

**ALBERTA GOVERNMENT SERVICES  
LAND TITLES OFFICE**

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**4113IS .**

**ORDER NUMBER: 35801011**

**ADVISORY**

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4113 I.S.

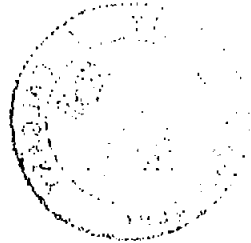
PHOTO COPY ONLY  
IN LIEU OF  
4113 I.S.  
*George Thompson*

SCHEDULE B

Plan 1440 J.K.

Block 7

Excepting thereout all mines and minerals.



OFFICE OF THE  
CHIEF LANDMAN



OUR FILE NO. ....

YOUR FILE NO. ....

# The City of Calgary

Calgary, Alberta, Canada

May 23, 1963

Mr. H. Sales,  
Acting City Clerk,  
City of Calgary.

CITY OF CALGARY  
RECEIVED  
MAY 24 1963

Attention: Mr. W. E. Burk.

CITY CLERK'S DEPT.

Dear Sir:

Referred to \_\_\_\_\_

Attached hereto please find, Restrictive Building Covenant for University Heights, which has been registered in the Land Titles Office as 4113 I. S. This document has been forwarded for your files.

Yours truly,

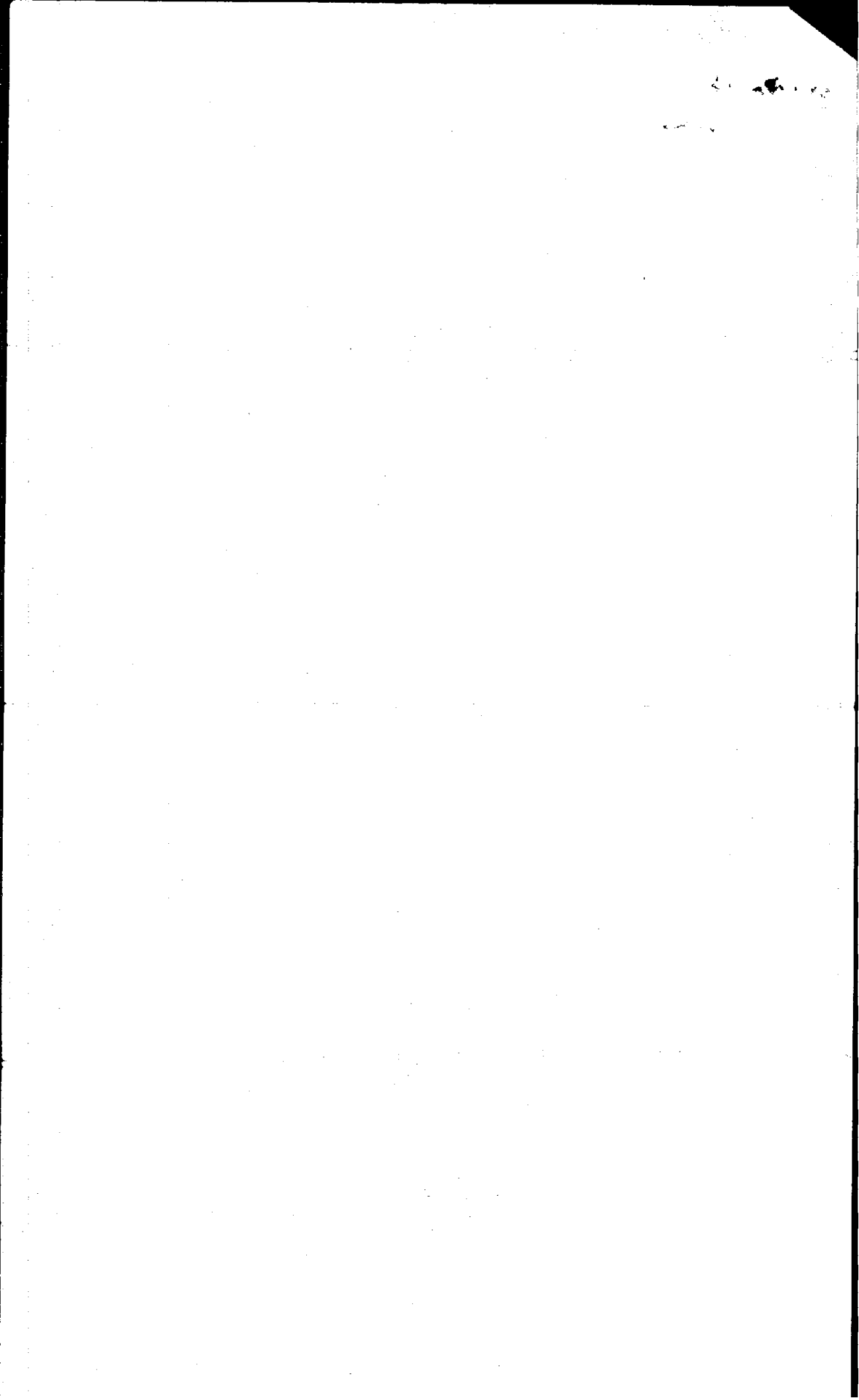
R. O. LEITCH  
CHIEF LANDMAN

PER: 

DGJ,j1

c.c. H. Toogood - Planning  
S. Galan - Building Permit Office





R E S T R I C T I V E C O V E N A N T S

UNIVERSITY HEIGHTS BUILDING SCHEME



WHEREAS The City of Calgary is the registered owner of all lands within the University Heights Subdivision in the City of Calgary indicated on Schedules A and B appended hereto, and

WHEREAS The City of Calgary desires to ensure that all development within the said major portions of University Heights Subdivision shall maintain certain standards of architectural excellence for the benefit of all future property owners in the said subdivision and for the benefit of The City of Calgary as owner of all streets, lanes and community or public reserves in the said subdivision,

NOW, THEREFORE, THIS DEED WITNESSETH that in Consideration of the foregoing The City of Calgary does hereby for itself, its assigns and successors in title Covenant as follows:

1. All those lots and parcels set out in Schedules A and B hereto as shown in registered plans of subdivision filed in the Land Titles Office for the South Alberta Land Registration District as Nos. 1350 J.K. and 1440 J.K. shall be developed only in conformity with

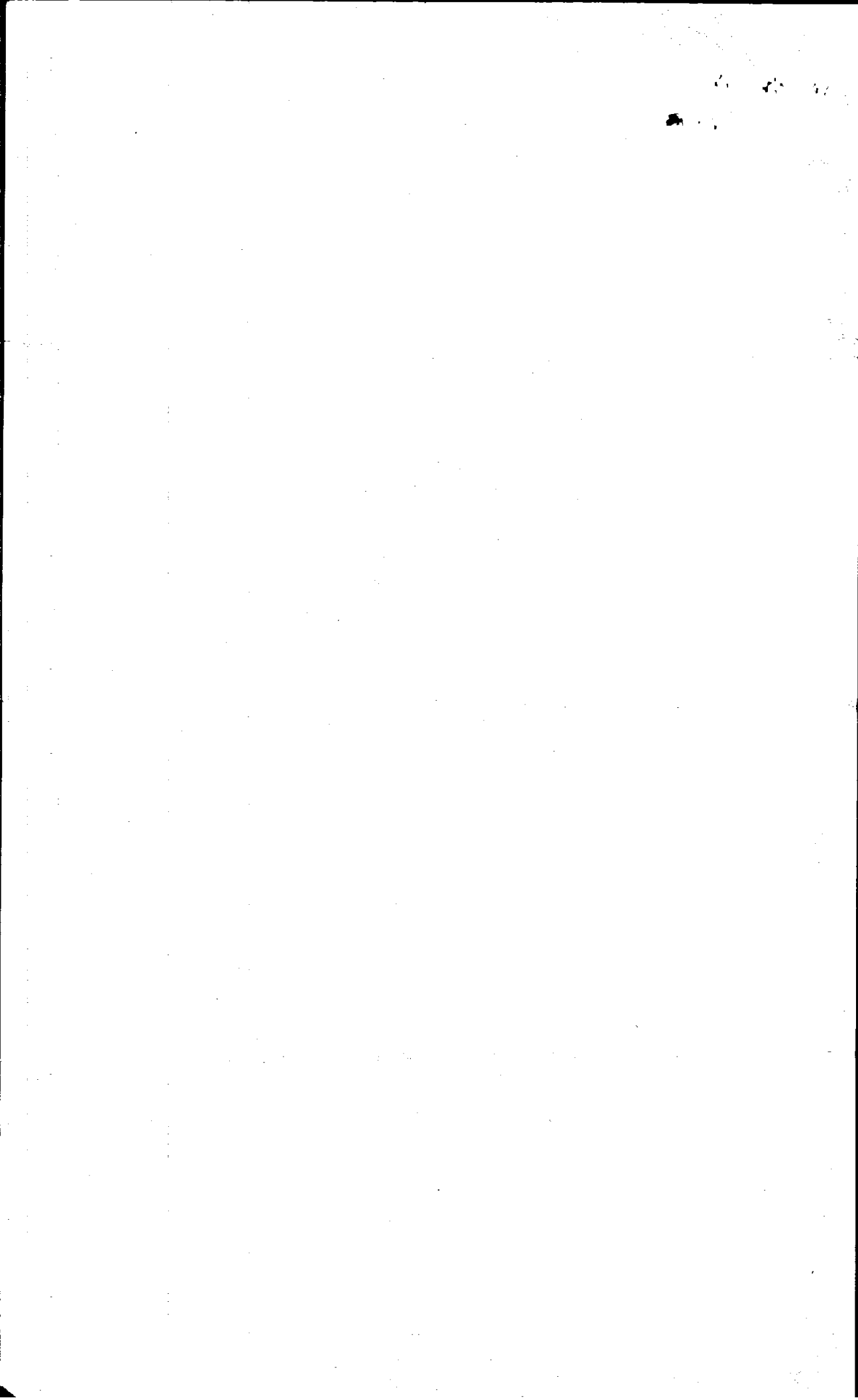
- (a) the conditions and covenants set out in this University Heights Building Scheme and with
- (b) The Building By-law, The Zoning By-law and other relevant by-laws of The City of Calgary.

2. All lots and parcels described in Schedules A and B hereto together with all streets and lanes adjacent thereto shall be deemed to form the University Heights Building Scheme and the land use and building restrictions and conditions herein shall be deemed to be covenants running with the land and shall be binding upon and enure to the benefit of all lots and parcels and owners thereof in the said scheme and in such subsequent plans of subdivision affecting the lots and parcels described in Schedules A and B as may hereafter be registered. Such land use and building restrictions and conditions may be enforced by the owner of any lot or parcel described in the Schedules hereto or in such subsequent plans of subdivision affecting the said lots and parcels as aforesaid or by The City of Calgary by reason of its ownership of streets, lanes and community or public reserves or other property described in the said Schedules.

3. No business or commercial use shall be made of any dwelling unit on any lot or parcel described in the Schedules hereto.

4. No re-subdivision shall be made if such re-subdivision reduces either the frontage or the area of any lot.

5. In calculating the ground area of any building on a lot or parcel described in the Schedules hereto the measurements for calculation shall be taken as the outside measurements of the main walls of the building at ground level and shall not include any garage which does not have habitable rooms above it and shall not include any porch, verandah or unheated sunroom.



6. The sideyards on each lot shall be a minimum width of ten percent (10%) of the average width of the lot unless the Planning Board allows a lesser width but in no circumstances shall the width of a sideyard be less than five (5) feet.

7. No building on a lot or parcel described in the Schedules hereto shall be serviced with utilities except by lines and pipes which bring the utilities into the building wholly underground.

8. All garbage cans and receptacles on any lot or parcel described in the Schedules hereto shall be screened. The City reserves the right to landscape and to plant trees on all streets, boulevards and community or public reserves. Owners of lots and parcels described in the Schedule hereto will be required to maintain in accordance with principles of good husbandry trees, shrubs and landscaped boulevards adjoining their lot or parcel.

Covenants affecting lands in Schedule A:

9. No owner shall erect or permit to be erected on any lot or parcel described in Schedule A more than one single-family dwelling, which shall be used only as a single-family dwelling, together with buildings or structures accessory thereto. Such accessory buildings shall conform in architectural style and exterior finish with the principal building on the site.

10. No dwelling shall be erected on any lot or parcel described in Parts 1 or 2 of Schedule A unless the principal dwelling has a minimum ground area measured in accordance with Clause 5 of this scheme of:

- 1200 sq. feet for dwellings of single story construction
- 1000 sq. feet for dwellings of story and one half or split level construction
- 800 sq. feet for dwellings of two story construction

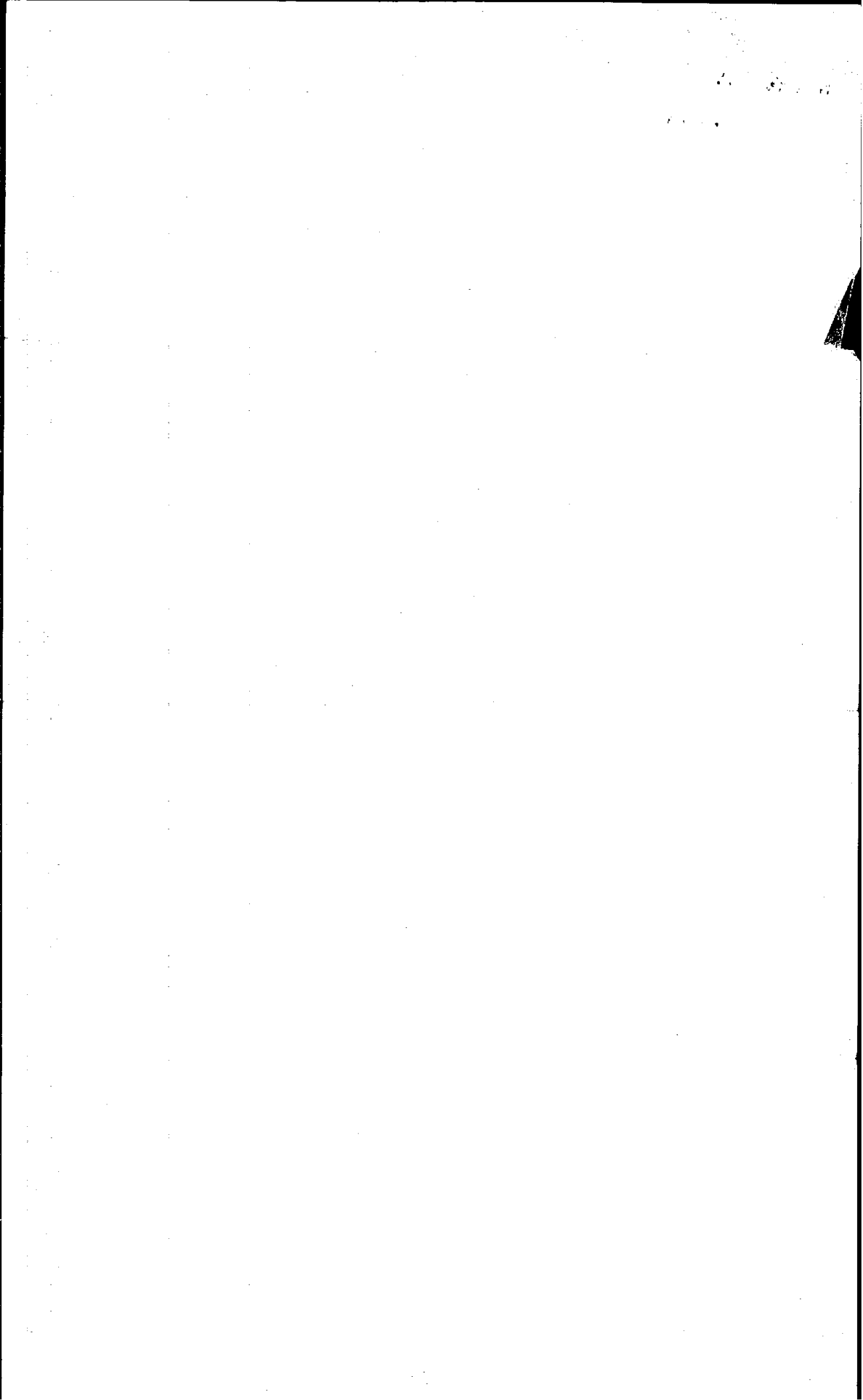
11. The lanes adjoining Lots 5 to 8 inclusive, 14 to 19 inclusive and 25 to 28 inclusive all in Block 9 of Plan 1440 J.K. and separating these lots from the community reserve adjacent to the Trans Canada Highway shall not be opened or developed for vehicular traffic but shall be developed and landscaped as a part of the community reserve, and no fence shall be erected on any of the said Lots 5 to 8 inclusive, 14 to 19 inclusive and 25 to 28 inclusive in Block 9, Plan 1440 J.K., until details of the design, height and placement thereof have been approved.

12. Lots 18 - 22 in Block 1, Plan 1440 J.K., Lots 7 - 10 in Block 4, Plan 1440 J.K. and Lots 21 - 25 in Block 3, Plan 1350 J.K. may be developed as church sites or alternatively as single family residential sites.

Covenant affecting lands in Schedule B:

13. Block 7 in Plan 1440 J.K. described in Schedule B hereto may be developed as a site for schools or other community buildings.





**GENERAL**

14. The Technical Planning Board of the City of Calgary shall be responsible for the interpretation of this building scheme. Any dispute which may arise in connection with the Building Scheme shall be determined by the Technical Planning Board and the decision of the Board shall be final and binding.

15. The Schedules A and B appended to this deed are hereby declared to be part of this building scheme as fully as if contained in this part.

16. No failure on the part of The City of Calgary or of any other owner or owners to enforce promptly and fully the conditions and covenants and restrictions of this building scheme shall be or be deemed to be a waiver of the right of the City or of any owner or owners to enforce the conditions, covenants and restrictions of this building scheme.

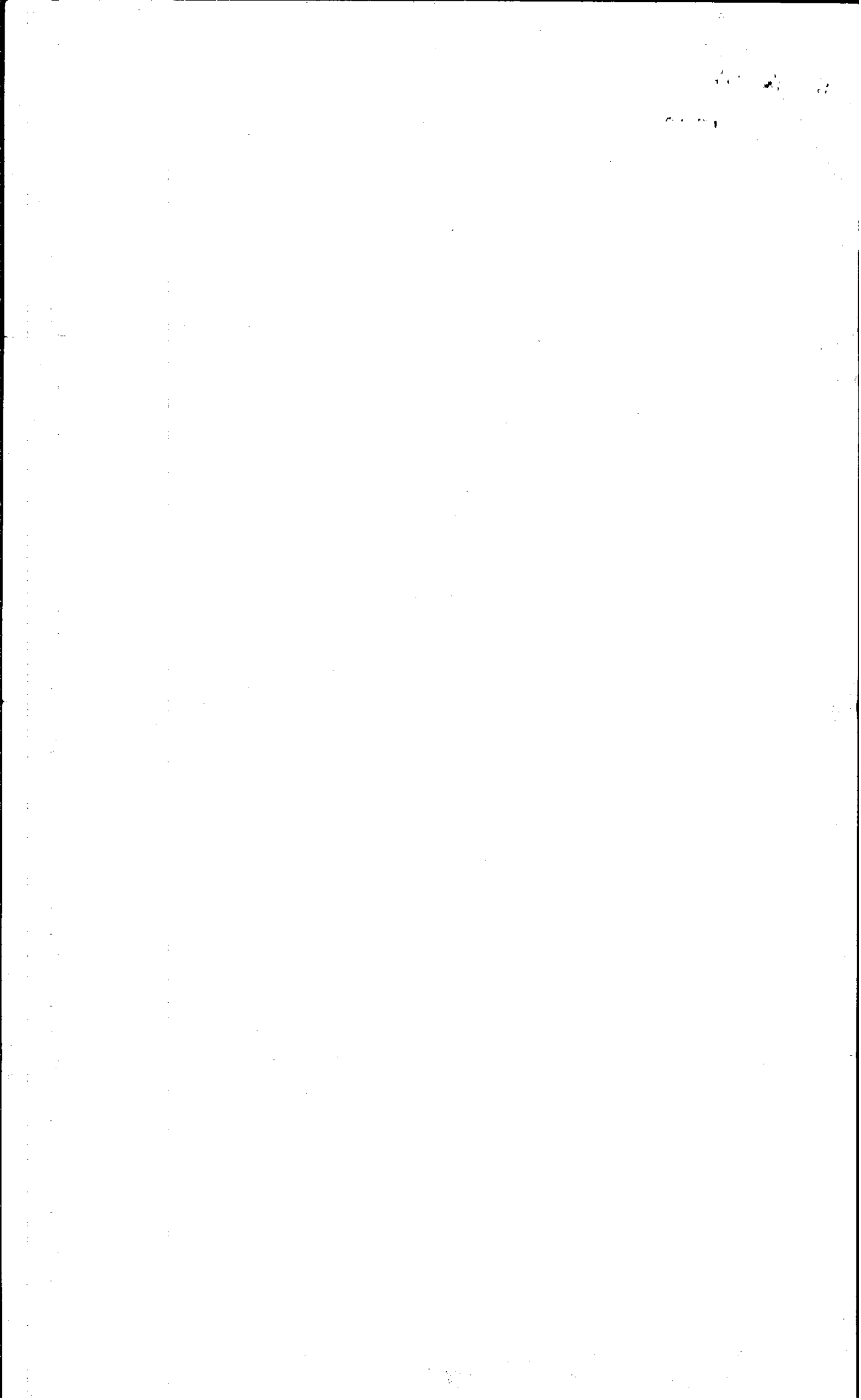
SIGNED, SEALED AND DELIVERED  
at the City of Calgary  
this 29th day of MARCH  
A.D. 1963

THE CITY OF CALGARY  
by:

*[Signature]*  
DEPUTY Mayor

*[Signature]*  
ACTING City Clerk

APPROVED
Council
<i>[Signature]</i> Deputy Mayor
Comptroller
As to Form
<i>[Signature]</i> Solicitors



UNIVERSITY HEIGHTS BUILDING SCHEME

SCHEDULE A

Part 1

Plan 1440 J.K.	Block 1	Lots 1 to 5 inclusive Lots 6 to 17 inclusive Lots 18 to 22 inclusive
	Block 2	Lots 1 to 31 inclusive
	Block 3	Lots 1 to 7 inclusive
	Block 4	Lots 1 to 48 inclusive
	Block 5	Lots 1 to 12 inclusive Lot 17
	Block 6	Lots 1 to 5 inclusive Lots 10 to 23 inclusive
	Block 9	Lots 1 to 33 inclusive

Part 2

Plan 1350 J.K.	Block 1	Lots 1 to 16 inclusive Lots 17 to 42 inclusive Lots 43 to 54 inclusive
	Block 2	Lots 1 to 16 inclusive
	Block 3	Lots 1 to 8 inclusive Lots 10 to 30 inclusive Lots 31 to 42 inclusive Lots 43 to 68 inclusive Lots 69 & 70 Lots 71 to 77 inclusive Lot 78 Lots 79 to 91 inclusive
	Block 5	Lots 1 to 13 inclusive Lots 50 to 64 inclusive

Excepting thereout all mines and minerals

