

LAND TITLE ACT  
FORM 35  
(Section 220 (1))

DECLARATION OF BUILDING SCHEME

NATURE OF INTEREST: CHARGE: BUILDING SCHEME  
HEREWITH FEES OF: \$<sup>65.20</sup>~~64.75~~ VALLEY'S EDGE PARK LTD.

Address of person entitled to apply to register this building scheme:  
c/o 203 - 1005 Broad Street, Victoria, British Columbia V8W 2A1

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

**SARA E. POPE**  
POPE BRUNTON HALL, Lawyers  
203 - 1005 Broad Street  
Victoria, BC V8W 2A1  
Tel: 250-385-1772  
Fax: 250-385-1038

TRACT REGISTRY  
10330



SIGNATURE OF APPLICANT OR  
SOLICITOR OR AUTHORIZED AGENT  
Sara E. Pope

I, Glen Ortt, Director of Valley's Edge Park Ltd., Inc. #A0060133, of 339 Parkview Crescent, SE, Calgary, Alberta, T2J 4N8, declare that:

- 1. Valley's Edge Park Ltd. is the registered owner in fee simple of the following lands:

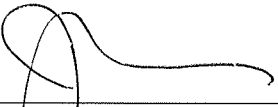

Parcel Identifier: NPA  
Strata Lots 1 - 49  
District Lot 348, 353 and 7569, OC 3039  
Kootenay District, Strata Plan NES

(hereinafter collectively called the "Lots").

- 2. I hereby create a building scheme relating to the Lots and relating to the Strata Lots that may be created as a result of the registration of a strata plan incorporating the Lot or a portion of the Lot.

3. A sale of the Lot or Lots is subject to the restrictions enumerated in the schedule attached or annexed hereto.
4. The restrictions shall be for the benefit of all the Lots.

**EXECUTION:**

Officer Signature	Execution Date (Y/M/D)	Signature
 _____ <b>JOE O.F. PFAEFFLIN</b> <i>Barrister &amp; Solicitor</i> <b>MILLER THOMSON LLP</b> #3000, 700 - 9 Avenue S.W. Calgary, Alberta	2006/ <u>06</u> / <u>12</u>	<b>VALLEY'S EDGE PARK LTD.</b> by its authorized signatory   _____ Glen Ort

**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 "A"**

**SCHEDULE OF RESTRICTIONS**

**1.0**            **Definitions**

“**Administrator**” means Valley’s Edge Park Ltd. or its authorized agent or agents and upon Valley’s Edge Park Ltd. ceasing so to act, as provided in section 5.15 then the Administrator means the Strata Corporation NES 3039 or its authorized agent or agents;

“**Authorized**” means authorized in writing;

“**Design Guidelines**” means the Design and Development Guidelines attached as “Schedule 1”;

“**Improvement**” shall include:

- a) the erection or construction, whether temporary or permanent, of any structure or building; and,
- b) the placement of any Recreational Vehicle for a period exceeding seven (7) days.

“**Lands**” means that parcel of land legally described as

East Kootenay Assessment Area  
Parcel Identifier: 024-783-153  
Lot 1,  
District Lots 348, 353 and 7569  
Kootenay District, Plan NEP66755.

“**Recreational Vehicle**” means a recreational vehicle as defined by the bylaws of the Regional District of East Kootenay;

“**Strata Lots**” means a Strata Lot created from the registration of a strata plan in respect of the Lands and the definition of “**Strata Lot**” shall include a Lot, as such term is defined on the Form 35 attached hereto.

**2.0**            **Improvements**

2.1            Nothing contained in this Schedule “A” shall exempt an owner from complying with the terms and conditions of the encumbrances registered against the Strata Lots, nor shall any Improvement be constructed or placed on a Strata Lot that does not conform with the bylaws of the Regional District of East Kootenay and the National Building Code of Canada.

2.2            No Improvement shall be undertaken, constructed, erected or placed on any Strata Lot unless or until plans of specification showing compliance in all respects with these restrictions showing elevations, siting, size, set backs, exterior colour scheme, landscaping and all materials to be used have been submitted to and approved in writing by the Administrator.

2.3 The Administrator shall have the sole right and power to approve or to reject such plans and specifications in its discretion. All decisions of the Administrator shall be final and binding.

2.4 It is the intention of this Building Scheme and Design Guidelines that all Improvements are to be controlled as to their design for the benefit of the Strata Lots and the development known as the Valley's Edge Park as a whole.

2.5 The Administrator shall receive and consider plans and specifications in a timely manner, and either approve or reject the plans and specifications, or make further recommendations for alterations of the plans and specifications.

2.6 No Improvement shall be constructed or placed on a Strata Lot in a manner that impedes the views or sight lines of adjacent Strata Lots. In addition to the foregoing, Improvements must be constructed or placed in accordance with set back requirements of the Regional District of East Kootenay.

2.7 No Landscaping shall be installed or maintained in a manner that restricts the views or sight lines of adjacent Strata Lots. In the event the growth of planting impedes the view of adjacent Strata Lots, the owner of the Strata Lot shall have the obligation to remove or prune such vegetation unless such vegetation is the existing natural vegetation native to the geographical area of the Lands.

2.8 No Improvement shall be constructed or placed within thirty (30) feet of the southern boundary of Strata Lots 29 – 43.

2.9 No more than twelve months must pass from the commencement of the construction of an Improvement on a Strata Lot until such Improvement is completed and no more that six months must pass the from the date the Improvement is completed until the date the landscaping is installed and completed.

### **3.0 Cottage Lots**

3.1 No owner shall construct a habitable structure on a Strata Lot unless the Strata Lot has been designated as a "Cottage Lot" in the attached "Schedule 2". The owner of a Cottage Lot shall, subject to this schedule "A" and the zoning applicable for the Strata Lot, construct one (1) cottage of a maximum floor area of sixty-five (65) square meters (approx. 700 square feet) or such greater area as permitted by the Regional District of East Kootenay.

3.2 No habitable building ("Cottage") constructed on a Cottage Lot shall be greater than 9 meters in height.

3.3 No Cottage shall be constructed unless the Cottage is constructed of good quality materials and in accordance with the Design Guidelines.

#### **4.0 Recreational Vehicle Lots**

4.1 Strata Lots that are not designated as Cottage Lots are designated as “Recreational Vehicle Lots”. No owner of a Recreational Vehicle lot shall construct, build, or place a Cottage or any habitable structure upon the Strata Lot, with the exception of the placement of a Recreational Vehicle as provided herein.

4.2 There shall be no more than one Recreational Vehicle placed on a Recreational Vehicle Lot.

4.3 No owner, occupant or visitor shall park a Recreational Vehicle upon a Strata Lot unless specifically Authorized to do so by this Schedule “A” or by the Administrator.

4.4 No Recreational Vehicle shall be placed on a Strata Lot if the Recreational Vehicle is less than 23 feet in length. No truck campers shall be placed upon a Strata Lot, other than as a visitor pursuant to the provisions of the Bylaws of the Strata Corporation.

4.5 No Recreational Vehicles shall be placed upon a Strata Lot if the Recreational Vehicle is more than ten (10) years old at the time of placement without the express written permission of the Administrator. Skirting may be attached to a Recreational Vehicle, provided the skirting is made of wood, aluminium or vinyl in a tone or colour that matches the Recreational Vehicle. Any appurtenances to a Recreational Vehicle such as decks or awnings, shall be subject to the approval of the Administrator.

4.6 Tent trailers are not permitted are not permitted on any Strata Lot.

#### **5.0 General Provisions**

5.1 Owners of Strata Lots shall not construct, place or erect a habitable storage structure in addition to a Cottage or Recreational Vehicle, unless such additional structure complies in full with the zoning requirements of the Regional District of East Kootenay and the bylaws of the Strata Corporation. No such non-habitable structure shall exceed 100 sq. ft. in area or 9.5 ft in height, at its highest point and only one non-habitable structure shall be permitted per Strata Lot.

5.2 No additional structure may provide cooking, refrigeration or washing facilities. Additional structures shall not be designed for or used for overnight habitation. Additional structures shall be designed or utilized only for auxiliary purposes, such as storage.

5.3 The cladding of additional structures should be of good quality exterior finish matching the exterior finish of the Cottage or Recreational Vehicle constructed or placed on the Strata Lot. Additional structures shall be sized and placed in accordance with the zoning bylaw of the Regional District of East Kootenay and this Building Scheme.

5.4 No post, mast, antenna, satellite dish or similar device or any kind, whether for the purpose of receiving or transmitting radio or television signals or otherwise shall be erected or installed above ground on any Strata Lot, with the exception of one (1) antenna and one satellite dish not exceeding 18 inches in diameter, per Strata Lot, provided the approval of the Administrator has been obtained.

5.5 With the exception of private passenger automobiles, no chattels, including trailers, campers, boats, commercial vehicles over one ton shall be parked, placed or situated on any Strata Lot which are unsightly or detract from the general quality and character of Valley's Edge Park.

5.6 No trees shall be cut on any Strata Lot unless reasonably necessary for the purpose of constructing a Cottage, constructing an additional structure or for the placement of a Recreational Vehicle. No cutting of trees or clearing shall take place without the previous written consent of the Administrator. For the purpose of this section, "Tree" shall refer to any living plant with a stem or trunk diameter in excess of three inches.

5.7 No water from any stream, ditch or pond shall be diverted, dammed or drained, nor shall any stream, culvert, ditch or pond within the strata plan be altered or interfered with, without the prior written consent of the Administrator.

5.8 No recreational facilities such as swing sets, hot tubs or barbeque pits shall be constructed without the prior Authorization of the Administrator. Swimming pools are not permitted on any Strata Lot.

5.9 No fencing shall be erected on any Strata Lot without the prior Authorization of the Administrator. No fencing shall restrict the views or sightlines of adjacent Strata Lots. Fencing shall be of a maximum five feet in height and constructed of good quality material with natural wood or stained finish. No chain link fencing will be permitted. No fence shall be constructed within 15 feet of the front boundary of any Strata Lot.

5.10 Concrete, asphalt or other impermeable patio, driveway or parking surfaces shall not be permitted on any Strata Lot.

5.11 No owner shall construct or place Improvements or alter his Strata Lot in such a way as to detract from the overall design and reputation of the Valley's Edge Park and the Strata Lots benefiting from this Building Scheme.

5.12 No Improvements on the Strata Lot shall be allowed to become in disrepair, unsightly or untidy, in the Administrator's discretion, it being the intent of these covenants that all Improvements on Strata Lots shall be maintained at all times in a neat and attractive state and condition, including weed control, mowing of grass and trimming of hedges.

5.13 No owner will allow any breach of any covenants contained herein to continue for more than thirty (30) days after notice and writing delivered to the owner of the Strata Lot by the Administrator requesting the owner to remedy such breach, and if the owner allows such breach to continue the Administrator may cause such work as may be necessary to cure the breach to be performed and the cost thereof including the administration of legal costs shall be a debt owing by the owner, payable upon delivery to the owner of such Strata Lot of an invoice for such work or services.

5.14 The restrictions set out in this Building Scheme shall be in addition to and not in derogation of the bylaws from time to time of the Regional District of East Kootenay, the bylaws of the Strata Corporation and the obligations and liabilities imposed by statute or common law upon the owners and occupiers from time to time of the Strata Lots, all of which shall be duly observed and complied with.

5.15 Valley's Edge Park Ltd. will act as the Administrator of the Building Scheme until Valley's Edge Park Ltd. elects, in its sole discretion, to cease to act as Administrator, at which time the function of Administrator will be transferred to the strata corporation.



## **SCHEDULE 1**

### **DESIGN AND DEVELOPMENT GUIDELINES**

#### **1. Introduction**

The Valley's Edge Park is a comprehensively planned recreational development located near Edgewater, British Columbia. The character of the Valley's Edge Park, and the character of Cottages and Recreational Vehicles placed within the Valley's Edge Park, are to be planned and constructed to create a first class cottage and recreational vehicle park.

#### **2. Purpose**

The purpose of the design and development guidelines is to establish and protect the owners investment in the Valley's Edge Park and peaceful enjoyment of its recreational potential by ensuring the integrity of the development of each Strata Lot.

#### **3. Design Review and Approval Process**

An Administrator will administer the design review process as defined by the Statutory Building Scheme.

The role of the Administrator is to examine each proposal to ensure that it conforms with the design and development guidelines and the general intent of these guidelines. Once the Administrator is satisfied that a submission conforms with the design and development guidelines, a written approved notation will be affixed to a completed Architectural Review Form and attached drawings.

All requests for changes to any plans that have been affixed with the approved notation must be made in writing to the Administrator.

#### **4. Submission Requirements**

The Administrator requires detailed information about the proposed Improvements and other developments within the Strata Lot including detailed plans and a site drawing. Each Strata Lot owner who proposes to construct Improvements upon a Strata Lot shall submit to the Administrator a completed Architectural Review Form and such plans of the proposed Improvements as the Administrator may require. The Strata Lot owner is encouraged to meet with the Administrator to discuss plans prior to detailed design. All decisions of the Administrator regarding the acceptance or non-acceptance of the proposed Improvements, the compliance of the proposed Improvements with these guidelines or any interpretation of these guidelines, shall be final and binding upon all Strata Lot owners.

**5. Cottage Lots and Building Lots**

The zoning of the Valley's Edge Park permits cottages of restricted dimensions to be constructed on fifty percent (50%) of the Strata Lots. On Strata Lots that are not Cottage Lots, the only habitable structures permitted are Recreational Vehicles.

Cottage Lots have been designated as such pursuant to "Schedule 2" to the Statutory Building Scheme. Generally speaking, it is not possible to re-designate a Recreational Vehicle lot as a Cottage Lot, due to the ultimate restriction on the overall number of Cottage Lots within the Valley's Edge Park, unless the maximum number of allowable Cottage Lots has not already been designated. Only the Administrator may designate a Recreational Vehicle lot as a Cottage Lot. No Strata Lot, either designated as a Cottage Lot pursuant to Schedule "2" to the Statutory Building Scheme or subsequently designated by the Administrator as a Cottage Lot, shall be subsequently designated as a Recreational Vehicle Lot without the prior written consent of the owner of the Strata Lot in question.

**6. Building and Siting – Architectural Character**

A cottage or chalet style character shall be the dominant character for Cottages in the Valley's Edge Park. Recreational Vehicles shall be of a well-maintained character. An important object of the design and development guidelines is to ensure a general sense of a quiet, well maintained recreational community where the serenity of nature can be appreciated.

**7. General Siting – Vehicular Access**

All Improvements shall be constructed or placed in conformance with the set backs provided by the zoning bylaw of the Regional District of East Kootenay. In addition, an additional restriction on Strata Lots 29 – 43 shall restrict construction or placement of Improvements on the southern thirty (30) feet of these Strata Lots, to enhance the preservation of views for adjacent Strata Lots. Siting should take into consideration the privacy of adjacent Lots, siting of adjacent Cottages or Recreational Vehicles, to minimize overview, or impeding of views.

**8. Recreational Vehicle (RV) Exteriors**

The exterior of all recreation vehicles (RV's), including any slide-out portions, must be well maintained at all times and not display any damaged or loose parts. All requests for skirting, decks, cabanas, and/or storage buildings to be erected on Recreational Vehicle Lots must be submitted by plan to the Administrator for architectural review and approval. Prior to submission Strata Lot owners are required to consult with the Administrator to secure a list of acceptable designs and finishes.

**9. Cottage Exteriors**

The choice of exterior finishes for Cottages and accessory buildings will be limited to the following:

Walls – Cedar logs, milled logs, cedar or pine siding, ½ log siding, wood-grain hardy board siding, and smart-board battens. The use of stone masonry is strongly encouraged and may be required on certain designs as accents to enhance the architectural appearance and/or character of certain Cottage exteriors.

Roofs – Enhanced, thick profile, 30-year lifespan, asphalt roof shingles, slate or concrete tiles, or ribbed metal roofing. Colours to be complementary to the colours below or as determined by the Administrator.

Trim – Minimum 6” wide smart board or aluminium facia, aluminium soffits, eaves troughs, and downspouts in colours that will enhance the exterior appearance of the Cottage .

Decks – Pressure treated wood, cedar wood, composite fibre, or vinyl planking only will be allowed. Solid vinyl, such as Duradek, will not be allowed. The decking and design used must allow rain water to flow through the decking material to the ground below. Railings are to be of a complementary material to the exterior of the building. Glass railings may be allowed in certain applications.

Colours – Natural or neutral tones, browns, tans, taupes, sage, black, charcoal, or green tones will be allowed. Bright colours will be discouraged and will not likely be approved.

**10. Grading and Landscaping**

Any proposed grading or landscaping of Lots should be designed to blend into existing natural grades and adjacent Strata Lots. Cuts and fills should be minimized and, where required, retained by good quality rock or wooden retaining walls. Dry land native landscaping plants, grasses and landscaping materials are encouraged. Automatic irrigation systems are not permitted.

**11. Fencing, Patios and Driveways**

No fencing shall be constructed of materials other than cedar or other wooden material acceptable to the Administrator and shall be painted or stained in a natural colour. No fence shall exceed five (5) feet in height. No fence shall be constructed within 15 feet of the front boundary of any Strata Lot. Driveways and walkways shall be constructed of water-permeable materials including interlocking brick, crushed rock or gravel. Concrete, asphalt or other impermeable patio or parking surfaces shall not be permitted on any Strata Lot.

**12. Construction Practice**

Owners and builders are required to keep Strata Lots, neighbouring Strata Lots and adjacent common property clean and orderly during construction. No material or debris shall be stored on adjacent property and must be disposed of regularly.

Burning of garbage or construction debris is prohibited. Owners and builders who fail to comply with these requirements will be charged with the cost of any clean up required to be carried out by the Administrator and/or any fire department charges resulting therefrom.

Development and construction activities must minimize impacts on the natural environment. Erosion control practices must be practiced at all times.

**13. Garbage Storage**

All garbage must be stored in a storage building or in animal-proof containers and must be disposed of regularly at the municipal waste transfer station.

**SCHEDULE 2**

**DESIGNATED COTTAGE LOTS**

The following Strata Lots in phase 1 are designated as "Cottage Lots":

Strata Lots 1 to 21, inclusive

Strata Lot 24

Strata Lots 29 to 44, inclusive

ASSIGNED PLAN NO.

NES 003039

END OF DOCUMENT