



PERMIT TO REDUCE BUILDING SETBACK LESS THAN 4.5 METRES FROM THE PROPERTY LINE FRONTING A PROVINCIAL PUBLIC HIGHWAY

PURSUANT TO TRANSPORTATION ACT AND/OR THE INDUSTRIAL ROADS ACT AND/OR THE MOTOR VEHICLE ACT AND/OR AS DEFINED IN THE NISGA'A FINAL AGREEMENT AND THE NISGA'A FINAL AGREEMENT ACT.

BETWEEN:

The Minister of Transportation and Infrastructure

Penticton Area Office
102 Industrial Place
Penticton, BC V2A 7C8
Canada

("The Minister")

AND:

Jason Adam
165 Lakehill Road
PO Box 336
Kaleden, BC V0H 1K0
Canada

("The Permittee")

WHEREAS:

A. The Minister has the authority to grant permits for the auxiliary use of highway right of way, which authority is pursuant to both the Transportation Act and the Industrial Roads Act, the Motor Vehicle Act, as defined in the Nisga'a Final Agreement and the Nisga'a Final Agreement Act;

B. The Permittee has requested the Minister to issue a permit pursuant to this authority for the following purpose:

The construction of a building, the location of which does not conform with British Columbia Regulation 513/04 made pursuant to Section 90 of the Transportation Act, S.B.C. 2004, namely; to reduce the setback, adjacent to Lakehill Road - Road No. 443, to no closer than 3.5 metres, for a proposed 592 ft2 garage, to serve property legally described as Lot 2, District Lot 106S, Similkameen Division Yale Land District, Plan KAP11203, located at 165 Lakehill Road, Kaleden, as shown on McElhanney Associates Land Surveying Ltd. - Proposed and Existing, File No. 2422-03968-00, Drawing No. 3968-00-V-CERT.DWG, dated April 26, 2022.

C. The Minister is prepared to issue a permit on certain terms and conditions;

ACCORDINGLY, the Minister hereby grants to the Permittee a permit for the Use (as hereinafter defined) of highway right of way on the following terms and conditions:

1. This permit may be terminated at any time at the discretion of the Minister of Transportation and Infrastructure, and that the termination of this permit shall not give rise to any cause of action or claim of any nature whatsoever.
2. This permit in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, including zoning, and other land use bylaws of a municipality or regional district.
3. The Permittee shall indemnify and save harmless the Ministry, its agents and employees, from and against all claims, liabilities, demands, losses, damages, costs and expenses, fines, penalties, assessments and levies made against or incurred, suffered or sustained by the Ministry, its agents and employees, or any of them at any time or times, whether before or after the expiration or termination of this permit, where the same or any of them are based upon or arise out of or from anything done or omitted to be done by the Permittee, its employees, agents or Subcontractors, in connection with the permit.



BRITISH
COLUMBIA

Ministry of
Transportation

Permit/File Number: 2022-03459

Office: Penticton Area Office

The rights granted to the Permittee in this permit are to be exercised only for the purpose as defined in Recital B on page 1.

Dated at Penticton, British Columbia, this 27 day of June, 2022

A handwritten signature in black ink that reads "Mitchell B.G.".

On Behalf of the Minister