

**LAND TITLE ACT**

**FORM C**

(Section 233(1))

Province of British Columbia

**GENERAL INSTRUMENT - PART 1**(This area for Land Title Office use)

PAGE 1 of 10 pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

**MORELLI CHERTKOW**, Barristers and Solicitors  
#300, 180 Seymour Street, Kamloops, BC V2C 2E3  
Phone: (250) 374-3344  
File Ref. No: 29299001 SH/psb  
LTO Client No. 10337

\_\_\_\_\_  
Authorized Agent

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:\*

(PID)

(LEGAL DESCRIPTION)

Lots 1 - 31 Section 7 Township 21 Range 17 W6M KDYD  
Plan KAP76198

3. NATURE OF INTEREST: \*

DOCUMENT REFERENCE

PERSON ENTITLED TO INTEREST

DESCRIPTION

(page and paragraph)

Statutory Building Scheme

Entire Document

Transferee

4. TERMS: Part 2 of this Instrument consists of (select one only)

(a) Filed Standard Charge Terms

D.F. No.

(b) Express Charge Terms

Annexed as Part 2

(c) Release

There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):\***COLUMBIA PACIFIC AGRO INC.** (Inc. No. 622902)

c/o 396 Oka Trail, Kamloops, BC, V2C 6L7

6. TRANSFEREE(S): (Including occupation(s), postal address(es) and postal code(s))\*

**COLUMBIA PACIFIC AGRO INC.** (Inc. No. 622902) c/o 396 Oka Trail, Kamloops, BC V2C 6L7

7. ADDITIONAL OR MODIFIED TERMS:\*

N/A

8. EXECUTION(S):\*\* This instrument creates, assigns, modifies, enlarges, discharges 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.

Officer Signature(s)

Execution Date

Party(ies) Signature(s)

Y	M	D
2008		

**COLUMBIA PACIFIC AGRO INC.**  
by its authorized signatory(ies)

\_\_\_\_\_  
**BONNIE LEONARD**

**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.

\* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

\*\* If space insufficient, continue executions on additional page(s) in Form D.

TERMS OF INSTRUMENT-PART II

WHEREAS:

1. COLUMBIA PACIFIC AGRO INC. is the registered owner in fee simple of the property legally described as Lots 1 – 31 Section 7 Township 21 Range 17 W6M KDYD Plan KAP76198
2. It will be submitting a plan of subdivision to the Kamloops Land Title Office for registration, which plan will create Lots 1 to 31 after registration (hereinafter called “the lots”).
3. It hereby creates a building scheme relating to the lots.
4. A sale of any of the lots is subject to the restrictions enumerated in the schedule attached or annexed hereto.
5. The restrictions shall be for the benefit of all the lots.

## SCHEDULE OF BUILDING RESTRICTION AND CONDITIONS

THE LAND AND PREMISES TO WHICH THIS BUILDING SCHEME BINDS AND ATTACHES ARE:

Lots 1 to 30 inclusive, all of Sections 7 & 18, Township 21, Range 17 W6M KDYD Plan KAP76198

### A. Definitions:

For the purposes hereof, the following words or phrases shall have the following meanings:

- a. "Building" means any improvement, building structure, fence, wall, erection or other improvement of any kind whatsoever whether above or below ground level and any addition or alteration thereto;
- b. "Building Plans" means architectural plans and any specifications of any proposed work or Building showing elevations of the Building to be constructed, Building cross-sections and floor plans including all dimensions, type and quality of building materials (including roofing), exterior finish materials with colour scheme and type of driveways and site plans and landscaping plans;
- c. "Design Coordinator" means any agent, entity, person or persons from time to time designated by the Developer and/or Strata Corporation as the "Design Coordinator" hereunder;
- d. "Developer" means Columbia Pacific Agro Inc.;
- e. "Lots" means the lots described in Paragraph 1 of the Declaration of Building Scheme to which this Schedule of Restrictions is attached or any portion thereof and "Lot" means any one of such lots;
- f. "Owner" means any of the following persons and their respective successors in title:
  - i. the registered owner from time to time of any one of the Lots or any part thereof;
  - ii. the registered owner from time to time of a right to purchase any of the Lots or any part thereof; and
  - iii. the beneficial owner from time of any one of the Lots or any part thereof.

### B. Approval of Building Plans:

#### 1. No person or persons shall:

- a. place, erect, construct, commence to construct or use any Building on any of the Lots
- b. any substantive exterior alterations, additions or extensions to an existing Building; or

- c. apply for a building permit for the construction of any Building on any of the Lots; without in each case first satisfying or complying with the provisions set out in APPENDIX 1 hereto.

C. Prohibited or Restricted Uses:

1. The following limitations or prohibitions on the use of the Lots or any parts thereof shall be applicable:
  - a. No building material, crates, packing cases, contractor's shed, equipment or other unsightly objects or material shall be placed or left on any Lot nor on any property adjoining any Lot other than during such time as the construction work is actually in progress on such Lot, and no excavation shall be made unless necessary in connection with the construction of an approved Building.
  - b. No livestock, poultry, swine, sheep, horses, cows, cattle, goats, chickens, roosters, or other farm animals or livestock shall be permitted or kept on any Lot except Lot 31. Domesticated household pets shall be controlled at all times by the owner in order to prevent them from becoming an annoyance or nuisance for other Lot owners. No kennels or public or commercial breeding or sale of any animals shall be carried on any Lot.
  - c. No satellite dishes with a diameter larger than 72 centimeters or antennas shall be constructed or installed and there shall not be more than one satellite dish per Lot. No telecommunications equipment, including satellite dishes, antennae or other similar structures, are to be constructed otherwise than in the rear yard of the Lot and not visible from the street.
  - d. No well shall be drilled on any Lot except in relation to geothermal extraction.
  - e. No combustible materials which constitute a fire hazard shall be placed or stored on any Lot except Lot 31.
  - f. No Building shall be left unfinished (on the exterior) for more than one year from the date on which construction commences.
  - g. No vegetation or natural water courses shall be interfered with, moved, or destroyed, unless necessary for the purposes of building or for fire protection without prior consent of the Design Coordinator.
  - h. No trees in excess of 50 centimeters in circumference shall be removed from a Lot without the prior written approval of the Design Coordinator.

- i. No more than 200 millimeters of concrete foundation of any building shall be exposed above the finished grade, except where step foundations are necessary to accommodate significant grade changes on the Lot. On steep Lots, owners shall ensure that the foundations or steps reduce areas of exposed concrete.
- j. No exterior meters for gas, electricity, water or otherwise shall be installed in the front of the home.
- k. No ducting shall be installed as to be visible on the exterior of a home and all plumbing and exhaust vents shall be installed as to be concealed from the street view as far as is possible.
- l. No roof stacks, vents, flashings, metal flues, metal plumbing and exhaust vents shall be finished otherwise than in a matte paint matching the roof or exterior colour of the home.
- m. No mechanical equipment, including heating or cooling equipment, shall be placed otherwise than in the rear yard of the building and shall be enclosed with a screen and/or finish to match the exterior of the home. Window-mounted air conditioners are not permitted.
- n. Carports are prohibited and no garages may be constructed unless fully enclosed, except on Lot 31.
- o. Save on Lot 31, no detached garage, or other outbuilding, shall be constructed, unless it is of the same architectural character in style and in proportion, with any principal residence built on the Lot, with proportions detailing similar to those of the home and otherwise complying with these guidelines.
- p. Save for Lot 31, no driveways may be paved with any material except for paving stones, tinted, broom, or finished concrete, exposed aggregate or patterned concrete. Asphalt surfaces permitted where approved in advance by the Design Coordinator.
- q. No trailers, travel trailers, campers, recreational vehicles, snowmobiles, boats, unlicensed vehicles, or machinery are to be viewable from the street side of any Lot, and wherever possible the items as described herein shall be kept within an enclosed roofed building or garage. No Commercial vehicle with GVWR in excess of 10,000 pounds/5,000kg shall be allowed on any Lot.
- r. No buildings, exterior building surfaces, roofing, driveways or landscaping shall be permitted to fall into a state of disrepair..
- s. No clothes lines or lines for hanging clothes on any Lot shall be permitted unless it or they are concealed from view from the front of the Lot.

## APPENDIX I TO SCHEDULE OF RESTRICTIONS

### Article 1 -GENERAL PROVISIONS

#### 1.1 DESIGN CO-ORDINATOR AND DESIGN APPROVAL PROCESS

- 1.1.1 Plans for all Buildings, alterations and additions shall be submitted to the Design Coordinator as appointed by the Developer and/or Strata Corporation to attend to compliance with the schedule of restrictions.
- 1.1.2 Two sets of drawings are to be submitted for review and approval by the Design Coordinator and should contain the following information:
- (a) Site plan showing the Building locations on the Lot, road access, driveways and Parking, grading, fencing, decks and patios, and all proposed hard and soft landscaping;
  - (b) Floor plans and elevations for the Building, including existing and finished grades at all corners of the Building(s), taking into account any flood construction level applicable to each Lot and as may be set out in any applicable grading plan;
  - (c) Sections through the Building showing building materials, how grade differences are being handled, and height calculations;
  - (d) Building details showing: ridge, eave, soffit and fascia details; base and window trim; and deck hand rail, fence and screening details;
  - (e) Descriptions of material and colour selections with full material specifications,
  - (f) a landscape plan showing all proposed hard and soft landscaping, grading and storm water management.
  - (g) An hourly rate will be charged for plan review by the Design Coordinator as reasonably established by the Developer and/or Strata Corporation from time to time.
- 1.1.3 Notwithstanding the provisions shown above, no dwelling shall be constructed on any lot unless the following requirements and/or standards are observed and complied with:
- i. a site grading plan for each lot must be approved in writing by the Developer and/or Design Coordinator and such plan must accompany the application to the City of Kamloops for the issuance of any building permit;
  - ii. lot grading must follow the site grading plan as approved by the Developer and/or Design Coordinator and as filed with the City of Kamloops;
  - iii. each front yard must be fully landscaped and a landscape plan must be approved in writing by the Developer and/or Design Coordinator; and

- v. Owners shall install at least three exterior lights, design to be approved by the Design Coordinator, with one on either side of the garage doors, or any parking areas, and one light in sufficient proximity to each entry to illuminate that entry. One gas lamp style or approved lamppost style light to be placed at 2 meter setback from the curb at the driveway entrance to the Lot and is to be operated by light sensitive switches.
- 1.1.4 Elevation of all buildings must be approved in writing by the Developer and or Design Coordinator.
  - 1.1.5 The Design Coordinator reserves the right, in the Design Coordinator's sole discretion, exercised reasonably, to grant approval of any design for either the Building on a Lot containing the principal dwelling unit on any Lot or any accessory Building on the Lot which does not meet or varies from the provisions of this Schedule of Restrictions.
- 1.2 In addition to the provisions of this Building Scheme, all construction must meet the requirements of the City of Kamloops (the "City") zoning regulations and the current applicable building codes. The Lot owner is responsible for obtaining all required permits for the construction of the Building (s) on their Lot.
  - 1.3 Any construction or exterior alterations that take place without approval or contrary to any covenants herein or otherwise are subject to change or removal at the owner's expense.
  - 1.4 No structure visibly damaged by fire shall be left unrepaired for more than four {4} months following the occurrence of the fire causing such damage.
  - 1.4.1 In addition to the provisions of this Building Scheme, all construction must meet the requirements of the City of Kamloops building regulations, zoning regulations as may be created, and the current applicable building codes, and shall meet the applicable requirements of all other governing authorities. The Lot owner is responsible for obtaining all required permits for the construction of the Building(s) on their Lot. Approval with respect to this Building Scheme does not imply compliance with the Building Code or future zoning.
  - 1.4.2. All buildings and improvements shall be maintained in conformance with the approved Building Plans and in good condition.
  - 1.4.3 Any construction or exterior alterations that take place without approval or contrary to any covenants herein or otherwise are subject to change or removal at the owner's expense.

## **Article 2 -BUILDING DESIGN**

It is expressly understood that the provisions in this Article 2 are guidelines for owners and for the Design Coordinator and may be varied for individual Lots, provided that any such variations are approved in writing by the Developer and the Design Coordinator

- 2.1 The principal Building on any Lot, and all accessory buildings on the Lot shall be of compatible design, with substantially the same roof forms, roof pitch(s) and overhangs, exterior finish materials, and colour scheme.
- 2.2 The siting of the principal Building and all accessory buildings should be carefully considered and respond to topography, soil conditions, orientation, access and circulation, snow management, view, privacy, weather, existing vegetation and relationship to any neighbour.
- 2.3 All residential buildings shall be equipped with fire sprinklers.
- 2.4 The principal building on each Lot, excluding the garage, shall have a square foot building footprint as follows:
  - (i) One storey building - not less than 120 square meters;
  - (ii) One and one-half storey and two storey building - not less than 100 square meters;
  - (iii) Split and bi-level building - not less than 120 square meters.
- 2.5 Chimneys for fireplaces shall be finished in stone, brick, split faced concrete block, or approved wall finish. Concrete block chimneys are not permitted. The form, colour and finish of all chimneys shall be compatible with and complement the design and finish materials of the Building in which they are located.
- 2.6 All exterior wall finishes are to be of materials such as wood siding, cedar shingles, stucco, brick and stone. The use of vinyl wall material is not permitted. Subject to consideration and prior approval by the Design Coordinator on a case by case basis, composite materials such as Hardi plank siding and shingles that are designed to reflect natural materials are permitted. The use of concrete block or vinyl or aluminum siding is not permitted.
- 2.7 All wood shall be stained or painted and/or preservative treated and all trims, doors and soffits should be stained or painted.
- 2.8 All flashings, plumbing stacks and vents should be of a colour compatible with the adjacent roof colour.
- 2.9 Gutters and rain water leaders shall match in colour and be in a colour compatible with that of the trim colours used.

- 2.10 All decks, courtyards and patios shall be designed to complement the adjoining building design.
- 2.11 All garages are to be fully enclosed, and the design of any garage is to be compatible with the principal Building. All units to have a minimum two car garage with a minimum 6m (20 ft.) long driveway except Lots 9, 10 and 11.
- 2.12 Wood shake roofs shall not be permitted due to their inherent fire risk. Patterned metal, faro/ferrous cement, hardy board, tile or textured asphalt and shingle roofs are permitted or an approved equivalent by Design Coordinator.
- 2.13 Buildings shall have minimum overhang of .61 meters.
- 2.14 Walls and fences may be utilized to provide privacy or patio area screening. Placement of walls and fences must respect existing landforms and following contours, rather than arbitrarily following parcel boundary lines. The design of fences and walls should harmonize with the site and the buildings and on a scale and appearance that is consistent with the main building. Any walls or fences must be approved by the Design Coordinator prior to commencement of construction. All fences and walls must be constructed of wood or natural stone. Green or black wire fencing may be utilized provided it has been approved by the Design Coordinator. The minimum height for fences and hedges acting as a fence is one meter in front setbacks and 1.8 meters in other setback areas. The use of landscaping and lattice work in lieu of fencing is encouraged.
- 2.15 Exterior walls should harmonize with the site and the surrounding buildings. If wood and stone are used as the primary material, the dominant tone of the building should tend toward warm earthy hues, whether in the natural patina or weathered colour of the wall surface itself, or the colour of the paint stain or other coating. Bright or dramatic colours should not be used, except for accent on minor exterior areas.
- 2.16 Any brick or stonework that is used on the exterior of the home must return around the corner of a home for at least one meter or a logical finishing paint.
- 2.17 Wood siding on the exterior of a home either vertically or horizontally, must have a minimum width of 10 centimeters.
- 2.18 All exterior windows will be trimmed with a minimum 4 inch trim in wood, stucco, brick, or stone.
- 2.19 The owner must finish at a minimum the exterior portion at the front elevation that lays below the main floor level of the home, plus a one meter side return in patterned concrete parging, stucco or approved equivalent.
- 2.20 All fascia board height must be at least 18.5 centimeters and all fascia boards shall be constructed of band sawn wood material or approved equivalent.
- 2.21 No owner is permitted to erect a sign on a lot, unless the sign is either a wood sign no larger than .2 square meters, which states either the last name of the owner, the street number or name of the property or a combination of the above. A non-illuminated sign

will be allowed if less than .3 square meters advertising a sale or lease of a Lot or improvements therein and all other signs are prohibited.

**Article 3 -COSTS**

- 3.1 Each Lot owner shall be required to pay the Design Coordinator such hourly rates as have been agreed from time to time between the Developer and/or Strata Corporation and the Design Coordinator, acting reasonably. The Design Coordinator shall not be required to provide written approval for any Building Plans while there is any outstanding account owing by the Lot owner to the Design Coordinator.

**END OF DOCUMENT**