

## DECLARATION(S) ATTACHED



Land Title Act

Charge

General Instrument – Part 1

VICTORIA LAND TITLE OFFICE

DEC 12 2022 14:49:36.001

**CB383353-CB383354**

## 1. Application

Document Fees: \$152.64

**Katrina Dakus  
Lidstone & Company  
1300-128 West Pender Street  
Vancouver BC V6B 1R8  
604-899-2269**

Our File: 10163-160

## 2. Description of Land

PID/Plan Number	Legal Description
<b>030-217-768</b>	<b>LOT 2 SECTION 14 COMOX DISTRICT PLAN EPP23850</b>

## 3. Nature of Interest

Type	Number	Additional Information
<b>MODIFICATION</b>	<b>FB414633</b>	<b>Modification of option to purchase FB414633</b>
<b>PRIORITY AGREEMENT</b>		<b>Granting within Option priority over Mortgage CB382323 and Assignment of Rents CB382324</b>

## 4. Terms

Part 2 of this instrument consists of:

**(b) Express Charge Terms Annexed as Part 2**

## 5. Transferor(s)

**PLAYTIME GAMING GROUP INC., NO.BC1062383**  
**COMPUTERSHARE TRUST COMPANY OF CANADA, NO.A0052313**

## 6. Transferee(s)

**THE CORPORATION OF THE CITY OF COURTENAY**  
830 CLIFFE AVENUE  
COURTENAY BC V9N 2J7

## 7. Additional or Modified Terms



Land Title Act

**Charge**

General Instrument – Part 1

## 8. Execution(s)

This instrument creates, assigns, modifies, enlarges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Witnessing Officer Signature

Execution Date

Transferor / Transferee / Party Signature(s)

\_\_\_\_\_  
**See Affidavit of Execution**

YYYY-MM-DD

**2022-07-28****PLAYTIME GAMING GROUP INC.**

By their Authorized Signatory

\_\_\_\_\_  
**Tolek Strukoff**

**Officer Certification**

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Witnessing Officer Signature

Execution Date

Transferor / Transferee / Party Signature(s)

\_\_\_\_\_  
**Camille Dallamore**  
**Commissioner for Taking Affidavits**  
**for British Columbia**  
830 Cliffe Avenue  
Courtenay BC V9N 2J7

YYYY-MM-DD

**2022-09-20****THE CORPORATION OF THE CITY OF**  
**COURTENAY**

as Transferee

By their Authorized Signatory

\_\_\_\_\_  
**Chris Marshall**

**Officer Certification**

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Land Title Act

**Charge**

General Instrument – Part 1

Witnessing Officer Signature

Execution Date

Transferor / Transferee / Party Signature(s)

\_\_\_\_\_  
**Ashley Joanne Hayward**  
**Notary Public**  
100 University Avenue  
Toronto ON M5J 2Y1

YYYY-MM-DD

**2022-07-26****COMPUTERSHARE TRUST COMPANY  
OF CANADA**

as to Priority

By their Authorized Signatory

\_\_\_\_\_  
**Fiona Koch**

\_\_\_\_\_  
**Allana Williams**

**Officer Certification**

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**Electronic Signature**

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

**Katrina Dakus**  
**1X8NVT**

Digitally signed by  
Katrina Dakus 1X8NVT  
Date: 2022-12-12  
14:47:15 -08:00

## LAND TITLE ACT

## TERMS OF INSTRUMENT – PART 2

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**MODIFICATION TO OPTION TO PURCHASE AGREEMENT**  
(the “**Modification**”)

This Modification is made effective on April 24, 2022.

## WHEREAS:

- A. It is understood and agreed that this Modification shall be read as follows:
- i. the Transferor, described in Item 5 of the Charge General Instrument, Part I, Playtime Gaming Group Inc., is defined in this Modification as the “**Owner**”; and
  - ii. the Transferee, described in Item 6 of the Charge General Instrument, Part I, the Corporation of the City of Courtenay, is defined in this Modification as the “**City**”;
- B. The Owner is the registered owner of the parcel of land situated in the City of Courtenay, British Columbia and legally described in Item 2 of the Charge General Instrument, Part I (the “**Lands**”);
- C. The City is a municipality operating pursuant to the Community Charter, SBC 2003, c.26, as amended or replaced from time to time;
- D. Pursuant to an Option to Purchase dated April 2011 (the “**Agreement**”) and registered in the Land Title Office on May 18, 2011 under No. FB414633, PT Courtenay Enterprises Ltd., as the original owner of the Lands, agreed to grant to the City an option to purchase the Lands on the terms more particularly set out therein; and
- E. The parties hereto have agreed to modify the Agreement, on the terms and conditions of this Modification.

NOW THEREFORE THIS MODIFICATION WITNESSES that in consideration of each party agreeing to modify the Agreement as set out hereinafter and for good and valuable consideration (the receipt and sufficiency of which the parties hereto acknowledge and agree to), the Owner and the City hereby covenant and agree as follows:

1. Interpretation

Capitalized terms used herein will have the same meaning as set out in the Agreement unless otherwise expressly defined herein.

2. Modification of the Agreement

## Page 4 of 5 pages

The Agreement is hereby amended by deleting section 3.2 and replacing it with the following:

“3.2 **Triggering Event.** The Option may only be exercised by the City in the event that the City determines on or before April 24, 2024, in its sole discretion, that the construction of the extension of Turner Drive is not feasible over that property legally described as PID 001-397-451, Remainder Lot 2 Section 14 Comox District Plan 20152 and that construction of the extension of Turner Drive on the Highway Area will commence within 60 days.”

3. Registration

The Owner will execute and deliver this instrument to the City in form acceptable for registration, and will take commercially reasonable steps to cause the holders of all liens, charges, and encumbrances in respect of which the City requires priority to execute and deliver to the City instruments of priority acceptable for registration and in form and substance acceptable to the City.

4. Agreement Ratified and Confirmed

Except as hereby expressly modified, the Agreement is hereby ratified and confirmed by the Owner and the City to the effect and with the intent that the Agreement and this Modification shall be read and construed as one document.

5. Amendment

No alteration or amendment of the Agreement or this Modification shall have effect unless the same is in writing and duly executed by the parties to be charged.

6. Binding Effect

This Modification shall enure to the benefit of and be binding upon the parties and their respective successors and permitted assigns.

7. Time

Time shall be of the essence of this Modification.

IN WITNESS WHEREOF the parties hereto have executed this Modification by signing the General Instrument Part I attached hereto as of the date first above written on the said instrument.

**PRIORITY AGREEMENT**

The Computershare Trust Company of Canada (the “**Charge Holder**”), the registered holder of charges by way of a mortgage and assignment of rents against the Lands, which said charges are registered in the Land Title Office in Victoria, British Columbia, numbered \_\_\_\_\_ and \_\_\_\_\_ (collectively, the “**Financial Charges**”) for and in consideration of the sum of One Dollar (\$1.00) paid by the City to the Charge Holder (the receipt whereof is hereby acknowledged) agrees with the City, its successors and assigns, that the within option to purchase shall be an encumbrance upon the within described Lands in priority to the said Financial Charges in the same manner and to the same effect as if it had been dated and registered prior to the said Financial Charges.

As evidence of their agreement to be bound by the above terms, the parties have each executed and delivered this covenant under seal by executing Part I of the Charge General Instrument to which this covenant is attached and which forms part of this covenant.



See attached Affidavit of Execution regarding signature of Tolek Strukoff with respect to preceding Form C Modification and Priority Agreement.

**Electronic Signature**

Your electronic signature is a representation that

- (a) You are a subscriber under section 168.6 of the *Land Title Act*, RSBC 1996 c.250, and that you are authorized to electronically sign this document by an e-filing direction made under section 168.22(2) of the act, or
- (b) You are a designate authorized to certify this application under section 168.4 of the *Land Title Act*, RSBC 1996, c.250, that you certify this application under section 168.43(3) of the act, and that the supporting document or a true copy of the supporting document, if a true copy is allowed under an e-filing direction, is in your possession, or
- (c) If the purpose of this declaration is to bring to the attention of the registrar an error, omission or misdescription in a previously submitted document under section 168.55 of the act, you certify that, based on your personal knowledge or reasonable belief, this declaration sets out the material facts accurately.

**Katrina Dakus**  
**1X8NVT**

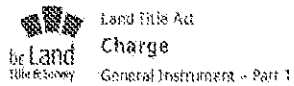
Digitally signed by  
Katrina Dakus 1X8NVT  
Date: 2022-12-12  
14:47:51 -08:00

Note: A Declaration cannot be used to submit a request to the Registrar for the withdrawal of a document.

CANADA ) In the matter of a Modification of Option to  
PROVINCE OF BRITISH COLUMBIA ) Purchase FB414633 (the "Instrument") of the  
TO WIT: ) lands legally described therein and Playtime  
 ) Gaming Group Inc. (the "Company")  
 )  
 )



## Exhibit A -- Instrument



Land Title Act

Charge

General Instrument - Part 1

## 1. Application

Katrina Dakus  
1300-128 West Pender Street  
Vancouver BC V6B 1R8  
604-899-2269

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Witnessing Officer Signature

Execution Date

Transferor / Transferee / Party Signatory(s)

See Affidavit of Execution

YYY-MM-DD

2022-07-28

PLAYTIME GAMING GROUP INC.  
By their Authorized Signatory

Tolok Steadoff

## Officer Certification

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Witnessing Officer Signature

Execution Date

Transferor / Transferee / Party Signatory(s)

YYY-MM-DD

THE CORPORATION OF THE CITY OF  
COURTENAY

as Transferee

By their Authorized Signatory

[print name]

[print name]

## Officer Certification

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