

**BY-LAW NO.**

**A By-law to authorize the amendment of a  
Heritage Revitalization Agreement Authorized by By-law No. 8935  
for 6161 Macdonald Street**

PREAMBLE

WHEREAS

Council has authority under the *Vancouver Charter* to amend an existing Heritage Revitalization Agreement with the consent of the owner of heritage property.

AND WHEREAS

Pursuant to By-law No. 8935, the City of Vancouver (the "City") has entered into a Heritage Revitalization Agreement with the owner of certain property with a civic address of 6135 Macdonald Street (now 6135 and 6161 Macdonald Street) (the "Heritage Revitalization Agreement").

AND WHEREAS

The owner of 6161 Macdonald Street now wishes to amend the Heritage Revitalization Agreement with respect to the property at 6161 Macdonald Street and the owner's proposed amendments are acceptable to the City.

NOW THEREFORE THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. Council authorizes amendment of the Heritage Revitalization Agreement with the owner in respect of 6161 Macdonald Street, in substantially the form and substance of the Heritage Revitalization Amendment Agreement attached as Schedule A to this By-law, and also authorizes the Director of Legal Services to execute the agreement on behalf of the City, and to deliver it to the owner on such terms and conditions as the Director of Legal Services deems fit.
2. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**MODIFICATION OF HERITAGE REVITALIZATION AGREEMENT**  
**6161 Macdonald Street**

THIS AGREEMENT dated for reference the 1<sup>st</sup> day of May, 2023, is

BETWEEN:

**JANE ANN MACDOUGALL**  
 4891 Paton Street, Vancouver, BC V6L 2H9  
 (the "Owner")

AND:

**CITY OF VANCOUVER**  
 453 West 12<sup>th</sup> Avenue, Vancouver, BC V5Y 1V4  
 (the "City")

WHEREAS:

- A. The Owner is the legal and beneficial owner of the lands and premises in the City of Vancouver having a civic addresses of 6161 Macdonald Street, Vancouver, British Columbia, legally described as follows:
- PID: 026-085-500  
 Lot 2 Block D District Lot 321 Group 1 New Westminster District Plan BCP14095
- (the "Lands");
- B. As part of a proposed development of the Lands, the previous owners of the Lands and the City entered into a heritage revitalization agreement in respect of the Lands, notice of which was registered on title to the Lands in the Land Title Office on October 6, 2004 under No. BW461249 (the "HRA"), which agreement is binding on the current Owner; and
- C. The City and the Owner have agreed to modify the HRA on the terms and conditions set out herein, subject to enactment of a by-law authorizing this Agreement pursuant to Section 592(4) of the *Vancouver Charter*.

**NOW THEREFORE** in consideration of the matters referred to in the foregoing recitals, covenants and agreements herein contained and other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged and agreed to by the Owner and the City), the Owner and the City hereby covenant and agree as follows:

1. **Interpretation.** All capitalized terms in this Agreement, unless otherwise defined in this Agreement, have the meanings ascribed thereto in the HRA.
2. **Modification of HRA.** The HRA is hereby modified, as of the date that notice of this Agreement is registered in the Land Title Office, by:
  - (a) deleting Recital B and replacing it with:
 

"B. The Lands are within the R1-1 District of the City's *Zoning and Development By-law*.";

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(b) deleting Recital E and replacing it with:

“E. The South Parcel will be a vacant building site on which, at the time of the Owners’ choosing, the Owners will construct a new development, which development and replacements thereof from time to time are herein called the “New House”.”;

(c) deleting Section 5(a) and replacing it with the following:

“(a) [Intentionally deleted];”;

(d) deleting Section 5(b) and replacing it with the following:

“(b) [Intentionally deleted]; and”.

3. **HRA Ratified and Confirmed.** Except as hereby expressly modified, the HRA is hereby ratified and confirmed by the City and the Owner to the effect and with the intent that the HRA and this Agreement will be read and construed as one document.
4. **Conflict.** In the event of any conflict between the terms and conditions of the HRA and this Agreement, the terms and conditions of this Agreement will prevail.
5. **Further Assurances.** The City and the Owner will do and cause to be done all things and execute and cause to be executed all documents which may be necessary to give proper effect to the intention of this Agreement.
6. **Binding Effect.** This Agreement will enure to the benefit of and be binding upon the City and the Owner and their respective successors and permitted assigns.
7. **Amendment.** No alteration or amendment of the Agreement or this Agreement shall have effect unless the same is in writing and duly executed by all the parties.
8. **City’s Other Rights.** Nothing contained or implied in this Agreement will derogate from the obligations of the Owner under any other agreement with the City or, if the City so elects, prejudice or affect the City’s rights, powers, duties or obligations in the exercise of its functions pursuant to the *Vancouver Charter* and the rights, powers, duties and obligations of the City under all public and private statutes, by-laws, orders and regulations, which may be, if the City so elects, as fully and effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered by the Owner and the City.
9. **Time.** Time shall be of the essence of this Agreement.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day and year first written above.

CITY OF VANCOUVER

Per:

\_\_\_\_\_  
Authorized Signatory

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Modification of Heritage Revitalization Agreement  
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SIGNED, SEALED AND DELIVERED )  
 in the presence of: )  
 \_\_\_\_\_ )  
 Witness Claire Louise Allen )  
5308 Prince Edward St. Vancouver )  
 Address VSW 2X1P )  
 \_\_\_\_\_ )  
 Occupation Producer )

Jane Ann MacDougall  
 JANE ANN MACDOUGALL