

**LAND TITLE ACT
FORM 35
(SECTION 220)
DECLARATION OF BUILDING SCHEME**

NATURE OF INTEREST: CHARGE:

HEREWITH FEE OF \$5

Building Scheme

FULL NAME, ADDRESS,
TELEPHONE NUMBER OF PERSON
PRESENTING APPLICATION:

Lynn Ramsay Q.C.
Barrister & Solicitor
Miller Thomson LLP
1000-840 Howe Street
Vancouver, B.C. V6Z 2M1 (687-2242)

File No 54355.0010

LTO Client No 010437

Lynn Ramsay Q.C.

ADDRESS OF PERSON ENTITLED TO APPLY TO
REGISTER THIS BUILDING SCHEME:

28165 Yukon Inc. (Incorporation No. 57097A), of
5403 Buckingham Avenue, Burnaby, B.C. V5E 1Z9
("Yukon")

28165 Yukon Inc. (Incorporation No. 57097A) hereby declares that:

1. We are the registered owner in fee simple of the following lands (collectively, the "Lots" and individually, a "Lot"):

Strata Lots 13 to 36
District Lot 2247, Group 1,
New Westminster District,
Strata Plan BCS3916
2. We hereby create 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 shall be for the benefit of the Lots, provided however, that we reserve the right to exempt any Lot remaining undisposed of by us from all or any of the restrictions and benefits.

Officer Signatures

Execution Date

Y	M	D

Transferor(s) Signatures

28165 YUKON INC., by its
authorized signatory:

Name:

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.

CONSENT AND PRIORITY AGREEMENT OF CHARGE HOLDER

We, **MOUNTAIN ADVENTURE LTD.** (a corporation incorporated under the laws of Netherlands) having an office at P.O. Box N-7788, 4 West Bay Street, Nassau, Bahamas, the holder of the following registered charges, consent to the registration of the above Declaration of Building Scheme and agree that it shall have priority over our respective charges.

EXECUTION(S):

Officer Signatures

Execution Date

Transferor(s) Signatures

Y	M	D

MOUNTAIN ADVENTURE LTD., by
its authorized signatory:

As to Mortgage BB1186415 and
Assignment of Rents BB1186416

(as to execution by Mountain Adventure
Ltd.)

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.

SCHEDULE OF RESTRICTIONS

1. For the purpose hereof and for the schedules attached hereto, the following words and phrases will have the following meanings:
 - (a) “Approving Agent” means 877103 B.C. Ltd.
 - (b) “Architectural Design Guidelines” means architectural design guidelines for the Lots as described on Schedule A; “Co-ordinating Architect” means a registered architect appointed and retained by the Approving Agent;
 - (c) “Improvement” means any building or structure (including landscaping) constructed or installed on the Lands;
 - (d) “Landscaping Architect” means a registered landscape architect appointed and retained by the Approving Agent;
 - (e) “Owners” means the persons registered in the Land Title Office from time to time as the owners of the Lots;
 - (f) “Plans and Specifications” means the plans and specifications described in Subsection 2(a) and approved by the Approving Agent in accordance with the provisions of this building scheme;
 - (g) “Regional District” means Squamish-Lillooet Regional District, presently located at 1350 Aster Street, Pemberton, B.C., V0N 2L0, or other local government or agency thereof having jurisdiction;
 - (h) “SLRD” means the Squamish-Lillooet Regional District.
2. No person will apply for development approval or building permit with respect to a Lot, or commence construction or installation of any Improvements on a Lot (including site clearing or other site preparation, excavation, construction or landscaping) without first:
 - (a) providing the Approving Agent with reasonably detailed plans and specifications of the Improvements (including a landscape plan) and such further and other plans, specifications, samples or other materials as the Approving Agent may reasonably require;
 - (b) receiving written approval of the Plans and Specifications from the Co-ordinating Architect;
 - (c) receiving written approval of the landscape plans related to the Improvements and comprising part of the Plans and Specifications from the Landscape Architect; and
 - (d) receiving the written approval of the Plans and Specifications by the Approving Agent.
3. The approval of the Approving Agent of any Plans and Specifications will not be unreasonably withheld or delayed if the Plans and Specifications meet the requirements of the Architectural Design Guidelines and the application for such approval complies with all the requirements herein. To determine whether or not any Plans and

Specifications meet the requirements of the Architectural Design Guideline and whether the application complies with all the requirements herein the Approving Agent may consult with a registered professional architect, landscape architect or biologist as appropriate for professional advice on the best way to satisfy the requirements of this building scheme.

4. After a person commences construction of any Improvements on a Lot upon complying with the requirements set out herein, such person shall not discontinue the construction of such Improvements until the same are completed in all respects in accordance with the requirements set out herein, provided however that such person will not be in breach of his or her obligations in this Section or the Agreement with the Approving Agent referred to in Subsection 1(e) if construction is interrupted by reason of strike, lockout, labour dispute, act of God, inability to obtain labour or materials or both, enemy or hostile action, civil commotion, fire or other casualty provided that such person takes steps as are available to it to minimize the effect of such occurrence and diligently recommences construction after each such occurrence.
5. Following the approval of the Plans and Specification, no construction of Improvements will be commenced or carried out on the Lots except:
 - (a) in accordance with the Plans and Specifications; and
 - (b) in compliance with the Architectural Design Guidelines.
6. The Approving Agent or a designated representative of the Approving Agent may at any time, without notice during regular business hours, enter onto the Lots for the purpose of determining compliance with and enforcing the provisions of this statutory building scheme.
7. No Lot shall be used except in compliance with the following restrictions:
 - (a) no house trailer, travel trailer, mobile home camper, recreational vehicle or similar vehicle or structure designed for or capable of providing overnight accommodations, by whatever name called, no unlicensed vehicles and no commercial trucks, boats or machinery are permitted to be located, kept or stored on any Lot except within enclosed roofed buildings or garages or an area with adequate screening approved by the Approving Agent;
 - (b) no temporary structures, trailers or residences shall be permitted on any Lot except for use during a period of construction, which period shall not exceed one (1) year, without the approval of the Approving Agent.
8. The provisions hereof will be in addition to, but not in substitution for, any generally applicable laws, ordinances, rules, regulations and orders of the governmental authorities applicable to the Lots.
9. If any provision or provisions herein contained are found by any Court of competent jurisdiction to be illegal, invalid or for any reason unenforceable or void, then such provision or provisions will be considered severed from this statutory building scheme and the rest of the statutory building scheme will be unaffected by such provision or provisions.

10. No person who is the Owner of any Lot will be liable for a breach of any of the provisions hereof if such breach arises after such person ceased to be the Owner of such Lot.
11. The provisions hereof will run with and bind all of the Lands and every portion thereof and render the Owner, each purchaser, lessee, sub-lessee and occupant of any Lot or any portion thereof subject to the restrictions herein set out and confer on them the benefits herein set out.
12. This building scheme will expire 25 years after the date of its registration in the Land Title Office or on notice from the Approving Agent that the Lands have completed initial build-out, whichever is later, and thereafter the provisions hereof will be of no force and effect.

SCHEDULE A
ARCHITECTURAL DESIGN GUIDE LINES
WEDGE WOODS SINGLE FAMILY LOTS

1. MASSING AND FORM

1.1 Building massing should have the appearance of being contained. Design techniques should include a variety of roof lines, stepping the building both vertically and horizontally, letting the site influence the building form, scale and character. Variation in roof lines will encourage vaulted ceilings to provide higher interior ceilings within the context of the building theme

1.2 Building form must respond to the natural constraints of the Lot. The development must also consider the safe storage of snow without impeding the accessibility to the dwelling on the Lot.

2. NO REPETITION OF BUILDING DESIGN

2.1 No building design can be repeated within a three lot radius.

3. DRIVEWAYS AND GARAGES

3.1 Driveways and garages should not form the main element facing the street and must minimize environmental impact. All driveways must comply with Regional District grade requirements.

4. ROOFS

4.1 Architectural form of the roof is very important in establishing the building character and snow management. A unified composition of sloped roofs is preferred. Snow shedding should be calculated to ensure protection of pedestrian and vehicular ways, flat areas and impact onto other roof components and decks.

4.2 Roof pitch should generally not be more than 12V:12H.

4.3 Roof types that are not permitted include mansard, false mansard, and domed roofs.

4.4 Roof overhangs are encouraged because they protect walls, doors and windows from snow and rain.

4.5 Roofing materials should complement the treed nature of the site and therefore high quality wood shingles or shakes or similar appearing products are preferred. Composite slate and architectural shingle materials will be considered if they maintain the stability and aesthetic integrity and three dimensional character. Standard asphalt shingles will not be acceptable. Metal roofs may be considered but only in earth tone or natural colours and the profile and seam pattern must be acceptable to the Approving Agent.

4.6 Architectural roof appurtenances such as dormers, clerestories, skylights, chimneys, gables and eave details can create an enhanced roofscape and interesting interior spaces. Their placement is encouraged but should be used in a manner so that confusion and excessive decoration is avoided.

4.7 Ornamental roof appurtenances such as finials, scroll work on the ridge or purely decorative turrets are not permitted.

4.8 Mechanical roof appurtenances including snow diverters, vents and flashing should be prefinished in a colour to match the roofing material and must be strong enough to sustain snow build-up and shedding.

4.9 Large roof overhangs with deep fascia boards are encouraged.

4.10 Solar collectors must lie flat on the roof and not be located in areas visible from the street or other public places.

5. CHIMNEYS

5.1 Chimneys must blend with the house and roof materials. Metal, or wood or facsimile wood finished chimneys are not encouraged.

5.2 A direct wall vent for a gas fireplace should be screened from public view or blend into the building face and be treated in such a way to avoid discolouration of the wall in which it is placed.

5.3 All chimneys must have spark arrestors made of metal, painted to match the roof colour and of sufficient size to screen individual flues. Chimneys should be located near the ridge of the roof wherever possible to protect them from snow damage.

6. BUILDING WALLS

6.1 The lower portion of walls up to 4.0 ft should be protected from extreme weather, snow build-up and staining and should therefore be constructed of a durable material, including but not limited to, river rock, stone, concrete block with a stucco finish, or concrete treated in a finish such as sand blasted or bush hammered. Aluminium or vinyl are not permitted.

6.2 Upper wall materials should relate to the building mass and convey a sense of well-crafted construction for a residential home in an alpine setting. An urban or industrial vocabulary is not encouraged.

6.3 Acceptable upper wall materials are:

- stone or river rock
- wood shingles
- wood siding
- board and batten
- peeled or shaped logs

architectural concrete

traditional stucco

composite concrete wood claddings

6.4 Upper wall materials which are not acceptable are:

brick or ceramic tile

vinyl or aluminium siding

stained or painted plywood

simulated stone or brick

asphalt or hardboard siding

6.5 Walls should be strongly articulated with recesses, balconies and bay windows to avoid large areas of unbroken wall.

6.6 Window glazing may be clear or solar tinted, stained, etched or frosted. Solid coloured glass or reflective glazing is not permitted.

6.7 Exterior doors should be solid core wood or insulated metal painted to complement the house. Exterior doors should be shielded from shedding snow, wind and rain either through structural elements or in combination with landscape materials.

6.8 If a garage is proposed, garage doors should be wood sectional, stained or painted or insulated metal doors painted to complement the building. Manufacturer's white garage doors are not supported, unless they compliment the overall building design. Garage entries should be well articulated (recessed, columns, etc.) To reduce their visual impact but also to create a visual connection to the house. Garage doors that are angled to face the side yard rather than the street are preferred to prevent the garage from dominating the streetscape.

6.9 Open carports are not permitted.

7. COLOUR SCHEMES

7.1 All colour schemes must be approved by the Approving Agent. A colour board and samples must be submitted for review before a colour scheme can be approved.

7.2 No more than three colour shades should be used on a building (not including the colour of the roofing material).

7.3 Proposed colour schemes should harmonize with the natural setting of the SLRD and Whistler and complement surrounding buildings. Acceptable wood siding colour applications include paint and solid or semi-transparent stains. Peeled or shaped logs may be finished with varnish, clear or semi-transparent stains.

7.4 Rich colours may be used to highlight building features such as doors, exterior window casings and trim, fascia boards, soffits, shutters and railings. Neighbouring properties should be considered when using strong, deep colours as accents.

8. GRADING AND DRAINAGE

8.1 All regrading, tree removal, revegetation and other site disturbance shall be shown on the site grading plan which must be approved by the Approving Agent before any site work is initiated.

8.2 All regrading shall be contained within the lot and feathered wherever possible into the natural topography to maximize retention of trees and existing vegetation.

8.3 Cuts and fills shall be minimized to avoid undue disturbance of natural vegetation.

8.4 Retaining structures for homes and parking areas shall not exceed a height of 5.0 ft (1.5 m) and constructed of rock or concrete with a rock veneer. Retained driveway areas should include planting between the structure and the parking area so that these areas remain partially hidden.

8.5 The slope of cuts or fills must be determined by the soil materials to ensure stability and encourage revegetation. Rock cuts may be vertical if approved by a geotechnical engineer.

8.6 All drainage should be returned to the natural drainage areas or the storm ditch system as required by the SLRD. No drainage may be permitted to flow to an adjacent lot unless specifically required to ensure the health of existing vegetation.

8.7 To reduce the amount of site disturbance parking platforms for downward sloping lots are encouraged rather than using fill to achieve grades, where existing vegetation is mature.

9. DRIVEWAYS PARKING AND WALKWAYS

9.1 To minimize impact on the Lot the Location for Driveways has been predetermined. Any change to the location of the driveway must receive prior approval from the Approving Agent.

9.2 Driveway width at the curb should not be more than 13 ft (4.0 m) wherever possible in order to reduce the impact of hard surfaces at the street, reduce rock cut and promote tree retention.

9.3 Not less than one parking stall shall be contained within an attached or detached garage. Additional open parking stalls may be considered depending on site constraints.

9.4 Driveway materials should be stamped asphalt or concrete, concrete with exposed aggregate finish or interlocking pavers. Asphalt drives are also acceptable, however when asphalt is utilized the use of architectural borders is encouraged.

9.5 Walkway materials should be stamped concrete, stone or interlocking pavers.

10. LANDSCAPING

10.1 The streetscape is intended to take on a mature, attractive appearance which will mature gracefully, therefore the area between the curb and the front plane of the house shall be considered predominantly as a natural revegetation zone using mostly indigenous plant species and limiting formal planting only as an accent. The planting plan shall however also be cognizant of limitations imposed by servicing corridors and not unduly encourage bear intrusion by providing fruit bearing plants or excessive protective cover.

10.2 All utilities and otherwise obtrusive structures, including retaining walls, should be suitably screened wherever possible from public view. Such screening should project a natural character.

10.3 Walls and/or fences are not permitted as pure delineators or property lines, however they may be permitted to provide privacy to certain activity areas. Where walls and/or fences follow a property line they should not disturb any vegetation screening with adjacent lots. Walls and/or fences should follow the contours of the land wherever possible.

10.4 Walls and/or fences should be built of natural stone or wood and may not exceed a height of 6 ft (1.8 m) above the natural grade of the Lot.

10.5 No walls and/or fences other than small scale landscape elements are permitted between the front property line and the front plane of the principal dwelling.

10.6 Exterior and landscape lighting should be kept to a minimum, be diffused, shielded, directional and concealed from neighbouring lots and the street. Fixtures must reflect the theme of the community and be made of iron, copper or wood. Shiny brass or chrome finishes are not encouraged.

10.7 The landscape plan shall be implemented and approved by the Approving Agent within one growing season of the substantial completion of the house.

10.8 Entrance gates must be located at least 5 meters within the property line of the Lot. Entrance gates, structures and archways should be architecturally sensitive to the common property and should be comprised of materials such as iron, stone and/or wood.

10.9 The landscape plan must detail any existing trees, shrubs, or vegetation which will be removed or relocated and confirm that such removal is in compliance with the requirements of any registered restrictive covenants. If the removal of the trees, shrubs or vegetation will enhance or preserve views or view corridors it will be permitted so long as it does not materially negatively reduce the privacy between adjacent dwellings.

11. SNOW MANAGEMENT

11.1 Snow must be retained or shed in locations and in a manner which will not endanger the structure or its occupants. Entrances, vehicular and pedestrian routes must be fully protected.

11.2 Balconies should preferably be covered or recessed into the building and snow shedding from one roof to another should be avoided. Eave troughs are

vulnerable to damage from snow and ice and are therefore not recommended. Aluminium, vinyl or resin eave troughs are not permitted. Snow storage areas must be provided for driveways and pathways.

11.3 Adequate roof ventilation is required and the “cold roof” construction concept is recommended.

12. ANTENNAS AND SATELLITE DISHES

12.1 Satellite dishes or antennas should be hidden or placed in the least visible, functional site. Dishes should be painted the colour of the background material in front of which they are mounted. Satellite dishes exceeding three feet in diameter (or the size of the smallest fully functional HD antenna available) will be permitted only if they are shielded from view.

13. DOG KENNELS

13.1 The location of and materials used for enclosed dog runs and/or kennels must be approved by the Approving Agent.

14. WATER METERS

14.1 As a condition of service each water service to a home shall have a water meter capable of remote reading installed in the general location of the main shutoff within the residence. The type and specifications of the meter will be specified by the provider of the water service under the CPCN for the WedgeWoods subdivision.