

14 NOV 2003 14 38

KV141328

LAND TITLE ACT
KAMLC LAND TITLE ACT
FORM 35
(section 220(1))

4
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53

DECLARATION OF BUILDING SCHEME

NATURE OF INTEREST CHARGE: Statutory Building Scheme

HEREWITH FEES OF: \$55.00

01 03/12/10 08:48:05 01 KL 692884
DEFECT / WITHDR \$30.00


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

Pemberton Benchlands Housing Corp. (Inc. No. 668014)
Suite #1 - 1443 Vine Road, Pemberton, British Columbia V0N 2L1

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

Janelle L. Dwyer
Fraser Milner Casgrain LLP
Barristers & Solicitors
1500 - 1040 West Georgia Street
Vancouver, British Columbia
V6E 4H8 Tel: (604) 687-4460

01 03/11/14 14:44:35 01 KL 685407
CHARGE \$55.00


Signature of Applicant or
Solicitor or Authorized Agent

ABSTRACT REGISTRY
AGENT

I, Serge Cote, declare that:

1. I am the director of Pemberton Benchlands Housing Corp. (the "Company").
2. The Company is the registered owner in fee simple of the following land (the "Land"):

Block E, District Lots 202, 2705, 8556 and 8680,
Lillooet District;

Block F, District Lots 202, 8556 and 8680,
Lillooet District; and

Block G, District Lot 202,
Lillooet District.

- 3. We hereby create a building scheme relating to the Land and intend to subdivide the Land into individual parcels (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.

EXECUTION(S)

Officer Signature(s)



 Print Name

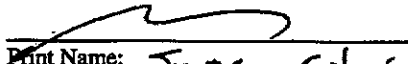
DANELLE L. DWYER
Barrister & Solicitor
FRASER MILNER CASGRAIN LLP
 1500 : 1040 West Georgia Street
 Vancouver, B.C. V6E 4H8
 Telephone (604) 687-4460

Execution Date

| Y | M | D |
|----|----|----|
| 03 | 11 | 11 |

Party(ies) Signature(s)

**PEMBERTON BENCHLANDS
 HOUSING CORP.** by its authorized
 signatory:



 Print Name: **Jorge Cota**

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. There shall not be constructed, placed, erected or maintained on any individual parcel ("Lot") comprising part of the land legally described as:

Block E, District Lots 202, 2705, 8556 and 8680,
Lillooet District;

Block F, District Lots 202, 8556 and 8680,
Lillooet District; and

Block G, District Lot 202,
Lillooet District; and

any dwelling building or other improvements whatsoever except in accordance with the following guidelines (the "Guidelines") attached hereto as Exhibit A.

2. The registered owner of any Lot (the "Owner") shall not:

- (a) build, place, install or construct any improvements on a Lot unless Pemberton Benchlands Housing Corp. (the "Company") has approved the construction plans (the "Plans") for such improvements;
- (b) build, place, install or construct any improvements on a Lot except in accordance with the Guidelines and Plans; and
- (c) do or knowingly permit to be done, any act or thing which will permit or allow construction to occur contrary to the terms and conditions of the Guidelines, or the specifications of the Plans.

3. The Owner acknowledges that Pemberton will not accept a building permit application for any Lot until the Architect delivers written approval of the Plans for that Lot to Pemberton.

EXHIBIT A
GUIDELINES FOR STATUTORY BUILDING SCHEME
PEMBERTON BENCHLANDS PHASE 1

1.0 DEFINITIONS

1.1 In these design guidelines, the following terms shall have the indicated meanings:

- (a) "Architect" shall mean the registered professional architect retained by the Company to monitor compliance with these design guidelines;
- (b) "Company" shall mean Pemberton Benchlands Housing Corp.;
- (c) "Construction" means the construction of any Improvements on the Lot, including the excavation of any ground, clearing of any Lot and installation of any foundations or structures.
- (c) "Improvements" shall mean any structure constructed, placed or installed on any Lot;
- (d) "Land" shall mean those lands and improvements legally described as:
 - Block E, District Lots 202, 2705, 8556 and 8680, Lillooet District;
 - Block F, District Lots 202, 8556 and 8680, Lillooet District; and
 - Block G, District Lot 202, Lillooet District;
- (e) "Landscape Architect" shall mean the landscape architect retained by the Company or the Architect to monitor compliance with these design guidelines;
- (f) "Lot" shall mean any individual parcel comprising part of the Land;
- (g) "Owner" shall mean the registered owner of any Lot and shall include the agent, employee, contractor and invitee of such registered owner;
- (h) "Pemberton" shall mean the Village of Pemberton;
- (i) "Residence" shall mean any residential Improvement constructed on a Lot;

- (j) "Required Documents" shall mean any documents required by the Company to approve the design for any Construction on the Lot, including but not limited to two copies of each of the following:
- (i) a site plan on a scale of 1: 200 scale or larger, showing the location of the Lot in the subdivision, contours, existing and proposed grading, building envelope, access, driveway grades, natural features, significant trees, rights of way, easements, and location of deep and shallow utilities (the "Site Plan");
 - (ii) a roof plan;
 - (iii) a floor plan showing the design and layout of the interior of all Improvements;
 - (iv) exterior elevation plans;
 - (v) cross section plans;
 - (vi) a landscape plan showing trees and vegetation proposed to be introduced, existing trees and vegetation to be protected and details of all hard landscape surfaces (the "Landscape Plan");
 - (vii) a lot grading plan showing drainage and storm water works (the "Lot Grading Plan");
 - (viii) details of any exterior lighting and signage;
 - (ix) colour and material boards for all exterior materials to be used in any Construction; and
 - (x) draft copies of all easements, restricted covenants or right of ways to be registered in the Land Title Office against the Lot for access or drainage purposes.

2.0 SITE VISIT AND INITIAL DESIGN REVIEW

The Company will conduct an on-site inspection of the Lot and an initial design review of the Owner's design plans. The site visit and design review will cover the following items and other factors considered relevant including, without limitation:

- (a) site features;
- (b) existing vegetation;
- (c) existing grades;
- (d) prevailing storm winds;
- (e) sunlight patterns;
- (f) existing access and circulation;
- (g) provision of parking;
- (h) pleasant and unpleasant sounds;

- (i) building siting and setbacks;
- (j) screening and building height;
- (k) construction materials and techniques;
- (l) building design—general architectural aesthetics;
- (m) grade and drainage;
- (n) landscaping;
- (o) aspect and orientation;
- (p) views of neighbours; and
- (q) relationship with surrounding buildings.

3.0 FINAL PLAN REVIEW

3.1 Subject to these design guidelines, no Owner shall commence any Construction on a Lot unless he has, among other things:

- (a) provided the Company with the Required Documents outlining detailed plans and specifications for the Improvements in accordance with the provisions of these design guidelines;
- (b) received written confirmation from the Company that the Architect has, pursuant to Section 3.3 of these design guidelines, issued written approval that the Required Documents are in conformance with these design guidelines; and
- (c) applied for and obtained a building permit from Pemberton, such application to include a copy of the Architect's written approval substantially the form attached hereto as Schedule B.
- (d) INTENTIONALLY DELETED
- (e) INTENTIONALLY DELETED
- (f) INTENTIONALLY DELETED

3.2 The Owners shall submit all Required Documents to the Architect, who will promptly review each building proposal and complete an Architect Review Checklist substantially in the form attached hereto as Schedule A.

3.3 If both the Architect and the Landscape Architect are of the opinion that the Required Documents are in conformance with these design guidelines, then the Architect shall

issue a written approval of the Required Documents to the Owner and to Pemberton, such written approval to be in substantially the form attached hereto as Schedule B.

3.4 If either the Architect or the Landscape Architect are of the opinion that the Required Documents are not in conformance with these design guidelines, then the Architect or the Landscape Architect, as the case may be, shall issue written reasons for its opinion to the Company and the Company shall deliver such reasons to the Owner in a timely manner.

3.5 The Company will not unreasonably withhold or delay approval of the Required Documents if the Architect is of the opinion that the Required Documents meet the requirements of these design guidelines. The Company will be deemed to have approved the Required Documents if, after 45 days of the Architect receives the Required Documents, the Company does not ask the Owner for additional information or give the Owner written reasons for refusing approval of the Required Documents.

4.0 FINAL INSPECTION

4.1 Upon request by an Owner to the Company, the Company shall cause the Architect and the Landscape Architect to complete final inspection of the Construction and the Lot for adherence to these design guidelines and the Required Documents.

4.2 If both the Architect and the Landscape Architect are of the opinion that the Construction is in conformance to these design guidelines, then the Architect shall issue written approval of the Construction to the Owner and Pemberton.

4.3 If either the Architect or the Landscape Architect are of the opinion that the Construction is not in conformance to these design guidelines, then:

- (a) the Architect or the Landscape Architect, as the case may be, shall issue written reasons for its opinion to the Company and the Company shall deliver such reasons to the Owner; and
- (b) the Owner shall remedy any deficiencies (the "Deficiencies") referred to in the Architect's written reasons in not less than 45 days from the date the Company delivers notice pursuant to this Section to the Owner.

4.4 If the Owner does not remedy the Deficiencies in the time provided for in Section 4.3 hereof, then the Owner shall forfeit any security deposit held by the Company to secure compliance with this Building Scheme to the Company and the Company may also obtain any injunctive relief necessary to compel the Owner's compliance with these design guidelines.

5.0 SITE PLANNING AND BUILDING CONSTRUCTION GUIDELINES

5.1 Owners shall complete Construction on Lots not more than 12 months after the Owner has become the registered owner of that Lot.

5.2 Owners must not construct any Improvements on the Lot other than in accordance with sustainable development practices. Specifically, Owners must minimize the area of artificial impervious surfaces, use natural drainage systems over piped storm sewers, preserve view corridors, create view corridors rather than allow the wholesale removal of trees, and use native landscaping materials in restoration.

5.3 Upon request by any Owner, the Company shall provide such Owner with a lot boundary/building envelope plan illustrating the Lot property line, legal corners, road right of way, carriageway and suggested driveway. The Company does not guarantee that such plan will be accurate.

5.4 The Owner shall ensure that the Site Plan will indicate all easements, covenants or rights of way, including easements, covenants and rights of way for the purposes of utilities, drainage and walkways. The Site Plan shall be signed by the Architect.

5.5 The Owner shall ensure that the foundation and exterior walls of any Improvement do not exceed the building envelope as set out in the applicable zoning bylaw of Pemberton. Owners shall not construct any Improvement outside of the building envelope.

5.6 The Owner shall ensure that the drainage patterns for the Lot conform to the Lot Grading Plan. Owners will only conduct surface grading inside the building envelope. Owners will ensure that the water table in the Natural Areas (as defined below) is maintained at its existing level. Owners shall construct any required drainage swales or retaining walls so that they do not disrupt the overall drainage pattern.

5.7 Through the design approval process, the Company, in consultation with the Owner, will identify geotechnical setbacks from steep slopes, and trees and vegetation areas

("Natural Areas") to be protected on a site specific basis. The Owner shall record Natural Areas and on the Site Plan. Prior to commencing any Construction, the Natural Areas must be fenced for protection from Construction activity.

5.8 Prior to Construction, all Owners will ensure that tree protection zones are defined, with healthy trees flagged and protected by a temporary fence beyond the tree's drip line. Owners shall not stockpile or store any personal property, including building materials, in the tree protection zones. Owners shall not top or excessively prune any trees. Owners shall make every reasonable effort to maintain all existing trees in a healthy state, using sound horticultural practices during all Construction.

5.9 Owners shall remove any trees that pose danger to human life prior to commencing Construction.

5.10 No Owner shall remove, top or cut down trees outside of the approved building envelope having a diameter greater than 20 centimeters as measured 0.3 metres above ground level without permission of the Company.

5.11 If a Lot has a high groundwater level, Owners shall avoid sub-surface basement development and shall utilize either slab-on-grade or walkout basement design.

5.12 Any weeping tile shall connect to a storm system or a separate over-ground drainage system as provided within the Company's surface drainage plan for the Land.

5.13 During Construction Owners shall control surface drainage by using straw bales and filter cloth curtains in order to prevent flooding, sedimentation, and erosion.

5.14 Owners may construct shared driveways between Lots. If an Owner constructs a shared driveway between any two Lots, then prior to completion of Construction, the Owner or Owners shall register a shared driveway easement on the title to the two relevant Lots.

5.15 Driveways and parking areas constructed on a Lot shall use permeable surfaces to prevent rapid runoff and to recharge the ground water.

5.16 Paved surfaces shall only be used where an unpaved surface is functionally unsuited. If a paved surface is required, it should be as small and unobtrusive as possible.

- 5.17 Road and driveway alignments shall follow the natural topography of the Lot.
- 5.18 No Owner shall construct a retaining wall that exceeds 1.2 metres in any one section of the retaining wall.
- 5.10 No Owner shall use astro-turf or ceramic tile for driveways or walkways.
- 5.20 Owners shall only construct pedestrian pathways using gravel, concrete or asphalt.

6.0 RESIDENCE DESIGN GUIDELINES

- 6.1 The design of any Residence shall adapt to the natural slope. The existing grades of all Lots must be maintained as much as possible.
- 6.2 No Owner shall construct a Residence with an exact frontage design as the frontage design on any other Residence that is located within three adjacent Lots on the same street. Similar Residence designs must be modified, reversed, have different exterior materials and trim and/or different colour schemes so they appear as different Residences on the streetscape.
- 6.3 The Owner shall use native vegetation on the Lot for the purpose of screening neighbours and to ensure privacy.
- 6.4 Owners shall only construct Residences that follow the natural contour of the Lot and do not project over any escarpment or bluff. All Residences shall be designed so that walls are continued to the ground. No Owner shall construct a Residence with cantilevering, or exposed piers and basement areas. Any Residence located on a slope angling down from the road shall be designed so that the Residence has one storey in front and two stories in the rear.
- 6.5 No Owner shall construct a Residence in the style of false Tudor, California stucco, or typical suburban tract housing.

Driveways, Garages and Parking

6.6 Owners shall only construct driveways a minimum of 1.5 metres from adjacent property lines.

Fencing

6.7 Fencing is prohibited.

Walls, Materials and Colours

6.8 Owners must use muted natural hues for exterior wall colours. No Improvement shall utilize pastel colours, highly reflective materials or bright colours. All exterior colour schemes are subject to the approval of the Company. The colour scheme for any Residence must be different from the colour scheme for Residences on all adjacent Lots.

6.9 Owners may use up to three different wall materials on any one Improvement. Permissible wall materials are: stained wood, painted fibre-cement lap siding and natural stone. In addition, stucco may be incorporated for small areas, provided that the colour of the stucco is deeply-toned, rich, warm grays, greens, and browns. No Owner shall use vinyl, plastic or aluminum siding on the exterior of any Improvement. Owners shall use only non-reflective materials for building faces and such non-reflective materials shall be in natural, earth-tone colours.

6.10 Horizontal and vertical breaks in wall planes, including offsets must be incorporated in walls over 6 metres and balconies.

Doors, Windows, Balconies and Porches

6.11 Lower level windows must be a minimum of 0.6 metres above the ground.

6.12 Any roof located over or adjacent to a door, including a garage door, must be designed so that it will not shed snow or rain onto any pedestrian and vehicular path.

6.13 Balconies shall be recessed or have large overhanging roofs to protect them from snow build-up and the summer sun. Drainage from balconies must be designed to prevent unsightly staining of walls below. The visible underside of balconies must be painted or stained or finished with soffit material consistent to the rest of the Improvement.

Roof Design

6.14 All roof slopes shall be greater than 6/12 and shall not be closer than 2.1 metres to the ground. Owners shall use porch or balcony roofs or dormers to add texture and reduce building mass.

6.15 Roof materials shall be textured and non-reflective, using muted, deep natural tones. Roofing materials shall not be of bright colours, pastel colours or reflective materials. All roofs shall be constructed solely out of one roof material and colour.

6.16 No Owner shall construct a mansard, fake mansard, gambrel or domed roofs. Owners shall only construct roofs with a minimum of 3-foot overhangs.

6.17 No Owner shall install TV or radio antennae on the exterior of any Residence. Large mounted satellite dishes are prohibited, however, satellite dishes under 0.7 metres in diameter inconspicuously mounted are permitted. No Owner shall construct a chimney using exposed metal or exposed concrete block materials.

Exterior Lighting

6.18 No Owner shall install high intensity lighting outside of any Improvement on the Lot.

Storage and Garbage Containers

6.19 All storage and utility areas, garbage containers and mechanical equipment shall be screened from the view of neighbouring Owners. Owners shall use only animal-proof garbage containers outside of any Improvement on a Lot.

7.0 LANDSCAPING GUIDELINES

Owners shall complete the landscaping of Lots in accordance with the Landscape Plan not less than five months after Pemberton issues approval of its final inspection. If an Owner does not completed within that period, the Company may complete the landscaping and the Owner shall reimburse the Company for any costs of such completion.

Schedule A

Architect Review Checklist

Lot # _____
 Address _____
 Date _____
 Deposit submitted _____

Reviewed & Conforming

Reviewed & Not Conforming

More Info Required

Not submitted

Comments

Site Planning and Building Construction Guidelines

| | | | | | |
|---|--------------------------|--------------------------|--------------------------|--|--------------------------|
| Sustainable Development Practices | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Building envelope, right of ways, easements | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Driveway and driveway grading | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Parking and surfacing | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Utilities and drainage | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Topography | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Existing and proposed grading | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Retaining walls | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Natural areas and trees to be preserved | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Trees > 12 in. diam. Identified | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Fencing | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |

House Design Guidelines

| | | | | | |
|---|--------------------------|--------------------------|--------------------------|--|--------------------------|
| General Principles | | | | | |
| Design not repeated within 2 house radius | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Setbacks | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Setbacks of adjacent houses | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| House orientation - sun, wind, views | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |

| | Reviewed & Conforming | Reviewed & Not Conforming | More Info Required | Comments | Not submitted |
|--|--------------------------|---------------------------|--------------------------|----------|--------------------------|
| Energy and resource conservation | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Appropriate architectural style | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Screening | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Building Massing and Proportions | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Massing | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Building articulation | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Roof form | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Fenestration | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Driveway and Garages | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Location and screening | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Garage door(s) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Materials and Colours | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Lower wall materials | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Upper wall materials | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Colour Scheme | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Doors, windows, balconies and porches | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Windows | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Doors | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Balconies and porches | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |

SCHEDULE B
Form of Architect Approval Letter

| | | |
|----------|---------------------------------|--------------|
| | Date: | _____ , 200_ |
| Project: | Lot _____, Pemberton Benchlands | |
| | Address | |
| | _____ Residence | |
| To: | Village of Pemberton | Fax |
| | Building Department | Number: |
| CC. | Owner/builder | |

Pemberton Benchlands Housing Corp.

From: Coordinating Architect Pages: 1

Dear _____,

As the Coordinating Architect for the Subdivision of Pemberton Benchlands Phase, this is to advise you that we, in conjunction with Pemberton Benchlands Housing Corp., have reviewed the proposed design for Lot _____, for the _____ Residence, and find it in conformance with the Design Guidelines.

Thank you,

Coordinating Architect

END OF DOCUMENT