

26 APR 2006 10 20

FA048695

LAND TITLE ACT

FORM 35
(section 220(1))

DECLARATION OF BUILDING SCHEME

NATURE OF INTEREST CHARGE: Building Scheme

02 06/04/26 10:20:12 02 VI 695390
CHARGE \$65.20

HEREWITH FEES OF: \$64.75

Address of person entitled to apply to register this building scheme:

Full name, address, and telephone number of person presenting application:

Rachel Victoria Hutton
Stikeman Elliott LLP
1700 - 666 Burrard Street
Vancouver, B.C. V6C 2X8
Telephone: (604) 631-1342
Signature of Applicant or
Solicitor or Authorized Agentc/o West Coast Title Search Ltd.
10104

I, Rachel Victoria Hutton, authorized signatory of 3536696 Canada Inc. ("3536696") of 3455 Fairwinds Drive, Nanoose Bay, British Columbia, V9P 9K6 declare that:

1. 3536696 is the registered owner in fee simple of the following lands:

SEE SCHEDULE

2. 3536696 hereby creates a building scheme relating to the Lots.
3. A sale of any of the Lots is subject to the restrictions enumerated in the schedule attached or annexed hereto.

4. The restrictions in the attached schedule shall be for the benefit of all the Lots, provided, however, that 3536696 reserves the right to exempt any of the Lots remaining undisposed of by it from all or any of the restrictions and benefits.

Officer Signature(s)

Execution Date

Transferor/Borrower/Party
Signature



RACHEL V. HUTTON
BARRISTER AND SOLICITOR
STIKEMAN ELLIOTT LLP
SUITE 1700 PARK PLACE 666 BURRARD STREET
VANCOUVER, BRITISH COLUMBIA, CANADA
V6C 2X8 (604) 631-1300

Y	M	D
06	02	24

3536696 CANADA INC.
by its authorized signatories



Name: John Purcell



Name: Remco Daal

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.

**LAND TITLE ACT
FORM E**

SCHEDULE

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM OR GENERAL DOCUMENT FORM.

1.

no lot 4

NO PID	Lot 1, District Lot 78, Plan VIP <u>80854</u>
NO PID	Lot 2, District Lot 78, Plan VIP _____
NO PID	Lot 3, District Lot 78, Plan VIP _____
NO PID	Lot 5, District Lot 78, Plan VIP _____
NO PID	Lot 6, District Lot 78, Plan VIP _____
NO PID	Lot 7, District Lot 78, Plan VIP _____
NO PID	Lot 8, District Lot 78, Plan VIP _____
NO PID	Lot 9, District Lot 78, Plan VIP _____
NO PID	Lot 10, District Lot 78, Plan VIP _____
NO PID	Lot 11, District Lot 78, Plan VIP _____
NO PID	Lot 12, District Lot 78, Plan VIP _____
NO PID	Lot 13, District Lot 78, Plan VIP _____
NO PID	Lot 14, District Lot 78, Plan VIP _____
NO PID	Lot 15, District Lot 78, Plan VIP _____
NO PID	Lot 16, District Lot 78, Plan VIP _____
NO PID	Lot 17, District Lot 78, Plan VIP _____
NO PID	Lot 18, District Lot 78, Plan VIP _____
NO PID	Lot 19, District Lot 78, Plan VIP _____
NO PID	Lot 20, District Lot 78, Plan VIP _____
NO PID	Lot 21, District Lot 78, Plan VIP _____
NO PID	Lot 22, District Lot 78, Plan VIP _____
NO PID	Lot 23, District Lot 78, Plan VIP _____
NO PID	Lot 24, District Lot 78, Plan VIP _____
NO PID	Lot 25, District Lot 78, Plan VIP _____
NO PID	Lot 26, District Lot 78, Plan VIP _____

**LAND TITLE ACT
FORM E**

SCHEDULE

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM OR GENERAL DOCUMENT FORM.

no lot 44

NO PID	Lot 27, District Lot 78, Plan VIP	80854
NO PID	Lot 28, District Lot 78, Plan VIP	
NO PID	Lot 29, District Lot 78, Plan VIP	
NO PID	Lot 30, District Lot 78, Plan VIP	
NO PID	Lot 31, District Lot 78, Plan VIP	
NO PID	Lot 32, District Lot 78, Plan VIP	
NO PID	Lot 33, District Lot 78, Plan VIP	
NO PID	Lot 34, District Lot 78, Plan VIP	
NO PID	Lot 35, District Lot 78, Plan VIP	
NO PID	Lot 36, District Lot 78, Plan VIP	
NO PID	Lot 37, District Lot 78, Plan VIP	
NO PID	Lot 38, District Lot 78, Plan VIP	
NO PID	Lot 39, District Lot 78, Plan VIP	
NO PID	Lot 40, District Lot 78, Plan VIP	
NO PID	Lot 41, District Lot 78, Plan VIP	
NO PID	Lot 42, District Lot 78, Plan VIP	
NO PID	Lot 43, District Lot 78, Plan VIP	↓

(hereinafter, the "Lots", each of which is a "Lot").

FAIRWINDS - BONNINGTON HEIGHTS

SCHEDULE OF RESTRICTIONS

1. No application to the Regional District of Nanaimo shall be made for a building permit for any Lot and no site preparation, clearing of vegetation, burning, excavation, filling, backfilling, blasting, grading or levelling of a Lot or any other construction-related activities, including any construction, alteration, addition or extension to:
 - (a) buildings, improvements and structures of any type or kind (collectively, "**Buildings**");
 - (b) ancillary buildings, detached garages, storage sheds and greenhouses (collectively "**Ancillary Buildings**"),
 - (c) plant materials of any type or kind located above or below ground level, hot tubs, landscaping lighting, retaining walls, patios, walkways, fencing, sidewalks, driveways or any type or kind of pool, save and except a swimming pool, located on a Lot ("**Landscaping**"); or
 - (d) fence, retaining wall or similar structure ("**Fencing**"),shall be commenced until plans and specifications for all such work (all of which must adhere to specified design guidelines) have been submitted to and approved in writing by 3536696 Canada Inc. or its designated agent.
2. Construction of any Building on any Lot must be commenced within 3 months after approval for such construction is given as set out in section 1 above and such construction may not be discontinued and must be completed (as to external appearance, including finished painting) within 6 months from commencement. Landscaping must be completed within 3 months from the date of completion of the external appearance of the Building, including finishing painting, unless such expiry date falls in the period between November 1 and May 1 of any year, in which case Landscaping must be completed no later than June 1 of the following calendar year.
3. All Buildings must be single family residences and must have either:
 - (a) a finished main floor of not less than 1,600 square feet (149 square meters) (excluding the area of the garage) in the case of a single storey Building or a single storey Building with a walk-out basement; or
 - (b) a finished main floor area of at least 1,200 square feet (112 square meters) (excluding the area of the garage) in the case of a two storey Building;
4. No duroid, asphalt or standard straight line metal roofing is permitted.
5. Only chimneys constructed of brick, stone, stucco or siding which matches the accent veneer of the Building are permitted and no chimneys constructed of concrete block or

jumbo brick are permitted. No cantilevered chimneys or galvanized vents are permitted and all vents or stacks must be located on a side of the roof of the Building which is not facing the adjacent street and must be painted a colours similar to that of the roof of the Building.

6. No vinyl or aluminium siding, or jumbo or dual brick exterior finishing is permitted. Any stucco exterior finishing must not comprise greater than 75% of the exterior vertical finish surface area of the Building.
7. No log homes or Buildings having the appearance of a log home are permitted.
8. Foundation walls of any Building having an exposed height of greater than eighteen (18) inches are not permitted.
9. No part of any Buildings or Ancillary Buildings having an area of more than 10 square meters may lie outside the following set-backs for each Lot (expressed in meters from the Lot boundaries):

<u>Lot Nos.</u>	<u>Front Yard</u>	<u>Back Yard</u>	<u>Side Yard</u>
1, 2, 3	8	8	3
5	8	n/a	5 (adjacent to Lot 4) 3 (adjacent to Lot 6)
6	8	8	3
7	8 (west lot lines)	5 (east lot line)	5 (south lot line) 5 (north lot line)
8	8 (northeast lot line)	8 (lines adjacent to lot 7)	5 (northwest lot line) 3 (adjacent to lot 9)
9	8	8	3
10	8	8 (both lot lines)	3
11	8	13.5	4.5 (adjacent to lot 12) 2 (adjacent to lot 10)
12	8	a line drawn from a point on the Lot 11 property line, 13.4m from the rear of the lot, to a point on the lot 14 property line, 11.3 m from the rear of the lot	4.5 (adjacent to lot 14) 2 (adjacent to lots 11 and 13)
13	8 (south lot line)	5 (adjacent to lot 14)	5 (west lot line) 3 (adjacent to lot 12)
14	8	11	3
15	8	8.5	3
16	8	8	3
17	8 (southwest lot line)	5 (northeast lot line)	5 (northwest lot line)

			3 (adjacent to lot 16)
18	8 (southwest lot line)	8	5 (southeast lot line) 3 (adjacent to lot 19)
19 to 25	8	8	3
26	8 (southwest lot line)	8	5 (northwest lot line) 3 (adjacent to lot 25)
27, 28	8	8	3
29	8 (northeast lot line)	8	8 (southeast lot line) 3 (adjacent to lot 28)
30	8 (northeast lot line)	8	5 (northwest lot line) 3 (adjacent to lot 31)
31 to 43	8	8	3

10. The vertical face of the Building must not be greater than two storeys (including above ground basements) or 6 meters; and in any event, the height of a Building must not be greater than 8 meters and the height of a Building shall be measured as the vertical distance the Building extends, at any complete vertical section of the Building, above a straight line connecting any two intersections of the existing grade and the outermost exterior building walls or supports.
11. No enclosing of outdoor decks is permitted.
12. Ancillary Buildings must be located within the rear yard of the Lot and no more than one Ancillary Building per Lot is permitted.
13. No greenhouses, metal or plastic storage sheds or other Ancillary Buildings having panels constructed with non-rigid substances, such as canvas, polyethylene or other flexible composite are permitted.
14. No temporary Ancillary Buildings are permitted.
15. No less than two off-street parking spaces plus one single vehicle garage area must be provided for each Lot.
16. No carports or one-piece aluminium or steel garage doors are permitted.
17. No Fencing in any Front Yard higher than 3.3 feet (1.0 meters) is permitted and all other Fencing or driveway gates must be less than 6.0 feet (1.85 meters) in height and must not be of a chain link type or electric string type of fencing. "Front Yard" means that part of a Lot lying between the adjacent street that provides vehicle access to the Lot and a line parallel to such street and lying 6.6 feet (2.0 meters) back from the front of the principal Building constructed on the Lot.
18. Retaining walls having a vertical face higher than 4 feet (1.2 meters) are not permitted. Retaining walls (including foundations) must lie entirely within each Lot. Retaining

walls within the Front Yard of any Lot may not be constructed from material other than natural stone or coloured or textured concrete.

19. Only driveways constructed of concrete or concrete pavers are permitted. No gravel or asphalt driveways are permitted. For Lot 7 only, asphalt is permitted for the portion of the driveway lying between the principal Building and a point lying 6 meters back from the adjacent street.
20. None of the Lots shall be used as an apartment house, boarding house, rooming house, "bed and breakfast" accommodation, hotel, beer parlour, resort, store, restaurant or shop. No more than one commercial vehicle is permitted to be habitually parked on any Building Lot.
21. No debris, dirt, building materials, crates, packing cases, contractor's sheds, equipment or other unsightly objects or material shall be placed on any street or on any property adjoining any Lot or remain on any Lot other than during time as construction work is actually in progress on such Lot, and no excavation shall be made unless necessary in connection with the erection of a Building or extension or alteration thereof.
22. No mobile home, modular home, construction equipment, unlicensed vehicles, industrial trucks or industrial trailers having a gross vehicle weight in excess of one Ton capacity shall be placed or remain on any Lot and no trailer, boat, camper, mobile home, travel trailer, truck and camper, or recreation vehicle shall be parked or stored on any Lot unless such vehicle is placed in an enclosed garage or other area bounded by permanent landscaped, cedar fence or other appropriate screening, such that no part of the vehicle is visible from the street adjacent to the Lot.
23. Animals other than dogs and cats and other household pets are not permitted. All pets must be kept on a leash when outside of the boundaries of their resident Lot. No exterior animal kennels or animal runs are permitted.
24. No construction and excavation wastes, overburden soil or other substances deleterious to aquatic life shall be disposed of in such a manner as to permit their entry into any watercourse, ravine, or storm sewer disposal system.
25. No pole, mast, clothesline, awning, antenna or similar object shall be erected or installed on any Lot, save and except an umbrella type clothesline.
26. Only satellite television receiving devices having a diameter of less than 24 inches are permitted, provided such device is not within the Front Yard or in any location which is visible from the street adjacent to the Building. No radio or television or transmitting antenna are permitted.
27. No heat pumps are permitted unless the sound level at the property lines of the Lot is less than fifty (50) decibels.
28. No billboards, placards, advertising or signs of any kind are permitted on any Lot or in any window or door of any Building other than "for sale" signs and temporary

- contractor advertisement signs erected during the course of initial construction on each Lot. No backlit or neon signage is permitted on any Lot.
29. No decorative Christmas lights will be permitted on Buildings or displayed on the Lots except during the months of November, December and January.
 30. No tennis court are permitted on any Lot.
 31. No intense exterior lighting, such as high pressure sodium/metal halide lighting, is permitted and no exterior lighting may be deflected upward or outward.
 32. No swimming pools of any kind whatsoever shall be constructed, placed, erected, installed or permitted to remain on any Lot, save and except for an "in-ground" swimming pool that is located entirely within the rear yard area of a Lot.
 33. No trampolines, swing sets, playground equipment, sporting facilities and vegetable gardens shall be placed in the Front Yard of a Lot, save and except for a basketball hoop.
 34. Unless approved in connection with the initial construction on any Lot (as provided in section 1), no trees, brush or other natural vegetation may be cut down, altered, harmed, destroyed or otherwise removed any from any Lot unless allowing the trees, brush or other natural vegetation to remain would be dangerous. Any owner violating this restriction may, without limiting any other remedies of any party enforcing this restriction, be required to replace such trees, brush or other natural vegetation with similar trees, brush or natural vegetation.
 35. No Building shall be in a state of disrepair, reasonable wear and tear excepted and no Building which has been partially or totally destroyed by fire, earthquake or otherwise shall remain in such state for more than 3 months from the time of such destruction.
 36. No Lot may be subdivided into two or more Lots.
 37. No grading, excavation, construction, or other work of any kind shall be carried out upon a Lot which would interfere with, or alter in any way, the natural or established drainage systems of the Lot or adjoining Lots.
 38. No grading, excavation, construction, or other work shall be carried out upon a Lot which would undermine the slope stability of any roadway base unless appropriate temporary and/or permanent earth retention is also constructed.
 39. 3536696 Canada Inc. reserves the right to exempt any unsold Lot from all or any of the restrictions and benefits created hereby.
 40. Nothing in this Building Scheme shall exempt an owner from complying with the terms and conditions of the encumbrances registered against title to the Lots or from the bylaws and regulations of the Regional District of Nanaimo.

END OF DOCUMENT