

Canada  
Province of Quebec  
Registry Division of Montreal

**CERTIFICATE OF LOCATION**  
**Report**

I, the undersigned, François Houle, Quebec land surveyor, duly authorised to practice land surveying in the province of Quebec, certify by the present that:

**1. MANDATE**

At the request of Susan Bennett, I prepared this document in which I give my opinion and state on the present situation of the property hereinafter mentioned, within the meaning of the regulation respecting standards of practice relative to the certificate of location (L.R.Q., c. A-23, a.49). In accordance with the said regulation, I verified the elements mentioned in paragraphs 1° to 23° of the first paragraph of article 9 of the said regulation, to wit:

**2. SITE-SURVEY OPERATIONS**

On January 28<sup>th</sup> and 30<sup>th</sup> 2009, I took on the site the measurements required to verify the occupation and the boundaries of the property.

**3. UPDATED PROPERTY DESCRIPTION**

The property is known within the limits of the official cadastre of the Cadastre of Quebec, registry division of Montreal, as being:

Lot **2 607 173**, of rectangular,

<b>BOUNDED</b>	<b>LINE</b>	<b>MEASURE (meters)</b>
North-east: 2 607 214 and 2 607 217	straight	7,62
South-east: 2 607 175	straight	26,82
South-west: 2 608 332 (Melrose avenue)	straight	7,62
North-west: 2 607 171	straight	26,82

This emplacement contains an area of 204,4 square meters.

**4. DISTRIBUTION OF THE USABLE AREA**

- a) The apartment bearing civic number 2265, Melrose avenue, City of Montreal, borough of Côte-des-Neiges / Notre-Dame-de-Grâce includes private usable area on the first floor and contains a total area of 111,3, representing a share of 47,523% of said immovable.
- b) The apartment bearing civic number 2267, Melrose avenue, City of Montreal, borough of Côte-des-Neiges / Notre-Dame-de-Grâce includes private usable area on the first floor and on the second floor and contains a total area of 122,9, representing a share of 52,477% of said immovable.

The distribution of the private usable areas and the common areas has been established from the information given by the resident-owner and by existing "as built" conditions at the time of measuring, notably concerning the whole basement which was identified as a common area.

**5. TITLE DEEDS**

The researches at the registry office were made on January 26<sup>th</sup> 2009.

Susan Bennett and Heather Hirtle are the owners of the above mentioned property by acquiring lot 174-340, of cadastre of the Municipality of the parish of Montreal from Joao De Abreu according to a deed of sale received by Mtre Ruta Pocauskas, notary, on June 12<sup>th</sup> 1998, and registered on June 15<sup>th</sup> 1998 under number 5 018 731.

**6. CADASTRAL HISTORY**

The present property has been identified at cadastre as follows:

Part of lot 174, in virtue of the original plan of the official cadastre of the Municipality of the parish of Montreal, in force since July 15<sup>th</sup> 1873.

Lot 174-340 of cadastre of the Municipality of the parish of Montreal in virtue of a subdivision in force at the registry office since June 19<sup>th</sup> 1907.

Lot 2 607 173 of cadastre of Quebec in virtue of a replacement in force at the registry office since the deposit of the "renovation cadastrale" of a part of cadastre of the Municipality of the parish of Montreal, on July 15<sup>th</sup> 2004.

**7. CONCORDANCE BETWEEN CADASTRE, OCCUPATION AND THE DESCRIPTION IN TITLE DEEDS**

Following the analysis between the comparable elements of the occupation of the sector, of the title deeds and of the cadastre, I observed:

That the immovable presently analysed corresponds to the designation of the present property being lot 174-340 of cadastre of the Municipality of the parish of Montreal mentioned in the title deed registered under number 5 018 731.

Considering this immovable, the description of the title deed refers specifically to lot number 174-340 of cadastre of the Municipality of the parish of Montreal, in which no dimensions, no limits and no boundaries relating to the present property limits are mentioned. Consequently, no concordance or discordance with the said elements are possible regarding boundaries and measures.

That the limits established by the survey analysis concur with the limits shown on the Quebec cadastral plan for lot 2 607 173 and on the former cadastral reference for lot 174-340 of cadastre of the Municipality of the parish of Montreal, the whole considering specifically the boundary properties.

That the limits, the dimensions and the area established by the survey analysis concur with the limits, the dimensions and the area shown on the Quebec cadastral plan for lot 2 607 173 and on the former cadastral reference for lot 174-340 of cadastre of the Municipality of the parish of Montreal and inscribed in the title deed registered under number 5 018 731.

Moreover, the immediate occupation marks observed on the site are situated as shown on the attached plan and do not necessarily concur to the property limits, to wit;

At the front, the fence and the retaining wall along the North-westerly side are entirely situated upon the present property. At the back, the fence along the North-westerly side is not exactly situated upon the property limit. Also, the fences along the North-easterly side are entirely situated outside of the present property. The whole as shown on the attached plan.

**8. DESCRIPTION OF THE BUILDING**

The apartment building bearing civic number **2265 & 2267, Melrose avenue, City of Montreal, borough of Côte-des-Neiges / Notre-Dame-de-Grâce** is a two-storied structure of brick exterior, with a basement. The dimensions and location of which are also shown on the attached plan.

**9. WALL AND LIMITS**

According to the documents consulted and to my observations, it appears that the South-easterly wall is presumed to be a common wall (mitoyen) in the meaning of article 1003 of the Civil Code of Quebec.

The building is entirely erected within the re-established perimeter according to the present analysis.

The position and the configuration of the property limits, as shown on the plan accompanying this report, represent my opinion on said limits and do not grant characteristics of immutability nor of finality in the legal senses, for only a "procès-verbal de bornage" can give the limits these qualities.

**10. ENCROACHMENT, OVERHANG**

Except the usual and necessary encroachments against the public domain, there is no other apparent encroachment of construction erected on the present property upon the neighbouring properties, nor by constructions situated on the neighbouring properties upon the present property, except those that may occur following the occupation herein above described in the last paragraph of article 6.0 "CONCORDANCE BETWEEN CADASTRE, OCCUPATION AND THE DESCRIPTION IN TITLE DEEDS" and shown on the annexed plan.

## **11. IMMOVABLE INDEX ANALYSIS**

### **11.1 Registered servitude**

There is no servitude published as such on the land register save and except the following deed:

3835927: Servitude view in favour and against the present property and the neighbouring property known as lot 2 607 171, to maintain in the front, one (1) door, two (2) balconies and one (1) stairway having views against the present property. Also, in the front, one (1) door, two (2) balconies and one (1) stairway and, in the back, two (2) balconies having views against the said neighbouring property.

5035669: Servitude view in favour and against the present property and the neighbouring property known as lot 2 607 175, to maintain in the front, two (2) windows having views against the present property. Also, in the front, two (2) windows having views against the said neighbouring property.

### **11.3 "Borinage"**

No "procès-verbal de borinage" has been deposited at the registry office establishing some or all the limits of the present property.

### **11.4 Expropriation**

There is no notice of expropriation or reserve for public purpose registered as such on the land register which affect the present property.

### **11.5 Cultural heritage**

There is no notice registered on the land register stipulating that the present property has been classified or is situated within a protection area for a property classified under the Cultural Property Act (L.R.Q., c.B-4 a. 11).

However a complete notarial title search may reveal additional rights affecting the present property

## **12. CHARGES, APPARENT SERVITUDES AND OTHERS OBSERVATIONS**

### **12.1 Views**

Views from the present property: In front of the present property, on the Southerly side, there are one (1) window on the 1<sup>st</sup> floor and one (1) window on the 2<sup>nd</sup> floor being at a distance lesser than 150 centimetres from the neighbouring property situated on the South-east known as lot 1 607 175.

Views from the neighbouring properties: In front of the house erected on the neighbouring property to the South-east known as lot 2 607 175, on the Westerly side, there are one (1) window on the 1<sup>st</sup> floor and one (1) window on the 2<sup>nd</sup> floor being at a distance lesser than 150 centimetres from the present property.

**12.2 Apparent charge**

Save and except the encroachments and overhangs mentioned in the first paragraph of article 9.0 "ENCROACHMENT, OVERHANG", no apparent charge has been observed regarding the present property.

**13. ACTUAL CONDITION OF IMMOVABLE ACCORDING TO CERTAIN LAW OR REGULATION WHICH MAY AFFECT IT**

**13.1 Municipal regulation**

**13.1.1 Zone**

This present property is situated within the zone 0678 shown on the municipal zoning plan. This immovable is situated within a zone subject to specific requirements regarding construction standards.

**13.1.2 Conformity of the position**

In my opinion, the position of the building, in relation to the property limits, complies with the minimum setback requirements of the current municipal zoning by-law in force since December 17<sup>th</sup> 2001, save and except its rear setback of 1,90 meter which is lesser than the minimal rear setback of 3,0 meters required by the current zoning by-law. According to the information inscribed in the assessment roll of the City of Montreal, borough of Côte-des-Neiges / Notre-Dame-de-Grâce, the building was erected in 1914.

Concerning a non-conforming construction, article 651 of the zoning by-law number 01-276 stipulates:

"A non-conforming construction is protected by acquired rights if, at one point in its existence, said construction was in conformity with the by-law in force at that time."

Within the scope of the present location certificate, the conformity or non-conformity of the position of the structures, buildings and dependencies in relation to the boundaries of the immovable property has only been and could only be verified in respect of the municipal zoning by-law in force at the time of the preparation of said certificate.

**13.1.3 Protection area**

No disposition to the effect that the building is situated, in all or in part, inside a protection area or a historical borough is mentioned in the municipal zoning by-law.

#### **13.1.4 River bank protection Policy**

The present property is not situated, in all or in part, within a river bank protection strip as established by the municipal zoning by-law in virtue of the decree concerning the "Politique de protection des rives, du littoral et des plaines inondables" enacted by decree n° 1980-87 dated December 22<sup>nd</sup> 1987, modified by decree n° 1010-91 dated July 17<sup>th</sup> 1991 and replaced by decree n° 103-96 dated January 24<sup>th</sup> 1996.

#### **13.1.5 Risk zone**

The current property is not situated, in all or in part, within a protection zone, a flood zone or a risk zone as established by the municipal zoning by-law.

#### **13.2 Natural high water line**

The natural high water line assessment is the responsibility of the Ministère de l'Environnement du Québec. A delimitation request can be submitted to the "Centre d'expertise hydrique du Québec" in order to establish the claims of the Crown in regards to the boundary between the public and private domain.

#### **13.3 Flood risk area**

The present property is not situated, in all or in part, within a flood risk area mapped in virtue of the agreement between the Government of Canada and the Government of Quebec relative to the protection of "flood area and the lasting development of water resources", signed in 1976 and his subsequent amendments.

#### **13.4 Agricultural land**

The present property is not situated within an area that has been secured under an act to preserve Agricultural land (L.R.Q., c.P-41.1).

#### **13.5 Aeronautics Act**

The present property is not located, in all or in part, within an airport site established by a regulation adopted under the authority of the Aeronautics Act (R.S. 1985, c. A-2) and registered at the registry office.

#### **13.6 Housing complex**

The present property does not present any apparent elements of a housing complex in accordance with the meaning of article 45 of the law regarding the Quebec Housing Legislation (L.R.Q., c. R-8.1).

#### **14. NOTES**

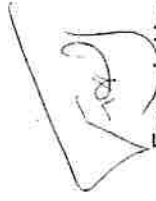
All dimensions in this report and plan are in metric measure.

This report and the accompanying plan form an integral part of the certificate of location which was prepared for the purpose of an immovable transaction and/or for the obtaining of a mortgage loan. It may not be used or referred to for any other purpose than that for which it was intended. This certificate of location was prepared for the sole benefit of the mandator and assigns. All other uses or utilisation must be authorised in writing by the undersigned surveyor.

Signed in Montreal, this February 3<sup>rd</sup> 2009, under number 11117 of my minutes and filed under number 46988- 1 of the files of FRANÇOIS HOULE Quebec Land surveyor office.



François Houle  
Quebec Land Surveyor

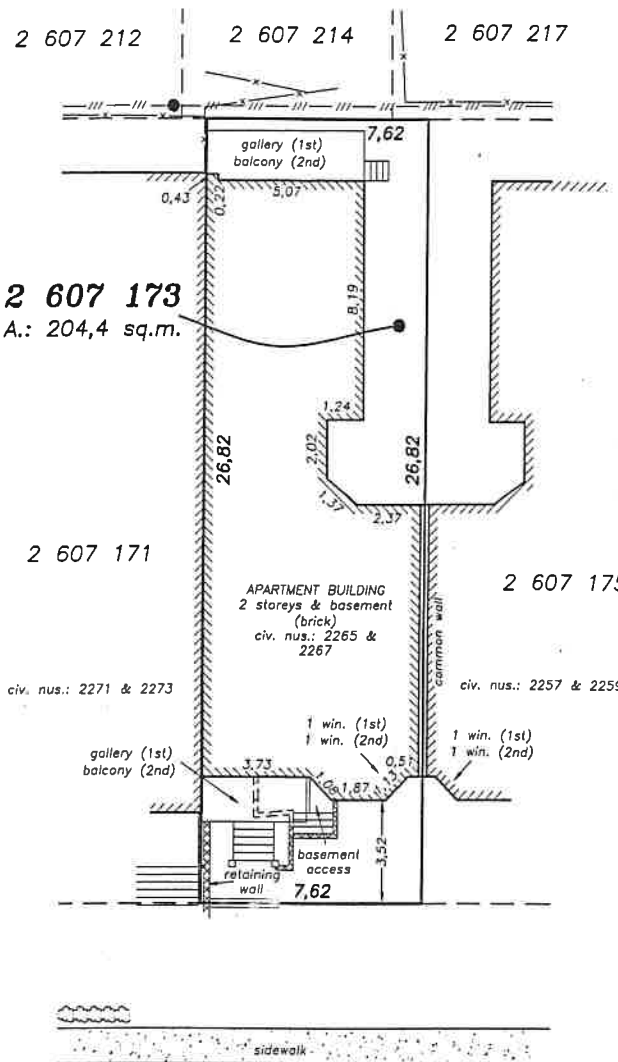


François Houle  
Quebec Land Surveyor  
True copy

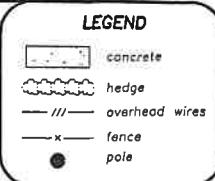
11 FEV. 2009







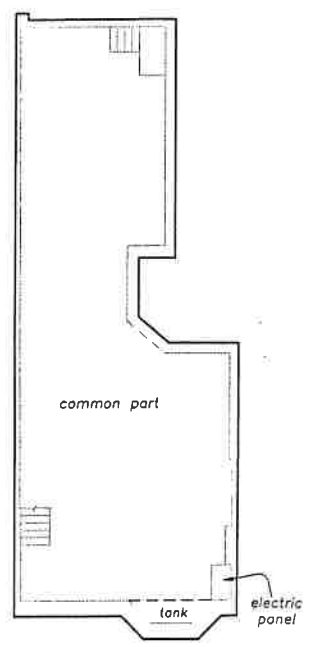
**MELROSE AVENUE**  
2 608 332



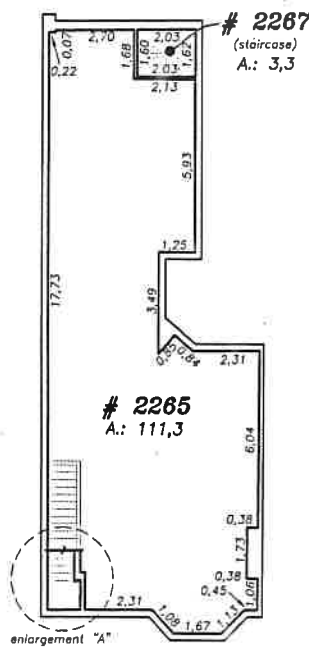
**NOTES**

- This plan and the accompanying report form an integral part of the certificate of location which was prepared for the purpose of an immovable transaction and/or for the obtaining of a mortgage loan and for an undivided agreement.
- All other uses or utilizations by a third party must be authorized in writing by the undersigned. It may not be used or referred to for any other purpose than that for which it was intended.
- The site survey was on January 28th & 30th, 2009.
- All dimensions shown on this plan are in meter (IS).
- The repartition of the private usable area has been established from the the resident-owner and with consideration into the as built situation et the time of measuring.
- The setbacks from the main building were taken at the siding (brick).
- Certain elements may be missing due to the abundant snow covering at the time of the land survey.

**PRIVATE USABLE AREA**



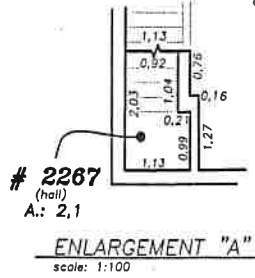
**BASEMENT**



**FIRST FLOOR**



**SECOND FLOOR**



**ENLARGEMENT "A"**  
scale: 1:100

The private usable areas have been computed from the inside face of the permanent outer walls of the building or from the inside finished surface of the wall separating usable area and common area.

No deductions have been made for support walls, columns or any projections necessary to the building, service spaces, private staircase and small openings.

**CERTIFICATE OF LOCATION**

Objet:  
IMMOVABLE TRANSACTION OR MORTGAGE LOAN  
AND  
UNDIVIDED AGREEMENT

**2265 & 2267, Melrose Ave.  
Montreal, Qc.**

Echelle / Scale: 1:200 (IS)

Cadastre: QUEBEC

Lot(s): 2 607 173

Municipalité: CITY OF MONTREAL

Arrondissement: COTE-DES-NEIGES/NOTRE-DAME-DE-GRACE

Circon. Foncière: MONTREAL

Chef d'équipe/Crew chief: JSR Vérifié par/Verify by: FH  
Calculé par/Computed by: MA Dessiné par/Drawn by: JSR

**GROUPE GÉOMATIK inc.**  
655, 32e Avenue, suite 301  
Montréal (Lachine), Québec, H8T 3G6  
Tél. (514) 634-2530 Fax. (514) 634-0908

**FRANÇOIS HOULE**  
ARPELLEUR-GÉOMÈTRE  
QUEBEC LAND SURVEYOR

Signed in Montreal:  
  
FRANÇOIS HOULE Q.L.S.  
Copie conforme/True copy  
11 FEV. 2009  
FRANÇOIS HOULE Q.L.S.

Date: February 3rd, 2009  
Minute: 11117  
Dossier/File: 46988-1







46988- 1

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CERTIFICATE OF LOCATION

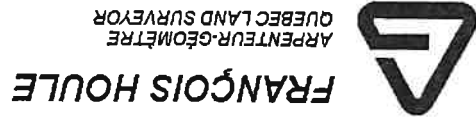
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2265 & 2267, Melrose avenue  
City of Montreal, borough of  
Côte-des-Neiges / Notre-Dame-de-Grâce  
Lot(s): 2 607 173  
Cadastre of Quebec

Consultant  
François Houle Q.L.S.

Minute: 11117  
Date: 2009-02-03



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