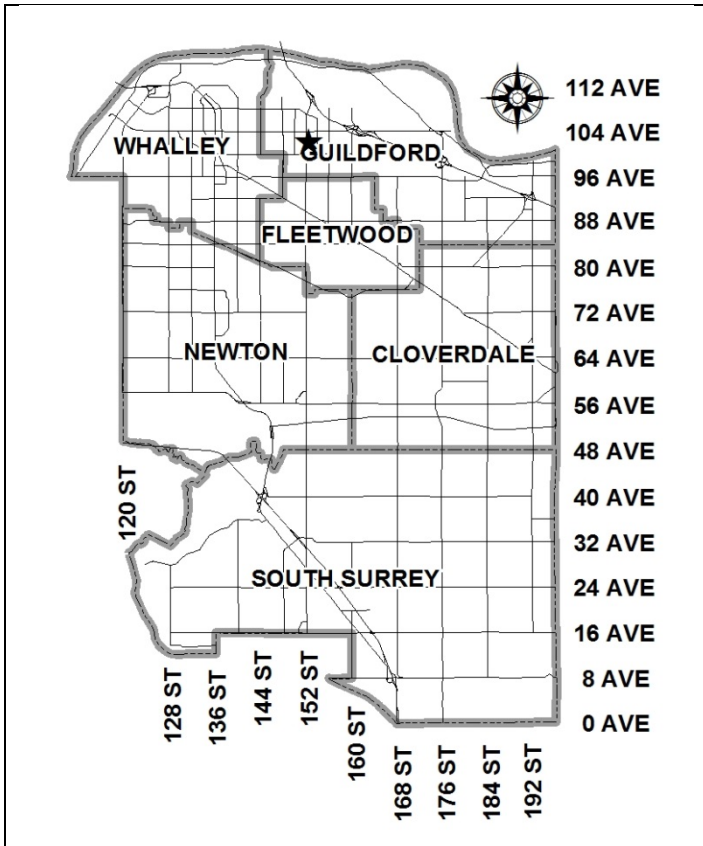


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7914-0042-00

Planning Report Date: May 12, 2014

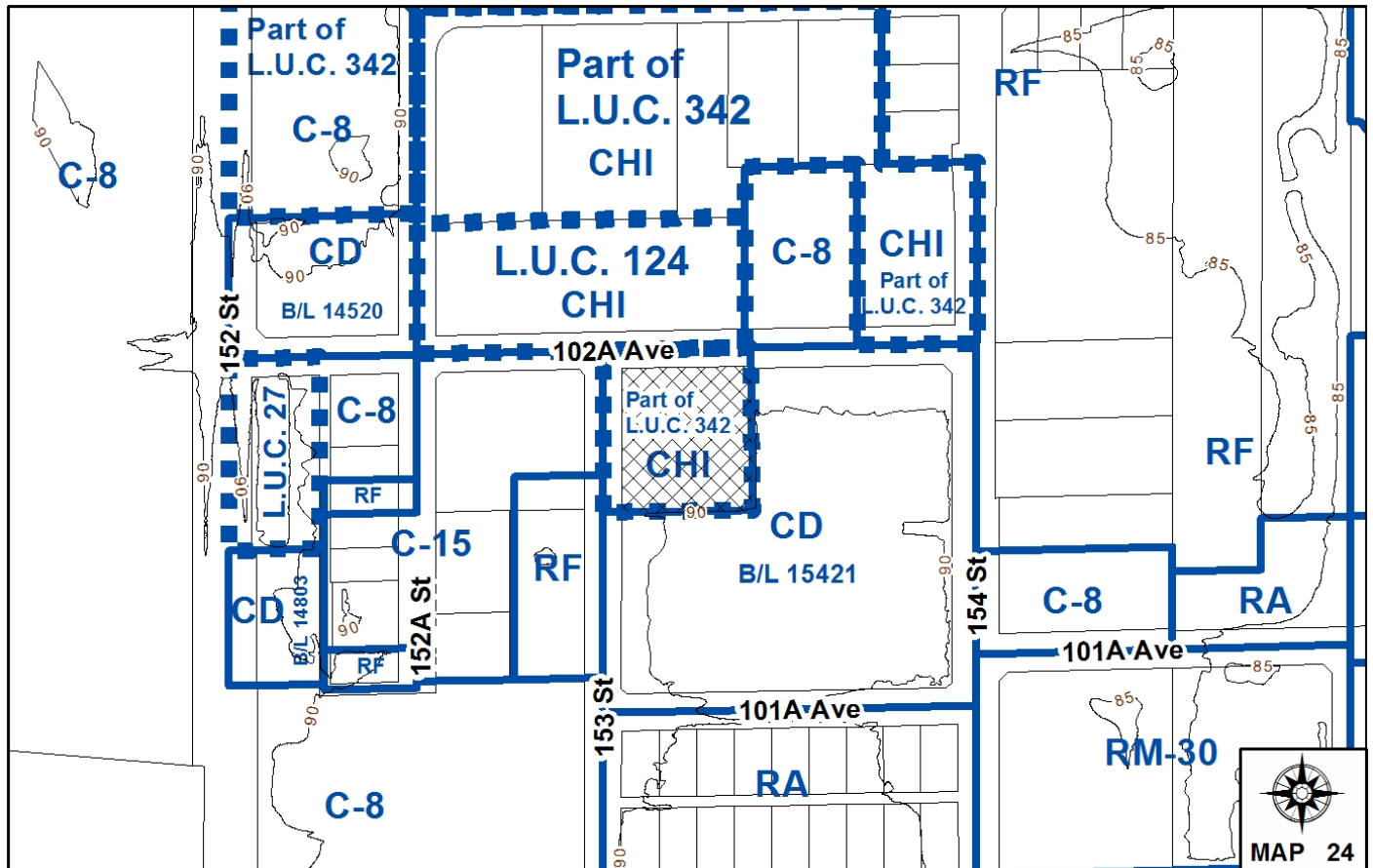


**PROPOSAL:**

- **Liquor License Amendment**
- **Development Variance Permit**

in order to vary the provisions of LUC No. 342 and to allow for a patio with an occupant load of 63, at the Mirage Nightclub.

**LOCATION:** 15330 - 102A Avenue  
**OWNER:** Carousel Ventures Ltd  
**ZONING:** Land Use Contract No. 342 (underlying zoning CHI)  
**OCP DESIGNATION:** Commercial



### RECOMMENDATION SUMMARY

- Approval for Development Variance Permit to proceed to Public Notification.
- Approval for the proposed liquor primary license amendment to proceed to Public Notification.

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Requires variances to the drawings attached to and the landscaping requirement of Land Use Contract No. 342.

### RATIONALE OF RECOMMENDATION

- Surrey RCMP and By-laws and Licensing Services have no concerns regarding the proposed patio.
- The outdoor patio finishing is consistent with the architectural finishing of the existing building.
- The owner is proposing to change the business orientation from a nightclub to a neighbourhood pub, which may reduce any noise impact on the adjacent residences.
- The applicant has demonstrated community support for the proposal.
- The Business License By-law requires the closure of the patio after 10:00 p.m. to mitigate the potential of noise on the adjoining residential uses.
- In accordance with Good Neighbour Agreement Policy No. M-25, and in order to promote Surrey as a vibrant, safe and attractive community, the applicant has agreed to enter into a Good Neighbour Agreement as part of the Liquor License Amendment application.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve the following proposed liquor primary license amendment to proceed to Public Notification:
  - (a) the addition of a patio with a person capacity of 63, which will close no later than 10:00 p.m. daily.
2. Council approve Development Variance Permit No. 7914-0042-00 (Appendix III) varying the following, to proceed to Public Notification:
  - (a) to amend the building, siting and landscaping plans attached to Land Use Contract (LUC) No. 342 as amended, to allow for the addition of a patio.
3. Council direct staff to finalize a Good Neighbour Agreement for execution by the City and the applicant (Appendix IV).

REFERRALS

Engineering:	The Engineering Department has no objection to the project.
Surrey RCMP:	RCMP has no concerns with the addition of a patio.
Surrey By-laws & Licensing Services:	No objection to the proposed patio, provided it complies with the Business License By-law.
Building Division:	A building permit is required to ensure compliance with the BC Building Code.

SITE CHARACTERISTICS

Existing Land Use: Mirage Nightclub

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 102A Avenue):	ICBC Claim Centre	Town Centre	LUC No. 124 (underlying CHI)

Direction	Existing Use	OCP Designation	Existing Zone
East:	Mixed use 4-storey commercial/office building	Town Centre	CD By-law No. 15421
South:	Mixed use 4-storey commercial/office building	Town Centre	CD By-law No. 15421
West (Across 153 Street):	3-storey office building and proposed 5-storey retail/ office building at 3 <sup>rd</sup> reading (Application No. 7908-0275-00)	Commercial (proposed OCP amendment to Town Centre at 3 <sup>rd</sup> Reading)	C-15 and RF

## DEVELOPMENT CONSIDERATIONS

### Background

- The 5,496-square metre (1.35 ac.) subject property is located on the south-east corner of 153 Street and 102A Avenue in the Guildford Town Centre. The property is designated Commercial in the Official Community Plan (OCP), and is regulated by Land Use Contract (LUC) No. 342 (as supplemented by Development Agreement 342-7) with an underlying zoning of "Highway Commercial Industrial Zone (CHI)".
- The building has been occupied by a number of businesses since it was constructed. In 1996, under Development Application No. 7996-0055-00 the owners applied for a Class "C" Cabaret License.
- After the necessary public notification, a resolution was passed by Council, on May 6, 1996, supporting a 350-seat cabaret. The Liquor Control and Licensing Branch (LCLB) subsequently approved the requested Cabaret License. The interior of the existing structure was renovated.
- In June 2001, Council considered Corporate Report No. R144 for a change in the Sunday operating hours at the subject cabaret from 7:00 p.m. to no later than 12:00 midnight to the proposed 7:00 p.m. to no later than 2:00 a.m. This request was reviewed and the change in hours was supported and subsequently approved by the LCLB.
- In 2003, a further request was submitted to amend the hours of operation from the traditional cabaret hours of 7:00 p.m. until 2:00 a.m. Monday through Sunday. In light of the approved residential development on the lands surrounding the Mirage Nightclub, the closing hours for Monday through Wednesday were rolled back to 1:00 a.m. The change in hours was then approved by LCLB, and the Mirage Nightclub currently has hours of operation from 11:00 a.m. to 1:00 a.m. Monday through Wednesday and 11:00 a.m. to 2:00 a.m. Thursday through Sunday.

### Current Proposal

- The applicant is proposing to amend the building siting and landscaping plans attached to the Development Agreement to accommodate the construction of an outdoor patio. As well, the applicant is proposing to amend the liquor primary license to allow for an outdoor patio with an occupant load of 63.
- The applicant is proposing to change the nature of the Mirage Nightclub from a nightclub use to a licensed facility which is in keeping with a neighbourhood pub style of business, with full food service for lunch and dinner.
- Aside from the proposed patio, there are no other exterior façade changes proposed for the existing building.
- LUC No. 342 requires 95 parking spaces be provided on the site. The proposed patio does not remove any parking spaces and no additional parking is required.
- The proposal does not affect the use or density approved under LUC No. 342, but does vary the landscaping and building design of the approved plans attached to the LUC. Therefore, in accordance with Section 930 of the *Local Government Act*, this proposed LUC Amendment is being processed as a development variance permit application.

### Proposed Amendment to the Liquor Primary License

- The applicant is requesting an amendment to the existing liquor primary license to allow for the addition of an 83-square metre (895 sq. ft.) patio, with an occupant load of 63.
- This change in structure and person capacity requires a resolution from Council, which will then be considered by LCLB. If approved by LCLB, the applicant will also be required to obtain a building permit to ensure that the renovation meets the BC Building Code.
- Surrey Business License By-law indicates that outdoor patios are permitted to operate only between the hours of 11:00 a.m. and 10:00 p.m. seven days a week, if they are within 100 metres (330 ft.) of a residential area. The Mirage Nightclub patio is subject to these restrictions.
- The applicant indicated that the creation of the new patio is necessary to allow for the change in business operation from a nightclub to a neighbourhood pub, in order to remain competitive and financially viable.
- The Surrey RCMP has advised that the operators of the Mirage have been proactive in monitoring the issues that occur and the RCMP have no issues with the Mirage expanding a patio area from a policing perspective.

### LCLB Criteria

- The LCLB requires that Council provide a response to the increase in person capacity associated with the patio and to comment on the requested outdoor patio addition to the liquor primary license. The analysis of the criteria for this site is provided as follows:

*Potential for Noise*

- The Mirage is located within a single-tenant commercial building that faces commercial businesses on the north and west side of the building with residential development (4-storey apartment buildings) on the east and south sides of the subject property.
- The ground floor patio is proposed on the west side of the building near 102A Avenue. The building will partially shield sound created on the patio, from the adjoining residential lot.
- The Surrey Business License By-law requires liquor service on the patio to end at 10:00 p.m. The earlier closure of the patio will assist in alleviating associated noise at the end of the evening when the patrons are leaving the premises.
- As a result, it is not anticipated that the adjoining properties will be adversely impacted by noise that may be generated by the new liquor primary area.

*Impact on the Community:*

- The Mirage is currently a nightclub which operates from 11:00 a.m. to 1:00 a.m. Monday through Wednesday and 11:00 a.m. to 2:00 a.m. Thursday through Sunday. As per the Business License By-law, the new patio will be limited to a closing time of 10:00 p.m. seven days a week, as it is located within 100 metres (330 ft.) of a residential area.
- As noted, Surrey RCMP and Surrey's By-laws and Licensing Services have indicated that the Mirage is a responsible and cooperative business and indicate they have no objection to the proposed new patio.
- The applicant has agreed to entering into a Good Neighbour Agreement in accordance with City Policy No. M-25 (Appendix IV).

PRE-NOTIFICATION

Pre-notification letters were sent to the surrounding property owners on March 14, 2014, and a Development Proposal sign was erected on the property. As a result of the pre-notification process staff received two telephone calls and one e-mail expressing concerns about noise from the Mirage Nightclub.

- The applicant held an Open House at the Mirage Nightclub on March 23, 2014 to discuss their current proposal with the adjoining residential neighbours. An invitation was posted on the notice boards on each floor of the adjacent residential development, advising the residents of the Open House. The applicant advises that no one from the residential development attended the meeting, and only one resident called for information on the proposed change from a nightclub to a neighbourhood pub.
- The applicant has provided an e-mail from the Strata Management company for the adjacent residential development (on the east and south side of the Mirage Nightclub property) indicating that the Strata Council supports the change of the business to a neighbourhood pub.

*(Although the applicant has indicated intent to change the business of the liquor primary from a nightclub to a neighbourhood pub, there is no certainty of this change other than the significant investment the applicant has indicated will be made to renovating the interior of the building, which will include the addition of a commercial kitchen.)*

- The applicant also approached the surrounding business owners about the proposed change to the Mirage Nightclub. The applicant has provided a copy of the petition with 55 business owners supporting the addition of a patio and change in scope of the Mirage Nightclub.

#### DESIGN PROPOSAL AND REVIEW

- The low wall surrounding the patio is proposed to be constructed using split face concrete block, which is the same material as the existing building. The patio incorporates steel posts, painted black, with two-inch square natural wood screening installed between them.
- A tinted glass canopy is proposed over the patio area to provide weather protection.
- Although landscaping plans were not submitted with the application, the architect indicated that the area outside of the patio will include a box wood hedge with large upright planters to screen and provide interest to this element.
- The LUC No. 342 requires 95 parking spaces be provided on-site. The proposed patio is located in an area which was a walkway and grassed area, and does not decrease the available parking on site.

#### INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Site Plan and Building Elevations
Appendix III.	Development Variance Permit No. 7914-0042-00
Appendix IV.	Draft Good Neighbour Agreement

*original signed by Judith Robertson*

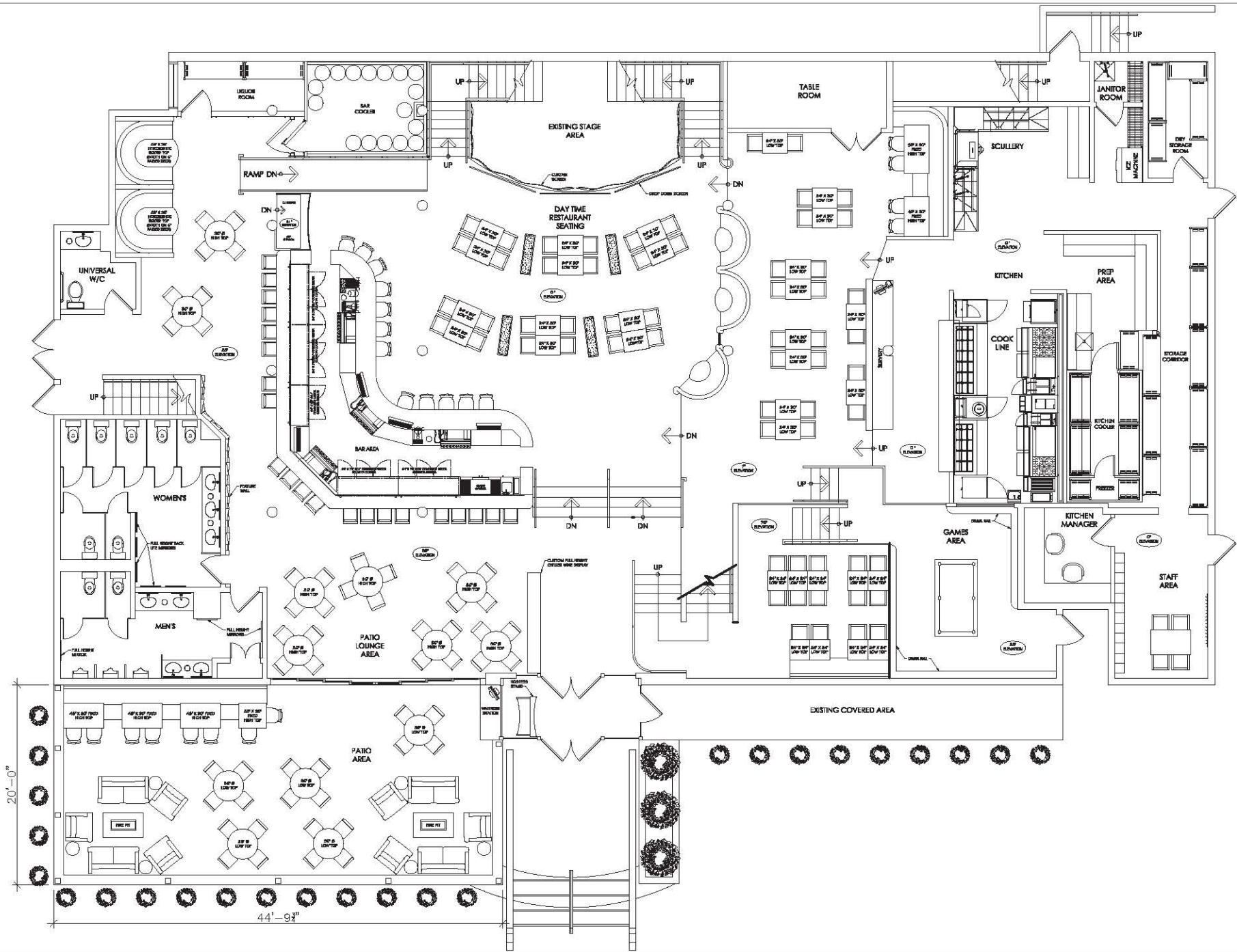
Jean Lamontagne  
General Manager  
Planning and Development

LAP/da

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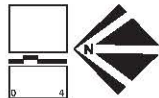




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- WALL LEGEND:**
- DOOTES EXISTING WALLS
  - ▨ DOOTES NEW EXTERIOR WALL, 3 1/2" x 8" SIP BRICK CONVEY, CUSTOM EXPOSED FACE TO MATCH EXISTING EXTERIOR BUILDING FINISH. SEE STRUCTURAL DRAWINGS
  - - - DOOTES MILLWORK AND EQUIPMENT TO BE REMOVED
  - DOOTES WALLS TO BE REMOVED
  - ▨ DOOTES NEW WALL, 3 1/2" x 8" SIP BRICK CONVEY, 1/2" GMB ON BOTH SIDES

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  - 6. NOV. 13/13 ISSUED FOR REVIEW
  - 5. NOV. 10/13 ISSUED FOR REVIEW
  - 4. OCT. 15/13 ISSUED FOR REVIEW
  - 3. OCT. 7/13 ISSUED FOR REVIEW
  - 2. OCT. 6/13 ISSUED FOR REVIEW
  - 1. SEPT. 25/13 ISSUED FOR REVIEW
- SCALE: 1/4" = 1'-0"



**MIRAGE LOUNGE & GRILL**  
 15330 102A AVE.  
 SURREY, BC

**FLOOR PLAN - DAYTIME SET-UP**

JOB NO: 6800	REV: 05
DRAWN: JEB	
CHECKED: WF	
DATE: SEPT. 2013	<b>JB.1.0</b>

NOT TO BE USED WITHOUT THE PERMISSION OF THE DESIGNER

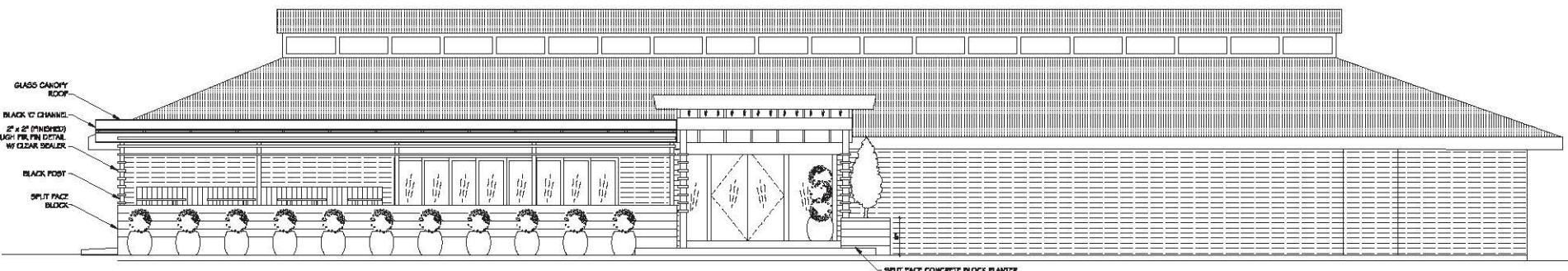
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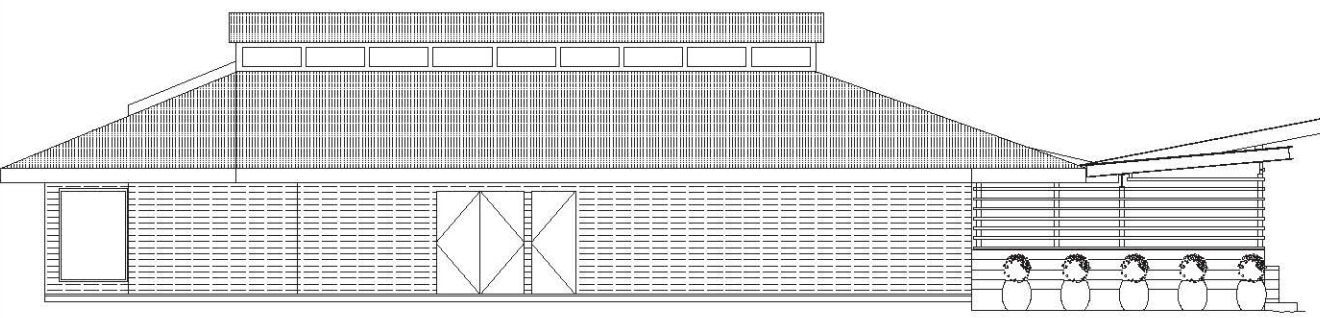


MIRAGE DINE  
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**PATIO PLAN /  
EXTERIOR  
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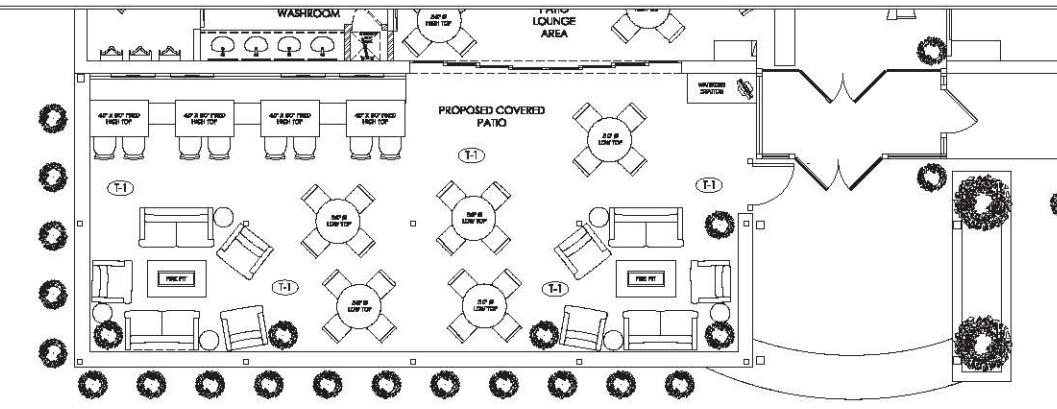
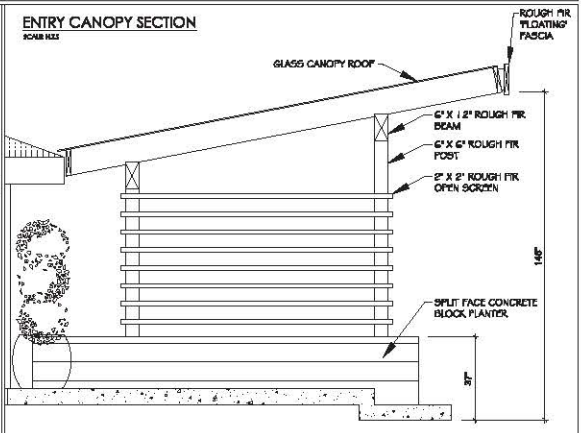
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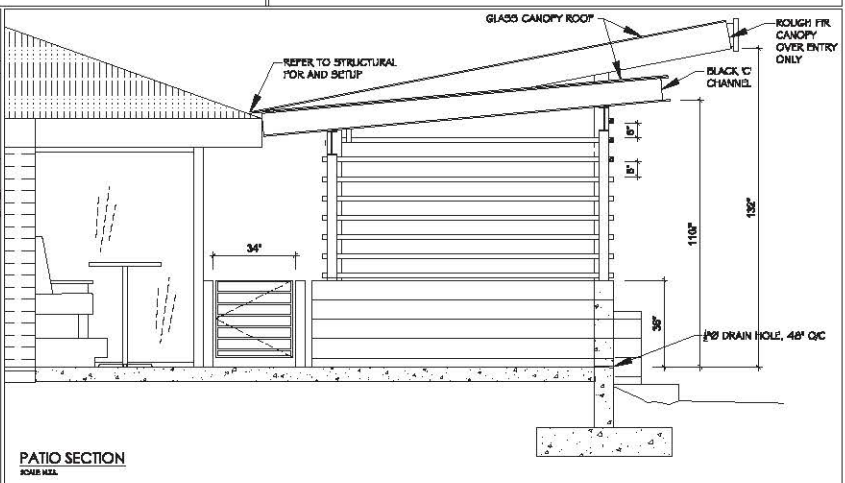
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**PATIO PLAN**  
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CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7914-0042-00

Issued To: CAROUSEL VENTURES LTD  
(Incorporation No. 0349056)  
  
("the Owner")

Address of Owner: 500-4445 Lougheed Hwy  
Burnaby BC V5C 0E4

1. This development variance permit is issued subject to compliance by the Owner with all statutes, by-laws, orders, regulations or agreements, except as specifically varied by this development variance permit.
2. This development variance permit applies to that real property including land with or without improvements located within the City of Surrey, with the legal description and civic address as follows:  

Parcel Identifier: 002-587-505  
Lot 62 Section 28 Block 5 North Range 1 West NWD Plan 60739  
15330 102A Ave

(the "Land")
3. Surrey Land Use Contract No. 342 Authorization By-law, 1977, No. 5117as amended by Development Variance Permit No. is varied as follows:  

Supplement Plans 80 RZ 212 (A) through 80 RZ 212 (F) attached to Land Use Contract No. 342 with plans labelled 7914-0042-00 (A) and 7914-0042-00(B) which are attached hereto and form part of this development variance permit.
4. This development variance permit applies to only the that portion of the buildings and structures on the Land shown on Schedule A which is attached hereto and forms part of this development variance permit. This development variance permit does not apply to additions to, or replacement of, any of the existing buildings shown on attached Schedule
5. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.

6. This development variance permit shall lapse if the Owner does not substantially start any construction with respect to which this development variance permit is issued, within two (2) years after the date this development variance permit is issued.
  
7. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.
  
8. This development variance permit is not a building permit.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE      DAY OF      , 20 .  
ISSUED THIS      DAY OF      , 20 .

---

Mayor – Dianne L. Watts

---

City Clerk – Jane Sullivan

**JAMES BRADLEY  
CONSULTING INC.**

Specializing in Pub  
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16183 84A Avenue, Surrey, BC V3V 6Y1  
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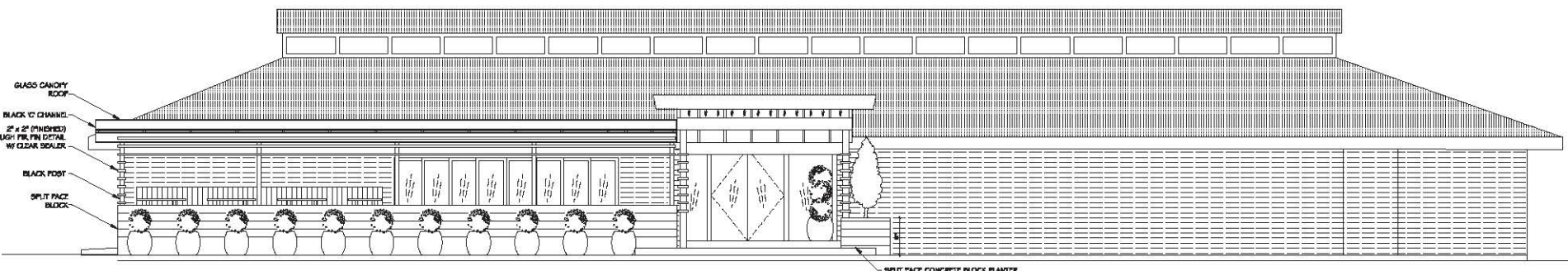
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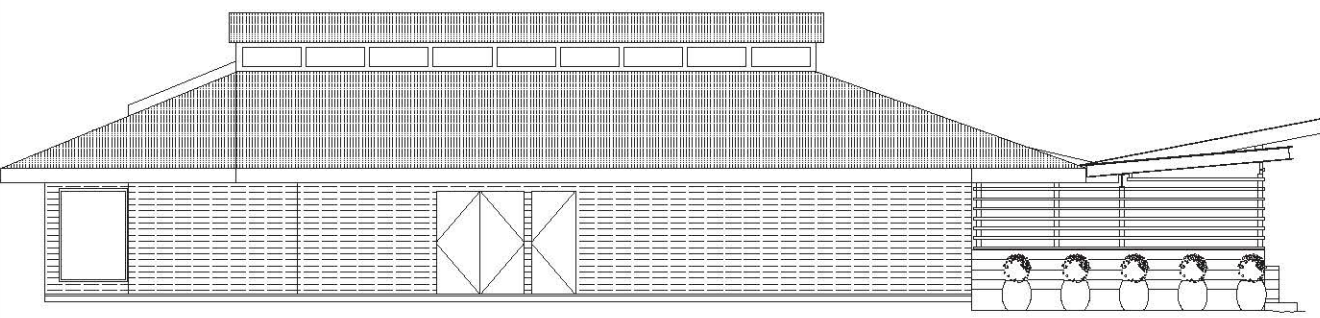


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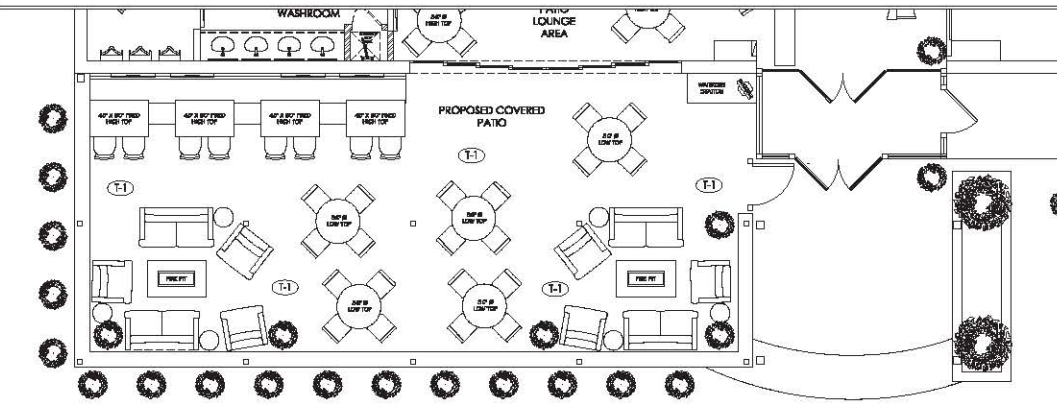
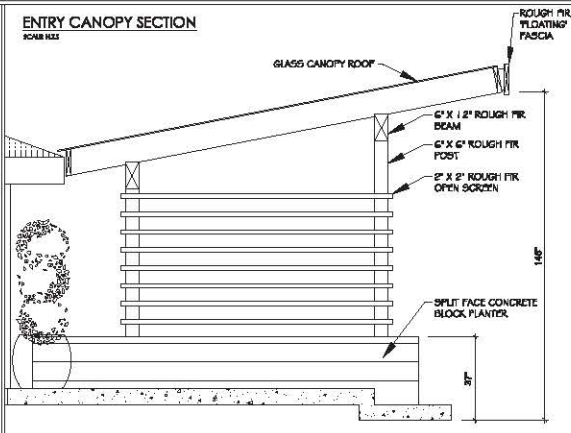
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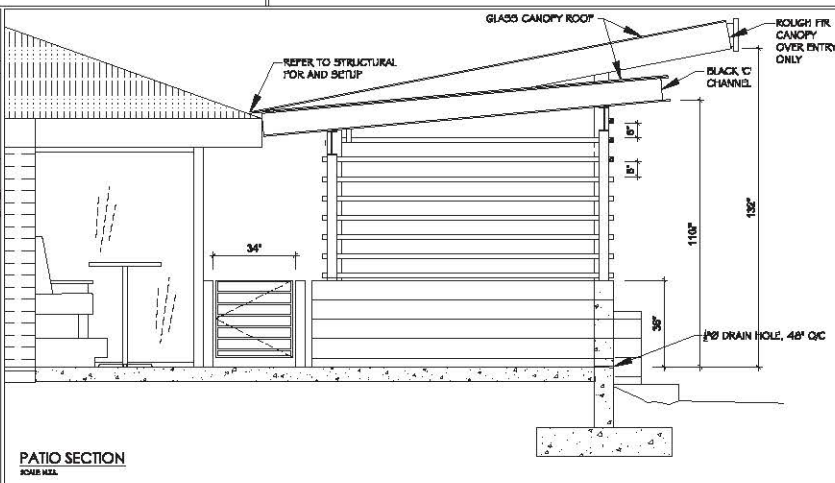
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**EXTERIOR ELEVATION - NORTH**  
SCALE: 1/4\"/>



**PATIO PLAN**  
SCALE: 1/4\"/>



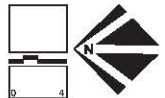
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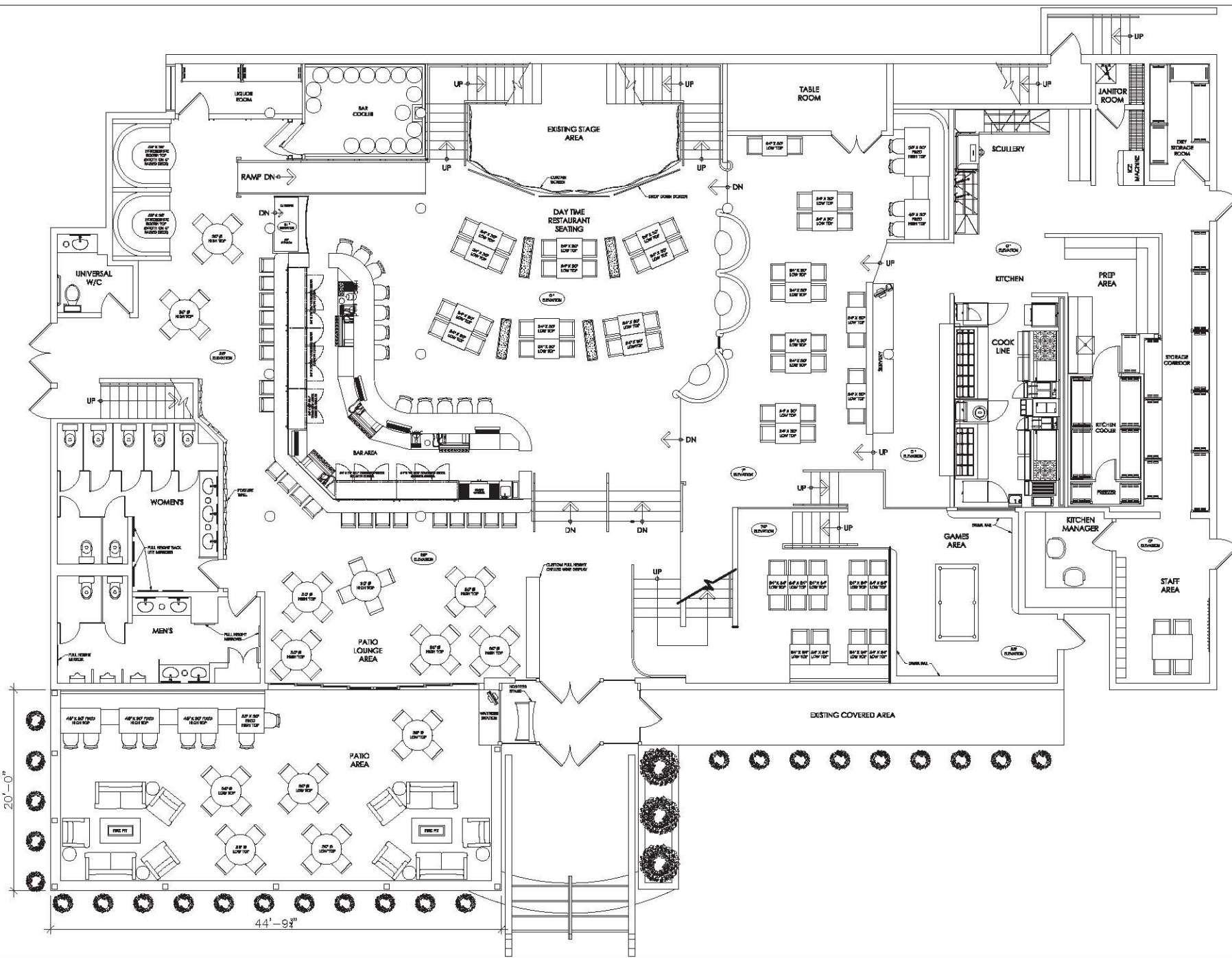


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 DAYTIME SET-UP**

JOB NO: 6800  
 DRAWING: JEB  
 CHECKED: WF  
 DATE: SEPT. 2013

REV: 05  
**JB.1.0**





**CITY OF SURREY  
GOOD NEIGHBOUR AGREEMENT**

BETWEEN:

THE MIRAGE NIGHT CLUB  
(the "Owner")

AND:

CITY OF SURREY  
(the "City")

AND:

RCMP SURREY DETACHMENT  
(the "RCMP")

WHEREAS the City, including its Fire Services, the RCMP, and the Owner of the Cabaret located at 15330 – 102A Avenue (the "Licensed Establishment") (collectively the "Parties"), recognize that all liquor primary liquor licenses have a civic responsibility, beyond the requirements of the *Liquor Control and Licensing Act*, to control the conduct of their patrons;

AND WHEREAS the Owner wishes to demonstrate to the citizens of Surrey its desire to be a responsible corporate citizen;

AND WHEREAS the Parties wish to promote Surrey as a vibrant, safe and attractive community for the enjoyment of everyone, including residents, visitors, businesses and their workers.

NOW THEREFORE the Owner agrees with the City and the RCMP to enter into this Good Neighbour Agreement, the terms and conditions of which follow:

**1. Noise and Disorder**

- (a) The Owner undertakes to ensure that noise emissions from the Licensed Establishment do not disturb surrounding residential developments and neighbourhoods, and do not violate Surrey Noise Control Bylaw, 1982, No. 7044, as amended;
- (b) The Owner shall assign staff to monitor the activity of patrons in areas outside of the Licensed Establishment to promote the orderly dispersal of patrons, and to discourage patrons from engaging in behaviour that may disturb the peace, quiet and enjoyment of the neighbourhood;
- (c) The Owner undertakes to ensure disturbances are prevented. Owner must take reasonable measures to make sure the Licensed Establishment is not operating contrary to the public interest and does not disturb people near the establishment. Examples of reasonable measures include installing adequate lighting outside the Licensed Establishment and in the parking lot, supervising parking areas, adding

sound proofing, making structural changes to allow indoor line-up areas, and posting signs at the exit doors asking the patrons not to disturb the neighbours;

- (d) In those instances where patrons are lining up on the public sidewalks the Owner shall ensure that the patrons are lined up in an orderly fashion allowing for the free flow of pedestrians along the sidewalk, not blocking laneways or driveways and not spilling onto the roadway; and
- (e) In cases where the presence of employees does not facilitate an orderly dispersal of patrons, the Owner shall contact the RCMP to request assistance in dealing with any persons or crowds.

2. **Criminal Activity**

- (a) The Owner shall not tolerate any criminal activity within the Licensed Establishment; and
- (b) The Owner shall make every reasonable effort to scrutinize patrons as they enter the building to ensure that no items of contraband, including weapons and controlled substances, are brought onto the premises.

3. **Minors**

- (a) The Owner shall not serve alcohol to any person under the age of 19 years of age; and
- (b) The Owner shall check two pieces of identification when verifying that a customer is at least 19 years of age, one piece of which must be picture identification and may be a driver's licence, a government identification card or a passport.

4. **Sale and Consumption of Alcohol**

- (a) While it is recognized that there may be occasional price reductions or promotions for specific alcoholic beverages, the Owner shall offer no deep discounts (i.e., "cheap drinks") or across-the-board discounts;
- (b) When offering price reductions and promotions, the Owner shall be particularly mindful of its legal and moral obligation to refuse service to persons who may, based on appearance or amount of alcohol consumed, be intoxicated; and
- (c) The Owner shall not allow patrons to carry or consume open beverages in areas that are not licensed for such purposes, including areas outside of the Licensed Establishment.



5. **Hours of Operation and Liquor Service**

- (a) The Owner shall not allow the service of alcohol to extend beyond 2:00 am Sunday, 1:00 am on Monday through Wednesday and 2:00 am on Thursday, Friday and Saturday and the service of liquor must at all times be done in accordance with the terms and conditions of the Liquor Control and Licensing Branch;
- (b) The Owner shall be permitted an extra 30 minutes to clear the Licensed Establishment at the time of closing in order to facilitate the orderly dispersal of patrons; and
- (c) The Owner shall not allow patrons to enter the Licensed Establishment after liquor service ceases under any circumstances.

6. **On-Duty Employees**

- (a) The Owner shall ensure that each on-duty employee of the Licensed Establishment is clearly identified; and
- (b) The Owner shall ensure that the on-duty manager of the Licensed Establishment maintains a list showing the full identification of each on-duty employee, and shall make the list available to the Officer In Charge of the RCMP on request.

7. **Cleanliness**

- (a) The Owner shall assign staff to inspect the outside of the Licensed Establishment to ensure that there is no litter, garbage, broken glass or other foreign objects; and
- (b) The Owner shall undertake to remove, as soon as is practical, any graffiti from the building's exterior.

8. **Safety**

- (a) The Owner shall ensure the occupant load sign is visibly posted near the entrance to ensure overcrowding does not take place.

9. **Other Agencies and Programs**

- (a) The Owner agrees to work with the City and its departments, including the RCMP and Fire Department, to resolve any concerns that arise with respect to the operation of the Licensed Establishment;
- (b) The Owner agrees to attend a formal meeting, as and when required by the City, with the City and the RCMP to discuss issues and concerns;
- (c) The Owner shall demonstrate complete support for the RCMP and its members;
- (d) When incidents occur which require RCMP involvement, the Owner shall ensure that all personnel of the Licensed Establishment cooperate fully with RCMP members and do not impede or obstruct members in performing their duties;

12 **Indemnification**

(a) The Owner hereby release, indemnify and save harmless the City, its elected and appointed officials, employees and agents from any and against all liabilities, actions, causes of action, claims, damages, expenses, costs, debts, demands or losses suffered or incurred by the City arising from the granting or existence of this Agreement from the performance by the Parties of this Agreement or any default of the Parties under or in respect of this agreement.

Executed the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ in Surrey, British Columbia,

**Owner** )  
 )  
\_\_\_\_\_)  
Signature )  
 )  
\_\_\_\_\_)  
Name (*please print*) )  
 )  
\_\_\_\_\_)  
Signature )  
 )  
\_\_\_\_\_)  
Name (*please print*) )  
(*If more than one Owner, each Owner must sign*)

**City of Surrey** )  
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Mayor Dianne L. Watts )  
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Surrey Fire Service )  
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