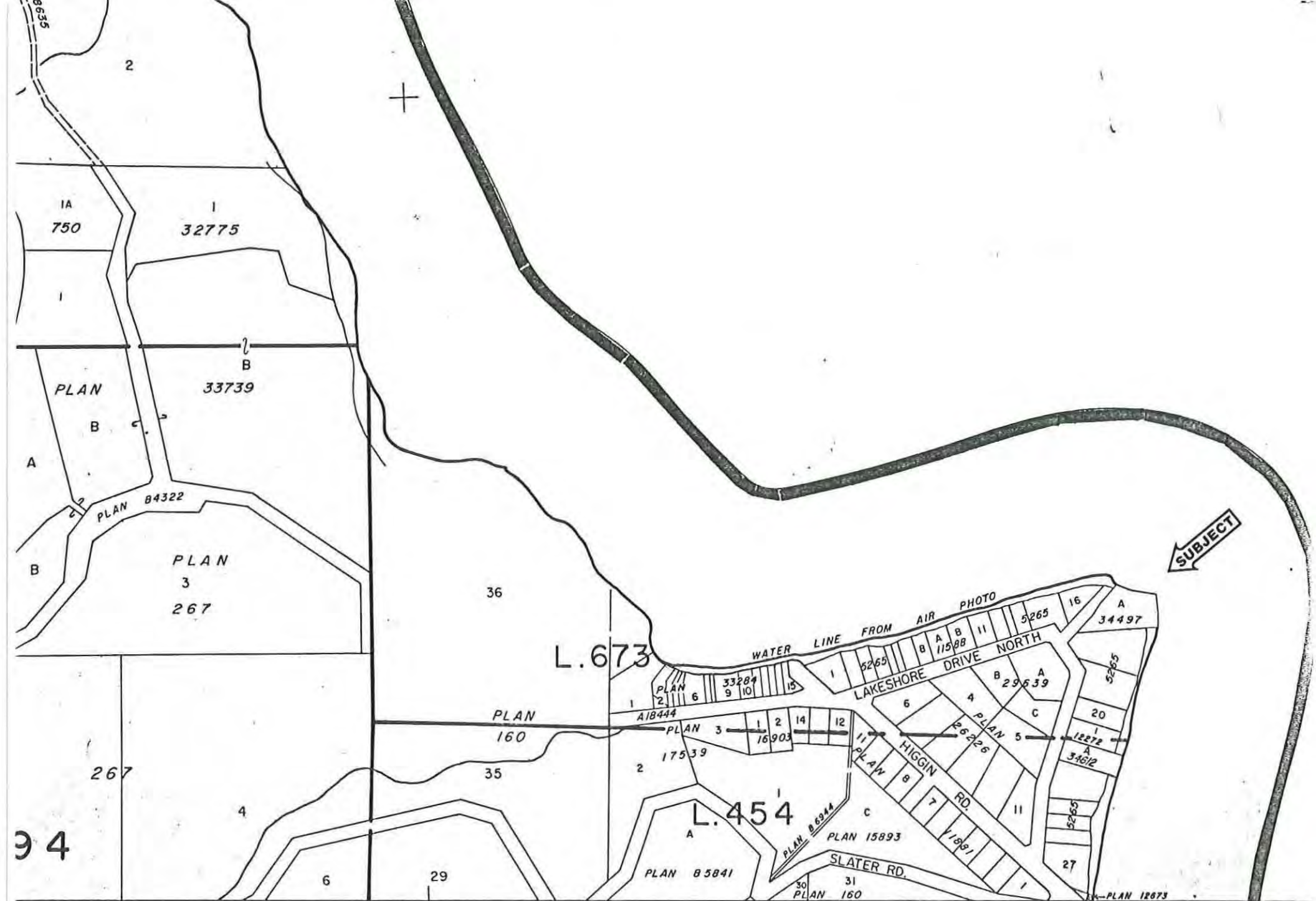
In regards to your letter of April 23, 1990, the Ministry of Environment, Okanagan Sub-Region provides the following comments.

We advise that if any changes to the location or nature of any watercourse is contemplated, then an Application for Approval under Section 7 of the Water Act is required. For further information, please contact N. Banera or L. Pauloski of the Water Management Program at this office. Application forms are available upon request.

Yours truly,

W.A. Kastelen
Director
Southern Interior Region

ALCOCK/ms



MILKAMEEN DIVISIONS OF YALE LAND DISTRICT
KAMLOOPS LAND TITLE DISTRICT

SCALE
1 : 5000

CADASTRA
Page 172
FNR-2013-00168



Province of
British Columbia

Ministry of
Crown Lands

Land Referral and Notice of Outcome

APPLICANT PROPONENT NAME <u>L. Agur</u> <u>R. R. #1, Summerland, B. C. VOH 1ZO</u>		FIELD OFFICE ADDRESS AND PHONE No. <u>478 St. Paul Street</u> <u>Kamloops, B. C.</u> <u>V2C 2J6</u> <u>828-4800</u>	OUR FILE No. <u>3404347</u>
APPLICATION PROPOSAL DATE <u>March 1990</u>	REF. MAP No. <u>82E.062</u>		

District of Summerland
Box 159
Summerland, B. C.
VOH 1ZO



You are requested to comment on the following application. Your response should be received within 30 days by the undersigned. Where the time limit for response cannot be met, a verbal response should be made. Details of the application are provided. Lack of response will be considered as a positive reaction to the application.

L

LOCATION OF LAND <u>Summerland</u>	PARCEL SIZE <u>0636</u> ha
LEGAL DESCRIPTION <u>Unsurveyed foreshore fronting Lot A, Plan 34497, D. L. 673, ODYD</u>	
INTENDED LAND USE AND PERIOD REQUIRED <u>Consolidation of filled foreshore with Lot A, Plan 34497</u>	
ADDITIONAL INFORMATION RELATED TO THE FOLLOWING IS AVAILABLE ON REQUEST <u>Refer to "Comments" on reverse re Council Resolution</u>	

AUTHORIZED
SIGNATORY

Neil MacLennan
SIGNATURE
Neil MacLennan, Land Officer

April 23, 1990
DATE

RESPONSE SUMMARY

DATE May 14, 1990

☐ APPROVAL RECOMMENDED

☐ INTERESTS UNAFFECTED BY PROPOSED USE

☒ APPROVAL RECOMMENDED SUBJECT TO
CONDITIONS OUTLINED ON REVERSE

☐ APPROVAL NOT RECOMMENDED DUE TO
REASONS OUTLINED ON REVERSE

☐ PERMIT REQUIRED

☐ WISH TO BE NOTIFIED OF OUTCOME

SIGNED BY

M. Schmidt

TITLE

L230 R (04/88)

(To be completed by Lands office)

APPLICANT

OUR FILE No.

LAND LOCATION

APPLICATION IDENTIFIED HEREIN HAS RESULTED IN —

☐ LEASE

☐ LICENSE OF OCCUPATION

☐ INTERIM LICENSE OF OCCUPATION

☐ STATUTORY RIGHT OF WAY

☐ INVESTIGATIVE PERMIT (SECTION 10 LICENSE)

☐ DISALLOWANCE OF APPLICATION

THE TERM OF TENURE IS

, COMMENCING

SENIOR EXAMINER

L230 R (04/88)



Province of
British Columbia

Ministry of
Crown Lands

Land Referral
and
Notice of Outcome

APPLICANT PROPONENT NAME L. Agur R. R. #1, Summerland, B. C. VOH 120		FIELD OFFICE ADDRESS AND PHONE No. 478 St. Paul Street Kamloops, B. C. V2C 2J6 828-4800	OUR FILE No. 3404347
APPLICATION PROPOSAL DATE March 1990	REF. MAP No. 82E.062		

Government Agent
100 Main Street
Penticton, B.C.
V2A 5A5

You are requested to comment on the following application. Your response should be received within 30 days by the undersigned. Where the time limit for response cannot be met, a verbal response should be made. Details of the application are provided. Lack of response will be considered as a positive reaction to the application.

LOCATION OF LAND Summerland	PARCEL SIZE .0636 ha
LEGAL DESCRIPTION Unsurveyed foreshore fronting Lot A, Plan 34497, D. L. 673, ODYD	
INTENDED LAND USE AND PERIOD REQUIRED Consolidation of filled foreshore with Lot A, Plan 34497	
ADDITIONAL INFORMATION RELATED TO THE FOLLOWING IS AVAILABLE ON REQUEST	

AUTHORIZED
SIGNATORY

Neil MacLennan
SIGNATURE
Neil MacLennan, Land Officer

April 23, 1990
DATE

RESPONSE SUMMARY

DATE

- ☐ APPROVAL RECOMMENDED
- ☐ APPROVAL RECOMMENDED SUBJECT TO
CONDITIONS OUTLINED ON REVERSE
- ☐ PERMIT REQUIRED

- ☒ INTERESTS UNAFFECTED BY PROPOSED USE
- ☐ APPROVAL NOT RECOMMENDED DUE TO
REASONS OUTLINED ON REVERSE
- ☐ WISH TO BE NOTIFIED OF OUTCOME

SIGNED BY

Thomas Goldammer
TITLE

L230 R (04/88)

(To be completed by Lands office)

APPLICANT _____ OUR FILE No. _____

LAND LOCATION _____

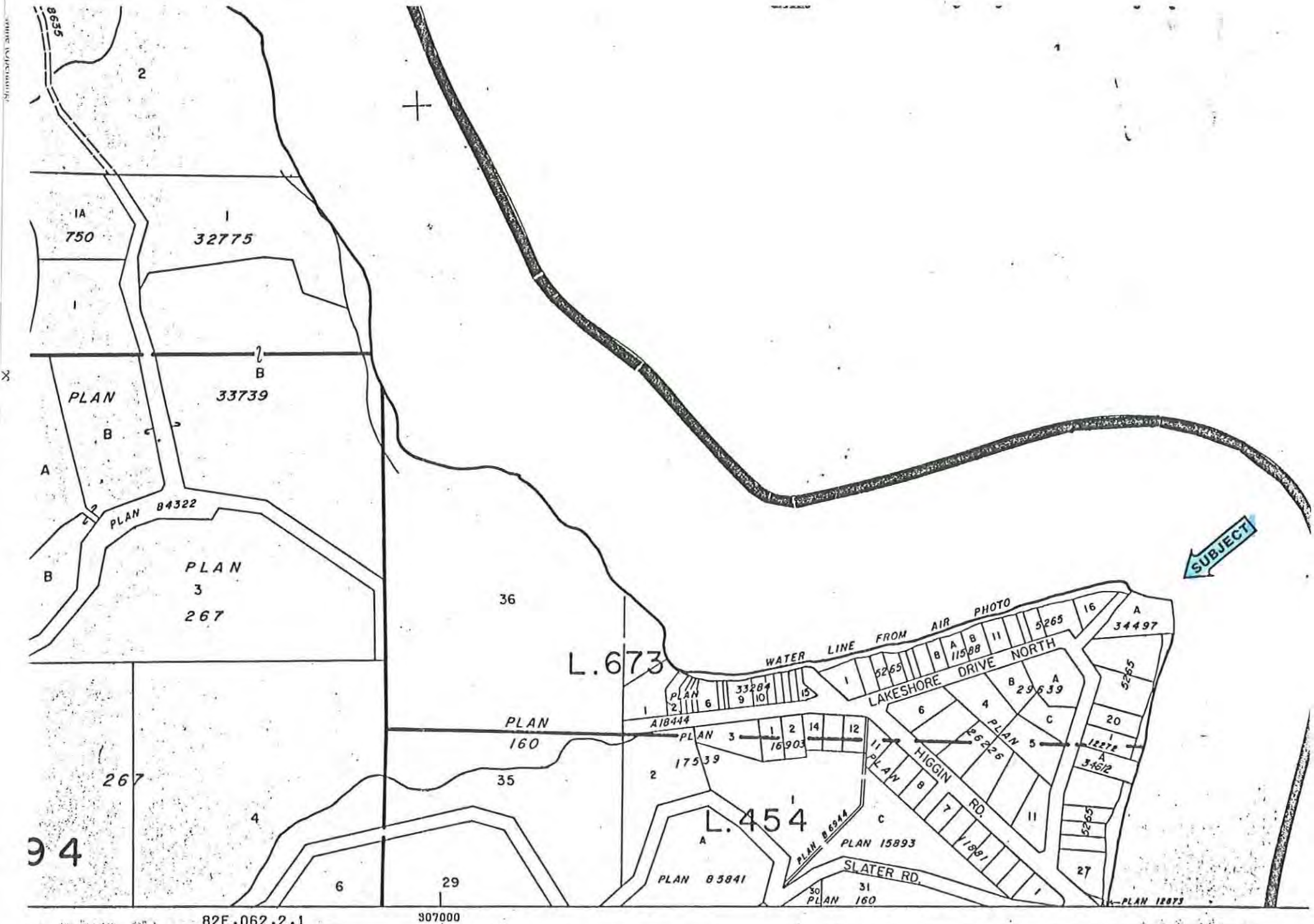
APPLICATION IDENTIFIED HEREIN HAS RESULTED IN —

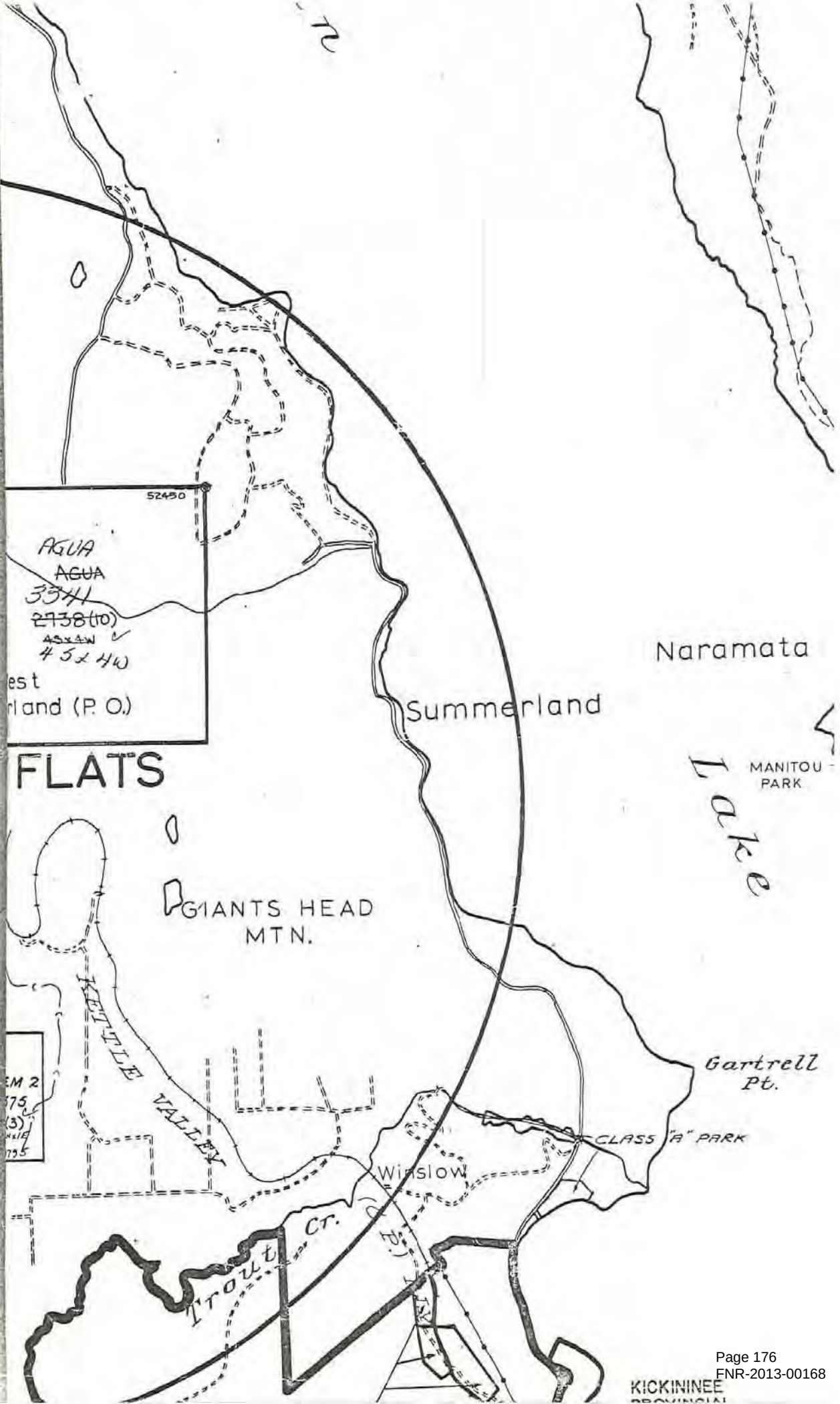
- ☐ LEASE ☐ LICENSE OF OCCUPATION ☐ INTERIM LICENSE OF OCCUPATION ☐ STATUTORY RIGHT OF WAY
- ☐ INVESTIGATIVE PERMIT (SECTION 10 LICENSE) ☐ DISALLOWANCE OF APPLICATION

THE TERM OF TENURE IS _____, COMMENCING _____

SENIOR EXAMINER

L230 R (04/88)





PLEASE PRINT
INDIVIDUAL(S) —
PROVIDE NAME(S)
IN FULL

JANICE LORRAINE AGUR

*INDICATE
JOINT TENANCY
OR TENANCY
IN COMMONJOINT TENANTS
TENANTS IN
COMMON ☐OR
COMPANY
NAMEADDRESS
(*PROVIDE
BOTH STREET
AND MAILING)

APT. NO.	STREET NO.	STREET	POST OFFICE BOX NUMBER
		LAKE SHORE DRIVE	
CITY - TOWN		PROVINCE	POSTAL CODE
R.R. # 1 SUMMERLAND		B.C.	VOH 1Z0
HOME TELEPHONE	BUSINESS TELEPHONE	COMPANY INCORPORATION NO.	DATE STAMP
494-8000			
AGE - 19 YRS. OR OVER	YES ☒ NO ☐	CANADIAN CITIZEN	YES ☒ NO ☐
RESIDENT IN BRITISH COLUMBIA FOR 2 YEARS	YES ☒ NO ☐	NON-REFUNDABLE APPLICATION FEE ENCLOSED	☐

LOCATION
OF CROWN
LAND

NORTH OF SUMMERLAND

AREA - HECTARES

0.0636

COMPANY/SOCIETY SEAL ☐ YES ☐ NO

DESCRIPTION

FORESHORE OKANAGAN LAKE

**\$50.00 APPLICATION
FEE REQUIRED**☐ SURVEYED
GIVE LEGAL
DESCRIPTION☐ OR
UNSURVEYED
GIVE METES
AND BOUNDS
DESCRIPTION

COMMENCING AT S.E. CORNER OF LOT A PLAN 34497 THENCE EASTERLY

1 METRE THENCE NORTHERLY 44.8 METRES THENCE WESTERLY

33.5 METRES TO MEET A RETAINING WALL THENCE NORTHERLY

ALONG WALL 9.8 METRES THENCE WESTERLY ALONG RETAINING

WALL AND REP RAP TO THE INTERSECTION OF THE PRODUCTION

OF THE WESTERLY BOUNDARY OF A CLOSED ROAD THENCE SOUTH WESTERLY

TO THE ORIGINAL NATURAL BOUNDARY THENCE EASTERLY AND

SOUTHERLY ALONG THE ORIGINAL NATURAL BOUNDARY OF SAID

LOT A TO POINT OF COMMENCEMENT

**ADVERTISING
REQUIRED**

YES

NO

DATE LAND STAKED
AS PER FORM 1

17th MARCH 1990

ucl f/s fr.

ES ENT'D APR 20 1990

*** NOTE** 1. ATTACH OUTLINE OF INTENDED DEVELOPMENT 2. ATTACH A SKETCH MAP OF AREA

INTENDED LAND USE AND PERIOD REQUIRED

RESIDENTIAL

ANY OTHER CROWN LAND HELD
BY APPLICANT OR SPOUSE☐ YES ☐ NOIF YES
STATE TYPE
AND TENUREI HEREBY CERTIFY THAT ALL INFORMATION GIVEN IN THIS APPLICATION FOR CROWN LAND IS TRUE AND CORRECT AND THAT I AM AN AUTHORIZED AGENT / SIGNATORY
(IF COMPANY)APPLICANT —
SIGNATURE(S)

DATE 17 MARCH 1990 OCCUPATION (IF INDIVIDUAL(S))

FOR OFFICE USE ONLY

YR.	MTH.	DAY	REGIONAL OFFICE	APPLICATION IS	FILE NO.
9	0	3	KAM-A	☒ NEW ☐ REPLACEMENT	34-043-47
DATE APP REC'D				APPLICATION FOR	PRELIMINARY ESTIMATE OF LAND VALUE
				☒ AQUATIC ☐ OTHER LAND	\$
APPLICATION IS		LAND IS IN			
☒ LAND ACT		PROVINCIAL FOREST			
		YES ☐ NO ☒			
TYPE OF TENURE FOR APPLICATION		EASEMENT		LETTER OF	
☐ LEASE		☐ RIGHT OF WAY		☐ CONSENT	
☐ LICENCE OF OCCUPATION		☒ CROWN GRANT		REPLACES SUP	
				☐ YES ☒ NO	
FIELD SERVICES COPY		T.A.S. CODING:			
		CG 02 OS 01			



STAKING NOTICE
(FORM 1)
LAND ACT

NOTICE OF INTENTION TO APPLY FOR A DISPOSITION OF CROWN LAND

Take notice that JANICE LORRAINE AGUR
of SUMMERLAND, occupation REALTOR
intends to make application to the Ministry of Crown Lands regional office in * SUMMERLAND
for a ** CROWN GRANT of land generally
situated § WEST SIDE OKANAGAN LAKE - NORTH SUMMERLAND

and more specifically described in (a) or (b) below:

(a) [Give legal description]

_____ containing _____ ha
or

(b) Commencing at a post planted† AT S.E. CORNER OF LOT A PLAN 34497 THENCE
EASTERLY 1 METRE THENCE NORTHERLY 44.8 METRES THENCE WESTERLY 33.5 METRES
TO MEET A RETAINING WALL THENCE NORTHERLY ALONG WALL 9.8 METRES
THENCE WESTERLY ALONG RETAINING WALL AND RIP RAP TO THE INTERSECTION
OF THE PRODUCTION OF THE WESTERLY BOUNDARY OF A CLOSED ROAD THENCE
SOUTH WESTERLY TO THE ORIGINAL NATURAL BOUNDARY THENCE EASTERLY AND
SOUTHERLY ALONG THE ORIGINAL NATURAL BUNDARY OF SAID LOT A TO POINT
OF COMMENCEMENT

thence _____; thence _____;

thence _____; thence _____;

and containing 0.0636 ha more or less.

The purpose for which the land is required is ‡ RESIDENTIAL

JANICE LORRAINE AGUR (Signature of applicant or agent)

PHILIP MOTCHMAN B.C.L.S. (Name of agent if applicable)

Dated 17 MARCH, 1990

*City or town where office is located

**Type of tenure required.

§Here describe by giving name of lake, mountain, stream, village, etc. in vicinity.

Complete '(a)' where land is surveyed and evidence of survey is available.

Complete '(b)' where land is unsurveyed or where no evidence of survey is available.

†Locate with reference to some survey post if possible.

‡Be as specific as possible describing the proposed use of land.

PHILIP MOTCHMAN

- D SURVEYOR -

TELEPHONE 492-0559

FAX 492-9851

54 NANAIMO AVE. E.
PENTICTON, B.C.
V2A 1L9

FILE NO. 6741

March 16th 19 90

The Regional Director
Thompson Okanagan Region
Ministry of Crown Lands
478 St. Paul Street
Kamloops, B.C.
V2C 2T6

Dear Sir:

RE: APPLICATION FOR CROWN LAND (FORESHORE OKANAGAN LAKE)
ADJACENT TO LOT A, PLAN 34497, D.L.S 673 & 1348, O.D.Y.D.
AND CLOSED ROAD (PENDING FINALISATION) D.L. 673, O.D.Y.D.
JANICE LORRAINE AGUR
B.C.G.S. 82 E 062

On behalf of my client Mrs. Agur, who wish to obtain Title to
a portion of the foreshore of Okanagan Lake that adjoins her
property, please find enclosed.

- 1) Application for Crown Land
- 2) Staking Notice
- 3) Copy of Title Search to Lot A, Plan 34497, D.L.S 673
and 1348, O.D.Y.D.
- 4) 2 prints of Part of the topographical map sheet
identifying the area in question
- 5) 2 prints of a plan showing the area of Application
on which have been shown the location of the camera
station for ground photographs and nature of soils
- 6) Two sets of ground photographs
- 7) cheque for \$50.00

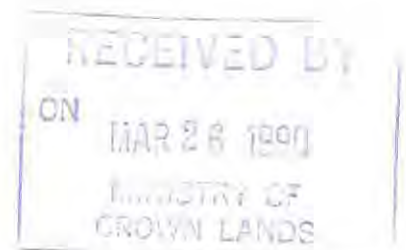
All of which I trust you will find both sufficient and satisfactory
to enable you to process my clients application.

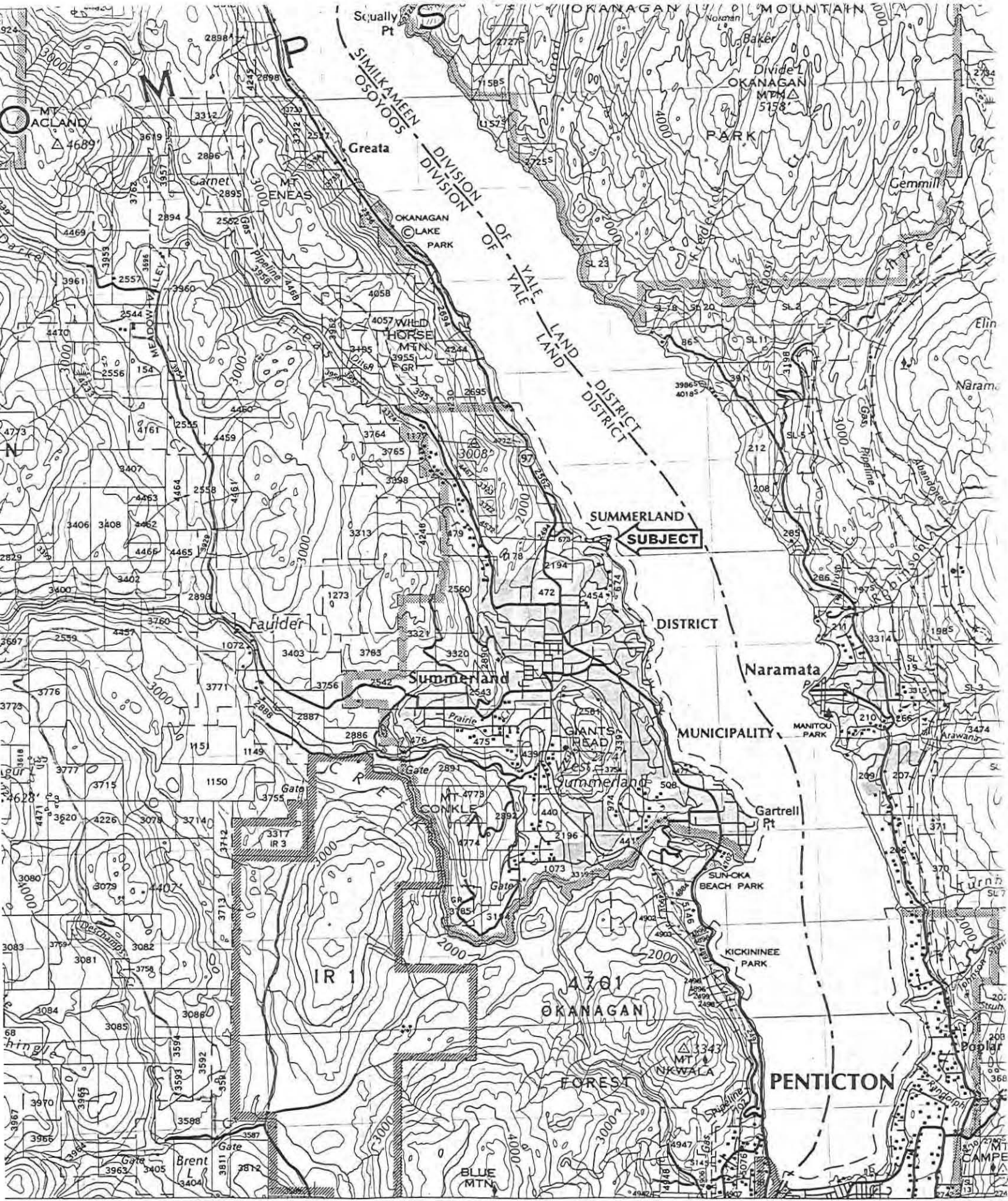
Yours truly,



PHILIP MOTCHMAN
B.C.L.S.

Encls.





5 (67) (G)

LAND DISTRICT
LAND DISTRICT

L A K E

3404344
90.04.11
82E.062
purs 14064240



Date: 90/03/12
Requestor: (SC48397)
TITLE SEARCH PRINT - KAMLOOPS
MINISTRY OF REG. DEV., GOVERNMENT AGENTS
Title: W1498

Time: 09:54:07
Page: 001

SECTION 172 (3)
SECTION 98

KAMLOOPS LAND TITLE OFFICE TITLE NO: W1498
FROM TITLE NO: R43371
T867
V78242

APPLICATION FOR REGISTRATION RECEIVED ON: 10 JANUARY, 1984
ENTERED: 22 JANUARY, 1986

REGISTERED OWNER IN FEE SIMPLE:

JANICE LORRAINE AGUR, REALTOR
RR#1
SUMMERLAND, B.C.
VOH 120

DESCRIPTION OF LAND:
MUNICIPALITY OF SUMMERLAND

PARCEL IDENTIFIER: 002-948-605
LOT A DISTRICT LOT 673 OSOYQOS DIVISION YALE DISTRICT PLAN 34497

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE
CHARGE NUMBER

DATE AND TIME OF APPLICATION

RIGHT OF WAY

45743E

21/11/1950

10:35

REGISTERED OWNER OF CHARGE:

THE CORPORATION OF THE DISTRICT OF SUMMERLAND

REMARKS: DD 45725E PART FORMER LOT 17, PLAN 5263

MORTGAGE

X210238

16/09/1987

10:32

REGISTERED OWNER OF CHARGE:

CIBC MORTGAGE CORPORATION (REG. NO. 75T)

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 27, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE

TRANSFERS: NONE

PENDING APPLICATIONS: NONE